I. MAYOR
*1. NEWS RELEASE. Mayor Announces Developer For Downtown Project. Negotiations with Lincoln Synergy Group to begin.
*2. NEWS ADVISORY. News Conferences for Mayor Seng on Thursday, April 26, 2007. One at 10:00 am at the Woods Park Picnic Shelter with Lincoln Electric Announcing a New Public Tree Initiative, and the second at 11:00 am at Voices of Hope, an agency receiving donation from Verizon Wireless, at 2545 “N” Street.
*3. NEWS RELEASE. City and LES Partner on “Right Tree - Right Place”.
*4. NEWS RELEASE. Public invited to comment on use of federal funds, Thursday, May 3, 2007 from 4:30 pm to 6:30 pm at the Center Team Police Station at 27th and Holdrege Streets.
*5. NEWS ADVISORY. Mayor Coleen Seng will announce plans for Trago Park at news conference on Friday, April 27, 2007, 10:30 am at Trago Park.
7. NEWS RELEASE. Winners Announced in First City Employee Art Contest. Receptions from 4:00 pm to 6:00 pm Eiseley and Gere Libraries.
8. Drinking Water Samples Tested for Total Coliform and E.Coli Bacteria by the Colilert® Method of Analysis.

II. DIRECTORS

PLANNING DEPARTMENT

PLANNING COMMISSION FINAL ACTION
*1. Special Permit No. 07008. Expansion of nonconforming Use, Casey’s. (North Cotner Boulevard and Leighton Avenue) Resolution No. PC-01048.
*2. Special Permit No. 07010. Expansion of nonconforming use, Casey’s. (Southwest corner of North 70th Street and Havelock Avenue) Resolution No. PC-01047.

PARKS & RECREATION
*1. Letter from Lynn Johnson, Parks and Recreation Director, to the Substance Abuse Action Coalition Prevention Leadership Team on possible amendments to City regulations regarding alcoholic beverages in parks.
PUBLIC WORKS & UTILITIES

*1. ADVISORY. Water Main Project #700276. Sumner Street; 27th - Jefferson.
*2. ADVISORY. Storm Sewer Project #702191.
*2b. Map for Storm Sewer Project #70291.
3. ADVISORY. Sanitary Sewer Force Main Project to Start. EO #78975.
3b. Map for Project EO #78975.

WEED CONTROL AUTHORITY


III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

1. Letter to Jerry Irwin, Foxy Lady, from City Prosecutor John McQuinn, and previous correspondence regarding the Smoking Regulation Act.
2. Letter from Mayor Coleen Seng to Beth Thacker, Mayor’s Pedestrian/Bicycle Advisory Committee, with copy of amendment.

ROBIN ESCHLIMAN

1. Request to Don Herz, Finance Director - RE: Keno Funds (Eschliman RFI#7 - 04/03/07) - SEE RESPONSE FROM DON HERZ, CITY FINANCE DIRECTOR ON ESCHLIMAN RFI#7.
1.b. Follow up Questions to Don Herz, Finance Director, on RFI#7. - SEE RESPONSE FROM DON HERZ, CITY FINANCE DIRECTOR ON FOLLOW UP QUESTIONS TO ESCHLIMAN RFI#7.
2. Email from Drew Stange, NAIFMA Realty, on proposed ordinance regarding vacant buildings.
3. Email from David Schmidt, Concorde Management & Development, Inc., on proposed ordinance regarding vacant buildings.
4. Email from John Watson, Century Sales & Management Company, on proposed ordinance regarding vacant buildings.
5. Email from Monte Froehlich, Comprehensive Real Estate Solutions, on proposed ordinance regarding vacant buildings.

ANNETTE McROY

1. Request to Mike Merwick, Building & Safety Director/Michaela Hansen, Public Works & Utilities-Impact Fee Administrator - RE: Property at 543 Lamont (McRoy RFI#178 - 04/27/07) - SEE RESPONSE FROM MIKE MERWICK, BUILDING AND SAFETY DEPARTMENT DIRECTOR ON MCROY RFI#178.
PATTE NEWMAN
1. Response to City Landfill questions from request of April 17, 2007 with attachment of constituent email.

V. MISCELLANEOUS
*1. Email from Carol B. Sanford interactive website promoting Nebraska Motorplex unveiled.
*2. Email from Neb Economis, Shannon McGovern, text amendments.
*3. Email from Shannon McGovern, motor sports locations consultant.
*3b. Email attachment from Shannon McGovern. Riverside Motorsports Park single site evaluation and preliminary incentive assessment final report.
*4. Email from Lisa Wheeler. Neighborhood dogs not being leashed or in an enclosed yard.

MISCELLANEOUS RECEIVED WEEK OF 05/07/07
1. Email from Shannon McGovern. Supporter of proposed drag race track, moving Lincoln forward.
2a. Email from Drag Tech. Nebraska getting national publicity with web site listed.
2b. Zimmerman named to Nebraska Auto Racing Hall of Fame article.

VI. ADJOURNMENT

*HELD OVER FROM APRIL 30, 2007.
WINNERS ANNOUNCED IN FIRST CITY EMPLOYEE ART CONTEST

Work to be displayed at Gere and Eiseley branch libraries

Mayor Coleen J. Seng will present cash awards Thursday, May 3 to the winners of the first National Arts Program contest for employees of the City of Lincoln and their families. More than 100 entries were received, and 13 artists will be recognized in a ceremony at 10 a.m. in the City Council Chambers, 555 South 10th Street. The awards ceremony will be carried live on 5 CITY-TV, the government access cable channel. No City funds were used for the contest or exhibit, and the program had no entry fee.

This is the first year the City of Lincoln has participated in the National Arts Program, which sponsors art contests and exhibits for City employees and their families in about 450 communities across the country. Lincoln is the first city in Nebraska to take part in the program. Additional financial support is being provided by the Duncan Family, AmeriCorps/the Lincoln Arts Council and the Nebraska Arts Council.

All artworks entered will be exhibited at two branch libraries from Thursday through May 23. Art entered in the youth categories will displayed at Eiseley, 1530 Superior Street, and art entered in the adult categories will be displayed at Gere, 2400 South 56th. Opening receptions will be held from 4 to 6 p.m. Friday, May 4 at both locations.

“We were so pleased to receive so many entries in our first year of the program,” said Mayor Seng. “This is an excellent opportunity for our employees to display their creativity outside of the work environment and for their families to share their talents. I want to thank those agencies supporting the program, and I want to encourage the public to visit the exhibits to see the outstanding work.”

The winner of the “Best in Show” award is Roxanna Piersol, the 9-year-old daughter of Vicky Piersol in the LIFE Office of the Lincoln Area Agency on Aging. In addition to her $75 award as winner of her youth category, Roxanna will receive art lessons from the Lux Center for the Arts and the National Arts Program and an additional cash award from Lincoln Benefit Life. A complete list of award recipients follows this release.
Judges for the exhibition were Norman Geske, former Director of the Sheldon Memorial Art Gallery; Anne Pagel, Curator for the Duncan Family; and Dean Settle, Director of the Community Mental Health Center of Lancaster County.

More information on the national program is available at www.nationalartsprogram.org. The Nebraska Arts Council, a state agency, supports the program through a matching grant funded by the Nebraska Legislature, the National Endowment for the Arts and the Nebraska Cultural Endowment. More information is available at www.nebraskaartscouncil.org.

NATIONAL ARTS PROGRAM AWARD WINNERS

BEST IN SHOW ($340 in prizes) - Roxanna Piersol (parent Vicky Piersol, Aging LIFE Office)

YOUTH UNDER12
First place ($75) - Roxanna Piersol
Second place ($50) - Raine Rittscher (parent Jacki Rittscher, Aging LIFE Office)
Third place ($25) - Raine Rittscher

YOUTH 12 - 18
First place ($75) - Micah Mullins (parent Diane Mullins, Women’s Commission)
Second place ($50) - Maggie Austin (parent Jennie Kohl Austin, Urban Development)
Third place ($25) - Sabrina Roland (parent Kathryn Burklund, Parks and Recreation)

ADULT AMATEUR
First place ($300) - Rebecca Hueske, Library
Second place ($200) - Dallas McGee, Urban Development Department
Third place ($100) - Dallas McGee

ADULT INTERMEDIATE
First place ($300) - Donna Gustafson, Library
Second place ($200) - Becky Wurm Clark, Library
Third place ($100) - Valerie Oertli, Library

ADULT PROFESSIONAL
First place ($300) - Jen Craun (sister of Anna Seckman, Parks and Recreation)
Second place ($200) - Jon Sundermeier, Lincoln Police Department
Third place ($100) - Olga Kanne-Sanchez, Urban Development Department
May 2, 2007

The Honorable Mayor and City Council

All of the drinking water samples were tested for Total Coliform and E. coli bacteria by the Colilert® method of analysis.

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Respectfully,

Dalton Johnson
Nebraska HHSS-R&L Laboratory
Lab Manager of Operations

enc.
BUDGET
Congress sends war supplemental to the President for certain veto. Both the House and Senate approved legislation this week to provide $124 billion in supplemental FY 2007 spending for overseas military operations and a variety of domestic emergencies such as hurricane relief and agricultural assistance.

