

**DIRECTORS' MEETING
MONDAY, APRIL 16, 2007
11:00 AM
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

I. MAYOR

1. NEWS RELEASE. Mayor present March Award of Excellence to Raju Kakarlapudi on Monday, April 9, 2007.
2. NEWS RELEASE. Malone Center anchors candidates forum on Thursday, April 19, 2007 at 7:00 pm to 9:00 pm sponsored by Lincoln-Lancaster Women's Commission and the National Association for the Advancement of Colored People.
3. MEDIA RELEASE. Community Health Endowment Seeks Nominations for Annual Award.

II. DIRECTORS

HEALTH

1. Email to Neb Economis, Shannon McGovern, regarding highway sound regulations.
2. Response to Shannon McGovern on NDOR information.

PLANNING

1. Withdrawal of Street Name Change No. 06010 to Rename Montello Road from 84th Street to the Existing Firethorn Lane Name.
2. Miscellaneous No. 07004, Change of Zone No. 07015 and Miscellaneous No. 07005. Proposed Text Amendments to the Land Subdivision Ordinance, Zoning Ordinance and City of Lincoln Design Standards Relating to Stormwater Quality and Erosion and Sediment Control.

PUBLIC WORKS AND UTILITIES

1. Memorandum. Competitive Bids Received for the Sales of Sanitary Sewer Revenue Bonds.
2. Email to Mr. and Mrs. Schmutte answering email received on property acquisition for water tower.
3. ADVISORY. Water District 1196, Orchard Street 67th to 68th. Construction of a replacement water main and water service reconstruction.

WOMEN'S COMMISSION

1. NEWS RELEASE. Equal Pay Day Recognizes Women Working in the Red.

III. CITY CLERK

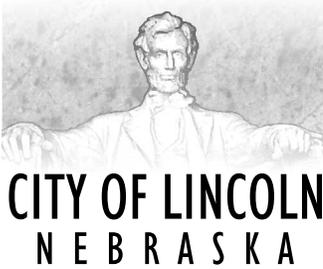
IV. COUNCIL REQUESTS/CORRESPONDENCE

1. Letter from Dr. Gourley, Lincoln Public Schools. History of working with the Lincoln-Lancaster County Planning Department.
2. Letter from Pierson Fitchett Law Firm. Correction to April 2, 2007 letter to Roy and Carolyn Wolgamott.
3. Letter from Peter Katt, Law Firm of Pierson Fitchett. Change of Zone No. 07010. Request to continue for public hearing to May 7, 2007. (Council Members received in packets on Thursday, April 12, 2007)
4. Letter, with attachment of previous letters, from Jerry Irwin, owner of Foxy Lady, to John McQuinn, City Prosecutor, regarding smoking regulations.

V. MISCELLANEOUS

1. Email from Captain Gary Juilfs regarding email sent by Nebraska Economics, Shannon McGovern.
2. Email from Shannon McGovern. Comments on government issues.
3. Email from Jerry Pizet, CARE Program Manager. Call reassurance phone system. (CARE)
4. Email from Shannon McGovern. City - County funds.
5. Email from Nebraska Economis, Shannon McGovern. Highway sound regulations.
6. Email from Barb Haith supporting the hiring of a City Auditor.
7. Email from Maggie Marsh regarding Calvert Rec Center.
8. Email from Neb Economis, Shannon McGovern, to Scott Homes, Health Department, regarding highway sound regulations.
9. Email from Pete Beau. Request for more police services to the Near South neighborhood.
10. Email from Neb Economis, Shannon McGovern. Sound survey information.
11. Email from Shannon McGovern. NDOR information.
12. Email from Shannon McGovern, Neb. Economis. County assisting motorsports.
13. Media Release from Community Health Endowment. Seeking nominations for annual award.

VI. ADJOURNMENT



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 S. 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: April 9, 2007

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

MAYOR PRESENTS MARCH AWARD OF EXCELLENCE

Mayor Coleen J. Seng today presented the Mayor's Award of Excellence for March to Raju Kakarlapudi. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today's City Council meeting.

Kakarlapudi has worked as a Public Health Epidemiologist for the Lincoln-Lancaster County Health Department since 2004. He was nominated by Health Data and Evaluation Manager Steve Frederick in the category of productivity. In his work as an Epidemiologist, Kakarlapudi studies factors that affect the health of the community, such as the causes and spread of disease. Recently he has focused on preparations in the event of pandemic flu.

Frederick said Kakarlapudi creates a positive work environment with his encouragement of others and his willingness to help co-workers and the public. Frederick said he also is a "whiz" at both technology and data.

- Kakarlapudi has mastered the video conferencing equipment and the "white board" used to display and share TeleVideo and remote signals from the field.
- He often fields last minute calls from co-workers or the public who need data for a grant.
- He has set up numerous databases for staff across the agency and produces GIS maps for staff members when the GIS analyst is unavailable to assist them.
- He helped develop the online query tool for the 2004 birth data as well as the database for the Crash Outcome Data Evaluation System (CODES). That work allows users to select the variables they want to see and print out a graph or download the data.
- He helps keep the 123actionnow.org Web page up to date, and he helped build in some of the features, such as the diabetes risk calculator.
- He has been responsible for the Health Department's use of the City Web site to do online surveys, including the pandemic flu survey. He also has assisted with the noise survey that Environmental Public Health is conducting on the Web site.

The other categories in which employees can be nominated are customer relations, loss prevention, safety and valor. All City employees are eligible for the Mayor's Award of Excellence except for elected officials and some managers.

- more -

Mayor's Award of Excellence

April 9, 2007

Page Two

Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

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



NEWS RELEASE



MAYOR COLEEN J. SENG

lincoln.ne.gov

LLWC 2440 S. 8th St., Ste. 100 Lincoln NE 68508 (402) 441-7716

FOR IMMEDIATE RELEASE:
FOR MORE INFORMATION:

April 10, 2007
Larry Williams, NAACP, forum coordinator, 440-7891
Bonnie Coffey, LLWC, director, 441-7716

MALONE CENTER ANCHORS CANDIDATES FORUM

The public is invited to attend a Candidate's Forum set for Thursday, April 19, from 7 to 9 p.m. at the Clyde Malone Community Center, 2032 U Street, Lincoln, NE.

Open to the general public, the forum will host invited candidates from the Mayor's race, City Council Districts 1, 2, 3, 4 and the School Board of Education, districts 2, 4, 6 to speak. Admission to the program is free.

Forum moderators are Bonnie Coffey, director of the Lincoln-Lancaster Women's Commission and Larry Williams, director of the Lincoln Commission on Human Rights. The Candidate's Forum is sponsored by the National Association for the Advancement of Colored People (NAACP), the Lincoln-Lancaster Women's Commission (LLWC) and Friends of LLWC.

Candidates will have campaign materials available for display and distribution at the debate site. Audience members are asked not to wear or display items indicating support of a particular candidate in the forum area. Candidates will have one minute to answer each question. At the end of the forum, each candidate will provide a two-minute closing statement. Candidates will be available after the forum for further discussions.

For more information, call Larry Williams, 440-7891, or send e-mails to: lincolnlair@aol.com.



SHolmes@ci.lincoln.ne.us

04/09/2007 03:03 PM

To "Neb Economis" <nebeconomicsupport@hotmail.com>

cc cm@liba.org, commish@lincoln.ne.gov,
commish@lancaster.ne.gov, council@lincoln.ne.gov,
dschorr@lancaster.ne.gov, jmaul@lincoln.org,

bcc

Subject Re: Highway Sound regulations

Shannon,

Re: 50 dBA noise level. You state the following:
We have put this e-mail together do to the fact you my have misled city, county and Mayor at common's meeting the way you answered questions there questions. No where in the city noise ordinance do I see 50dBA for residential areas from 7:00am to 10:00pm. Please clarify.
Commissioner Schorr posed a question regarding the difference in the noise standard between the City zoning ordinance and County text amendment to its zoning resolution. My response was that the standards were different and we are working on the noise standard issue. That was an accurate response and the only question posed to me/Health Department. You are correct, re: LMC 8.24 Noise Control Ordinance does not contain a limit of 50 dBA from 7 am to 10 pm. Please note that this is a 10 minute Leq. Table 1 in City ordinance (LMC 8.24.090 Noise disturbances prohibited) provides 50dBA as the standard for 10 pm to 7 am for AGR zoning. 50 dBA is also the standard for AG zoning from 10 pm to 6 am. It provides a 60 dBA 10 minute LEQ for day time hours. These are all to be measured at the receiving property's property line. Recognizing that such a use (dragstrip) would generate considerably high noise levels, the Health Department recommended a level of 65 dBA as a one minute Leq to be measured at the dwelling (not the property line) within one-mile radius of the boundary of the property legally described in the application (the dragstrip property line). We also recommended 50 dBA one minute Leq at one mile from the dragstrip property boundary. The one minute Leq was selected to reflect the nature of the noise (short duration, high level). We intend to meet with the applicant in the next couple of weeks to discuss an alternate approach to regulating noise for the drag strip application.

You are correct that I was not present at the Planning Commission on 10/11/06. The public hearing was held over for the October 25, 2006 meeting. I was present for the entire portion of the permit discussion at the Planning Commission meeting on October 25, 2006, and in fact testified and answered questions. I believe you are referring to the testimony of Dr. Gary Walsh of my staff who provided testimony on behalf of the Health Department at the very end of the 10/11/06 meeting. Dr. Walsh has over 30 years of experience with noise control in our community, was a primary author of LMC 8.24, and would be considered our in-house noise expert. He has conducted hundreds of noise investigations and is quite knowledgeable on noise issues. Dr. Walsh's testimony was that the Health Department does not have the technical capability to do noise modeling for the proposed facility and he suggested the applicant utilize an acoustical consulting firm to do so, as was part of the zoning text amendment a requirement that the developer provide such an assessment of the dragstrip as proposed to be built. This Department, and Dr. Walsh specifically, has, on more than one occasion, provided significant professional technical assistance to Greg Sanford in his quest to locate a drag strip in Lancaster County. One example of this is that late in the summer of 2006 my staff met with Mr. Sanford and advocated that he contract with professional consulting services, such as those you make reference to in your email, to assist him

in designing the drag strip to mitigate noise impacts.

Re: the Federal noise limits on trucks on highways. It is clear that your intent was not to gather information, since you indicate that you already had this information. However, it appears that you are quoting noise limits from LMC 8.24, Table 4, not regulations used by the Federal Highway Administration. It is my understanding that FHWA regulates noise from trucks, but no cars or motorcycles. Since the adoption of LMC 8.24, I believe EPA (which FHWA utilizes) has adopted new standards that are more stringent than those found in our local ordinance. And, applying Lincoln's noise ordinance directly to a Federal or State Highway would create jurisdictional authority issues. Thus, I did not refer you to Table 4 as it would create confusion.

