DIRECTORS’ MEETING  
MONDAY, MARCH 19, 2007  
11:00 A.M.  
COUNTY/CITY BUILDING  
CONFERENCE ROOM 113

I. MAYOR  
1. NEWS RELEASE. Mayor Presents February Award of Excellence to Jerry Henkel, Electrical Inspector.  
2. NEWS RELEASE. Human Rights Commission Offers Free Series in April.  
3. Fiscal Impact Statement from Health Department/Animal Control Program.  

II. DIRECTORS  

FINANCE DEPARTMENT  
1. 2006 Management Letter.  

PLANNING DEPARTMENT  

PLANNING COMMISSION FINAL ACTION  

PUBLIC WORKS AND UTILITIES  
1. Reply to Monte Baatz regarding action submitted to the Action Center/City Council from Harry Kroos, Engineering Services/Sidewalk Services, on constructing sidewalk adjacent to 5801 Gladstone Street.  
2. Advisory. Intersection Safety Project #702186 at 9th and Van Dorn, 10th and Van Dorn.  
3. Letter to Mr. and Mrs. Ron Ballou regarding traffic from Lennox Apartments to Shirl Court.

III. CITY CLERK
IV. COUNCIL REQUESTS/CORRESPONDENCE

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) SEE RESPONSE FROM TONYA L. SKINNER, CITY LAW DEPARTMENT ON McRoy/Newman RFI#175 and RFI#41 - 03/12/07

V. MISCELLANEOUS
1. Email from Drag Tech regarding Motorsports Task Force sound facts on noise.
2. Email from Drag Tech regarding Dr. Chéenne’s report for Motorsports noise.
3. Email from Karen Kurbis regarding clarifying inaccurate statement made by SW Mc (midwestminichoppers).
4. Email from SW Mc (midwestminichoppers) regarding Karen Kurbis email and facts in Dr. Chéenne’s report.
5. Email from Marla King. Allow Camp Bow Wow to build in Lincoln.
6. Email from Rod Doyle. Camp Bow Wow should be allowed to operate in Lincoln.
7. Email with copy of Journal Star Editorial on University of Nebraska-Lincoln’s attempt to bring Bolivian Professor to teach at the university.
8. Email from Jill Morstad. Letter regarding Camp Bow Wow to open franchise in Lincoln.
10. Email from Carol Hofmann, Paw Prints Pet Photography, in support of Camp Bow Wow.
11. Email from Will Hays in support of Camp Bow Wow.
12. Email from Karyn in support of Camp Bow Wow.
13. Email from Jeffifer Haralson, A Pause for Paws, Inc., in support of Camp Bow Wow.
14. Email from Tonia Tauke, A Pause for Paws, Inc., in support of Camp Bow Wow.
Mayor Coleen J. Seng today presented the Mayor’s Award of Excellence for February to Electrical Inspector Jerry Henkel of the Building and Safety Department. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today’s City Council meeting.

Henkel has been employed by the City since 1981. He was nominated by Chief Plans Examiner Dale Stertz in the category of productivity for his idea to modify the Department’s yellow building permit cards to make them more useful in the field. In his nomination, Stertz wrote that field inspectors sometimes need more information about the permit than what office staff can fit on the card. At Henkel’s suggestion, Building and Safety staff modified the time-consuming, hand-written method into an automated procedure. They are now able to include five times the information that had been on the card. This improvement has saved time for both the builder and the building inspector. That means money can be saved and construction can be started sooner.

The other categories in which employees can be nominated are customer relations, loss prevention, safety and valor. All City employees are eligible for the Mayor’s Award of Excellence except for elected officials and some managers. Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

All nominations are reviewed by the Mayor’s Award of Excellence Committee, which includes a representative with each union and a non-union representative appointed by the Mayor. Award winners receive a $100 U.S. savings bond, a day off with pay and a plaque. Monthly winners are eligible to receive the annual award, which comes with a $500 U.S. savings bond, two days off with pay and a plaque.
HUMAN RIGHTS COMMISSION OFFERS FREE SERIES IN APRIL

The Lincoln Commission on Human Rights (LCHR) invites the public to a series of free workshops being offered the first week of April. All sessions will be from 6 to 7:30 p.m. at El Centro del las Americas, 2615 “O” Street, Suite D. Spanish translation assistance will be available. The schedule is:

- Monday, April 2 - Maria Fernanda Joya of LCHR will present information on discrimination in the workplace and in housing.

- Tuesday, April 3 - Martha Moral Hettenbaugh and Maria Reich from the VITA Volunteer Income Tax Assistance program will present information on the Internal Revenue Service and income taxes.

- Wednesday, April 4 - Olga Kanne from the City Urban Development Department will discuss home ownership and low-interest home improvement loans.

- Thursday, April 5 - Josie Rodriguez from the Nebraska Attorney General’s Office will present information on consumer fraud.

- Friday, April 6 - Gloria Sarmiento from the Nebraska Appleseed Center for Law in the Public Interest will discuss immigration reform and the rights of immigrants.

For more information on the workshops, contact Maria Fernanda Joya at 441-7624 or 742-9785. More information on LCHR is available on the City Web site at lincoln.ne.gov (keyword: rights).
NEED: The Department is contracting with HDR for architectural pre-design services for an evaluation of three possible sites for a municipal shelter. The total contract is $22,400. The Department has requested the use of the $19,400 reappropriation from FY 2006 to cover this cost. This fiscal impact statement documents the remainder of the funds ($3,000) for this contract.

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DIRECTOR: [Signature]  DATE: 3/9/07
WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of ftes the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.
CONGRESS
Water bills, homeland security highlight slow legislative week. In stark contrast to the lightning fast pace of the first few weeks of the 110th Congress, floor activity in both chambers has slowed in recent weeks, as preparations for high profile items begin on the committee level.

Public hearings on items such as the FY 2008 budget, immigration reform, and reauthorization of Federal Aviation Administration (FAA) programs have begun, but they have yet to reach the level at which significant debate and negotiation will begin. Some of the issues receiving attention this week included:

Water Quality
The House approved three bills (HR 569, HR 700, HR 720) authorizing programs at the Environmental Protection Agency (EPA) to assist states and local governments with wastewater treatment activities. Chief among them was HR 720, which would reauthorize the Clean Water State Revolving Loan Fund (SRF). House members rejected Republican efforts to eliminate provisions in the bill to enforce the Davis-Bacon Act, which requires workers on federally-funded projects to receive union wages. See February 16 and March 2 Washington Report for additional details.

Homeland Security
Senators continued for the second straight week to debate comprehensive homeland security legislation (S 4). Disagreements over consideration of amendments unrelated to homeland security has slowed progress on the bill and prevented a final vote. Earlier in the week, Senators rejected three amendments that would have changed the bill’s formula for distributing federal homeland security block grants. As a result, differences in the Senate formula (which guarantees each state 0.45 percent of the funds) and the House formula (0.25 percent guarantee with 0.45 percent for border states) will have to be worked out in a conference committee.

Supplemental FY 2007 Funding
Negotiations over additional FY 2007 spending requested by the Bush Administration for overseas military activities has begun on Capitol Hill. House Democrats are reportedly looking to add $10 billion or more in domestic spending to the President’s $103 billion request for items such as Gulf Coast hurricane relief, agricultural relief, children’s health programs, wildfire suppression, and pandemic flu preparedness. Democrats are also considering restrictions on how the funds earmarked for Iraq could be spent, which drew an immediate veto threat from the White House.

Community Development
According to the National Community Development Association (NCDAA), CDBG entitlement communities should expect to receive letters from HUD outlining their FY 2007 CDBG allocations in the next three to five days. Meanwhile, a letter circulating in the Senate to the Budget Committee in support of the CDBG program has thus far secured 48 signatures. It appears that such letters will be more difficult in the House now, particularly group “sign-on” letters directed to the Appropriations Committee. There are reports that the Appropriations Committee leadership will count such letters toward the number of project requests each Member makes to the panel. Most members would not be inclined to “waste” a request on such programmatic items, and so far fewer group letters on subjects such as CDBG funding are expected.
GRANT OPPORTUNITIES

Department of Agriculture
The Agricultural Marketing Service announced that applications will now be accepted for the Farmers Market Promotion Program. This program offers competitive grant funds for marketing projects that address issues related to farmers markets, roadside stands, community supported agriculture programs, and other direct producer-to-consumer marketing channels. The Agricultural Marketing Service is expected to award 20 grants with a maximum of $75,000 for each grant. There is no cost sharing or match requirement. **Applications are due April 13, 2007.** For more information see: [http://www.ams.usda.gov/fmpp/](http://www.ams.usda.gov/fmpp/)

2006 Comprehensive Annual Financial Report (CAFR)
The Honorable Mayor
and Members of the City Council
City of Lincoln
Lincoln, Nebraska

As part of our audit of the financial statements of the City of Lincoln for the year ended August 31, 2006, we studied and evaluated the City’s internal control structure. Because the study and evaluation was only part of the overall audit plan regarding the financial statements, it was not intended to be a complete review of all your accounting procedures and, therefore, would not necessarily disclose all opportunities for improvement. We observed the following matters and offer these comments and suggestions. Previously we made observations as a result of our 2005 audit engagement in a letter dated December 30, 2005.

**Purchasing Division**

The City has comprehensive procurement policies and procedures that are appropriate for a municipal entity. These policies and procedures would appear to allow purchasing decisions to be made effectively and timely.

However, there are procurement decisions that require flexibility due to either time or process constraints. We encourage the City to review existing policies and procedures for these types of transactions, and to fully support the purchasing procedures as adopted or modified.

**Future Accounting Pronouncements**

**Governmental Accounting Standards Board Statement No. 45: Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions**

This Statement establishes standards for the measurement, recognition and display of other postemployment benefits (OPEB) expense and related liabilities (assets), note disclosures, and, if applicable, required supplementary information in the financial reports.

