

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, MAY 31, 2004**

I. MAYOR

- *1. Washington Report - May 14, 2004.
- *2. NEWS RELEASE - RE: Mayor Opens Federal Place - Building also included in new historic designation - (See Release)
- *3. NEWS ADVISORY - RE Mayor's Participation in a program to celebrate the renovation and expansion project at the Matt Talbot Kitchen - 10:00 a.m., Thursday, May 20th - 1911 "R" Street.
- *4. NEWS RELEASE - RE: Left Turns Prohibited At Old Cheney Road Intersection - (See Release)
- **5. Washington Report - May 21, 2004.
- **6. NEWS RELEASE - RE: Mayor Seng Says City will Continue To Assist Communities Hit By Storms - (See Release)
- **7. NEWS RELEASE - RE: School Crossing Signal Destroyed - Motorists asked to avoid using Van Dorn as 84th Street detour - (See Release)
- **8. NEWS ADVISORY - RE: Mayor Coleen Seng will participate in a ribbon cutting ceremony for a traveling Vietnam Memorial at 11:00 a.m., Thursday, May 27 - (See Release)

II. CITY CLERK

- *1. Letter to City Clerk from Jane Lageschulte RE: Opposition to the Paving project at North 36th Street, Vine to "W" Streets (Paving District 2628)
- *2. Letter to City Clerk from Margaret Kelly RE: Opposition to the creation of Grading District 152/Graveling District 341 - in the north/south alley N. 58th Street to Touzalin Ave., Gladstone to Judson Streets.

- *3. Letter to City Clerk from Donald L. Adams & Rebecca M. Adams (Kolb) - RE: Paving District - North 36th Street - Vine to W St., Item #6, 04-86 - (See Letter)

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

ANNETTE McROY

1. **OUTSTANDING Request to Public Works & Utilities Department/ Lancaster County Engineering - RE: Future plans for NW 4th 48th Street (RFI#147 - 3/18/04) - (Sent Corrected Copy out on 3/22/04). — 1.) SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#147 - 3/26/04.**
2. **OUTSTANDING Request to Law Department/ Animal Control - RE: Cats leash Law - (RFI#149 - 04/23/04). — 1.) SEE RESPONSE FROM BRUCE DART, HEALTH DEPARTMENT DIRECTOR RECEIVED ON RFI#149 - 5/04/04.**

PATTE NEWMAN

1. **OUTSTANDING Request to Ernie Castillo, Wynn Hjermsstad, Marc Wullschleger, Urban Development Department/ Terry Bundy, LES/ Allan Abbott, Public Works & Utilities Director/Mike DeKalb, Marvin Krout, Planning Department/Lynn Johnson, Parks & Recreation Director - RE: Signs or banners identifying individual neighborhoods - (For Witherbee and Eastridge area) - (RFI#20 - 3/24/04). — 1.) SEE RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#20 - 4/12/04.**
2. **OUTSTANDING Request to Nicole Fleck-Tooze, Dennis Bartels, Allan Abbott, Public Works/ Tonya Skinner, Dana Roper, City Law Dept./Marvin Krout, Planning - RE: A resident of the Easthart Neighborhood a problem they had in their development - the commons area between 78th St. & Maxey School - (RFI#21- 4/29/04). — 1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#21 - 5/24/04.**

3. **OUTSTANDING Request to Nicole Fleck-Tooze, Allan Abbott, Public Works & Utilities Department** - RE: A constituent in the 8200 block of "A" Street - the City is asking their homeowner's association to pay for maintenance of a commons area - (RFI#22 - 4/29/04)
4. Request to Dana Roper, City Law Department/Police Chief Tom Casady - RE: The disturbing the peace law - an infraction vs. a misdemeanor - (RFI#23 - 5/19/04). — **1.) SEE RESPONSE FROM POLICE CHIEF TOM CASADY RECEIVED ON RFI#23 - 5/24/04. — 2.) SEE RESPONSE FROM JOHN C. McQUINN, CITY LAW DEPARTMENT RECEIVED ON RFI#23 - 5/25/04.**
5. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director/Dana Roper, City Law Department** - RE: The Infrastructure Financing Meeting on 5/18/04 - subject of wheel tax was raised (RFI#24 - 5/19/04)

TERRY WERNER

1. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director** - RE: Proposed Changes on "A" Street - 10th to 27th - (RFI#127 - 5/03/04)
2. Request to Police Chief Casady - RE: Speeding in residential areas (RFI#128 - 5/25/04)

GLENN FRIENDT

1. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Department** - RE: "A" Street center lane traffic (RFI#32 - 5/03/04)
2. Request to Lynn Johnson, Parks & Rec. Director - RE: South Salt Creek Community Organization concerns (RFI#33-5/25/04)

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE

- *1. Material from Mark Leikam, City of Lincoln Keno Auditor - RE: Keno Summary - (See Material)

BUDGET:

- *2. Council's Budget Hearing Schedule for the 04-05 City Budget.

HEALTH

- *1. NEWS RELEASE - RE: Health Department And Cemeteries Craft Solution To Mosquito Problems - (See Release)

LANCASTER COUNTY EMERGENCY MANAGEMENT

- **1. NEWS ADVISORY - RE: Lancaster County Emergency Management and the State of Nebraska will hold a joint news briefing at 9:00 a.m., on May 26th in the Lincoln Police Department Media Briefing Room - will discuss the on-going relief effort in Hallam - (See Release)
- **2. NEWS ADVISORY - RE: Lancaster County Emergency Management and the State of Nebraska will hold a joint news briefing at 9:00 a.m., May 27 in Lincoln Police Department Media Briefing Room to discuss the on-going relief effort in Hallam - (See Release)

LIBRARY

- *1. DIRECTOR'S REPORT - RE: Lincoln City Libraries - April 2004 Statistics - Monthly Categorical Report - Fund Balances - April 2004.

PLANNING

- *1. Letter from Becky Horner to Richard Onnen, EDC - RE: Stone Bridge Creek 4th Addition Final Plat #03036.
- *2. Letter from Becky Horner to Mike Johnson, Olsson Associates - RE: Fallbrook 8th Addition Final Plat #03019 - (See Letter)
- **3. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Mcdonald Addition Final Plat #04038 - (See Letter)
- **4. Letter from Brian Will to Michael Johnson, Olsson Associates - RE: Stone Ridge Estates 3rd Addition - Final Plat #03061 - (See Letter)

PLANNING COMMISSION FINAL ACTION

- *1. Preliminary Plat No. 04004 - Big Thompson Creek 1st Addition (Northeast of South 56th Street and Yankee Hill Road) Resolution No. PC-00865.
- *2. Preliminary Plat No. 04006 - Brandt Heights 1st Addition (South 84th Street and South Street) Resolution No. PC-00864.
- *3. Preliminary Plat No. 04009 - Stevens Creek Ridge 1st Addition (North 134th and Holdrege Streets) Resolution No. PC-00863.
- *4. Preliminary Plat No. 01012 - West Park 2nd Addition (S.W. 15th Court and West "A" Street) Resolution No. PC-00862.

PUBLIC WORKS & UTILITIES DEPARTMENT

- *1. Letter from Allan Abbott to Whom It May Concern: - RE: Once authorization has been given to others to excavate within the City right-of-way, the Department of Public Works/Utilities is responsible for assuring proper compaction of excavation has been obtained. Unfortunately, it is apparent that an increasing number of these excavations are not being compacted as required by Title 14 of the Lincoln Municipal Code.
- **2. Letter from Doug Schwartz to Todd Hall - RE: L-4869.5 - Glynoaks Drive and 75th Street - This location has been reviewed for control by request from City Councilperson Jon Camp - (See Letter)

C. MISCELLANEOUS

- *1. E-Mail from Jon Cleal - RE: New Taxes Proposed for Lincoln - (See E-Mail)
- *2. Letter from Elaine Ostdiek to Annette McRoy - RE: Older neighborhood in Lincoln, appreciative of the efforts by the City to improve the infrastructure of neighborhoods such as ours - (See Letter)
- *3. E-Mail from Kim Epp - RE: Zoning - (Council & Joan Ross received copies of this E-Mail on 5/17/04)(See E-Mail)

- *4. Correspondence from Darrell Podany regarding his son - RE: Alex Petrov, University of Nebraska-Lincoln student entrepreneur - UNL, Wells Fargo give start-up loan to student entrepreneur - (See Correspondence)
- *5. E-Mail from Jerald & Carolynn Varner - RE: South Street Re-Zoning - Thank you - (See E-Mail)
- *6. Letter from Judy L. Becker - RE: Alley Grading District: North/South Alley, North 58th to Touzalin Avenue, Gladstone Street to Judson Street, Havelock Block 224 Lot 7 - (See Letter)
- *7. E-Mail from Janis Heim RE: Thanks for postponement of "A" Street Striping project.
- **8. News Release Material from The Office of Governor Mike Johanns - RE: Gov. Johanns Announces 2004 Homeland Security Grants to Local Communities & FY 2004 HSGP/LETPP Grant Awards - (See Material)
- **9. Letter & Material from Simera Reynolds, M. Ed., State Executive Director, MADD to Bob Logsdon, Chairman, Liquor Control Commission - RE: Ongoing constituents concern that has been brought to MADD's attention about the actions of the Liquor Control Commission in the last several months - (See Material)
- **10. E-Mail from Diane A. Merrell - RE: Paving of 36th Street from Vine to W - (Council received their copies on 5/24/04)(See E-Mail)
- **11. E-Mail from John Kimble - RE: No-turn on red and bad drivers - (See E-Mail)
- **12. Letter from Kathy J. Marchant - RE: Paving District -North 36th Street, Vine to "W" Street - (See Letter)
- **13. Letter & Material from Fred H. Barker - RE: Public Hearing Ordinances 04-83 and 04-84:- Creating Grading District No. 152 and Creating Graveling District No. 341 - (See Material)
- **14. NEWS RELEASE from Geoff Allen, State Building Division - RE: Gov. Johanns Orders Flags Flown at Half-Staff Monday, May 31 through Noon in Observance of Memorial Day - (See Release)

- **15. Letter from Kent & Kara Eitzmann - RE: Alley Grading/Graveling District: North/South Alley, North 58th to Touzalin Ave, Gladstone Street to Judson Street - (See Letter)
- **16. Letter from Richard L. Schmeling - RE: The Community Solutions Infrastructure Forum - What you think. - Lincoln's infrastructure challenge or the proposed financing options - (See Letter)

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

***HELD OVER FROM MAY 24, 2004.**

****HELD OVER UNTIL JUNE 7, 2004.**

Washington Report

Vol. 10 No. 14
May 21, 2004

City of Lincoln -- Washington Office

Senate Delays Vote On Budget Resolution

INSIDE

| | |
|------------------------|---|
| Budget | 1 |
| Transportation | 1 |
| Human Services | 2 |
| Base Closure | 2 |
| Federal Register | 3 |

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MAY 21 2004

CITY COUNCIL
OFFICE

Washington Report

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Budget

Senate drops plans to debate FY 2005 budget resolution this week. House and Senate negotiators completed the conference report on the FY 2005 budget resolution this week, and the House quickly approved the measure on Wednesday, albeit by the close vote of 216-213. Senate leaders, however, were far less certain that the measure would be approved in that chamber, so they postponed debate until early June, after their Memorial Day recess.