Re: contacting other drag strips and motorsports complexes. As I explained in the hallway of the County City building, and as I testified before the Planning Commission, Health Department staff contacted a half-dozen other communities with drag strips or motorsports facilities. Five of these were on NHRA's 2006 schedule and one was not.

You are welcome and encouraged to provide other information you believe may be of assistance.

Sincerely,
Scott E. Holmes, MS, REHS
Manager, Environmental Public Health

"Neb Economis"
<nebeconomicsupport@hotmail.com>

04/08/2007 04:16
PM

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MDekalb@ci.lincoln.ne.us,
midwestminichoppers@hotmail.com,
plan@lincoln.ne.gov,
rstevens@lancaster.ne.gov,
workbob@msn.com, cm@liba.org,
jmaul@lincoln.org,
marvinkrout@palm.com,
mayor@lincoln.ne.gov,
pres@computingextras.com

To

cc

Subject

Re: Highway Sound regulations

Thank you for your reply.

We have put this e-mail together do to the fact you my have misled city, county and Mayor at common's meeting the way you answered questions there questions. No where in the city noise ordinance do I see 50dBA for residential areas from 7:00am to 10:00pm. Please clarify.

Looking over planning commissions public hearing video about special permit #06051. You were not present. Another representative from your office tried to answer questions from the planning commissioners. He stated the health department in Lancaster county does not know how to deal with the sound issues. He stated the health department here does air quality and still use outside consultants for those projects. Watch the last 10 min. of video for this info. Meeting date 10/11/2006.

<http://www.lincoln.ne.gov/city/mayor/cic/5citytv/video.htm#plan>

The request of information from planning about sound has been explained by Dr. Cheenne in the motor sport taskforce report to some extent. See attached

proposed changes from Dr. Cheenne here.

<http://www.lincoln.ne.gov/cnty/commiss/motor/021407.pdf>

Looking over the Noise Control Ordinance chapter 8.24 for the city of Lincoln you attached.

<http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

I have read it completely and understand the purpose of you job and why these standards have been established. I have talked with NDOR and FHWA. I wanted to make sure you know the standards if you are going to be making recommendations or comments about sound to our city and county commissioners. The answer for my question from original e-mail is. Readings taken at 50 ft. away from source traveling above 35 mph.

90 dBA with a GVWR of 10,000 lbs. or more.

84 dBA for motorcycles.

79 dBA for any other motor vehicle

Readings 20 inches from exhaust Stationary engine rpm at 3000

Automobiles and trucks with (GVWR<10,000 lbs.)

95 dBA front engine

99 dBA rear or mid-engined

Why these nubers are important. This is the reason the Motorsport Taskforce

has recommended a motorsports facilty be located near a major 4-lane Hwy. Also the owner and developer of Nebreaska Motorplex is in the motorsports business and knows the requirements for locating a motorsports facilty based

on recomendations from other organizations involed with motorsports. The proposed text ammendments are obviously intended to make a motorsport facility in Lancaster County impossible. The numbers above are from City Noise Control Ordinance. I understand the county outside the city 3 mile jurisdiction does not have an ordinance? I do know the NDOR and FHWA follow

the numbers that are in our ordinance when building new roads. So when you

are saying 50 and 65 dBA for motorsports facilities that are proposed to be constructed and operated next to a 4-lane Hwy. I recommend talking with an acoustical consulting firm to get the facts. They will give you the numbers that you can apply to any location to have an idea of what the sound would be. Then mitigating the sound can be looked at. Here is firm that was recommended by health department to planning commissioners. This firm has experienced with sound associated with drag racing. They may have over the

phone numbers. If you do not already have them.

Gordon Bricken & Associates, Inc.

1621 East 17th Street, Ste. K

Santa Ana, CA 92705-8518

(714) 835-0249

(714) 835-1957 FAX

Email: GBricken@aol.com

Here is link to find more Acoustical Consultants.

<http://www.mbipproducts.com/room/consultants.aspx>

I had personal spoke with you the morning of April 2nd 2007 after commons meeting. Did you say you contacted 12 examples of Drag race tracks that have no restrictions? You had made comment the tracks had been there for years. If you would like. I will compose a list of 12 newer tracks and tracks that

have remodeled recently to add the National events. I can provide the counties they are in and get copies of there text ammendments and language on how they allow the sound issues associated with there counties drag race tracks.

I am in no way associated with Greg Sanford the Nebraska Motorplex or GS motorsports buisiness.

Drag race tracks provide a service that is needed by my buisness and many others in all cities across the country. We would be willing to do a fund raising or apply for a grant to cover any of the cost associated with using

acuostical engineers or location consultant. The County board is pledging there support to assist private sector with motorsports facilities. They recieve funds from lodging tax and keno. So this opportunity will be directly effecting the County budget. It would be a great investment for them to assist with consultants about any issues that The city cannot address. For Lancaster county this is unique opportunity. We want to help make this happen. Do you want to say you helped make this happen for our entire community? Or be one that helped push this opportunity away? If you find any of my information to be incorrect or non factual please let me know.

Thank you for keeping you recomendations fare to all involved,

Shannon MCGovern, Team Leader

Neb Economic Support Team

Lincoln, Ne. 68504

(402)202-1461

>From: SHolmes@ci.lincoln.ne.us

>To: "Neb Economis" <nebeconomicsupport@hotmail.com>

>Subject: Re: Highway Sound regulations

>Date: Fri, 6 Apr 2007 11:30:15 -0500

>

>

>Dear ?,

>Your best contact is NDOR on this.

>

>Lincoln Municipal Code 8.24 Noise Control establishes levels for trucks,
>but these apply to the mufflers while the vehicle is stationary, not road
>noise. If interested, please see Table 3 about page 11 in the link below.
><http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

>

>Scott

>

>

>

>

> "Neb Economis"
> <nebeconomicsuppo
> rt@hotmail.com>

To

>

SHolmes@ci.lincoln.ne.us

>

04/06/2007 01:50

cc

>

AM

>

Subject

>

Highway Sound regulations

>

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>

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>Hello, I would like to know what the maximum db level is for trucks on
>Hwy's

>in Nebraska. I was told It was 90 db. I could not find anything on NDOR
>website. Do you know? If not could you refer me to someone that has this
>information? If you do not know should I contact Mark Ottemann,
>Utilities/Noise & Air Studies Engineer from NDOR?

>Thank you

>

><http://www.fhwa.dot.gov/nediv/pdv4.htm>

>

>

>

>

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SHolmes@ci.lincoln.ne.us

04/11/2007 04:41 PM

To "SW Mc" <midwestminichoppers@hotmail.com>

cc carolserv@hotmail.com, cm@liba.org,
commish@lancaster.ne.gov, commish@lincoln.ne.gov,
council@lincoln.ne.gov, dnaumann@lincoln.ne.gov,
bcc

Subject Re: NDOR information

Shannon, I appreciate the effort you are putting into this issue. You are obviously becoming very informed and that is great. Encouraging citizen participation in such processes is one of the hallmarks of our local elected officials.

I think the task force report is clear as to why it is advisable to locate a MS facility by a major highway, both for traffic reasons and that such a location would potentially have some noise masking potential. As was discussed at the Task Force, the noise along 77 is much lower than along I-80 due to a much lower traffic volume, and especially a much lower heavy truck traffic volume, and speed of vehicles (depending where along I-80 you are talking about). FHWA noise information gives some general guidance that equates the noise from one heavy truck to 10 other vehicles.

It appears your discussion with Mark Otteman is providing at least part of the answer to your question posed in your earlier email re: the 90 dB from trucks (EPA reg is actually 87 dB). As you have discovered, FHWA and the State are obligated to take certain actions based on noise measurements. Of importance is that the noise being measured is from traffic, which happens 24/7, and the measurement time period used a one-hour Leq (not a 24 hour Leq). I believe that if the level is 67 dBA or greater in any one-hour Leq, there are requirements that abatement actions be considered. Another part of this puzzle is that a new or modified highway is considered to have substantial impact on an area if it is projected to increase the noise level 10 dB above the existing situation. This information is all somewhat relevant to a future MS facility, but there are many differences between widening an existing highway that is going to create noise and building an major entertainment venue (MS facility) which is going to create noise.

We are working directly with Dr. Cheenne and the applicant re: the text amendment. I appreciate your interest and information you have provided. However, I am not the one that will make the "decision." The decision on what the text amendment will include will be made by the Board of County Commissioners. My role is to provide the best guidance I can to the Commissioners so they will know what the potential impact of their decision will have re: noise (or other environmental issues).

And yes, I was present for Dr. Cheenne's presentation. In fact, I was the one that encouraged Russ Bayer to ask Dr. Cheenne to present to the MS Task Force. He did a great job of explaining noise to the task force.

Take care.
Scott

"SW Mc"

<midwestminichopp
ers@hotmail.com>

04/11/2007 03:49
PM

To

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cc

Subject

NDOR information

Scott,

I spoke with Mark Ottemann at NDOR Nebraska Department of Roads on 14th and

Nst. I was put on speaker phone with him and one of his associates. I explained the situation about a drag race track proposal next to North Hwy 77 location. A drag race track is a 1/4 mile stretch of road. The reason for

my research is to prove why motorsports task force would recommended a motorsports facility be placed close to a major Hwy. Also many people have stated that weekly drag races would be the same sound as trucks going down the Hwy. Put sound with sound they say.

What I have learned is the NDOR follows Federal High Way Administration FHWA set standards. Hwy 77 was widened from 2-lane to 4-lanes. So when they

come to a house along the Hwy they are planning to build or widen. They do noise testing and explained to me how this is done. Testing is done to establish an average over a 24 hr. period. 15- 20 minute leg. Sound is recorded and average is taken in 15-20 sessions. So they may record any where from 40 dBA to 110 dBA so that is why they use the average over a

24hr. period.

So for example. If the NDOR stood in Phill Pfeiffer's front yard at 15400 North 56th and recorded over 66 dBA for a 24 hr. period the state and federal Hwy administration would then look at ways to do abatement or sound mitigation to keep Hwy sound at or below 66 dBA Residential and 71 dBA for commercial areas. I do believe that Hwy 77 is not a residential area.

The 90 dBA I was talking about in previous e-mail. Was for trucks over 10,000 GVWR that are over 35 mph at 50ft away from source. They would be in violation and could be ticketed within city limits Lincoln's Ordinance 8.24

table 4.

<http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

NDOR contact info. Mark Ottemann, Utilities/Noise & Air Studies Engineer
402-479-4684

<http://www.nebraskatransportation.org/environment/index.htm#noise>

Ever since public hearing with planning commission on Oct. 11th 2006 I have been doing studies on sound issues. So when you say you are working on text

amendments for motorsports facilities next to Hwy's. There is a lot of information available out there. Dr. Cheenne has explained everything that is needed to make a desition on this issue. I know this is not the only issue you have in front of you. So I am here to help in order to reach a fair decision for all involved. I do believe you were present at Task force

meeting for Dr. Cheenne's presentation to the taskforce. He stated straight

line no mitigation under very humid conditions the high end of most NHRA sportsman drag race cars would be 115 dBA and would drop to 56 dBA at one mile. NDOR agrees with these numbers. Here are minutes from meeting.

