DIRECTORS’ ORGANIZATIONAL MEETING
Monday, October 22, 2018
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES
   1. Approval of Directors’ minutes from October 15, 2018

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE
   FINANCE
   1. October Sales Tax Report reflecting August 2018 Sales

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   1. Safe & Successful Kids Inter-local - Shobe, Lamm (10.18.18)
   2. New Americans Task Force - Lamm (10.19.18)
   3. MAC - Shobe (10.09.18) carried over from 10.15.18
   4. BOH - Shobe (10.09.18) carried over from 10.15.18

VII. CONSTITUENT CORRESPONDENCE
   1. Airbnb - Chandler Tyrell
   2. Safe Storage of Firearms, opposition - Dan Klein
   3. Safe Storage of Firearms, opposition - Mark Dunning
   4. Occupation Tax vs. Parking fee/assessment - Michael Calvert
   5. Claim Against the City - Darrell Zuerlein
      Staff response provided by Elizabeth Elliott and Sue Burgason, City Law Department
   6. Tree overhangs on Haveford Drive and Haveford Circle - Darryll Pederson

VIII. MEETINGS/INVITATIONS
   See invitation list.

IX. ADJOURNMENT
## Actual Compared to Projected Sales Tax Collections

<table>
<thead>
<tr>
<th>Month</th>
<th>PROJECTED</th>
<th>ACTUAL</th>
<th>FROM</th>
<th>$ CHANGE</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$6,569,175</td>
<td>$6,404,239</td>
<td>($164,936)</td>
<td>$115,741</td>
<td>1.84%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$6,833,888</td>
<td>$6,809,916</td>
<td>($23,972)</td>
<td>$29,385</td>
<td>0.43%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$6,798,484</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$6,475,120</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JANUARY</td>
<td>$6,461,284</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$7,870,552</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARCH</td>
<td>$6,097,570</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$5,960,270</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$7,101,054</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>$6,661,052</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$6,684,576</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>$7,107,310</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$80,620,335</td>
<td>$13,214,155</td>
<td>($188,908)</td>
<td>$145,126</td>
<td>1.11%</td>
</tr>
</tbody>
</table>

Actual collections for the fiscal year to date are 1.41% under projections for the year.
<table>
<thead>
<tr>
<th>Month</th>
<th>Actual 2014-15</th>
<th>Actual 2015-16</th>
<th>Actual 2016-17</th>
<th>% CHG. ACTUAL FR. PRIOR YEAR</th>
<th>Actual 2017-18</th>
<th>% CHG. ACTUAL FR. PRIOR YEAR</th>
<th>Actual 2018-19</th>
<th>% CHG. ACTUAL FR. PRIOR YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$5,741,404</td>
<td>$6,041,963</td>
<td>$6,265,764</td>
<td>3.70%</td>
<td>$6,386,734</td>
<td>1.93%</td>
<td>$6,457,192</td>
<td>1.10%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$5,848,947</td>
<td>$6,089,519</td>
<td>$6,598,756</td>
<td>8.36%</td>
<td>$6,811,452</td>
<td>3.22%</td>
<td>$6,817,440</td>
<td>0.09%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$5,873,441</td>
<td>$6,266,119</td>
<td>$6,471,721</td>
<td>3.28%</td>
<td>$6,537,754</td>
<td>1.02%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$5,737,783</td>
<td>$5,876,792</td>
<td>$6,128,386</td>
<td>4.28%</td>
<td>$6,371,026</td>
<td>3.96%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JANUARY</td>
<td>$5,525,231</td>
<td>$5,651,337</td>
<td>$6,285,444</td>
<td>11.22%</td>
<td>$6,432,363</td>
<td>2.34%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$6,802,647</td>
<td>$7,137,154</td>
<td>$7,293,928</td>
<td>2.20%</td>
<td>$7,459,132</td>
<td>2.26%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARCH</td>
<td>$5,396,268</td>
<td>$5,392,157</td>
<td>$5,521,761</td>
<td>2.40%</td>
<td>$5,930,406</td>
<td>7.40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$5,188,877</td>
<td>$5,426,539</td>
<td>$5,639,028</td>
<td>3.92%</td>
<td>$5,618,037</td>
<td>-0.37%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$6,348,190</td>
<td>$6,494,521</td>
<td>$6,708,815</td>
<td>3.30%</td>
<td>$6,759,407</td>
<td>0.75%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>$5,728,421</td>
<td>$6,030,654</td>
<td>$6,255,952</td>
<td>3.74%</td>
<td>$6,325,718</td>
<td>1.12%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$5,841,882</td>
<td>$6,000,464</td>
<td>$6,440,709</td>
<td>7.34%</td>
<td>$6,644,137</td>
<td>3.16%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>$6,196,574</td>
<td>$6,657,168</td>
<td>$6,736,493</td>
<td>1.19%</td>
<td>$6,770,977</td>
<td>0.51%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$70,229,665</td>
<td>$73,064,387</td>
<td>$76,346,757</td>
<td>4.49%</td>
<td>$78,047,143</td>
<td>2.23%</td>
<td>$13,274,632</td>
<td>0.58%</td>
</tr>
</tbody>
</table>
### CITY OF LINCOLN
### SALES TAX REFUNDS
### 2014-2015 THROUGH 2018-2019