The budget resolution, which does not require Presidential approval, sets the broad outlines under which the appropriations and tax writing committees in Congress must operate for the upcoming fiscal year. While it is not mandatory that one be approved, the absence of it makes the process of approving the 13 appropriations bill much more difficult. For instance, without the spending limits that an approved budget resolution sets, amendments in the Senate to increase spending above the unofficial caps set by the President could be ruled in order, thus allowing difficult votes placing Republicans between raising spending levels for popular programs and the wishes of the President.

The major sticking point in the budget resolution remains the reinstatement of rules that would require offsetting spending reductions for any increases in mandatory spending or tax cuts (discretionary spending increases must be offset). These "pay-as-you-go" rules are opposed by Republican leadership because they would jeopardize the chances of making the Bush tax cuts of 2001 and 2003 permanent. However, a group of four Republican Senators are insisting that such rules be reinstated in the budget resolution and are withholding their votes. Combined with virtually unanimous opposition from Democrats, those four votes are enough to defeat the measure in its current form.

Senate Majority Leader Bill Frist (R-TN) will use the Memorial Day recess to try to persuade the four GOP Senators -- Olympia Snowe and Susan Collins of Maine; Lincoln Chafee of Rhode Island, and John McCain of Arizona -- to change their minds. Frist has also targeted Senator Ben Nelson (D-NE) as a potential "yes" vote on the budget resolution, although his public statements thus far have indicated he will not.

In the meantime, as was reported last week, House Appropriations Committee Chairman Bill Young (R-FL) has provided his 13 subcommittee chairs with preliminary allocations and instructed them to complete action on their bills by the end of July. In addition, given the tight spending caps set by the President combined with an expected \$50 billion FY 2004 supplemental appropriations bill to fund war efforts, Young has been strongly encouraging the chairmen to cut down on including special projects earmarked for Members in their bills.

Transportation

Senate names conferees for highway, transit bill; House to proceed after recess After a month-long standstill on the TEA-21 reauthorization bill, an agreement was reached this week by Senate Leaders which allowed the Senate to proceed with naming conferees to reconcile differences between the House and Senate versions of the six-year surface transportation bill. Senate Majority Leader Bill Frist (R-TN) and Minority Leader Tom Daschle (D-SD) both expressed that Senate conferees would work in "good faith" and in a bipartisan fashion to advocate for the Senate's \$318 billion proposal. Daschle had originally refused to appoint conferees unless Senate Democrats were given a stronger role in the conference negotiations.

Republicans named to the conference are: Senate Environment and Public Works Committee Chairman James M. Inhofe (OK), Senate Transportation and Infrastructure

Subcommittee Chairman Christopher S. Bond (MO), Senate Finance Committee Chairman Charles E. Grassley (IA), Senate Budget Committee Chairman Don Nickles (OK), Senate Commerce Committee Chairman John McCain (AZ), Senate Banking Committee Chairman Richard C. Shelby (AL), Senate Majority Whip Mitch McConnell (KY), John Warner (VA), George Voinovich (OH), Orrin Hatch (UT), and Trent Lott (MS).

The Independent and Democrats on the conference are: Senate Minority Leader Tom Daschle (SD), Senate Environment and Public Works Committee ranking member James M. Jeffords (I-VT), Senate Transportation and Infrastructure Subcommittee ranking member Harry Reid (NV), Senate Finance Committee ranking member Max Baucus (MT), Senate Budget Committee ranking member Kent Conrad (ND), Senate Commerce Committee ranking member Ernest F. Hollings (SC), Senate Banking Committee ranking member Paul Sarbanes (MD), Bob Graham (FL), Joseph Lieberman (CT), and Barbara Boxer (CA).

Due to the late notice of the agreement reached in the Senate, it is anticipated that the House Leadership will appoint their conferees after they return from the Memorial Day recess on June 2.

This will leave conferees less than a month to produce a final version of the bill before the current temporary extension of existing law expires on June 30. Given that it took nearly 10 weeks to conference TEA-21 in 1998, some industry representatives have predicted that a long term extension that would postpone action on the bill until after the election will be passed. However, should work on the bill be postponed until after the election, conferees may face less opposition from the White House regarding the total funding level of the bill. The President has threatened to veto any bill that exceeds his \$256 billion dollar proposal.

Human Services

Senate committee approves legislation to reauthorize school lunch program. On Wednesday, by a voice vote, the Senate Agriculture, Nutrition, and Forestry Committee approved a draft bill that would reauthorize and slightly expand the school lunch program.

Under the current law, the school lunch program makes free lunches available to families with incomes up to 130 percent of the poverty level while students from families with incomes up to 185 percent of the poverty level qualify for reduced-priced meals. It was the hope of many Senators on the committee that the approved draft bill would have language in it similar to language in the Senate Budget Resolution (S Con Res 95) that would allow an additional \$842 million over the next five years to expand eligibility for the free lunches to both sets of families and eliminate the reduced priced meals. However, because both chambers have not agreed to a final budget resolution the committee had to work within the \$232 million that was allotted to continue programs set to expire this year. The result is that instead of an across the board program expansion, the legislation would authorize a five-state pilot eligibility expansion program along with another four state pilot program designed to increase student access to fruits and vegetables in schools.

Although the bill has broad bipartisan support, it has become a magnet for debate over childhood obesity, with many Democrats calling for increased regulation over all food sold in schools. This was reflected in Senator Tom Harkin (D-IA) voicing his intent to offer a floor amendment that would grant the Agriculture secretary authority over all food and meals sold in schools, not just meals served in the cafeteria.

On March 24 the House also passed legislation (HR 3873) to reauthorize and revise the program. While the House passed bill does not include language that

would expand eligibility for the program, it does make a variety of changes to the programs designed to make them easier to administer and to increase participation of eligible children.

Both the House and the Senate approved legislation (S 2241) in March that would extend the program until the end of June. It was slated to expire on March 31.

Base Closure

House votes to delay BRAC 2005. Setting up a showdown with the White House and possibly the Senate, the House voted overwhelmingly to delay the round of base closures scheduled for next year, commonly known as BRAC 2005, until 2007 pending a study of worldwide needs and strategy. The vote came on an amendment offered by Representative Mark Kennedy (R-MN) to strip the delaying language from the FY 2005 Defense Authorization bill (HR 4200). The Kennedy amendment was defeated by a vote of 162-259, a measure of the unpopularity of BRAC 2005 among rank and file House members. The House later passed the underlying bill by a vote of 391-34.

In the Senate, where Armed Services Committee Chairman John Warner (R-VA) and ranking Democrat Carl Levin (D-MI) both strongly support BRAC 2005, base closure opponents have fought an uphill battle. The Senate defeated, 48-29, an amendment to the Senate version of the FY 2005 Defense Authorization bill (S 2400) offered by Senator Trent Lott (R-MS) to limit BRAC 2005 to overseas bases and to implement a round of domestic base closures in 2007. However, with Senate consideration of the bill spilling over into next week, there is talk that Lott might offer another amendment that would mimic the delaying language included in the House bill. Opponents of BRAC 2005 hope that approach will change enough votes from the other side to prevail.

The House bill immediately drew a veto threat from the White House, setting up a scenario similar to last year's consideration

of the FY 2004 Defense Authorization bill. In that case, the House version of the bill called for the cancellation of BRAC 2005 while the Senate version did not address the issue. Under the threat of a White House veto and in the face of strong support for BRAC 2005 among Senate conferees, the Conference Report for the bill deleted the House language.

Most observers predict a similar turn of events this year, noting that the congressional leadership will be loathe to risk a veto of the Defense Authorization bill while American troops are deployed overseas and noting that the 259 House members who voted against the Kennedy amendment leaves BRAC 2005 opponents well short of the two-thirds supermajority needed to override a veto. However, the opponents of BRAC 2005, led by Representatives Joel Hefley (R-CO) and Solomon Ortiz (D-TX), remain confident they will prevail, arguing that there is stronger support for this year's approach of delaying BRAC 2005 versus last year's approach of canceling it outright.

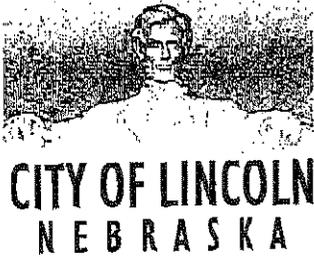
Federal Register

The following items were printed in the Federal Register this week. Further information may be obtained from this office.

Department of Housing and Urban Development (HUD), May 17: HUD has announced the requirements for use for \$34.3 million in FY 2003 funds authorized for the Enterprise Foundation, the Local Initiatives Support Corporation (LISC), Habitat for Humanity and YouthBuild USA for capacity building activities for community development and affordable housing. Activities eligible for funding under these programs include: training, education, support and advice to enhance the technical and administrative capabilities of community development corporations (CDCs) and community housing development organizations (CHDOs); and also eligible are loans, grants, development assistance, predevelopment assistance or other

financial assistance to CDCs and CHDOs to carry out community housing and affordable housing activities that benefit low-income families. Grantees should have filed a work plan and performance report by March 31, 2004. Pages 27976-27978.

Environmental Protection Agency, May 19: The Environmental Protection Agency (EPA) has announced the availability of funding for the Wetland Programs Developmental Grants (WPMGs). The purpose of these grants is to provide eligible applicants with an opportunity to conduct projects that promote the coordination and acceleration of research, experiments, and training relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. Applications should emphasize any of the following three priority areas: 1) developing a comprehensive monitoring and assessment program; 2) improving the effectiveness of compensatory mitigation; and 3) refining the protection of vulnerable wetlands and aquatic resources. Approximately \$1,000,000 is available to fund projects ranging between \$25,000 and \$250,000. Eligible applicants include state and local governments, as well as nonprofits, other than institutions of higher education. Applications are due June 29, 2004 and are available online at: www.epa.gov for more information. (Grants.gov)



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: May 24, 2004

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

RECEIVED
MAY 25 2004
CITY COUNCIL
OFFICE

MAYOR SENG AND DOUG AHLBERG, LANCASTER COUNTY EMERGENCY MANAGEMENT DIRECTOR, WILL BRIEF THE LINCOLN CITY COUNCIL ON STORM RELIEF EFFORTS AT THE BEGINNING OF THE COUNCIL MEETING TODAY AT 5:30 P.M. AHLBERG WILL BE AVAILABLE AFTER THE BRIEFING TO ANSWER QUESTIONS FROM THE MEDIA IN ROOM 113, NEXT TO THE COUNCIL CHAMBERS.

