

**DIRECTORS' MEETING  
MONDAY, FEBRUARY 5, 2007  
CITY-COUNTY BUILDING  
11:00 A.M. - ROOM 113**

**I. MAYOR**

1. NEWS RELEASE. Mayor Suspends Process to Select New Fire Chief.
2. Amending Chapter 24.12.160 to Require a "Rain" or "Soil" Moisture Sensor in Order to Receive a Permit for the Installation of any New Underground Irrigation System from mayor's Water Conservation Task Force.
3. City of Lincoln Snow/Traffic Conditions Report. January 31, 2007.
4. NEWS ADVISORY. Mayor Seng's Press Conference, Thursday, February 1, 2007 Regarding: Abraham Lincoln's Birthday Celebration and Funding from Lincoln Cares Voluntary Donation Program for Parks and Recreation Projects.
5. NEWS RELEASE. Abraham Lincoln's Celebration Moves to Southwest High School.
6. NEWS RELEASE. New Projects Announced for "Lincoln Cares".
7. Washington Report, January 26, 2007.

**II. DIRECTORS**

**PARKS AND RECREATION DEPARTMENT**

1. Response Letter to Charles Brown Regarding Proposed Municipal Code Amendments Regulating Alcoholic Beverages in Park Facilities.

**PLANNING DEPARTMENT**

1. Response to Benjamin Bretz from Marvin Krout, Planning Director, Regarding Parking on Hill Street by Solid Rock Gymnastics and Bison Youth Sports Complex.
2. Information from Marvin Krout, Planning Director, Regarding Design Objectives for Community Unit Plans, and Soil Mining. Bill #06R-231, City Special permit No. 06062, Soil Mining Request.
3. Memorandum from Marvin Krout, Planning Director, Regarding Council Resolution on Naming and Re-naming Streets in Lincoln. (Bill #07R-32, Scheduled for Public Hearing on February 5, 2007)
4. Action by Planning Commission on Wednesday, January 31, 2007.

**III. CITY CLERK**

#### IV. COUNCIL REQUESTS/CORRESPONDENCE

##### ROBIN ESCHLIMAN

1. Request to Karl Fredrickson, Public Works & Utilities Director - RE: Retirement Buyout Information (EschlimanRFI#6 - 02/01/07)

##### ANNETTE McROY/PATTE NEWMAN

- \*1. Request to ~~Scott Holmes & Bruce Dart, Health Department~~ /Dale Stertz & Mike Merwick, Building & Safety Department/Tonya Skinner & Dana Roper, City Law Department - RE: Bar owners, outdoor smoking areas (McRoyRFI#175 & NewmanRFI#41 - 12/18/06). — **1.) SEE RESPONSE FROM SCOTT HOLMES, HEALTH DEPARTMENT RECEIVED ON McRoyRFI#175 & NewmanRFI#41 - 01/11/07.**
- \*2. Request to Darl Naumann, Mayor's Office/Karl Fredrickson, Public Works & Utilities Director/Nicole Fleck-Tooze, Public Works-Watershed Management - RE: 50<sup>th</sup> Street corridor costs (NewmanRFI#42 & McRoyRFI#177 - 01/10/07)

##### PATTE NEWMAN

1. Letter from James Hewitt on Renaming 15<sup>th</sup> Street to Goodhue Boulevard.
2. Letter, and LPS Meeting Minutes, to Chair Newman from Lincoln Public Schools, Donald R. Mayhew, Lincoln Board of Education, re: Board of Education's Position - Against Tax Increment Financing (TIF) of New Residential Developments at North 56<sup>th</sup> and I-80.
3. Letter from Leroy Stokes, President, Lincoln Branch NAACP, re: Passing Rosa Parks Way Ordinance.
4. Letter from Mary Earley re: Location and Condition of Home's Main Drain.

#### V. MISCELLANEOUS

1. Email from Jim Johnson re: Placing Jail issue on April City Election Ballot.
2. Email from Cindy Dempsey re: Consideration of city ordinance protecting breast-feeding in Lincoln.
3. Email from Becky Martin re: Opposed to cell tower placement in Cooper Park. (Distributed to Council Members before 01/29/07 Formal Meeting)
4. Email from Lance Krejdl re: Opposed to land mining permit north of Waverly Road and east of 56<sup>th</sup> Street.
5. Email from Shannon McGovern re: Article from the Lincoln Journal Star on the Motorsports Task Force.
6. Email from Bruce Bohrer, Lincoln Chamber of Commerce, re: Fundamental Income Tax Reform.