The President is expected to quickly veto the measure based on his opposition to language that would set a timetable for the beginning of troop withdrawal in Iraq. Since Democrats lack a veto-proof majority in both chambers and do not expect any help from congressional Republicans in that quest, it remains to be seen at this time how the matter will play out.

Since the supplemental appropriations bill has been classified as emergency spending, Congress is under no obligation to offset the additional spending with cuts in other areas. However, sponsors of the bill chose to rescind $683 million in unobligated contract authority from FY 2007 highway programs at the Department of Transportation (DOT) in order to lower the pricetag of the bill and offset emergency highway spending related to hurricanes.

That move drew the ire of the leaders of the House Transportation and Infrastructure (T&I) Committee, who objected to the “gratuitous nature” of the cuts given that no other initiatives in the massive bill were offset. And, in addition to the move being an infringement on his jurisdiction, House T&I Committee Chairman James Oberstar (D-MN) expressed concern that the cuts would jeopardize air quality programs.

According to Oberstar, while the Congestion Mitigation Air Quality (CMAQ) program accounts for only 4 to 5 percent of highway funding, 20 percent of all highway funds rescinded by states in recent years have come from CMAQ. States have traditionally been given the option as to where they will make cuts when Congress orders rescissions of federal highway funding.

Oberstar hopes to convince those crafting the war supplemental to exclude the highway rescissions in the next version of the bill, but appropriators appear to be standing by their decision.

DISASTER ASSISTANCE
Housing assistance for Gulf Coast hurricane victims extended for 18 months. The Bush Administration announced this week that the temporary housing assistance programs for Gulf Coast hurricane victims living in apartments, trailers or mobile homes have been extended by 18 months, until March 2009. The current extension would have expired on August 31, 2007 and nearly 100,000 families across the country currently participate in the program.

Representatives of the Department of Housing and Urban Development (HUD) and Federal Emergency Management Agency (FEMA) also indicated that they would begin the process of transferring all responsibility for the rental assistance programs to HUD. Presently, FEMA administers rental vouchers for about 40,000 families, but the agency feels that in the long-term, HUD is better equipped to handle the matter. FEMA will continue to oversee the mobile homes and travel trailers provided to hurricane victims, but will also give the families the option of purchasing them.

Beginning in March 2008, individuals in both the rental housing and trailer/mobile home programs will pay a portion of the cost, which...
Congress will need to be consulted on some of the moves proposed by the Bush Administration, and the key Members of Congress on both sides of the aisle praised the plan this week.

**TRANSPORTATION**

**Senate Commerce Committee passes Amtrak reauthorization bill.** On Wednesday, the Senate Commerce Committee approved S 294, the “Passenger Rail Investment and Improvement Act,” a six-year Amtrak reauthorization bill that would provide $11.4 billion to the nation’s rail system.

The bill, sponsored by Senators Frank Lautenberg (D-NJ) and Trent Lott (R-MI), would implement a plan to revamp and restructure Amtrak, enhance security, establish higher quality standards, and reduce operating costs by 40 percent. The bill would also implement a new financial accounting system with a debt reform plan to put Amtrak back on track fiscally.

Over the next six years, Amtrak would receive $4.9 billion in capital grants and $3.3 billion in operating subsidies, as well as an additional $1.3 billion annually in bond authority. From this amount, approximately $1.4 billion would be provided for capital grants to states to pay 80 percent of the capital costs related to intercity passenger rail. The legislation would also authorize new railroad security measures.

The committee also approved an amendment to the legislation that would make certain development near Amtrak stations eligible for capital grants.

Sponsors hope that the legislation will allow Amtrak to make the necessary investments to ensure the long-term health of the railroad. In recent years, the Bush Administration has proposed privatizing railroad operations or passing responsibility to the states and recommended funding far below what Amtrak needs each year. As a result, Congress has provided only enough funding to keep the trains running, with no room for improvements.

Leaders of the House Transportation and Infrastructure Committee have indicated that Amtrak would be a high priority for the year, but have yet to draft any legislation.

**PUBLIC SAFETY**

**House passes bill addressing hate crimes.** The House Judiciary Committee approved legislation (HR 1592), the “Local Law Enforcement Hate Crimes Prevention Act of 2007,” that would add violent offenses motivated by sexual orientation and gender to the list of prejudice crimes that are considered hate crimes under federal law.

Under the bill, hate crimes motivated by gender or sexual orientation would be punishable by a minimum of 10 years in prison and a maximum of life in prison for those hate crimes involving murder or kidnapping, the same penalties for hate crimes motivated by race, color or national origin.

The bill also would authorize $5 million annually for FY 2008 and FY 2009 for Justice Department investigations of hate crimes and for grants to state and local law enforcement agencies to help meet extraordinary expenses when investigating hate crimes.

The bill would also authorize grants to state and local governments for programs to combat hate crimes committed by juveniles, and to train law enforcement officers in identifying and investigating hate crimes.

Similar legislation (S 1105) has been introduced in the Senate, but has not seen any action.

**LAW ENFORCEMENT**

**House Subcommittee gives nod to COPS bill; Senate panel approves E-911 measure.** The House Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee approved legislation (HR 1700) that would reauthorize the Community Oriented Policing Services (COPS) Program at $1.15 billion a year through FY 2012.

The bill would expand COPS eligible activities to include paying for officers hired to perform intelligence, anti-terror and homeland security activities and implementing innovative programs to reduce and prevent illegal drug activity, including methamphetamine manufacturing, distribution and use. The bill would also allow the use of COPS funds for community prosecutor programs to handle cases from specific geographical areas as well as to address specific violent crime problems.

Of the $1.15 billion it authorizes annually for COPS, the bill would allocate $600 million to hiring grants (including anti-terror officers), $350 million for technology grants and $200 million for community prosecutor grants.

The bill now heads to the full Judiciary Committee, which has not yet scheduled a markup of the bill. The Senate Judiciary Committee approved a companion bill last month and that measure is awaiting consideration by the Senate.

Also this week, the Senate Commerce Committee approved legislation (S 428) that would require Internet telephone providers to offer enhanced 911 services (E-911). Currently, most Internet telephone providers offer only regular 911 services, which do not necessarily give operators the location of the caller.

The bill would also require the Federal Communications Commission (FCC) to issue regulations requiring the regional Bells to give Internet telephone providers access to their 911 infrastructure. The bill would also require the National Telecommunications and Information
Administration to issue a plan for a national migration of 911 services to Internet enabled infrastructure.

The bill now heads to the Senate floor, though the leadership has not yet set a date for its consideration.

**SMALL BUSINESS**

House overwhelmingly approves expansion of SBA loan programs. Despite the opposition of the Administration, the House voted 380-45 to approve legislation (HR 1332) that would expand Small Business Administration (SBA) loan programs and would decrease fees for lenders and borrowers.

The bill would create four new SBA loan programs and would reduce the fees lenders charge and borrowers pay for SBA loans. The bill would also direct more loans to businesses owned by women, veterans and other individuals from socially or economically disadvantaged groups. Both of these provisions have drawn the ire of the White House, though the President has stopped short of a veto threat.

As passed by the House, the bill would provide higher loan guarantees for medical businesses in medically underserved areas. The bill now heads to the Senate. There is no similar Senate bill.

**GRANT OPPORTUNITIES**

**Department of Labor**

The Employment and Training Administration (ETA) is now accepting applications for FY 2007 YouthBuild Grants. YouthBuild is designed to provide disadvantaged youth with the proper education and training for those high demand occupations. Among other things, YouthBuild also uses disadvantaged youth to work on the construction of permanent low-income housing within a community. ETA has $47 million available for the YouthBuild grants and approximately 90-100 grants will be awarded to communities, with the hope of serving 2,900 youth participants. The deadline for applications is July 3, 2007. For more information see:

MEMORANDUM

TO: Planning Commission

FROM: Marvin S. Krout, Planning Director

SUBJECT: DRAFT City of Lincoln FY 2007/08-2012/13 Capital Improvement Program

DATE: April 25, 2007

COPIES: Mayor Seng, Mayor’s Capital Improvement Advisory Committee, Lincoln City Council, City Directors, County Budget Office, Media

Attached is the draft 2007/08-2012/13 Capital Improvement Program (CIP) for the City of Lincoln. (The Planning Commission Review Edition of the 2007/08 - 2012/13 CIP is available online at <http://www.lincoln.ne.gov> Keyword: cip) The City Charter requires that the Planning Director submit an updated CIP annually to the Planning Commission for your review as to the projects’ conformity to the Comprehensive Plan. The Planning Commission hearing on the draft CIP is scheduled for the afternoon of May 16th. City staff will brief the Planning Commission on the CIP at a special meeting prior to your regular meeting on May 9th. After Planning Commission review, the Mayor will submit the CIP, with or without revisions, to the City Council, along with the proposed operating budget for the next year.

The CIP is a multi-year planning instrument that identifies needs and financing sources for public infrastructure and other community facilities to serve the city’s anticipated development and redevelopment. Although capital projects are scheduled throughout the 6 year CIP, only those programs scheduled during the first year are formally reviewed and adopted by the City Council as part of the Annual Budget. Projects identified for funding appropriation in subsequent years may be adjusted to reflect changes in priorities or funding constraints. The CIP this year again assumes a 3% annual inflation rate for all capital projects.