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>($44,232)</td>
<td>($105,779)</td>
<td>($217,212)</td>
<td>105.35%</td>
<td>($98,235)</td>
<td>($52,954)</td>
<td>-46.09%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>($191,059)</td>
<td>($94,343)</td>
<td>($31,712)</td>
<td>-66.39%</td>
<td>($30,920)</td>
<td>($7,524)</td>
<td>-75.66%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>($151,968)</td>
<td>($83,553)</td>
<td>($81,460)</td>
<td>-2.50%</td>
<td>($923)</td>
<td>($2,944)</td>
<td>218.96%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>($23,916)</td>
<td>($43,624)</td>
<td>($79,179)</td>
<td>81.50%</td>
<td>($46,365)</td>
<td>-41.44%</td>
<td></td>
</tr>
<tr>
<td>JANUARY</td>
<td>($277,201)</td>
<td>($98,310)</td>
<td>($294,431)</td>
<td>199.49%</td>
<td>($379,926)</td>
<td>29.04%</td>
<td></td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>($381,405)</td>
<td>($276,479)</td>
<td>($90,752)</td>
<td>-67.18%</td>
<td>($719)</td>
<td>-99.21%</td>
<td></td>
</tr>
<tr>
<td>MARCH</td>
<td>($69,314)</td>
<td>($39,620)</td>
<td>($92,105)</td>
<td>132.47%</td>
<td>($49,445)</td>
<td>-46.32%</td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>($79,747)</td>
<td>($75,796)</td>
<td>($29,707)</td>
<td>-60.81%</td>
<td>($41,280)</td>
<td>38.96%</td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>($72,554)</td>
<td>($105,297)</td>
<td>($67,726)</td>
<td>-35.68%</td>
<td>($91,272)</td>
<td>34.77%</td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>($26,219)</td>
<td>($152,053)</td>
<td>($83,394)</td>
<td>-45.15%</td>
<td>($51,268)</td>
<td>-38.52%</td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>($40,332)</td>
<td>($55,289)</td>
<td>($1,932)</td>
<td>96.51%</td>
<td>($347,486)</td>
<td>17885.82%</td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>($10,119)</td>
<td>($312,528)</td>
<td>($17,202)</td>
<td>-94.50%</td>
<td>($96,471)</td>
<td>460.81%</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>($1,368,066)</td>
<td>($1,442,671)</td>
<td>($1,086,812)</td>
<td>-24.67%</td>
<td>($1,234,310)</td>
<td>13.57%</td>
<td>($63,422) -51.24%</td>
</tr>
</tbody>
</table>

Year to date vs. previous year
### CITY OF LINCOLN
### NET SALES TAX COLLECTIONS
### 2013-2014 THROUGH 2017-2018

