

**DIRECTORS' MEETING  
MONDAY, JULY 12, 2004 - 11:00 A.M.  
CONFERENCE ROOM 113**

**I. MAYOR**

- \*1. Washington Report - June 18, 2004.
- \*2. NEWS RELEASE - RE: Mayor Names City Council Compensation Committee -
- \*3. NEWS RELEASE - Mayor Kicks Off Effort to Prevent Cigarette Litter (Also See #1 Under III CORRESPONDENCE - B: DIRECTORS/DEPARTMENT HEADS - Health Department)
- \*4. NEWS ADVISORY - Mayor's Public Meeting Schedule for June 24<sup>th</sup> - June 28<sup>th</sup>
- \*5. NEWS RELEASE - RE: Mayor Accepts Report Of Streets, Roads and Trails Committee - (See Release)
- \*6. NEWS RELEASE - RE: Mayor Invites Area Residents To City's Fourth Of July Celebration - Annual event returns to Oak Lake Park for second year - (See Release)
- \*\*7. NEWS RELEASE - RE: Seng Balances City Budget - Mayor cuts budget requests, but flat revenues call for restoring one cent of previous rate cut to maintain services - (See Release)
- \*\*8. NEWS ADVISORY - RE: Mayor Coleen J. Seng's schedule includes the following events: - (See Advisory)
- 9. NEWS RELEASE - Mayor Rededicates Lincoln Mall - (See Release)
- 10. NEWS RELEASE - RE: City Receives New Robot To Handle Explosives - (See Release)
- 11. NEWS RELEASE - RE: New Services To Be Available On City-County Web Site - Public-private partnerships to help promote InterLinc - (See Release)
- 12. NEWS RELEASE - RE: Open House Planned On Improvements To South 27<sup>th</sup> - (See Release)
- 13. NEWS ADVISORY - RE: Mayor Coleen Seng will have a news conference at 10:00 a.m., Thursday, July 8<sup>th</sup> - (See Advisory)

## II. CITY CLERK

## III. CORRESPONDENCE

### A. COUNCIL REQUESTS/CORRESPONDENCE

#### PATTE NEWMAN

1. **OUTSTANDING Request to Ernie Castillo, Wynn Hjermstad, 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 78<sup>th</sup> 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. — 2.) Response from Dennis Bartels, PW received on RFI#21 - 06/04/04 (Same response as 1.) —**
3. **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)**
4. **Request to Marc Wullschleger (UD)// Kit Boesch (Human Services) // Dana Roper (Law) RE: A concern that College Students may be usurping Low-Income Public Housing from the Poor. (RFI #25 - 06-23-04). — 1.) SEE RESPONSE FROM KIT BOESCH, HUMAN SERVICES ADMINISTRATOR RECEIVED ON RFI#25 - 7/02/04.**

#### TERRY WERNER

1. Request to PW/Planning - RE: Inquiry from Jay Petersen on Kajan Drive - Public or Private Roadway, plus Surface Rehabilitation Process (RFI #130 - 6-15-04).
2. Request to Vince Mejer, Purchasing Agent - RE: Notice to Bidders #04-110 – Television Equipment (RFI#132 - 6/16/04)

3. Request to Marvin Krout, Planning Director - RE: Opening Fletcher Avenue to 14<sup>th</sup> Street (RFI#133 - 6/16/04). — **1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#133 - 7/01/04.**
4. Request to Allan Abbott, Public Works & Utilities Director/Larry Worth, StarTran - RE: HandiVan Service to Coaches, 640 W. Prospector Ct. (RFI#134 - 6/21/04). — **1.) SEE RESPONSE FROM LARRY WORTH, STARTRAN RECEIVED ON RFI#134 -6/24/04.**
5. 2 E-Mail's to Terry Werner - RE: Comments- The smoking ban - (See E-Mail's)
6. 15 E-Mail's Opposed & 50 E-Mail's 'Thank-you' to Terry Werner - RE: The smoking ban - (See E-Mail's)

#### **GLENN FRIENDT**

1. Request to Lynn Johnson, Parks & Rec. Director - RE: South Salt Creek Community Organization concerns (RFI#33-5/25/04)

#### **JONATHAN COOK**

1. Request to Weed Control/Public Works & Utilities Department/Parks & Recreation Department - RE: Maintaining of ROW along W Van Dorn - (RFI#114 - 6/14/04)
2. Request to Terry Bundy, LES - RE: Administrative and general expense item in LES budget - (RFI#115 - 6/28/04). — **1.) SEE RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#115 - 7/01/04.**
3. Request to Steve Masters, Lincoln Water System, PW - RE: Lead in Water - (RFI#116 - 7/06/04)

#### **JON CAMP**

- \*1. E-Mail to Jon Camp - RE: Cats - (See E-Mail)
- \*2. E-Mail from Bill English to Jon Camp - RE: Cats on a leash - (See E-Mail)
- \*3. E-mail to Jon Camp from Ed Caudill - President of the North Bottoms Neighborhood Association RE: Enforcement of current codes relating to Overgrown Lawns (See E-mail)

- \*4. E-mail and letter to Jon Camp from Lori Yaeger RE: In Support of Cat Leash Law (See E-mail)
- 5. 5 - 'Thank-you' E-Mail's to Jon Camp & 2 Opposed E-Mail's - RE: The smoking ban - (See E-Mail's)
- 6. E-Mail to Jon Camp from Teri Roberts, Executive Director, The Arc of Lincoln/Lancaster County - RE: Comments- The smoking ban - (See E-Mail)
- 7. 3 -E-Mail's from Daryl Dickerson to Jon Camp - RE: Meeting sidewalk café permit requirements - (See E-Mail's)

**ANNETTE McROY**

- 1. Request to Polly McMullen, Downtown Lincoln Association - RE: An area that is being utilized as a garbage and brush storage collection point for the DLA - area directly East of 610 "G" Street - (RFI#151-6/24/04)
- 2. Request to Public Works & Utilities Department - RE: Stop signs (RFI#152 - 6/28/04). — 1.) **SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#152 - 7/06/04.**

**B. DIRECTORS AND DEPARTMENT HEADS**

**BUILDING & SAFETY DEPARTMENT**

- \*1. Letter from Mike Merwick to Mayor Seng, City Council, County Board - RE: Hallam - (See Letter)

**FINANCE DEPARTMENT/CITY TREASURER**

- \*1. Material - RE: Monthly City Cash Report & City of Lincoln-Pledged Collateral Statement - May 31, 2004.
- \*2. Material from Don Herz, Finance Director & Joel L. Wittrock, Asst. City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased June 14, 2004 thru June 18, 2004.
- 3. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased June 21, 2004 thru July 2, 2004.

4. Response E-Mail from Don Herz to Fred Fisher - RE: Wheel Tax - (See E-Mail)

#### **HEALTH DEPARTMENT**

- \*\*1. Response Letter from Bruce D. Dart to Danny Walker - RE: The property directly east of 610 G Street - (See Letter)

#### **HUMAN SERVICES DEPARTMENT**

1. Memo from Kit Boesch - RE: Low Income City Bus/Handivan Transportation (Material for Pre-Council Meeting scheduled on 7/12/04 at 8:15 a.m.) (See Material)

#### **LIBRARY**

- \*\*1. NEWS RELEASE - RE: Discovery Bags Available @ your library - (See Release)
2. NEWS RELEASE - RE: Discover Reading-Pups @ Your Library! - (See Release)

#### **LINCOLN-LANCASTER COUNTY: EMERGENCY MANAGEMENT**

- \*1. NEWS RELEASE - RE: County Revises Time Frames For Debris Removal - (See Release)
- \*2. NEWS RELEASE - RE: Lancaster County Emergency Management No Longer Recruiting Volunteers to Help with Clean-Up Efforts.
- \*\*3. NEWS RELEASE - RE: More Disaster Cleanup Volunteers Needed On July 9 And 10 For Final "Push" In Hallam And Lancaster County - (See Release)
4. E-Mail from Scott Crippen, Temporary Labor Supervisor, Lincoln/Lancaster County Emergency Management - RE: Recognize Mr. Ahlberg's efforts - tornado damage in Hallam - (See E-Mail)

#### **LINCOLN-LANCASTER COUNTY: HEALTH DEPARTMENT**

- \*1. NEWS RELEASE RE: CIGARETTE LITTER PREVENTION RESEARCH PROJECT ANNOUNCED w/Invitation to Council Members for Kick-Off Celebration (Council Members Received this Release on June 21, 2004)

## **PLANNING DEPARTMENT**

- \*1. Letter to Jason Theillen RE: Prairie Village 1<sup>st</sup> Addition Final Plat #04036 (See Letter)
2. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Lincoln Industrial Park South 8<sup>th</sup> Addition Final Plat #04053.
3. Letter from Tom Cajka to Loel P. Brooks, Brooks, Pansing, Brooks, PC LLO - RE: A. B. Wenzel Addition Final Plat #04025.

## **PLANNING COMMISSION FINAL ACTION . . . . .**

- \*1. Special Permit No. 04031 (Dwelling units above the first floor in B-4 Lincoln Business District) Resolution No. PC-00879.
- \*2. Preliminary Plat No. 04002 - Stone Bridge Creek 1<sup>st</sup> Addition (South of Humphrey Avenue and east of N. 14<sup>th</sup> Street) Resolution No. PC-00881.
- \*3. Special Permit No. 04030 (Expand nonstandard single-family dwelling at 2653 S. 11<sup>th</sup> Street) Resolution No. PC-00878.
- \*4. Preliminary Plat No. 04007 - Anderson's Place (South of Leighton Avenue and east of N. 84<sup>th</sup> Street) Resolution No. PC-00880.

## **PERSONNEL DEPARTMENT**

- \*1. Letter from Don W. Taute to John O'Brien - RE: Your Letter dated June 9<sup>th</sup>, 2004 - (See Letter)
2. Letter from Don W. Taute to Sgt. Edmund Sheridan, President, Lincoln Police Union - RE: City of Lincoln/LPU 2004 Labor Negotiations -(See Letter)

## **PUBLIC WORKS & UTILITIES DEPARTMENT**

- \*1. NEWS RELEASE - RE: Lane Closures On Vine Street Extended - (See Release)
- \*2. NEWS RELEASE - RE: Intersection of 8<sup>th</sup> and "O" To Become Four-Way Stop - (See Release)
3. NEWS RELEASE - Lanes of North 27<sup>th</sup> Street to Close for Improvements - (See Release)

4. NEWS RELEASE - Improvement Work to Begin at 27<sup>th</sup> and Highway 2 - (See Release)
5. NEWS RELEASE - Portion of South 56<sup>th</sup> Street to Close Two Days for Storm Sewer Work - (See Release)
6. ADVISORY - RE: Open House - 27<sup>th</sup> Street, Saltillo Road North To Yankee Hill Road - (See Advisory)

#### **URBAN DEVELOPMENT - Real Estate Division**

- \*1. MEMO from Clinton W. Thomas RE: Vacation of South 489<sup>th</sup> Street; Prescott to Lowell - Followup to June 4<sup>th</sup> Letter - Revised sale price. for the vacated property. (See Memo)
- \*\*2. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4007 Washington Street from 1<sup>st</sup> Street to Southwest 1<sup>st</sup> Street; and the east-west alley between West A and West Washington Streets, South 1<sup>st</sup> Street to Southwest 1<sup>st</sup> Street - (See Memo)
- \*\*3. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4008 21<sup>st</sup> Street between Y Street and the abandoned MoPac RR right-of-way - (See Memo)
- \*\*4. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4005 Allen Road from west line of Stephanie Lane west approximately 565 feet - (See Memo)
- \*\*5. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4004 6<sup>th</sup> & M Streets - (See Memo)

#### **C. MISCELLANEOUS**

- \*1. Letter from C.W. Swingle - RE: The objective of this letter is to notify all of the Lincoln Council Members that action on all of the following items must be put in place: - (See Letter)
- \*2. E-Mail from Dave Shoemaker - RE: Smoking - (Council & City Clerk received copies of this E-Mail on 6/21/04)(See E-Mail)

- \*3. E-Mail from Mark Welsch, GASP President - RE: Letter for Public Hearing on Non-Smoking Ordinance - (Council & City Clerk received copies of this E-Mail on 6/21/04)(See E-Mail)
- \*4. Letter From Thomas A. Green of the Democratic Party RE: Formation of a Non-Partisan Committee to establish a Code of Ethics for City Government.
- \*5. E-Mail from Peggy Sturwe RE: Mayor's State of the City Address - Notification.
- \*6. E-Mail from Bob Valentine RE: Charges for Vice-President Cheney's Lincoln visit.(Against)
- \*7. Letter from Dr. Robert W. Beck RE: Charges for Vice-President Cheney's Lincoln visit.(Against)
- \*8. E-Mail from Jan Karst RE: Smoking Ban Ordinance (See E-mail)
- \*9. Letter from Bruce J. Bohrer, Senior Vice-President/Governmental Affairs Counsel, Lincoln Chamber of Commerce - RE: State Fair - (See Letter)
- \*10. Material from Lincoln Chamber of Commerce - RE: Resolution on State Fair Constitutional Amendment - (See Material)
- \*11. Material from Richard Meyer - RE: Get Fluoride Out Of Our Drinking Water! - (See Material)
- \*12. Letter from Simera Reynolds, M. E.d., State Executive Director, MADD to Bob Logsdon, Chairman, Liquor Control Commission - RE: MADD has not received any information about the commission's future actions with regard to the loophole in the liquor control statute - (See Letter)
- \*13. E-Mail from A.C. Thayn - RE: Public smoking ban proposal - (See E-Mail)
- \*\*14. Letter from Nancy Russell - RE: The City budget - (See Letter)
- \*\*15. E-Mail from Mark Siske - RE: The Council Meeting on June 28<sup>th</sup> - (See E-Mail)
- \*\*16. 44 E-Mail's - RE: Thank-you for the smoking ban - (See E-Mail's)
- \*\*17. E-Mail from John (J.R.) Brown III - RE: Innovation in Infrastructure Financing - (See E-Mail)

- \*\*18. E-Mail from Bob Ihrig with response from Joan Ray - RE: Length Of Terms for City Council - (See E-Mail)
- \*\*19. 4 E-Mail's - RE: Comments on Smoking Ban - (See E-Mail's)
- \*\*20. 10 E-Mail's - RE: Against the Smoking Ban - (See E-Mail's)
- \*\*21. E-Mail from David Oenbring - RE: My very strong opposition to the holding of a special election for the purpose of voting on a bond issue - (See E-Mail)
- \*\*22. E-Mail from John Leonard Harris, President, Encouragement Unlimited, Inc. - RE: Issue regarding the Housing Authority - (See E-Mail)
- \*\*23. 9 Note Cards - RE: Please reconsider your vote on the Smoking Ban - (See Note Cards)
- \*\*24. 7 Thank-you cards - RE: The Smoking Ban - (See Cards)
- \*\*25. 3 Thank-you Letters - RE: The Smoking Ban - (See Letters)
- \*\*26. Material from Ed A. Schneider, O.D., Lincoln Vision Clinic P.C. - RE: Hard Evidence - Study: Secondhand Smoke Is Much More Dangerous Than First Thought - (See Material)
- \*\*27. Letter & Material from Peter W. Katt, Pierson/Fitchett, Law Firm - RE: Cardinal Heights Second Addition Annexation and Zoning Agreement Resolution No. 04R-143 - (See Material)
- \*\*28. Letter from Teresa J. Meier - RE: Applaud your decision of a total smoking ban - (See Letter)
- \*\*29. Letter from Edmund Sheridan, President of Lincoln Police Union to Don Taute, Personnel Director - RE: The City's last best offer - (See Letter)
- 30. E-mail from Steve and Jerry Lee Jensen RE: Thanking Council for Passing Smoking Ban
- 31. E-mail from Sandra Lab - Thanking Council for Passing Smoking Ban
- 32. E-mail from Sharon Miller RE: Opposition to Smoking Ban
- 33. Letter to Entire Council from Bailey Heafer RE: Thanking Council for Passing Smoking Ban.