This Statement improves the relevance and usefulness of financial reporting by requiring systematic accrual-basis measurement and recognition of OPEB expense over a period that approximates employees’ years of service and providing information about actuarial accrued liabilities associated with OPEB and whether and to what extent progress is being made in funding the plan. In governmental fund financial statements, which are prepared on the modified accrual basis of accounting, expenditures should be equal to the amount contributed to the plan or expected to be liquidated with expendable financial resources.

This Statement also includes several disclosure requirements that will assist users of financial statements in understanding the nature and impact of the OPEB plan.

Statement 45 is effective for the fiscal year ending August 31, 2008.
Governmental Accounting Standards Board Statement No. 47: Accounting for Termination Benefits

This Statement establishes accounting and financial reporting standards for termination benefits. The statement defines termination benefits as benefits provided by employers to employees as an inducement to hasten the termination of services or as a result of a voluntary early termination or as a consequence of the involuntary early termination of services.

The Statement establishes measurement and recognition requirements for the various types of termination benefits. The cost of termination benefits should include any fringe benefits related to the termination benefits and any directly resulting changes in the estimated costs of other employee benefits such as compensated absences, if reliably measurable. The Statement addresses measurement for both healthcare-related and non-healthcare-related termination benefits.

In financial statements prepared on the modified accrual basis of accounting, when the employees accept the offer and the amounts can be estimated, an employer should recognize the liability and expense for voluntary termination benefits. An employer should recognize a liability and expense for involuntary termination benefits, in financial statements prepared on the accrual basis of accounting, when a plan of termination has been approved by those with the authority to commit the employer to the plan, the plan has been communicated to the employees, and the amounts can be estimated. In governmental fund financial statements, which are prepared on the modified accrual basis of accounting, liabilities and expenditures for termination benefits should be recognized to the extent the liabilities are normally expected to be liquidated with expendable available financial resources.

Disclosure requirements include a description of the termination benefit arrangement — for example, information about the type of benefit provided, the number of employees affected, and the period of time over which benefits are expected to be provided. The cost of termination benefits should be disclosed if that information is not otherwise identifiable from information on the face of the financial statements. In all periods in which termination benefit liabilities are reported, the employer should disclose the significant methods and assumptions used to determine the liabilities. If a termination benefit that otherwise meets the recognition criteria of this standard is not recognized because the expected benefits are not estimable, the employer should disclose that fact.

Statement 47 is effective for the fiscal year ending August 31, 2007 for payments under existing defined benefit OPEB plans.

Governmental Accounting Standards Board Statement No. 49: Pollution Remediation Obligations

This statement identifies the circumstances under which a governmental entity would be required to report a liability related to pollution remediation. Statement 49 also would require governments to disclose information about their pollution remediation obligations associated with clean-up efforts in the notes to the financial statements. Statement 49 will be effective for financial statements for period beginning after December 15, 2007.

Preliminary Views of the Governmental Accounting Standards Board, Accounting and Financial Reporting for Derivatives

GASB released a preliminary view of the Board’s position on ‘Accounting and Financial Reporting for Derivatives’. The preliminary view proposes that the fair value of derivatives be reported in the financial statements, as well as the change in that fair value. If however, a derivative is effectively hedging (reducing) the risk it was created to address, then the annual changes in the derivative’s fair value would be deferred and reported in a government’s balance sheet. Governments also would disclose additional information about their derivatives in the notes to the financial statements.
New Auditing Standards

The Auditing Standards Board of the AICPA has issued ten new auditing pronouncements that will be effective for the City in the future. It is not reasonable to estimate at this time what effect this will have on future audits, however, it is likely that audit time will increase. A synopsis of the changes are as follows:

Standards Effective Fiscal 2007

SAS 103 – Audit Documentation – This statement makes audit documentation requirements similar for both public and non-public entities. It requires documentation of significant issues identified, discussions with management or others, evidence gathered and conclusions reached. Audit report dating standards have changed requiring all evidence be obtained prior to dating the report.

SAS 112 – Communicating Internal Control Related Matters Identified in an Audit – This statement changes the definition and classification of weaknesses in control design and in general requires more disclosure of internal control issues.

Standards Effective Fiscal 2008

The other eight statements would be effective for the City beginning with the fiscal year ending August 31, 2008. These statements referred to as the Risk Assessment Suite of Standards address many basic auditing standards such as due professional care, audit evidence, materiality, planning, supervision and audit sampling.

* * *

We appreciate the opportunity to present these comments and suggestions. This letter does not express an opinion on the City’s overall internal control structure; it does, however, include items which we believe merit your consideration. We can discuss these matters further at your convenience and provide any implementation assistance for changes or improvements you may require.

This letter is intended solely for the information and use of the Mayor, City Council and management and is not intended to be and should not be used by anyone other than these specified parties.

December 29, 2006
*** ACTION BY PLANNING COMMISSION ***
March 14, 2007

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 14, 2007, at 1:00 p.m. in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

**PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council by filing a Notice of Appeal with the City Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, MARCH 14, 2007

Approval of minutes of the regular meeting held February 28, 2007. **APPROVED, 7-0 (Strand and Larson abstaining)**

1. CONSENT AGENDA
   (Public Hearing and Action):

   CHANGE OF ZONE:

   1.1 Change of Zone No. 07008, from I-2 Industrial Park District to B-1 Local Business District, on property generally located at NW 48th Street and W Adams Street.

   Staff recommendation: Approval
   Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
   Planning Commission recommendation: APPROVAL, 9-0.
   Public hearing before City Council tentatively scheduled for Monday, April 2, 2007, 1:30 p.m.
1.2 Change of Zone No. 07009, from P Public Use District to R-1 Residential District, on property generally located at Sundance Drive and Campfire Circle.

Staff recommendation: Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 9-0.
Public hearing before City Council tentatively scheduled for Monday, April 2, 2007, 1:30 p.m.

MISCELLANEOUS:

1.3 Comprehensive Plan Conformance No. 07001, to review a proposed conservation easement for approximately 25.48 acres as to conformance with the 2030 Lincoln/Lancaster County Comprehensive Plan, on property generally located at S. 105th and "A" Street. *** FINAL ACTION ***
Staff recommendation: Conformance with the Comprehensive Plan Staff Planner: Sara Hartzell, 441-6372, shartzell@lincoln.ne.gov
Planning Commission ‘final action’: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 9-0.
Resolution No. PC-01042.

1.4 Waiver No. 07003, to waive the requirement for the extension of S. 77th Street, on property generally located at S. 77th Street and Pioneers Boulevard.
*** FINAL ACTION ***
Staff recommendation: Conditional Approval Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated February 28, 2007, 9-0.
Resolution No. PC-01043.

2. REQUESTS FOR DEFERRAL: None

3. ITEMS REMOVED FROM CONSENT AGENDA: None
4. **PUBLIC HEARING AND ACTION:**

**CHANGE OF ZONE:**

4.1 Change of Zone No. 07010, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at 134th Street and A Street.

**Staff recommendation:** Denial

Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

Had public hearing.

Planning Commission recommendation: DENIAL, 6-3 (Cornelius, Sunderman, Esseks, Krieser, Taylor and Carlson voting ‘yes’; Carroll, Strand and Larson voting ‘no’).

Public hearing before City Council tentatively scheduled for Monday, April 2, 2007, 1:30 p.m.

5. **CONTINUED PUBLIC HEARING AND ACTION:**

**CHANGE OF ZONE:**

5.1 Change of Zone No. 06084, to amend Chapter 27.03 to include definitions for Animal Hospital, Indoor Animal Hospital, Kennel, Indoor Kennel, and Outdoor Play Yard; to amend Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, 27.45.020, and 27.63.470 by changing Hospital to Indoor Animal Hospital, and by deleting the reference prohibiting open kennels associated with hospitals and clinics for animals; to amend Sections 27.29.020, 27.31.030, 27.33.020, 27.34.300, 27.41.020, 27.43.020, 27.45.020, and 27.63.470 to allow Indoor Kennels as a permitted use; to create Section 27.63.780 for a special permit for Outdoor Play Yard; and to amend Sections 27.43.040, 27.45.030, and 27.63.470 to allow Outdoor Play Yard in the H-3 and H-4 zoning district and in Planned Service Commercial by special permit.

**Staff recommendation:** Approval

Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov

Had continued public hearing.

Planning Commission recommendation: APPROVAL, as revised, 9-0.

Public hearing before City Council tentatively scheduled for Monday, April 9, 2007, 1:30 p.m.

**MISCELLANEOUS:**

5.2 Annexation No. 06022, to annex approximately 15.9 acres, generally located at SW 40th Street and West A Street.

**Staff recommendation:** Approval, subject to an Annexation Agreement

Staff Planner: Christy Eichhorn, 441-7603, ceichhorn@lincoln.ne.gov

Had continued public hearing.

Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the revised staff report dated March 6, 2007, 9-0.

Public Hearing before City Council will be scheduled when the necessary agreement(s) have been completed.
AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO

PENDING LIST:

1. Change of Zone No. 3321, requested by Michael T. Johnson, on behalf of West Gate, inc., from R-7 Residential District to B-4 Lincoln Center Business District, on property generally located at 1729 "M" Street.
   (6-13-01: Planning Commission voted 6-0 to place on pending at the request of the applicant.)

2. Street and Alley Vacation No. 04013, to vacate all of the east-west alley in Block 65, Original Lincoln, bounded by 13th, 14th, "M" and "N" Streets, generally located at S. 13th Street & "M" Street.
   (3-16-05: Planning Commission voted 9-0 to place on pending until completion of the Downtown Master Plan at the request of the applicant.)

3a. Change of Zone No. 06082, from AGR Agricultural Residential District to R-3 Residential District, on property generally located at SW 40th Street and West A Street.
    (2-28-07: Planning Commission voted 7-0 to continue public hearing on April 25, 2007.)