<table>
<thead>
<tr>
<th>Month</th>
<th>Actual 2014-15</th>
<th>Actual 2015-16</th>
<th>Actual 2016-17</th>
<th>% CHG. FROM PRI. YEAR</th>
<th>Actual 2017-18</th>
<th>% CHG. FROM PRI. YEAR</th>
<th>Actual 2018-19</th>
<th>% CHG. FROM PRI. YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>$5,697,172</td>
<td>$5,936,184</td>
<td>$6,048,552</td>
<td>1.89%</td>
<td>$6,288,498</td>
<td>3.97%</td>
<td>$6,404,239</td>
<td>1.84%</td>
</tr>
<tr>
<td>October</td>
<td>$5,657,888</td>
<td>$5,995,177</td>
<td>$6,567,045</td>
<td>9.54%</td>
<td>$6,780,531</td>
<td>3.25%</td>
<td>$6,809,916</td>
<td>0.43%</td>
</tr>
<tr>
<td>November</td>
<td>$5,721,474</td>
<td>$6,182,565</td>
<td>$6,390,261</td>
<td>3.36%</td>
<td>$6,536,831</td>
<td>2.29%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>$5,713,868</td>
<td>$5,833,168</td>
<td>$6,049,207</td>
<td>3.70%</td>
<td>$6,324,661</td>
<td>4.55%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>$5,248,031</td>
<td>$5,553,027</td>
<td>$5,991,013</td>
<td>7.89%</td>
<td>$6,052,437</td>
<td>1.03%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>$6,421,242</td>
<td>$6,860,675</td>
<td>$7,203,175</td>
<td>4.99%</td>
<td>$7,458,413</td>
<td>3.54%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>$5,326,954</td>
<td>$5,352,537</td>
<td>$5,429,656</td>
<td>1.44%</td>
<td>$5,880,960</td>
<td>8.31%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>$5,109,130</td>
<td>$5,350,744</td>
<td>$5,609,320</td>
<td>4.83%</td>
<td>$5,576,757</td>
<td>-0.58%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>$6,275,635</td>
<td>$6,389,224</td>
<td>$6,641,089</td>
<td>3.94%</td>
<td>$6,668,135</td>
<td>0.41%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>$5,702,202</td>
<td>$5,878,601</td>
<td>$6,172,558</td>
<td>5.00%</td>
<td>$6,274,450</td>
<td>1.65%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>$5,801,550</td>
<td>$5,945,175</td>
<td>$6,438,777</td>
<td>8.30%</td>
<td>$6,296,651</td>
<td>-2.21%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>$6,186,455</td>
<td>$6,344,640</td>
<td>$6,719,292</td>
<td>5.91%</td>
<td>$6,674,506</td>
<td>-0.67%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$68,861,601</strong></td>
<td><strong>$71,621,717</strong></td>
<td><strong>$75,259,945</strong></td>
<td><strong>5.08%</strong></td>
<td><strong>$76,812,830</strong></td>
<td><strong>2.06%</strong></td>
<td><strong>$13,214,155</strong></td>
<td><strong>1.11%</strong></td>
</tr>
</tbody>
</table>

Year to date vs. previous year.
Jon,

I do not know if you were aware that Flintridge has an Airbnb? It is located at 6725 Boxelder Circle. This has been the focus of the last two Flintridge Board meetings. This issue really came to the forefront when the owners rented their home to Spectrum and we had four panel trucks parked on the street for a prolonged period. The owners do not live in the unit, so it is only a daily rental. Our Board President sent a letter to the owners asking them to not rent the unit and they replied they only rent to people they know. According to one Board member, the letter made the owners drop the listing to rent the whole house, but replaced it with ads to rent rooms. Our Board President and several of the association members have complained to the City and I am not sure of the result of those complaints? The Board President, Gary Pearson, says that the owners, Lee and Robert Call, cannot have a Airbnb in our neighborhood? In addition, Gary said that by renting rooms they are acting as a hotel? Can you help us?

Here are the two current listings on Airbnb:
https://www.airbnb.com/rooms/22601341?s=1
https://www.airbnb.com/rooms/22601161?s=1

Thanks

Chan

Chandler Tyrrell
2140 So. 66th Street
Lincoln, NE 68506
Chantyrrell2@gmail.com
402-421-7770
Cell 402-416-4422
Dear council members,
My view on the discussion of firearms storage requirements should be that it is left up to the each citizen that owns firearms. Firearm use, ownership, and storage should be a personal responsibility not a mandated law of storage. Some may view this as unconstitutional to demand that a citizen spend money on a law requirement for firearm storage on a personal constitutional right to own and bear arms. Undoubtedly it would be challenged in court at the expense of the city and its citizens if passed. My view that the interest in Initiative for this type of law should be directed towards proper educational matters instead. If education is not a view or emphasis to do it, then that speaks to the intent of those promoting the law.