34. Written Letter from Mary Rauner to Ken Svoboda Re: Smoking Ban (Opposes)
35. Approx. 368 Signatures on Anti Smoking Ban Form Letters to Ken Svoboda from patrons of BC's Bar - brought in by Mary Rauner (See form letter attached) - Letters on File in Council Office
36. Approx. 298 Signatures on Anti-Smoking Ban Form Letters to Terry Werner from patrons at BC's Bar - brought in by Mary Rauner (See form letter attached) - Letters on File in Council Office
37. Letter from Melinda Jones, RE: Approval of Smoking Ban
38. Letter from Christy Aggens RE: Approval of Smoking Ban
39. Faxed Letter from Anne Tegen - RE: Congratulations on a smokefree Lincoln! - (See Letter)
40. E-Mail Article from Dale Butler - RE: Smoking ban-'Lies, Damned Lies, & 400,000 Smoking-Related Deaths' - (See Material)
41. 18 E-Mail's - RE: Thank-you for smoking ban - (See E-Mail's)
42. 8 E-Mail's - RE: Opposed to smoking ban - consider an amendment - (See E-Mail's)
43. E-Mail from Teri Roberts, Executive Director, The Arc of Lincoln/Lancaster County - RE: Comments - smoking ban - wants to take a moment to clarify an issue for you that was misrepresented on the news last night and this morning by the owner of Critters Bar - (See E-Mail)
44. E-Mail from Elizabeth Volkmer - RE: Fireworks - (See E-Mail)
45. E-Mail from Daryl Dickerson - RE: Sidewalk café permit - (See E-Mail)
46. Letter from Lori Vrtiska Seibel, Executive Director, Community Health Endowment of Lincoln - RE: Purpose of this letter is to remind you that the three-year terms of the following members of the Board of Trustees of the Community Health Endowment (CHE) will expire on August 31, 2004: - (See Letter)
47. 5 'Thank-you' Notes - RE: The smoking ban.
48. Letter from Gina Noel - RE: Opposed to the amendments on the smoking ban.

49. Letter from Walt & Christine Bleich - RE: The smoking ban, 'Thank-you'.
50. Letter from William E. Olson, Demars, Gordon, Olson, Zalewski Law Firm, For the Block 23 Business Owners Association And T.O. Haas, LLC - RE: "O" Street Revitalization Plan in Conjunction with Antelope Valley Project - (See Letter)
51. E-Mail from Carol Brown to Randy Hoskins, Public Works & Utilities Department - RE: Sidewalks - (See E-Mail)
52. Letter from E. Sommer - RE: The Patriot Act - (See Letter)
53. Letter from Lorrie Stierwalt - RE: 'Thank-you' for the smoking ban - (See Letter)
54. 2 E-Mail's from Ed Schnabel - RE: Where has all the money gone? - (See E-Mail's)
55. Letter from Robert M. Ihrig, Bob's Gridiron Grille & the Pigskin Pub - RE: Reconsider the new and present "Smoking Ban" - (See Letter)
56. E-Mail - RE: Comments on the smoking ban - (See E-Mail)
57. Letter from Robert V. Blevins to StarTran - RE: The 48<sup>th</sup> Street Shuttle (#18) - (See Letter)
58. Letter from Steve Drda - RE: The Smoking Ban - (See Letter)
59. Note Card for each of the Council members from Cathy Gorka - RE: The Smoking Ban - (See Note Card)
60. Material & pictures from Patti Talamante - RE: Claim - 5/8/04 Tree Incident - (See Material)

#### IV. DIRECTORS

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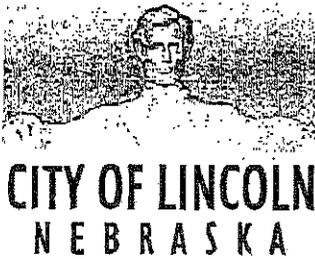
#### V. CITY COUNCIL MEMBERS

#### VI. ADJOURNMENT

**\*HELD OVER FROM JUNE 28, 2004.**

**\*\*HELD OVER FROM JULY 5, 2004.**

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# NEWS RELEASE

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CITY COUNCIL  
OFFICE

MAYOR COLEEN J. SENG

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** July 2, 2004

**FOR MORE INFORMATION:** Diane Gorizolas, Citizen Information Center, 441-7831  
Dallas McGee, Urban Development, 441-7857

### MAYOR REDEDICATES LINCOLN MALL

Mayor Coleen J. Seng today rededicated Lincoln Mall from the State Capitol at 14th Street to the City-County Government Center on 10th Street. The development of One Landmark Centre on the Mall between 10th and 11th streets was the impetus for the renovation project, which includes four new bus shelters, sidewalk improvements, landscaped medians, new benches and trash receptacles and raised planters.

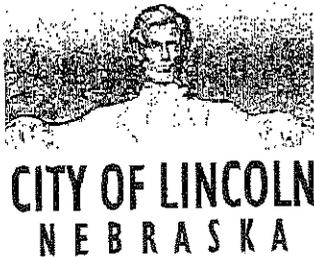
"Lincoln Mall is a wonderful tribute to Abraham Lincoln for whom our City is named," said Mayor Seng. The recent improvements on the Mall include quotes from President Lincoln on planters and in bus shelters. I encourage residents and visitors to enjoy a walk from "The Gettysburg Lincoln" at 14th Street to "The Rail Joiner" at 10th Street and re-discover this beautiful part of our Capital City."

The original City plan of 1867 called for wide streets leading up to the Capitol, and the designer of the Capitol also envisioned the streets as boulevards. The Lincoln Mall was originally developed in 1983. It was designed by the late Larry Enersen, founder of the Clark Enersen Partners, the architectural firm which designed the renovation project.

The renovation project cost \$800,000 and was funded through the tax increment financing generated from One Landmark Centre.

Participating in the rededication ceremony were Jim Abel of NEBCO, owner of One Landmark Centre and Two Landmark Centre, both on Lincoln Mall; Dennis Scheer of the Clark Enersen Partners; and Jeff Searcy, Chairman of the Capital Environs Commission. The Commission is a joint City of Lincoln - State of Nebraska body that sets design guidelines for changes in the area around the State Capitol Building.

Planters at the intersection of Lincoln Mall and 11th Street carry a well-known quote from Lincoln's second inaugural address. At the ceremony, Mayor Seng unveiled the planter which reads, "...let us strive on to finish the work we are in...." The nearby bus shelter carries a Rosa Parks quote on the front: "No, the only tired I was, was tired of giving in." On the back of the shelter is a quote from Lincoln's Gettysburg address: "...a new nation conceived of liberty and dedicated to the proposition that all men are created equal."



# NEWS RELEASE

MAYOR COLEEN J. SENG

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**OFFICE OF THE MAYOR**

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

**FOR IMMEDIATE RELEASE:** July 8, 2004

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Bill Moody, Chief Fire Inspector, 441-7791

**CITY RECEIVES NEW ROBOT TO HANDLE EXPLOSIVES**

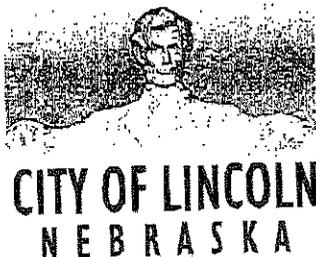
Mayor Coleen J. Seng today announced that the City has received a Mini Andros Hazardous Device Robot for use in handling explosives. Homeland security funds and private donations paid for the \$86,000 robot.

Bill Moody, Chief Fire Inspector and Bomb Squad Commander in the City Building and Safety Department, said the local bomb squad responds to an average of 60 calls involving explosives every year. Those have been handled by bomb technicians wearing special equipment.

“Some situations involving explosives can only be handled by a person, but the robot gives the bomb squad the ability to handle many cases of potential explosives remotely, from a safe distance,” said Mayor Seng. “These are obviously very dangerous situations, and this new robot will improve safety for the public and for those who serve on our bomb squad.”

Moody said the robot is the same type now being used in Iraq. Bomb squad members were trained as part of mandatory training at Redstone Arsenal in Huntsville, Alabama. About half of the 425 accredited bomb squads in the country have received robots.

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# NEWS RELEASE

MAYOR COLEEN J. SENG

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** July 8, 2004

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Terry Lowe, Information Services, 441-7113

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### NEW SERVICES TO BE AVAILABLE ON CITY-COUNTY WEB SITE

*Public-private partnerships to help promote InterLinc*

Mayor Coleen J. Seng today announced new services available on the joint Web site for the City of Lincoln and Lancaster County called Interlinc. New services being added within the next month include:

- Event Parking, a new e-pay service that allows citizens to reserve and pay for parking garage space in advance of events, such as UNL Husker football games;
- Job Applicant Tracking, a comprehensive online employment service;
- InterLinc Action Center, a new system for citizen service requests, such as tall grass or weeds or abandoned vehicles; and
- MyInterLinc, which allows citizens to register for a variety of new online services.

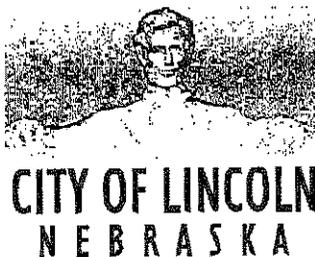
Payment of water bills is the latest e-pay service to be added. Others e-pay services are animal license renewals, criminal history checks and payment of parking tickets and property taxes. The amount of e-commerce activity on InterLinc is now more than \$1.5 million annually.

InterLinc can be reached at [lincoln.ne.gov](http://lincoln.ne.gov) and [lancaster.ne.gov](http://lancaster.ne.gov). The site has more than 30,000 pages of information on City and County government and is accessed by more than 12,000 individual users each day.

Mayor Seng also announced that the City and County are promoting InterLinc by partnering with four private media firms - KFOR-KFRX Radio, KOLN-KGIN TV, the *Lincoln Journal Star* and Time Warner Cable.

"InterLinc gives citizens a link to local government services 24 hours a day," said Mayor Seng. "As more features and services are added to the Web site, it's important to let the public know, and our InterLinc partners will help us get that message to citizens."

The InterLinc Partners were chosen through a competitive bidding process. Through cross-promotion, InterLinc is expected to receive about \$200,000 in advertising exposure through the four partners. The local government commitment includes links to the partners on InterLinc and other promotion, including advertising on StarTran buses.



# 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: July 8, 2004**

**FOR MORE INFORMATION:**

Allan Jambor, Project Manager, HWS Consulting Group, 479-2200

Frank Doland, Project Engineer, HWS Consulting Group, 479-2200

Holly Lionberger, City Project Manager, Public Works and Utilities Dept., 441-7711

### **OPEN HOUSE PLANNED ON IMPROVEMENTS TO SOUTH 27TH**

The public is invited to an open house on planned improvements to South 27th Street from Saltillo Road to Yankee Hill Road from 5:30 to 7:30 p.m. Thursday, July 15 at the Pavilion Office Building, 2930 Ridge Line Road. In general, the project will widen 27th Street from two to four lanes with turn lanes. The timeline for the project depends on the availability of funding.

Those attending can use the west entrance to Southpointe Pavilions off 27th Street. The open house site can be reached by turning north on 28th Street, which curves east into Ridge Line Road. The parking area is to the left, and the entrance is north of the main west entrance.

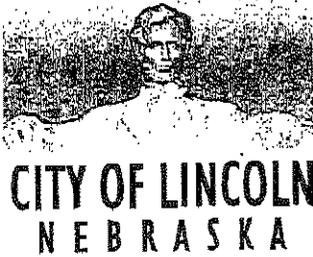
Representatives from the City Public Works and Utilities Department and HWS Consulting Group will be available to explain the project and to answer questions from the public. For more information, contact Frank Doland or Allan Jambor with HWS at 479-2200.

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JUL 08 2004

CITY COUNCIL  
OFFICE



# NEWS ADVISORY

MAYOR COLEEN J. SENG

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## OFFICE OF THE MAYOR

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

**DATE:** July 7, 2004**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will have a news conference at **10 a.m. Thursday, July 8** on the **lower level of the City's new parking garage, just north of the County-City Building, 555 South 10th.**

The entrances to the lot are off "K" Street (one way east) and off 10th Street (one way north). Parking will be validated. If it rains, we will move to the covered portion of the garage on the same level.

Topics for the news conference will include:

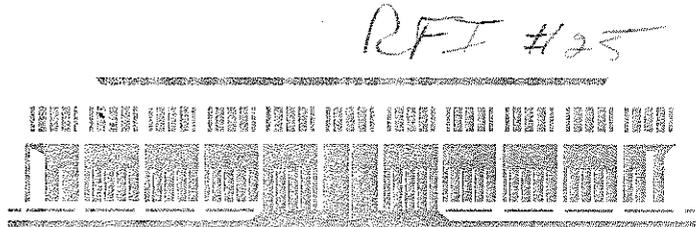
- New features on InterLinc, the City-County Web site, and efforts to promote the site.
- The Building and Safety Department's new robotic equipment used to handle explosives.

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City of Lincoln  
Lancaster County

HUMAN SERVICES DEPARTMENT

555 South 9th Street Lincoln, Nebraska 68508  
E-mail kboesch@co.lancaster.ne.us



Telephone (402) 441-4944 Fax (402) 441-6805

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JUL 02 2004

LANCASTER COUNTY  
BOARD

TO : Patte Newman  
City Council

FROM: Kit Boesch *KB*  
Human Services Administrator

DATE : June 30, 2004

RE : Request to Respond to Low Income Housing Inquiry (June 23, 2004)

In talking briefly with Patricia Hill, Mercy Housing, and Larry Potratz, Lincoln Housing Authority, it appears that housing, through Section 8 vouchers, only has students who qualify because they live with their families or have families of their own and are low income. Western Manor, owned by Mercy Housing, is a private contractor also receiving HUD funds. Patricia said the article was basically accurate: they have 84 units; 30% of which are students. Of the students many are single moms going back to school. On the other hand, 10-15 units (22-23 students) are student athletes (football, basketball, wrestling, etc.).

The HUD regulations indicate that Federal loans and sports scholarships do not count as income. Obviously neither does parental assistance. Patricia said that if she did not take the student athlete she could be charged with discrimination as well. Both she and Larry agree with the injustice here but both indicate the issue lies with HUD regulations they must follow.

