DIRECTORS’ ORGANIZATIONAL MEETING
Monday, March 11, 2019
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES
   1. Approval of Directors’ minutes from March 4, 2019

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE
   PLANNING DEPARTMENT
   1. Administrative Approvals from February 26, 2019 through March 4, 2019
   2. Final Action dated March 6, 2019

   TRANSPORTATION & UTILITIES
   1. Update - Proposed 33rd & Cornhusker Project

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   1. RTSD - Christensen, Lamm, Raybould (03.05.19)
   2. Tele-Communications - Lamm (03.07.19)

VII. CONSTITUENT CORRESPONDENCE
   1. HayMarket/Arts District - Carol Coughlin
   2. Snow Removal - Dick Oxley
   3. Public Education, Proposed Transportation Sales Tax, opposition - Jay Snyder
   4. Road Improvements Budget - Thomas Burke
   5. Proposed idea for City of Lincoln Streets - Joe Stauber
   6. Charter Amendments - Jim Frohman
   7. Proposed Transportation Sales Tax - Steve Tonkin
   8. Public Education, Proposed Transportation Sales Tax, opposition - Ron & Lynette Nash
   9. Recommendations from the Charter Revision Commission, opposition - Jim Frohman
  10. Stormwater Bond Issue - Mike DeKalb

VIII. MEETINGS/INVITATIONS
   See invitation list.

IX. ADJOURNMENT
Memorandum

Date:  March 5, 2019
To:  City Clerk
From:  Amy Huffman, Planning Dept.
Re:  Administrative Approvals
cc:  Geri Rorabaugh, Planning Dept.

This is a list of city administrative approvals by the Planning Director from February 26, 2019 through March 4, 2019:

Administrative Amendment 19012, to Special Permit 2004A, Northbank Junction, approved by the Planning Director on February 26, 2019, to correct the H-4 parking waiver for assembly facilities to refer to “Lot 3” instead of “Lot 2”, generally located at N. 56th Street and Alvo Road.
TO: Mayor Chris Beutler  
Lincoln City Council

FROM: Geri Rorabaugh, Planning

DATE: March 6, 2019

RE: Notice of final action by Planning Commission: March 6, 2019

Please be advised that on March 6, 2019, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution No. PC-01633, approving SPECIAL PERMIT 15019A, to allow for a 6,250-square foot expansion of the existing building for the sale of alcohol for consumption on and off the premises, on property legally described as Lot 1, Block 1, Westgate Park for Business & Industry 2nd Addition, and Lot 1, Westgate Park for Business & Industry 6th Addition, located in the SE 1/4 of Section 22-1-6, Lincoln, Lancaster County, Nebraska, generally located at 321 Victory Lane; and

Resolution No. PC-01634, approving SPECIAL PERMIT 19010, to allow for the sale of alcoholic beverages for consumption off the premises, on property legally described as Lot 2, Westgate Park for Business and Industry 3rd Addition, located in the SE 1/4 of Section 22-10-6, Lancaster County, Nebraska, generally located at 301 Oak Creek Drive.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the “Search Selection” screen and search by application number (i.e. SP15019A, SP19010). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.
Hello, you are receiving this update as being a member of the RTSD’s North 33rd & Cornhusker transportation project’s contact distribution list. We appreciate your interest in the project and want to provide you an update on the City’s N. 33rd & Cornhusker Subarea Plan and the Railroad Transportation Safety District’s (RTSD’s) transportation project.

On February 11, 2019, the Lincoln City Council elected to delay the vote on the City’s Subarea Plan until the March 11 Council meeting. Since that time, they have voted to delay the Subarea Plan until a single preferred transportation alternative is selected.

In order to make a selection of a single preferred transportation alternative, the RTSD project is moving forward to evaluate the final four road alignment alternatives. As part of the evaluation, there will be individual meetings with property and business owners and two public meetings during the next six months – one would be in spring of this year to highlight previous transportation concepts and to gather public feedback on each of the four alternatives and the impacts they each have on environmental components (social, economic, and ecological impacts); the second meeting would be late summer of this year to share the preferred alternative with the public and to discuss the environmental and design process moving forward. Public feedback is an important part of the decision-making process, and the RTSD will continue to solicit public comment throughout the life of the transportation project. This public feedback is a critical part to determine the transportation solution to improve safety, reduce congestion and traffic delay, and improve transportation mobility for multiple forms of transportation (vehicles, transit, bicycles, and pedestrians) in the project area.