Sincerely
Dan Klein Jr
3745 Calvert Street
68506
Hello,

First, thank you for your service on the City Council.

Recently there has been an effort to make a city law requiring guns be locked, secured, unloaded in residences. I wonder how this law would/could be enforced? There is risk having a loaded gun in a home. Tragic things have happened. Just as there is risk in driving and being killed by a drunk or cell phone user blowing a red light.

I think there are already laws about giving/giving guns to minors and felons. Perhaps those could be expanded.

The problem I have with such a law would be my inability to defend myself in my own home. While rare, home invasions do occur. My son is in law enforcement. He lives in western NE. Last year a home invasion and murder happened just two blocks from his house. Several home invasions have happened in Lincoln in recent years. I also think about burglaries. Home invasions and burglaries happen VERY FAST. It can take an intruder less than one minute to enter a house. If my gun was unloaded, secured in a cabinet/safe, I WOULD NOT HAVE TIME to get it and protect my family. It would be too late. My gun would be USELESS.

Perhaps a law requiring all guns be secured/unloaded except for one to be used for home defense might work. But PLEASE don't take away my right to keep a loaded gun in my home.

I've sent a similar email to other City Council members.

Regards,
Mark Dunning
9000 Colby
Lincoln, NE
I read with interest the Nancy Hicks story that included commentary on the occupation tax vs parking fee/assessment. Jeff Kirkpatrick's reply is a typical government tap dance over what this is—in reality, a tax. I suspect if I walk to South Pointe I won't be able to waive the involuntary fee (no car, no parking "cost"), so given that fact plus the calculated value of the "assessment" is a percent added to the retail sale, we have a tax, a tax that exists by virtue of city council action, and not by action of the developer (yes, they wanted it, but they cannot enforce it).

Politician's have to get over the smokescreen efforts to hide costs they impose and sources they turn to in order to support public services and investments they choose to make.

Please share this with your elected colleagues on the City Council.

Michael Calvert
From: dzuerlein@neb.rr.com
Sent: Tuesday, October 16, 2018 12:34 PM
To: Sue K Burgason
Subject: Re: Council Meeting - Zuerlein Claim re: Driveway at 7200 Canyon Road

AT THE TIME MY CLAIM IS INTRODUCED TO THE CITY COUNCIL WILL ALL THE INFORMATION INCLUDING MY CLAIM WITH THE PHOTOS BE GIVEN TO THE COUNCIL MEMBERS?

From: Elizabeth D. Elliott
Sent: Tuesday, September 11, 2018 10:48 AM
To: dzuerlein@neb.rr.com
Subject: RE: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln,Ne 68516

Mr. Zuerlein,
I inadvertently left off a photograph, so I am attaching it now.

Elizabeth

From: Elizabeth D. Elliott
Sent: Tuesday, September 11, 2018 10:23 AM
To: 'dzuerlein@neb.rr.com' <dzuerlein@neb.rr.com>
Subject: RE: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln,Ne 68516

Mr. Zuerlein,
There is no inspection report. Rather, in response to your tort claim, I submitted specific questions to the street engineering department. They then answered my questions in a written format. Because this “report” is work product and privileged, I will not produce it. It is the City’s opinion that what you’re experiencing is not “street creep.” Instead, the shifting of the ground most likely is a result from the typical Nebraska freeze thaw weather. The ground shifting is supported by the fact that there appear to be signs of prior mudjacking, which are reflected in the photographs attached. Additionally, there is nothing to suggest negligent construction of the street. Therefore, it is my legal opinion that the City was not negligent in any way.

The October 15th meeting will be at 3:00 p.m. Are you requesting your claim be moved to the Oct. 15th meeting?

Elizabeth

From: dzuerlein@neb.rr.com <dzuerlein@neb.rr.com>
Sent: Tuesday, September 11, 2018 9:30 AM
To: Elizabeth D. Elliott <E Elliott@lincoln.ne.gov>
Subject: Re: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln,Ne 68516
Elizabeth: I just talked with Andy Ruder concerning his inspection at 7200 Canyon Road and he said he filled out a form with the results of his inspection. He would not elaborate on the results of his inspection. I am again requesting a copy of his report. In view of this I am requesting an addition 2 weeks before I meet with the city council.