Perhaps our Nebraska congressional delegation needs to join U.S. Senator Tom Harkin (Iowa—democrat) in requesting HUD to re-examine their policies on income eligibility. When the waiting list in Lincoln for over 2,500 low income families to receive housing assistance is 18 months, it seems very inappropriate for scholarship athletes with other means of support to be utilizing this scarce resource.

KB/vdg



TWernerLNK@aol.com

07/05/2004 04:07 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: The Arc of Lincoln/Lancaster County

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OFFICE

----- Message from "Teri Roberts" <arcdirector@alltel.net> on Fri, 2 Jul 2004 15:39:09 -0500 -----

**To:** <ksvoboda@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>,  
<gfriendt@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>,  
<amcroy@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>,  
<council@ci.lincoln.ne.us>

**cc:** <mayor@ci.lincoln.ne.us>

**Subject:** The Arc of Lincoln/Lancaster County

Dear Council Members,

I want to take a moment to clarify an issue for you that was misrepresented on the news last night and this morning by the owner of Critters Bar. This is the bar that is emitting second hand smoke pollution into the Arc of Lincoln/Lancaster County's office. During the broadcast she had stated that she had just recently received a \$1200.00 bill for a ventilation fan that was required by the Health Department. I want to inform you that the fan installation was a part of a recommendation made in November 2001 as a remedy to the second hand tobacco smoke pollution being emitted by Critters Bar into our office on a daily basis. This installation did not "just" occur and it was not a requirement of the Lincoln/Lancaster County Health Department and it was not in response to the smoking ban or the vote on Monday.

When the Arc took occupancy of this office space in September 2001, I contacted Mike Holmquist, Environmental Health Specialist III, at Lincoln-Lancaster County Health Department, requesting that he conduct a site visit with regard to the smoke issue here. Mr. Holmquist and our landlord, G&C Investments, thoroughly investigated the daily health hazard present in our office. At that time Mr. Holmquist indicated that there were three main factors contributing to the transport of ETS from Critters Bar into the Arc office: a gap along the top of the fire wall separating our two spaces, the lack of a dedicated fresh air supply to the HVAC system of the Arc office and Critters Bar, and the lack of a 24 hour exhaust system in Critters Bar. G&C Investments instructed the owner of Critters Bar to make these necessary changes as a resolution to the ongoing problems and also as a condition of the lease agreement for the space occupied by the bar.

The owner of Critters did eventually install an exhaust fan. However she did not carry out the other two recommendations made by Mr. Holmquist and required as a condition of the lease agreement by G&C Investments. As the situation continued and worsened in our office, I again contacted Mr. Holmquist and our landlord and requested another site visit. They established during this second visit in April 2004 that Critters Bar was not running the exhaust fan 24 hours a day as instructed during the initial visit, the gap on the top of the wall remained open and no dedicated fresh air supply had been installed.

Our landlord has since made the arrangements for the dedicated fresh air supply to be installed and notified the owner of Critters Bar that the cost of this unit (\$522.26), along with running their fan 24 hours a day and closing the gap along the top of the wall is all their responsibility to resolve the transport of secondhand smoke pollution into our office AND to

meet the conditions of the lease agreement for the space occupied by the bar.

I wanted to furnish you with the facts of this issue rather than you believing that this is anything other than a compliance issue between a landlord and tenant. This did not occur because of, or in response to, the smoking ban or the vote on Monday.

Sincerely,  
Teri Roberts  
Executive Director  
The Arc of Lincoln/Lancaster County  
1101 Arapahoe Street, Suite 5  
Lincoln, NE 68502  
421-8866  
---

Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).  
Version: 6.0.708 / Virus Database: 464 - Release Date: 06/18/2004

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TWernerLNK@aol.com

07/05/2004 04:21 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoking Ban

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----- Message from "Dan Dutton" <dand@seldin.com> on Tue, 29 Jun 2004 11:07:11 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Smoking Ban

Dear City Council members,

I would like to start out by saying that I do not have an issue with the smoking ban. I understand the argument and can see the concerns of those who pushed for the smoking ban. This spring when you passed the partial ban, I felt that it was only a matter of time before the City Council passed a full ban on smoking in public places.

My problem with the decision last night was how it seemed to come out of nowhere. While bars and restaurants seemed to have agreed to the partial ban and were making sure that they would be in full compliance, it seems that there were people at the City-County building who were working hard to undermine the public's confidence in their elected officials.

Today in a time of uncertainty on the national political scene, where the country couldn't be more divided on political candidates, it takes a lot of guts to go behind the backs of the citizens of Lincoln. The fact that no one knew that the City Council was even considering this ban says a lot about the character of every single member of the Council.

I am 24 years old and have never been more ashamed to say that I live in Lincoln, or that I grew up in Lincoln. My question to all of you is what made you think that you had to hide an issue like this from the public? We are talking about a smoking ban! What happens when some people don't agree with you on the important issues?

I hope that in the future when you think about hiding from the public, you remember that great leaders make tough decisions in tough times and they do it in front of the whole world to see.

I would appreciate a response to one question, why did you have to hide this vote from the public?

Thank you for taking the time to read this.

Dan Dutton  
Resident and Voter in the City of Lincoln

Terry



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:07 PM

cc:

Subject: Fwd: Electorate

----- Message from "rob adams" <radams3@neb.rr.com> on Fri, 2 Jul 2004 21:37:13 -0500 -----

**To:** <twerner@vacation.com>

**Subject:** Electorate

Terry,

I disagree with your approach to the smoking thing. But there are far more important things on our table. We're losing young Americans daily in Iraq & Afghanistan. Personally, I truly think this is a little over-steppage of government. That's my opinion.

You will always have our vote. When we first talked when you decided to run, you convinced me you wanted to serve. I haven't seen anything to the contrary.

In the present state of politics in this country, to us, you are truly a breath of fresh air.

Rob

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TWernerLNK@aol.com

07/05/2004 04:07 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: For Sale

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----- Message from "Barry Franzen" <libations@neb.rr.com> on Fri, 2 Jul 2004 16:03:46 -0500 -----

**To:** <ksvoboda@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>

**Subject:** For Sale

I have a property for sale. The property includes about 1000 sq. ft of space that is nicely appointed with original art work, oak cabinets and wainscoting, comfortable tables and chairs, and an ambiance that is hard to describe. I fell in love with, and a little over two years ago, put everything I had into the purchase of the building. Also included is state-of-the-art smoke removal equipment, roughly triple the capacity of any similar size room. This area was specifically designed for the enjoyment of cigars, and caters to affectionados of such. There is no food, pool tables, live music, etc., just a quiet place, a niche for those who chose to engage in legal activity.

However, several of you are astute business persons. Who would buy a cigar bar in a city that has banned it?

Please don't insult my intelligence by saying non-smokers will magically appear in numbers necessary to save my business and investment. What sustains it is my regular customers and business travelers who are referred by downtown hotels to have a fine cigar and single malt scotch. I don't care what studies and surveys from other places say, I have polled my own customers over the last year, and the majority answer, no offense to me, but they will not come in like before; they will stay home or in one of the 20% of the rooms that allow smoking. If you believe different, as I said before, I have a building for sale. Make an offer.

Surprisingly, I have little anger. I feel betrayed and as if my heart has been ripped out. I believed that if I ran a nice establishment, conducting legal activities, complied with the laws and worked hard, I could build a business to fund my retirement. And I have worked hard, 60+ hours a week to ensure, I thought, success. This is not a hobby for me, or one of several different businesses, this is all I have. I have paid my taxes, paid wages, and paid fees to the very government passing a law that targets me like a laser beam. Other cities with similar laws grandfathered cigar bars. in existence more than two years, to remain in business under current ownership. Libations is a place where use of tobacco is expected. No minors come in here, except with police officers trying to fool a bartender into serving them. This establishment is not the rule, it is the exception. In the interest of being fair, would you allow me to have 20% of my building available for smokers? I would gladly comply.

I realize this is initiated and supported by passionate people truly believing this is for the good of the public. It becomes a personal war, of sorts, and with war we have come to accept collateral damage. It acceptable unless the collateral damage is you. There is also a cost to war, and it astounds me no one has done an economic impact study. Here is a minor impact: when my windows go dark, no more sales tax, six employees out of a job, no more Health Department fees, etc. There will be a negative impact on Lincoln's economy, that can't be fixed by raising real estate taxes. Maybe you could raise the tobacco tax?

For those of you who supported the right of adults to engage in a legal activity in a free country that encourages free enterprise, I truly thank you.

Barry D. Franzen, owner  
Libations Downtown



TWernerLNK@aol.com

07/05/2004 04:08 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: please read

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----- Message from "Julie" <julie@midwest-insurance.net> on Fri, 2 Jul 2004 13:31:17 -0500 -----

**To:** <TWernerLNK@aol.com>

**Subject:** RE: please read

Mr. Werner,

Thank you for at least reading my email. This is a subject we do obviously disagree on. You see this as a chance for you to save lives and I see this as a serious infringement on the rights of the hard working business owners. I understand that you are not taking away the right for smokers to smoke but you are taking away the right for private business owners to run their own businesses as they see fit. Maybe my point was not very well expressed. In my opinion this has nothing to do with the single mother who would rather work as a waitress. There are many non smoking places she can work. Or work in the non smoking section. For you to sit there and dictate how someone should run their business is appalling. Would you like someone to come into your home and tell you that your family can no longer drink milk? Flat out, it is not fair or just what you have done. And worse yet you did it in a very unethical way going against what you had previously agreed on without consulting the people you represent. Many businesses invested the time and money to comply with your initial stipulations and now you have reneged on your end of the deal. I hope people remember this when it comes time for your re-election. I for one will not forget.

Julie Sipp

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

**From:** TWernerLNK@aol.com [mailto:TWernerLNK@aol.com]

**Sent:** Thursday, July 01, 2004 8:37 PM

**To:** julie@midwest-insurance.net

**Subject:** Re: please read

Ms. Sipp, I agree with you feeling about discrimination. The prior ordinance discriminated against many small businesses. Now everyone is on a level playing field.

As far as smokers go, they can still smoke. No-one is taking that right away from them.

Finally, there may be one big difference between you and I on this issue. I believe that employees in the hospitality industry are dying because of second hand smoke. The study conducted in Lincoln surmised that could be up to 17 a year in Lincoln alone. Therefore it is a very legitimate thing to legislate to save lives. I cannot turn the other way when people are dying. You may say people have a choice where they work. I heard testimony from single parents, with college degrees who made more money waitressing than in their field. Her choice was to feed her child and clothe her child or not. Again, this is a matter of saving lives every day.

I will not change my vote. I have never wavered on my support of a 100% smoking ban.

I am sorry we disagree on this subject. Thank you for your input. Terry Werner

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:10 PM

cc:  
Subject: Fwd: Smoking Ban

----- Message from "hmichaud" <hmichaud@inetnebr.com> on Thu, 1 Jul 2004 19:42:20 -0500 -----

**To:** <gfriendt@ci.lincoln.ne.us>

**cc:** <jcamp@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>

**Subject:** Smoking Ban

I'm sure you've heard it all by now, but I at least wanted to let my point be heard. I am a smoker with friends that don't smoke and friends that do smoke. From my stand point of this issue I would have been perfectly content with the smoking ban in restaurants because I understand that the smoke may bother some people while they are eating, not to mention that minors may be accompanying adults.

As far as banning smoking in bars where there is no food served and no minors are allowed I'm not sure how that will benefit the city of Lincoln. I'm an adult and have my own children with whom I try not to smoke around. While they still may need a babysitter, I'm pretty sure that I do not. The "do-gooders" in this city are really making it almost unbearable to live here in peace.

I was on a bowling league that ended in May, at that point we were asked if we would be back next year, nearly half the teams said it would be determined upon the smoking ban. At this point, our team will not be bowling next year. In all actuality, I don't plan on going to any local establishments within the city limits at this point unless there are no other option. If I wanted to go for a cocktail it would actually be closer for me to go to Waverly then it would be for me to go to downtown Lincoln. I'm not sure if the Council has really thought this all the way through or not. I think that there is going to be big hit economically and that will make everyone else suffer as well.

If non-smoking bars were profitable wouldn't there be more of them? I really think at this point this should be reconsidered.

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:11 PM

cc:

Subject: Fwd: please read

----- Message from "Julie" <julie@midwest-insurance.net> on Thu, 1 Jul 2004 16:39:01 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** please read

Dear Mr. Werner,

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I am writing to ask you to reconsider your vote on the 100% smoking ban. This ban is a serious infringement on the rights of business owners as well as individuals. A person's business their own private property and each person should have the right to decide how to run their own business. Who are you to say what people can and can't do in their own establishments? You don't pay the bills. You don't work hard every day to make the business a successful establishment that runs smoothly and provides you income. I understand that you are trying to do what is right for the people of Lincoln but it shouldn't be done by taking away rights and freedom of choice from some of those people.

It should be each owner's choice as to how they would like to run their establishment and whether or not to permit smoking. If there are that many people who oppose smoking in a certain business then those people should express their concerns to the owner of the business and let the owner decide to ban smoking. Valentino's and Grasanti's both made the decision to go non smoking to appease their customers before the smoking ban was ever introduced. Doesn't this seem more logical and fair then to try and impose your views and opinions on the whole city?

"Discrimination is defined as treating one person [or group] unfairly over another according to factors unrelated to their ability or potential". (legaldefinitions.com) This is basically discrimination against smokers. And you allow it to happen in a country where discrimination is so frowned upon. Why are your views so correct because you are a non-smoker? Is it because smoking is bad for your health? Smoking is unhealthy, but it is each individual's choice as to what they put into their body. And as a non-smoker you can choose to sit in the non-smoking section or to go somewhere smoking is not allowed. There are many places in this city to go where smoking is not allowed by free choice of the business owner: Valentino's, Grasanti's, McDonalds, Wendy's, the Garden Café, Don & Millie's. Why do you need to make the whole city non-smoking to please one group of people when it is unfair to another group?

This ban will hurt the small businesses like bars and create a crowd control and littering problem. Many people are social smokers that only smoke when they drink. Now you will have people going in and out of the building to smoke. This is going to be a lot of people, especially down town on O Street. That is if the people even go out anymore. Smaller bars that don't get the crowds the downtown bars do will probably go out of business. In fact, I believe someone tried a non-smoking bar downtown and it lasted only a few months before it had to become a smoking

establishment. I have worked at a bar for five years now and about 90% of our customers are smokers and all of our employees are smokers. The owner is even a smoker. Now you are going to tell her that she can no longer smoke in her own business that she has worked hard and paid for. Is that fair to her?

What about the businesses that have already complied with the amendments of the last ban? Bob's Gridiron built a whole separately ventilated smoking section and now they are out that money because you have decided to sneak a 100% smoking ban by the public. Personally I think that was a very underhanded thing to do.

Just because you are not a smoker does not mean you are right. People are supposed to have the freedom of choice and you have taken that away from business owners. Not just smokers, but people who work hard to run a successful business. Please give them back the freedom to make their own choices for their own business.