The selection of the single preferred transportation alternative will be based on balancing environmental impacts (social, economic, and ecological impacts), public and agency input, and the engineering need for the project to determine a solution that is in the best overall interest of the public. The evaluation of these components will be a collaborative effort between the RTSD and City of Lincoln with review and acknowledgment from the Nebraska Department of Transportation (NDOT) and Federal Highway Administration (FHWA). Once the preferred road alignment is selected for the RTSD project, the alignment will be reflected in the City’s Subarea Plan and any changes in the Subarea Plan will be shared with the advisory committee, property owners, stakeholders, and the public. The Subarea Plan will then be brought forward to the City Council for approval.

After the preferred alignment is selected, the RTSD project will proceed into detailed environmental investigations under the federal National Environmental Policy Act (NEPA) and preliminary engineering design activities. Once NEPA and preliminary engineering is complete, the final design documents will be prepared, right-of-way will be appraised and negotiated, and the project can then be constructed.

We hope that you will continue to be involved with the project and share your feedback with us throughout the life of the project. Also, the website is a good source for additional information. The Planning Environmental Linkages (PEL) Study, Draft Subarea Plan, Draft Corridor Plan, the Final Four alternatives, as well as information presented at all the public meetings is included on the project website – www.33rdcornhusker.com. If you have questions or comments regarding the RTSD transportation project, please contact Roger Figard, RTSD Executive Director, at (402) 525-5620 or rfigard@lincoln.ne.gov or Kris Humphrey, RTSD Project Manager, at (402) 326-1176 or khumphrey@lincoln.ne.gov. If you have questions or comments regarding the City’s N. 33rd & Cornhusker Subarea Plan project, please contact Paul Barnes, Long Range Planning Manager, at (402) 441-6372 or pbarnes@lincoln.ne.gov. Again, thank you for your interest in this exciting project!
Hello Mr Camp,

I read the article in today's paper regarding building downtown and the space below these new buildings for “retail.”

With all the excitement over the Rail Yard, Hay Market Pinnacle Area, and arts areas I have a real concern as to why the Lied Center of Performing Arts is missing in this parking discussion.

Most out of town folks and those of us who live here park directly across from the Lied. With the addition of this new building this garage which is full - due to the hotel and UNL students is full most days. (Meeting are held at the Lied as well during the day).

The addition of living spaces over a restaurant will eliminate parking for our performances.

I'd like more information regarding what I have missed in the planning of building in what could easily be a continued 'arts' corridor.

Thank you.
Carol Coughlin, Friends of Lied Bd member
Dear Councilman,

The latest snow storm of Saturday 2-23-19 has caused concern in relation to timely snow removal, but what concerns me more are comments made by department Directors or Managers concerning comments or suggestions made in newspaper articles.

We live three houses off a Snow/School route and near arterial streets of Pine Lake and Old Cheney. In my opinion these streets were not cleaned timely nor properly. We live on south 36th St which did not see snow removal equipment until 12:45 pm on Monday 2-25-19. The snow removal equipment was a tractor with a push blade which did not have enough down pressure on the blade to remove snow from a two day compacted roadway. This tractor removed a very minute amount of snow and was a total waste of time and tax dollars.

We move to Lincoln twenty years ago and experienced icy roads where sand/gravel was deposited at stop signs and lights, especially those where inclines had to be negotiated. An article in the LJS of 2-27-19 Tim Byrne made the comments in regards to using sand/gravel "sand doesn't melt the ice, and it can disappear into the packed snow. The lifespan of it, the effectiveness of it, can be short-lived, he said. Plus it leaves a mess to clean up in the spring, creating its own slippery condition for cyclists and pedestrians, he said". Miki Exposito called it a matter of priorities: "Do you want your city crews focusing on clearing snow and ice, or do you want them taking time to load sand trucks?" Putting sand on incline areas of stop signs/signals are not mutually exclusive events from snow removal.....they can be done in conjunction with one another. It does not take much time or effort to spread sand/gravel on the few known inclines where one has to stop prior to proceeding. Many individuals were not able to proceed on inclines after stopping area which blocked traffic and made it about possible to move forward or turn around!