3b. Preliminary Plat No. 06011, Woodland View 1st Addition, for 25 single family lots and 4 outlots, on property generally located at SW 40th Street and West A Street. The Planning Commission action on the plat is final, unless appealed to the City Council. The following waivers are also being requested: a) to allow sanitary sewer to run against the street grade and b) to allow sanitary sewer to be deeper than 15 feet. Any waiver requests that are recommended for denial by the Planning Department will be forwarded to the City Council for public hearing. If all waiver requests are recommended for approval, the Planning Commission action is final, unless appealed to the City Council. ***FINAL ACTION***
    (2-28-07: Planning Commission voted 7-0 to continue public hearing on April 25, 2007.)
Planning Dept. staff contacts:

Ray Hill, Development Review Manager .... 441-6371 . rhill@lincoln.ne.gov
Steve Henrichsen, Special Projects Manager 441-6374 . shenrichsen@lincoln.ne.gov
Mike Brienzo, Transportation Planner .... 441-6369 . mbrienzo@lincoln.ne.gov
Tom Cajka, Planner .......................... 441-5662 . tcajka@lincoln.ne.gov
David Cary, Transportation Planner .... 441-6364 . dcary@lincoln.ne.gov
Mike DeKalb, Planner ....................... 441-6370 . mdekalb@lincoln.ne.gov
Christy Eichorn, Planner ................. 441-7603 . ceichorn@lincoln.ne.gov
Brandon Garrett, Planner ............... 441-6373 . bgarrett@lincoln.ne.gov
Sara Hartzell, Planner .................... 441-6372 . shartzell@lincoln.ne.gov
Brian Will, Planner ........................ 441-6362 . bwill@lincoln.ne.gov
Ed Zimmer, Historic Preservation Planner . 441-6360 . ezimmer@lincoln.ne.gov

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The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City-TV, Cable Channel 5.

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The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : March 15, 2007

RE : Waiver No. 07003
     (Hamann Meadows Addition - S. 77th Street and Pioneers Blvd.)
     Resolution No. PC-01043

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, March 14, 2007:

Motion made by Taylor, seconded by Carroll, to approve Waiver No. 07003,
requested by Don Hamann, to modify the requirements of the Land Subdivision
Ordinance to allow a permanent hammerhead turnaround at the end of South
77th Street in Hamann Meadows Addition, generally located at S. 77th Street and
Pioneers Boulevard.

Motion for approval, with conditions, carried 9-0: Cornelius, Taylor, Carroll, Larson,
Strand, Krieser, Essex, Sunderman and Carlson voting ‘yes’.

The Planning Commission’s action is final, unless appealed to the City Council by filing a Letter
of Appeal with the City Clerk within 14 days of the date of the action by the Planning
Commission.

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Jeremy Williams, Design Associates, 1609 N Street, Suite 100, 68508
    Don Hamann, 7600 Pioneers Blvd., 68506
    Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516
    Dorothy Iwan, Family Acres Assn., 7605 S. 75th Street, 68516
    Ken and Pat VanCleave, 7633 Cooper Avenue, 68506

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RESOLUTION NO. PG-01043

WHEREAS, Don Hamann previously submitted for approval by the Planning Director, the final plat of Hamann Meadows Addition, generally located at S. 77th Street and Pioneers Boulevard; and

WHEREAS, Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance, requires that all residential cul-de-sacs have a 60' minimum radius turnaround; and

WHEREAS, applicant has requested a modification to waive said requirement for S. 77th Street in Hamann Meadows Addition pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Director has recommended conditional approval of the requested modifications to the Land Subdivision Ordinance; and

WHEREAS, the Planning Commission finds that the strict application of the requirement to construct a cul-de-sac at S. 77th Street in Hamann Meadows Addition would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

1. That the provisions within Title 26 of the Land Subdivision Ordinance requiring that all residential cul-de-sacs have a 60' minimum radius turnaround, is
hereby waived in S. 77th Street, Hamann Addition, Lincoln, Lancaster County, Nebraska.

2. The final plat of these lots shall provide a permanent hammerhead turnaround at the end of S. 77th Street within six months following the approval of the Hamann Meadows final plat.

3. The driveway from the house in Hamann Meadows taking access to S. 77th Street shall be removed within six months following the approval of Hamann Meadows final plat.

4. A surety approved by the City Attorney shall be posted at the time of final plat to guarantee completion of the above mentioned work.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 14th day of March, 2007.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
March 8, 2007

Monte Baatz
5801 Gladstone Street
Lincoln, NE 68507

Dear Mr. Baatz:

The City Council Office has requested that the Sidewalk Office respond to the concerns you expressed regarding the order to construct sidewalk along North 58th Street adjacent to 5801 Gladstone Street. This sidewalk was ordered by Executive Order Number 076957 which was signed by the Mayor on August 2, 2006. The location at 58th and Gladstone was one of 27 locations included in this Executive Order.

The Public Works and Utilities Department included this location as a result of concerns expressed to the Sidewalk Office that the sidewalk was not complete along the east side of North 58th Street between Judson and Gladstone Street. Our review indicated that sidewalk was complete along the east side of 58th Street adjacent to lots 7 through 10, block 224, Havelock Addition. The sidewalk was not complete adjacent to lots 11 and 12, block 224, Havelock Addition. This is the property owned by your father-in-law.

Chapter 14.80.075 of the Lincoln Municipal Code stipulates that the Mayor may order construction of sidewalks when sidewalk is complete for two-thirds of the frontage between street intersections. The policy of the Public Works and Utilities Department is to recommend completion of these sidewalks when a specific need is identified by a resident with a direct interest in needing sidewalk completed. The request for completion of the sidewalk along 58th Street was from a resident on the block who has children who walk to school and other locations in the neighborhood. As a policy, we will not survey entire neighborhoods and order sidewalk construction at all locations that do not have sidewalk.

The letter you received from my office was your notice that the sidewalk was ordered constructed by the executive order. You have the option to complete the sidewalk this spring or wait to see if a sidewalk district is created to complete the sidewalk. The Public Works and Utilities Department will survey the locations where sidewalk was ordered constructed last year through the Mayor’s executive order and also a resolution adopted by the City Council. An ordinance will then be introduced to the City Council which creates a sidewalk district and authorizes the Public Works and Utilities Department to complete the construction. There will be a public hearing before the City Council which allows property owners and residents to appear in favor or opposition to the creation of the sidewalk district. City Council members may propose amendments which remove locations from the sidewalk district.
Your father-in-law will receive a notice of the public hearing. This will be your opportunity to explain your opposition to completion of the sidewalk to the City Council. There will still be a short period of time that you can complete the construction after the City Council acts on the ordinance if the sidewalk district includes your father-in-laws property. This office will prepare the district for City Council review and action late this spring. When all sidewalk construction included in the district is complete, a hearing will also be held to assess all the costs associated with the construction of the sidewalk.

If you have additional questions regarding this letter or the sidewalk process, please contact my office at 441-7541 or e-mail hkroos@lincoln.ne.gov.

Sincerely,

Harry Kroos
Engineering Services

cc: City Council Office
    Mayor’s Office
    Karl Fredrickson
    Roger Figard
    Randy Hoskins
An action that has been filed for City Council - General. Your department has been added to it by the City Council.

Tracking Number: 4317

Problem: my father inlaw lives at 5801 gladstone steeet, his daughter and I also live their as we take care of him because of his health problems. we have received a letter from the city to put in a sidewalk on the west side of the street along 58th street, he has lived at this location all his life. he brought the property in 1951 and their has never been a sidewalk on the west side all this time. I called the city and they said that someone called and complained about this. if you look around the neighborhood you will see that 75% of the area is with out sidewalks. also on 57th street between baldwin and knox their is still a dirt street. I know that the person who called is a person who has been trouble for my fater in law in the past. two years ago he took his lawn tractor down the grass to move the snow off the area. grandpa of course called the police and from then on we have had nothing but trouble with this person. if all it takes is to call in and complain about no sidewalks in an area then this could end up being a very big can of worms just waiting to be opened. he feels he is being harrassed and this is a unfair situaition. he has been living here longer than most of the other people in the area and if they do not have to put in sidewalks why should he after 56 years in the same house. I would like to know if their is a way of addressing this issue and getting this order from the city dismissed. if you need more infromation on how many homes do not have sidewalks in the area, I went to google earth and pulled up the address and you can see that most of the houses in the 10 square blocks around this home do not have sidewalks that go all around the homes. thank you for your time. monte a. baatz you can reach me at mfbaatz@
yahoo.com or write me at 5801 gladstone street lincoln nebraska 68507 or by phone (402) 466-7847 I would like not to bring our legal adviser in to this unless it is absolutely nessisary.

Comments:

The citizen has requested to be notified when the status changes.

Citizen Information
Name: monte baatz
E-Mail: mfbatz@yahoo.com
Address: 5801 gladstone ST
         lincoln, NE 68507
Home Phone: 466-7847
Work Phone: 430-0261

Go to your list of actions:
https://intralinc.lincoln.ne.gov/city/mayor/action/default.asp

PLEASE DO NOT REPLY TO THIS MESSAGE.
The City of Lincoln Department of Public Works and Utilities and HDR Engineering would like to take this opportunity to invite you to an open house regarding the 9th and Van Dorn and 10th and Van Dorn Safety Improvement Project.

On Thursday, March 22, 2007 from 5:30 to 7:00 p.m. at the Van Dorn Park Shelter House, Engineers from the Public Works and Utilities Department and HDR Engineering will host an informational open house for citizens to have the opportunity to review the environmental findings and ask questions to the project team. The De Minimis Finding has also been posted on the project website and is available for review at the Public Works and Utilities Engineering Services Office at 531 Westgate Boulevard, Suite 100. Members of the public may attend anytime it is convenient between the hours of 5:30 p.m. and 7:00 p.m.

If you cannot attend the open house and have questions or would like more information, see the City Website www.lincoln.ne.gov, keyword: van dorn. You can also contact a project representative listed below.