<http://www.lincoln.ne.gov/cnty/commiss/motor/013107.pdf>

Anything I can do to help get this drag race track approved let me know.

Thank you for your time,
Shannon Mcgovern 202-1461
Voter Registration #3215420

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Jean L Walker/Notes
04/09/2007 11:46 AM

To Jean L Walker/Notes,
cc
bcc
Subject Fw: Firethorn

----- Forwarded by Jean L Walker/Notes on 04/09/2007 11:44 AM -----



Ray F Hill/Notes
04/09/2007 11:35 AM

To "Jennifer J. Strand" <JSTRAND@woodsaitken.com>
cc Marvin S Krout/Notes@Notes, Jean L Walker/Notes@Notes,
City Council Members, City Council Staff
Subject Re: Firethorn

Thanks.

I will inform the City Clerk that Street Name Change 06010, Doc. 07-13 has been withdrawn and should be removed from the City Council agenda pending list.

Ray F. Hill
Development Review Manager
Lincoln/Lancaster County Planning Dept.
(402) 441-6371

"Jennifer J. Strand" <JSTRAND@woodsaitken.com>



"Jennifer J. Strand"
<JSTRAND@woodsaitken.com>
04/09/2007 10:57 AM

To <RHill@ci.lincoln.ne.us>
cc <BWill@ci.lincoln.ne.us>, "Mark Wible"
<mwible@firethorngolfclub.com>,
<MPalmer@oaconsulting.com>
Subject Firethorn

Ray,

On behalf of Firethorn Golf Company, LLC, the purpose of this email is to request the withdrawal of Street Name Change No. 06010 to rename "Montello Road" from 84th Street to the existing Firethorn Lane as "Firethorn Lane."

Please do not hesitate to contact me if you have any questions or require anything further.

Thanks, Jennifer.

Jennifer J. Strand
Woods & Aitken LLP

Lincoln Office:

301 S. 13th Street, Suite 500

Lincoln, NE 68508

(402) 437-8522 (voice)

(402) 437-8558 (fax)

Omaha Office:

10250 Regency Circle, Suite 350

Omaha, NE 68114

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CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Jon Carlson, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508
402-441-7491

fax: 402-441-6377

April 6, 2007

RE: MISCELLANEOUS NO. 07004, CHANGE OF ZONE NO. 07015 and MISCELLANEOUS NO. 07005
(Proposed Text Amendments to the Land Subdivision Ordinance, Zoning Ordinance and City of Lincoln Design Standards relating to *Stormwater Quality and Erosion and Sediment Control*)

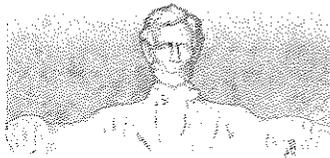
Please be advised that the Director of Public Works & Utilities has proposed the following:

MISCELLANEOUS NO. 07004, amending Title 26 of the Lincoln Municipal Code relating to Land Subdivision to provide requirements and criteria to prevent and control water pollution from construction site discharges and diminish adverse impacts to health, safety, property, and the general welfare of the citizens of the City of Lincoln by adding new sections numbered 26.07.085, 26.07.123, 26.07.125.05, 26.07.137, 26.07.138, 26.07.164, 26.07.166, 26.07.167 and 26.07.168 to provide definitions for "construction activity," "individual site construction," "mini-SWPPP," "permit in conformance with Chapter 28.01," "person," "stop work order," "storm drainage system," "stormwater," and "stormwater pollution prevention plan (SWPPP)", respectively; by amending Sections 26.11.038, 26.23.190, and 26.27.060 to require compliance with Chapter 28.01 for construction activity and individual site construction; by amending Section 26.31.040 to allow enforcement action and removal authority by the City in the event sediment is deposited in a storm drainage system; and repealing Sections 26.11.038, 26.23.190, 26.27.060, and 26.31.040 of the Lincoln Municipal Code as hitherto existing.

CHANGE OF ZONE NO. 07015, amending Section 27.81.010 of the Lincoln Municipal Code relating to General Regulations of the Zoning Code to require compliance with Chapter 28.01, Regulations for Construction Site Discharges, for construction activity; and by repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing.

MISCELLANEOUS NO. 07005, amending the text of the City of Lincoln Design Standards to set forth standards for construction site stormwater discharges pursuant to the National Pollutant Discharge Elimination System (NPDES) under the Federal Clean Water Act and the Nebraska Environmental Protection Act by amending Chapter 2.05, "Stormwater Drainage Design Standards," Section 11, "Erosion and Sediment Control" to repeal Sections 11.1 and 11.2 and to add new Section 11.1 setting forth the purpose and scope of the design standards for erosion and sediment control; to add new Section 11.2 requiring that a permit and SWPPP be submitted to the Lower Platte South Natural Resources District for any construction activity; to add new Section 11.3 setting forth requirements for Individual Site Construction; and to add new Section 11.4 which adopts by reference Chapter 9 of the City's Drainage Criteria Manual.

The proposed text amendment language may be accessed on the Internet at lincoln.ne.gov (Keyword = E&SC).



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Jon Carlson, Chair
City-County Planning Commission

555 South 10th Street,
Suite 213

Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

Miscellaneous No. 07004
Change of Zone No. 07015
Miscellaneous No. 07005

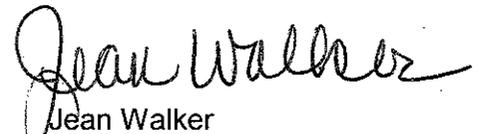
Page 2
April 6, 2007

The Planning Commission will be briefed on these proposals on **Wednesday, April 11, 2007, at 11:45 a.m., in Room 113 of the County-City Building.** You are invited to attend this briefing; however, the public hearing on these applications will be held before the Lincoln City/Lancaster County Planning Commission on **Wednesday, April 25, 2007,** which is your opportunity to appear and speak upon the merits of these applications. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

If you would like additional information, you are encouraged to contact Nicole Fleck-Tooze in the Public Works & Utilities Department, 402-441-6173, or the project planner, Sara Hartzell, in the Planning Department, 402-441-6372. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by e-mail to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, April 19, 2007, after 3:00 p.m. The "Planning Commission Agenda", including the staff report on these applications, will also be available on Internet at that time: lincoln.ne.gov (Keyword = pcagenda).

This notice is being provided as a courtesy to the Planning Department neighborhood and homeowner association contact list, the development community contact list, the Mayor's Environmental Advisory Committee and the County Ecological Advisory Committee.

Sincerely,


Jean Walker
Administrative Officer

I:\pc\notif\2005\CZ.07015+

cc: Neighborhood and Homeowner Association Contact E-Mail List
Development Community E-Mail List
Mayor's Environmental Advisory Committee
County Ecological Advisory Committee
Mayor Coleen Seng
Lincoln City Council
Nicole Fleck-Tooze, Public Works & Utilities
Sara Hartzell, Planning

M e m o r a n d u m

To: City Council Members
From: Margaret Remmenga
Public Works & Utilities Business Manager
Subject: Sanitary Sewer Revenue Bonds
Date: April 5, 2007
cc: Mayor Coleen J. Seng, Karl Fredrickson, Don Herz

Competitive bids were received via the Internet on Wednesday, April 4, 2007, for the sale of the Sanitary Sewer Revenue Bonds in the amount of \$20.46 million. Seven firms submitted nine bids on the bonds. The low bidder was Citigroup Global Markets, Inc. with a true interest rate of 4.3854%. The term of these bonds is 25 years.

We received an AA+ rating from Standard and Poors Ratings Service and an Aa2 rating from Moodys Investors Service on this bond issue, the same ratings as received on our 2005 Sanitary Sewer Issue.



Karl A Fredrickson/Notes

04/10/2007 12:03 PM

To schmutte583@aol.com, CouncilPacket/Notes@Notes, Commish/Notes@Notes
cc CouncilPacket/Notes@Notes, Steve Masters/Notes@Notes, Jerry Obrist/Notes@Notes, Nick W McElvain/Notes@Notes, sieckmeyer@lincoln.ne.gov, Ann Harrell/Notes@Notes, Mark
bcc

Subject March 29, 2007 E-mail regarding property acquisition for "water tower"

Dear Mr. and Mrs Schmutte:

The City Council asked that I write to you in response to your e-mail. I will try to address your comments in the order of your e-mail.

Acreage; We were trying to accommodate your wishes regarding the remaining shape of the property adjacent to where the tower would be located. The property acquired is a triangular tract where the acute angle areas are not readily useful for the City. Should the tract had been square in shape then the 2.5 acres would have probably been adequate. However, in trying to accommodate your wishes, and the City's needs, we adjusted the boundaries and the area worked out to be the 3.2 acres. We had the property appraised at \$14,000 per acre for a total of \$44,800 and offered this to you on September 11, 2006. On October 6, 2006 you counter offered with \$120,000. On October 18, 2006 our records indicate you wanted to know if we would go to \$20,000 per acre. This was still too high, so we initiated eminent domain proceedings. The Mayor executed the purchase contract that you both signed on March 28, 2007, for \$51,800.

Other nearby properties; According to our records, we investigated the purchase prices of two other properties that you had requested and found they sold for less than \$14,000 per acre.

Greenbelt fees; By your e-mail you already found out the answer from the County Assessor. I do not know why this wasn't answered, or we did not refer you to the assessor's office.

Driveway width; We had to review the situation with the County Engineer's office. You had requested a 60 foot wide drive and the county's maximum is 35 feet. This information was faxed to you on February 8, 2007. It is sometimes difficult to get back to everyone in the timeframe they feel is reasonable due to workload. Our two real estate assistants/agents are juggling well over 300 active purchases, all of which have questions requiring response. We strive to provide the best service possible with the staffing available.

The "Walmart" tower; This reservoir serves a different area within the City. We also needed additional storage capacity in the south side of the City regardless of keeping this tower. As you stated, the developer of the Walmart area also paid for the remaining life of the tower.

50th and O; The water system budget has nothing to do with the 50th and O project. We also did not condemn your property, rather we all signed a purchase agreement for \$51,800.

I am unsure of why you believe these departments haven't worked together and are not accountable. We have master planned the water, sewer, streets, stormwater in accordance with the City/County Comprehensive plan that the elected officials approved. We had a public process on this project to select the best site to serve the community. We worked in good faith with you between September 2006 and March of this year on appraisal and acquisition of a portion of your property and we agreed on a price.