Darrell

From: Elizabeth D. Elliott
Sent: Monday, September 10, 2018 8:06 AM
To: dzuerlein@neb.rr.com
Subject: RE: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln, Ne 68516

Mr. Zuerlein,
Andy Ruder from the City’s Engineering Services was the person who came out to the location. There may have been others with him, but he was the main engineer. As for your request for the “schedule for city council meetings,” I am unsure what you mean by this. City Council meets every Monday and their schedule, agendas, and minutes can be found here: https://lincoln.ne.gov/city/council/. If you’re wanting the agenda for the Oct. 1st meeting, we do not have that yet but it should be available online the Friday before the meeting. However, if you’re looking for the meetings where tort claims are heard/discussed by council, that typically is every other week with some deviations due to holidays. Is there a problem with the October 1st date?

Elizabeth

From: dzuerlein@neb.rr.com <dzuerlein@neb.rr.com>
Sent: Sunday, September 9, 2018 1:12 PM
To: Elizabeth D. Elliott <EElliott@lincoln.ne.gov>
Subject: Re: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln, Ne 68516

Elizabeth: Can you provide me with the name of the person from the city engineering department who inspected my property? I would also like the schedule for city council meetings.

Thank you
Darrell

From: Elizabeth D. Elliott
Sent: Thursday, August 30, 2018 2:57 PM
To: Sue K Burgason ; dzuerlein@neb.rr.com
Cc: Jeff R. Kirkpatrick
Subject: RE: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln, Ne 68516

Mr. Zuerlein,
I apologize for not getting back to you sooner; unfortunately, I was in depositions all last week and was unable to respond. After receiving your claim, City engineers did go out to the location to inspect the damage you explained in your claim. However, there is no written inspection report. In order for a claim to be authorized for payment from public funds, it must be shown that the City of Lincoln failed to act or acted in a negligent manner. Based on the information I have from you and the City engineers, I do not believe the City was negligent in any way.

The City of Lincoln does understand the inconvenience and financial impact you have incurred as the result of this incident, however, because taxpayer funds are used to pay claims of this type, this office can only recommend to the City Council payment of claims in which there exists a legal basis to establish liability. The City Council is the ultimate decision-maker, so you do have the opportunity to address this issue with the City Council at the October 1st meeting.
Sincerely,
Elizabeth Elliott
Assistant City Attorney

From: Sue K Burgason
Sent: Monday, August 27, 2018 10:55 AM
To: dzuerlein@neb.rr.com
Cc: Elizabeth D. Elliott <EElliott@lincoln.ne.gov>; Jeff R. Kirkpatrick <JKirkpatrick@lincoln.ne.gov>
Subject: RE: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln, Ne 68516

Mr. Zuerlein,
Pursuant to your request for continuance of your claim, this office has prepared a motion to remove your claim from consideration by the Lincoln City Council at its meeting today. The Lincoln City Council will consider your claim at its regularly scheduled meeting on October 1, 2018, at 3:00 p.m. unless you advise this office that you will need a later date.

Sue Burgason
City of Lincoln Law Department
555 South 10th Street, Suite 300
Lincoln, NE 68508
402-441-8802
skburgason@lincoln.ne.gov

From: dzuerlein@neb.rr.com <dzuerlein@neb.rr.com>
Sent: Monday, August 27, 2018 9:54 AM
To: Sue K Burgason <sburgason@lincoln.ne.gov>
Subject: Fw: Council Meeting - August 27th RE: Driveway Damage at 7200 Canyon Road, Lincoln, Ne 68516

Dear Lincoln City Council Members,

I am writing regarding a claim that I submitted to the City of Lincoln last month for damage to my driveway at 7200 Canyon Road.

On July 20, 2018 the Lincoln City Attorney’s office received a claim from me for damage to my driveway caused by the movement of the street (street creep) towards my home. Pictures were included showing the damage. The expansion joint material between the street and my driveway and between my driveway and the garage floor are gone having been pushed out due to the movement of the street. The sidewalk the width of my driveway has moved over an inch towards my house. Driving into the driveway is like going over the curb due to the driveway being heaved up. I am gravely concerned that there will be future damage to my garage floor and structure of the home, if not remedied. Additionally, if you look at the driveway across the street you will see the gap between the driveway and the street is over 2 inches, thus supporting my claim that the street has moved away from that residence and toward my home and driveway.
On August 22, 2018 I received a letter from Elizabeth D. Elliott, Assistant City Attorney stating “Based upon the information available to me, I must inform you that your claim will be forwarded to the Lincoln City Council with a recommendation that the claim be denied.” She did not explain to me what information was available to her and on what grounds she recommended this denial. I attempted to contact her by phone on August 23, 2018 and was directed to her voice mail. I left a message explaining why I was calling and asked her to return my call leaving my cell phone number. It is now August 26, 2018 and I am still waiting for her return call.