Erika Nunes
City of Lincoln Engineering Services
(402) 441-7711

Gretchen Dolson
HDR Engineering
(402) 742-2902
March 14, 2007

Mr. and Mrs. Ron Ballou
4645 Shirl Court
Lincoln, Nebraska 68516

Dear Mr. and Mrs. Ballou:

I have investigated the situation you brought to my attention regarding cut-through traffic from Lennox Apartments to Shirl Court. In this effort, I personally visited the location three separate times, visited with our Chief of Police; our Development Services Manager; and our Project Manager. While there is additional traffic due to the closure of Pioneers for reconstruction, it does not appear to be excessive in comparison to other projects the City has undertaken, or what the street can safely handle. Therefore, I do not intend to close the drive as it does serve as access value to other citizens in our community. The construction of Pioneers Phase I should be complete in the June time frame which should alleviate the amount traffic using Shirl Court. I ask for your patience during this time as the reconstruction of Pioneers is temporary.

I have copied the Chief of Police on this letter so they are aware of the concerns of motorists behaving badly.

This is not the answer you were seeking, but please know I will have staff keep an eye on the situation and I do not take your concern lightly.

Respectfully,

[Signature]

Karl A. Fredrickson, P.E.
Director of Public Works/Utilities

cc: Mayor Coleen J. Seng
    City Council
    Chief Tom Casady
    Roger Figard
    Brian Dittmann
INTER-DEPARTMENT COMMUNICATION

TO        Annette McRoy
            Patte Newman
DATE      March 12, 2007
DEPARTMENT City Council
ATTENTION
COPIES TO
FROM      Tonya L. Skinner
DEPARTMENT City Law
SUBJECT   Response to RFI #175 and RFI #41

Introduction

Councilpersons Newman and McRoy posed the following directive to the Law Department pursuant to RFI #175 and RFI #41:

“Since the Lincoln voters set into motion a smoking ban that was drafted by legal two years ago, we are requesting that legal amend this ordinance with definitions of outdoor smoking areas for adoption into the existing ordinance. This would then involve a public hearing allow for input from the impacted parties and prevent expensive renovations based on mis-communication or misunderstandings.”

The Law Department has provided the current definition which was introduced by Councilperson Newman and adopted by the City Council. For reference, the original definition as drafted by the Law Department upon introduction of a smoking ban is included. In response to RFI #175 & RFI #41, the Law Department has prepared a draft amendment to reflect the Lincoln-Lancaster County Health Department’s Policy 205.07, application of 20% open air. At the request of the Lincoln-Lancaster County Health Department, the Law Department drafted ordinance amendments to provide for a certificate of compliance and fees for plan review.

The normal course for passage of health related ordinance amendments would be to present the amendment the Lincoln-Lancaster County Board of Health for consideration and vote. The amendments would then be forwarded to the City Clerk for City Council action.

In preparation of the amendments, the Law Department reviewed the LLCHD Policy 205.07 and current application of the policy, and recent ordinances adopted by other jurisdictions. In addition, the Law Department met with the Department of Building and Safety and LLCHD officials.

Present Definition as Adopted by Council:

Indoor area shall mean an area enclosed by a floor, ceiling, and floor to ceiling walls on all sides that are continuous and solid except for closeable entry/exit doors and windows.
**Previous Definition Proposed to Council:**

Indoor area shall mean the area within a structure enclosed or closed in by a roof and three or more walls, windows, or other impermeable surfaces for a continuous perimeter, with appropriate openings for ingress and egress. The roof, wall, or windows of the structure are not required to be solid or permanent, nor are the walls or windows required to be attached or extended to the roof to be considered an indoor area.

**Proposed Outdoor Definition (Includes 20%) & Wall as Requested in RFI #175 & #41:**

Outdoor area shall mean an area where:

1. There is no ceiling, or where a portion of the exterior wall(s) is open to the outdoors in an amount equal to or greater than twenty (20) percent of the total square footage of the designated outdoor area to provide for natural air ventilation, hereinafter called “open area”. For purposes of determining the total square footage of the outdoor area, the total square footage of all walls and ceiling shall be calculated. However, when an interior wall height exceeds eight (8) feet, only the first eight feet shall be used in the calculation of the total square footage. Twenty (20) percent is only a minimum requirement and a larger percentage may be required to protect the health and safety of employees and the public. The open area must be permanently open, non-closeable, and remain uncovered; and
2. Where the exterior wall is not solid and continuous, either to the floor to ceiling or to the adjoining walls; and
3. Where the area appears to be an outdoor area and allows for appropriate circulation or exchange with outside air for the health and safety of employees and the public.

**Ceiling** shall mean any temporary or permanent horizontal element that covers any portion of the outdoor area, to include, but not be limited to, awning, canvass, wood, glass, metal, plastic, drywall, lattice, fencing, or any other substance that impedes air flow.

**Wall** shall mean any temporary or permanent vertical element that establishes a boundary of the outdoor area, to include, but not be limited to, windows, doors, canvass, wood, glass, plastic, drywall, lattice, fencing, or any other substance that impedes air flow.

**Proposed Ordinance Amendments as Requested by the Lincoln-Lancaster County Health Department**

8.50._____ Certificate of Compliance.

All outdoor areas with a ceiling shall obtain a certificate of compliance from the Health Director.

(a) An application for a certificate of compliance to allow smoking in an outdoor area containing a ceiling shall be submitted to the Health Director on forms provided by the Health Director. Each application shall include:
(1) The proprietor’s full name, mailing address, phone number, and a statement identifying the proprietor;
(2) If the proprietor is a partnership, the name, mailing address and phone number of each partner;
(3) The place of employment or public place’s name, location, a description of the outdoor area to be included in the certificate of compliance;
(4) A to-scale drawing of all pertinent aspects of the outdoor area where smoking is to be allowed;
(5) The signature of the proprietor;
(6) Such other pertinent information to be determined by the Health Director.

(b) If more than one outdoor area is owned by a proprietor; a separate application and fee shall be required for each outdoor area.

(c) Applicable fees shall be as follows:

(1) Plan Review: New application or Remodel $200/outdoor area
(2) Certificate of Compliance
   New outdoor area $150/outdoor area
   Renewal $100/outdoor area
(3) Any new certificate of compliance issued after October 31st of each calendar year shall pay seventy percent (70%) of the yearly fee for the certificate of compliance, the fee for plan review shall not be prorated. Renewal of certificate of compliance shall be as required in this chapter. The fees shall be payable to the Lincoln-Lancaster County Health Department. The Health Director shall deposit the fees at the City Treasurer’s Office. The City Treasurer shall credit the fees to the Health Fund.

(d) A plan review of the design of an outdoor area is required for all new outdoor areas and remodels of existing outdoor areas. Upon receipt of a complete application and receipt all applicable fees:

(1) The Health Director shall notify the proprietor in writing whether the design plan of the outdoor area does or does not meet the requirements of this chapter.
   (I) If the design plan of the outdoor area does not meet the requirements of this chapter, the Health Director shall notify the proprietor in writing as to the reason(s) why the outdoor area does not meet the requirements. The proprietor shall be allowed to amend the design plan to meet the requirements of this chapter. A review of the amended design plan shall be conducted as provided in this chapter for a review of remodel or a new outdoor area, however, no additional review fees shall be required.
   (ii) If the design of the outdoor area meets the requirements of this chapter, the Health Director shall date and stamp approval on the design plan. The Health Director shall notify the proprietor that a building permit may be necessary and direct the proprietor to the Department of Building and Safety. The Health Director shall provide a copy of the approval letter and approved design to the Department of Building and Safety.
(2) Prior to issuance of a certificate of compliance, if the proprietor makes changes to the approved design plan of the outdoor area, the proprietor shall submit an amended design plan for review by the Health Director. The review shall be conducted in the same manner as a remodel or a new outdoor area as provided in this chapter, however, a new application and review fee shall not be required.
(e) Upon verbal or written verification by the proprietor of completion of the remodeled or new outdoor area, the Health Director shall make a final inspection of the outdoor area to determine compliance with the provisions of this chapter and any other applicable law or standard. Upon receipt of a renewal application, the Health Director shall not be required to make a final inspection of the outdoor area unless there have been violations of this chapter reported to the Health Director regarding the proprietor within the last year. If the results of an application and final inspection, where applicable, comply with the provisions of this chapter, a certificate of compliance to allow smoking pursuant to this section shall be issued within a reasonable time not to exceed fourteen days.

(f) A proprietor who fails to renew the certificate of compliance before it expires, but within thirty days of the date of expiration shall pay a late fee of $25.00, in addition to the renewal fee.

(g) A proprietor who fails to renew the certificate of compliance before it expires and fails to renew the certificate of compliance within thirty days from the date of expiration shall pay a late fee of $50.00, in addition to the renewal fee.

(h) It shall be unlawful for a proprietor to continue to allow smoking in an outdoor area requiring a certificate of compliance when the proprietor fails to renew the certificate of compliance before it expires. The proprietor would be operating without a valid certificate of compliance to allow smoking, and the outdoor area requiring a certificate of compliance shall be subject to closure or any other appropriate enforcement action determined by the Health Director.

(i) A certificate of compliance issued hereunder is strictly limited to the proprietor and the outdoor area specified in the certificate of compliance.

(j) A certificate of compliance shall be non-transferable from one proprietor to another or from one outdoor area requiring a certificate of compliance to another.

(k) Any change of proprietor or location of outdoor area requiring a certificate of compliance shall require a new application, with the payment of fees therefor.

(l) The Health Director may refuse to issue or may suspend or revoke a certificate of compliance if the proprietor has violated provisions of this chapter.

(m) All certificate of compliance granted under the provisions of this chapter shall expire on April 30th following the date of their issuance, unless revoked prior thereto as provided in this chapter.