Sincerely,

Julie Sipp

1840 Rusty Lane

Lincoln, NE 68506

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TWernerLNK@aol.com

07/05/2004 04:11 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoking Ban

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----- Message from "Cheerleaders Beef" <cheerleadersbar@hotmail.com> on Thu, 01 Jul 2004 17:08:09 +0000 -----

**To:** amcroy@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us, jcook@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us, pnewman@ci.lincoln.ne.us, twerner@ci.lincoln.ne.us

**Subject:** Smoking Ban

Council Members,

The way you have changed your mind on the smoking ordinance is one of the most outrageous things I have ever seen. You have told us one thing and then you do completely different. Yes, you may have done this legally but as elected officials, you also have a moral obligation to give the public what they want, not what you want. We have spent months working with you to get what the people want and then you go behind our backs and do what you want. This country is supposed to be about freedom of the people's choice, not the freedom of the politician's choice.

If no one knew this was going to happen, why has the city spent thousands of dollars installing ashtrays outside of the bars?

What are you going to do next, stop people with kids, from smoking in their homes?

If someone does not want to come into my bar because I allow smoking, they don't have to. If someone does not want to bring their kids into my bar because I allow smoking, they don't have to. If I don't like the food someplace, I don't eat there. If I don't like the atmosphere of someplace, I don't go there. If I don't like a certain store, I don't shop there. If I don't like a certain brand of gasoline, I don't buy it, because I choose not to.

How can you pass a law making it ok to serve alcohol at the "Children's Museum" and the "Folsom Children's Zoo" and then tell people that they cannot smoke in a bar? To me that is telling children that you need to have alcohol to have fun and raise money. Great message for our kids!

If a petition comes around to recall certain City Council members I will sign it, as will nearly all of my customers. I certainly do not want a group of people without morals running this city.

Dean Borgmann  
Owner Cheerleaders Bar



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:14 PM

Subject: Fwd: smoking ban

----- Message from "Charity Throener" <charitythroener@juno.com> on Wed, 30 Jun 2004 16:07:45 GMT -----

**To:** TWernerLNK@aol.com

**Subject:** Re: smoking ban

Thank you for your response. It isn't so much where you stand on the issue, but the manner in which this change in the ban took place. The public was not informed that this change was even up for a vote. Rather, there was a general assumption (a firm assumption) that the restrictions of the ban that had been listed before was what would be implemented. Instead, the ban was drastically altered, without a public hearing.

Sincerely,

Charity Throener

Please note: message attached

----- Message from TWernerLNK@aol.com on Wed, 30 Jun 2004 11:38:06 EDT -----

**To:** charitythroener@juno.com

**Subject:** Re: smoking ban

Ms. Throener, I have never wavered on my support and I believe Lincoln is better off because of it. I am sorry we disagree on this issue. Terry Werner

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TWernerLNK@aol.com

07/05/2004 04:16 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Arbitrary and Capricious Government

----- Message from "Vic Covalt" <vcovalt@bsclawfirm.com> on Wed, 30 Jun 2004 10:10:03 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Arbitrary and Capricious Government

Another blow struck for totalitarian anti-libertarian government conducted in secret.

What is next? Sugar? Beer? Bread? Burger King? Sleeping in the nude?

Victor E. Covalt III, NSBA #16539  
Ballew, Schneider Covalt Gaines & Engdahl PC LLO  
P.O. Box 81229, Lincoln, NE 68501-1229  
(402) 436-3030; Fax (402) 436-3031  
vcovalt@bsclawfirm.com

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:16 PM

Subject: Fwd: smoking ban

----- Message from "Charity Throener" <charitythroener@juno.com> on Wed, 30 Jun 2004 15:06:51 GMT

**To:** twerner@ci.lincoln.ne.us

**Subject:** smoking ban

Mr Werner -

I am disappointed with the City Council's decision to enact a 100% smoking ban in public establishments. While I understand that not all decisions will come by a populous vote, I feel that it was deceitful that this amendment was introduced without any prior communication with the public. This ban has many stakeholders and the City Council did not take into consideration those establishments who have already made alterations to their facility because of their understanding of what the law would be.

Sincerely,

Charity Throener

---

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TWernerLNK@aol.com

07/05/2004 04:16 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: smoking ban in Lincoln

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----- Message from "Dan Fisher" <OregonTrailInsurance@alltel.net> on Wed, 30 Jun 2004 08:42:01 -0500  
-----

**To:** <council@ci.lincoln.ne.us>, <info@kolnkgin.com>, <mayor@ci.lincoln.ne.us>  
**cc:** <gfriendt@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>,  
<twerner@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>,  
<jcamp@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>

**Subject:** smoking ban in Lincoln

I for one will not be taking my family to Lincoln to shop or eat... And we use to do that fairly often.. Lincoln is where we buy our major appliances, home improvement supplies, most of our big ticket items, office supplies and get most of our entertainment.. But with the ban on smoking the city council is telling me that they don't want smokers (and x-smokers) in their town.. We will not be going to Big Red Football, the state fair (which a messed up deal anyway!!!) or all those other things we use to do in Lincoln. I will try to go to business classes in GI or Kearney if possible and will even go to Iowa if need be.. I will make every effort to not do ANY business in Lincoln!!!

I stopped smoking back in Nov. because of all the taxes the state of Ne. imposed.. I encourage others to buy tobacco products over the internet or in a different state where they are MUCH CHEAPER and where the greedy Nebraska politicians don't get any tax dollars from. I still smoke a cigar on special occasion but the state of Ne does not make ANY money off of my smoking!

I feel that if an individual wants to smoke then they should be able to do so.. If a business wants to allow smoking in their business then they (the owners) should be able to do so, it is their business not Lincoln City council or any government offices. Patrons as well as employees should be aware that it is a smoking establishment and they can decide if they want to patronize the business or if they want to work else where.

I strongly feel that the city council of Lincoln has over stepped their boundaries and authority, and if there is any law suit against those members I for one will be very willing to get involved in that law suit!!!

Dan J. Fisher Agent  
Oregon Trail Insurance

PO Box 473  
Edgar, NE. 68935  
Phone: 402-224-4795  
Fax: 402-224-3253

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:17 PM

cc:

Subject: Fwd: InterLinc: Council Feedback

----- Message from DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov> on Wed, 30 Jun 2004 12:38:44 "GMT" -----

**To:** Terry Werner <twerner@lincoln.ne.gov>

**Subject:** InterLinc: Council Feedback

InterLinc: City Council Feedback for  
Terry Werner

Name: mark townsend  
Address: 1436 b #6  
City: Lincoln, NE 68502

Phone:  
Fax:  
Email: rincewind954@yahoo.com

**Comment or Question:**

When I voted for you in the last election, I believed your claim that you wanted to represent the lower income and underserved members of our community. Your recent vote to enact the stricrer smoking ordinance shows that this is not the case, especially as it concerns small buisness. Individual responsibility and personal choice seem to be matters that do not concern you. Rest assured in the next election you will NOT have my support., and I do make it a point of pride to vote in every election.

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TWernerLNK@aol.com

07/05/2004 04:18 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Monday's Vote on Revised Smoking Ban

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----- Message from JBDJWK@aol.com on Wed, 30 Jun 2004 07:58:08 EDT -----

To: twerner@ci.lincoln.ne.us

cc: JBDJWK@aol.com

Subject: Monday's Vote on Revised Smoking Ban

Mr. Werner,

I was dismayed at the lack of leadership skills you displayed Monday evening as chairman of our City Council. When it became apparent that some, but not all, of the council members had received and had a chance to review advance copies of Mr. Svoboda's revised amendment, the just thing to do would have been to set discussion and voting aside until the next meeting, to grant those members the same opportunity to review and discuss it that you, Mr. Camp and Mr. Friendt had. It was obvious, through her testimony, that even Ms. Skinner had received a copy of the Svoboda amendment well in advance of the meeting.

How ironic that, on the day Iraq gained sovereignty in its move toward a more democratic way of life, some on Lincoln's City Council circumvented the American democratic process in a well-conceived "behind the scenes" ambush of some of its own members, not to mention the citizens who voted them into office.

An interested member of the public who watched the City Council meeting on Monday got on the phone shortly after the vote, alerting various hospitality establishments of the surprising outcome. By about 8:30 p.m., the televisions in about thirty establishments were on channel 5, watching the City Council replay, with the sound "up." It was a fascinating twenty minutes or so of television.

Another personal concern I have with your vote on this issue is the fact that you are in the travel and tourism industry. I assume the 20% hotel room exemption was granted because of the certain loss of future revenue to the City, should the ban have been uniform. Is it possible that your business would have been hurt, had the hotel exemption not been granted? Another man might have recused himself from voting, being concerned about even the appearance of impropriety.

As of today, the amended smoking ban is still not available to the general public. Is there anything you can do as Chair to speed up getting that out? I am interested to see what requirements hotels and motels are needing to meet in their "smoking" rooms, to make them safe for both the workers who service the rooms, and non-smoking guests whose rooms share the same ventilation system. (I am assuming that the guidelines will be consistent with those once recommended for businesses desiring to have smoking rooms.)

I hope that you will reconsider your vote on July 12...compromise is an essential component of a functioning democracy. If you are worried especially about our youth vis-a-vis smoking, please use your influence to encourage our various arms of law enforcement to crack down on underage (first-hand) smoking in and near the school yards come fall...and leave the rest of it to the discretion of the parents. No one *has* to "eat out," and no one *has* to go to a bar, and no one *has* to work in an environment allowing smoking. This is America; please...let Lincoln's citizens make these choices for themselves.

Respectfully,

Jan Karst



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:19 PM

cc:

Subject: Fwd: SMOKING BAN

----- Message from YLAVONNE@aol.com on Tue, 29 Jun 2004 18:21:21 EDT -----

To: twerner@ci.lincoln.ne.us

Subject: SMOKING BAN

I HAVE NEVER BEEN SO DISAPPOINTED IN A GROUP OF PEOPLE IN MY LIFE. YOU HAVE MADE A VERY IMPORTANT DECISION USING UNDERHANDED TECHNIQUES. I HOPE YOU ALL KNOW YOU ARE ELECTED OFFICIALS AND YOU ARE TO LISTEN TO THE PEOPLE AND NOT LET YOUR OWN FEELINGS WAIVER ANY DECISIONS YOU MAKE. LINCOLN IS IN TROUBLE MAKING BUDGETS AND YOU DO SOMETHING TO TAKE AWAY TAXABLE INCOME. THIS IS GOING TO EFFECT CONVENTION BUSINESS, TOURNAMENTS AND HAVE A MAJOR EFFECT ON FOOTBALL SEASON. I HAVE BEEN IN THE HOSPITALITY BUSINESS FOR 25 YEARS AND I GUARANTEE YOU WILL LOSE ON ALL THESE EVENTS. WE HAVE NOTHING TO BRING TOURISM INTO LINCOLN, BESIDES THESE EVENTS. WE WILL HAND OMAHA ALL TOURNAMENTS AND CONVENTIONS, THEY HAVE BETTER CONVENTION FACILITIES, CHEAPER GAS AND YES SMOKING BARS. OUR TAXES IN LINCOLN HAVE BECOME SO HIGH OUR PARENTS ARE MOVING OUT OF STATE BECAUSE THEY CAN'T AFFORD TO LIVE HERE WITH THEIR FIXED INCOMES. THREE YEARS AGO I WENT TO MESA ARIZONA AND THEY HAVE THE SAME LAW AS YOU HAVE IMPLEMENTED WHILE THE POLICE ARE SO BUSY WRITING TICKETS TO SMOKERS THEY ARE HAVING SHOOTINGS ON MAIN STREET, BUT THEY ARE SMOKE FREE. COLLEEN SENG WAS VOTED IN BY THE BLUE COLLAR WORKERS AND I GUARANTEE SHE WILL BE VOTED OUT BY THEM. YOU ALL FEEL BLUE COLLAR WORKERS DON'T VOICE THEIR OPINIONS AS LOUD AS WHITE COLLAR WORKERS BUT WE DO VOTE. WE ARE TIRED OF OUR RIGHTS BEING TAKEN AWAY ONE BY ONE. I WILL GO OUT OF TOWN TO BUY MY CIGARETTES, MY GAS AND MY DINNER. YOU REALLY NEED TO LOOK AT THE LOSS OF KENO MONEY, LOTTERY MONEY AND PICKLE CARDS. I WILL HATE TAKING BUSINESS AWAY FROM LOCAL BUSINESSES, BUT I FEEL UNTIL THIS DECISION HITS YOUR BUDGET YOU WILL NOT LISTEN TO ALL THE PEOPLE. WHEN YOU ALL BECOME UNEMPLOYED YOU COULD ALWAYS BUY A CHEAP BAR, I AM SURE THERE WILL BE PLENTY UP FOR SALE.

THANK YOU, FOR READING MY E-MAIL THIS SEEMS TO BE THE ONLY WAY I GET TO VOICE MY OPINION.

LAVONNE YOST/ BRAINERD

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:22 PM

Subject: Fwd: Smoking Ban

----- Message from Brice Sullivan <brice@newslinkinc.com> on Tue, 29 Jun 2004 10:15:31 -0500 -----

**To:** TWernerLNK@aol.com

**Subject:** Re: Smoking Ban

Had to try, Terry. I have only the utmost respect for your commitment to your ideals. You have been the only one who's been consistent here.

thanks.  
Brice

On Jun 29, 2004, at 9:54 AM, TWernerLNK@aol.com wrote:

> Brice, I understand your concern but I am only supportive of  
> protecting all employees and not picking and choosing. That's why I  
> did not support the ordinance we had. I would rather have nothing  
> than what we had before. I guess we'll have to disagree on this one.  
> I have never wavered in my support of a total ban. Terry

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TWernerLNK@aol.com

07/05/2004 04:22 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: [lna-l] Smoking ban; wha' happen'?

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----- Message from Michael Cornelius <michael@ninthorder.com> on Tue, 29 Jun 2004 09:36:28 -0500

**To:** lna-l@lincolnneighborhoods.org

**Subject:** [lna-l] Smoking ban; wha' happen'?

I'm trying to make heads and/or tails of the LJS article about the current state of the smoking ban. I have to admit, I'm at a bit of a loss as to the sequence of events that led to the current situation. (Complete ban, enacted 1 November, rather than weak ban enacted Thursday.)

Here are the events as I read them from the paper:

The weak ban was amended (by Patte and John) to allow 18 year-olds to enter "smoking allowed" establishments, weakening it further. Can someone explain this amendment to me?

Ken, pee-ohed about the above amendment, knocked all the checkers off the board in a fit, leaving the original strong ban ordinance.

The reinvigorated strong ban passed; Svoboda, Friendt, Camp, Werner voting for, Cook, Newman, McRoy against.

Hooray, I think...?

I don't understand why Ken would opt for the Health Department's original proposal (which he opposed), instead of no ban at all. Was it procedurally impossible to go to no ban? None of it makes much sense to me.

Of course, there's lots of time between now and November to re-eviscerate the ordinance.

(I'm reminded of Mike Foley's proposal to ban smoking in in-home daycares. Think of the children! But saints and ministers of faith preserve us from a ban on smoking in private homes where those same children dwell.