In past years the CIP has been coordinated with the review of the Lincoln/Lancaster County Comprehensive Plan and proposed plan amendments. This year, however, the five year update of the Comprehensive Plan and the Long Range Transportation Plan was completed last December and is not being reviewed at this time.

Highlights of the draft CIP include:

1. This year’s draft CIP is lower in total cost, at $921.4 million, than last year’s CIP cost of $966.1 million. The first year (2007/08) program totals $159.9 million, which is less than the $207.7 million program approved for the current year (FY 2006/07) CIP.

2. The draft CIP shows a growing need for more General Revenue (GR) funds over the next 6 years compared to recent previous CIPs. The first year calls for $2.6 million in GR funds. However, over the next few months as the Mayor grapples with the needs for GR funds in the operating budget, this amount may need to be reduced further. The remaining years average more than $5.7 million per year.

3. Antelope Valley projects in the draft 6 year CIP total over $94.5 million, which includes a need of over $4 million in GR funds over the 6 year period. The Army Corps of Engineers accelerated the schedule of
work for the channel improvements after Antelope Valley was included in a Federal earmark. Public Works & Utilities, Streets and Highways, and Parks and Recreation both adjusted their original submitted projects to keep up with this schedule. There is a marked drop-off in funding for Antelope Valley after FY 2011/12, as the end of the first phase of the project nears. Urban Development has had contact with private developers interested in the Antelope Valley redevelopment area. They are working to assemble larger parcels of land to address the desires of many of these developers.

4. Funding for design, right of way acquisition, and limited construction for the South Beltway totals $13.8 million over the 6-year period. This project was originally anticipated to be completed in 2012, but due to lower State revenue projections is now anticipated to be completed in 2014. The draft CIP does not include potential federal transportation funds that may be earmarked for this project.

5. Other transportation projects in the proposed CIP include reconstruction of the Harris Overpass, the SW 40th Street viaduct, Alvo Road and N 14th Streets in the north, 98th Street and Pine Lake Road in the southeast, the area of 84th and Adams Streets, and W. Adams street in northwest. At this time some of the on-going continuing traffic, street, trail, and sidewalk rehabilitation projects are not being funded to their full need in all 6 years.

6. The Public Works and Utilities Department in 2007/08 will enter the fourth year of an aggressive program of water and sewer improvements that will enable the City to implement its Comprehensive Plan. As predicted, we continue to see an increase in construction costs and operating costs, while the demands for expansion have increased. This CIP assumes that the previously requested water and sewer rate increases, of 7% and 9% respectively, are approved in order to accomplish these projects.

7. The draft CIP assumes that voters will approve 8 General Obligation Bonds over the next 6 years, ranging from $1.3 million to $47 million. These bonds would finance watershed management projects, recreation and community centers, a variety of public safety project (discussed below), renovation projects at Pershing Center (unless a new downtown arena looks to be promising), and a part of the cost to renovate or replace the downtown library.

8. Our public safety departments (primarily 911 Communications, Fire and Rescue, and Lincoln Police Department) are in need of several facilities and improvements. The draft CIP suggests that in May of 2009 the public will be presented a Public Safety Bond Issue which will bring these projects together in a single package. This bond issue would bring together eight projects from the three primary departments: two fire stations, one in the northern and one in the southern parts of Lincoln; a Fire Education, Training, and Fleet Services Center; an Automated Vehicle Locator System (coordinated project for both 911 Communications and Fire & Rescue); a facility to replace the Emergency Communications Center/Radio Shop; an upgrade to the 800 MHz Trunked Radio System; and a third Police Team Assembly Station to serve the southern parts of Lincoln. Every effort will be made to evaluate current facilities and resources and take opportunities to consolidate existing facilities, relocate under-utilized facilities, and/or collocate public safety facilities. There may also be opportunities to include other City and County departments with public safety responsibilities.

9. Several projects in Water, Wastewater, and Streets and Highways’ CIPs are being accomplished through the use of “directed Impact fees”. According to the Administration’s policy, individual annexation agreements may include provisions for a reimbursement of the developers’ cost to advance and construct infrastructure improvements by “directing” the fees generated by development of the lots within these development tracts back to the developers. This has proved to be a useful tool for bringing more land into the city for development.
10. A change in the Development Tier system used in the Comprehensive Plan has proved useful for capital improvement planning. Previously, Tier I, the area to be served within the 25 year planning period, was divided into two Priority Areas, A & B, with the A to be served within the first 12 years, and B to be served later. The 2030 Comprehensive Plan employs a system of three Priority Areas, A, B & C, with A to be served within the first 6 years, B to be served next, and C to be served later. This gives City staff a higher degree of predictability in their planning. The Tier I, Priority A area represents the area to be served within the 6 Year CIP period.

Preparation of the CIP is a result of considerable efforts from staff in many City departments. Each year, staff attempts to reassess their overall goals and priorities for capital improvements and the means for implementing them. Their commitment to providing accurate and understandable financial information is greatly appreciated.
MEMORANDUM

TO: City Council Members

FROM: Sara S. Hartzell, Planning


DATE: May 2, 2007

The Planning Commission Review Edition of the Draft 2007/2008 - 2012/2013 Capital Improvement Program (CIP) is now available online at:

<www.lincoln.ne.us> Keyword: cip.

Under Proposed Program select Planning Commission Review Edition FY 2007/08 - 2012/13. The Director's Letter, staff report, and a memo to aid in navigation of the new CIP format are available at this same site.

Please contact me at 441-6372 or shartzell@lincoln.ne.gov if you have any questions.
Sanitary Sewer Force Main Project to Start  
EO #78975

Next week the construction of a sanitary sewer force main is scheduled to begin and we are issuing this advisory because the construction could temporarily disrupt traffic on the roads in your area.

Project Limits:  See map on back.

The construction will begin at approximately 92nd and Adams Street, travel east in the south ditch of Adams Street to 98th Street, turn south and travel in the west ditch of 98th Street boring under Leighton Avenue to Holdrege Street, boring under Holdrege Street from the northwest corner to the southeast corner of the intersection, then proceed east and end at approximately 106th Street.

With this construction, there may be some temporary inconveniences with drives and roads but the contractor will try to keep those inconveniences to a minimum. The roads will not be closed to traffic at any time but 98th Street could be limited to one lane during normal working hours.

If you have questions concerning this project, please contact:

Ray Lipsey  
Lipsey Construction  
(402) 432-2293  

Brian Dittmann  
City of Lincoln, Engineering Services  
(402) 525-5646
**Combined Weed Program**  
**City of Lincoln**  
**April 2007 Monthly Report**

## Inspection Activity

1,239 inspections on 755 sites were made during the month.  
1,478 inspections on 994 sites have been made this year.

### Noxious Weeds

- Made 187 inspections on 187 sites on 1,207 acres.  
- Found 150 violations on 337 acres.  
  - 146 musk thistle  
  - 4 leafy spurge  
- Found no violations on 37 sites.  
- Sent 5 notices, 109 letters, and made 10 personal contacts.  
- Control is pending on 150 sites.

## Weed Abatement

Advance work orders have been prepared on 146 properties that have been habitual problems. Foreclosures are expected to be an increasing problem. Over 70 foreclosed properties had to be force controlled last year.

### Riparian Vegetative Management Task Force

LB 701 was just signed into law by the Governor to address the State’s water concerns. This law will create state riparian vegetation management task forces to address the plants invading the riparian areas of Nebraska Rivers.

### APRIL Activities

- 4 Twin Rivers WMA Red Cloud  
- 5 Threats to Ne Rivers Mtng  
- 9 Musk thistle inspections begin  
- 20 LPWMA Landowner Meeting  
- 30 Monthly activity report

### Planned MAY Activities

- 4 Vacation  
- 7 Contract for Landfill spraying  
- 14 Begin City Weed Abatement inspections  
- 10 Mgt Team Mtg  
- 14 Prepare leafy spurge roadside map  
- 15-31 leafy spurge roadside spraying  
- 16 LPWMA Mtng 10:00 AM  
- 26 Vacation
April 27, 2007

Jerry R. Irwin
Foxy Lady
1823 O Street
Lincoln, NE 68508

RE: April 8, 2007 Letter

Dear Sir:

I am responding to your letter dated April 8, 2007, in which you questioned my communications to you about the Smoking Regulation Act. My initial letter regarding the February 12, 2007 inspection was sent to inform you of and to allow you to correct violations observed by the Lincoln-Lancaster County Health Department. That is why the letter clearly directed you to contact Chris Schroeder if you had any questions.

My letter dated February 26, 2007, clearly stated that the specific section referenced as a violation in my initial letter was L.M.C. § 8.50.220(a). You will note that I indicated that I could not comment regarding the status of your business on February 26, 2007, because I understood your letter to be requesting violations present on the date of your letter. I had told you the status of your business on the date of the inspection earlier in that letter. I also stated I could not comment on whether specific facts existed to support additional violations of other named sections of the Lincoln Smoking Regulation Act and Title 9 of the Lincoln Municipal Code. Once again, that is why both of my previous letters gave you a specific person to contact regarding any compliance questions. It is your responsibility to contact that person to discuss the particular steps necessary to bring your business into compliance.