(n) For those proprietors making application for application for an outdoor area existing prior to the passage of this chapter, such application shall be treated as a renewal application, requiring no plan review, if the outdoor area was identified as preexisting in the resolution adopted in conjunction with the adoption of this section by the Lincoln City Council, and if application is made within thirty (30) days from the effective date of this section. Such resolution shall be based upon the proprietor previously submitted design plans for review to the Health Director, receipt of approval from the Health Director, and the proprietor has made no alterations to the outdoor area. Any remodel of this outdoor area shall require the proprietor to make a new application and be subject to the requirements for remodel and new outdoor areas.

8.50. Certificate of Compliance, Outdoor Area; Inspection.

(a) The Health Director shall conduct an inspection of each outdoor area requiring a certificate of compliance before the new certificate of compliance is issued.
(b) The Health Director shall conduct periodic inspections of an outdoor area requiring a certificate of compliance.

(c) A proprietor shall permit the Health Director to inspect at any reasonable time for the purpose of determining compliance with the provisions of this chapter.

(d) The Health Director shall record the inspection findings on an inspection report. The Health Director shall furnish the original inspection report to the proprietor.

(e) The inspection report shall:
   (1) Set forth specific conditions found;
   (2) Establish a specific and reasonable period of time for correction of violations of the provisions of this chapter, if any;
   (3) State that failure to correct the violations within the period of time specified may result in immediate suspension or revocation of the certificate of compliance and prosecution for violation of this chapter;
   (4) State that the proprietor may request a hearing before the Health Director upon such inspection findings by filing a written request with the Health Director within fourteen (14) days of the inspection.

(f) A warning notice may be issued for violations. Such warning notice shall:
   (1) Set forth specific conditions found;
   (2) Establish a specified and reasonable period of time for correction of such violations;
   (3) State that failure to comply with the warning notice may result in immediate suspension or revocation of the certificate of compliance and prosecution for violation of this chapter;
   (4) State that the proprietor may request a hearing before the Health Director upon such inspection findings and warning notice by filing a written request with the Health Director.

(g) After the time period given for correction in the inspection report or warning notice, the Health Director shall reinspect the outdoor area requiring a certificate of compliance to determine compliance.


(a) It shall be a condition of any certificate of compliance issued under this chapter that it may be suspended or revoked at any time by the Health Director for the violation of the statutes of the State of Nebraska or any of the provisions of this chapter or ordinances of the City of Lincoln by causing an immediate and substantial hazard to the public health. Any certificate of compliance granted under this chapter shall be subject to suspension or revocation in the following manner:
   (1) The Health Director shall notify the proprietor as provided in this chapter.
   (2) The Health Director may suspend the certificate of compliance for an appropriate period of time not to exceed ninety days.
   (3) The suspension or revocation shall be effective immediately upon notice.
   (4) The proprietor shall have a right to a hearing in which the Health Director shall conduct in accordance with this chapter.
   (5) It shall be unlawful for a proprietor to continue to allow smoking in an outdoor area requiring a certificate of compliance after the proprietor receives notice of
suspension or revocation. The proprietor would be operating without a valid certificate of compliance, and the outdoor area requiring a certificate of compliance shall be subject to closure or any other appropriate enforcement action determined by the Health Director.

(6) Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or revocation in any manner.

(b) Any proprietor whose certificate of compliance has been suspended may apply for reinstatement of such certificate of compliance. The application shall provide the same information as for a new certificate of compliance and shall also include a statement signed by the proprietor that the conditions causing suspension of the certificate of compliance have been corrected. Any proprietor eligible for reinstatement shall pay a reinstatement fee of $100.00 in addition to any other applicable fees. The Health Director shall not reinstate the certificate of compliance until the reinstatement fee is paid.

(c) The Health Director shall inspect or review the application as for a new certificate of compliance, except, the Health Director shall make the inspection within three days after receiving the application for reinstatement and the reinstatement fee. The Health Director shall make a determination if a certificate of compliance shall be reinstated within five days after receiving the application for reinstatement and the reinstatement fee.

(d) The Health Director shall reissue or reinstate the certificate of compliance if the conditions causing suspension of the certificate of compliance have been corrected and upon payment of any reinstatement fee provided for in this chapter.

(e) Any proprietor who has had their certificate of compliance revoked by the Health Director does not qualify for reinstatement. The proprietor must make an application for a new certificate of compliance and cannot obtain a new certificate of compliance until at least ninety days have passed since the date of the revocation notice.

(f) The Health Director may serve notice as follows:
   (1) By personal service to the proprietor; or
   (2) By certified mail, postage prepaid, return receipt requested to the proprietor’s last known address.

(g) The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

(h) If the service on a proprietor is to a person other than the proprietor, the Health Director may send a copy of the notice to the proprietor by regular mail. The copy is not required as part of the notice, and receipt of the copy does not affect the notice.

8.50.__ Enforcement Hearing.

(a) The Health Director shall conduct a hearing no later than:
   (1) Three days after a request for a hearing after a suspension or revocation.
   (2) Fourteen days after any other request.

(b) The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director’s final determination of the matter.

(c) The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:
(1) Call and examine witnesses on any matter relevant to the issues of the hearing;
(2) Introduce documentary and physical evidence;
(3) Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
(4) Rebut evidence.

(d) The Health Director may uphold, reverse, modify the act of findings of the hearing officer. The Health Director may also take other reasonable actions as the Health Director may determine proper in relation to the request.

(e) The Health Director shall make a final determination within ten days after the hearing.

(f) The Health Director’s decision shall be final and binding upon the City and upon the person making the request.

(g) Any proprietor aggrieved by a final decision of the Health Director in the administration or enforcement of this chapter may appeal such decision to the district court as provided by state law.

Sincerely,

Tonya L. Skinner
Assistant City Attorney

TLS/tb
Drag Tech
<knownos500hp@yahoo.com>

03/09/2007 12:30 AM

Subject: Fwd: Sound Facts

Note: forwarded message attached.

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Sucker-punch spam with award-winning protection.
Try the free Yahoo! Mail Beta.

The Motor sport Taskforce will be presenting their final report to the Lancaster board of commissioners. A presentation from Dr. Dominique J. Cheene, PHD from Columbia College, Chicago. Will be included. The information states 100db-115db was used for examples of drag race cars in general. That's track side at the car. NHRA says 95db 50ft away at 3000-3500rpm is their standard rule for muffled cars. The task force was informed that the truck traffic along Hwy 77 was louder than drag racing. Knowing this here are a few examples that should help us understand the sounds they are talking about. Attached is some info from Taskforce meeting from Dr. Cheene. Please note Drag racing is seasonal and runs according to schedule depending on weather. These sounds are not like grain dryers or industrial factories that run 24/7. Just because there may be a new sound in any area chosen does not mean it is harmful to surrounding land uses.
Typical Sound Levels Rural/AG areas

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Noise Level (in dBA)</th>
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</thead>
<tbody>
<tr>
<td>Tractor</td>
<td>74-112</td>
</tr>
<tr>
<td>Grain Dryer</td>
<td>81-102</td>
</tr>
<tr>
<td>Combine</td>
<td>80-105</td>
</tr>
<tr>
<td>Chainsaw</td>
<td>77-120</td>
</tr>
<tr>
<td>Grain Grinding</td>
<td>93-97</td>
</tr>
<tr>
<td>Pig Squeals</td>
<td>85-115</td>
</tr>
<tr>
<td>Orchard Sprayer</td>
<td>85-106</td>
</tr>
<tr>
<td>Riding Mower</td>
<td>79-89</td>
</tr>
<tr>
<td>Garden Tractor</td>
<td>88-94</td>
</tr>
<tr>
<td>Crop Dusting Aircraft</td>
<td>83-116</td>
</tr>
</tbody>
</table>

About the Authors of these numbers
James Lankford is professor emeritus and former dean of the College of Health and Human Sciences at Northern Illinois University, in DeKalb, and president of the National Hearing Conservation Association. Sue Zurales is an industry audiologist and vice president of Mobilear Inc. in Lisle, IL. Barbara Garrett is an audiologist in Longmont, CO. Joseph Delorier is a supervisor at the Speech and Hearing Clinic at Northern Illinois University in DeKalb.

The authors would like to thank E-A-R for providing free hearing protectors for all participants. Portions of this article were presented at the 2000 National Hearing Conservation Association Conference in Denver, CO. This article appeared in the August/September 2002 edition of Injury Insights.

A version of this article originally ran on the Web site of ADVANCE for Audiologists magazine, at http://www.advanceforaud.com, on July 29, 2002. ADVANCE for Audiologists is a bimonthly publication offering strategies for growth and profitability to nearly 20,000 hearing health care professionals.

Related NSC Bibliography
Hearing Loss in Agriculture: An NSC Bibliography

- Dr Cheene sound docap064.pdf
Dr. Chénene began by providing various definitions and units as they relate to the issue at hand. He outlined the following:

"Level" - the strength of a sound measured in decibels (dBs)
"Frequency" - the pitch of a sound measured in hertz (Hz)
"Spectrum" - the type of sound
"Duration" - how long in seconds the sound lasts
"Noise" - unwanted sound

He demonstrated sound levels at 85 and 65 dBs, as well as 10 dB and 1 dB differentials. A 10 dB differential equates a noise about half as loud (or quiet). With regard to frequencies, sounds were provided at the following hertz: 40 (deep bass), 200 (lower, mid-range), 1,000 (center of pitch range) and 5,000 (high pitch sound). Also demonstrated were sounds of a top fuel car burnout, jet car (dragster), pro-stock car on passby and pro-stock motorcycle on passby. In response to Brown's inquiry, Dr. Chénene said the recordings were done at a distance of roughly 45'.

With regard to noise levels, Dr. Chénene noted 35 dBs and below are recommended for good sleep. Local ordinances usually limit outdoor noise levels at 65 dBs during the day and 55 dBs at night. Federal mandates work exposure levels at 90 dBs and less. Levels at 100 dBs are considered unsafe under prolonged exposure and levels in excess of 120 dBs are considered dangerous under any exposure.