MAYOR SENG SAYS CITY WILL CONTINUE TO ASSIST COMMUNITIES HIT BY STORMS

Mayor Coleen J. Seng today praised the efforts of emergency crews who responded to the tornados and storm damage in Hallam and southern Lancaster County Saturday night. She said the City of Lincoln is prepared to provide further assistance to Hallam and the County as the clean-up continues.

"Our thoughts and prayers are with our neighbors to the south as they deal with the devastating aftermath of this weekend's storms," said Mayor Seng. "The City of Lincoln is making every effort to provide assistance with safety, health and clean-up issues."

Mayor Seng discouraged Lincoln residents from traveling to the affected areas to view the damage.

"It is important that people stay out of the damage areas to allow officials to do their jobs," Seng said. "The need for volunteers will come, but until they are ready, the best action would be to make a contribution to the relief agencies that are working there now."

The City Parks and Recreation Department is working with the Volunteer Partners organization and the County Emergency Operations Center to organize volunteer efforts. An orientation meeting for those who wish to volunteer is from 7 to 10 p.m. tonight at the "F" Street Community Center, 1225 "F" Street.

The Lincoln Police Department (LPD) deployed 27 employees to help Saturday night. Twenty officers led by a police captain and sergeant went to Hallam to assist the Sheriff's Office, the Nebraska State Patrol and volunteer fire departments in securing the community and searching for those injured. The LPD SWAT bus helped transport victims to the emergency shelter at Lincoln Southwest High School. In addition, three LPD police officers were sent to the school and two officers to Bryan/LGH West to provide security and victim assistance. Two more Lincoln police officers were sent to damaged Norris High School to provide security until the National Guard arrived. On Sunday, six LPD police officers worked with Sheriff's deputies to search rural areas for possible victims.

Storm Assistance**May 24, 2004****Page Two**

Saturday night, Lincoln Fire and Rescue dispatched three ambulances and team of 20 to Hallam to treat and transport patients and assist in organizing search and rescue operations. The department has ten search and rescue staff there today, including a medic unit, structural specialists and safety officers.

Lincoln Electric System (LES), which owns a portion of the Hallam power plant, reported the storm damaged about 20 power poles from the plant to the area of 20th and Pioneers. Twelve LES crew members assisted Norris Public Power with clean-up and power restoration Sunday, and nine LES employees are assisting this week. LES said the City had about five small outages during the storms, and service was restored quickly.

The City's 911 Emergency Communications Center provided communications support at the command post in Hallam Saturday night and Sunday morning. The radio shop also provided a technician in Hallam and will continue to do so as long as needed. The 911 Center in Lincoln was fully staffed Saturday night, and a dispatcher also was posted at the Emergency Operations Center.

The City of Lincoln Finance Director Don Herz said he has contacted Lancaster County officials to offer technical assistance in submitting federal claims, expertise gained in the aftermath of the October 1997 snow storm in Lincoln.

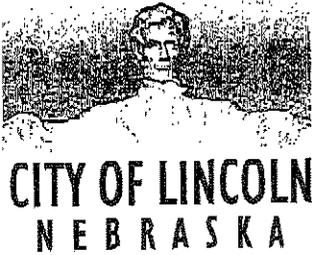
The Lincoln-Lancaster County Health Department has about six staff members in Hallam today providing tetanus shots. Health Director Bruce Dart is in Hallam, and he said the department is ready to assist with any hazardous material incidents. In storm-damaged communities outside of Hallam, Health Department employees are going door-to-door to provide food safety information and water testing to those who were without power.

The City Public Works and Utilities Department assisted the County in closing roads Saturday night and provided StarTran buses to transport Hallam residents out of the damaged area. Director Allan Abbott said the department is offering equipment to assist in the clean-up in areas outside the City limits.

The City Parks and Recreation Department provided four utility vehicles to Hallam Sunday to help residents salvage their belongings. Parks and Recreation Director Lynn Johnson said the department has offered forestry staff, log loaders, wood chippers and trucks to help with tree and debris clean-up as needed.

Mayor Seng issued a caution to those who will need to make repairs to their homes to check references of contractors soliciting business and consult the Better Business Bureau to avoid being the victim of con artists who have been known to prey on storm victims. She said she has spoken with the Home Builders Association of Lincoln (HBAL), which is compiling a list of HBAL members for those wanting to contact a reputable company. The list is available by calling HBAL at 423-4225.

Mike Merwick, the Director of the City Building and Safety Department, said the department is ready to provide building inspectors as needed.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: May 25, 2004

FOR MORE INFORMATION: Scott Opfer, Engineering Services, 441-7532

SCHOOL CROSSING SIGNAL DESTROYED

Motorists asked to avoid using Van Dorn as 84th Street detour

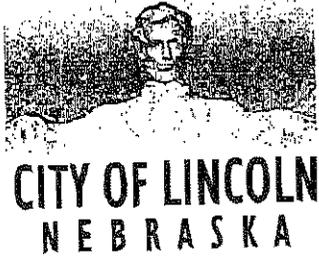
An accident Monday afternoon destroyed an overhead school crossing signal at 79th and Van Dorn streets, which serves students going to and from Lux Middle School. Until school is dismissed for the summer, the Lincoln Police Department plans to have officers at the crossing before and after school to help students cross the street safely.

Scott Opfer of the City Public Works and Utilities Department said a dump truck with its box up hit the signal about 4 p.m. Monday. Because of the extent of the damage, the signal will take several weeks to re-build, and the work will not be completed until this summer.

Opfer said construction on South 84th Street is causing motorists to look for other routes, but he cautioned against using Van Dorn. The recommended detour includes "O" Street, 70th Street and Highway 2.

- 30 -

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MAY 25 2004
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OFFICE



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: May 26, 2004

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

Mayor Coleen J. Seng will participate in a ribbon cutting ceremony for a traveling Vietnam Memorial at **11 a.m. Thursday, May 27** just inside the Vine Street gate at **Wyuka Funeral Home and Cemetery**. The public will be able to view the Memorial free of charge through Memorial Day, Monday, May 31. For more information on the Memorial, go to www.vvmf.org and click on "The Wall That Heals."

RECEIVED

MAY 26 2004

CITY COUNCIL
OFFICE

M e m o r a n d u m

Patte
RFI #21
1/10/04

To: Patte Newman, City Council

From: Dennis Bartels, Engineering Services

Subject: RFI #21 - Drainage Improvements Hartland Homes East

Date: May 21, 2004

cc: Nicole Fleck-Tooze
Marvin Krout
Allan Abbott
Tonya Skinner
Dana Roper
Karen Sieckmeyer
Maggie Kellner
Tammy Bogenreif

RECEIVED
MAY 24 2004
CITY COUNCIL
OFFICE

The approved drainage study for Hartland Homes East Addition showed a storm water detention facility in the northwest corner of that addition. As part of the detention facility, the plans showed construction of low flow liners through the detention area and west to a pipe outlet that the detention and accompanying low flow liners would be built with the detention within 2 years after the final plat that included the detention area, which was by February 2, 2000. At that time, no sureties were required for detention facilities. In retrospect, Public Works could have requested a surety for the low flow liner portion of the detention facility but did not.

Without a surety forcing construction is difficult. The subdivision ordinance has since been modified to require a surety to give the City leverage in such instances.

Complicating this situation is that the outlet where detention is located has been modified and included in the Edenton North Plats to the north. Duane Hartman of Hartland Homes in telephone conversations has stated to me that he would complete the construction and repair the eroded areas.

The City Attorney's office, at Public Works request in 2003, has investigated taking legal action to force the construction. To date, no formal action has been taken. My understanding from discussion with the City Attorney's office is that action would need to be taken against the owner of the outlet.

When sureties are in place for private improvements, Public Works relies on a certification from the developer's engineer that the construction is complete before a surety is released. Drainage improvements in a subdivision are the responsibility of Public Works. Non-compliance by a developer requires that the Law Department get involved.

As noted earlier, additional sureties are now required to aid in the enforcement of timely construction of subdivision requirements. Even with sureties, there are instances where various subdivision improvements are not installed in the prescribed time frames. In my experience, the City has seldom found it necessary to call a surety and perform the construction.



"Patte Newman"
<newman2003@neb.rr.
com>

To: <TBogenreif@ci.lincoln.ne.us>
cc:
Subject: RFI # ??? 21 ???

04/28/2004 01:24 PM

Patte
RFI # 21

Tammy

Please send the following RFI to Nicole Fleck-Tooze, Dennis Bartels, and Allan Abbott of Public Works, Tonya Skinner and Dana Roper in Legal and Marvin Krout in Planning.

Approximately two years ago a resident of the Easthart Neighborhood contacted me about a problem they had in their development. In accordance with the preliminary plat, the developer was required to make improvements to the commons area which was then supposed to be turned over to an Easthart homeowners association. This individual provided me with copies of correspondence dating back to September of 2001 with both Public Works and Hartland Homes.

At that time (around October of 2003) I discussed the matter with several Public Works officials, as well as Planning Department officials and everyone agreed the work was necessary for the developer to fulfill his obligations in accordance with approved plans. I assumed it was being taken care of. When I was elected to the Council, I was told that Darrell Podany and Jon Camp were handling the issue, which was appropriate since it is the SE district, so I have not followed up any further. However, it has come to my attention this week that, although there has been a parade of Public Works officials out to the site over the past couple years, neighbors report nothing has been done.

The area is the commons area between 78th Street and Maxey School. According to my contact, Edenton North is going in to the Northwest so this area is filling in and the neighbors are concerned for the safety of the school children in the area.

Please let us know:

- 1) How long do developers have to complete their obligations as required in the platting process?
- 2) How much longer must the neighbors wait for this particular issue to be resolved?
- 3) As indicated in this week's floodplain regulation pre-council regarding 404 permits there generally does not seem to be a governmental process for follow-up to ensure that things are done properly unless complaints are made. In the case with Easthart, what department is responsible for ensuring that all expected improvements are done? Do we have a point person to follow through?
- 4) How can we prevent this from happening in the future? Was this just an odd case or are there more out there?

Thanks.

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APR 29 2004
CITY COUNCIL
OFFICE

Referred to: Nicole Fleck-Tooze, Dennis Bartels,
Allan Abbott, Public Works/Tonya
Skinner, Dana Roper, Law/Marvin
Krout, Planning

REQUEST FOR INFORMATION
COUNCIL OFFICE

April 29, 2004 *4040236*
Date

By: Patte Newman - #21
(Council Member)

REQUEST: RE: A resident of the Easthart Neighborhood a problem they had in their
development - the commons area between 78th Street & Maxey School

Would you please respond to the attached E-Mail and send me a copy of the response.

Thanks.

- Patte Newman

cc: Mayor's Office

RESPONSE (Indicate action taken): By: Dennis Bartels 5-21-04
Date

Memo

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg

Referred to: Casady

REQUEST FOR INFORMATION
COUNCIL OFFICE

RECEIVED

MAY 20 2004

By: Patte Newman - #23
(Council Member)

May 19, 2004
Date

LINCOLN POLICE
DEPARTMENT

REQUEST: RE: The disturbing the peace law - infraction vs. a misdemeanor

Would you please respond to the attached letter from Lisa Peterson and send copies to the Council. Also, please explain to us.