I will not be able to respond to any further communication from you regarding this matter unless a case is forwarded to this office for prosecution.

Sincerely yours,

John C. McQuinn
Chief City Prosecutor

cc: City Council
City-County Health Department
John C. McQuinn
City Prosecutor, Ste. 4201
575 South 10th St.
Lincoln, Ne. 68508

Dear Mr. McQuinn

This is in response to your letter of February 26, 2007. You said you did not have enough information to know if I was in violation of 8.50 Smoking Regulation. Then why did you send me a letter dated Febr. 16, 2007? (A copy is enclosed for your information, stating I was in violation of 8.50)

Did the Health Dept. write the letter dated Feb. 16, 2007 and use your name?

Sincerely,

Jerry R. Irwin
FOXY LADY
1823 "0" St.
Lincoln, Ne. 68508
402 435-0890

cc: Bob Kawamoto
    Dale Stertz
    Chuck Schweitzer
    Chief Cassidy
    Jon Camp
    Jonathan Cook
    Annette McRoy
    Patte Newman
    Etc.
    Etc.
Jerry R. Irwin  
Foxy Lady  
1823 O Street  
Lincoln, NE 68508  

RE: Question Concerning Potential Lincoln Smoking Regulation Act Violation

Dear Sir:

The Lincoln City Council was kind enough to forward your letter dated February 18, 2007 to my attention, because even though it was addressed to me, this office did not receive the original. As you are aware from my letter of February 16, 2007, I asked that all questions regarding compliance with the Lincoln Smoking Regulation Act be directed to Mr. Chris Schroeder at the telephone number provided. Nevertheless, I will attempt to answer your question, given the limited information I have at the present time.

I am not aware of the present status of your business, therefore I cannot comment on whether you or your business is in violation of the Lincoln Smoking Regulation Act. Referencing the date of the inspection, the violation of the Act contemplated in the letter was L.M.C. § 8.50.220(a), which makes it unlawful for any proprietor of any place of employment or any public place to allow smoking. At the time I signed the letter, I did not have enough information upon which to base an opinion as to whether you would also have been in violation of L.M.C. § 8.50.220(b), by failing to post adequate signs or L.M.C. § 9.04.010, which authorizes prosecution of persons who aid or abet violators of the L.M.C. § 8.50.210, (smoking prohibited in a place of employment or in a public place), in the same manner as the primary offender.

I believe this answers your question. Please refer any other questions regarding your compliance with this Act to Chris Schroeder, 441-6272, as requested in my previous letter. Thank you, in advance, for your voluntary compliance with the Act.

Sincerely yours,

John C. McQuinn  
Chief City Prosecutor

cc: Lincoln City Council  
Dana Roper  
Scott Holmes
John C. McQuinn  
City Prosecutor, Ste. 4201  
575 South 10th St.  
Lincoln, Ne 68508

Dear Mr. McQuinn:

I received your letter of Febr. 16, 2007. I am asking you to give me verification of what provision of the Lincoln Municipal Code Chapter 8.50, Lincoln Smoking Regulation Act of which my business is in violation.

Thank you in advance for your cooperation in this matter.

Sincerely,

Jerry R. Irwin  
Foxy Lady  
1823 "O" St.  
Lincoln, Ne. 68508  
402 435-0890

cc: Bob Kawamoto  
Dale Stertz  
Chuck Schweitzer  
Scott Holmes  
Mark Andersen  
Chief Cassidy  
Jon Camp  
Jonathan Cook  
Annette McRoy  
Patte Newman  
Etc.  
Etc.  
Etc.
FEB 16 2007

Jerry Irwin
Foxy Lady
1823 ‘O’ St.
Lincoln, NE 68508

Dear Mr. Irwin:

On February 12, 2007 an inspection was conducted by the Lincoln-Lancaster County Health Department at your establishment to determine the compliance status of your designated outdoor smoking area.

In order to qualify as an outdoor smoking area, you must provide at least 20% net open space relative to the total square footage of all four walls and ceiling. This open space must be permanent and non-closable. The use of any building material (such as lattice work, wrought iron, tarps, banners, screening material, etc.) in this open space is subtracted from the total available open space.

Based on the inspection of your designated smoking area and calculations made from that inspection, only 5% net open space is currently provided. You cannot allow smoking in this designated smoking area until you have achieved the required 20% net open space and have received written approval from the LLCHD. Should it be determined that you are allowing smoking in this area, this case will be referred to my office for prosecution under the provision of Lincoln Municipal Code Chapter 8.50, Lincoln Smoking Regulation Act.

Please direct any questions regarding compliance with the Act to Chris Schroeder at (402) 441-6272. Thank you, in advance, for your voluntary compliance in this matter.

Sincerely,

John C. McQuinn
Chief City Prosecutor

cc: Bob Kawamoto, Captain Lincoln Police Department
    Dale Stertz, Building and Safety
    Chuck Schweitzer, Fire Prevention Bureau
    Scott Holmes, Lincoln-Lancaster County Health Department
April 26, 2007

Beth Thacker, Chairman
Mayor’s Pedestrian/Bicycle Advisory Committee
2740 A Street
Lincoln, NE 68502

Dear Ms. Thacker:

Thank you for your letter inquiring about the downtown bike lanes. I appreciate your continued involvement in this matter. I am pleased that you wrote to ask me about questions of continued concern to your committee. I am glad to provide additional information.

1. The Comprehensive Plan defines a bicycle lane as including striping, signage, and pavement markings. It does not specify the number or frequency of signs and pavement markings. Both are present today in conjunction with the downtown bike lanes. Not every signal arm lends itself well to an overhead sign. However, I have directed the staff to add more of the bike lane symbols on the pavement. Weather permitting, that should be done in the next couple of weeks.

2. It is not unusual for traffic lanes to need re-striping in the spring, and the bike lanes are no different. They already have been repainted.

3. The criteria by which the City Council will review the bike lanes was spelled out in the amendment approved by the City Council at the time the lanes were approved last summer. I’ve enclosed a copy for you. The review, which is to occur no later than August 1, 2007, will include bicycle injuries; number of accidents; the effect on automobile and pedestrian traffic; and the location and placement of lanes.

Thank you again for taking the time to write. If you have additional questions, please do not hesitate to be in touch.

Sincerely,

Coleen J. Seng
Mayor of Lincoln

CS/ah

cc: City Council
    Karl Fredrickson, Public Works Director
    David Cary, Planning Department
ORDINANCE NO. __________________

AN ORDINANCE amending Title 10 of the Lincoln Municipal Code relating to
Vehicles and Traffic to define bicycle lanes and regulate the use of bicycle lanes by adding a new
section numbered 10.02.055 to add the definition of “bicycle lane”; amending Chapter 10.14, Rules
of the Road by amending Section 10.14.030 (Stop When Traffic Obstructed) and Section 10.14.050
(Use of Restricted Areas Adjacent to Curb and Changing Course) and by adding a new section
numbered 10.14.055 (Enter Traffic Lanes or Change Course Without Safety; amending Chapter
10.48, Bicycles, by amending Section 10.48.130 (Right-of-way), Section 10.48.140 (Right Turn
Lanes), Section 10.48.150 (Left Turn Lanes), Section 10.48.180 (Riding to Right of Roadway),
Section 10.48.190 (Riding in Group), and Section 10.48.280 (Penalty) and adding a new section
numbered 10.48.185 (Designated Bicycle Lane; Direction); and repealing Sections 10.14.030,
10.14.050, 10.48.130, 10.48.140, 10.48.150, 10.48.180, 10.48.190, and 10.48.280 of the Lincoln
Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:
Section 1. That Chapter 10.02 of the Lincoln Municipal Code be amended by adding
a new section numbered 10.02.055 to read as follows:

10.02.055 Bicycle Lane.

Bicycle lane shall mean any portion of a roadway designated by signs and/or pavement
markings for exclusive use by bicyclists.

Section 2. That Section 10.14.030 of the Lincoln Municipal Code be amended to
read as follows:

No driver operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle such driver is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Section 3. That Section 10.14.050 of the Lincoln Municipal Code be amended to read as follows:

10.14.050 Use of Restricted Areas Adjacent to Curb and Changing Course.

It shall be unlawful to use any portion of that part of any street within which motor vehicles are required to be parked or which is set aside for loading zones, bus stops, or areas adjacent to the curb where parking of motor vehicles is prohibited as a path, track, or passageway for any motor vehicle or for vehicular traffic except on such streets and during such periods of time that such use is authorized. It shall be unlawful for any motor vehicle to leave said portion of the street and enter the adjacent traffic lane, or to enter or to cross or to turn in the adjacent street intersection, or to execute any turning movement until said movement can be made safely after yielding the right-of-way to all motor vehicles entitled thereto:

(a) It shall be unlawful to operate a vehicle upon any portion of the street where motor vehicle parking is permitted or restricted or which is set aside for loading zones or bus stops, or any other part of the street not designated for vehicular travel, as a traffic lane for any vehicular traffic, except on such streets and during such periods of time when such use is authorized.