Sincerely,

Karl A. Fredrickson, P.E.
Director, Public Works & Utilities

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

From: Schmutte583@aol.com

To: jcook@lincoln.ne.gov ; reschliman@lincoln.ne.gov ; dmarvin@lincoln.ne.gov ; CAMPJON@aol.com ; amcroy@lincoln.ne.gov ; rstevens@lancaster.ne.gov ; pnewman@lincoln.ne.gov ; ksvoboda@lincoln.ne.gov ; dschorr@lancaster.ne.gov ; workbob@msn.com ; commish@lancaster.ne.gov

Sent: Thursday, March 29, 2007 4:54 PM

Subject: City of Lincoln

March 28, 2007

To: City Council Members
County Commissioners
Other Interested Parties

We wanted some of you to know a little about your City of Lincoln. The Urban Development Department, City of Lincoln just purchased 3.20 acres from us for a city water tower at 98th & Breagan Rd (East of Cheney). Originally they wanted 2.5 acres. At the time, we told the Urban Development representative, Clint Thomas, we would consider making a straight property line for the right compensation. Of course, when we did not agree on the price per acre, the city initiated condemnation on 3.20 acres. A City Water Dept. representative told us they didn't require the entire 3.20 acres.

Our 3.20 acres is next to a commercial heavy equipment company and felt it should have been sold as a commercial lot. We will be receiving \$51,500.00. A house lot would have brought that much. We didn't ask the City to buy this property, they contacted us.

We were frustrated when we could not get any response from the Urban Development office regarding questions re recapturing green belt fees and the width of the driveway. We finally contacted County Assessor, Norm Agena, and he told us that there would be no recapture of green belt fees. And finally, after much discussion, we did receive the driveway width we requested. Why is it so difficult to get answers from them?

The location of the new water tower at 84th & Yankee Hill Road had enough ground (5 acres) to build an additional new water tower. Why didn't someone (Comprehensive Planning or City Engineers) point out to the City about moving the water tower from the highest place possible (beside Wal-Mart)? This created more cost to the City by having to purchase additional high ground so a gravity flow water tower can provide the heart hospital with water when the power goes off. Even though it is our understanding that the City was partly compensated to have it moved because ascetically it would look better to put it somewhere else. We are aware of the history of this area since my grandfather & other family members owned this ground since 1917 until sold to the current owners.

It's interesting that the City does not have enough money to pay a fair price for condemnation of property they take from us; yet, they have enough for the Antelope project and help HyVee get their new store built at 50th & "O" St. As far as that blighted area, if anybody else had owned

that property, they would have been charged with cleaning it up, etc.

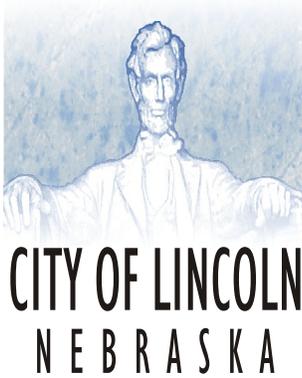
We realize that we are small potatoes to the City in the scheme of things and did not have the resources to fight City Hall, but feel that some of you should investigate on how the city's business is conducted. Why isn't somebody responsible in making these individual departments work together and be accountable?

Larry & Janet Schmutte
10411 Bennet Rd.
Roca, NE 68430
402-423-3998

Karl A. Fredrickson, P.E.
Director Public Works & Utilities
555 S 10th Street
Suite 203
Lincoln, NE 68508

Bus (402) 441-7566
Fax (402) 441-8609
E-mail kfredrickson@ci.lincoln.ne.us

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PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

April 11, 2007

Water District 1196 Orchard Street; 67th - 68th

The week of April 9, 2007, Skoda Construction of Lincoln will be starting construction (weather permitting) of a replacement water main and water service reconstruction for Engineering Services Division of the Public Works and Utilities Department.

The scope of the work involves boring a 6" water main from the south side to the north side on the east side of 67th Street and boring a 6" water main along the north side of Orchard Street from 67th Street to 68th Street. The other part of the project involves transferring water services from an existing main to the new main. The construction will be complete in May, 2007 barring weather or unforeseen conditions.

The City of Lincoln realizes this project may temporarily inconvenience you. Notifications of closure or access to your property will be given to you in a timely order as the contractor progresses through the project.

If you have any problems or questions during the construction period, please contact Skoda Construction Superintendent, Ron Skoda at (402) 560-5004 or the City of Lincoln Project Manager, Ron Edson at (402) 525-9294.

Ron Edson, Senior Engineering Specialist
Engineering Services, Public Works and Utilities
Phone: (402) 525-9294
Email: redson@lincoln.ne.gov

Skoda Construction Office
Office Hours: 8:00 a.m. - 5:00 p.m.
(402) 489-9027



NEWS RELEASE



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster Women's Commission 440 S. 8th St., Ste. 100 Lincoln NE 68508-2294 402/441-7716 FAX 402/441-6824

FOR IMMEDIATE RELEASE:
FOR MORE INFORMATION:

March 28, 2007
Bonnie Coffey, 402/441-8695
Diane Mullins, 402/441-7717

EQUAL PAY DAY RECOGNIZES WOMEN WORKING IN THE RED

LLWC calls for all working women to wear red attire on Tuesday, April 24th

On Tuesday, April 24, 2007, thousands of women from across the United States will join in a national day of action against unfair pay on Equal Pay Day. April is symbolic of the point into the new year that a woman must work in order to earn the wages paid to a man in the previous year.

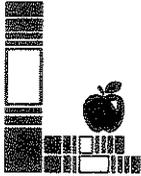
The Lincoln-Lancaster Women's Commission (LLWC) is calling for all women to wear red attire on April 24th and bring about awareness in the community of pay inequities. Working women are extremely concerned about pay inequity, not only for themselves, but for their families. Fair pay takes real changes! LLWC joins hundreds of other organizations across the nation to educate women and men about pay inequity and to offer solutions in wage discrimination.

According to the 2006 Census Bureau, women on average earn 77 cents for every dollar paid to their male counterparts. For minority women, the wage gap varies as African American women make 66 cents, Latinas make 55 cents and Asian American women make 80 cents. Therefore, because women earn less, they must work more days for the same pay as men.

In 2007, when women make up 46 percent of the workforce, many think that the issues of pay discrimination no longer exists; however labor statistics and the deluge of recent corporate law suits disprove that myth, according to a Business and Professional Women/USA news release (www.bpwusa.org). Because some members of Congress consider equal pay as one of their top legislative priorities in the 110th Congress, they're supporting the Paycheck Fairness Act, a bill crafted to strengthen the existing Equal Pay Act of 1963. This double-measure will support women who face discrimination in the court room and work environment. The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal.

At a time when America's economy is facing a downturn, every penny counts! According to the AFL-CIO, over a 40-year career, the average 25-year-old woman who works full-time will earn approximately \$523,000 less than the average man, if current wage patterns continue. The wage gap costs the average American full-time working woman between \$700,000 and \$2 million over the course of her lifetime, according to the WAGE Project. (www.wageproject.org)

LLWC further encourages the business community to review their pay practices to ensure that women are not discriminated against by performing an Equal Pay Self-Audit provided by the U.S. Department of Labor's Women's Bureau, available at www.dol.gov/wb. For more information, contact the Lincoln-Lancaster Women's Commission at 441-7716 or send your e-mails to llwc@lincoln.ne.gov.



Lincoln Public Schools

5901 O Street • Lincoln, NE 68510 • (402) 436-1000 • (Fax) 436-1084

April 5, 2007

Mr. Larry Hudkins
Lancaster County Commissioner
555 South Tenth Street
Lincoln, NE 68508

RECEIVED

APR 06 2007

CITY COUNCIL
OFFICE

Dear Larry:

Thank you for your letter of April 3, 2007. Lincoln Public Schools has a long history of working very closely with the Lincoln-Lancaster County Planning Department. As you know, staff from both entities meet monthly to discuss community and School District growth and to plan for the future. The Lincoln-Lancaster County Planning Department staff also make annual reports to the Board of Education related to current and future growth, infrastructure, and other issues that are pertinent to planning for the future.

One of the results of this close cooperative relationship between LPS and the Lincoln-Lancaster County Planning Department was the inclusion and official adoption of the LPS Master Plan as a part of the 2025 and the 2030 Lincoln-Lancaster County Comprehensive Plan. On Page 143 of both of these documents, you will find the map of future LPS school sites as an official part of the Comprehensive Plans. In addition, LPS and the Planning Department regularly share maps and the GIS information that would be available to the County Engineer.

LPS will continue to work closely with the City and County to plan for the future. Our rich history of cooperation has benefited the City, Lancaster County, and LPS. We would welcome and encourage County staff to communicate about these cooperative efforts and, where appropriate, to expand their participation.

Sincerely,



E. Susan Gourley, Ph.D.
Superintendent

ESG/lp

c: Lancaster County Board
Lincoln Board of Education
Mayor Coleen Seng
Lincoln City Council

delivered to Council 4/6/07

Pierson | Fitchett
LAW FIRM

RECEIVED

APR 06 2007

CITY COUNCIL
OFFICE

COPY

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fichett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

April 5, 2007

Roy and Carolyn Wolgamott
2800 O'Malley Dr.
Lincoln, NE 68516

Re: *Correction to April 2, 2007 Letter*

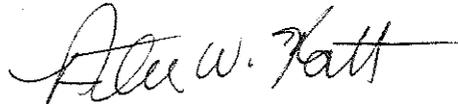
Dear Mr. and Mrs. Wolgamott:

I received an e-mail from the Planning Director yesterday advising me that the administrative amendments submitted by Sid Dillon in connection with its lighting plans never proposed modifying the existing light fixtures to provide full cut-off shielding. I reread our proposal amendments and the Planning Director is correct. On page 2 of Mr. Mason's letter last fall there was a discussion about the fixture design and errors made by both the manufacturer and installer at the site that they were to have been full cut-off but no proposal to do so.

In any event, we do not object to that part of the Staff's proposal for modifying the fixtures to be full cut-off. We are actively engaged in having that work done. It is the lighting levels which we continue to take issue with.

Should you have any questions or need any further explanations, please do not hesitate to contact me.

Sincerely,



Peter W. Katt
For the Firm
lawkatt@pierson-law.com

PWK:lt

cc: Marvin Krout
City Council
Mike Rierden
Tim Pieper
Bruce Bailey

(G:\AF\5900-5999\5983.002 Design Associates of Lincoln, Inc.--Sid Dillon Lighting\Wolgamott 4-5-07 ltr.wpd)

Pierson, Fitchett, Hunzeker, Blake & Katt

Delivered to Council on 4/10/07

Pierson|Fitchett
LAW FIRM

COPY

1045 Lincoln Mall
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P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

RECEIVED

APR 11 2007

CITY COUNCIL
OFFICE

April 10, 2007

Gary L. Aksamit
of Counsel

City Clerk
555 South 10th Street
Lincoln, NE 68508

Re: *Change of Zone No. 07010*
(AG to AGR - 134th & A Streets)

Dear Clerk:

The above matter has been set for public hearing on April 16, 2007. My clients and I would both respectfully request that this matter be continued for public hearing to May 7, 2007.