It's the strange illogic of it all that makes me want to stick my head in the sand...)

---

lna-l mailing list

lna-l@lincolnneighborhoods.org

<https://lincolnneighborhoods.org/mailman/listinfo/lna-l>



TWernerLNK@aol.com

07/07/2004 09:06 AM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: smoking reg

Kerry

----- Message from "David Van Winkle" <dvanwinkle@neb.rr.com> on Tue, 6 Jul 2004 17:32:50 -0500 -----

To: <twerner@ci.lincoln.ne.u

s>

Subject smoking reg

:

Dear Council Members,

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As a citizen on Lincoln, I urge you to reconsider your decision to pass the Smoking Regulation Act. This kind of "blanket" ban is discriminative and a violation of smoker's (everyone's) rights. Furthermore, this kind of legislation sets precedence for similar regulation of the people's rights. Why don't you pass a law that regulates the use of vehicles with diesel engines within the city limits? Far more toxicity is exuded from such vehicles than all smokers combined. Even if they are running outdoors, we have no choice but to breathe in their toxic stench every day. Every day I have to follow a seemingly ordinary person like myself who for some reason needs a diesel pickup truck, and every day I have to roll up my windows and turn off my vents to keep the fumes from my lungs (which does no good anyway, since I succeed only in trapping the offensive stuff in the passenger compartment!). You won't ever regulate this, because you can find no moral grounds to do so (other than the destruction of the environment, but Lincoln couldn't possibly give two hoots about that right?! Not that morals should dictate law in the first place!

I do agree that non-smokers also have rights, but by enforcing businesses to designate "smoking areas", non-smoker's rights are being duly addressed. If a business's clientele are vocal enough about their disapproval of the allowance of smoking within that business's domain, then it should be the business's decision ALONE to ban smoking within their premises. Government regulations of such matters assume that we are all too stupid to make decisions for ourselves, and "big brother" needs to step in to assert their dictatorial rulings to protect their "helpless" subjects. As a free human being, it is MY decision whether I choose to voice my complaints or not and MY decision to frequent an establishment or not. If I am a smoker or a non-smoker and a bar or restaurant does or doesn't allow smoking, then I can decide whether or not to stay or go someplace else. Why should any of you decide this for me? I am not a child, and neither are any of the registered voters in this or any other American city.

Though I believe my efforts to be in vain, and my request fruitless, I still implore you to reply with some sort of acceptable justification for your decision that takes my preceding arguments into account. Please forward this to your fellow council members and their staff.

Thank You,

David H. Van Winkle



TWernerLNK@aol.com

07/05/2004 04:06 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: I support the "Ban"!

Terry

Joan, please copy all the emails I am forwarding to you for my folder and council record. Thanks, Terry  
----- Message from "Steve Sheets" <ssheets@neb.rr.com> on Fri, 2 Jul 2004 22:18:41 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>

**Subject:** I support the "Ban"!

I think it's a great idea to ban smoking in restaurants. If it means an almost complete ban on smoking anywhere indoors...so be it. I have smoked in the past, but anymore indoor smoke is (in my opinion) terrible. I can think of several bars that serve great food, but I don't like going there because my clothes smell afterwards. I certainly will go back to them when the ban takes effect.

Thanks for the vote!!

Steve Sheets

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TWernerLNK@aol.com

07/05/2004 04:09 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoking ban (thank-you)

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----- Message from "Christy Aggens" <christyaggens@hotmail.com> on Fri, 02 Jul 2004 11:49:32 -0500  
-----

**To:** twerner@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us,  
jcamp@ci.lincoln.ne.us

**cc:** jcook@ci.lincoln.ne.us, pnw@ci.lincoln.ne.us, amcroy@ci.lincoln.ne.us,  
mayor@ci.lincoln.ne.us

**Subject:** Smoking ban (thank-you)

July 2, 2004

Dear Lincoln City Council Members:

Terry Werner  
Glenn Friendt  
Ken Svoboda,  
Jon Camp.

Thank-you for passing a complete ban on smoking in public places.

I used to socialize at the bars downtown quite regularly but stopped because the smoke bothers my eyes a great deal. I will return now that I can do so without risking my health and without my cloths stinking like an ashtray when I leave. I am looking forward to live music, dancing, and a drink with friends without having to weigh how gross I will feel when I leave against how much fun I will have.

You did the right thing.

I am sure I am not alone. Business owners will gain customers like me.

In addition, it is my opinion that people go out to bars to socialize, not smoke. Hard-core smokers might stay home and smoke alone, but I think most people smoke because they see other people smoking and they think "what the hell, my cloths are going to stink either way." Now they won't be saying that.

Thanks again!

Christy Aggens

1501 A Street  
Lincoln, NE 68502  
438-9629

CC: Coleen Seng  
Jonathon Cook  
Patte Newman  
Annette McRoy

---



TWernerLNK@aol.com

07/05/2004 04:09 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoke Free Lincoln

----- Message from "husker42" <husker42@alltel.net> on Fri, 2 Jul 2004 09:05:32 -0500 -----

**To:** <jcamp@ci.lincoln.ne.us>, <gfriendt@ic.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>

**Subject:** Smoke Free Lincoln

A **BIG THANK YOU** for making Lincoln smoke free inside all establishments. As an ex-smoker from California, I didn't even like people smoking inside (when I was a smoker) before CA became smoke free inside. It worked in CA even though bar and restaurant owners had a fit at first, but people learned to go outside to smoke and soon the bar and restaurant businesses were doing as much business as ever. We became so used to it that people began to find that they "couldn't" smoke inside anywhere, it just felt awkward and uncomfortable.

Thanks again for a really beneficial move for all people here. My one year old grandson who was premature with a bad heart can now be taken out to restaurants with his parents. They didn't dare take him anywhere before where there might be smoking.

**Thank you, thank you, thank you.**

Sherry Murphy  
3251 Fox Hollow Rd.  
Lincoln  
husker42@alltel.net

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TWernerLNK@aol.com

07/05/2004 04:10 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Thank you

----- Message from "Jeffrey Gann" <jgann@neb.rr.com> on Thu, 1 Jul 2004 18:10:21 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Thank you

I am sure most of your email regarding the smoking ban lately has been on the more sour side. I would just like to thank you for taking the position you have on behalf of the city. The bar owners keep saying let the market decide, well we have spoken though our elected officials. I am looking forward to going out on the town November first.

P.S. I have never voted for city council but you can believe myself and my family will be there to cast our ballots for at least four of you.

Sincerely,  
Jeffrey Gann

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TWernerLNK@aol.com

07/05/2004 04:11 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Job Well Done

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----- Message from "JAMES ANDERSON" <JMANDERSON@bkd.com> on Thu, 01 Jul 2004 09:58:40 -0500 -----

**To:** <gfriendt@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>

**Subject:** Job Well Done

Dear Council Members,

Most of the feedback you receive from the citizens of Lincoln is no doubt negative in nature. It is not often enough that you are applauded for making the right decision, albeit a tough one. I am writing to pass along my thanks to you for your correct vote on the smoking ban issue. The ban previously passed was laughable and practically unenforceable. Thanks to your vote, the new ban will do what it was intended to do: protect people from the harmful actions of others.

I generally do not support government sanctions concerning the actions of citizens. There must be exceptions however, when the actions of one citizen affect the lives of others. The direct impact of second hand smoke and the indirect impact of increasing medical costs for smokers affect all of us. It is therefore appropriate for government to assist in protecting us from those actions.

Thank you for your leadership.

James M. Anderson  
Lincoln

James M. Anderson  
BKD, LLP  
1221 'N' Street, Suite 600  
Lincoln, NE 68508  
402.473.7600 voice  
402.473.7698 fax  
[jmanderson@bkd.com](mailto:jmanderson@bkd.com)



TWernerLNK@aol.com  
07/05/2004 04:12 PM

To: JRay@ci.lincoln.ne.us  
cc:  
Subject: Fwd: Smoking Ban

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----- Message from "Phil Wilhelm" <pwilhelm@inebraska.com> on Wed, 30 Jun 2004 19:25:51 -0500 -----

**To:** "Terry Werner" <twerner@ci.lincoln.ne.us>, "Annette McRoy" <amcroy@ci.lincoln.ne.us>, "Glenn A Friendt" <gfriendt@ci.lincoln.ne.us>, "Jon Camp" <jcamp@ci.lincoln.ne.us>, "Jonathan Cook" <jcook@ci.lincoln.ne.us>, "Ken R Svoboda" <ksvoboda@ci.lincoln.ne.us>, "Patte Newman" <pnewman@ci.lincoln.ne.us>

**Subject:** Smoking Ban

[Unable to display image]

I would like to thank the four City Council Members that had the courage to vote for the full smoking ban, instead of the watered down abortion that was passed in December.

I also would like to thank you for your future support of this ban.

I am happy that the majority of the people, for a change, have their rights protected. The last number I heard was that only 10 % of the population smokes, so 90 % don't smoke. That means that this benefits 90 % of the people. This is what our government is meant to do, take care of the majority.

This also puts all the bars on the same playing field. No advantage or disadvantage, government should not tip the scale.

Thanks for your time,

Phil Wilhelm

---



**TWernerLNK@aol.com**

07/05/2004 04:12 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: smoking ban

----- Message from denise teahon <dteahon@juno.com> on Wed, 30 Jun 2004 18:21:37 -0500 -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** smoking ban

THANK YOU! THANK YOU! THANK YOU! - For having the courage to vote on behalf of the majority of Lincoln citizens!-We are grateful!

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JUL 06 2004  
CITY COUNCIL  
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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:12 PM

cc:

Subject: Fwd: smoking ban

----- Message from Richard C Edwards <redwards@unlnotes01.unl.edu> on Wed, 30 Jun 2004 18:28:32 -0500 -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** smoking ban

Congratulations on having the courage to vote for the stronger smoking ban. This is surely one of the two or three most important public health issues you will ever have the opportunity to vote for, and you showed excellent leadership in placing the public good ahead of political pressure and private interests. Please be sure to resist any subsequent efforts now to water it down (again).

Richard Edwards, 6619 Blue Ridge Lane, 68516

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**TWernerLNK@aol.com**

To: JRay@ci.lincoln.ne.us

07/05/2004 04:12 PM

cc:

Subject: Fwd: Smokers Ban

----- Message from MK57Free@aol.com on Wed, 30 Jun 2004 19:23:08 EDT -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** Smokers Ban

Terry: Thank you for your vote on the smokers ban. Non smokers are the majority and we have right too.

Dorrance Fazel

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JUL 06 2004  
CITY COUNCIL  
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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:12 PM

cc:

Subject: Fwd: Smoking Ban

----- Message from "JOE HEIM" <JHEIM@bkd.com> on Wed, 30 Jun 2004 17:53:52 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Smoking Ban

Terry,

I would like to thank you for your vote in favor of the original, more strict smoking ban. I believe this is in the best interest of the general public and appreciate your recognition of this fact.

Thanks again,

Joe Heim

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:13 PM

cc:

Subject: Fwd: Thank You!

----- Message from "Tanya Wagner" <tanyalynnwagner@hotmail.com> on Wed, 30 Jun 2004 16:33:10 -0500 -----

**To:** jcamp@ci.lincoln.ne.us, twerner@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us

**Subject:** Thank You!

Dear City Council members,

Thank you! Although surprised, I am excited that I am now able to patronize establishments that I would not have prior, or done so rarely because they were filled with smoke. I think businesses will be surprised at the INCREASE in their sales due to people that had chosen not to expose themselves to that environment before now.

I immediately e-mailed my younger sister who recently moved from Lincoln and had worked at a local sports bar that would have been exempted from the prior smoking ban. A little over a year ago she had taken an entire week of vacation so that her lungs would be able to support her through the Lincoln marathon.

My fear is that this was passed in an effort to encourage the dissenting council members to back off of proposed amendments, and will only be reopened at the next meeting. I hope that integrity of the ban and that of the members that voted "yes" will be maintained by enacting the 100% smoking ban. I am a health professional, a mother, and a voter and I appreciate the huge step that has been taken to protect the health of Lincoln.

Sincerely,

Tanya L. Wagner RD, LMNT

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:13 PM

cc:

Subject: Fwd: Recent City Council Decision

----- Message from "Charles J. Ansorge" <cansorge@unlserve.unl.edu> on Wed, 30 Jun 2004 15:51:05 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Recent City Council Decision

The decision Monday night by the Lincoln City Council to make worksites throughout Lincoln smoke free is a huge victory for the health of Lincoln. You and your colleagues who voted to support this ordinance are to be commended for this action.

I wanted you to know that I highly value my personal health. Your action is evidence of the fact that you also are concerned regarding it as well as the health of all citizens in our city.

I recognize that the fight is not over. Although I think we have a well-designed ordinance on the books in Lincoln, it is important that we protect this ordinance in the future, because protecting it is protecting the lives of men and women, elderly and children, employed and unemployed.

Thank you for your action.

--  
Charles J. Ansorge, Professor  
University of Nebraska-Lincoln  
Voice: (402) 472-1702 | Fax: (402) 472-8319  
Internet: cansorge@unl.edu | <http://tc.unl.edu/ansorge>

"In character, in manners, in style, in all things, the supreme excellence is simplicity." --Henry Wadsworth Longfellow

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:13 PM

Subject: Fwd: Thanks

----- Message from Valerie Spale <Valerie.Spale@ubt.com> on Wed, 30 Jun 2004 15:31:43 -0500 -----

To: "jcamp@ci.lincoln.ne.us" <jcamp@ci.lincoln.ne.us>, "gfriendt@ci.lincoln.ne.us" <gfriendt@ci.lincoln.ne.us>, "ksvoboda@ci.lincoln.ne.us" <ksvoboda@ci.lincoln.ne.us>, "twerner@ci.lincoln.ne.us" <twerner@ci.lincoln.ne.us>

**Subject: Thanks**

I just wanted to thank you all for supporting and voting for the smoking ban in Lincoln that passed yesterday. I'm sure you've been receiving lots of flack and grief about your decision, but there are many of us non-smokers in Lincoln that truly appreciate and celebrate the ban. Now I will finally be able to go into a bar and have a beer and play some pool without having my rights violated by having smoke in my face the whole time.

Thanks again and keep up the good work for the city of Lincoln!!

-----  
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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:13 PM

Subject: Fwd: ACTION ALERT: Please thank the Lincoln City Council

----- Message from Kristin.Tyler@cancer.org on Wed, 30 Jun 2004 12:52:05 -0500 -----

**To:** undisclosed-recipients;;

**Subject:** ACTION ALERT: Please thank the Lincoln City Council

Hello Grassroots Volunteer!

Last December, the Lincoln City Council passed an 'exemption riddled smoking ban.' On Monday, the council scrapped the previous ordinance and in its place passed a 100% smokefree ordinance for all worksites with a highly unexpected 4-3 vote. This is great news as this means Lincoln will become the first city in Nebraska to go smokefree - hopefully paving the way for others to follow!