#### VI. ADJOURNMENT

**DIRECTORS' MEETING  
MINUTES  
MONDAY, FEBRUARY 5, 2007  
COUNTY/CITY BUILDING  
CONFERENCE ROOM 113**

**Council Members Present:** Patte Newman, Chair; Dan Marvin, Vice-Chair; Ken Svoboda, Annette McRoy, Robin Eschliman, Jon Camp, Jonathan Cook

**Others Present:** Mayor Coleen Seng, Ann Harrell, Darl Naumann, Lin Quenzer, Mayor's Office; City Clerk Joan Ross; Dana Roper, City Attorney; Directors and Department Heads; Tammy Grammer, City Council Staff; Deena Winter, Lincoln Journal Star Representative, and Coby Mach, LIBA

Meeting convened at 11:05 a.m.

Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room.

**I. MAYOR**

Mayor Coleen Seng stated a flyer was handed out to you about the Abraham Lincoln Birthday Celebration from Noon to 5:30 p.m. on Sunday, February 11<sup>th</sup> at Southwest High School. This is the first time it will be at Southwest High School, it has been at North Star High School for the past few years. There has been a lot of interest in it, so if you have not attended these in the past you might like to drop in.

Assistant Police Chief Jim Peschong reported our grave site that we are trying to excavate out west of town from the bones that were recovered a week ago, we have some equipment that finally arrived in town last night. So that is being moved out there today for the next couple of days to heat the ground and then we will have some of our crime scene technicians and the Sheriff's Department crime scene technicians and we've asked the FBI's crime scene technicians out of Omaha to come down as well. We're planning on if we can get the ground thawed out on Wednesday we will be doing an excavation out there in an area. We have a tent over the ditch area in a culvert about 30 x 40 feet to try to excavate for some additional bones and remains. Right now, it looks like we only have about 30% of maybe bones that we have been able to locate, so we're going to be working on that this week with the heating equipment and other resources as well. Also, Doug Ahlberg (Emergency Management Director) provided us with a couple of his Homeland Security tents and heaters that we have had up since we've been out there a week ago. That has worked real well and he knew that we could use those, so we're very appreciative.

Darl Naumann (Economic Development Coordinator) stated regarding Item 35 at the suggestion of the Council, we got together with the land owners on 50<sup>th</sup> Street and you have a substitute agreement for the amendment that we proposed several weeks ago. This is an agreement between Hy-Vee and the adjacent land owners for a cash contribution to the City for roughly \$566,000. This is their contribution to the construction of 50<sup>th</sup> Street and this does give access to Hy-Vee and the land owners to 'R' Street. Doane and Enterprise is giving some right-of-way as well. I think Hy-Vee will build their development if this is agreed to. Council agreed that they would like Karl Fredrickson and Darl Naumann attend the meeting this afternoon and explain what has transpired over the last week. *[Item #35, 07R-8, Approving an Amended Redevelopment Agreement between the City and Hy-Vee, Inc. previously adopted by the City Council with Resolution No. A-83893 on June 26, 2006, to provide for construction of N. 50<sup>th</sup> Street.]*

Mayor Seng commented if you have not heard from Terry Bundy (Lincoln Electric System) you most likely will hear from him about our cost in regard to getting electricity from the far west and getting it to Lincoln, Nebraska.

Mayor Seng noted Ann Harrell will have State Legislation material for you at the "Noon" Meeting today.