Dr. Chénene highlighted various parts of outdoor sound propagation. He noted under normal temperature conditions, air becomes colder at higher elevations. Temperature inversion is what takes place when cold air gets warmer as it rises then gets colder again. Under these conditions a warm air layer is created whereby sound waves get trapped. This layer can be anywhere from a few 100' to a few 1,000' above the ground. He added when wind is present under the layer the sound waves bend down downwind and bend up upwind.

Dr. Chénene noted the more stagnant the air, the greater chance for temperature inversion. In Nebraska during the month of July, 40-50% of the days have air stagnation. This means the conditions are very good for long-term propagation of sound. The intonation of sound in the atmosphere is strongly dependent on frequency and humidity. Therefore, the weather is a critical factor when predicting sound propagation outdoors. He added dry air provides more sound absorption than humid air. Thus, sound would propagate farther on hot and humid days than cool and dry days. He also noted rumble and bass sounds travel farther than high pitch sounds under identical temperatures.

The following scenarios were offered:

With a sound source of 115 dB (louder than a motorcycle but quieter than a dragster) on a hot and humid day with good conditions of propagation (ISO 9613), a rumble and bass sound (<200 Hz) would measure 56 dBs at one mile. Dr. Chénene said this would be audible but not really bothersome. The same sound would measure 48 dBs and 43 dBs at two and four miles respectively. On a cool and dry day, the same sound would measure 53 dBs at one mile; 45 dBs at two miles; and 38 dBs at four miles. He added on a hot and humid day, the measurements for a mid-range to high frequency noise would be 49 dBs at one mile; 31 dBs at two miles; and 5 dBs at four miles. (It was noted these were all flat land measurements.)

Dr. Chénene noted other factors to consider are ground absorption. Thick grass and soft ground provide effective attenuation but only at high frequencies. He added trees and other vegetation provide very few results. In order for berms and barriers to be effective, they must be located very close to the sound source. They would need to be very tall to be effective at low frequencies.

With regard to assessing noise, Dr. Chénene said there are three contributing factors - level, spectrum and duration. He noted it is important to consider where, when and how to measure noise. He recommended testing proposed sites using sounds similar to those generated at events and to do this testing under inversion conditions. Sensitive locations should also be tested. Once the final location is selected, Dr. Chénene advised on-site monitoring during events.
The claims from midwestminichopper contains an inaccurate statement that I would like to clarify. "The task force was informed that the truck traffic along Hwy 77 was louder than drag racing". This is not a true statement. There was a subjective and undocumented statement made that "the highway already has truck traffic that can generate over 80-90 decibels". Lincoln Lancaster County Health Department, in correspondence dated 9-8-06, stated background noise testing at this site revealed 57 dba@100ft east of Hwy 77, 55.3 dba @400ft east , and 51.0 dba @ 3/8 mile from the highway. Readings taken by neighbors resulted in peak 70-80 dba readings on the highway itself, but not the 80-90 dba as stated above. If validation of actual sound readings are needed, the Health Department can provide factual information. This approach would eliminate bias from either proponents or opponents.

Drag Tech wrote:

Note: forwarded message attached.
Typical Sound Levels Rural/AG areas

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Noise Level (in dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor</td>
<td>74-112</td>
</tr>
<tr>
<td>Grain Dryer</td>
<td>81-102</td>
</tr>
<tr>
<td>Combine</td>
<td>80-105</td>
</tr>
<tr>
<td>Chainsaw</td>
<td>77-120</td>
</tr>
<tr>
<td>Grain Grinding</td>
<td>93-97</td>
</tr>
<tr>
<td>Pig Squeals</td>
<td>85-115</td>
</tr>
<tr>
<td>Orchard Sprayer</td>
<td>85-106</td>
</tr>
<tr>
<td>Riding Mower</td>
<td>79-89</td>
</tr>
<tr>
<td>Garden Tractor</td>
<td>88-94</td>
</tr>
<tr>
<td>Crop Dusting Aircraft</td>
<td>83-116</td>
</tr>
</tbody>
</table>

About the Authors of these numbers
James Lankford is professor emeritus and former dean of the College of Health and Human Sciences at Northern Illinois University, in DeKalb, and president of the National Hearing Conservation Association. Sue Zurales is an industry audiologist and vice president of Mobilear Inc. in Lisle, IL. Barbara Garrett is an audiologist in Longmont, CO. Joseph Delorier is a supervisor at the Speech and Hearing Clinic at Northern Illinois University in DeKalb.

The authors would like to thank E-A-R for providing free hearing protectors for all participants.

Portions of this article were presented at the 2000 National Hearing Conservation Association Conference in Denver, CO.

This article appeared in the August/September 2002 edition of Injury Insights

A version of this article originally ran on the Web site of ADVANCE for Audiologists magazine, at [http://www.advanceforaud.com](http://www.advanceforaud.com), on July 29, 2002. ADVANCE for Audiologists is a bimonthly publication offering strategies for growth and profitability to nearly 20,000 hearing health care professionals.

Related NSC Bibliography
Hearing Loss in Agriculture: An NSC Bibliography
Karen's statement is completely wrong regarding the sound contour chart and the information presented by Dr. Cheenne.

She has actually helped make the case for the track. The chart is very CONSERVATIVELY high in the assumptions for the sound level contours presented.

Karen says that Dr. Cheenne stated in his report that 115 dba would drop to 56 dba at 1 mile. By 115 dba, I would assume that is the point source level. If you were say 50 ft away, it might be 105 or 110 dba, but lets use the 115 for comparison.

The starting point for the chart assumes a source measured from 50 ft away. With this assumption, 100 at 50ft. might be 105 or 110 at the source. A level of 115 dba at 50 ft might actually be 120 dba or more at the source.

The method for constructing the cart is based on the assumption that every time you double distance, you drop 6 db. So if you start at 115 dba at 50 ft. you have 109db at 100 ft., etc. Using that method, the chart would extrapolate to around 77 or 78 db at 1 mile if you start at 115. This is very conservative as compared to Dr. Cheene's information showing 56 dba at 1 mile.

Dr. Cheenne says it would be less than what the chart shows, so if she insists, we can go by his data. Thanks for the help Karen.

Here is a neat calculator:

http://www.trinitysoundcompany.com/-6db.html

>From: Karen Kurbis <llama_mama@alltel.net>
>To: Drag Tech <knownos500hp@yahoo.com>
>CC: midwestminichoppers@hotmail.com, carolserv@hotmail.com,
>commish@lancaster.ne.gov, council@lincoln.ne.gov,
>dschorr@lancaster.ne.gov, mayor@lincoln.ne.gov, MDekalb@ci.lincoln.ne.us,
> cpr.life@yahoo.com, plan@lincoln.ne.gov, rstevens@lancaster.ne.gov,
>workbob@msn.com
>Subject: Re: Fwd: Sound Facts
>Date: Fri, 09 Mar 2007 22:30:59 -0600
>
>The claims from midwestminichopper contains an inaccurate statement that I
>would like to clarify. "The task force was informed that the truck traffic
>along Hwy 77 was louder than drag racing". This is not a true statement.
>There was a subjective and undocumented statement made that "the highway
>already has truck traffic that can generate over 80-90 decibels". Lincoln
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sound readings are needed, the Health Department can provide factual information. This approach would eliminate bias from either proponents or opponents.

Drag Tech wrote:

>>Note: forwarded message attached.

>>------------------------------------------------------------------------
>>Sucker-punch spam
>>http://advision.webevents.yahoo.com/mailbeta/features_spam.html>
>>with award-winning protection.
>>Try the free Yahoo! Mail Beta.
>>http://advision.webevents.yahoo.com/mailbeta/features_spam.html
>>------------------------------------------------------------------------
>
>Subject: 
>Sound Facts
>From: 
>"SW Mc" <midwestminichoppers@hotmail.com>
>Date: 
>Fri, 09 Mar 2007 06:23:05 +0000
>To: 
>knownos500hp@yahoo.com
>
>The Motor sport Taskforce will be presenting there final report to the Lancaster board of commissioners. A presentation from Dr. Dominique J. Cheene, PHD from Columbia College, Chicago. Will be included. The information states 100db-115db was used for examples of drag race cars in general. That's track side at the car. NHRA says 95db 50ft away at 3000-3500rpm is there standard rule for muffled cars. The task force was informed that the truck traffic along Hwy 77 was louder than drag racing.Knowing this here are a few examples that should help us understand the sounds there talking about. Attached is some info from Taskforce meeting from Dr. Cheene. Please note Drag racing is seasonal and runs according to schedual depending on weather. These sounds are not like grain dryers or industrial factories that run 24/7. Just because there may be a new sound in any area chosen does not mean it is harmful to surrounding land uses.
>
>Typical Sound Levels Rual/AG areas
>
>Noise Source Noise Level(in dBA)
>Tractor 74-112
>Grain Dryer 81-102
>Combine 80-105
>Chainsaw 77-120
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>Pig Squeals 85-115
>Orchard Sprayer 85-106
>Riding Mower 79-89
>Garden Tractor 88-94
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The authors would like to thank E-A-R for providing free hearing protectors for all participants. Portions of this article were presented at the 2000 National Hearing Conservation Association Conference in Denver, CO.
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Related NSC Bibliography
Hearing Loss in Agriculture: An NSC Bibliography
Dear Ms. Grammer:

I am writing you as a member of your community and an animal lover. I was excited when I heard that Camp Bow Wow was considering coming to Lincoln. I am sometimes in Topeka, KS, where they have a similar dog day-care environment for my Border Collie Mix dog to play and enjoy himself. After having my dog in that preferred environment, it is very hard to bring him to a traditional kennel, which, in Lincoln, is a Vet’s office with bordering space.

Kenneling has changed over the years and most progressive cities are on-board with other options for pet owners who want the best for their animals.

I’m not sure what the issue is that is blocking this business from coming to Lincoln, and I regret that a family issue with my aging parents will keep me from attending the meeting on Wednesday. So, I am sending you my note with sincere wishes that you will consider Camp Bow Wow’s request and allow them to build and make our city a better place for our pets and owners alike!