- 1.) Who makes the decision as to whether a violation is classified as a misdemeanor or an infraction?
- 2.) What are the legal differences between these two classifications? Are they offenses that remain on a criminal record forever?

Thanks.

- Patte Newman

cc: Lisa M. Peterson
501 Haverford Drive (10) - **FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU**

Mayor's Office

RESPONSE (Indicate action taken): By: TOM CASADY Date: 5.21.2004

DR. PETERSON SENT ME A SEPERATE LETTER ABOUT HER

SON'S TICKET, TO WHICH I PREVIOUSLY RESPONDED (ENCLOSED.)

NOTATIONS OF ARRESTS AND CITATIONS ARE A PUBLIC RECORD BY

STATE LAW; ALWAYS HAVE BEEN. DOESN'T MATTER HOW OFFENSE IS CLASSIFIED.

THE ISSUE OF INFRACTION V. MISDEMEANOR IS BEST ANSWERED BY LAW.

RECEIVED
MAY 24 2004
CITY COUNCIL
OFFICE

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg

City Council Office
County-City Building
555 S. 10th Street
Lincoln, NE 68508

04/22/04

RECEIVED
APR 26 2004
CITY COUNCIL
OFFICE

Dear Mr. Werner,

I'm writing to ask you to change the (d) portion of 9.20.050 to an infraction versus a misdemeanor. 9.20.050 is the disturbing the peace law and the (d) portion makes operating any radio, tape player, compact disc player, stereophonic sound system or similar device audible to other persons in public places more than fifty feet from the source a misdemeanor or criminal offense with a minimum fine of \$150.00. This is in the same category as (a) engaging in fighting (b) exhibiting threatening or violent conduct directed towards another person (c) using abusive, threatening or other fighting language directed towards others.

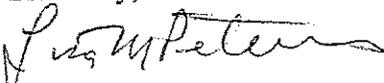
Playing a stereo too loud is currently a misdemeanor offense comparable to public indecency, urinating in public or defecating in public, discharging weapons and minors in possession of alcohol as just a few examples. Please see enclosures.

A misdemeanor offense can follow you for a lifetime. I feel the (d) portion of 9.20.050 should be changed to an infraction which would be a non-criminal offense and much more reasonable. I think it could be treated like a traffic infraction and pay a fine without taking up time in the courts with a court appearance as it currently requires. This would also keep it from being a criminal offense on a person's record.

As you might guess my 18 year old son recently received this ticket. He is a good boy without a record so I was alarmed to find this was a misdemeanor offense. He would have been better off speeding which I consider to be dangerous. I talked with one of the city attorneys and was told that they also would like to see this be an infraction rather than a misdemeanor and was asked to write my city council to make this change. I know there have been more complaints recently and if this were an infraction maybe more tickets would be written.

Thank you for your consideration.

Sincerely,



Lisa M. Peterson
501 Haverford Dr.
Lincoln, NE 68510

APR 26 2004
CITY COUNCIL
OFFICE

13, 1984: prior Ord. 11380 §1; June 9, 1975: Ord. 3489 §21-204, as amended by Ord. 3726; March 11, 1940).

9.20.040 Inmate of Disorderly House.

It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in Section 9.20.030 with knowledge of, and participation in, the illegal activities occurring therein. (Ord. 15621 §4; July 9, 1990: P.C. §9.52.050: Ord. 13762 §6; February 13, 1984: prior Ord. 11380 §2; June 9, 1975: Ord. 3489 §21-205, as amended by Ord. 3726; March 11, 1940).

9.20.050 Disturbing the Peace.

It shall be unlawful for any person to intentionally or knowingly disturb the peace and quiet of any person, family, or neighborhood, or any public assembly, or assembly of persons for religious worship. The offense of disturbing the peace shall include, but shall not necessarily be limited to, the following:

- (a) Engaging in fighting;
- (b) Exhibiting threatening or violent conduct directed towards another person;
- (c) Using abusive, threatening, or other fighting language or gestures directed towards another person or persons;
- (d) Operating any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place more than fifty feet from the source; or
- (e) Picketing or demonstrating on a public way within 150 feet of any primary or secondary school building while the school is in session and during the one-half hour before the school is in session and during the one-half hour after the school session has been concluded. (Ord. 16141 §1; June 29, 1992: prior Ord. 15621 §5; July 9, 1990: P.C. §9.52.030: Ord. 13762 §3; February 13, 1984: Ord. 3489 §21-203; July 6, 1936).

9.20.060 Failure to Disperse.

(a) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(b) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section. (Ord. 15621 §6; July 9, 1990: P.C. §9.52.035: Ord. 13762 §4; February 13, 1984).

9.20.080 Panhandling.

It shall be unlawful for any person to beg in a public place, or to go about from door to door, or place themselves in the streets, or other public places, for the purpose of begging or receiving alms. (Ord. 15621 §8; July 9, 1990: P.C. §9.52.230: Ord. 13762 §26; February 13, 1984: prior Ord. 3489 §21-223; July 6, 1936).

RECEIVED
APR 26 2004
CITY COUNCIL
OFFICE

9.20.100 Minimum Penalties.

Any person convicted of violating the following sections of the Lincoln Municipal Code shall be fined no less than the following amounts:

| | |
|--|----------|
| Interfering with officer making an arrest (9.08.020) | \$250.00 |
| Resisting an officer (9.08.030) | \$250.00 |
| Making a false statement (9.08.040) | \$150.00 |
| Assault and battery (9.12.010) | \$200.00 |
| Public indecency and indecent exposure (9.16.180) | \$200.00 |
| Urinating or defecating in public (9.16.200) | \$100.00 |
| Disturbing the peace (9.20.050) | \$150.00 |
| Failure to disperse (9.20.060) | \$200.00 |
| Discharging weapons (9.36.050) | \$250.00 |
| Furnishing false identification (5.04.080) | \$175.00 |
| Misrepresenting age (5.04.090) | \$175.00 |
| Minors in possession of alcohol (5.04.100) | \$175.00 |
| Consuming alcohol in a prohibited place (5.04.160) | \$150.00 |

(Ord. 17417 §1; September 21, 1998).



Lincoln Police Department
Thomas K. Casady, Chief of Police
575 South 10th Street
Lincoln, Nebraska 68508

402-441-7204
fax: 402-441-8492



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

April 26, 2004

Lisa M. Peterson
501 Haverford Dr.
Lincoln, NE 68510

Dear Ms. Peterson:

I received your letter regarding the ticket that was issued to your son. Officer Beltz was conducting speed enforcement on A Street. Although your son was not speeding, the officer heard his stereo at a distance of 150 feet, and issued a citation. I receive scores of complaints about auto stereos, and it is a very common topic when I speak at public events or on radio talk shows. Several city council members over the years have encouraged the police department to enforce this law more vigorously. A national advocacy group, Noise Free America, even asserted that we were among the worst cities in the nation (see <http://www.noisefree.org/newsroom/press/pressLincoln.html>). I have asked my traffic unit to issue citations when they are able to do so for obvious violations.

So far this year, we have issued over 100 citations for loud automotive stereos. These are issued primarily when we are using laser speed measurement equipment, rather than radar, because laser devices identify not only the speed of the target but also the distance, which is an element of the offense. Reasonable people can certainly disagree on whether this law is appropriate, but it is our job to enforce these ordinances, not make them.

I reviewed the videotape of the contact with your son from the cruiser camera. I can assure you that there was no laughing, no conversation between the officers, and no unusual voice inflection. Officer Beltz was polite and professional, as was your son. No one acted as if it was funny, nor expressed any of the attitudes you indicated in your letter. You would be welcome to view the tape if you wish.

I have no doubt that your son is a fine young man. He certainly seemed so in his brief conversation with the officer. Receiving a citation is rarely a pleasant event, but in this case the officer was simply doing his job, and did so courteously.

Sincerely,

Thomas K. Casady
Chief of Police



A nationally accredited law enforcement agency



St Marie
5-7-04

RECEIVED

Chief Tom Cassidy
Lincoln Police Department
575 South 10th Str.
Lincoln, NE 68508

APR 22 2004

04/20/04

LINCOLN POLICE
DEPARTMENT

Re: Ticket LA914689

Dear Chief Cassidy,

First of all I would like to say that I feel you have done an excellent job as our chief of police. I realize you have a difficult job and have utmost respect for you.

I am concerned though that my son, Andrew Peterson, has been discriminated against for being young and driving a nice, sporty car (white, Pontiac GrandAM GT 2002). He is a very good boy and we have had no trouble with him (i.e. doesn't use alcohol or drugs). If anything he doesn't go out much due to all the alcohol at parties, etc.

Andrew was driving west on A street on 04/19/04 at 3:00PM when he came upon a speed trap at Evergreen and A street. He was not speeding but had his stereo on. He did not think it was that loud though and was very surprised when after he turned right on to Evergreen the police pulled him over. They didn't try to flag him down on A street. He said a song with more bass came on when he turned onto Evergreen and that got the officers attention. He certainly wasn't 50 feet away at the time. Andrew doesn't like his music real loud as it gives him a headache. He often times is telling me to turn my music down and certainly doesn't have it as high as some cars that cause my office to vibrate on 48th and A street as I work during the day.

Andrew told the officers that he didn't know of the disturbing the peace law. He asked if he was getting a warning or citation. The officer told him "you're getting a citation" emphasis on you're. The other officer laughed then. Andrew said he was very mad at the officers but didn't say anything and was very respectful of them.

When he got home he called his cousin who is an officer in Omaha. Blair has never given a ticket like this because there is not a law in Omaha. He only gave one such ticket when he was in Grand Island where they have a similar law for a very flagrant violation with other problems.

I asked for Officer Beltz to call me. He did call and initially refused to talk to me because he said Andrew was 18 and an adult. I explained he was in high school and at home and as his parent I wanted to know why he got the ticket. He said he could hear music from 50 feet away and the only other car near Andrew was a mini-van so he assumed the music was from Andrew's car.

I feel Andrew was singled out because of his age and sporty car. If he had been in the mini-van with loud music I don't think he would have been stopped. I play my music loud and didn't know it could be a problem. I reviewed the law 9.20.050 and maybe I should call the police when the Ice Cream Trucks go by because they are making audible noise greater than 50 feet from me or when people play their radios in the park I live on. I think the police have much more important things to be doing.

I looked up the penalties and urinating or defecating in public (9.16.200) was \$100.00 while disturbing the peace (9.20.050) was \$150.00. Playing the stereo too loud was in the same category as fighting or being threatening to others. I think the (d) portion of 9.20.050 was being abused by Officer Beltz. I think he and the other officer were bound to find something to charge Andrew with because of his age and the car he was driving. If it had been me in my mini-van with my music as loud they probably wouldn't have done anything.

