

**DIRECTORS' MEETING
MONDAY, FEBRUARY 12, 2007
CITY-COUNTY BUILDING
11:00 A.M. - ROOM 113**

I. MAYOR

1. City of Lincoln Snow/Traffic Condition Report for: Wednesday, February 7, 2007.
2. Email response to Gary T. Varley, Land Construction, Inc. regarding his email on bid openings.
3. NEWS RELEASE. Open House on South 27th and Pine Lake Improvements, Tuesday, February 13, 2007 at 5:30 pm at Scott Middle School, 2200 Pine Lake Road.
4. Washington Report, February 2, 2007.

II. DIRECTORS

WEED CONTROL AUTHORITY

1. Combined Weed Program, City of Lincoln, January 2007 Monthly Report.

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)
2. Memorandum from Dennis Bartels, Engineering Services, re: Proposed Firethorn CUP, Change of Zone and Annexation.

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: 50th Street corridor costs (NewmanRFI#42 & McRoyRFI#177 - 01/10/07)

V. MISCELLANEOUS

1. Email from Jim Johnson, re: Corrupting City Election by putting issue on the Lincoln City election ballot in the spring elections.
2. Email from Wilbur Dasenbrock, re: City Council - City Leadership.
3. Email from Wilbur Dasenbrock, re: 50th Street - Action for the best interest of the City at 48th and "O" Streets. (Delivered to Council members on 02/05/07 before meeting)
4. Email from William J. Wood re: South 15th Street name change. (Delivered to Council members on 02/05/07 before meeting)
5. Email from Shannon McGovern re: Supporter of drag strip. Small business opportunities may develop with a drag strip. (Delivered to Council members on 02/05/07 before meeting)
6. Email from Georgia Glass re: Early retirement option.
7. Email from Paul Haith re: Issue of EMS billing RFP.
8. Response from Paul Haith regarding Mejer note to City Council on January 24, 2007.
9. Email from Shannon McGovern re: Location of drag strip.
10. Aquila announcement. Aquila being acquired by Black Hills Corporation, a South Dakota based energy company.
11. Aquila's news release on acquisition of Aquila by Black Hills Corporation.
12. Email from Jodi Delozier re: Against the LES surcharge.
13. Email from Will Kerns re: Lincoln citizens need to address Time Warner mandatory upgrade, in order to beta test software, without giving discounted pricing to citizens participating. Need another cable system in town.
14. Email from Gary T. Varley, Land Construction, Inc., re: Bid openings.
15. Email from George Buckner regarding LES surcharge and financial bonuses paid to LES upper management.

VI. ADJOURNMENT

**DIRECTORS' MEETING
MINUTES
MONDAY, FEBRUARY 12, 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, Mark Bowen, 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

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 there was an article on the Lincoln's Symphony Orchestra in a recent publication about the Fourth of July concert last summer and it was very good. Lot about Dave Norris is quoted in it, he showed it to me last week and I thought you might like to read it. *[Mayor Seng handed out copies of the article to Council.]*

Mayor Seng called on Directors. Karl Fredrickson (Public Works & Utilities Director) reported we had eleven water main breaks over the weekend. City crews have been working all weekend day and night to fix the problems and restore full service to customers, regardless of the weather conditions. Some of the breaks have been difficult to locate because water does not always surface at the point of the break due to deep frost conditions. The combination of the dry summer and the deeper frost depths have caused the unprecedented number of water main breaks this year. Most of the breaks are occurring on the older water mains, but also due to corrosion over the years. Many of these are on our replacement program and so we have a replacement program to take care of them. Also, just an FYI potential side effect is that we use some of these same people for snow removal and so we're working to deal with that as well.

Mr. Fredrickson reported the American Council of Engineering Companies had their annual award dinner and our engineering received an award for the design of the N. 31st Street Lift Station Outfall sewer project. Council congratulated them.

Diane Gonzolas (Citizen Information Center) stated Dennis Buckley has been running a series of introductory articles for the City which started a couple weeks ago. The first week was Parks & Recreation, last Saturday was Library, next week will be about the Fire Department and then we also have Public Works, Health and Police still coming up. He has been running them on page two of the 'Neighborhood Extra' basically they are factual articles on how departments spend their money.

[Ms. Gonzolas handed out a program from the Abe Lincoln celebration to Council.]
I brought you a program from the Abe Lincoln celebration yesterday, we had a good crowd. For the first year the celebration was at Southwest High School, we had to move it from North Star High School because they had a church service in their auditorium on Sunday and so they wanted us to move the event to Southwest High School. We will have pictures on the web and the hour long stage presentation by the two actors who played the President and Mrs. Lincoln is running on channel 5 right now. This event is entirely funded by corporate donations so there is no city funds in this event. We have actors who come from many-many different communities and so we are bringing people to Lincoln. I'm not sure where we will be next year, noting some want us to have it at the Capitol and so we are not sure where we will end up.