(b) It shall be unlawful for any person to operate any motor vehicle within any portion of a bicycle lane for a distance greater than is necessary to lawfully enter the closest lane or area designated for motor vehicle traffic or parking.
(c) It shall be unlawful for any person operating a motor vehicle to park, stop, stand, or interfere with the use of a bicycle lane. It shall not be a defense to this section that the operator of a motor vehicle was attempting to change the course of his or her vehicle.

Section 4. That Chapter 10.14 of the Lincoln Municipal Code be amended by adding a new section numbered 10.14.055 to read as follows:


It shall be unlawful for the operator of any vehicle to leave any portion of the roadway and enter an adjacent traffic lane or bicycle lane, or to enter or to cross or to turn in the adjacent street intersection, or to execute any turning movement until said movement can be made safely after yielding the right-of-way to all vehicles entitled thereto. This section shall not authorize the operation or movement of a vehicle prohibited by the laws of the State of Nebraska or the ordinances of the City of Lincoln, in their present form or as they may be from time to time amended.

Section 5. That Section 10.48.130 of the Lincoln Municipal Code be amended to read as follows:

10.48.130 Right-of-Way.

(a) The operator of a bicycle emerging from any alley, building, driveway, or road shall, upon approaching a sidewalk or the sidewalk space extending across any alleyway, driveway, or road, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk space.

(b) The operator of a bicycle about to enter or cross a street or other public way from a sidewalk, sidewalk space, alley, building, or driveway, or road shall yield the right-of-way to all vehicles lawfully approaching on said roadway.

Section 6. That Section 10.48.140 of the Lincoln Municipal Code be amended to read as follows:
10.48.140  Right Turn Lanes.

A person operating a bicycle approaching an intersection in a lane of traffic designated for
right turns only who desires to proceed straight through the intersection shall, before reaching the
intersection and after yielding the right-of-way to any approaching motor vehicle which is so close
as to constitute an immediate hazard, (a) move into the first lane to the immediate left which is
lawfully available for traffic moving straight through the intersection, shall enter the intersection in
said lane, and shall leave the intersection as near to the right hand side of the roadway as practicable;
or (b) before entering the intersection and after yielding the right-of-way to any approaching vehicle
which is so close as to constitute an immediate hazard, move into a designated bicycle lane, which
is lawfully available for traffic moving straight through the intersection, shall enter the intersection
in said lane, and shall leave the intersection in said lane; or (c) said person shall dismount and
proceed across the street in the crosswalk.

Section 7. That Section 10.48.150 of the Lincoln Municipal Code be amended to
read as follows:

10.48.150  Left Turns.

A person operating a bicycle upon any public street or public way who intends to turn left
at any intersection shall, before reaching the intersection and after yielding the right-of-way to any
approaching motor vehicle which is so close behind as to constitute an immediate hazard, (a) move
as far as practicable to the left of the traveled portion of the roadway available for his or her
direction of travel and shall then enter the intersection and execute his left turn according to law; (b)
proceed in a designated bicycle lane, yielding the right-of-way as required for any other vehicle; or
shall (c) dismount and proceed across the street in the available crosswalks.
Section 8. That Section 10.48.180 of the Lincoln Municipal Code be amended to read as follows:

10.48.180 Riding to Right of Roadway.

Bicycles proceeding with the normal flow of traffic shall be operated in the right-hand travel lane of a roadway or in a designated bicycle lane. Bicycles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be ridden in a designated bicycle lane or shall stay as close as practicable to the right-hand side of the right-hand travel lane except when passing or preparing for a left turn.

Section 9. That Chapter 10.48 of the Lincoln Municipal Code be amended by adding a new section numbered 10.48.185 to read as follows:

10.48.185 Designated Bicycle Lane; Direction.

It shall be unlawful for any person to ride a bicycle in a designated bicycle lane in a direction different from the direction of other vehicular traffic in the traveled portion of the roadway adjacent to the designated bicycle lane.

Section 10. That Section 10.48.190 of the Lincoln Municipal Code be amended to read as follows:

10.48.190 Riding in Group.

(a) Persons riding bicycles upon a street or roadway shall ride single file, except on paths or parts of roadway set aside for exclusive use of bicycles.

(b) Persons shall operate bicycles in a bicycle lane in such a manner so as not to obstruct or impede the lawful operation of other bicycles within the bicycle lane, or the lawful operation of any vehicle in any adjacent lane.
Section 11. That Section 10.48.280 of the Lincoln Municipal Code be amended to read as follows:

10.48.280 Penalty.

Any person violating any of the provisions of this chapter; or who shall fail, neglect, or refuse to perform any duty imposed upon him or her, shall be deemed guilty of a misdemeanor or an infraction, and upon conviction thereof may, in lieu of the penalty elsewhere in this title provided, be ordered to surrender his or her bicycle for impounding for a period of not to exceed six months shall be punished by a fine not to exceed $100.00, recoverable with costs.

Any person violating any provisions of Section 10.48.270 of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not less than $250.00 nor or more than $500.00.


Section 13. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

__________________________
City Attorney

Approved this ___ day of ___________, 2006:

__________________________
Mayor
On page 6, after line 11, insert a new Section 12.

Section 12. The City Council shall no later than August 1, 2007 review Title 10 of the Lincoln Municipal Code relating to bicycle lanes for the purpose of determining the continued existence of the ordinance. The Council will review bicycle injuries, number of accidents, the effect on automobile and pedestrian traffic and the location and placement of lanes.
Tammy, I have heard from several people with concerns about the proposed legislation on vacant buildings. You may put these in the Director's Agenda.

From: Drew Stange  
Sent: Tuesday, May 01, 2007 5:04 PM  
Subject: RE: Ordinance about vacant buildings

I would have the following comments regarding this proposed legislation.

- As a manager of over 100 properties in Lincoln, we have customers that are very vigilant in keeping their properties maintained and others that are not so vigilant. Making the “resident agent” liable for the care or maintenance of a “neglected property” is wrong as we serve at the pleasure of our owners and their pocket books.

- The definition of deterioration as defined in the ordinance leaves much room for judgment and subjectivity.

- There are adequate laws on the books now under which the city may condemn or red tag buildings.

- The administration and follow-up on this would be time intensive, meaning more staff and more dollars for the city’s budget which is under enough stress at this time.

Drew Stange  
NAIFMA Realty
Robin, thanks for the info. I would agree that the City should have some "teeth" in the codes against violators. There are many buildings sitting around that the owners don't take care of but I also believe that an owner has the right to leave a building vacant as long as the building is being cared for and meets all city codes.

I read some of the language that requires an owner or agent to have a plan on the vacant space. I think that the City cannot force an owner to rent their property if they don't choose to. Some people are content to sit on their real estate and let it appreciate in value over time and they don't want the hassles of renting or using the building themselves. I'm certain you walk a fine line sometimes at the Council whether you are exceeding the public's inherent property rights?

Another point is that you and I have seen tons of properties around town that are occupied that are in deplorable condition. I have personally called to complain about some residential properties close to my rental properties that have many obvious violations going on all the time and the City does nothing to enforce the codes that I know exist on the books. As a landlord sometimes I wonder how I can make any sense of all of this.

On top of that, I am competing with the Housing Authority who seems hell bent on becoming the eventual winner of Monopoly of dwelling units in Lincoln. That's exactly why we're developing apts. in Papillion currently and no more here. It simply doesn't make any sense(cents)! Thanks for letting me vent. You can sense my frustration with the way things are going in Lincoln, currently.

David M. Schmidt
President
Concorde Management & Development, Inc,
1225 L Street
Suite 501
Lincoln, Nebraska 68508

david@concordemgmt.com
402-476-0086
402-476-3892 (FAX)
From: John Watson  
Sent: Tuesday, May 01, 2007 9:08 AM  
Subject: Re: Ordinance about vacant buildings

As a property manager, I can understand the need to file registration but am concerned about being required to make repairs in this fiduciary capacity when we may not have the funds from the owner for such repairs. We should not be held to the standard of an owner in that event.

Also, I hope that the two violation rule is not an overstepping of governmental powers if the city is on an agenda to take over an area of property for a project and uses this ordinance as a way of gaining control of property.

Thanks. John Watson  Century Sales and Management Co.

John Watson, CEO  
Century Sales & Management Co.  
Office: (402) 437-8330  
Cell: (402) 416-8330  
E-mail: johnw@cenman.com
----- Original Message ----- 

From: Monte Froehlich
Sent: Tuesday, May 01, 2007 11:02 PM
Subject: Proposed vacant building ordinance

I've reviewed the proposed ordinance and although I understand that the intent would be seem reasonable, I believe the unintended consequences could be nothing short of a disaster. For example, by definition under the "Neglected unoccupied building" part (c) section, "the building has sustained deterioration" this would include every vacant building in Lincoln. When it comes to commercial, at what level is a building considered vacant? 10%, 51%? I have a building in Havelock where I have spent a lot of money improving, yet it has been vacant over a year and the rear parking lot has not been paved because I'd like tenant input before completing. I'm not interested in reporting how vacant this building is over time. This ordinance could become a nightmare to enforce when it comes to objective criteria that would somehow need to be created.

I believe there are better ways to clear blighted property than through additional regulation. The cost to implement such a far sweeping ordinance, both on the public side and the private side would far outweigh the benefits gained.