This is a misdemeanor offense and as such, much more serious than a traffic violation I have found out. It upsets me that the officers seemed to get enjoyment out of giving a ticket to Andrew that may be funny to them, but very serious to Andrew as it could follow him for life. If this is a serious offense then there should be more tickets for loud music than traffic offenses as I could stand on "O" street and very quickly give out many tickets. I bet if you check your records you won't find as many noise violation tickets as even just speeding tickets, let alone all other traffic violations.

Sincerely,



Lisa M. Peterson
501 Haverford Dr.
Lincoln, NE 68510
483.1110

RECEIVED

MAY 25 2004

CITY COUNCIL
OFFICE

INTER-DEPARTMENT COMMUNICATION

Patte
R.F.I. #23

TO Patte Newman **DATE** May 21, 2004
DEPARTMENT City Council **FROM** John C. McQuinn
ATTENTION **DEPARTMENT** Law Department
COPIES TO City Council, **SUBJECT** R.F.I. #23
Mayor's Office

Your Request for Information, #23, asked for a response to a letter by Lisa Peterson and posed three questions. Regarding Ms. Peterson, Chief Casady wrote to her on April 26, 2004. In addition, Assistant City Prosecutor Marcee Brownlee spent considerable time discussing this ordinance with Ms. Peterson and her son. Ms. Brownlee informed me she did not file any charges against Andrew Peterson because he did not have any prior law enforcement contacts and he agreed his stereo was too loud. Ms. Brownlee did suggest to them that the City Council was who would need to address any changes to the ordinance. In light of those contacts, I don't believe any communication from me could provide Ms. Peterson with any further information. A copy of the officer's report is attached for your information. I believe Chief Casady has also responded to this R.F.I.

1. Who makes the decisions as to whether a violation is classified as a misdemeanor or an infraction?

Decisions classifying violations as misdemeanors or infractions are made by the legislative body passing the statute or ordinance which makes the act illegal. The City of Lincoln may enact ordinances which are not in conflict with or inconsistent with state law. The City has specific statutory authority to enact ordinances for maintenance of health, safety, and welfare, as well as traffic ordinances.

Since Nebraska statute declares most traffic violations to be infractions, this office will be working on an ordinance to amend L.M.C. § 10.06.160, which currently classifies all violations of Title 10 for which a penalty is not specifically provided as misdemeanors. This amendment will make Title 10 consistent with the Nebraska Rules of the Road, which generally are classified as infractions unless a different penalty is specifically provided.

2. What are the legal differences between those two classifications?

An infraction is defined by state statute as a violation of any law or ordinance, not otherwise declared to be a misdemeanor or a felony. A separate state statute defines a traffic infraction as a violation of any traffic law or ordinance, not otherwise declared to be a misdemeanor or a felony.

A misdemeanor under the Lincoln Municipal Code has, by state statute, a maximum fine of \$500 and a maximum jail sentence of up to six months or both, unless state law specifically requires a different penalty, such as in DWI cases.

3. Are they offenses that permanently remain on a criminal record?

Both infractions and misdemeanors are kept on official records by several agencies. The Nebraska Department of Motor Vehicles keeps records of traffic violations, regardless of how classified, for a statutorily defined period of time. The classification of an offense by the City of Lincoln would have no impact on that process.

Courts keep records of all cases filed, regardless of how classified, because those become public records once they are filed. In traffic cases, whether the violation is an infraction or a misdemeanor, the case is filed by our office as *State of Nebraska v. John Doe*, because traffic cases are required by state statute to be prosecuted in the same manner as misdemeanor cases.

The Lincoln Police Department is required to keep similar records by state law. When there has been no disposition within one year or the prosecutor has elected not to file any charge, the Police Department must make that notation and the use of that record becomes more restricted.

In all of the above instances, records of both infractions and misdemeanors are either public records or available upon waiver by the person who is the subject of the record.

I trust this answers your questions. If you have any others, please feel free to direct them to my attention.


John C. McQuinn
Chief City Prosecutor

LPD ADDITIONAL CASE INFORMATION

CASE# A4-041192 ACI# 1

By 1311 BELTZ 0658 04-20-2004

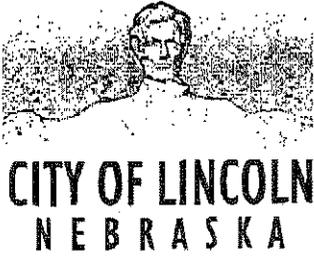
Investigative Comments Only

| Additional Persons Mentioned | | |
|---------------------------------------|--------------|------------------|
| NAME | RACE/SEX/DOB | ADDRESS/PHONE |
| ANDREW C PETERSON (CITED LA914689) | W/M/3-8-86 | 501 HAVERFORD DR |

PROBABLE CAUSE:

DISTURBING THE PEACE (LOUD STEREO)

Ofc was standing on the NE corner of Evergreen and 'A' and observed def veh approaching W bound on 'A' St in the outside ln. Ofc, using the LIDAR device, had premeasured a distance to a telephone pole that was to the E of Evergreen on the N side of 'A' St at 125 feet. Ofc could hear the bass from def veh prior to the def veh getting to this pole. Ofc estimated def distance at 150 feet when ofc could hear the stereo. Def was contacted and said that he did not know about the ordinance and when he turned his stereo on it was all the way up. Def later said that he had not turned his music on until he rounded the corner. Def said he had two 10' subwoofers in the trunk. Cited and released.



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

LANCASTER COUNTY EMERGENCY MANAGEMENT
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: May 25, 2004

FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

Lancaster County Emergency Management and the State of Nebraska will hold a joint news briefing at **9 a.m., Wednesday, May 26** in the Lincoln Police Department Media Briefing Room, 1st Floor, 575 S. 10th Street.

Lancaster County and State officials will discuss the on-going relief effort in Hallam.

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MAY 26 2004
CITY COUNCIL
OFFICE

Lincoln - Lancaster County Emergency Management



575 S. 10th Street
Lincoln, Nebraska 68508
Phone: (402) 441-7441
Fax: (402) 441-7407

LANCASTER COUNTY EMERGENCY MANAGEMENT
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: May 26, 2004

FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

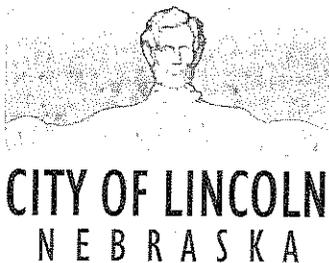
Lancaster County Emergency Management and the State of Nebraska will hold a joint news briefing at 9 a.m., Thursday, May 27 in the Lincoln Police Department Media Briefing Room, 1st Floor, 575 S. 10th Street.

Lancaster County and State officials will discuss the on-going relief effort in Hallam. Representatives from the Lancaster County Red Cross and the Salvation Army are also expected to be there to discuss their organizations' relief efforts.

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MAY 26 2004

CITIZEN
OFFICE



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director
Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213
Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

May 24, 2004

Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512

RECEIVED
MAY 24 2004
CITY COUNCIL
OFFICE

RE: McDonald Addition Final Plat #04038

Dear Mr. Carstens:

McDonald Addition was approved by the Planning Director on May 17, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

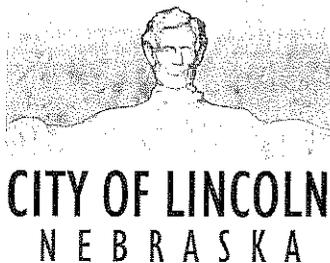
Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Tom Cajka
Planner

CC: Jack McDonald
Joan Ray, City Council (14)
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

I:\PC\FP\Approval.wpd



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

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

Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

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

May 24, 2004

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MAY 25 2004

CITY COUNCIL
OFFICE

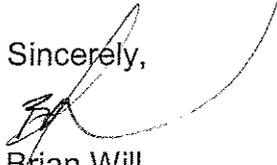
Michael Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RE: Stone Ridge Estates 3rd Addition - Final Plat #03061

Dear Mike:

Stone Ridge Estates 3rd Addition was approved by the Planning Director on May 24, 2004. Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed and the executive order approving the signed subdivision agreement has been received.

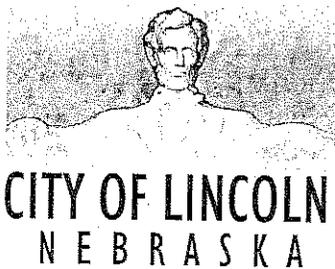
Sincerely,


Brian Will
Planner

xc: John Brager, 2001 Pine Lake Road, Ste 100, Lincoln, NE 68516
Thomas White, 2001 Pine Lake Road, Ste 100, Lincoln, NE 68516
Gerald Schleich, 3901 Normal Blvd, Ste 203, Lincoln, NE 68506
Joan Ray, City Council (14)
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

LINCOLN

The Community of Opportunity



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department
Allan Abbott, Director
531 Westgate Blvd.
Suite 100

Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

May 25, 2004

RECEIVED

MAY 26 2004

CITY COUNCIL
OFFICE

Todd Hall
7421 Forbes Drive
Lincoln, NE 68516

RE: L-4869.5 - Glynoaks Drive and 75th Street - This location has been reviewed for control by request from City Councilperson Jon Camp.

Dear Mr. Hall:

Thank you for your concern regarding the need for traffic control at the above intersection. We investigate each request received by our office to determine if corrective action should be taken at the intersection. Our investigation includes an accident records review and analysis for all reported accidents during the past three years, field investigations at the location to evaluate the visibility on each approach, evaluation of geometrical construction and traffic counts at locations where this data may be needed to determine traffic flows.

In addition to concern for intersection safety, we are concerned with the speed of traffic. Where there are no traffic control signs and the "right-hand rule" is in effect, that is when all drivers must yield the right-of-way to drivers on the right at every intersection, drivers must slow down and exercise a greater amount of caution while traveling the street. Whereas, when traffic control signs are installed and right-of-way is given to one particular street, speeds on that street tend to increase and drivers are not required to be as cautious. The average accident rate for the intersection of two local streets in Lincoln with "Stop" or "Yield" sign control is approximately two per year. Therefore, if an uncontrolled intersection is experiencing two or fewer accidents a year, we would not expect any improvement in safety by installing control. This intersection is experiencing less than this rate.

Of course, the balance exists between our efforts to cause drivers to generally slow down and be more cautious in local neighborhoods and an accident problem at a particular location. It is this balance which we must evaluate to insure that action we take helps protect everyone involved. Wherever possible, we eliminate sight obstruction at intersections to improve the drivers' sight distance and reduce the likelihood of accidents. This action is preferred to traffic control signs as the first step in resolving a problem.

After evaluating this intersection, we find that traffic control signs are not warranted strictly from an engineering point of view. However, if your primary concern is "traffic calming" which includes cut-through traffic, speeding, etc., please contract your neighborhood organization to schedule a

LINCOLN

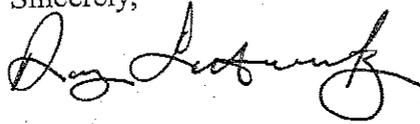
The Community of Opportunity

Page 2
Todd Hall

meeting with Virendra Singh and/or Scott Opfer of the Public Works & Utilities Department at 441- 7711. The City, in cooperation with the various neighborhood organizations, has begun discussions regarding a variety of techniques that may be used to "calm" traffic.