Another comment said Beutler asked Exposito's staff what is needed to better prepare for a storm like last weekend's. They told him "More de-icing equipment at their disposal". It appears to me that an addition to the cities four graders that can put down pressure on snow compacted streets would be a higher priority.

Other things of concern or questions that I think should be asked:

A parking ban was announced for Sunday 2-24-19 at 3:00 pm. Why so late, this was many hours after the snow stopped? When did snow removal equipment start snow removal?

It was quite obvious on the second day after the snow that the streets including some arterial streets were either not plowed or were too compacted to move any significant snow, why?

How much time was wasted on trying to measure and decide that the twelve measurement sites averaged the 4 - inch threshold? We had forecasted blizzard conditions for Saturday with winds gusting from 15 to 30 mph and snow in the 4-7 inch range. The blizzard warning should have automatically met the criteria for at least starting on snow removal on priority streets.

Exposito said the plows will run as long as needed, how long and what expenditures were made after the roadways were too compacted to be removed by any equipment that could not put down pressure to cut into the compacted snow?
Summary

I believe that all aspects of snow removal for Lincoln should be re-visited with the goal of improving snow removal after significant snow falls. If needed take an inventory concerning the abilities of current equipment to remove compacted snow from the streets and adjust accordingly to time to start the removal or add equipment. Install parking bans on all streets earlier to allow efficient snow removal. Police responded to more than 70 crashes on Monday after the snow, about twice the average for the week before, very expensive loss of property and additional chances for loss of life.

When needed, spread sand/gravel on know inclines where vehicles have to stop prior to proceeding.

We pay significant taxes and fees to fund our city, let’s make sure that we have snow removal that represents a first class city!

Thank you for listening,

Dick Oxley
7525 S 36th St.
Lincoln, NE 68516
So I hear the mayor is spending $190K of tax revenue designated to roads, on a public education campaign to "educate" us on why we should increase our taxes on ourselves. We have a $40M reserve and yet we want to increase sales taxes to fund roads, now we find out we're spending roads monies on a political campaign? Ridiculous!
City Council - Contact

Date: 3/4/2019 10:30:23 PM

name Thomas Burke
address 1600 s. 40th street
city Lincoln
state NE
zip 68506
email tommyjava63@gmail.com

comments I used to live in NE Lincoln so I am reaching out to both of you. I question how road improvements are budgeted. I question if the public works department has employees that take care of the city. It seems there is an extremely small budget for plowing streets and filling potholes. The mayor announced the purchase of a pothole repair truck a few years ago. If it exists it should be used or sell it. Seeing farm tractors plowing tells me there are not enough vehicles to do the work. Trucks can be used for dirt/rock in the summer and equipped with a plow in the winter. They have a higher top speed too. I’ve seen a road crew fixing a sinkhole on Brookhaven drive, they didn’t listen to what I had to say and it was NOT repaired well. I wrote pothole patrol several times concerning the intersection of 48th and Sumner. The east side has multiple repairs, all of them adding up to a big trough in the intersection. Our tax dollars should be paying living wages for a QUALITY workforce not for some knuckle draggers. I would love to see what they do in any given day. I imagine them playing cards in the break room. I offer to shake up the department, point out deficiencies, an auditor of sorts. Lastly why are the so many traffic circles south of hwy 2 between 56th and 84th. It’s not developed yet? Why does a contractor take years to finish 70th and pine lake circle? Get a better contractor
City Council - Contact

Date: 3/5/2019 1:12:47 PM

**name** Joe Stauber  
**address** 5444 Martin St  
**city** Lincoln  
**state** NE  
**zip** 68504  
**email** atomicpancakelove@gmail.com  

**comments** I don't know if this is the right way to go about this. I wanted to propose an idea for the streets of Lincoln. During the winter there are so many accidents and too many potholes. I have an idea to prevent this.

I suggest the city starts installing solar panel roadways. It sounds expensive to start a project like that but after its all said and done, it will save the city millions of dollars not having to buy stuff to put on the streets so, it doesn't get icy (doesn't really work anyway) less use of plows (eventually none if the project goes that far. I'm sure there are plenty of other things you can think of yourself that this idea would benefit from

Just start installing the roadways on the busiest streets, including city bus routes, school bus routes etc. This will decrease winter accidents and eliminate potholes. The panels stay at a constant 35 degrees and they light for drivers to announce danger on roadways ahead, like animals crossing the street. The only maintenance needed is an electrician when a panel isn't working. Im assuming there are electricians working for or contracted with the city.