Thank you.

Monte

Monte Froehlich, CCIM, SEC, SIOR

U.S. Property

Comprehensive Real Estate Solutions

1320 "P" Street, Suite 200

Lincoln, NE 68508

Phone: 402-475-8776 Ext 1031

Fax: 402-476-6124

Cell: 402-202-1776
Annette, Building & Safety reviewed the correspondence received from Steve Champoux about 543 Lamont. For several years, we have had numerous meetings, have offered several solutions, and are still at the same place we were when we started. Building and Safety would be glad to meet with you or any one else and discuss everything that has transpired, but we too want to find a solution, so I will be brief.

Building and Safety did offer to extend the original building permit without impact fees and worked for 6 months trying to get Steve Champoux to file a letter of map amendment to FEMA or to fill in the foundation and build an above grade house. After Building and Safety received no answer from Steve Champoux or evidence of a map amendment, the building permit was expired on May 5, 2004.

Building and Safety does not dispute that Mark Manelli is very knowledgeable about flood plains, and although we did meet with him and discuss this flood plain issue, no information was ever transmitted to us that showed that 543 Lamont was out of the flood plain.

The following documentation indicates that the property at 543 Lamont is in the Flood Plain:

A) The map that Building and Safety used to determine this is the official FEMA flood plain map.
B) 543 Lamont is in the flood plain with the map submitted to Building & Safety by Mr. Champoux's own surveyor, K&M Surveying.
C) The FEMA based elevation also shows that 543 Lamont is in the flood plain.

Building and Safety wants to resolve this issue, and the two options originally proposed to Mr. Champoux in 2003 that could resolve this issue are:

1) Steve Champoux files a letter of map amendment with FEMA requesting FEMA to remove the property from the flood plain.
2) Fill in the current foundation and build an above grade one or two story house with the lowest finish floor at one foot above base flood elevations.
These solutions were proposed to Mr. Champoux in 2003. In May 2006, the City Law Department dismissed a pending prosecution against Mr. Champoux, with the understanding he would contact Building and Safety to commence appropriate procedures to complete construction. The last date Mr. Champoux met with this Department was May 19, 2006 and Building and Safety has not received any information since that time that would resolve this issue.

Building codes in flood plains are about safety and security for the person who buys this property. Building and Safety’s goal is to make sure that the future home owner at 543 Lamont has a safe home to live in and that the City does not create a future liability.

Building & Safety staff would be glad to meet with you, Mr. Champoux and his engineer to work to resolve this issue.
We felt this information would be beneficial to all of the council members.

Dear Ms. Newman,

The following email and information is intended to respond to the questions you asked in your original email request of April 17.

Ques. 1. _Are we safe in thinking we will continue to be able to provide our own trash service? (I know not too terribly long ago the Council was considering requiring all residents to pay for professional waste removal.)_

As you are aware, the City's Bluff Rd. Landfill and N. 48th St. Transfer Station provides solid waste services to the residents of Lincoln and Lancaster Co. The N. 48th St. Small Vehicle Transfer Station's primary purpose is to accept wastes from small vehicles that are not accepted at the Bluff Road facility. Thus, those who wish to haul their own waste and trash with small vehicles can continue to dispose of it at this location.

Ques. 2. _Why such a large increase in rates for making trips to the transfer stations?_

To answer this question, here is some historical background on rates and vehicle classifications at the Transfer Station:

1. The last rate adjustment for cars at the transfer station occurred in 1996. At that time, the rates went from $1.50/car to $2.50/car.
2. The last rate for any vehicle at the transfer station occurred in 1997. This 1997 adjustment applied to pick-up trucks and those rates went from $7/pickup truck to $10/pickup truck.

On August 21, 2006, Resolution No. A-83985 was passed by the Council.

This resolution modified and clarified the definitions for the types of small vehicles entering our facilities at both Bluff Rd. and the Small Vehicle Transfer Station. It also adjusted the rates for various types of small vehicles. For example, a new category of "passenger vehicle" was created to simplify vehicle classification visually and get away from the gross vehicle weight definition that was being used in the old definitions.

As you may remember, these new rates went into effect on Jan. 1, 2007

The following is a spreadsheet of "Schedule A" from that fact sheet information that compares the Current Rate Structure to the Proposed / New Rate Structure for the various vehicle types etc. (This information was provided to the Council in the fact sheet for this resolution and also presented during the public hearing and follow-up actions with the Council prior to passage by the Council.)
<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Current Rate Structure</th>
<th>Proposed Rate Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars</td>
<td>Current Rate Structure</td>
<td>Proposed Rate Structure</td>
</tr>
<tr>
<td>Gross Vehicle weight rating &lt; 5500 lbs.</td>
<td>$2.50</td>
<td>Cars*</td>
</tr>
<tr>
<td>Pickups and vans</td>
<td>Gross Vehicle weight rating &gt; 5500 lbs. and &lt; 9800 lbs. (one ton)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Passenger vehicles*</td>
<td>Any vehicle with a true large and small crossover vehicles</td>
<td></td>
</tr>
<tr>
<td>Trailers only</td>
<td>Trailer size 6’ by 8’ by 5’ high, or smaller with single axle</td>
<td>$10.00</td>
</tr>
<tr>
<td>Pickups and vans with trailers (refuse in both)</td>
<td>Gross Vehicle weight rating &gt; 5500 lbs. and &lt; 9800 lbs. (one ton). Trailer size 6’ by 8’ by 5’ high, or smaller with single axle</td>
<td>$16.00</td>
</tr>
<tr>
<td>Cars with trailer (refuse in both)</td>
<td>Gross Vehicle weight rating &lt; 5500 lbs. Trailer size 6’ by 8’ by 5’ high, or smaller with single axle</td>
<td>$12.50</td>
</tr>
<tr>
<td>Uncovered Load</td>
<td></td>
<td>$3.00</td>
</tr>
</tbody>
</table>

*Customers in business of hauling refuse pay $3.50 per load in occupation tax in addition to the rates above.

As shown in this spreadsheet, some types of vehicles costs went up from $2.50 to $6.00. Other vehicle types had costs go down from $10.00 to $6.00 per vehicle.

Therefore, dependent upon the type of vehicle in which the individual came to the Transfer Station with and type of waste delivered, the charge could have changed from $2.50 to $6.00 for this single vehicle and trip.

Hope this helps you in explaining the change in rates and vehicle classifications that was passed.

If you have further questions or need additional information, feel free to contact any us.
Thanks Gary.

----- Original Message ----- 
From: <GBrandt@ci.lincoln.ne.us>
To: "Patte Newman" <newman2003@neb.rr.com>
Cc: <smasters@ci.lincoln.ne.us>; <MRemmenga@ci.lincoln.ne.us>; 
    <Sieckmeyer@ci.lincoln.ne.us>; <KFredrickson@ci.lincoln.ne.us>; 
    <kwelding@ci.lincoln.ne.us>; <MRodaway@ci.lincoln.ne.us>
Sent: Wednesday, April 18, 2007 12:04 PM
Subject: Re: Fw: City Landfill question

> Patte - Wanted to let you know that I rec'd your email and that we will be 
> getting back to you with a response on the questions you have provided. 
> GCB
>
> Will try and get this you as soon as possible. GCB
>
> Gary C. Brandt P.E.
> Utilities Coordinator
> Lincoln Wastewater & Solid Waste Division
> 2400 Theresa St,
> Lincoln, NE 68505
> 402.441.7968  FAX - 402.441.8735
>
Gary
Can you read the following and explain? I didn't think we raised the rates dramatically, did we? Can you tell me if we did so? My recollection is that we changed them a bit to make it fairer with a slight increase. Anyway, any help in answering this would be appreciated.

Thanks.

Patte

Subject: City Landfill question

We will be out of town this Thursday & so will not be able to attend Thursday's citizens meeting at the Anderson Library.

We would very much like to learn why the landfill rates have so RADICALLY increased recently. Wayne took a carload to the landfill a week ago & found the rates had jumped from $2.50 to $6.00--What a HUGE increase . . . more than double the previous rate, all in one jump (it seemed to us, anyway)! I certainly hope my electricity or gas bills don't follow suit!

Because we are out of town so much, we are some of the folks who provide our own trash service. Being gone so much coupled with our commitment to reduce/reuse/recycle makes our paying for weekly trash service wasted money.

So, I have 2 questions here:

1. Are we safe in thinking we will continue to be able to provide our own trash service? (I know not too terribly long ago the Council was considering requiring all residents to pay for professional waste removal.)

2. Why such a large increase in rates for making trips to the transfer stations?

No rush needed in answering this; just hopefully you will be able to get it before you leave office.

Thanks much, Patte. When is your official last day on the Council? Again--THANK YOU for your dedication, commitment, sacrifice and hard work for Northeast Lincoln.

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.446 / Virus Database: 269.4.0/761 - Release Date: 4/14/2007
9:36 PM
CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.446 / Virus Database: 269.5.2/766 - Release Date: 4/18/2007 7:39 AM
In order to move Lincoln forward. I believe the City of Lincoln and Lancaster county has the opportunity to bring in millions of dollars to fund any vision for the future. Not all funds need to come from tax dollars, grants and bonds.