If, in the future, conditions change or if there are any questions on the above, please feel free to contact us. I would like to take this opportunity to thank you for your interest in traffic safety. If I may be of any further service to you on this or any other matter, do not hesitate to let me know.

Sincerely,



Doug Schwartz
Engineering Services

cc: Scott Opfer
Mayor's Office
Allan Abbott
Randy Hoskins
Nicole Fleck-Tooze
City Council
Karen Sieckmeyer
Maggie Kellner
File



FROM THE OFFICE OF GOVERNOR MIKE JOHANNNS

NEWS RELEASE

State Capitol, P.O. Box 94848, Lincoln, Nebraska 68509-4848, Phone (402)471-2244

FOR IMMEDIATE RELEASE
May 21, 2003, 9:30 a.m. CT

CONTACTS

Terri Teuber, 402-471-1967
Regan Anson, 402-471-1970

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

Gov. Johanns Announces 2004 Homeland Security Grants to Local Communities

(Lincoln, Neb.) Gov. Mike Johanns today announced the distribution of \$19 million to local communities as part of the 2004 Homeland Security grant allocations. The focus of this year's grants is on communications and improving local, regional and state interoperability.

Planning for this year's grants began with local communities, particularly law enforcement, assessing their response capabilities. The state worked together with local leaders to identify critical resource gaps and to prioritize critical needs. Together, they identified communications as the number one priority.

"I am very impressed by the collaborative efforts that have been inspired by the focus on communications," Gov. Johanns said. "When we put the various projects together on one map, I realized the tremendous progress toward interoperability they represent."

The \$19 million will be awarded to 78 counties in the coming days. The collaborative efforts of those counties represent 12 major communications projects throughout the state.

Gov. Johanns said, "I commend Lieutenant Governor Dave Heineman for his leadership in the homeland security arena. While many other states are struggling with the distribution of homeland security grant money, Nebraska is a leader in delivering dollars to local communities. The Homeland Security Planning Committee members also deserve our gratitude for the more than 1,000 hours they spent reviewing applications. I want to emphasize that this would not have been possible without the dedication and commitment of our local law enforcement, first responders and emergency managers who worked very hard within a short timeline."

Lt. Gov. Dave Heineman said, "Our cities and counties are to be commended for the manner in which they integrated and coordinated their proposed projects with each other as well as regionally. These communications projects will significantly improve local and regional interoperability and, on an emergency basis, allow local law enforcement, fire and emergency personnel to communicate with the Nebraska State Patrol. These projects represent a giant step forward toward a statewide communications system."

(more)

Under the umbrella of the 12 main projects, Douglas County will receive \$2 million to enhance the mobile data capability of law enforcement. Washington County will receive \$1.6 million to establish a new communications system to expand their coverage throughout the county and to integrate its system into the Douglas County system. Dakota and Dixon Counties are receiving \$650,000 to expand their communications systems and to allow Dixon County to connect the Dakota County communications system.

The southeast Nebraska counties of Cass, Otoe, Nemaha and Richardson will receive \$1.4 million to upgrade their communications centers and to begin assessing the potential to integrate into the Douglas County communications system. Saunders County will receive \$662,000 to expand its coverage countywide and to integrate its system into the Lincoln/Lancaster County communications system. Lancaster County will receive \$1 million to complete the integration of 17 rural fire districts into the Lincoln/Lancaster County communications system.

The Central Nebraska region of Dawson, Buffalo, Hall, Hamilton, Frontier, Gosper, Phelps, Kearney, Adams and Harlan Counties will be receiving \$4.4 million to develop regional interoperability and to create a microwave backbone system to provide for redundant capability.

York, Seward, Fillmore, Saline, Jefferson and Gage Counties will receive \$2.2 million to upgrade their communications systems, develop regional interoperability and integrate their systems into the Lincoln/Lancaster County system.

The North Central Nebraska Counties of Hooker, McPherson, Thomas, Logan, Blaine, Loup, Garfield, Wheeler, Valley, Greeley and Sherman will receive \$611,000 to enhance their communications systems and to provide for regional interoperability. Cherry and Keya Paha Counties will receive \$284,000 to enhance their communications system.

Scotts Bluff County will receive \$938,000 to expand their coverage area within Scotts Bluff, Banner, and Sioux Counties and add mobile and portable radios for rural fire districts, local law enforcement agencies, the Nebraska State Patrol, and Game and Parks. Dawes and Sioux Counties will receive \$519,000 to upgrade their communications system to allow them the ability to communicate with law enforcement in Wyoming and South Dakota.

The grant dollars outlined above were administered through two programs which call for 80 percent local distribution and 20 percent state distribution. The state's share is \$4.7 million dollars. Of that amount, the Nebraska State Patrol is being awarded \$1.5 million to enhance the agency's communications system and statewide connectivity.

Col. Tom Nesbitt, superintendent of the State Patrol, said, "The progress our agency will make with this grant and the statewide progress toward interoperability is very exciting to me and to all of us at the Patrol. I appreciate the fact that the Governor identified interoperability as a priority and the targeting of homeland security funds to support statewide interoperability."

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CITY COUNCIL
OFFICE

FY 2004 HSGP/LETPP GRANT AWARDS

5/20/2004

| County Name | LE Commo Funded | LE Other Funded | HS Commo Funded | HS PET/EQ Funded | Total by County |
|--|--------------------|----------------------------|----------------------------|-----------------------------|----------------------------|
| CNRI | | | | | |
| Adams | 56,200 | | 505,075 | 123,802 | 685,077 |
| Buffalo | 1,012,203 | | 202,663 | 23,470 | 1,238,336 |
| Dawson | | | 328,436 | | 328,436 |
| Frontier | 20,093 | | 347,678 | | 367,771 |
| Furnas | | | 39,250 | | 39,250 |
| Gosper | | | 45,782 | | 45,782 |
| Hall | 269,789 | | 171,563 | 91,792 | 533,144 |
| Hamilton | 46,203 | | 168,196 | | 214,399 |
| Harlan | | | 151,877 | | 151,877 |
| Kearney | 99,188 | | 286,367 | | 385,555 |
| Phelps | | | 418,118 | | 418,118 |
| | | | | | - |
| Region 5/6 | | | | | |
| Burt | 17,484 | | 90,828 | | 108,312 |
| Dodge | | | 179,427 | | 179,427 |
| Saunders | 125,096 | | 536,820 | | 661,916 |
| Washington | | | 1,630,000 | | 1,630,000 |
| | | | | | - |
| Region 26 | | | | | |
| Region 26 | | | 611,200 | | 611,200 |
| (includes: Blaine, Garfield, Greeley, Hooker, Loup, McPherson, Sherman, Thomas, Valley, Wheeler & Logan) | | | | | |
| | | | | | |
| Cherry/Keya | | | | | |
| Cherry | 178,373 | | 60,150 | 35,428 | 273,951 |
| Keya Paha | | | | 10,100 | 10,100 |
| | | | | | - |
| Douglas | | | | | |
| Douglas | 119,121 | | 1,880,879 | | 2,000,000 |
| | | | | | - |
| Sarpy | | | | | |
| Sarpy | 200,000 | | 200,000 | | 400,000 |
| | | | | | - |
| Southeast Region | | | | | |
| Cass | | | 416,400 | | 416,400 |
| Nemaha | | | 106,025 | | 106,025 |
| Otoe | | | 765,000 | | 765,000 |
| Richardson | | | 119,900 | | 119,900 |
| | | | | | |
| County Name | LE Funded | LE Other Funded | HS Commo Funded | HS PET/EQ Funded | Total by County |
| NW/NE and SD | | | | | |
| Dawes | | | 360,037 | | 360,037 |
| Sioux | | | 159,108 | | 159,108 |
| | | | | | - |
| Region 10/11 | | | | | |
| Antelope | | | 41,024 | | 41,024 |
| Madison | 65,462 | | 35,000 | 50,000 | 150,462 |
| Pierce | | | - | | - |
| Platte | | | - | 73,410 | 73,410 |
| | | | | | - |
| Lancaster | | | | | |
| Lancaster | | | 892,500 | 158,593 | 1,051,093 |

FY 2004 HSGP/LETPP GRANT AWARDS

5/20/2004

| | | | | | |
|------------------------|------------------|------------------------|------------------------|-------------------------|------------------------|
| | | | | | - |
| Scottsbluff | | | | | - |
| Scottsbluff | | 58,000 | 842,321 | 37,800 | 938,121 |
| | | | | | - |
| Dakota | | | | | - |
| Dakota | 249,450 | | 184,535 | | 433,985 |
| | | | | | - |
| Dixon | | | | | - |
| Dixon | | | 226,437 | | 226,437 |
| | | | | | - |
| Region 13 | | | | | - |
| Region 13 | | | | | - |
| | | | | | - |
| 7 County Region | | | | | - |
| Fillmore | 20,840 | | 477,760 | | 498,600 |
| Gage | | 13,863 | 212,780 | 7,100 | 233,743 |
| Jefferson | 433,795 | | | | 433,795 |
| Saline | | 56,600 | 223,780 | | 280,380 |
| Seward | 233,207 | 36,450 | | 25,218 | 294,875 |
| York | 467,000 | 5,700 | 34,745 | | 507,445 |
| | | | | | - |
| | | | | | - |
| Others: | | | | | - |
| Boone | | | | | - |
| Box Butte | | | 68,000 | | 68,000 |
| Boyd | 31,353 | | | 24,620 | 55,973 |
| Brown | 19,283 | | | | 19,283 |
| County Name | LE Funded | LE Other Funded | HS Commo Funded | HS PET/EQ Funded | Total by County |
| Others: | | | | | |
| Butler | 115,350 | | 51,525 | | 166,875 |
| Cedar | | | | | - |
| Chase | | | | 6,424 | 6,424 |
| Cheyene | 48,995 | | | | 48,995 |
| Clay | | | | 6,625 | 6,625 |
| Coifax | 11,672 | | | | 11,672 |
| Cuming | | | | 4,100 | 4,100 |
| Custer | | | | 54,637 | 54,637 |
| Garden | 130,816 | | | | 130,816 |
| Grant | | 10,000 | | | 10,000 |
| Howard | | | 64,276 | | 64,276 |
| Keith | | | | 52,420 | 52,420 |
| Kimball | | | 105,730 | | 105,730 |
| Knox | | | | 6,000 | 6,000 |
| Lincoln | | | 289,508 | 48,302 | 337,810 |
| Merrick | 27,613 | | | | 27,613 |
| Nance | 6,118 | | 88,000 | | 94,118 |
| Nuckolls | 10,500 | | | 29,600 | 40,100 |
| Pawnee | | | | | - |
| Perkins | | | 93,948 | | 93,948 |
| Red Willow | | | | 32,048 | 32,048 |
| Rock | | 9,719 | | 24,985 | 34,704 |
| Sheridan | | 7,100 | 32,273 | 2,888 | 42,261 |
| Stanton | 70,864 | | | | 70,864 |
| Thayer | | | | 42,677 | 42,677 |
| Thurston | | | | 46,000 | 46,000 |