Should you have any questions or require any further information, please do not hesitate to contact me.

Sincerely,



Peter W. Katt
For the Firm
lawkatt@pierson-law.com

PWK:sb

- cc: City Council
- Jon Camp
 - Jonathan Cook
 - Robin Eschliman
 - Dan Marvin
 - Annette McRoy
 - Patte Newman
 - Ken Svoboda

Steve Champoux

(GA:AF5000-5099\5037.810 Crooked Creek South--Acreages\City Clerk 4-10-07 ltr.wpd)

4/08/07

John c. McQuinn
City Prosecutor, Ste. 4201
575 South 10th St.
Lincoln, Ne. 68508

RECEIVED
APR 12 2007
CITY COUNCIL
OFFICE

Dear Mr. McQuinn

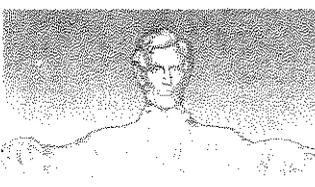
This is in response to your letter of February 26, 2007. You said you did not have enough information to know if I was in violation of 8.50 Smoking Regulation. Then why did you send me a letter dated Febr. 16, 2007? (A copy is enclosed for your information, stating I was in Violation of 8.50)

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.



CITY OF LINCOLN
NEBRASKA

Law Department 402-441-7281
Dana W. Roper, City Attorney
575 South 10th Street
Suite 4201
Lincoln, Nebraska 68508
Civil fax: 402-441-8812
Pros. fax: 402-441-8813

Ernest A. (Rick) Peo III, Chief Assistant
Richard C. Anderson, Police Legal Advisor
Civil Division
James D. Faimon Steven J. Huggenberger
Connor L. Reuter Margaret M. Blatchford
Tonya L. Skinner Joe J. Rupp
John C. McQuinn II, Chief Prosecutor
Prosecution Division
Patrick A. Campbell Christine A. Loseke
Rob E. Caples Marcee A. Brownlee
Jessica Kerkhofs



LINCOLN
The Community of Opportunity

MAYOR COLEEN J. SENG

lincoln.ne.gov

FEB 16 2007

CERTIFIED LETTER

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

JCM:CS:lc

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

2/18/07

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 "0" 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.



CITY OF LINCOLN
NEBRASKA

February 26, 2007

Law Department 402-441-7281
Dana W. Roper, City Attorney
575 South 10th Street
Suite 4201
Lincoln, Nebraska 68508
Civil fax: 402-441-8812
Pros. fax: 402-441-8813

Ernest R. (Rick) Peo III, Chief Assistant
Richard C. Anderson, Police Legal Advisor
Civil Division
James D. Faimon
Steven J. Huggenberger
Connor L. Reuter
Tonya L. Skinner
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Christine A. Loseke
Marcee A. Brownlee
Jessica Kerkhofs
Joel D. Pedersen
Margaret M. Blatchford
Joe J. Rupp

MAYOR COLEEN J. SENG

lincoln.ne.gov



LINCOLN
The Community of Opportunity

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

RE: Question Concerning Potential Lincoln Smoking Regulation Act Violation

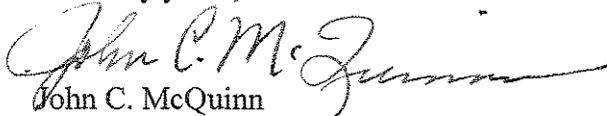
Dear Sir:

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



Gary Juilfs
<gjuilfs@lancaster.ne.gov>
04/05/2007 04:22 PM

To
cc CBeattie@lancaster.ne.gov, mdekalb@lincoln.ne.gov,
JWalker@ci.lincoln.ne.us, cm@liba.org,
commish@lancaster.ne.gov, commish@lincoln.ne.gov,
bcc
Subject Re: Motor sports Locations Consultants

Neb Economis wrote: Hello,
We have been keeping up on the progress of private investor Greg Sanford to spend \$10,000,000.00 to bring a Drag race track to Northern Lancaster County. We have found that private investor has spent over \$2,000,000.00 on this project already. We have seen consultants hired by local and state governments in your area for projects much smaller than this. In order to assist the private sector. We recommend using this consulting firm that has experience with locating Motor sports venues. The cost of there services is very reasonable.

Sincerely,
Nebraska Economic Support Team
<http://www.globallocationstrategies.com/services/index.html>

Interest Rates Fall Again! \$430,000 Mortgage for \$1,399/mo - Calculate new payment
<http://www.lowermybills.com/lre/index.jsp?sourceid=lmb-9632-18679&moid=7581>

The preceding message was sent from Shannon McGovern's IP address. While I do not doubt the validity of the Global Location Strategies Company, I have my doubts that Mr. McGovern has any personal experience with the company to make any recommendations about their services or fees.

I for one do not find his email helpful or amusing.

Capt. Gary Juilfs
Lancaster County Sheriff
575 S. 10th Street
Lincoln, NE
68508



"SW Mc"
<midwestminichoppers@hotmail.com>

04/05/2007 11:59 PM

To council@lincoln.ne.gov, commish@lincoln.ne.gov,
commish@lancaster.ne.gov, mdekalb@lincoln.ne.gov,
angi_guenther@hotmail.com, dnaumann@lincoln.ne.gov,

cc

bcc

Subject Government Issues

Jan 18th Advisory committee will help pick fire chief. Mayor Seng spends \$180,000 on consultants to look for new fire chief. Here is article in journal star.
<http://journalstar.com/articles/2007/01/18/news/local/doc45aeda34eeb2b588963726.txt>

Feb. 21st Cornhusker quiet zone approved. Here is the article in journal star.
<http://journalstar.com/articles/2007/02/21/news/local/doc45db9ec41b289309195452.txt>

April 2nd City to spend \$259,000 on this project for 3 railroad crossings.

<http://www.lincoln.ne.gov/city/council/agenda/2007/040207/a040207.htm>

39) 07R-84 Approving an Agreement between the City and the Lincoln-Lancaster County Railroad Transportation Safety District for funding of railroad crossing improvements to establish a Quiet Zone for Burlington Northern Santa Fe track crossings at 70th Street, 44th Street, Adams Street, and 33rd Street.

Fact Sheet (61K)

Attachment (175K)

April 4th County hires consultant to review preventing jail suicides.
<http://journalstar.com/articles/2007/04/04/news/local/doc46130152bca2b057644234.txt>

Ok I am not a rocket train scientist. What I do know is this. Train engineers (drivers) behind the horn have rules and regulations for how long to blow the horn at crossings.

I live where I hear the 44th, Adams Street, and 33rd Street horns. I know a couple guys that live near me that work for the railroads. They have said the horns are abused and blown much longer than recommended in the rulebook. I have noticed around 2:00am and 4:00am the horns have an extra long and more blows than during the daytime when it may be needed.

I am not an expert on this subject. Does it not make more sense to enforce the rules for the horn blowing? Or even change the horn design instead of the city and county spending \$259,000 on a quiet zone project. Just another reason we have a \$9,000,000 deficit here in Nebraska and we are one of the 8th highest taxed cities in America.

This is just three of the issues I have come across in looking at how our local government operates. I just do not understand when the private investor Greg Sanford wants to invest \$10,000,000 on a project that will benefit our economy more than it will his own pocket. Why does our local government have to put up so many road blocks and make it so difficult? Lancaster county is about to lose this unique opportunity for economic impact to another county. Please do not let this happen. We need to take full advantage of Mr. Sanford's proposal to bring the family friendly sport of NHRA 1/4 mile drag racing to our community. If Mayor Seng spent \$180,000

on consultants for a fire chief. The county board hires consultants for jail issue. I do not believe it is out of line for the county/city to hire a consulting firm to locate a motor sports facility for Lancaster county. This would be the best neutral recommendation for all residents of our community. It is very important the placement of such a facility be in a location that will ensure success of a motor sports venue and it will not get consumed by city growth.

Thank you for your time

Sincerely,

Shannon MCGovern



<callingcare@cox.net>

04/07/2007 03:05 AM

Please respond to
<JPizet@databasesystemscorp.com>

To " Mayor And Council " <council@lincoln.ne.gov>

cc

bcc

Subject CALL REASSURANCE system for seniors & latchkey children (CARE)

Dear Mayor And Council,

I'm sure you would agree that discovering any deceased senior citizen in their own home several days or weeks after the fact is horrific enough, but knowing this same person's life may have been saved is surely catastrophic. And for the record, this scenario has become an all too familiar problem due to the increased baby-boomer population in our communities.

Getting directly to the point, there is now a Call Reassurance phone system named CARE. The CARE phone system can automatically call senior citizens daily to ensure their well being - at the very least! This same system can also ensure latchkey children are home safely, remind "at risk" citizens to take their medications, verify house arrest individuals are home, or even fulfill Megan's law by using its voice broadcasting capabilities. In summary, CARE is a state-of-the-art "multi-profile" processing phone system that can also notify police, volunteers, relatives, and others to help resolve alerts. Finally, CARE is a system that fulfills typical community requirements of all generations, not just seniors.

You can read more about CARE at the following link.
<http://www.callingcare.com>

Our CARE call reassurance system was recently ordered by the Fairfield County Sheriff's Office in Lancaster, Ohio as well as the Estes Park Police Department, Colorado. In summary, CARE has been installed at a growing number of police and sheriff's organizations, and even replaces the 1st generation "Are You OK?" systems. Here's why:
<http://www.callingcare.com/ruok-program.htm>

Our entry level system supports 4 analog lines, yet can grow to hundreds of digital phone lines. The CARE system;

- * Is a modern PC - Windows and Intel telecom boards.
- * Can make multiple calls at once.
- * Can call a senior more than once a day.
- * Can provide custom and random greetings.
- * Can provide reminders (take medication, etc.)
- * Detects answering machines.

When your senior does not answer the call or presses a phone key needing help, the CARE system;

- * Sends an alert to the CARE monitor
- * Can call family, friends or volunteers.
- * Can email family, friends or volunteers.
- * Can call police or first response teams.

Additionally, the CARE phone system

- * Can connect volunteers for non-emergency chat.
- * Can be monitored and managed remotely.
- * Can make emergency broadcasts to community or staff.
- * Can answer incoming calls.
- * Can be custom programmed.
- * Provides real time reports.

Database Systems Corp. has been in business since 1978 and has a long history of success in the computer and communications industry. We provide emergency notification systems and services for organizations such as Microsoft and the U.S. Postal service. Here are just a few of our other customers:
<http://www.callingcare.com/care-clients.htm>

To learn more about our modern CARE system, simply reply to this email or contact us here:
<http://www.callingcare.com/care-contact.htm>

You can reach us (Mon-Fri 8-5 MST) (602) 265 5968 X225

Thank you for your interest in Database Systems Corp, and please contact me as appropriate.