I am out of town and am unable to appear in person at the council meeting on August 27, 2018. I will not be returning for at least 4 weeks. I am requesting that no action be take on this matter until I return and can attend a council during which my claim is considered.

I also am requesting the following: Elizabeth Elliott provide me in writing what specific information was available to her in this matter and the grounds for her recommendation of the denial of my claim. Was and inspection made by either the City Engineering Department or the City Street Department? If so please also provide copies of their reports.

I am attaching several pictures of the damage. If further information is required, the City Attorney's Office should have the complete file.

Picture # 1 shows the damage to driveway where street and driveway meet. Note the upheaval and the lack of any space between the two.

Picture # 2 shows the movement of the sidewalk towards my house.

Picture # 3 shows the driveway across the street and the gap between the street and the driveway where the street has moved.

I appreciate your time and consideration in this matter – both of my claim and my request to delay making a decision regarding the claim until I can be present at your meeting.

If you have any questions, please do not hesitate to contact me at this email or by phone at 402-890-0257.

Thank you,

Darrell Zuerlein
7200 Canyon Road
Lincoln, Ne 68516
402-890-0257 Cell Phone

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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.

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Lincoln City Council, Lincoln Mayor, Director Parks and Recreation. October 15, 2018

This letter represents a formal notification of issues with tree overhangs on Haverford Dr. and Haverford Circle, and from the intersection of Haverford Dr. To 527 Rockhurst Dr. The trees are overhanging to the degree that high profile vehicles can hit them. It is becoming impossible at times to drive these streets when cars are parked along the street because of protruding trees. The same is true when meeting cars. Garbage trucks provide some active “trimming” of these trees, but motorhomes are not made strong enough to break off protruding limbs and branches. This letter is to establish the liability of the City of Lincoln for any tree damage to high profile vehicles that occurs in the future along the above describe streets if these trees are not trimmed.

On Friday October 12, 2018 when I was driving my motorhome to 527 Rockhurst Dr., from the junction of O and 66th street, several trees on Haverford Dr. rubbed on the top because I could not drive on the opposite side of the road. When I got home I checked and could see where the branches had scraped on the roof, fortunately there was no serious damage, but because trees continue to grow the situation will become worse. There is always the chance now that one of the branches could hook on the air conditioner or one of the other vents/antennas on the roof and rip them off. There is another motorhome owner using the Haverford route and they have the same problem. Several years ago they hit a protruding limb on A Street between 70th and 84th that caused major damage to their motorhome. This letter should also be considered their bringing attention of the tree issues on this route.

It is time that the City of Lincoln recognize that overhanging trees affect the functionality of city streets. On O street by Gateway I have to drive in the middle lane because of trees protruding into the inside and outside lanes both east bound and west bound. I cannot access my house (537 Rockhurst Dr.) from the south on Rockhurst because of protruding trees. I realize that the city trimmed the trees several years ago in this area after protests by high profile vehicle owners. I would remind that trees grow fast and it does not take many years for them to become a problem again. Worth noting is that trimming in the Fall when there are no leaves means branches are higher with no leaves on them.

Tree protrusion is a major issue for traffic, powerlines, cables, etc. On any drive you take in the city you can see evidence of trimming of trees by Lincoln Electric and high profile vehicles. The Director of Parks and Recreation addressed the issue several years ago in a letter to the editor of the Lincoln Journal Star. He made a point of how many trees they trim each year, he also said how many trees they are responsible for in total. Simple math says that each tree gets trimmed once every 18 years. Common sense says most trees need trimming at any given point in time because tree can grow a lot in 18 years. Think twice before replacing all the ash trees and think twice before planting new trees under powerlines and adjacent to streets.

Darryll Pederson, 527 Rockhurst Dr., Lincoln, NE 58510.