Ms. Newman commented Marvin Krout (Planning Director) how about a report on the people from Lafayette, Louisiana which we received an email on in our packet last week. It sounds like Lincoln is doing something right that we are being used as an example in other parts of the country. Mr. Krout reported we received a call from the Planning Commission Chair of Lafayette, he has been in Lincoln a couple times before and he thought that we had some lessons to offer. A party of 15 public and private officials who thought it would be useful to fly in and see/hear how Lincoln has approached its growth management issues. Lafayette is interesting because it is in the middle of where the two hurricanes crossed in 2005 Katrina and Rita, so they have gotten migration from communities to the east and west along the Gulf Coast and in this great growth in population not necessarily in jobs they are trying to deal with that issue. They have big infrastructure problems, lots of problems with political jurisdictions that don't talk to each other or cooperate with each other very well, we have fewer of those problems potentially to deal with because you don't have as many entities as they do. They also have almost no property tax for residents and so they have nothing to TIF when you're talking about property tax. They were trying to increase their sales tax I think from 8% to 9% and it failed which was a bond measured some where to our property tax measured for road primarily, and they also don't have the three miles jurisdiction. There is a lot of built-in advantages that Lincoln does have including our State laws, annexation laws that allow the City to grow easily. They were not sure they could adopt all of the things that we have but they certainly thought they were great

advantages and wished they could wipe the slate clean and start over. We tried to be very honest with them about problems that we are having too and we brought in some people from the private sector who weren't totally complimentary of everything that was happening. They loved the downtown and thought it was just tremendous and the theater and everything else that we are trying to do downtown. I think it was a fairly balanced presentation and useful for both of us to have that exchange.

1. NEWS RELEASE - RE: Mayor Suspends Process to Select New Fire Chief. — NO COMMENTS
2. Amending Chapter 24.12.160 to Require a "Rain" or "Soil" Moisture Sensor in Order to Receive a Permit for the Installation of any New Underground Irrigation System from mayor's Water Conservation Task Force. — NO COMMENTS
3. City of Lincoln Snow/Traffic Conditions Report. January 31, 2007. — NO COMMENTS
4. NEWS ADVISORY - RE: Mayor Seng's Press Conference 02/01/07 regarding Abraham Lincoln's Birthday Celebration and Funding from Lincoln Cares Voluntary Donation Program for Parks & Recreation Projects. — NO COMMENTS
5. NEWS RELEASE - RE: Abraham Lincoln's Celebration Moves to Southwest High School. — NO COMMENTS
6. NEWS RELEASE - RE: New Projects Announced for "Lincoln Cares". — NO COMMENTS
7. Washington Report, January 26, 2007. — NO COMMENTS

## **II. DIRECTORS**

### **PARKS & RECREATION**

1. Response Letter to Charles Brown - RE: Proposed Municipal Code Amendments Regulating Alcoholic Beverages in Park Facilities. — NO COMMENTS

### **PLANNING DEPARTMENT**

1. Response to Benjamin Bretz from Marvin Krout, Planning Director - RE: Parking on Hill Street by Solid Rock Gymnastics and Bison Youth Sports Complex. — NO COMMENTS

2. Information from Marvin Krout, Planning Director - RE: Design Objectives for Community Unit Plans, and Soil Mining - Bill #06R-231- City Special Permit #06062, Soil Mining Request. — NO COMMENTS
3. Memo from Marvin Krout, Planning Director - RE: Council Resolution on Naming and Re-naming Streets in Lincoln (Bill #07R-32, Scheduled for Public Hearing on 02/05/07). — NO COMMENTS
4. Action by Planning Commission on 01/31/07. — NO COMMENTS

### III. CITY CLERK -

City Clerk Joan Ross stated on their Agenda today, Items 1 & 2 will be called together. [*#1, Application of Shubh Hotels Lincoln, LLC dba Marriott Cornhusker for a Class CK liquor license at 333 S. 13<sup>th</sup> Street.; and #2, Manager application of Jamie Erickson for Shubh Hotels Lincoln, LLC dba Marriott Cornhusker at 333 S. 13<sup>th</sup> Street.*]

Items 3 & 4 will be called together. [*#3, Application of Lone Star Steakhouse & Saloon of Nebraska, Inc. dba Lone Star Steakhouse & Saloon for a Class I liquor license at 200 N. 70<sup>th</sup> Street.; and #4, Manager application of Kimberly Bahm for Lone Star Steakhouse & Saloon of Nebraska, Inc. dba Lone Star Steakhouse & Saloon at 200 N. 70<sup>th</sup> Street.*]

You were handed out some Motions-To-Amend, For Item 8 you have a Motion-To-Amend #1. [*#8, 07R-28, Approving a temporary early retirement incentive program and establishing eligibility requirements, enrollment period, required retirement date and incentive amounts.*]