The mayor is expected to sign the ordinance very soon and it will go into effect 15 days later. The local health department has announced a 'grace period' until November 1 for businesses to comply. This ordinance is clear and concise - it prohibits all indoor, workplace smoking with few exceptions.

The Tobacco Free Lincoln coalition has worked hard to get this ordinance passed - and now they are asking for our help. They are trying to get HANDWRITTEN thank you notes sent to the four Lincoln City Council members who voted in favor of passing our 100% smoking ordinance.

PLEASE take 10 minutes to write a personal note of thanks to the following City Council members:

Jon Camp  
Glenn Friendt  
Ken Svoboda  
Terry Werner

The mailing address is:

Lincoln City Council  
\*\* name \*\*  
555 S. 10th St. Room 111  
Lincoln, NE 68508

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Some of you who are receiving this message may not be residents of Lincoln. That is ok - we would still appreciate it if you could send a note of thanks. In fact, the coalition specifically requested that I encourage American Cancer Society volunteers from across the state to send thank you's. If you aren't sure what to write just thank them for making all worksites smokefree and for protecting the health of everyone in Lincoln.

Congratulations, Lincoln!

Best regards,

Kristin Tyler  
American Cancer Society  
5733 South 34th, Suite 500  
Lincoln, NE 68516  
(402) 423.4888  
kristin.tyler@cancer.org

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TWernerLNK@aol.com  
07/05/2004 04:14 PM

To: JRay@ci.lincoln.ne.us  
cc:  
Subject: Fwd: Fw: Democrat

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----- Message from lori.swiatek@us.schneider-electric.com on Wed, 30 Jun 2004 11:51:42 -0500 -----

To: TWernerLNK@aol.com

Subject: Fw: Democrat

Mr. Werner

I would like to take a moment and commend the council members for making a tough decision on a very emotional issue. As the management representative of Square D Company I would like to inform you that we are in full support of the original proposal. I know the council is being lobbied to make amendments to allow for break room areas that individuals can smoke in the work place. I would like to express the facts associated with break rooms as they are with our company.

The break rooms are not air tight and allow for second hand smoke to escape through doors as well as the ventilation system. We have had several employees encounter serious health problems due to the second hand smoke that escapes into the ventilation system. We as a company have worked very hard to eliminate as much of this second hand as possible but have not been able to eliminate it 100%. As you stated in your e-mail it is an "employee protection" issue. I can not protect all my employees from second hand smoke.

We as a company would request that the council take the time to have all the facts before accepting amendments to the proposal. We encourage you and all of your fellow council members to stay with the proposal as is. Sometimes the toughest decisions are the right ones to make.

I welcome any opportunity you would like to take to talk more about this issue. Please do not water down the ban with all kinds of amendments to continue to allow smoking in the work place.

With Respect  
Lori Swiatek  
Human Resources Manager  
Lincoln NE  
402-421-4921

----- Forwarded by Lori Swiatek/US/Schneider on 06/30/2004 09:55 AM -----

"Jerry Gulizia"  
<gulizia@inetneb  
<lori.swiatek@us.schneider-electric.com>  
r.com>

To:  
cc:  
Subject: Fw: Democrat

06/30/2004 08:40

AM

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----- Original Message -----  
From: Jerry Gulizia  
To: Jerry Gulizia  
Sent: Tuesday, June 29, 2004 3:10 PM  
Subject: Fw: Democrat

----- Original Message -----  
From: Jerry Gulizia  
To: TWernerLNK@aol.com  
Sent: Tuesday, June 29, 2004 9:37 AM  
Subject: Re: Democrat

Yes it does, and thank you very much Terry. I will support you with the rest of the smoking ban.

Jerry

----- Original Message -----  
From: TWernerLNK@aol.com  
To: ibew2366@alltel.net  
Cc: CKielty@ci.lincoln.ne.us  
Sent: Tuesday, June 29, 2004 9:22 AM  
Subject: Re: Democrat

Jerry, I am happy to amend the ordinance to cover your needs. I have no problem with that.

We did not have much opportunity to think last night about amendments. Ken surprised all of us and I still favor the total ban. I have no problem with people who smoke. This is purely an employee protection issue for me. I am CC Corrie Kielty to ask her to have the break room exemption prepared. Let me know if that is satisfactory to you. Thanks Jerry! Terry

Thanks Corrie!

---

This email has been scanned for SPAM content and Viruses by the MessageLabs Email Security System.

---



TWernerLNK@aol.com

07/05/2004 04:14 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Thank you!

----- Message from "Sara McClean" <smcclean@ci.lincoln.ne.us> on Wed, 30 Jun 2004 11:15:16 -0500

**To:** <jcamp@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>

**Subject:** Thank you!

Dear City Council Members,

I just want to take a minute and thank you for passing the stricter version of the smoking ban. Although I do work for the city during the day, I spend at least two nights a week working at a local sports bar. It is a great job, one that I can not afford to give up, even though I know my health is at risk due to all the smoke. I am often shocked to see little children, even infants, inside the sports bar, inhaling so much second-hand smoke. They don't have a choice to be there, and quite frankly, I don't either. By passing this smoking ban, you have made Lincoln a safer place for us all, and for that, I thank you.

Sincerely,

Sara McClean

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TWernerLNK@aol.com

07/05/2004 04:14 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: no smoking

----- Message from "Gerald Crouch" <gcrouch@neb.rr.com> on Wed, 30 Jun 2004 11:05:19 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** no smoking

Thank you for making the effort to get smoking out of the resturants and bars. Stand up for our rights to stay smoke free. Thank you  
Mary Crouch

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:15 PM

Subject: Fwd: Thank you!!

----- Message from "Jeanie Rink" <rollerrink@hotmail.com> on Wed, 30 Jun 2004 10:17:22 -0500 -----

**To:** twernerlnk@aol.com

**Subject:** Thank you!!

Mr. Werner,

I want to thank you for all you have done to assure Lincoln residents and employees the opportunity to be in smoke free environments. I fully support you and the other council members in your vote to make Lincoln Smoke Free.

I know there will be grumblings about the measure, but over the course of time people will adjust. Afterall, there was a time when people could smoke in Memorial Stadium for Husker games...and the present smoking ban in the stadium has yet to deter enough people from selling out the football games.

You may have more complaints than compliments right now, but I assure you that there are MANY who support you in this decision. Again, I just want to thank you for your actions.

Jeanie Rink

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**TWernerLNK@aol.com**  
07/05/2004 04:15 PM

To: JRay@ci.lincoln.ne.us  
cc:  
Subject: Fwd: smoking ban

----- Message from "Thomas Woods" <twoods@woodscharitable.org> on Wed, 30 Jun 2004 10:14:51 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>  
**Subject:** smoking ban

Thank you, thank you, thank you! A tough but wise vote.

Thomas C. Woods, IV  
*Program Officer*

Woods Charitable Fund, Inc.

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:16 PM

Subject: Fwd: InterLinc: Council Feedback

----- Message from DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov> on Wed, 30 Jun 2004 14:25:30 "GMT" -----

**To:** Terry Werner <twerner@lincoln.ne.gov>

**Subject:** InterLinc: Council Feedback

InterLinc: City Council Feedback for  
Terry Werner

Name: Alex MachuNazhi  
Address: PO Box 94742  
City: Lincoln, NE 68509

Phone:  
Fax:  
Email: ujalambda@yahoo.com

Comment or Question:  
June 30th, 2004

Dear Council Member Ken Svoboda,

I commend you for your vote and action of enforcing the total no-smoking ban in the City of Lincoln. I favor the no-smoking ban completely and have done so since it became a city debate. I congratulate you for having the stamina and bold courage to lay the issue to final rest.

It is my view that if a metropolitan city like New York City can pass and enforce a no-smoking ban city-wide then Lincoln also is able to pass its own no-smoking city-wide ban also. Thank you and best regards to your future endeavors. - Alex MachuNazhi, Registered Democrat 2004  
Senator Mat Connealy for US Congress 2004!

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JUL 06 2004  
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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:16 PM

cc:

Subject: Fwd: [lna-l] Applaud Council Vote!

----- Message from VKWFeline@aol.com on Wed, 30 Jun 2004 09:51:29 EDT -----

**To:** jjohnson@cornhusker.net, lna-l@lincolnneighborhoods.org

**Subject:** Re: [lna-l] Applaud Council Vote!

Devastate downtown?!?! I don't think so! New York City has a total ban. There has been a net gain in number of establishments, employment, & the tax receipts are coming in! The fears are real. The reality is it won't happen IF WE STICK TO IT! If there is any wiggle room the children will push the buttons.

Ginny  
814 Lyncrest Drive  
Lincoln, NE 68510-4022

402-489-6239  
402-730-1951 (cell)

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TWernerLNK@aol.com

07/05/2004 04:17 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: [Ina-l] Applaud Council Vote!

----- Message from "Jennifer Brinkman" <brinkman\_mj@alltel.net> on Wed, 30 Jun 2004 07:51:22 -0500

-----

**To:** <TWernerLNK@aol.com>

**Subject:** Re: [Ina-l] Applaud Council Vote!

Thank you, Terry. I was frankly surprised by the coalition that it took to have a comprehensive, sensible ban put in place, but it just goes to show that politics makes for strange bedfellows! I was heartened to see the Council adopt the new ordinance. Thanks again for your leadership. Jennifer

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

**From:** [TWernerLNK@aol.com](mailto:TWernerLNK@aol.com)

**To:** [brinkman\\_mj@alltel.net](mailto:brinkman_mj@alltel.net)

**Sent:** Tuesday, June 29, 2004 9:17 PM

**Subject:** Re: [Ina-l] Applaud Council Vote!

Thanks Jennifer/ I have never wavered on my support and I believe Lincoln is better off because of it.  
Terry Werner

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:17 PM

Subject: Fwd: InterLinc: Council Feedback

----- Message from DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov> on Wed, 30 Jun 2004 12:51:11 "GMT" -----

**To:** Terry Werner <twerner@lincoln.ne.gov>

**Subject:** InterLinc: Council Feedback

InterLinc: City Council Feedback for  
Terry Werner

Name: Laurel Erickson  
Address: 4926 Leighton Ave  
City: Lincoln, NE 68504  
  
Phone: 464-6937  
Fax:  
Email: erickson.zink@att.net

Comment or Question:

Terry - THANK YOU for your support of the "original" no-smoking ordinance for restaurants and bars in Lincoln. PLEASE stick with this outcome, and make it 1) healthier for all of us, 2) easier to enforce than the multiple-amended version, and 3) more clear-cut for business owners. We DO NOT need any more hearings on this - we've all be "hearinged" to death. Thanks again!! Laurel Erickson

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:17 PM

cc:

Subject: Fwd: Smoking

----- Message from "Jean Sanders" <jsanders@neb.rr.com> on Wed, 30 Jun 2004 07:01:55 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Smoking

Count me as one who is delighted with the new and improved no-smoking ordinance.  
Jean Sanders

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:18 PM

cc:

Subject: Fwd: Smoking Ban

----- Message from Alan Moeller <amoeller@unlnotes.unl.edu> on Wed, 30 Jun 2004 06:46:56 -0500 -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** Smoking Ban

Councilman Werner,

Just to let you know how much I appreciate your courage in voting to implement the smoking ban that passed the other night. Implementation of a smoking ban as passed is the right and responsible thing to do. There is so much evidence about the health risks of being exposed to second hand smoke. I know you are getting some nasty contacts, but those are from people who do not have the best interests of the rank and file citizen in mind. Stick to your guns knowing that you have fulfilled your duty as a member of the city council representing the majority of Lincoln citizens who want a safe and healthful environment in which to live and prosper.

Again thanks,

Alan Moeller

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TWernerLNK@aol.com

07/05/2004 04:18 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoking Ban

----- Message from "David Isaacson" <djpharmers@earthlink.net> on Tue, 29 Jun 2004 22:56:41 -0500

-----

**To:** twerner@ci.lincoln.ne.us

**Subject:** Smoking Ban

Mr Werner,

Just a brief note to thank you for your support of the smoking ban. It is a step forward for the health of our community. I, for one, will be patronizing businesses I had chosen not to because of smoky air.

Sincerely,

David Isaacson, Pharm.D., R.Ph.

5907 S 81 St

Lincoln, NE 68516

(402) 488-2514

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:18 PM

Subject: Fwd: Council passes an all-out smoke ban

----- Message from Richard Bagby <rpsgt@alltel.net> on Tue, 29 Jun 2004 22:25:50 -0500 -----

**To:** pn Newman@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us, twerner@ci.lincoln.ne.us,  
jcook@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us,  
amcroy@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us

**Subject:** Fwd: re: Council passes an all-out smoke ban

My brother in California sent these remarks to the Journal Star and to me. I thought you might like to see them. As a visitor bringing outside money into town, he will spend more in Lincoln businesses if the ban remains in place.

Thank you for your time. Keep the smoking ban.

Richard Bagby  
389 S 47th Street  
Lincoln, NE 68510

>Date: Tue, 29 Jun 2004 17:50:56 -0700  
>Subject: re: Council passes an all-out smoke ban  
>From: Jeff Bagby <jbagby@mac.com>  
>To: <tmeyers@journalstar.com>, <njenkins@journalstar.com>

>

>Hello,

>I applaud the action taken by the Lincoln City Council to ban smoking  
>"Council passes an all-out smoke ban" 29 June.

>

>In California, we have had a total smoking ban in restaurants for years.  
>When passed here, many of the fears were raised that I have seen noted in  
>the Journal Star, e.g.: business will drop off. I will quickly point out  
>that California's total-smoking ban has opened up many businesses to me that  
>I would never have dreamed of visiting before. I have walked out of Omaha  
>restaurants because of the smoke. With Lincoln's ban, I look forward to  
>visiting ALL restaurants in town. Lincoln's businesses will find that  
>traffic and revenues rise to levels higher than before the ban.

>

>Jeff Bagby  
>Cloverdale, CA

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:18 PM

cc:

Subject: Fwd: Smoking Ban

----- Message from "Pat Rice" <price@neb.rr.com> on Tue, 29 Jun 2004 19:21:27 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>,  
<gfriendt@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>

**Subject:** Smoking Ban

Thank you for your courage to adopt the smoking ban.

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:19 PM

Subject: Fwd: Smoking Ban

----- Message from "Jess Paisley" <jpaisle2@bigred.unl.edu> on Tue, 29 Jun 2004 18:18:02 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Smoking Ban

Councilman Werner,

I would like to express my sincerest praise to you for passing the all out smoking ban. This step is monumental in the betterment of the city of Lincoln and it will stand out among others as a benchmark. As a student at the University of Nebraska, I am constantly in public places such as bars and restaurants. With the smoking ban, I will no longer have to experience smoke being blown in my face and come out wreking of smoke. Thank you again for eliminating smoking in public places.

Jess Paisley  
Senior Accounting Major  
UNL

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TWernerLNK@aol.com

07/05/2004 04:19 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: [lna-l] Applaud Council Vote!