Regards,

Jerry A. Pizet, Vice President
CARE Program Manager
Database Systems Corp.
1118 East Missouri Ave. Phoenix, AZ 85014
Weds & Thurs : AZ 602-265-5968 X225
Mon, Tues, Fri : CA 760-489-0502
FAX (AZ) 602-264-6724
FAX (CA) 619-374-2428
<http://www.callingcare.com>
<http://www.call-center-tech.com/>
<http://www.911broadcast.com>

jpizet@databasesystemscorp.com
jpizet@cox.net

* "Are You OK?" is the registered trademark of Northland Innovations Corp. Database Systems Corp. has no affiliation with this organization.



"SW Mc"
<midwestminichoppers@hotmail.com>

04/07/2007 07:43 PM

To council@lincoln.ne.gov, commish@lincoln.ne.gov,
commish@lancaster.ne.gov, mdekalb@lincoln.ne.gov,
carolserv@hotmail.com, dnaumann@lincoln.ne.gov,

cc

bcc

Subject City/County Funds

Moving Lincoln and Lancaster county forward. This is public info. There is a very large group of us watching what is going on within our local government. The main reason for me has come from the private investor Greg Sanford running into road blocks when he is asking nothing but approval to help bring in tax dollars from tourism and business spin off to our community. This is just some examples of what I have found. July 1, 2005, a Visitor Improvement Fund was established to improve visitor attractions and facilities in the county. \$598,000 at June 30, 2006. See link below.

Budget for 2007 am/pm

<http://www.lincoln.ne.gov/cnty/clerk/budget/2007/bm070201.pdf>

<http://www.lincoln.ne.gov/cnty/clerk/budget/2007/bp070201.pdf>

2006-2007 estimated property evaluation increase of 14.3%

<http://www.lincoln.ne.gov/cnty/budget/pdf/propbud07.pdf>

Please notice page 4-5 Lancaster county Budget Narrative

Visitors Promotion/Improvement Fund

A projected \$9 million deficit for the 2007-2008 budget.

<http://journalstar.com/articles/2007/01/09/news/local/doc45a43933310b2055515849.txt>

Mayor proposes 'low-cal' budget for city.

<http://journalstar.com/articles/2006/06/25/local/doc449dc5798e9fe177985909.txt>

Lincoln residents pay \$2.075 per \$100 of assessed valuation. Talking with owners in small towns surrounding Lincoln in Lancaster county they are paying around \$1.7-1.9 and some do not pay wheel tax.

Economic Report MSTF

<http://www.lincoln.ne.gov/cnty/commiss/motor/021407.pdf>

Sound Impacts MSTF

<http://www.lincoln.ne.gov/cnty/commiss/motor/013107.pdf>

I could go on. My intentions are to push the county board to make a decision about Mr. Sanford's proposal. From looking over these documents and reading Dr. Eric Thompson's conservative economic impact analysis of a stand alone NHRA drag racing facility of \$10,000,000.00 for one national event for our community. That could come within the first year. Also reading Dr. DominiqueJ. Cheenne's Sound impact considerations of Drag racing being 56db at one mile under humid conditions. I believe the city and county should be doing everything possible to assist the private sector. The county board claims they will not see any of the tax revenue generated. From what I see they could ask the city to share or split the revenue like Keno funds. I recommend a neutral private consulting firm be contacted to help assist in this unique opportunity for our community. I know this consulting firm has just completed a motorsports project.

<http://www.globallocationstrategies.com/services/index.html>

Thank you for your time,

Shannon McGovern
(402) 202-1461



"Neb Economis"
<nebeconomicsupport@hotmail.com>

04/08/2007 04:16 PM

To: SHolmes@ci.lincoln.ne.us, commish@lancaster.ne.gov,
commish@lincoln.ne.gov, council@lincoln.ne.gov,
dschorr@lancaster.ne.gov, JOrtiz@journalstar.com,

cc

bcc

Subject: Re: Highway Sound regulations

Thank you for your reply.

We have put this e-mail together do to the fact you my have misled city, county and Mayor at common's meeting the way you answered questions there questions. No where in the city noise ordinance do I see 50dBA for residential areas from 7:00am to 10:00pm. Please clarify.

Looking over planning commissions public hearing video about special permit #06051. You were not present. Another representative from your office tried to answer questions from the planning commissioners. He stated the health department in Lancaster county does not know how to deal with the sound issues. He stated the health department here does air quality and still use outside consultants for those projects. Watch the last 10 min. of video for this info. Meeting date 10/11/2006.

<http://www.lincoln.ne.gov/city/mayor/cic/5citytv/video.htm#plan>

The request of information from planning about sound has been explained by Dr. Cheenne in the motor sport taskforce report to some extent. See attached proposed changes from Dr. Cheenne here.

<http://www.lincoln.ne.gov/cnty/commiss/motor/021407.pdf>

Looking over the Noise Control Ordinance chapter 8.24 for the city of Lincoln you attached.

<http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

I have read it completely and understand the purpose of you job and why these standards have been established. I have talked with NDOR and FHWA. I wanted to make sure you know the standards if you are going to be making recommendations or comments about sound to our city and county commissioners. The answer for my question from original e-mail is. Readings taken at 50 ft. away from source traveling above 35 mph.

90 dBA with a GVWR of 10,000 lbs. or more.

84 dBA for motorcycles.

79 dBA for any other motor vehicle

Readings 20 inches from exhaust Stationary engine rpm at 3000

Automobiles and trucks with (GVWR<10,000 lbs.)

95 dBA front engine

99 dBA rear or mid-engined

Why these nubers are important. This is the reason the Motorsport Taskforce has recommended a motorsports facility be located near a major 4-lane Hwy. Also the owner and developer of Nebreaska Motorplex is in the motorsports business and knows the requirements for locating a motorsports facility based on recomendations from other organizations involed with motorsports. The proposed text ammendments are obviously intended to make a motorsport facility in Lancaster County impossible. The numbers above are from City Noise Control Ordinance. I understand the county outside the city 3 mile jurisdiction does not have an ordinance? I do know the NDOR and FHWA follow the numbers that are in our ordinance when building new roads. So when you are saying 50 and 65 dBA for motorsports facilities that are proposed to be constructed and operated next to a 4-lane Hwy. I recommend talking with an acoustical consulting firm to get the facts. They will give you the numbers

that you can apply to any location to have an idea of what the sound would be. Then mitigating the sound can be looked at. Here is firm that was recommended by health department to planning commissioners. This firm has experienced with sound associated with drag racing. They may have over the phone numbers. If you do not already have them.

Gordon Bricken & Associates, Inc.

1621 East 17th Street, Ste. K

Santa Ana, CA 92705-8518

(714) 835-0249

(714) 835-1957 FAX

Email: GBricken@aol.com

Here is link to find more Acoustical Consultants.

<http://www.mbipproducts.com/room/consultants.aspx>

I had personal spoke with you the morning of April 2nd 2007 after commons meeting. Did you say you contacted 12 examples of Drag race tracks that have no restrictions? You had made comment the tracks had been there for years. If you would like. I will compose a list of 12 newer tracks and tracks that have remodeled recently to add the National events. I can provide the counties they are in and get copies of there text ammendments and language on how they allow the sound issues associated with there counties drag race tracks.

I am in no way associated with Greg Sanford the Nebraska Motorplex or GS motorsports buisness.

Drag race tracks provide a service that is needed by my buisness and many others in all cities across the country. We would be willing to do a fund raising or apply for a grant to cover any of the cost associated with using acuostical engineers or location consultant. The County board is pledging there support to assist private sector with motorsports facilities. They recieve funds from lodging tax and keno. So this opportunity will be directly effecting the County budget. It would be a great investment for them to assist with consultants about any issues that The city cannot address. For Lancaster county this is unique opportunity. We want to help make this happen. Do you want to say you helped make this happen for our entire community? Or be one that helped push this opportunity away? If you find any of my information to be incorrect or non factual please let me know.

Thank you for keeping you recomendations fare to all involved,

Shannon Mcgovern, Team Leader

Neb Economic Support Team

Lincoln, Ne. 68504

(402)202-1461

>From: SHolmes@ci.lincoln.ne.us

>To: "Neb Economis" <nebeconomicsupport@hotmail.com>

>Subject: Re: Highway Sound regulations

>Date: Fri, 6 Apr 2007 11:30:15 -0500

>

>

>Dear ?,

>Your best contact is NDOR on this.

>

>Lincoln Municipal Code 8.24 Noise Control establishes levels for trucks,

>but these apply to the mufflers while the vehicle is stationary, not road

>noise. If interested, please see Table 3 about page 11 in the link below.

><http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

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>Scott

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"Neb Economis"
<nebeconomicsuppo
rt@hotmail.com>

SHolmes@ci.lincoln.ne.us

04/06/2007 01:50
AM

To

cc

Subject

Highway Sound regulations

>Hello, I would like to know what the maximum db level is for trucks on
>Hwy's
>in Nebraska. I was told It was 90 db. I could not find anything on NDOR
>website. Do you know? If not could you refer me to someone that has this
>information? If you do not know should I contact Mark Ottemann,
>Utilities/Noise & Air Studies Engineer from NDOR?
>Thank you

>
><http://www.fhwa.dot.gov/nediv/pdv4.htm>

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>
>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.



Barbara Haith
<bhaith@alltel.net>
04/09/2007 12:02 PM

To council@lincoln.ne.gov
cc
bcc
Subject CITY AUDITOR NOW

Dear Council:

My husband Paul and I are both strongly supportive of hiring a City Auditor to clean up errors privously made and elimnate further ones. It's been discussed and discussed, let's see some action now! Thank you.

Regards
Barb Haith
FEH Billing



WebForm
<none@lincoln.ne.gov>
04/09/2007 12:28 PM

To: General Council <council@lincoln.ne.gov>
cc
bcc
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Maggie Marsh
Address: 3210 Serenity Circle
City: Lincoln, NE 68516

Phone: 402-420-2639
Fax: 402-421-3468
Email: maggiemarsh@peoplepc.com

Comment or Question:

Please consider helping Calvert Rec Center. So many of us single parents rely on these people to help us before and after school. I think it would be a tough transition for my daughter to not only have to move to Abbott for school but to also change daycare. A lot of families and employees need the Rec Center's help. Please consider this carefully.