For Item 9, you have Motions-To-Amend #1 & #2. [*#9, 07R-32, Establishing a uniform policy for the naming and renaming of streets to identify the relevancy of said street names to Lincoln, prioritize names and establish a reimbursement policy for the City.*]

For Items 10 through 13 under 'Public Hearing-Ordinances-3rd Reading', could I just read through these items with abbreviated titles since I have already read them in the record completely. Also, Items 14 through 18 the same way reading through them with abbreviated titles. Council agreed that she could read through these nine items with abbreviated titles. [*See Formal Council Agenda of February 5, 2007 for descriptions of Items 10 through 13; and Items 14 through 18.*]

For Item 34, you have Motions-To-Amend #1 & #2. [*#34, 06R-231, Appeal of Julie Shipman Burns from the Planning Commission approval of Special Permit No. 06062 for authority to operate sand, gravel and soil excavation on property generally located one-quarter mile east of North 56<sup>th</sup> Street/Highway 77 between Waverly Road and Mill Road.*]

For Item 55, I handed out a memo to you from Urban Development that in your packet and on the website there was a photocopying error in it. This page corrects it and then it has been corrected on the website. [*#55, 07R-37, Comp. Plan Conformance 06019-Approving and Adopting an amendment to the Lincoln Center Redevelopment Plan for the establishment of the “North Haymarket Arts and Humanities Center Project Area” generally bounded by S Street on the north, 9<sup>th</sup> Street on the east, R Street on the south, and 8<sup>th</sup> Street on the west.*]

Mr. Cook stated Item 40 has been on pending for a year almost and has been an on-going issue and I don't see that Public Works will provide any resolution that is reasonable based on their performance so far. So, I just don't see any reason to continue pursuing it and I think that we should just remove it from pending. Mr. Cook commented he will make the motion to have this item removed from pending. City Clerk Joan Ross stated okay, she will make a notation. [*#40, 06-16, Repealing Chapter 14.44 of the Lincoln Municipal Code relating to Obstructions on Corner Lots as the requirements set forth in Chapter 14.44 would be more appropriately addressed in the City of Lincoln Design Standards.*]

#### **IV. COUNCIL REQUESTS/CORRESPONDENCE -**

##### **JON CAMP - NO COMMENTS**

##### **JONATHAN COOK -**

Mr. Cook stated regarding snow removal which comes up every year but I thought I would see if anyone else on the Council received some complaints. Apparently, Public Works went through their letter writing and a number of people received letters that said they had not scooped their sidewalks that they were required to scoop. But, these were sidewalks along an arterial street and in one case it's difficult for them to remove the snow because when they do the snow plows come along and plow it over again. So, even when they have done the job they have to go do it again, and in the second case it was sidewalks along South 14<sup>th</sup> Street south of Old Cheney where a number of retaining walls were put up and so there are homeowners who have retaining walls behind their houses and they can't get their snow blowers over the retaining walls so they have to go a block or two down and back around to get to that point and there's some concerns about it. There's a concern that there's circumstances here that are beyond the property owners control and the City put up a retaining wall which makes access difficult or the City keeps plowing it under. In the second case it's Old Cheney Road between 14<sup>th</sup> & 27<sup>th</sup> Streets and on one side of the street the City plows the bike trail and on the other side homeowners are

required to do it. Mr. Cook commented I don't know if anyone has any thoughts as to and how to deal with what's been an on-going problem but I said I would bring it up when I spoke with these people last week. Ms. Newman commented she had a similar situation on 84<sup>th</sup> Street where the City made the homeowners put in a sidewalk out there and there was a retaining wall. The woman cannot get out there to mow her lawn, every once and a while her neighbor will mow it for her because he does have that possibility but she got cited for having grass too tall. So, it's exactly the same situation and I don't know if there is a solution to that sort of thing but Mark (inaudible) was working on it last year and so I think it's a discussion that Council needs to have. Mr. Cook commented okay, give it some thought, I think that there maybe circumstances beyond homeowners control and yet they still get the letters saying they're in trouble.