FY 2004 HSGP/LETPP GRANT AWARDS

5/20/2004

| | | | | | |
|--|-------------------|----------------|-------------------|------------------|-------------------|
| Wayne | | | 32,840 | | 32,840 |
| Webster | 108,500 | | 5,800 | | 114,300 |
| TOTALS | 4,194,568 | 197,432 | 13,783,561 | 1,018,039 | 19,193,600 |
| No applications received from: | | | | | |
| Arthur, Deuel, Dundy, Franklin, Hayes, Hitchcock, Holt, Johnson, and Morrill | | | | | |
| | | | | | |
| | | | | | |
| LETPP Grant Total | 4,392,000 | | | | |
| HSGP Grand Total | 14,801,600 | | | | |



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
MADD Nebraska State Office
800 South 13th Street
Lincoln, NE 68508
1-800-444-MADD
staff@maddnebraska.org

May 20, 2004

Bob Logsdon
Chairman, Liquor Control Commission
301 Centennial Mall South, 5th Floor
Lincoln, NE 68509-5046

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

Dear Commissioner Logsdon,

On behalf of MADD and our members, I am writing in regard to ongoing constituent concern that has been brought to MADD's attention. Several community members have voiced concerns about the actions of the Liquor Control Commission in the last several months. After speaking with these concerned citizens, I requested information from Mr. Rupe regarding the Commission's liquor licensing history from the last eighteen months.

After reviewing this information, it is apparent there is a disappointing trend. In the last eighteen months, 50 percent of the liquor licenses that were recommended denial by the Lincoln City Council and or Lancaster County Commissioners were later granted approval by the Liquor Control Commission. It appears that despite local sentiment, the commission continues to approve the licensees regardless of the wishes of the local community and the stance of elected officials in Lincoln and Lancaster County.

On behalf of MADD and the community, I would request that the Liquor Control Commission consider using more restraint when overriding elected officials recommendations. On its face, it seems that the commission is ignoring community recommendations.

The pattern of decisions made by the commission is disconcerting to Mothers Against Drunk Driving. If there is a problem with the Liquor Control Act language, please advise MADD as to what we may do collectively to correct a language error that may exist in the statute. MADD is more than willing to work with the legislature to make sure any error that may exist is corrected through the appropriate channel.

Thank you for your attention to this matter. If you have further questions please do not hesitate to contact MADD.

With respect,

Simera Reynolds, M. Ed.
State Executive Director

SR: adh

cc: Governor Mike Johanns
Attorney General Jon Bruning
Mayor Coleen Seng
Lincoln City Council
Lancaster County Commissioners
Chief Tom Casady, Lincoln Police Department
Linda Major, NU Directions

STATE OF NEBRASKA



Mike Johanns
Governor

March 17, 2004

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe
Executive Director

301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7352 (TTY)

web address: <http://www.nol.org/home/NLCC/>

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MAY 21 2004
CITY COUNCIL
OFFICE

Simera Reynolds, M. Ed.
Executive Director
MADD Nebraska
800 South 13th Street
Lincoln NE 68508

Dear Ms. Reynolds,

Enclosed please find information per your request. This time frame covers a time period of eighteen months rather than the twelve that you requested.

Based on our phone conversation I had assumed that you wanted the information from the previous eighteen months so, in order to promptly comply with your request, I had Ms. Frankforter prepare the enclosed document.

If I can be of further assistance, please contact me.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Handwritten signature of Robert B. Rupe in black ink.

Robert B. Rupe
Executive Director

HBR:tf

encl.

Rhonda R. Flower
Commissioner

Bob Logsdon
Chairman

R.L. (Dick) Coyne
Commissioner

An Equal Opportunity/Affirmative Action Employer

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MAY 21 2004
CITY COUNCIL
OFFICE

Local Recommendations of Denial
Commission Decision after Hearing
(July 2002 - Present)

- 1) Kum & Go LC License #D55820
"Kum & Go #350" Denied
Lincoln NE
- 2) Restaurant Bar El Ranchito Inc License #BM55859
"El Ranchito" Approved
Norfolk NE
- 3) Pho Suha Inc License #J56391
"Pho Suha" Denied
Lincoln NE
- 4) Newman's Gas Pump's LLC License #B57081 & License #K57082
"Amoco" Omaha NE
Application for Class K withdrawn. Class B License approved with stipulation that any further drug related offense will subject license to possible cancellation.
- 5) BJT Inc License #I57494
"The Office" Application Withdrawn
Lincoln NE
- 6) Dennis Knickman License #C57711
"K-D's Place" Denied
Blue Hill NE
- 7) Oscar Lopez-Vazquez License #A57476
West Point NE Denied
- 8) Mooney's Inc License #BM58397
"Rockin' Robin" Application Withdrawn
McCook NE

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CITY COUNCIL
OFFICE

- 9) JV Inc License #I59282
"Azteca Mexican Restaurante"
Lincoln NE Denied
- 10) Grooves Inc License #I60807
"Cartiers"
Omaha NE Denied
- 11) H.D. Crete LLC License #D60512
"Sunmart Foods 736"
Crete NE Approved
- 12) James R Fox License #BM60678
"Townmart"
Loomis NE Approved
- 13) Kelly O's Pub Inc License #C61402
"Kelly O's Pub"
Omaha NE Approved
- 14) Harris-Fraley VFW Post 131 License #C61391
Lincoln NE
Approved subject to final approval of the required special use permit by the City of Lincoln.
- 15) Kwik Shop Inc License #D61232
"Kwik Shop #619"
Lincoln NE
Approved subject to final approval of the required special use permit by the City of Lincoln.
- 16) Hinky Dinky Wahoo-Seward License #D61906
"Sunmart #727"
Wahoo NE Approved

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CITY COUNCIL
OFFICE

- 17) Penalty Box Pub LLC License #M61674
"Penalty Box Pub" Approved
Lincoln NE
- 18) MIP Five Inc License #I61619
"Mickey's Irish Pub & Grill"
Lincoln NE
Application approved subject to conditions of City of Lincoln and policies approved by
Inv. Russ Fosler of LPD.
- 19) Sunrise Coffee Company LLC License #I61781
"Sunrise Coffee" Application Withdrawn
Lincoln NE
- 20) Hinky Dinky Holdrege LLC License #D61989
"Sunmart #732" Approved
Holdrege NE

DENIED - 6

APPROVED - 7

APPROVED WITH STIPULATIONS - 4

APPLICATIONS WITHDRAWN - 4

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE



Joan V Ray

05/24/2004 05:17 PM

To: "diane" <grettalgrl@neb.rr.com>

cc:

Subject: Re: Paving of 36th street from Vine to W

Dear Ms. Merrell: Your message has been received in the Council Office and the Council Members will give your concerns their full consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

RECEIVED

MAY 24 2004

CITY COUNCIL
OFFICE

"diane" <grettalgrl@neb.rr.com>



"diane"

<grettalgrl@neb.rr.com

>

To: <council@ci.Lincoln.ne.us>

cc:

Subject: Paving of 36th street from Vine to W

05/24/2004 05:15 PM

My name is Diane Merrell and I live at 3601 W Street. Due to the poor weather conditions this evening I will not be able to attend the hearing scheduled for today at 5:30. I certainly did want to register my opinion on this project. I am in complete favor of this paving. The dust and mud and mess from the road graters I have endured the past 9 years must go. I know others that live near this location are not in favor of this paving so I wanted to make sure that you had my input on this issue. Please know that trustee of the trust that holds the deed to this property feel the same way that I do.

I hope that you receive this information in time for your meeting this evening or that it is taken into consideration before a decision is made on this topic.

Sincerely,

Diane A Merrell

3601 W Street

Lincoln, NE 68503

402-464-0078

Work 328-7756



Joan V Ray

05/24/2004 02:10 PM

To: Jmk7220@aol.com

cc:

Subject: Re: No-turn on red and bad drivers

----- Forwarded by Joan V Ray/Notes on 05/24/2004 02:11 PM -----



Dear Mr. Kimble: Your message has been received in the Council Office and will be forwarded to the Council Members for consideration. Thank you

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

Jmk7220@aol.com

RECEIVED
MAY 24 2004
CITY COUNCIL
OFFICE



Jmk7220@aol.com

05/24/2004 01:02 PM

To: LPD@cjis.ci.lincoln.ne.us, council@ci.lincoln.ne.us,
mayor@ci.lincoln.ne.us

cc:

Subject: No-turn on red and bad drivers

No Right Turn on red.

At Capital Parkway and Jay and Randolph Streets there special no-turn on red signs yet drivers hardly ever look or obey them. I ride a bike and drivers will look to the left and pull thought the intersection never looking to see if a bike or pedestrian is coming from the right. And when many see some one coming from there left it does not phase them either they just pull into the cross walk area and go on.

It makes it very dangerous. This am a care with NE plate NRS 993 (pretty sure of the number) pull into the cross walk and right through the light hardly even stopping.

There seems to be a total lack of enforcement of no-turn on red where posted but then that goes with the way people drive here, if a light turns yellow and you are in the middle of the block speed up so you can make it through the red light.

Is the city waiting until a fw kids get hit?

John Kimble

7220 South Hampton Road

Lincoln, NE 68506

Kathy Marchant
3610 Vine Street-Lincoln, NE 68503
Phone: 402-466-4854 email: kjmarchant@msn.com

May 25, 2004

City Council
c/o City Clerk
555 South 10th Street
Lincoln, NE 68508

RECEIVED
MAY 26 2004
CITY COUNCIL
OFFICE

RE: Paving District- North 36th Street, Vine to 'W' Street

Dear City Council:

As a property owner in the proposed paving district, I am writing to voice my opposition to the proposed paving of the aforementioned street. While I realize that the paving of this street has its benefits to me as a property owner, I am unable to justify the expense at this time. I live on a fixed income and can barely afford to make the necessary repairs on my home. The added expense of the cost of paving 36th street would cause an undue hardship.

Sincerely,


Kathy J. Marchant

May 25, 2004

RECEIVED

MAY 26 2004

CITY COUNCIL
OFFICE

Dear Mr. Terry Werner, City Council Member:

Please see the attached items pertaining to Public Hearing Ordinances 04-83 and 04-84:

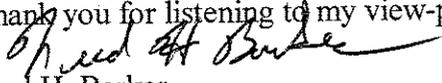
1. A copy of the statement I read at the May 24, 2004 City Council meeting outlining my attempt to get the north curb cut replaced.
2. A copy of original list of signatures of landowners with land fronting the alley in question, who had no objection to having the North curb of this alley ground down on July 21, 2003 to allow access into the alley without jumping the curb.
3. A copy of the original letter to the Department of Public Works asking that only the North end of the alley be opened to the South side of lot #4.