Thank you
Maggie



"Neb Economis"
<nebeconomicsupport@hotmail.com>

04/09/2007 05:39 PM

To: SHolmes@ci.lincoln.ne.us

cc: cm@liba.org, commish@lincoln.ne.gov,
commish@lancaster.ne.gov, council@lincoln.ne.gov,
dschorr@lancaster.ne.gov, jmaul@lincoln.org,
bcc:

Subject: Re: Highway Sound regulations

Scott,

Thank you for getting back to me. Do you support the idea of an acoustical consulting firm be consulted? To do a general sound study that shows how sound decreases in distance away from source mitigated or not. That can be applied to any given location. Greg sanford can not pay for these services when he does not even know if a motorsports facility is a possibility in Lancaster county. To know if it is a possibility sound testing should be done by a professional firm. The economic impact this will have on our community I believe city/county should be providing these studies. I do believe Dr. Cheenne's study, presentation did show the taskforce this info under worst case weather conditions. Of course Karin Kurbis made sure the map submitted to show this drop was not used in final report to the County board. Planning department made it very clear it would be nice to see that kind of information or chart. I do have a copy and would like to review it with you. I have been involved with drag racing my entire life tuning and racing. When I am tuning the cars it is very important that I listen to them all the way down the 1/4 track. I usually have to turn my head so my ear is towards the cars. I do take into consideration that there are people close to the proposed location. The least amount I think we will find in Lancaster County around possible locations for a motorsports facility. With the design Mr. Sanford's proposal has to mitigate the sound I am not convinced anyone will be annoyed by the weekly events. Another issue that has to be taken into consideration is Drag race tracks run by schedule weather permitting. There are many cancellations to schedule in Nebraska. This is not a factory that runs all week long or even all year long. I do not believe it is fair for people to complain about the thought of a sound. Like Rob Park from the NHRA stated. Just because you hear a sound does not mean it is noise.

The main reason for my original question. It is recommended that motorsport facilities be located next to a major Hwy. So for example lets say the FHWA and NDOR say traffic on a Hwy's cannot exceed 75dBA at 50ft. How can you suggest a motorsports facility be any less? The track would always be in violation if readings were to be taken in the area. Also any farming operations would be violating levels you may set for facilities. This is the reason 90% of Drag race tracks in the United States are located on AG land because there are no ordinances. I can understand Having a noise bank for Div.5 and National events. Any other is just to make motorsports not possible in Lancaster county. I am not a rocket scientist but I do have common sense. This is the way I see it.

Thank you,
Shannon

>From: SHolmes@ci.lincoln.ne.us

>To: "Neb Economis" <nebeconomicsupport@hotmail.com>

>CC:

>cm@liba.org, commish@lincoln.ne.gov, commish@lancaster.ne.gov, council@lincoln.ne.gov, dschorr@lancaster.ne.gov, jmaul@lincoln.org, JOrtiz@journalstar.com, ksvoboda@svobodaformayor.com, marvinkrout@palm.com, mayor@lincoln.ne.gov, MDekalb@ci.li

ncoln.ne.us,mdekalb@lincoln.ne.gov,midwestminichoppers@hotmail.com,plan@lincoln.ne.gov,pres@computingextras.com,rstevens@lancaster.ne.gov,workbob@msn.com
>Subject: Re: Highway Sound regulations
>Date: Mon, 9 Apr 2007 15:03:32 -0500

>

>

>Shannon,

>

>Re: 50 dBA noise level. You state the following:

>We have put this e-mail together do to the fact you my have misled city,
>county and Mayor at common's meeting the way you answered questions there
>questions. No where in the city noise ordinance do I see 50dBA for
>residential areas from 7:00am to 10:00pm. Please clarify.
>Commissioner Schorr posed a question regarding the difference in the noise
>standard between the City zoning ordinance and County text amendment to its
>zoning resolution. My response was that the standards were different and
>we are working on the noise standard issue. That was an accurate response
>and the only question posed to me/Health Department. You are correct, re:
>LMC 8.24 Noise Control Ordinance does not contain a limit of 50 dBA from 7
>am to 10 pm. Please note that this is a 10 minute Leq. Table 1 in City
>ordinance (LMC 8.24.090 Noise disturbances prohibited) provides 50dBA as
>the standard for 10 pm to 7 am for AGR zoning. 50 dBA is also the standard
>for AG zoning from 10 pm to 6 am. It provides a 60 dBA 10 minute LEQ for
>day time hours. These are all to be measured at the receiving property's
>property line. Recognizing that such a use (dragstrip) would generate
>considerably high noise levels, the Health Department recommended a level
>of 65 dBA as a one minute Leq to be measured at the dwelling (not the
>property line) within one-mile radius of the boundary of the property
>legally described in the application (the dragstrip property line). We
>also recommended 50 dBA one minute Leq at one mile from the dragstrip
>property boundary. The one minute Leq was selected to reflect the nature
>of the noise (short duration, high level). We intend to meet with the
>applicant in the next couple of weeks to discuss an alternate approach to
>regulating noise for the drag strip application.

>

>You are correct that I was not present at the Planning Commission on
>10/11/06. The public hearing was held over for the October 25, 2006
>meeting. I was present for the entire portion of the permit discussion at
>the Planning Commission meeting on October 25, 2006, and in fact testified
>and answered questions. I believe you are referring to the testimony of
>Dr. Gary Walsh of my staff who provided testimony on behalf of the Health
>Department at the very end of the 10/11/06 meeting. Dr. Walsh has over 30
>years of experience with noise control in our community, was a primary
>author of LMC 8.24, and would be considered our in-house noise expert. He
>has conducted hundreds of noise investigations and is quite knowledgeable
>on noise issues. Dr. Walsh's testimony was that the Health Department does
>not have the technical capability to do noise modeling for the proposed
>facility and he suggested the applicant utilize an acoustical consulting
>firm to do so, as was part of the zoning text amendment a requirement that
>the developer provide such an assessment of the dragstrip as proposed to be
>built. This Department, and Dr. Walsh specifically, has, on more than one
>occasion, provided significant professional technical assistance to Greg
>Sanford in his quest to locate a drag strip in Lancaster County. One
>example of this is that late in the summer of 2006 my staff met with Mr.
>Sanford and advocated that he contract with professional consulting
>services, such as those you make reference to in your email, to assist him
>in designing the drag strip to mitigate noise impacts.

>

>Re: the Federal noise limits on trucks on highways. It is clear that your
>intent was not to gather information, since you indicate that you already

>had this information. However, it appears that you are quoting noise
>limits from LMC 8.24, Table 4, not regulations used by the Federal Highway
>Administration. It is my understanding that FHWA regulates noise from
>trucks, but no cars or motorcycles. Since the adoption of LMC 8.24, I
>believe EPA (which FHWA utilizes) has adopted new standards that are more
>stringent than those found in our local ordinance. And, applying Lincoln's
>noise ordinance directly to a Federal or State Highway would create
>jurisdictional authority issues. Thus, I did not refer you to Table 4 as
>it would create confusion.

>
>Re: contacting other drag strips and motorsports complexes. As I explained
>in the hallway of the County City building, and as I testified before the
>Planning Commission, Health Department staff contacted a half-dozen other
>communities with drag strips or motorsports facilities. Five of these
>were on NHRA's 2006 schedule and one was not.

>
>You are welcome and encouraged to provide other information you believe may
>be of assistance.

>
>Sincerely,
>Scott E. Holmes, MS, REHS
>Manager, Environmental Public Health

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"Neb Economis"
<nebeconomicsuppo
rt@hotmail.com>

04/08/2007 04:16
PM

SHolmes@ci.lincoln.ne.us,
commish@lancaster.ne.gov,
commish@lincoln.ne.gov,
council@lincoln.ne.gov,
dschorr@lancaster.ne.gov,
JOrtiz@journalstar.com,
ksvoboda@svobodaformayor.com,
mdekalb@lincoln.ne.gov,
MDekalb@ci.lincoln.ne.us,
midwestminichoppers@hotmail.com,
plan@lincoln.ne.gov,
rstevens@lancaster.ne.gov,
workbob@msn.com, cm@liba.org,
jmaul@lincoln.org,
marvinkrout@palm.com,
mayor@lincoln.ne.gov,
pres@computingextras.com

To

cc

Subject

Re: Highway Sound regulations

>Thank you for your reply.
>We have put this e-mail together do to the fact you my have misled city,
>county and Mayor at common's meeting the way you answered questions there
>questions. No where in the city noise ordinance do I see 50dBA for
>residential areas from 7:00am to 10:00pm. Please clarify.
>
>Looking over planning commissions public hearing video about special permit
>
>#06051. You were not present. Another representative from your office tried
>
>to answer questions from the planning commissioners. He stated the health
>department in Lancaster county does not know how to deal with the sound
>issues. He stated the health department here does air quality and still use
>
>outside consultants for those projects. Watch the last 10 min. of video for
>
>this info. Meeting date 10/11/2006.
><http://www.lincoln.ne.gov/city/mayor/cic/5citytv/video.htm#plan>
>
>The request of information from planning about sound has been explained by
>Dr. Cheenne in the motor sport taskforce report to some extent. See
>attached
>proposed changes from Dr. Cheenne here.
><http://www.lincoln.ne.gov/cnty/commiss/motor/021407.pdf>
>
>Looking over the Noise Control Ordinance chapter 8.24 for the city of
>Lincoln you attached.
><http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>
>
>I have read it completely and understand the purpose of you job and why
>these standards have been established. I have talked with NDOR and FHWA. I
>>wanted to make sure you know the standards if you are going to be making
>recommendations or comments about sound to our city and county
>commissioners. The answer for my question from original e-mail is.
>Readings taken at 50 ft. away from source traveling above 35 mph.
>90 dBA with a GVWR of 10,000 lbs. or more.
>84 dBA for motorcycles.
>79 dBA for any other motor vehicle
>Readings 20 inches from exhaust Stationary engine rpm at 3000
>Automobiles and trucks with (GVWR<10,000 lbs.)
>95 dBA front engine
>99 dBA rear or mid-engined
>
>Why these nubers are important. This is the reason the Motorsport Taskforce
>
>has recommended a motorsports facility be located near a major 4-lane Hwy.
>Also the owner and developer of Nebreaska Motorplex is in the motorsports
>business and knows the requirements for locating a motorsports facility
>based
>on recomendations from other organizations involed with motorsports. The
>proposed text ammendments are obviously intended to make a motorsport
>facility in Lancaster County impossible. The numbers above are from City
>Noise Control Ordinance. I understand the county outside the city 3 mile
>jurisdiction does not have an ordinance? I do know the NDOR and FHWA follow
>
>the numbers that are in our ordinance when building new roads. So when you
>are saying 50 and 65 dBA for motorsports facilities that are proposed to be
>
>constructed and operated next to a 4-lane Hwy. I recommend talking with an
>

>acoustical consulting firm to get the facts. They will give you the numbers
>
>that you can apply to any location to have an idea of what the sound would
>be. Then mitigating the sound can be looked at. Here is firm that was
>recomended by health department to planning commissioners. This firm has
>exsperianced with sound associated with drag racing. They may have over the
>
>phone numbers. If you do not already have them.
>Gordon Bricken & Associates, Inc.
>1621 East 17th Street, Ste. K
>Santa Ana, CA 92705-8518
>(714) 835-0249
>(714) 835-1957 FAX
>Email: GBricken@aol.com
>Here is link to find more Acoustical Consultants.
><http://www.mbiproducts.com/room/consultants.aspx>
>
>I had personal spoke with you the morning of April 2nd 2007 after commons
>meeting. Did you say you contacted 12 examples of Drag race tracks that
>have
>no restrictions? You had made comment the tracks had been there for years.
>If you would like. I will compose a list of 12 newer tracks and tracks that
>
>have remodeled recently to add the National events. I can provide the
>counties they are in and get copies of there text ammendments and language
>on how they allow the sound issues associated with there counties drag race
>
>tracks.
>
>I am in no way associated with Greg Sanford the Nebraska Motorplex or GS
>motorsports buisiness.
>Drag race tracks provide a service that is needed by my buisiness and many
>others in all cities across the country. We would be willing to do a fund
>raising or apply for a grant to cover any of the cost associated with using
>
>acuostical engineers or location consultant. The County board is pledging
>there support to assist private sector with motorsports facilities. They
>recieve funds from lodging tax and keno. So this opportunity will be
>directly effecting the County budget. It would be a great investment for
>them to assist with consultants about any issues that The city cannot
>address. For Lancaster county this is unique opportunity. We want to help
>make this happen. Do you want to say you helped make this happen for our
>entire community? Or be one that helped push this opportunity away? If you
>find any of my information to be incorrecr or non factual please let me
>know.
>
>Thank you for keeping you recomendations fare to all involved,
>Shannon Mcgovern, Team Leader
>Neb Economic Support Team
>Lincoln, Ne. 68504
>(402)202-1461
>
>
> >From: SHolmes@ci.lincoln.ne.us
> >To: "Neb Economis" <nebeconomicssupport@hotmail.com>
> >Subject: Re: Highway Sound regulations> >Date: Fri, 6 Apr 2007 11:30:15
>-0500
> >
> >
> >Dear ?,

>

>

>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
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>destroy all copies of the

>original message.