Fire Chief Dan Wright stated I've had some requests for information regarding the old fire trucks at 3rd & South Street and to give you an update on it. There was some accusations whether or not the equipment had been drained and possible freeze those kind of things. I talked to all of our Maintenance Division and that's false, all of it is drained and we should not have a freezing problem with those pumps or anything. There was another question regarding resale or trading value, we were offered at least to consider some trade-ins but we declined them at that point in time. Those vehicles were pretty well worn out at that point and we believe they are probably worth more from either an auction or even more so as a scrap stand point. For an old fire truck there is really a limited market most departments either in the area or even nation wide are really looking for something more in the 5 to 7 years old vs. 15 to 20 years old. Also, all of our fire trucks have frame damage and rust those kind of things and I'm not quite sure with repairs would even meet the standards without the additional maintenance that would have to be done. As far as surplus equipment we have removed everything salvageable that we had a use for the hose and that kind of stuff. There are only five engines at 3rd & South Street because we took one that we replaced and put it in reserve status so we have it as a reserve vehicle and the seventh one we kept it at Southeast Community College at our training facility to use for training. We have scheduled to go on sale at the auction coming up in late spring or early summer and my understanding the auction only happens once a year so that is our intent. We were starting to prepare some of those to go on the auction last year and then the investigation started that we were afraid if we auctioned those off and we absolutely had to put them back in service. Also, Steve Huggenberger said we don't know where this is going, Chief Furasek and I made the decision at that point to hold off on the auction simply because if we had to put some of those things back in service until we get this resolved.

Don Herz (Finance Director) stated regarding Items 31 & 32 on their Agenda today for Item 32 the bond ordinance did not get in their packet. The Bond Counsel finished it so I have copies for Council and you will be getting a final addition in your packet this week and have two weeks to review it. They will be taxable bonds which is the reason it took a little bit longer for them to complete it. Darl Naumann (Economic Development Coordinator) stated we will also ask Council along with the redevelopment agreement request 2nd & 3rd Readings on the bond ordinance for February 26th to catch it up to the redevelopment agreement so it all happens at the same time. *[#31, 07R-48, Approving the City of Lincoln Redevelopment Agreement (Verizon Wireless Project) between the City and MDG Lincoln LP for development of approximately 13.5 acres of property in University of Nebraska Technology Park for construction of a commercial building and improvements by Verizon Wireless, generally located at N.W. 1st Street and Highlands Blvd.; and #32, 07-28, Authorizing and providing for the issuance of a Verizon Wireless Tax Allocation Bond, Series 2007 in a total principal amount not to exceed \$2,265,000.]*

Larry Williams (Human Rights Director) stated we are required each year to submit our annual report to the Mayor and the City Council. The annual report is on-line and I have copies of the report for Council. If you have any questions give me a call and I will brief you on what we did, why we did it, how we did it and what the results were. *[Copy of the Annual Report on file in the City Council Office.]*

Our Fair Housing Conferences will be on April 30th and May 1st which is one of our big events here in the City. I have brochures for Council and these are on-line, if you have any questions give me a call. Mr. Williams noted the Assistant Secretary of HUD for Fair Housing and Equal Opportunity will be our keynote speaker on May 1st. *[Copy of Brochure on file in the City Council Office.]*

1. City of Lincoln Snow/Traffic Condition Report for 02/07/07. — NO COMMENTS
2. Email response to Gary T. Varley, Land Construction, Inc. - RE: His email on bid openings. — NO COMMENTS
3. NEWS RELEASE - RE: Open House on South 27th and Pine Lake Improvements, Tuesday, February 13, 2007 at 5:30 pm at Scott Middle School, 2200 Pine Lake Road. — NO COMMENTS
4. Washington Report - February 2, 2007. — NO COMMENTS

II. DIRECTORS

WEED CONTROL AUTHORITY -

1. Combined Weed Program - City of Lincoln - January 2007 Monthly Report. — NO COMMENTS

III. CITY CLERK -

City Clerk Joan Ross stated on their Agenda today, Items 2 & 3 will be called together. [#2, *Application of Robin Inc. dba ROC's Stop & Shop for a Class D liquor license at 5757 S. 85th Street.*; and #3, *Manager application of Larry E. Semin for Robin Inc. dba ROC's Stop & Shop at 5757 S. 85th Street.*]

Items 4 & 5 will be called together. [#4, *Application of Grata LLC dba Grata for a Class C liquor license at 2755 Jamie Lane, Suite 1516.*; and #5, *Manager application of Angela Rose Roe for Grata LLC dba Grata at 2755 Jamie Lane, Suite 1516.*]

Items 8 & 9 will be called together. [#8, *07R-40, Approving the Development and Conditional Zoning Agreement between the City and Steven Harms relating to the change of zone from AG Agricultural District to I-1 Industrial District, generally located at N. 84th Street and Cornhusker Highway.*; and #9, *07-20, Change of Zone 06083- Application of Steven Harms for a change of zone from AG Agricultural District to I-1 Industrial District on property generally located at N. 84th Street and Cornhusker Highway.*]

We already talked about Item 32 the request for 2nd & 3rd Readings on February 26th. [#32, *07-28, Authorizing and providing for the issuance of a Verizon Wireless Tax Allocation Bond, Series 2007 in a total principal amount not to exceed \$2,265,000.*]