Please take very deep consideration to this. Also please keep me updated about this idea.
I would be very interested in seeing the memo and the reasoning for the changes to the Commission approved language on discrimination and political activity and exclusion of the Commission approved repeal of the municipal gas station section. Since this was shared with the entire Commission I believe that the document is a public document and should be made available. At the very least the memo must be shared with the Council.

I would strongly suggest that the Commission should also object to these changes and request a full explanation in front of the Council for why the administration is subverting the will of the Commission.

On the municipal gasoline station, the language is clear it allows the City to "engage in the business of selling gasoline". Gasoline is not natural gas. Supplying natural gas to Star Tran or other City agencies is not engaging in business. This seems very clear to me that this section should be repealed. The Commission recommendation to repeal should be presented to the Council for review and possible inclusion on the ballot.

**Sec. 13b. Municipal Gasoline Station.** The city council shall have power to engage in the business of selling gasoline and oil to the inhabitants of the city, both at retail and wholesale, and for that purpose shall have power to acquire and own such real and personal property as may be necessary and incident thereto. The city shall not charge for gasoline and oil sold by it more than the cost thereof to the city plus the cost of handling the same, including contingencies; provided any surplus remaining in the gasoline department fund in excess of fifteen thousand dollars at the end of the present fiscal year, 1933, may be transferred to a special fund to be used for the purpose of furnishing employment by the city of Lincoln, or to purchase materials in meeting federal allotments for employment relief in the city; provided further that commencing September 1, 1935, and thereafter, only such surplus as is in excess of twenty thousand dollars may be so transferred for said purposes only and said sum of twenty thousand dollars shall be retained in said gasoline department fund as a revolving fund. (Amendment of August 14, 1934).

Jim Frohman
7335 Pioneers Blvd
Apt. 212
Lincoln, NE 68506
402.617.2484
jimfrohman@outlook.com

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From: Don Stading <dstading@keatinglaw.com>
Sent: Tuesday, March 5, 2019 3:51 PM
To: Nick Cusick; Jim Frohman
Subject: RE: charter amendments going to council

Language reviewed and revised by City law dept. On the municipal gas station, Star Tran may have plans to use compressed gas. Questions. thanks
From: Nick Cusick [mailto:ncusick@bisoninc.com]
Sent: Tuesday, March 05, 2019 2:53 PM
To: Don Stading <dstading@keatinglaw.com>
Subject: FW: charter amendments going to council

Don:
Do you have an opinion on how or if, out of courtesy, we should communicate the rationale of the final language to Jim Frohman?
Nick

From: Margaret Blatchford [mailto:mblatchford@lincoln.ne.gov]
Sent: Tuesday, March 05, 2019 12:02 PM
To: Brett Ebert; Clancy Woolman; Don Stading; Doug Gibbs; Elaine Hammer; Jani Martinez; John Spatz; Jose Soto; Kasey L. Simonson; Kathleen Neary; Marian Price; Mike Donlan; Nick Cusick; Patte Newman-Nieveen; Rick Poore; Steve Guittar
Cc: Brandon M. Bayer; Chris J. Connolly
Subject: charter amendments going to council

Dear Charter Revision Commission Members: Attached is a memo from Brandon Bayer, Mayoral Aide, regarding the charter amendments going to council and an explanation of changes made after review with law department. Second hearing is on March 11th for a public hearing and vote.

Please review and if you have any questions please let me know. You can email me or call me at 441-7285.

Sincerely,
Margaret Blatchford
Asst. City Attorney

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John - I've been told that the proposed 1/4% sales tax would be used partly for new construction of buildings, noted roads. Is this anywhere close to accurate? I would support the tax IF it were used strictly for roads.

Thanks for your service on the council!
Steve Tonkin

Sent from my iPad
Dear City Council Members:

Mayor Beutler must be STOPPED and HELD ACCOUNTABLE for mis-using our tax dollars for his educational campaign to increase our taxes yet more!!!! Our taxes are too high and using $190,000 for education is WRONG!!!!!