Please support the proposed 1/4 mile drag race track 5 miles north of Lincoln on Hwy 77 and Davey roads. The land, plans and Private investor are waiting for approval. This project can be completed with no city or county funds. Please take advantage of this unique opportunity for our community. Attached is the economic impact study done by Dr. Thompson from UNL.

I support the idea of bringing millions of dollars into our community from tourism and creating new jobs. A private investor willing to invest 10 million dollars of his own money just to get started. How could our City and County go wrong by approving a special permit for this project? Then just watch the funds roll in. If you have any question about having a drag race track in Lancaster County please feel free to call me. I have been doing research for months on the impacts involved with motorsports.

Thank you for your time,
Shannon McGovern
(402) 202-1461
Drag Tech
<kownos500hp@yahoo.com>

05/03/2007 11:15 AM

To mdekalb@lincoln.ne.gov, council@lincoln.ne.gov,
mayor@lincoln.ne.gov, carolserv@hotmail.com,
cbeattie@lancaster.ne.gov, cm@liba.org,

cc

bcc

Subject Nebraska Getting National Publicity

Nebraska Racing Hall of Fame.

http://www.nhra.com/content/news/20179.htm

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at Yahoo! Autos.
Zimmerman named to Nebraska Auto Racing Hall of Fame
5/1/2007

Former NHRA Division
5 Director Darrell Zimmerman is among seven motorsports personalities who will be inducted into the Nebraska Auto Racing Hall of Fame this fall. The induction ceremony will be held Friday, Oct. 12, at the Lincoln Firefighters Reception Hall in Lincoln, Neb. The event will mark the 10th anniversary of the Nebraska Auto Racing Hall of Fame -- a volunteer organization dedicated to honoring outstanding Nebraskans with a history of involvement in auto racing.

Zimmerman, formerly of Big Springs, Neb., began his racing career in stock cars but soon turned his attention to drag racing. He earned his first drag racing trophy in 1953 driving his Full House Flathead '51 Ford coupe. He set 22 track records during his drag racing career.

Zimmerman competed at the first handful of national events, beginning with the first NHRA Nationals in Great Bend, Kan., in 1955 and following the event through its numerous stops en route to O'Reilly Raceway Park at Indianapolis. In 1957, he competed while working tech for the event and serving as an NHRA regional advisor for the West Central Division, the beginning of his long relationship with NHRA. He occupied that dual role until NHRA founder Wally Parks decided in 1961 that it was no longer allowed. In September 1961, he was named Division 5 director, a post he held until 1996.

The tools of the job have changed, but the dedication remains for longtime NHRA employee and former Division Director Darrell Zimmerman, who will be inducted into the Nebraska Auto Racing Hall of Fame Oct. 12 in Lincoln, Neb.
He began working monitor control
in the early 1980s while still a division director, tasked with keeping the show on schedule when
possible, issuing urgent calls to his lane masters and pit workers to hustle cars to the lanes when
they got behind schedule, and keeping everyone apprised of on-track conditions that might cause
delays. It’s a vital role he still fills today.

Zimmerman will be joined in the class of 2007 by Edwin “Tex” Arnold, a longtime SCCA driver
with seven divisional championships who also served as technical inspector for the U.S. Grand Prix
Formula 1 race in Indianapolis and a director of club racing for SCCA; Larry Danhauer, a many-
time championship-winning engine builder in late models, sprint cars, modifieds, hobby and street
stocks; R. (Ronney) Householder, who began racing midgets in 1933 during the golden age of
midget racing, and competed in the Indy 500 in 1937 and 1938; Sam Hoffman, a successful
midget racer whose career stretched from 1921 to 1946; Glen Robey, who raced jalopies,
supermodifed, and late models in a career that is still going strong 58 years after he began racing
in 1949; and Jim Schuman, who for six decades has been a driver, mechanic, car builder, and one
of the most talented artists in the sport and was the driving force behind the Museum of American
Speed as its initial curator/restoration manager.

The purpose of the Nebraska Auto Racing Hall of Fame is to perpetuate the memory of individuals
who have brought lasting fame to Nebraska through their efforts in auto racing.

Nominees for the Nebraska Auto Racing Hall of Fame must have been a resident of the state for at
least two years and retired for at least four years from the discipline for which they are being
honored. Active participants in the sport will be considered if they are at least 55 and have been
with the sport for at least 30 years.

All candidates must have made positive contributions to auto racing on local, regional, and national
levels.

National Hot Rod Association
http://www.nhra.com/
AD D E N D U M
T O
D I R E C T O R S’ A G E N D A
M O N D A Y , M A Y 7 , 2 0 0 7

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of May 5 through May 11, 2007 - Schedule subject to change.

2. NEWS RELEASE - RE: City Of Lincoln Honored With Peak Performances Safety Award.

3. NEWS RELEASE - RE: Grants Awarded To Two Wetland Projects.

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE -

PATTE NEWMAN

1. E-Mail from Jayne Sebby - RE: The proposed neglected properties Ordinance.

B. DIRECTORS AND DEPARTMENT HEADS -

PLANNING

1. Response E-Mail from Jean Walker to Evelyn Fink - RE: Please pass construction site discharges ordinances.

C. MISCELLANEOUS -

1. E-Mail from Carl Sjulin, President, West Gate Bank - RE: Neglected Building Ordinance.

2. E-Mail from S.M. Dunn - RE: Support of the vacant structure ordinance.


5. Letter from Polly M. McMullen, DLA President; and Terry Uland, DLA Deputy Director - RE: The proposed neglected building ordinance - we would encourage you to put this proposed legislation on pending until similar community education and discussion can occur.
Date: May 4, 2007  
Contact: Diane Gonzolas, Citizen Information Center, 441-7831  

Mayor Seng’s Public Schedule  
Week of May 5 through May 11, 2007  
*Schedule subject to change*  

Saturday, May 5  
• Mayor’s Run, welcome, honorary race-starter - 7 a.m., State Capitol  

Sunday, May 6  
• Lincoln Marathon kick-off, remarks and honorary race-starter - 7 a.m., UNL “horseshoe” (east of Memorial Stadium)  

Monday, May 7  
• Mayor’s Award of Excellence - 1:30 p.m., City Council Chambers, 555 South 10th Street  

Tuesday, May 8  
• City-County Common Meeting - 8:30 a.m., Room 113, County-City Building, 555 South 10th Street  
• Preservation Association of Lincoln, proclamation - noon, Nebraska State Historical Society Auditorium, 15th and “P” streets  
• Mayor’s Multicultural Advisory Committee - 3:30 p.m., Room 206, County-City Building, 555 South 10th Street  

Wednesday, May 9  
• Face the Chamber (with Mayor-elect Chris Beutler) - noon, Country Club of Lincoln, 3200 South 24th Street  

Thursday, May 10  
• News conference - 10 a.m., Lincoln Water System, 2021 North 27th Street  
• Mayor’s Neighborhood Roundtable - 5:30 p.m., Room 206, County-City Building, 555 South 10th Street  

Friday, May 11  
• Chief Standing Bear Breakfast, remarks, proclamation and Key to the City presentation - 7 a.m., Embassy Suites, 1040 “P” Street  
• Women’s Health Week, proclamation - 9:15 a.m., People’s Health Center, 1021 North 27th Street
CITY OF LINCOLN HONORED WITH PEAK PERFORMANCE SAFETY AWARD

The Nebraska Safety Council (NSC) has awarded a Peak Performance Award – the organization’s highest level of distinction for safety – to the City of Lincoln in recognition of the City’s outstanding workplace safety program. The award’s selection committee compares the City’s training, safety program, injuries and lost-time statistics to comparable employers nationally.

In order to be considered for the honor, an organization must meet the following criteria:

- Injury rates well below national industry averages.
- No workplace deaths in the past year.
- Efforts to promote safety in the community.
- A full range of safety training programs for all employees specific to their jobs.

“This is a great honor for the City of Lincoln,” said Mayor Coleen J. Seng. “I want to thank the City’s workplace safety professionals as well as all other City employees who focus on and place a priority on their own safety as well as that of their fellow employees.”

In determining the awards, the NSC uses the Occupational Safety and Health Administration incident rate, which show the ratio of recordable injuries to total hours worked. The City’s rate was 2.36, as much as two-thirds less than comparable reporting municipalities across the country. City Risk Manager Bill Kostner said factors leading to the low rate include extensive and specific safety training programs for employees in their respective departments.

The City also earned the Peak Performance Award in 2001, 2002 and 2003.
Mayor Coleen J. Seng today announced that the City is receiving $194,121 from the Nebraska Environmental Trust (NET) for the Eastern Saline Wetlands Project and the Wilderness Park Wetland Restoration Project.

The Eastern Saline Wetlands Project is receiving $150,000 for the final year of a three-year $800,000 grant. The project is preserving and protecting the most imperiled natural area in Nebraska, which is located primarily in the Salt Creek watershed in northern Lancaster and southern Saunders counties. The funds are being used for land acquisition, restoration and the purchase of easements in cooperation with willing landowners. The land acquired or protected by conservation easements also will provide flood control and water quality protection. The City is partnering in this project with Lancaster County, the Lower Platte South Natural Resources District (LPSNRD), Nebraska Game and Parks Commission, USDA – Natural Resources and Conservation Service, the Home Builders Association of Lincoln, The Nature Conservancy and the Wachiska Audubon Society.