Sincerely,

Marla King
Lincoln, NE
InterLinc: City Council Feedback for
General Council

Name: Rod Doyle
Address: 2241 N.W. 49th
City: Lincoln, NE 68524
Phone: 470-3291
Fax: 
Email: RJ2241@aol.com

Comment or Question:
Lincoln City Council Members

It concerns me that a facility with the reputation of Camp Bow Wow is having trouble opening their doors for services that no other dog care facility can offer. I have had on-line conversation with this company since last fall dealing with the care of my dog Deba. She was my best friend, companion and family member, could depend on her to greet every day after work and cheer me up in sad times. She was closer to me than my two daughters who I love dearly and would do anything for. When I contacted Camp Bow Wow I was looking for special care for her when I was out of town and at that time they were not open for business. She was an older dog that required special treatment and care and after looking online I found the only business offering the services that I needed for her was Camp Bow Wow. Why would any person or City Government control what is the personal choice of providing the best care available for a family member. A few years ago the federal courts ruled that pets are more that personal property and people can file suit for personal damage and the loss of a loved one. Why can’t the locale government follow the laws of the nation? The Health Department should have nothing to say about this matter as they have reduced services that we pay for by the requiring the purchase of pet licenses. Please let the citizens of Lincoln determine weather the services of Camp Bow Wow are needed by opening the doors and offering the services to the people of Lincoln and their family members. I’m sadden that I don’t require the services that this facility has and I’m writing this letter in memory of my baby girl Deba, she is missed and will never be forgotten.

Sincerely
Rod Doyle.
Editorial on the lawsuit from today's Journal Star:

http://journalstar.com/articles/2007/03/12/opinion/editorial/doc45f475126edcd055102251.txt

Patrick D. Jones, Ph.D.
Assistant Professor
Department of History
Institute for Ethnic Studies
University of Nebraska-Lincoln
612 Oldfather Hall
Lincoln, Nebraska 68588-0327
Office Email: pjones2@uni.edu
Office Phone: (402) 472-3250
Office Fax: (402) 472-8839

"History does not refer merely, or even principally, to the past. On the contrary, the great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and history is literally present in all that we do."
- James Baldwin

TV dinner still cooling?
Check out "Tonight's Picks" on Yahoo! TV.
http://tv.yahoo.com/
Bolivian prof's case is worthy of court battle

Cheers to the University of Nebraska-Lincoln for a bold move in its attempt to bring a talented Bolivian professor Waskar Ari to teach about Latin American history on campus.

UNL has sued the Department of Homeland Security in the baffling case, hoping to at least get some answers on why Ari has been unable to get a visa to come to the United States.

The decision to take legal action was made easier by the offer from respected immigration lawyer Michael Maggio of Washington, D.C., to take on the case for free. Ari was hired in February 2005 to teach history and ethnic studies at UNL. Previously he had spent several years in the United States while he earned a doctorate from Georgetown University.

Ari returned to Bolivia for a quick trip. While he was there his student visa was cancelled. Ari was not told why. Since then he has been unable to get a visa to return to the United States.

The most exasperating aspect of the case is the lack of information. The only inkling of why Ari's request for a new visa has stalled came from a spokeswoman in the U.S. State Department's Bureau of Consulate Affairs who told the Chronicle of Higher Education that Ari's student visa was cancelled because of "derogatory information" under terrorism-related visa regulations.

Colleagues at Georgetown and elsewhere who have worked with Ari in the United States are convinced he has no ties to terrorism.

Maggio surmises that immigration officials linked Ari to Bolivian President Evo Morales, a critic of the Bush administration.

Beyond the fact that both Ari and Morales share indigenous Aymara ancestry, there's not much to tie the two men. Ari has even criticized Morales for allying himself with Fidel Castro and Venezuela's Hugo Chavez.

When the UNL history department hired Ari it rightly viewed him as first-rate catch. A professor with his background and reported teaching skills can provide a vivid learning experience for students who want to learn more about Latin America, especially about its indigenous history.

Ari's case has drawn support from the American Historical Association. The organization, which represents about 14,000 professors, librarians and others across the United States, has written a letter to Secretary of State Condoleezza Rice, requesting that a visa be granted.

For now, Ari is teaching at the Greater University of San Andreas in Bolivia, occasionally giving interviews on regional topics to western media while he wears the bowler hat popular with the Aymara and other indigenous people in South America.

His presence on campus would be a definite plus for the learning environment at UNL. The university has ample reason to continue its attempt to help Ari find his way out of the bureaucratic fog that envelopes his case.
InterLinc: City Council Feedback for General Council

Name:    Jill Morstad PhD
Address: 2208 S. 46th Street
City:    Lincoln, NE 68506
Phone:   402-483-7403
Fax:      
Email:    jmorstad@prairiek9.com

Comment or Question:
To the City Council --
I have been solicited to write a letter regarding the petition by 'Camp Bow Wow' to open a franchise in Lincoln, Nebraska.

(My credential): Owner/President of Prairie Skies, Inc., I have been training dogs and teaching people to train their dogs since 1985, offering classes for local and regional dog clubs, in private settings, and in veterinary clinics. I offer private training services, and I am the affiliate/adjunct behaviorist for three Lincoln veterinary clinics. I 'give back' by teaching the Kindergarten Puppy classes at the Capital Humane Society.

Additionally, I have taught professional communications at the university-level since 1990, and I am a frequent speaker on issues related to language, dog ownership and public policy. Audiences have included the International Conference on Communications in Veterinary Medicine, Mid-America Veterinary Conference/Kentucky Veterinary Medical Association, the Lincoln Family Practice Physicians Residency Program, Clarkson Medical Center, the University of Nebraska Department of Animal Science, the Eden Alternative and the American Society of Trainers and Developers (ASTD). In 2006 I appeared at the conference of the International Association of Canine Professionals (IACP) alongside Cesar Millan, 'The Dog Whisperer' made famous by the National Geographic channel.

My published work has appeared in academic journals, local and regional newspapers, the Aggression Newsletter and Safehands, the journal of the IACP. I have has served on various non-profit boards including local training and kennel clubs, humane societies, therapy dog organizations and an AKC parent club where I was responsible for membership and public relations.

I train and exhibit my own dogs at the most advanced levels of obedience competition, and have put obedience, tracking and conformation titles on a variety of AKC-recognized breeds. I am an ASCA-licensed obedience judge, approved at all levels.

As a professional educator with extensive experience as a dog trainer, I *am* interested in any organization that may provide advice and instruction for dog owners and their health-care providers in the interest of preventative care and wellness, public health and community service.

But my concern about endorsing Camp Bow Wow is twofold. 1) Other than 'owning
and loving dogs' how are the franchise owners credentialed or trained as dog handlers, or prepared to supervise the employees who will handle dogs in the facility? and 2) it appears to me that the marketing message of Camp Bow Wow is one that would make dogs into human beings. Yet any promotional effort that encourages dog owners to think of their pets as children is fundamentally flawed and does not demonstrate educational leadership in the marketplace. I agree with veterinary ethicist Jerrold Tannenbaum: pandering to a cultural (or consumer) desire to make dogs into little children in fur suits is very very bad for dogs; it is the kind of thinking that leads directly to more dogs in shelter kennels.

Truth is, the overindulgence of a dog is the main reason he fails in a home. Whether pup or adult -- when the dog arrives in his new home and is understood as 'the baby' or the surrogate child, the more compassionate nature of his caregivers is to spoil him. When he responds to the lack of leadership and structure by becoming possessive or defensive, his status is characterized as 'special needs' and a few more privileges are added in the hopes that he might be placated into pethood. Suggestions to take away these freebies and to insist on serious compliance with obedience commands are met with accusations of "cruelty" and lack of empathy. In too many cases, this dog is literally spoiled to death: his nasty, defensive behavior finally results in an injury to a human family member, he is turned in to a shelter or brought to the vet for euthanasia with the reassurance that they "tried everything" and that the dog is hopelessly unable to overcome his 'psychological deficit' and is better off at rest.

The very worst dogs I deal with in private training are the dogs in super-indulgent homes where the dog was allowed to rule like a privileged princeling; treated as a human child and otherwise given full charge of the house, its contents and occupants. These dogs frequently have bitten people in their own family, and usually more than once. To see them surrendered to the shelter with an honor guard of teddy bears, a soft bed, special treats and a long list of requests is particularly heartbreaking. As a trainer, these are often the dogs that I am least likely to be able to help. Rather than experiencing a specific, violent set of horrible behaviors enacted on them by a human, or the desolate vacuum of total neglect, these dogs have been insidiously and actively "lied to" for their entire lives. Convincing them that they must respectfully defer to kind human leadership is sometimes impossible. They have been conditioned in such a way that they have an entirely upside-down view of the world. Dig deep enough in the history of one of these cases, and you are likely to find that there was no actual training or structure in the dog’s life, or if there was it was abandoned as being “too mean” or because “he didn’t like it”.

Witness the banning of dogs from the Lincoln Farmer's Market.

In summary, the more common behavior problems associated with most surrendered dogs are symptomatic of an indulgent or at worst, benignly neglectful home where no one took time to address the issues before they got out of hand.

As I indicated above, in my work I do just as much continuing medical education for veterinarians as I do training -- the AVMA itself recognizes that problem dogs have problem owners. Their stance puts it this way: behavior problems are the #1 cause of death for dogs in America today.

At first glance it is difficult to ascertain how the local franchise owners of Camp Bow Wow have considered the challenges ahead. A cursory glance at the Camp Bow Wow corporate webpage gives a much clearer perspective and it is not a perspective that I find reassuring or one that I can endorse.
Finally, whatever roles dogs may play in our human households, one thing dogs also most certainly are is a public health nuisance. Barking dogs, dog waste, dog bites and dogs-at-large constitute a public health nuisance -- one that can be addressed in many ways not the least of which is broad educational effort aimed at helping dog owners understand and achieve the kind of training that makes dogs safer in our communities and our communities safer for dogs.