#### **ROBIN ESCHLIMAN - NO COMMENTS**

1. Request to Karl Fredrickson, Public Works & Utilities Director - RE: Retirement Buyout Information (EschlimanRFI#6 - 02/01/07). — NO COMMENTS

#### **DAN MARVIN - NO COMMENTS**

#### **ANNETTE McROY/PATTE NEWMAN -**

- \*1. Request to ~~Scott Holmes & Bruce Dart, Health Department~~ /Dale Stertz & Mike Merwick, Building & Safety Department/Tonya Skinner & Dana Roper, City Law Department - RE: Bar owners, outdoor smoking areas (McRoyRFI#175 & NewmanRFI#41 - 12/18/06). — **1.) SEE RESPONSE FROM SCOTT HOLMES, HEALTH DEPARTMENT RECEIVED ON McRoyRFI#175 & NewmanRFI#41 - 01/11/07.** — NO COMMENTS
- \*2. Request to Darl Naumann, Mayor's Office/Karl Fredrickson, Public Works & Utilities Director/Nicole Fleck-Tooze, Public Works-Watershed Management - RE: 50<sup>th</sup> Street corridor costs (NewmanRFI#42 & McRoyRFI#177 - 01/10/07). — NO COMMENTS

#### **ANNETTE McROY - NO COMMENTS**

#### **PATTE NEWMAN -**

Ms. Newman commented Steve Masters knows about this Karl (Fredrickson) but we've got another issue with the problem with the sewer on North 56<sup>th</sup> Street. The sewer out there is very confusing and the way they've ran it and then the City annexed. But, Steve (Masters) knows what the issue is and I hope they can get this lady an answer and I think the Mayor's Office was copied on it as well.

1. Letter from James Hewitt on Renaming 15<sup>th</sup> Street to Goodhue Boulevard. — NO COMMENTS



2. Letter, and LPS Meeting Minutes, to Chair Newman from Lincoln Public Schools, Donald R. Mayhew, Lincoln Board of Education, re: Board of Education's Position - Against Tax Increment Financing (TIF) of New Residential Developments at North 56<sup>th</sup> and I-80. — NO COMMENTS
3. Letter from Leroy Stokes, President, Lincoln Branch NAACP - RE: Passing Rosa Parks Way Ordinance. — NO COMMENTS
4. Letter from Mary Earley - RE: Location and Condition of Home's Main Drain. — NO COMMENTS

**KEN SVOBODA - NO COMMENTS**

**V. MISCELLANEOUS -**

1. Email from Jim Johnson - RE: Placing Jail issue on April City Election Ballot. — NO COMMENTS
2. Email from Cindy Dempsey - RE: Consideration of city ordinance protecting breast-feeding in Lincoln. — NO COMMENTS
3. Email from Becky Martin - RE: Opposed to cell tower placement in Cooper Park (Distributed to Council Members before 01/29/07 Formal Meeting). — NO COMMENTS
4. Email from Lance Krejdl - RE: Opposed to land mining permit north of Waverly Road and east of 56<sup>th</sup> Street. — NO COMMENTS
5. Email from Shannon McGovern - RE: Article from the Lincoln Journal Star on the Motorsports Task Force. — NO COMMENTS
6. Email from Bruce Bohrer, Lincoln Chamber of Commerce - RE: Fundamental Income Tax Reform. — NO COMMENTS

**ADDENDUM - (For February 5<sup>th</sup>)**

**I. MAYOR -**

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of February 3 through February 9, 2007 - Schedule subject to change. — NO COMMENTS

2. NEWS RELEASE - RE: City Won't Appeal Personnel Board Decision. — NO COMMENTS
3. Letter from Mayor Seng - RE: 2015 Steering Committee - Events Facility Task Force. — NO COMMENTS

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS/CORRESPONDENCE - NONE**

**B. DIRECTORS AND DEPARTMENT HEADS - NONE**

**C. MISCELLANEOUS -**

1. E-Mail from Julie Shipman-Burns, and 10 E-Mail Letters with signatures - RE: In strong Opposition to the Soil Mining Special Permit #06062. — NO COMMENTS
2. E-Mail from Virgil Stewart - RE: 84<sup>th</sup> & Adams Development. — NO COMMENTS
3. E-Mail from Shannon McGovern - RE: Lincoln growth. — NO COMMENTS
4. E-Mail from Joel Ludwig - RE: Grow Lincoln-Support for soil mining application. — NO COMMENTS

[End of Addendum]

**VI. MEETING ADJOURNED - Approximately at 11:28 a.m.**

dm020507/tjg