The Wilderness Park Wetland Restoration Project will receive a one-year $44,121 grant. The project will restore about 17 acres of freshwater wetlands at eight sites in the flood plains of Salt Creek. This will provide flood control and protect the quality of the stream water and groundwater from urban and agricultural pollutants. The project also will restore a habitat within a seven-mile strip of park land in the middle of an urban setting. The City’s partners in this project are Lancaster County, the LPSNRD, Friends of Wilderness Park and the Wachiska Audubon Society of Southeast Nebraska.

The NET has provided grants to 952 projects across Nebraska since it was created by the Nebraska Legislature in 1992. Citizens, organizations, communities, farmers and businesses can apply for funding to protect habitat, improve water quality and establish recycling programs.
For the Council on the neglected properties ordinance...

----- Original Message ----- 

From: Jayne Sebby  
To: pnewman@lincoln.ne.gov  
Sent: Thursday, April 26, 2007 9:17 AM 
Subject: Proposed ordinance

Patte,

Fred Freytag sent me a copy of your proposed ordinance. What an excellent idea!! The one thing I'd change is the amount of the fines. They are way too low to get the troublemakers to pay attention. I'd start the first fine at $500 or more -- at least one month's rent or mortgage payment. Fixing the problem should be cheaper than paying the fine. I'd also like to see, if possible, a fourth offense at the same property become a minor felony.

Without having read the existing law, the proposal seems rather vague as to what exactly is unlawful. Of course, there are a half dozen properties in Woods Park that I'd specifically like to get fixed so that's what I'm trying to apply the language to. Too bad we just can't say: the following current situations are unlawful and the following property owners and managers are hereby fined.

Patte, I also want to thank you for all the work you've done for Lincoln and the neighborhoods. You've made more improvements than you know to Woods Park. I'm heartbroken that you're stepping down but I certainly understand your decision. Whatever project you turn your attention to next will be extremely fortunate!

Thanks again!

Jayne Sebby
Woods Park Neighborhood Association Member

Jayne Sebby
320 South 29th St.
Lincoln, NE 68510
(402) 474-3059
jsebby@cornhusker.net
Dear Ms. Fink:

Thank you for submitting your comments, which have now become part of the record on these applications. On April 25, 2007, the Planning Commission voted 9-0 to recommend approval of the construction site discharge regulations. The Planning Commission action is a recommendation to the City Council. The City Council public hearing is tentatively scheduled for Monday, May 21, 2007, beginning at 5:30 p.m. Your comments will also be submitted to the City Council for their consideration.

If you have any questions about this process or the public hearings, please do not hesitate to contact me. Any questions about the regulations themselves may be referred to Nicole Fleck-Tooze in Public Works & Utilities (ntooze@lincoln.ne.gov) or Rock Krzycki (rkrzycki@lincoln.ne.gov).

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365
"EC Fink" <ecfink1@earthlink.net>

I have been watching the developers complain and say that permits are down. This reminds of previous years when the developers have hid behind the business cycle to advance their agenda.

I am just a mom of a freshman at Southwest High. I have walked through the development around Cavett Elementary when he was there where the streets were full of mud. I have walked through the streets full of mud around Scott Middle school when he was at Scott. Last spring we walked around Campbell's Village Pointe development to find construction cast-offs for the Scott Middle School Science Olympiad team. Our boots were full of mud last spring in a drought year.

I would like to see this issue passed. The city pays for the development of sewer and rain systems. I have seen them clogged with silt and waste before occupants even move into the area. We deserve better protection of our water resources and city infrastructure.

Evelyn Fink
6510 S. 41st ST.
Lincoln, NE 68516
402-423-8184
I have a number of concerns regarding the proposed ordinance that would increase the regulation of "neglected" buildings.

First and foremost I want to emphasize that vacant, blighted and dilapidated buildings are not good for our community, and there needs to be a process in place for the City to regulate and remedy dangerous and/or uninhabitable building situations. I do not know the full extent of the current "red tag" regulatory regime, but the proposed ordinance appears to create a new layer of regulation rather than enhancing existing regulations that are designed to address the same problem.

My concerns as a bank are as follows:

1. the definition of an "Owner" includes those with "any legal or equitable interest in the premises." A deed of trust/mortgage is such an interest thereby making banks subject to the ordinance which includes criminal penalties for failure to file the requisite forms.
2. a bank could be an "operator" of the building based on the definition. A Deeds of Trust includes an assignment of rents provision which can put the bank in "control" of the property in the event of default. Would the bank then be subject to the ordinance?
3. Clearly, a bank is not in a position to control the disposition of a "neglected" building and should not be subject to the ordinance. An express exemption for financial institutions and deeds of trust are necessary if the ordinance is to be good public policy.
4. Criminal penalties are excessive. As much as we all dislike vacant dilapidated buildings, any penalty should be monetary and civil, not criminal.
5. how does this new regulatory regime get enforced? Does B&S have the manpower to handle what will likely be thousands of registrations over time? What does the city do if no filing is made or if the owner does not follow through with what is stated in the forms. Is City legal ready to take this on?
6. the likely content of the registrations will be statements like "the property is in transition" or "I am getting a new tenant." Simple tautologies that are meaningless. The City could end up just shuffling paper with this new regulation.
7. The ordinance strikes me as "feel good legislation." It will do little to alleviate the problem--a problem I do not see as compelling at this point in our city's development.
8. The owners of property in blighted areas often do not have the resources to take much in the way of meaningful action. What else can be done but scrape the building? What will the City do? I think these are issues best left to the private sector and the free market to handle as long as public safety and habitability protections are in place (which may be the case). Unfunded mandates that sound good at inception create budget deficits and increased bureaucracy over time. I believe the proper role of government in this area is to make sure we have adequate public safety controls and (for single and multi-family properties) habitability regulations.

Carl J. Sjulin, President
West Gate Bank
6003 Old Cheney Road
The information in this electronic mail message is confidential and may be legally privileged under federal and state banking laws and regulations. It is intended solely for the addressee(s). Access to this Internet electronic mail message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.
I would like to express my support for the ordinance the council will be reviewing at the May 5 meeting which will require a local resident contact for properties that are vacant and boarded up more than 90 days and have either code violations and/or problems with police calls. I believe this is important for it will aid in keeping our neighborhoods attractive, protect property values to some degree and lessen the opportunity for vandalism. This is a common sense ordinance and I encourage the council to support it.
I have been watching the developers complain and say that permits are down. This reminds of previous years when the developers have hid behind the business cycle to advance their agenda.

I am just a mom of a freshman at Southwest High. I have walked through the development around Cavett Elementary when he was there where the streets were full of mud. I have walked through the streets full of mud around Scott Middle school when he was at Scott. Last spring we walked around Campbell’s Village Pointe development to find construction cast-offs for the Scott Middle School Science Olympiad team. Our boots were full of mud last spring in a drought year.

I would like to see this issue passed. The city pays for the development of sewer and rain systems. I have seen them clogged with silt and waste before occupants even move into the area. We deserve better protection of our water resources and city infrastructure.

Evelyn Fink
6510 S. 41st ST.
Lincoln, NE 68516
402-423-8184
402-730-4856
City Council Members,

I would like express my support for the ordinance coming up before City Council on Monday, May 7th that requires a local resident contact for properties that are vacant and boarded up more than 90 days AND have either code violations and/or problems with police calls.

As a City of Lincoln resident, would like to see something done to stop this from taking place in our city. A case in point is the old motel building out by the airport. I believe this to be a very dangerous situation waiting for an incident to happen. There must be something that we as a community can do to hold the owners accountable and force either renovation or removal of such buildings. This motel is of no use to anyone except criminals and vagrants and needs to be removed for the safety of our city.

Again, I ask that you please support the ordinance that will be before you soon. I know that it is not the solution, but I believe it could be a beginning.

Thank you,
Steve Uetrecht
935 Parkview Lane
Lincoln, NE 68512
May 7, 2007

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

Dear City Council Members,

Late last week, we learned through several DLA board members about an ordinance which was introduced last Monday to amend the city’s Building Code by adding a Chapter on “Neglected Building Registration.” Our efforts to contact three city departments on this proposed ordinance revealed that none of them had been involved in preparing it.

While the legislation may be well-intentioned, we question why it is being brought forward with no outreach to affected organizations and stakeholders.

In the mid-90’s, former Lincoln Mayor Mike Johanns brought forward a package of legislation known as the “Quality of Life” ordinances in response to a range of problems affecting neighborhoods which had come to his attention. These proposed ordinances were discussed with a wide array of community organizations and stakeholders before being introduced before the city council. As a result, by the time of the public hearing, there was broad understanding and support of the ordinances, which have had a positive impact.

We would encourage you to put this proposed legislation on pending until similar community education and discussion can occur. As advocates for an area of the city potentially impacted by this ordinance, we are concerned about its potential unintended consequences. The proposal is a major change from current practices and should not be adopted without adequate community outreach and research of other cities with similar regulations.

Sincerely,

Polly M. McMullen       Terry Uland  
DLA President          DLA Deputy Director