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----- Message from "Carol B" <carolserv@hotmail.com> on Tue, 29 Jun 2004 22:51:18 +0000 -----

**To:** lna-l@lincolnneighborhoods.org

**Subject:** Re: [lna-l] Applaud Council Vote!

You know I have a husband that smokes do I wish he would quit....I'd give my eye-teeth. It is a terrible habit and I want him to be around for us to enjoy life together for a long time, now that our kids are grown. Any help we can give to people to quit I think we should do. That's where the tobacco dollars should go. Free patches, group sessions like al-a-non, free check-ups, chest xrays etc. It is an addiction, a crutch. My sis told me that when her husband quit it was like loosing an old friend...he went into a depression. He didn't quit soon enough in his life and he died a couple of months ago from lung cancer. She does not have the opportunity to enjoy their golden years together.

How many other communities that have enacted smoke free communities survived the storm?

Carol

---

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----- Message from Jim Johnson <jjohnson@cornhusker.net> on Thu, 29 Jul 2004 17:34:58 -0500 -----

**To:** lna-l@lincolnneighborhoods.org

**Subject:** Re: [lna-l] Applaud Council Vote!

Just for giggles, here's a differing opinion.

I'll grant Jennifer's statement that the losers tend to be the ones who complain about the "process". Experience talking; I've lost way more than my share of political battles, and when I've lost it's ALWAYS been someone else's fault. :<)

But regardless of "process", on the "issue" of a smoking ban, I don't think that just 'cause we CAN pick on poor people & students doesn't necessarily mean we SHOULD. I don't smoke myself (did once, out behind the barn; didn't like it and will never do it again) but I do visit the downtown bars on occasion, and if the ban stands it will devastate downtown. Won't hurt the Country Club set; smokers there will find some way to use the outdoor beer garden loophole, or if they can't they'll just buzz over to the bars & restaurants on the fringe of the city, but the Zoo Bar and many other downtown bars just aren't big enough to add a beer garden. (And my cynical mind suspects that the police won't be checking inside the Country Club to hand out their fines anyway; they'll be hanging out at the downtown bars. No way of proving that; I just have theories about how these things work.)

If the City were really concerned about getting rid of smoking, they'd have been wiser to spend our tax money sending people to smoking cessation programs, rather than sending our police into the downtown bars looking for smokers.

OK, I'm all better now.

At 03:47 PM 6/29/2004 -0500, Jennifer Brinkman wrote:

I think this is exactly how government is supposed to work. The State Legislature doesn't waste the people's time and money by holding a public hearing everytime they want to amend a bill or introduce a new subject to a bill. The smoking ban has been discussed ad nauseum over the last several months. Complaints about "process" are usually only made by those upset by the outcome.

Jennifer

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

From: "Fred Freytag"

To: "Ed Caudill"

Cc:

Sent: Tuesday, June 29, 2004 1:47 PM

Subject: Re: [Ina-1] Applaud Council Vote!

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> I agree with a smoke free environment and appreciate not having smoke in  
> my face in public places. I quite smoking a few years ago.

>

> My only question is if what and how the City Council passed this  
> ordinance is good and proper governmental procedure. It seems like a lot  
> of people were or feel blind sided by the change. Does this mean we all  
> should work on ways to get our causes passed the same way?

>

> How does the general public view this type of government and what does  
> it do to the trust they have in the people they have elected?

>

> Fred Freytag

>

>

>

> Ed Caudill wrote:

>

>>I applaud the decision of city council to clear the air in Lincoln's work  
>>places both for workers and customers.

>>

>>Nobody should be exposed to second hand smoke.

>>

>>

>>Ed Caudill - WDSI Data Solutions

>>1223 North 9th Street, Suite 223

>>Lincoln NE 68508

>>

>>Phone: 402-435-7582 eFax: 240-331-7544 email: edcaudill@juno.com

>>

---

>>lna-l mailing list

>>lna-l@lincolnneighborhoods.org

>><https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

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> lna-l mailing list

> lna-l@lincolnneighborhoods.org

> <https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

>

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lna-l mailing list

lna-l@lincolnneighborhoods.org

<https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

lna-l mailing list

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lna-l@lincolnneighborhoods.org <https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

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TWernerLNK@aol.com

07/05/2004 04:19 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: [lna-l] Applaud Council Vote!

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----- Message from Jim Johnson <jjohnson@cornhusker.net> on Thu, 29 Jul 2004 17:34:58 -0500 -----

**To:** lna-l@lincolnneighborhoods.org

**Subject:** Re: [lna-l] Applaud Council Vote!

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Jennifer

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

From: "Fred Freytag" <fredfreytag@binary.net>

To: "Ed Caudill" <edcaudill@juno.com>

Cc: <lna-l@lincolnneighborhoods.org>

Sent: Tuesday, June 29, 2004 1:47 PM

Subject: Re: [lna-l] Applaud Council Vote!

> I agree with a smoke free environment and appreciate not having smoke in  
> my face in public places. I quite smoking a few years ago.

>

> My only question is if what and how the City Council passed this  
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> of people were or feel blind sided by the change. Does this mean we all  
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>

> How does the general public view this type of government and what does  
> it do to the trust they have in the people they have elected?

>

> Fred Freytag

>

>

>

> Ed Caudill wrote:

>

>>I applaud the decision of city council to clear the air in Lincoln's work  
>>places both for workers and customers.

>>

>>Nobody should be exposed to second hand smoke.

>>

>>

>>Ed Caudill - WDSI Data Solutions

>>1223 North 9th Street, Suite 223

>>Lincoln NE 68508

>>

>>Phone: 402-435-7582    eFax: 240-331-7544    email: edcaudill@juno.com

>>

>>lna-l mailing list

>>lna-l@lincolnneighborhoods.org

>><https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

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lna-l mailing list

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<https://lincolnneighborhoods.org/mailman/listinfo/lna-l>

lna-l mailing list

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lna-l@lincolnneighborhoods.org <https://lincolnneighborhoods.org/mailman/listinfo/lna-l>



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:19 PM

Subject: Fwd: InterLinc: Council Feedback

----- Message from DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov> on Tue, 29 Jun 2004 22:33:47 "GMT" -----

**To:** Terry Werner <twerner@lincoln.ne.gov>

**Subject:** InterLinc: Council Feedback

InterLinc: City Council Feedback for  
Terry Werner

Name: Janet and John Clark  
Address: 3232 S. 17th Street  
City: Lincoln, NE 68502

Phone: 423-5471  
Fax:  
Email: jclark@neb.rr.com

Comment or Question:

Thank you for your recent vote on the smoking ordinance. We are excited to be able to go out and be smoke free!  
Good Job!

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CITY COUNCIL  
OFFICE



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:19 PM

cc:

Subject: Fwd: Fw: Re: Good Health Safety!!

----- Message from marilyn j holmquist <mjholmquist@juno.com> on Tue, 29 Jun 2004 16:04:49 -0500

**To:** twerner@ci.lincoln.ne.us

**Subject:** Fw: Re: Good Health Safety!!

Subject: Re: Good Health Safety!!

Terry - Want you to know how thrilled I was with your vote Monday!! I DO realize this is going to have an impact on businesses, but, is the almighty dollar more important than deliberate support of practices that are proven to be harmful to the health of society members??? If --- \$'s are more important -- then we are letting ourselves be deceived.

As I was driving today -- I saw many situations where society has accepted rules and regulations because of safety issues but were considered to be infringement on personal rights at first: seat belts, children's car seats, signal lights, inspection of food products in restaurants -- to name a few. Yes, there are those who challenge the rules on those items -- but, the majority has now accepted those rules. Are they the same as the smoking ban?? -- They all have effects on a person's well-being -- however -- hazards from smoking and or second hand smoke -- can take a length of time before those hazards emerge within a person. Prevention is always difficult to document -- because how can you prove something that didn't happen?? Ignoring the use of seat belts - for instance - has immediate documentation if you're in an accident.

It will take a number of years to document the intelligent decision made by 4 council members yesterday. I am so impressed with your visualization in regard to the effect on society's health future. Obviously, you (all) are going to be pressured to rethink your vote -- stand firm!!

As an aside -- interesting split on the vote!! very nonpolitical -- probably one of the first times!! I am in weekly attendance at CC through TV.

Marilyn Holmquist

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:20 PM

cc:

Subject: Fwd: [lna-l] Applaud Council Vote!

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OFFICE

----- Message from "Jennifer Brinkman" <brinkman\_mj@alltel.net> on Tue, 29 Jun 2004 15:47:47 -0500

To: "Fred Freytag" <fredfreytag@binary.net>, "Ed Caudill" <edcaudill@juno.com>

cc: <lna-l@lincolnneighborhoods.org>

Subject: Re: [lna-l] Applaud Council Vote!

I think this is exactly how government is supposed to work. The State Legislature doesn't waste the people's time and money by holding a public hearing everytime they want to amend a bill or introduce a new subject to a bill. The smoking ban has been discussed ad nauseum over the last several months. Complaints about "process" are usually only made by those upset by the outcome.

Jennifer

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

From: "Fred Freytag" <fredfreytag@binary.net>

To: "Ed Caudill" <edcaudill@juno.com>

Cc: <lna-l@lincolnneighborhoods.org>

Sent: Tuesday, June 29, 2004 1:47 PM

Subject: Re: [lna-l] Applaud Council Vote!

> I agree with a smoke free environment and appreciate not having smoke in  
> my face in public places. I quite smoking a few years ago.

>

> My only question is if what and how the City Council passed this  
> ordinance is good and proper governmental procedure. It seems like a lot  
> of people were or feel blind sided by the change. Does this mean we all  
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>

> Fred Freytag

>

>

>

> Ed Caudill wrote:

>

> >I applaud the decision of city council to clear the air in Lincoln's work  
> >places both for workers and customers.

>

> >Nobody should be exposed to second hand smoke.

>

>

> >Ed Caudill - WDSI Data Solutions

> >1223 North 9th Street, Suite 223

> >Lincoln NE 68508

>

> >Phone: 402-435-7582 eFax: 240-331-7544 email: edcaudill@juno.com

>

> >lna-l mailing list

> >lna-1@lincolnneighborhoods.org  
> ><https://lincolnneighborhoods.org/mailman/listinfo/lna-1>  
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> lna-1 mailing list  
> lna-1@lincolnneighborhoods.org  
> <https://lincolnneighborhoods.org/mailman/listinfo/lna-1>  
>

---

lna-1 mailing list  
lna-1@lincolnneighborhoods.org  
<https://lincolnneighborhoods.org/mailman/listinfo/lna-1>



TWernerLNK@aol.com

07/05/2004 04:20 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: [lna-l] Applaud Council Vote!

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----- Message from Fred Freytag <fredfreytag@binary.net> on Tue, 29 Jun 2004 13:47:45 -0500 -----

**To:** Ed Caudill <edcaudill@juno.com>

**cc:** lna-l@lincolnneighborhoods.org

**Subject:** Re: [lna-l] Applaud Council Vote!

I agree with a smoke free environment and appreciate not having smoke in my face in public places. I quite smoking a few years ago.

My only question is if what and how the City Council passed this ordinance is good and proper governmental procedure. It seems like a lot of people were or feel blind sided by the change. Does this mean we all should work on ways to get our causes passed the same way?

How does the general public view this type of government and what does it do to the trust they have in the people they have elected?

Fred Freytag

Ed Caudill wrote:

>I applaud the decision of city council to clear the air in Lincoln's work  
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>Nobody should be exposed to second hand smoke.

>

>

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>Lincoln NE 68508

>

>Phone: 402-435-7582      eFax: 240-331-7544      email: edcaudill@juno.com

>

>lna-l mailing list

>lna-l@lincolnneighborhoods.org

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lna-l mailing list

lna-l@lincolnneighborhoods.org

<https://lincolnneighborhoods.org/mailman/listinfo/lna-l>



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:20 PM

cc:

Subject: Fwd: Miricles Do Happen!

----- Message from Ed Caudill <edcaudill@juno.com> on Tue, 29 Jun 2004 13:00:40 -0500 -----

**To:** amcroy@alltel.net, gfriendt@ci.lincoln.ne.us, jcook@ci.lincoln.ne.us,  
jcamp@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us, twerner@ci.lincoln.ne.us,  
PatteNewman@neb.rr.com, cseng@ci.lincoln.ne.us

**cc:** lquenzer@ci.lincoln.ne.us, aharrell@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us

**Subject:** Miricles Do Happen!

I applaud the decision of city council to clear the air in Lincoln's work places both for workers and customers.

Nobody should be exposed to second hand smoke.

Thank You!

Ed Caudill - WDSI Data Solutions  
1223 North 9th Street, Suite 223  
Lincoln NE 68508

Phone: 402-435-7582

eFax: 240-331-7544

email: edcaudill@juno.com

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:20 PM

cc:

Subject: Fwd: Thank You!!!!

----- Message from <arcdirector@alltel.net> on Tue, 29 Jun 2004 12:20:34 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Thank You!!!!

Thank you! Thank you! Thank you!

I am so very appreciative of your courageous and honorable efforts to protect the citizens of Lincoln from secondhand smoke!

I am the Executive Director of the Arc of Lincoln/Lancaster County. We are an advocacy agency that serves individuals with developmental disabilities and their families. Our agency is located in an office space next door to a bar. A bar that would have been exempted by the "watered down" version of the ordinance. We would not have been protected from the tobacco smoke pollution that is emitted by the bar on a daily basis into our smokefree, drugfree workplace. We can now look forward to a clean and healthy environment for ourselves and for the many Lincoln citizens, of all ages, that enter our office everyday seeking our services.

Thank you from the bottom of my heart.

Most Sincerely,  
Teri Roberts  
Executive Director  
The Arc of Lincoln/Lancaster County  
1101 Arapahoe Street, Suite 5  
Lincoln, Nebraska 68502  
421-8866

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:21 PM

Subject: Fwd: Thank you!

----- Message from "Donna Barrett" <dbarrett@ci.lincoln.ne.us> on Tue, 29 Jun 2004 12:01:52 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Thank you!

Thank you for passing the Smokefree air Act. This means a lot to me and my family.

My family members include both reformed smokers, smokers, and a nurse. My father died of emphysema and that reformed me. This is wonderful news.

Donna Barrett  
Executive Assistant to the Director  
Aging Services  
1001 "O" Street Suite 101  
Lincoln NE 68508-3610  
(402) 441-6157  
326-0421 (cell)  
fax (402) 441-6524  
[dbarrett@ci.lincoln.ne.us](mailto:dbarrett@ci.lincoln.ne.us)

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TWernerLNK@aol.com

07/05/2004 04:21 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Smoking Ban

----- Message from "Becky Caldwell" <BCALDWELL@neb.rr.com> on Tue, 29 Jun 2004 11:42:49 -0500

-----

**To:** <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>,  
<gfriendt@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>

**Subject:** Smoking Ban

What a shock when I heard the news this morning. THANK YOU!!!!

Becky Caldwell

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JUL 06 2004  
CITY COUNCIL  
OFFICE



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:21 PM

Subject: Fwd: Smoking Ordinance - Thank You

----- Message from "Allan Eurek" <aeurek@eureklaw.com> on Tue, 29 Jun 2004 11:34:00 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Smoking Ordinance - Thank You

Dear Mr. Werner

Thank you for once again voting your conscience on this important public health issue.