In addition to zoning questions, I would encourage you to also consider the additional long-term financial and A/C enforcement burdens place on the Health Dept and the city of Lincoln to deal with the rampant and pervasive fallout of the dogs-as-human-beings message.

Thank you for your time and careful consideration.

Jill Morstad PhD
Janet K. Miller  
5135 Sherman Street  
Lincoln, NE 68506-3457  

March 7, 2007  

Lincoln City Council  
555 South 10th Street  
Suite 111  
Lincoln, NE 68508  

Dear Council Members:  

On the evening of March 4, 2007 around 7:30 p.m., a friend and I drove up to the Olive Garden restaurant on 6100 O Street. As we approached, we saw a man and woman with a dog. The woman told me the dog had been roaming around the front of the restaurant and they had determined it was lost. The manager of the Olive Garden was also there and was on his cell phone trying to get some help in this matter. He called the police who informed him that Animal Control and Capital Humane Society were both closed on weekends due to budget cuts.  

Finally, the police were able to contact the owners through the dog license. This was rather a frustrating situation because help was genuinely needed. If the dog had not had a dog license we would not have known what to do. Animals become lost even if it is on the weekend. I’m sure this animal would have been injured or perhaps killed by a car if the Olive Garden manager had not been so persistent in finding help.  

Is there any way that funds can be provided for emergencies like this? I hope you can come up with a solution for this problem for the sake of not only animals but also for the pets owners.  

Thank you for your help in this matter.  

Yours very truly,  

[Signature]  

Janet K. Miller
Dear Lincoln City Council,

Hello!
I am writing this letter in regards of support for Camp Bow Wow and the upcoming meeting which I will not be able to attend. My name is Carol Hofmann, owner of Paw Prints Pet Photography in Sutton, NE, which leads my travel into Lincoln, etc. I look forward to also working in the future with Camp Bow Wow with my profession.
I have seen such a strong need for new growth and services for the pet industry. The need for a location such as Camp Bow Wow is such a HUGE plus for the Lincoln community. I was extremely excited that Lincoln would be chosen for this site, thus adding new employees, providing a much needed and growing service, serving a large number of pets with families when they are working, on vacation, etc. I am also aware of all the other avenues in which Camp Bow serves in other humane and giving ways. Therefore, their presence in your community is also a rewarding factor.
I have no doubt that the addition of Camp Bow Wow to Lincoln would be an added plus and bonus to those in your area. Thank you for your time.

Sincerely,

Carol Hofmann
Paw Prints Pet Photography
(402) 366-2140
www.pawprints06.com

The average US Credit Score is 675. The cost to see yours: $0 by Experian. http://www.freecreditreport.com/pm/default.aspx?sc=660600&bcd=EMAILFOOTERAVERAGE
Dear sirs and madams,

I would like to have my voice heard in the matter of the proposed restriction on allowing Camp Bow Wow to build in Lincoln. From what I have heard and read the Camp Bow Wow franchise would bring a lot to Lincoln’s pet owners. It is very possible the zoning laws that apply in this restriction are ones that might be a little out dated and need to be looked into. Kenneling has changed some in the 50 years since the laws were written.

Also, I think that Lincoln needs to take a more proactive stance in encouraging new businesses to make Lincoln their home. A case like this one is an opportunity for Lincoln to look at some of its possibly out of date zoning regulations and not hide behind the fear of creating more competition for Lincoln’s established businesses.

Thanks!

Will Hays
Hello,

We support Camp Bow Wow and know that this would be good for the city of Lincoln and its dog owners.
Hello,
I wanted to voice my support for having more businesses in Lincoln. Competition, especially in this industry (kennels) is good for business and Lincoln Pet Parents. Competition allows for more variety and a healthier atmosphere among dog kennels.

Kennels pose no health risk in today's world. They are welcomed in many metro communities around the country. Science has afforded this to be a valuable option to pet parents with the development of vaccinations and cleaning products that eliminate containments for people and pets.

It is time that the vets who board (for profit and non-medical reasons) have some healthy competition. It is also time for pet parents to be able to board their animals in a place within city limits that is not with ill, dying and pets who are crying out in pain (veterinary hospitals).

When I travel to a community, I do not wish to stay in the hospital, I want to stay in a hotel. I would value this option for pet parents as well.

A Pause for Paws, Inc.
Jennifer Haralson, President
402-420-PETS
www.apauseforpaws.com
I am Tonia Tauke. Co-Owner of A Pause for Paws, we are pet sitters (we go into homes and care for pets. We are an alternative to kennels). Would like to show support for more competition in the Lincoln market for kennels. There are already a handful of kennels that have vets attached already in the city limits. This ordinance keeps any competition out of the city for these kennels and we believe that good competition in all industries is healthy for a growing community.

Tonia Tauke & Jennifer Haralson (owners)
A Pause for Paws Inc
3100 Denver Ct
Lincoln NE 68522
www.aPauseforPaws.com
402-420-PETS
Media Release

To: Media
CC: Mayor's Office, Lincoln City Council
From: Lori Seibel, Executive Director, 436-5516
Date: March 14, 2007
Re: Lincoln's Health Challenge

Hey Lincoln, are you ready for a Challenge?

The Community Health Endowment of Lincoln (CHE) is sponsoring Lincoln's 6th Annual Health Challenge.

The Health Challenge, a three-week incentive program, will be held April 2 – 20, 2007, to raise community awareness of healthy behaviors and lifestyles. The concept is simple: residents of Lincoln and Lancaster County participate in healthy activities, earn points, and become eligible for thousands of great prizes including electronics, bikes, trips, children's activities, gift certificates, and much more!

We would like to encourage you and your family to participate in the 2007 Health Challenge. It is a simple and FREE way to emphasize healthy activities and have fun while doing it! The Health Challenge is open to anyone age 3 and above who lives, goes to school or works in Lincoln or Lancaster County.

Scorecards are now available at partner/spender locations. If you need additional scorecards please visit our website at CHElincoln.org. Scorecards are available on the website in English, Spanish, and Vietnamese.

We hope you will join us in making Lincoln the healthiest community in the nation! If you have any questions, contact CHE at 436-5516.

Sponsors/Partners for this year's event include: Valentino's, KLKN TV, Lincoln Journal Star, US Bank, Cornhusker Bank, Lancaster County Medical Society, Girl Scouts, City of Lincoln, KFRX, KFOR, KLMS, 95Rock, Lincoln Public Schools, Human Services Federation, WorkWell, Inc., Russ's Markets, Community Learning Centers, Lincoln Chamber of Commerce, Youth in Action Center, Lincoln Children's Museum, YWCA, LIBA, Big Brothers, Big Sisters, Boy Scouts and the YMCA.
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, MARCH 19, 2007

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of March 17 through March 23, 2007 - Schedule subject to change.

2. NEWS RELEASE - RE: Mayor To Attend Youth Program Graduation.

3. NEWS RELEASE - RE: Cable Advisory Board To Discuss Review Of Time Warner.

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS - NONE

C. MISCELLANEOUS - NONE
Date: March 16, 2007
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng’s Public Schedule
Week of March 17 through 23, 2007
Schedule subject to change

Saturday, March 17
- League of Nebraska Municipalities St. Patrick’s Day dinner and celebration - 7 p.m., Nebraska Club, 233 South 13th Street, Suite 2000

Monday, March 19
- Annual Mayor’s Award of Excellence award presentation - 1:30 p.m., Council Chambers, 555 South 10th Street (reception immediately following outside of Mayor’s office)

Tuesday, March 20
- KFOR - 12:30 p.m., 3800 Cornhusker Highway
- Fireworks restaurant grand opening, remarks - 3 p.m., 86th Street and Old Cheney Road
- First Christian Church Disciples men’s group, remarks - 7 p.m., First Christian Church parlor, 430 South 16th Street

Friday, March 23
- Girl Scouts reception for Girl Scouts of USA CEO Kathy Cloninger, Key to the City presentation and remarks - 5 p.m., Nebraska Club, 233 South 13th Street, Suite 2000
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: March 15, 2007
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Dan Payzant, Parks and Recreation, 441-9471

MAYOR TO ATTEND YOUTH PROGRAM GRADUATION

Mayor Coleen J. Seng will attend the graduation ceremony for the Youth S.E.R.V.E program at 2 p.m. Friday, March 16 at the Park Teen Center, 855 South 8th Street. The Youth Service Education and Recreation Volunteer Experience is a pilot program that provides training for students in sixth through eighth grades. The 12 initial graduates will be certified to volunteer at day camp programs for elementary school students offered through the Parks and Recreation Department.

Students who expressed an interest in volunteering with the Parks and Recreation Department were invited to submit written applications for the program. S.E.R.V.E. participants are trained in leadership, communication skills, teamwork, goal-setting and safety practices through a day camp/work experience under the guidance and supervision of trained recreation staff.

For more information on future S.E.R.V.E. programs, contact Dan Payzant at 441-9471.
Meetings of the Cable Television Advisory Board are set for 4 to 6 p.m. Monday, March 19 and Thursday, March 22. Both meetings will be in the Mayor’s Conference Room, 555 South 10th Street.

The Lincoln City Council passed a resolution calling for the board to conduct a performance evaluation of Time Warner Cable (resolution attached). Specific issues include the programming guide and DVR (digital video recorder) software. At next week’s meetings, board members will discuss the process for the evaluation and the process to take public comments.

All meetings for the Cable Television Advisory Board are open to the public. The meetings next week will include limited time for members of the public to comment on the processes being discussed. Public comment on Time Warner will be scheduled at a later time.

Members of the Cable Television Advisory Board are appointed by the Mayor and approved by the City Council. The board monitors the local cable company, considers complaints against the cable franchise, makes recommendations on cable policy issues and recommends policy for access channels.