My primary goal has been and still is to have only the north end of the opened. Some neighbors interested in having the alley open are Mr. Kent Eitzmann (lot 4); the renters in Mr. John Schroeder's property (half-owner of property) -they have talked to Mr. Schroeder for approval (lot 3); Mr. Rick Pribyl (lot 10); and myself, Fred Barker (lot 2). My primary use of the alley is to bring wood for my woodcraft hobby into my shop. I also use the area at the back of my property for off-street parking of my pickup that I do not use every day. There are many vehicles parked in the driveways and along our block of Touzalin Avenue so I park one less vehicle out front by the curb.

Per conversations with each of the neighbors listed in Item 1, no one is interested in having the South curb replaced. Mr. Rick Pribyl, Mr. Eitzmann, Mr. Schroeder and I are willing to pay for the cost of having the north curb ground out and to have enough gravel placed in the north half of the alley to allow for a firm surface to be driven on. By doing this, our neighbors would not have to have their taxes increased. The alley already has a good slope to allow for run-off of water to eliminate flooding of yards so it would not need to be graded. Dirt and rock can be placed around the manhole at the north end of the alley. The tree at the north end of the alley would not necessarily need to be removed. Utility vehicles already "jump the curb" to get to their lines.

Please consider the above alternative to having the landowners pay for the Grading and Graveling District completed, but if this absolutely cannot be done with the north curb cut and our paying for the gravel, then we request having the Grading and Graveling District completed. I consider the \$750.00 cost over a three-year period to grade and gravel the alley a positive feature toward increasing my property values by having access to the back of our property.

Thank you for listening to my view-point.


Fred H. Barker

Good evening Council Members. I appreciate the opportunity to speak to you about the alley that is behind my home.

A number of years ago, when Gladstone and Judson Streets were re-paved, the curb cuts into the alley were not put back in. From that time on, my access and my neighbors' access to the back of our property has always been to drive up one of the existing driveways beside the north end of the alley or come up over the curb. Even LES and other utilities used this method to reach the light pole a third of the way into the alley or to do repairs.

In the summer of 2002 I began building a new garage on my property. One of the improvements I included was an overhead door at the rear of the garage so I could have access to my shop area from the alley. While building this garage, I put a load of gravel along the north alley entrance to keep from tracking mud into the street as I brought building supplies in and out of the alley. I was very surprised when a city inspector stopped by to tell me that a complaint had been made against me for placing the gravel in the alley.

At this time I decided I needed to see if there was any neighborhood objection to having the curb cut replaced at the north end of the **"North/South Alley, North 58th to Touzalin Avenue, Gladstone Street to Judson Street"**. I went around to all of the landowners to ask if they objected to having the Gladstone curb cut put back in. Of the 11 landowners, only 2 hesitated to sign the petition because of the possible cost of having the curb cut replaced. (The South curb cut was not mentioned at that time because my intent was to use only the north entrance to the alley.)

I then called the City Building & Codes Department to see where to start with this request for replacement of just the north curb cut. I was directed to call the Public Works Department. I was then referred to a number of different people in various sections of the Department of Public Works. I discussed having just the Gladstone end of the curb ground down so we could have access to the alley. One employee stated that this could be possible but I would have to get the Engineering Department to work with me. I spoke to an employee at the Engineering Department who stated that it was not possible because it was not in the City Ordinances to have part of an alley open even though there are a number of these alleys in Lincoln. I even stated that I would be willing to pay for the grinding down of the curb.

A number of my other neighbors and myself were willing to pay for the gravel to upgrade the north part of the alley. I was told that this wasn't the procedure followed by the city and that we could not pay for the grinding of the curb or for the placement of the gravel in the alley. I was told that I would have to write a letter to have my request brought up in front of the City Council. After I wrote the letter of request, I received a phone call and I was told that my request would have to be for creating a Graveling and Grading District.

I am not the only landowner along the alley who uses the alley for access to the back of their property. There are others who do not use the alley at this time that would like to use it if there was better access.

My main interest is still in having only the North curb cut replaced. But if that cannot be done, then I would like to see the "Alley Grading and Graveling Special Assessment Districts" completed.

Thank you for your time.

Good evening Council Members. I appreciate the opportunity to speak to you about the alley that is behind my home.

A number of years ago, when Gladstone and Judson Streets were re-paved, the curb cuts into the alley were not put back in. From that time on, my access and my neighbors' access to the back of our property has always been to drive up one of the existing driveways beside the north end of the alley or come up over the curb. Even LES and other utilities used this method to reach the light pole a third of the way into the alley or to do repairs.

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Thank you for your time.

Alley Curb Cut

2

DATE: July 21, 2003

When Gladstone Street was refinished a number of years ago, the alley curb cut was eliminated. If anyone needed into the alley that runs from Gladstone to Judson, including LES, they just jumped the curb to get to the rear of their property or to the utility poles. The following residents along this alley would like to see the Gladstone curb cut put back in place so the alley is accessible without having to jump the curb.

Marty Wentz (owner) Gladstone
Home Address - 2540 Devoc Drive 68506

- Fred & JoAnn Barker 3341 Touzalin Avenue *Fred Barker*

- Rick Pribyl 3330 No. 58th Street *Rick Pribyl*

- Kent & Kara Eitzmann 3319 Touzalin Avenue *Kara M. Eitzmann*

- Henry John D. Schroeder 3331 Touzalin Avenue
Owner - Home Address ? *[Signature]*

- Jim & Bernie Olin 3315 Touzalin Avenue *Jim Olin*

Peggy Kelly 5840 Judson *Peggy Kelly*

Fred + JANET MATULKA 5815 Gladstone

LILLIAN TOMCAK 3310 No. 58th Street *Lillian Tomcak*

Judy Becker 3300 No. 58th Street *Judy Becker*

- EDWARD C MILLER 3320 No. 58th Street *Ed C Miller*

Fred & JoAnn Barker
3341 Touzalin Avenue
464-9019

August 1, 2003

Dennis Bartels
Dept. of Public Works
531 West Gate Blvd., Suite 100
Lincoln, NE 68528

Dear Mr. Bartels:

I would like to have the south curb along Gladstone between 58th Street and Touzalin Avenue cut away at the opening to the alley of Block 244. I also request that the alley be open from Gladstone, South to the South side of Lot #4 of Block 224.

I am enclosing a list of my neighbors with their signatures, most of who are agreeable to having this curb cut put in.

I am hoping that you can work with me to get this accomplished. Any assistance would be appreciated. If you have any questions, you can reach me at home, 464-9019 or my work cell # 610-2985.

Sincerely,

Fred Barker
4441 Touzalin Avenue
Lincoln, NE 68507

Attachment



RECEIVED
MAY 27 2004
CITY COUNCIL
OFFICE

| | | | | | |
|-------------------|----------|---------|-----------------|------------|---|
| Post-It® Fax Note | 7671 | Date | 5/27 | # of Pages | 1 |
| To | Concil | From | Geoff Allen | | |
| Co./Dept. | CIC | Co. | DAS/S&D Lincoln | | |
| Phone # | / | Phone # | 402-471-2319 | | |
| Fax # | 441-8653 | Fax # | 471-0423 | | |

Subje

FOR IMMEDIATE RELEASE
May 27, 2004, 10:00 a.m. CT

CONTACTS

Terri Teuber, 402-471-1967
Regan Anson, 402-471-1970

Gov. Johanns Orders Flags Flown at Half-Staff Monday, May 31 through Noon in Observance of Memorial Day

(Lincoln, Neb.) Gov. Mike Johanns is reminding government agencies, businesses and private citizens that all U.S. and Nebraska flags are to be flown half-staff Monday, May 31 in observance of Memorial Day. In accordance with federal law, all flags are to be flown at half-staff on Memorial Day until noon only. After noon on Memorial Day, flags must be raised to the top of the staff.

“On Memorial Day, our nation honors the brave men and women of our armed forces who died so that we may live in a free society,” Gov. Johanns said. “We lower our flags to honor their memory and the price they paid so that we may enjoy our freedom and the American way of life.”

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Geoff Allen
State Building Division
471-0418

May 23, 2004

RECEIVED
MAY 27 2004
CITY COUNCIL
OFFICE

Members of the Lincoln City Council
c/o City Clerk
555 S. 10th St
Lincoln, NE 68508

RE: Alley Grading/Graveling District:
North/South Alley, North 58th to Touzalin Ave,
Gladstone Street to Judson Street

Dear Members of the Lincoln City Council:

Our names are Kent & Kara Eitzmann, we are the owners of the home located on:

HAVELOCK BLOCK 224 LOT 4

We would like to inform you that we are in favor of the Alley Grading/Graveling projects indicated above. We understand that there may be an assessment to our property tax at the rate of approximately \$15.00 per front foot.

Due to schedule conflicts we are unable to attend the May 24, 2004 Public Hearing, but desired to voice our support for this project.

If you should have any questions for us, please contact us at 466-0142.

Sincerely,

Kent & Kara Eitzmann
3319 Touzalin Ave
Lincoln, NE 68507-1644

RECEIVED
MAY 27 2004
CITY COUNCIL
OFFICE



→ and Light Rail?

The Community Solutions Infrastructure Forum- What you think.

Please use the space below to write down your thoughts, ideas or suggestions regarding Lincoln's infrastructure challenge or the proposed financing options.

As I stated at the meeting at Anderson Branch Library, there is another option to solving Lincoln's infrastructure problems which is not being offered to the public -- that of not building all the multi-lane streets and highways and instead putting money into improving public transit. People attending your meetings are not being given an option to select this course. It is assumed that we will build the streets and highways in order to insure Lincoln's growth.

The Texas Transportation Institute with a national reputation regarding transportation matters has studied traffic congestion extensively and concluded "You can't pave your way out of congestion." Throughout the United States communities are realizing that an "autocentric" society only leads to traffic congestion, pollution and sprawling urban areas. These communities have embraced mass transit as a way to deal with these problems. Apparently not enough people in Lincoln know that there are valid alternatives to auto travel.

Another committee in Lincoln is working on a study called the "Transportation and Mobility Study" which is being conducted by a consulting firm from Minneapolis. A draft report of this study is due in June and the final report will be made in July. To me it makes no sense for the Building Lincoln's Future Committee to complete its work and report to the Mayor without having the benefit of the results of the Transportation and Mobility Study and without having met with the Committee working on that study. After careful co-ordination of efforts, it might well be that we should conclude that rather than put down a bunch of pavement, we should divert money to public transit.

I applaud Building Lincoln's Future Committee for thinking ahead about the design for future arterials (co-ordinating with Lancaster County so that when a two-lane street becomes four-lane you don't have to redo the whole roadway.) I would suggest that your committee should also recommend that all future major routes be designed with a transit mall or median for bus or light rail.

With gasoline at over \$2.00 per gallon and on the rise is Lincoln's future best served by only building streets and roads

Name (optional): Richard L. Schmeling

Richard L. Schmeling
402/327-8444

pc - Mayor Seng
Lincoln City Council