I received just this morning hand delivery from Kent Seacrest the signed agreements for Items 39 & 40. I don't know if you want to consider those as substitutes to what has been introduced already which were draft copies. Marvin Krout stated I think Item 39 was signed last week and did not have any amendments at that time, I think it was Item 40 that had an amendment and was not signed yet. City Clerk Joan Ross commented I think that's correct but I can check on it. Marvin Krout stated we just received a copy and so we were going to check them too, we will check them after this meeting. [#39, *07R-29, Approving the 14th Street and Saltillo Road Conditional Annexation and Zoning Agreement between Nebco, Inc., Western Hemisphere Holding Company LLC, and the City of Lincoln relating to the annexation of approximately 81.83 acres of property generally located south of Saltillo Road between South 14th Street and South 25th Street.*; and #40, *07R-30, Approving the 25th Street and Saltillo Road Conditional Annexation and Zoning Agreement between Gary Templeton and Rose Templeton, Clark E. DeVries and Lisa J. DeVries, and the City of Lincoln relating to the annexation of approximately 7.06 acres of property generally located south of Saltillo Road between South 25th Street and the former Missouri Pacific Railroad right-of-way.*]

Ms. McRoy noted I think the applicant wants Item 14 placed on pending. Mr. Marvin commented I think that we will be asked to place it on pending date certain to have public hearing and action on May 7th. City Clerk Joan Ross stated okay. [#14, *07R-36, Special Permit No. 1989A - Application of Sid Dillon Automobile Dealership to modify the Design Standards for parking lots to allow 20 foot candle lighting levels in the display areas on property generally located at S. 27th Street and Kendra Lane.*]

IV. COUNCIL REQUESTS/CORRESPONDENCE -

JON CAMP -

Mr. Camp asked if they could an update on the DSN litigation? Dana Roper stated both parties have ten days to file briefs if they so choose and then be submitted.

What's the status on the lawsuit that was filed for the late fees on the fire trucks?. Dana Roper stated it has been filed and they have time to answer but that time has not expired.

JONATHAN COOK -

Mr. Cook stated I know there has been a lot of discussion about the Time Warner Cable problems and I have received complaints over the past few weeks saying the software they have provided to customers does not really work but they are still charging customers for it. So, I want to see if we can do some checking to see if Time Warner is in violation of the franchise agreement with the City in anyway, if they're meeting FCC customer service requirements or if there's any other issues that we think need to be looked into because I think right now Lincoln subscribers are being used as guinea pigs. So that later on customers in New York City can get software that works and I don't think that's right and I think we need to try to see what we can do about it so I will be following up on this matter.

ROBIN ESCHLIMAN - NO COMMENTS

1. Request to Karl Fredrickson, Public Works & Utilities Director - RE: Retirement Buyout Information (EschlimanRFI#6 - 02/01/07). — [This item will be removed from the Directors' Agenda per Robin Eschliman.]
2. Memorandum from Dennis Bartels, Engineering Services, re: Proposed Firethorn CUP, Change of Zone and Annexation. — NO COMMENTS

DAN MARVIN -

Mr. Marvin stated question for Dana Roper regarding the new and pending claims there are a lot of denies on people that thought their mailbox got damaged from a snow removal. What are the rules on those claims? Dana Roper replied we have an ordinance that says basically the City would not be responsible which is in ordinance section 14.80.020- D for sod, sprinklers, mailboxes, etc. Mr. Marvin commented I was just curious because there were a number of denials and I didn't know whether we went out and looked at them and then said no. Mr. Roper responded no and that's policy decision.

ANNETTE McROY -

Ms. McRoy stated question for Fire Chief Wright the story in Saturday's newspaper regarding the smoke detectors and said the firefighters have been installing those detectors. Do we pay for it or does the residents provide their own detectors and then they will install the smoke detectors? Chief Wright stated we have done both but we do have a smoke detector program for those who qualify and we help install those when necessary. Ms. McRoy commented so people can just call their local station and you will do it. Chief Wright responded yes, we have an application process but that's how we do it.

KEN SVOBODA - NO COMMENTS

PATTE NEWMAN -

Ms. Newman stated she would like to speak with Nicole Fleck-Tooze (Public Works & Utilities) after the Directors' Meeting today.

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.** — [This item will be removed from the Directors' Agenda per Patte Newman.]
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ADDENDUM - (For February 12th)

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of February 10 through February 16, 2007 - Schedule subject to change. — NO COMMENTS
2. City of Lincoln Snow/Traffic Condition Report-Friday, 02/09/07-5:00 a.m. — NO COMMENTS
3. NEWS ADVISORY - RE: Members of the media are invited to cover all the Abraham Lincoln Birthday Celebration events. — 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 Lt. Col. Joseph W. Johnson, Jr., USAF Retired - RE: Old Fire Trucks.
— NO COMMENTS
2. E-Mail from Kathy - RE: Lincoln Fire Trucks set out. — NO COMMENTS
3. E-Mail from David Oenbring - RE: Fire Trucks. — NO COMMENTS

[End of Addendum]

VI. MEETING ADJOURNED - Approximately at 11:27 a.m.

dm021207/tjg