>



WebForm
<none@lincoln.ne.gov>
04/10/2007 04:21 PM

To: General Council <council@lincoln.ne.gov>
cc
bcc
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Pete Beau
Address: 7431 South 50th Street
City: Lincoln, NE 68516

Phone: 402-477-5023
Fax:
Email: pete.beau@homerealestate.com

Comment or Question:

Please provide more police services to the Near South neighborhood. We feel we were forced out by the crime and threats we faced in living at 1521 B Street. This had been our family home since 1923 and we had 5-generations of our family that had lived here. The past 18 months there has been a huge change. Just a couple of years ago we enjoyed walking the neighborhood-the past year had been one of staying inside once it was dark, stopping by your home several times a day to check on things (because people watch you and your house when you come and when you go) I would not advise anyone to walk this area at night-- We are really pleased with our new neighborhood in se Lincoln but we visit our old friends in the near south and they are feeling the same things we felt-- The area needs help



"Neb Economis"
<nebeconomicsupport@hotmail.com>

04/11/2007 12:31 AM

To council@lincoln.ne.gov, commish@lancaster.ne.gov,
commish@lincoln.ne.gov, dschorr@lancaster.ne.gov,
jmaul@lincoln.org, JOrtiz@journalstar.com,

cc

bcc

Subject Sound survey info

This letter was sent to Scott Holmes at health department. Scott testified before the planning commission. The health department staff contacted half a dozen tracks 5 were on NHRA's 2006 schedual one was not. The tracks have no sound restrictions.

Scott, I did not see list of Drag Race tracks that your department contacted. Here are some results from my research. Could you add any of these Drag race tracks to your list?

Drag Race Track Sound Restriction Survey

Question:I will be traveling through your area this summer with my Outlaw Camaro. I would like to Visit your Drag Strip and make some test runs. Do you have any sound restrictions at your Drag Strip? If so do you have to meet any kind of dBA's "decibel levels" at a certain distance. I need to make sure I bring correct mufflers if needed. (This was sent to 26 Drag race tracks across the country.)

Responses: Received in Feb. 2007

Silver Dollar Raceway Reynolds, GA 1/4 mi Asphalt

Bring it on! We have no restriction for sound and look forward to having you in our area.

Thanks, Ed Swearingen

Gainesville Raceway Gainesville, FL 1/4 mi Asphalt

No

sound restrictions Billie Petrie

Tulsa International Raceway Tulsa, OK 1/4 mi Asphalt

No, we don't have any noise restrictions. We'd love to have you down!

Richmond Dragway Richmond, VA 1/4 mi Asphalt

No

sound limitations Thanks for the question - Johnny Davis

S.R.C.A. Dragstrip Great Bend, KS 1/4 mi Asphalt

Hello! I am unaware of any noise restrictions. Thanks! Tracey, SRCA

Tri State Raceway Earlville, IA 1/4 mi Concrete

We are

out in the country and have no restrictions on sound. Bill Cassil

Wichita International Raceway Wichita, KS 1/4 mi Asphalt

WIR

does not have any sound restrictions or muffler requirements - look me up when you get here -

Thanks - Wayne Robert

Cordova Dragway Park Cordova, IL 1/4 mile Asphalt

We

don't have any noise restrictions here at Gateway. You do have to be NHRA legal.

Byron Dragway Rockford,IL 1/4 mile Asphalt
None. Call me when you can. -- Richard "Dick" Monaco

Great Lakes Dragway Union Grove, WI 1/4 mile Asphalt
have No sound restrictions Ray

We

Osceola Dragway Osceola, IN 1/4 mile Asphalt
have no sound restrictions. Looking forward to seeing you!
Medich

We
Tim

The list goes on.... It seems that the standard in the United states of America is NO restrictions.

Original e-mails are available if needed.

I hope this information will help. I have looked at these tracks and surrounding areas with Yahoo maps satellite view. Many of these tracks are in very similar locations compared to Greg Sanford's proposed location on north Hwy 77. In most cases there are more homes and acrages around these tracks than at our Hwy 77 location.

Shannon Mcgovern, Phone 202-1461



"SW Mc"
<midwestminichoppers@hotmail.com>

04/11/2007 03:49 PM

To: SHolmes@ci.lincoln.ne.us, workbob@msn.com,
rstevens@lancaster.ne.gov, pres@computingextras.com,
plan@lincoln.ne.gov, nemotorplex@neb.rr.com,

cc

bcc

Subject: NDOR information

Scott,

I spoke with Mark Ottemann at NDOR Nebraska Department of Roads on 14th and Nst. I was put on speaker phone with him and one of his associates. I explained the situation about a drag race track proposal next to North Hwy 77 location. A drag race track is a 1/4 mile stretch of road. The reason for my research is to prove why motorsports task force would recommend a motorsports facility be placed close to a major Hwy. Also many people have stated that weekly drag races would be the same sound as trucks going down the Hwy. Put sound with sound they say.

What I have learned is the NDOR follows Federal High Way Administration FHWA set standards. Hwy 77 was widened from 2-lane to 4-lanes. So when they come to a house along the Hwy they are planning to build or widen. They do noise testing and explained to me how this is done. Testing is done to establish an average over a 24 hr. period. 15- 20 minute leg. Sound is recorded and average is taken in 15-20 sessions. So they may record anywhere from 40 dBA to 110 dBA so that is why they use the average over a 24hr. period.

So for example. If the NDOR stood in Phill Pfeiffer's front yard at 15400 North 56th and recorded over 66 dBA for a 24 hr. period the state and federal Hwy administration would then look at ways to do abatement or sound mitigation to keep Hwy sound at or below 66 dBA Residential and 71 dBA for commercial areas. I do believe that Hwy 77 is not a residential area.

The 90 dBA I was talking about in previous e-mail. Was for trucks over 10,000 GVWR that are over 35 mph at 50ft away from source. They would be in violation and could be ticketed within city limits Lincoln's Ordinance 8.24 table 4.

<http://www.lincoln.ne.gov/city/attorn/lmc/ti08/ch824.pdf>

NDOR contact info. Mark Ottemann, Utilities/Noise & Air Studies Engineer
402-479-4684

<http://www.nebraskatransportation.org/environment/index.htm#noise>

Ever since public hearing with planning commission on Oct. 11th 2006 I have been doing studies on sound issues. So when you say you are working on text amendments for motorsports facilities next to Hwy's. There is a lot of information available out there. Dr. Cheenne has explained everything that is needed to make a decision on this issue. I know this is not the only issue you have in front of you. So I am here to help in order to reach a fair decision for all involved. I do believe you were present at Task force meeting for Dr. Cheenne's presentation to the taskforce. He stated straight line no mitigation under very humid conditions the high end of most NHRA sportsman drag race cars would be 115 dBA and would drop to 56 dBA at one mile. NDOR agrees with these numbers. Here are minutes from meeting.

<http://www.lincoln.ne.gov/cnty/commiss/motor/013107.pdf>

Anything I can do to help get this drag race track approved let me know.

Thank you for your time,

Shannon MCGovern 202-1461
Voter Registration #3215420



"SW Mc"
<midwestminichoppers@hotmail.com>

04/12/2007 12:17 AM

To carolserv@hotmail.com, mdekalb@lincoln.ne.gov,
council@lincoln.ne.gov, commish@lancaster.ne.gov,
commish@lincoln.ne.gov,

cc

bcc

Subject FW: County assist motorsports

>From: "Neb Economis" <nebeconomicsupport@hotmail.com>

>Lincoln Journal star "Sound Off"

>

>How should the county assist with the construction of a local motorsports
>facility?

>

>Tell them what you think!

>[http://journalstar.com/blog/soundoff.php?title=how_should_the_county_assist_w
ith_the_co&more=1&c=1&http://journalstar.com/blog/soundoff.php?title=how_shoul
d_the_county_assist_with_the_co&more=1&c=1&tb=1&pbtb=1&pb](http://journalstar.com/blog/soundoff.php?title=how_should_the_county_assist_with_the_co&more=1&c=1&http://journalstar.com/blog/soundoff.php?title=how_should_the_county_assist_with_the_co&more=1&c=1&tb=1&pbtb=1&pb)

>

>

Media Release

To: Media

CC: Mayor's Office, Lincoln City Council

From: Lori Seibel, Executive Director, 436-5516
Community Health Endowment

Date: April 12, 2007

Re: Request for Award Nominations

Community Health Endowment Seeks Nominations for Annual Award

The Community Health Endowment (CHE) of Lincoln is seeking nominations for their annual CLOSING THE GAP AWARD. Nominees should have demonstrated leadership and vision in addressing health disparities in Lincoln/Lancaster County. This prestigious award will be rewarded at the Endowment's Annual Meeting with the Community on June 13, 2007. Nominations can be submitted through the CHE website or by contacting staff at the CHE office. In 2006, the CLOSING THE GAP AWARD was presented to **DR. MARTY RAMIREZ** for his stamina, courage, and persistence in diversity education and healthcare equality. Recognizing that the inequalities in healthcare that affect some racial/ethnic populations in our community ultimately affect us all, Dr. Ramirez has been the driving force behind CHE's internal diversity plan, a strong supporter of funding for programs and services that address health disparities, and a constant advocate for doing more about the inequalities that exist in Lincoln's healthcare system.

For more information, contact CHE at 402/436-5516 or www.chelincoln.org.