Sincerely,

Ron and Lynette Nash
1110 Cottonwood Drive
Lincoln, NE 68510
I'm hoping that one of you will consider taking up one or both of the issues below and correct the administrations mishandling of the recommendations from the Charter Revision Commission.

The Commission voted 11-0 to modify the language in Article IX-A, Section 8. Resolution 19R-55 is before the Council to modify this section. The resolution before the Council has been significantly modified from what was approved by the Commission. The Commission considered the language as a whole committee then a subcommittee further considered the changes and made additional changes to the language. The subcommittee modified language was then discussed and changed and finally approved by the whole Commission. City Attorney Kirkpatrick was present at all of these meetings to provide advice and suggest changes.

Now it appears that the legal department feels that the previous City Attorney and the advice from last year's legal department were inadequate or wrong, so the legal department has modified the Commission approved language without input from the Commission and submitted it for approval. This has been mishandled and needs to be explained.

I have attached a document that shows the changes along with my original proposal. I don't like the changes proposed by either the Commission or legal department but I'm supporting the Commission changes since they were reviewed multiple times and unanimously approved by the Commission.

The other issue is with Article VIII, Section 13b. Municipal Gasoline Station. The repeal of this section was approved by an 11-0 vote. It should be before the Council for consideration. I've been told that this isn't being presented to the Council since the City is considering supplying compressed natural gas to Star Tran. This is wrong in many ways.

First by ignoring the Commission recommendation and preventing the Council from considering the approved changes the administration is not following City ordinance. The ordinance, shown below states that the Commission shall "make recommendations to the Mayor and City Council". The administration does not have the authority to withhold approved Commission recommendations from the Council. The fact that the administration has done so is a blatant dismissal of the importance of both the Commission and Council. If the administration believes that the Commission recommendation should not be approved they should have submitted the change to the Council with a disapproval recommendation and explained why at the Council meeting.

4.04.020 Duties; Public Meetings.

The Charter Revision Commission is charged with the duty and responsibility to make recommendations to the Mayor and City Council with regard to revisions to the Home Rule Charter of the City of Lincoln which it shall deem advisable. The Commission shall conduct at least one public meeting annually for the purpose of receiving recommendations from the public regarding revisions to the Charter and to take action upon any matters before
the commission relating to proposed Charter revisions. (Ord. 20605 §1; December 11, 2017: prior Ord. 15429 §2; February 12, 1990: P.C. §2.80.020: Ord. 11084 §2; May 6, 1974).

Section 13b allows the City to sell to the inhabitants of the city, it does not address in any way the internal city distribution of gas, oil, or compressed natural gas. The section allows the City to directly compete with private businesses and sell at what would be a significant discount. The City should not compete with private business. The section specifically addresses gasoline and oil, compressed natural gas is not mentioned nor covered by this section. Finally, if there is some small part of this that may apply to some unknown situation would it not make more sense for that to be handled by ordinance rather than in the inflexible charter?

Sec. 13b. Municipal Gasoline Station. The city council shall have power to engage in the business of selling gasoline and oil to the inhabitants of the city, both at retail and wholesale, and for that purpose shall have power to acquire and own such real and personal property as may be necessary and incident thereto. The city shall not charge for gasoline and oil sold by it more than the cost thereof to the city plus the cost of handling the same, including contingencies; provided any surplus remaining in the gasoline department fund in excess of fifteen thousand dollars at the end of the present fiscal year, 1933, may be transferred to a special fund to be used for the purpose of furnishing employment by the city of Lincoln, or to purchase materials in meeting federal allotments for employment relief in the city; provided further that commencing September 1, 1935, and thereafter, only such surplus as is in excess of twenty thousand dollars may be so transferred for said purposes only and said sum of twenty thousand dollars shall be retained in said gasoline department fund as a revolving fund. (Amendment of August 14, 1934).

Please consider addressing these abuses by the Mayor and his administration.

Thank you.

Jim Frohman
7335 Pioneers Blvd
Apt. 212
Lincoln, NE 68506
402.617.2484
jimfrohman@outlook.com
Thank you so very much for putting this on the ballot in May. I hope you will support its passage in the run up to the election. It’s very good for our Lincoln neighbors.

Sincerely;
Mike DeKalb