Time, and time again, you have been the voice of reason, and the advocate of principled legislation on the council. You have shown that you have the courage to do what's right despite criticism and despite partisan influence.

I admire the strong leadership you have shown as a member of the council, and as a Democrat, I am proud that at least one of our own stood in favor of this important ordinance which will benefit all of Lincoln for years to come.

Thanks again, Allan J. Eurek

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CITY COUNCIL  
OFFICE



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/05/2004 04:21 PM

Subject: Fwd: smoking ban

----- Message from logan walters <loganwalters@earthlink.net> on Tue, 29 Jun 2004 11:07:49 -0500 (GMT-05:00) -----

To: TWernerLNK@aol.com

Subject: Re: smoking ban

I think Lincoln's economy will truly benefit when the other 80% of us come out and open up our wallets. And to reassure the business owners, I think that if there businesses were to suffer, that we should revisit the issue. However, I think we first need to give it a try! Not that this was a partisan issue to me, but I just wanted to say that as a die-hard Republican, I'm very impressed by your stance that you took on this issue and really appreciate your efforts for putting the public first!

Thank You!

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

From: TWernerLNK@aol.com

Sent: Jun 29, 2004 9:45 AM

To: loganwalters@earthlink.net

Subject: Re: smoking ban

You're welcome. I have never wavered on my support and I believe Lincoln is better off because of it. I'll pass your email on. Terry Werner

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TWernerLNK@aol.com

07/05/2004 04:21 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: smoking ban

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----- Message from logan walters <loganwalters@earthlink.net> on Tue, 29 Jun 2004 11:01:01 -0500 (GMT-05:00) -----

**To:** TWernerLNK@aol.com

**Subject:** Re: smoking ban

I really think this will be a great benefit to the economy when 80% of us open our wallets to these establishments. And to re-assure the owners, I think that if these businesses were to suffer, that we should in fact revisit the issue. Lets just give it a try first!

Thank You!

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

From: TWernerLNK@aol.com

Sent: Jun 29, 2004 9:45 AM

To: loganwalters@earthlink.net

Subject: Re: smoking ban

You're welcome. I have never wavered on my support and I believe Lincoln is better off because of it. I'll pass your email on. Terry Werner



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:22 PM

cc:

Subject: Fwd: Smoking ban

----- Message from Lori Koepke <lkoepke@snitilycarr.com> on Tue, 29 Jun 2004 10:21:12 -0500 -----

**To:** "twerner@ci.lincoln.ne.us" <twerner@ci.lincoln.ne.us>

**Subject:** Smoking ban

Hi Terry,

I just wanted to say thank you for voting in favor of the complete smoking ban last night. Everyone I've talked to this morning is very excited about it! Too bad you have 3 members on the council who are only thinking of themselves and not the greater population of the city. Especially the children. I greatly appreciate your support of the complete ban, and am looking forward to November 1. Thanks again!!!

**LORI KOEPKE**

media buyer / planner

Snitily Carr

402-489-2121

[www.snitilycarr.com](http://www.snitilycarr.com)

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TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:22 PM

cc:

Subject: Fwd: smoking ban

----- Message from logan walters <loganwalters@earthlink.net> on Tue, 29 Jun 2004 09:43:00 -0500 (GMT-05:00) -----

**To:** <TWernerLNK@aol.com>, <CAMPJON@aol.com>

**Subject:** smoking ban

It finally happened! :) I can't tell you how much I appreciate how you finally came together and passed such a very important health issue for the City of Lincoln! I look forward to spending my money in these establishments now that I won't have to worry about the smoke! Please forward this to your fellow council members.

Thank You! Thank You! Thank You!

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**TWernerLNK@aol.com**

07/05/2004 04:22 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: THANK YOU!!!!

----- Message from Leadexec@aol.com on Tue, 29 Jun 2004 10:33:36 EDT -----

**To:** TWernerLNK@aol.com

**Subject:** Re: THANK YOU!!!!

I would agree totally and I truly appreciate your perseverance on this issue. It's absolutely the right thing to do.

Deane

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TWernerLNK@aol.com

07/05/2004 04:22 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Thank You!

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----- Message from mary & todd <mitty-sodly@neb.rr.com> on Tue, 29 Jun 2004 09:21:54 -0500 -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** Thank You!

Dear Mr. Werner,

Thank you so much for having the courage to pass the Smoke-Free Lincoln ordinance in its original form. It was admirable of you to join ranks with the council members who value Lincoln's health ahead of smokers' convenience. It was obvious to those on both sides of the issue that the hodge-podge law initially approved was in no one's best interest. We're sure you'll see that once implemented, the original smoking ban will soon be taken for granted and all the furor surrounding it will quickly subside. There will likely be an initial backlash against this ordinance, but we hope that you will remain firm in your decision.

Again, thank you for valuing our health. We're very proud to be Lincolnites today!

Sincerely,

Todd Daringer & Mary Curtis, M.D.  
7249 Parkridge Circle



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

07/05/2004 04:23 PM

cc:

Subject: Fwd: Thank You for the smoking ban!

----- Message from "Dave Beatty" <dbeatty@neb.rr.com> on Tue, 29 Jun 2004 08:43:34 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Thank You for the smoking ban!

Dear Councilman Werner,

Thank you for passing the smoking ban! I couldn't be more proud of this decision!

David Beatty  
1219 Aberdeen

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TWernerLNK@aol.com

07/05/2004 04:23 PM

To: JRay@ci.lincoln.ne.us

cc:

Subject: Fwd: Total no-smoking

----- Message from "Sheryl Snyder" <sheryls@alltel.net> on Tue, 29 Jun 2004 08:27:07 -0500 -----

**To:** <twerner@ci.lincoln.ne.us>

**Subject:** Total no-smoking

The only way to go! This makes so much sense. The health considerations are important, but the total ban eliminates the need for a whole new bureaucracy to enforce a bunch of exceptions.

Please - no more amendments.

Sheryl Snyder

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OFFICE



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/06/2004 08:57 AM

Subject: Fwd: Smoking Ban

----- Message from Mary Torell <mtorell@unlnotes.unl.edu> on Tue, 6 Jul 2004 08:37:07 -0500 -----

**To:** twerner@ci.lincoln.ne.us

**Subject:** Smoking Ban

Dear Councilman Werner,

Thank you so much for doing the right thing and voting to ban smoking in public facilities without the amendments. Please do NOT consider the petitions of the bar owners trying to change everyone's mind again. This is such a critical public health issue that we will all benefit now and in the future.

I was in New York City three weeks ago attending meetings, and in California last summer on business and their smoking bans made the visits so much more pleasant. Not having to deal with second hand smoke was wonderful especially with a huge population base in both locations.

Thank you again for your continued support.

---

Mary Torell  
6020 South 88th St  
Lincoln, NE 68526  
402-484-5737  
mtorell2@unl.edu

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JUL 06 2004  
CITY COUNCIL  
OFFICE

Terry



TWernerLNK@aol.com

To: JRay@ci.lincoln.ne.us

cc:

07/07/2004 09:22 AM

Subject: Fwd: Please don't give in...

----- Message from "Christopher Cashmere" <christopher.cashmere@tieronebank.com> on Wed, 7 Jul 2004 09:14:31 -0500 -----

To: <twerner@ci.lincoln.ne.us>

s>

Subject Please don't give in...

:

Please don't give in and change the "TOTAL" smoking ban you recently passed. You have my, and my family's full support for the "TOTAL" ban and my vote! Pay no attention to the few bar owners and smokers on ranting on the TV news, the threat of a few bars closing in Lincoln is no threat at all, it would no loss to our city at all.

Thanks,  
Chris Cashmere  
Lincoln Nebraska

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CAMPJON@aol.com

07/05/2004 06:00 PM

To: dbarrett@inebraska.com ("Donna Barrett")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Thank you

Donna:

You're welcome.

Jon Camp

In a message dated 7/5/2004 4:26:16 PM Eastern Daylight Time, "Donna Barrett" <dbarrett@inebraska.com> writes:

>I applaud the Smokefree Ordinance. This is a good step in the right direction for those who really appreciate clean air. Now we can enjoy the bar scene.

>

>Thank you so much for this healthy decision.

>

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

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CAMPJON@aol.com

07/05/2004 06:04 PM

To: christyaggens@hotmail.com ("Christy Aggens")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Smoking Ban (Thank-You!)

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JUL 06 2004  
CITY COUNCIL  
OFFICE

Christy:

Thanks for your support.

Jon Camp  
Lincoln City Council

In a message dated 7/2/2004 12:59:39 PM Eastern Daylight Time, "Christy Aggens" <christyaggens@hotmail.com> writes:

>July 2, 2004

>

>Dear Lincoln City Council Members:

>

>Terry Werner  
>Glenn Friendt  
>Ken Svoboda  
>Jon Camp

>

>Thank-you for passing a complete ban on smoking in public places.

>

>I used to socialize at the bars downtown quite regularly but stopped because  
>the smoke bothers my eyes a great deal. I will return now that I can do so  
>without risking my health and without my cloths stinking like an ashtray  
>when I leave. I am looking forward to live music, dancing, and a drink with  
>friends without having to weigh how gross I will feel when I leave against  
>how much fun I will have.

>

>You did the right thing.

>

>I am sure I am not alone. Business owners will gain customers like me.

>

>In addition, it is my opinion that people go out to bars to socialize, not  
>smoke. Hard-core smokers might stay home and smoke alone, but I think most  
>people smoke because they see other people smoking and they think "what the  
>hell, my cloths are going to stink either way." Now they won't be saying  
>that.

>

>Thanks again!

>

>Christy Aggens

>

>1501 A Street  
>Lincoln, NE 68502  
>438-9629

>

>

>

>

>CC: Coleen Seng  
>Jonathon Cook  
>Patte Newman  
>Annette McRoy

>

>

>MSN Life Events gives you the tips and tools to handle the turning points in  
>your life. <http://lifeevents.msn.com>

>  
>  
>

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

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JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com  
07/05/2004 06:06 PM

To: husker42@alltel.net ("husker42")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Smoke Free Lincoln

Sherry:

Thanks for your support of the recently passed smoking ban ordinance.

Jon Camp  
Lincoln City Council

In a message dated 7/2/2004 10:05:32 AM Eastern Daylight Time, "husker42"  
<husker42@alltel.net> writes:

>A BIG THANK YOU for making Lincoln smoke free inside all establishments. As  
an ex-smoker from California, I didn't even like people smoking inside (when I  
was a smoker) before CA became smoke free inside. It worked in CA even though  
bar and restaurant owners had a fit at first, but people learned to go outside  
to smoke and soon the bar and restaurant businesses were doing as much business  
as ever. We became so used to it that people began to find that they  
"couldn't" smoke inside anywhere, it just felt awkward and uncomfortable.

>

>Thanks again for a really beneficial move for all people here. My one year  
old grandson who was premature with a bad heart can now be taken out to  
restaurants with his parents. They didn't dare take him anywhere before where  
there might be smoking.

>

>Thank you, thank you, thank you.

>

>Sherry Murphy  
>3251 Fox Hollow Rd.  
>Lincoln  
>husker42@alltel.net

>

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com  
07/05/2004 06:08 PM

To: JHEIM@bkd.com ("JOE HEIM")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Smoking Ban

Joe:

Thanks for your support.

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

In a message dated 6/30/2004 6:52:35 PM Eastern Daylight Time, "JOE HEIM"  
<JHEIM@bkd.com> writes:

>Jon,

>

>I would like to thank you for your vote in favor of the original, more strict  
>smoking ban. I believe this is in the best interest of the general public and  
>appreciate your recognition of this fact.

>

>Thanks again,

>

>Joe HEIM

>

>

>

>\*\*\*\*\* BKD, LLP Internet Email Confidentiality Footer \*\*\*\*\*

>Privileged/Confidential Information may be contained in this message.

>If you are not the addressee indicated in this message (or responsible  
>for delivery of the message to such person), you may not copy or

>deliver this message to anyone. In such case, you should destroy

>this message, and notify us immediately. If you or your employer does

>not consent to Internet email messages of this kind, please advise us

>immediately. Opinions, conclusions and other information expressed in

>this message are not given or endorsed by my firm or employer unless

>otherwise indicated by an authorized representative independent of this

>message.

>

>

--

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OFFICE



CAMPJON@aol.com

07/05/2004 06:18 PM

To: dareon@juno.com ("Dave Anderson")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Smoking Ban

Dave:

Thank you for your supportive email!

Jon

In a message dated 6/30/2004 10:06:46 AM Eastern Daylight Time, "Dave Anderson" <dareon@juno.com> writes:

>

>Jon-

>Thank you for voting in favor of a comprehensive ban. It was the only way the ordinance could be fairly implemented and without complicating the LPD's mission. If I were you, I would take the prosmoking lobby's comments with a grain of salt. Those bar and restaurant owners who publicly complain and criticize the council may do so only to protect their own image in the eyes of their smoking customers. A year from now, business will be back at present levels and owners will find that they are saving money on nicotine stain and stale odor removal.

>

>Hope you are well. Keep up the good work.

>

>

>Dave

>

>Learn to ECKsercise spiritually!

>Visit [www.eckankar.org](http://www.eckankar.org)

>

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com

07/05/2004 05:54 PM

To: jray@ci.lincoln.ne.us

cc:

Subject: Fwd: Using health department rules as smoking divisions

Joan:

Please forward/copy for my colleagues.

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

----- Message from "D. Dickerson" <barz1114@neb.rr.com> on Sat, 3 Jul 2004 17:18:49 -0500 -----

**To:** <campjon@aol.com>

**Subject:** Using health department rules as smoking divisions

Mr. Camp,

I would like you, as the representative for my district, to consider an ammendment to the smoking ban. Since the exemption to bars with a beer garden is going to kill my business, Sandy's, owning a bar with no possibility of having a beer garden, that you not exempt them. How is it possible to enforce the 25 foot rule with people smoking in sidewalk cafes and beer gardens, anyway?

Perhaps a better way to handle an exception would be to use the rules set forth by the health department regarding classes of food handlers permits. If the establishment has to have a full food handler managers license, then they don't get to allow smoking. No fuss, no cooking of the books, no problem. You sell food, no smoke. No food, no problem. The lines are already drawn by the health department. They are official and a matter of public record. No one can argue about how they are derived.

In the probable chance that the ban does stay, though, we are now drawing up our plans for our "sidewalk cafe" permit. We have access to a hot dog cart for the food portion, and the seating area we can capture on the corner of 14th and O is huge. I estimate that is will seat about 200. It will extend from the door between us and Papa Johns, go about 12 feet out towards the street, then extend about 75 feet to the north, towards O, wrapping around our front door like Brothers across the street or the Dish, then head east to the edge of our building.

We do not have a choice about this, either. If I don't act, my business will be hurt so much by the bars with beer gardens that I have to move out on to the sidewalk or risk laying people off or worse. Please don't make downtown a series of "smoking cafes".

Daryl Dickerson  
Sandy's Lounge



CAMPJON@aol.com  
07/05/2004 06:01 PM

To: libations@neb.rr.com ("Barry Franzen")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: For Sale

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

Barry:

Thank you for your input. You do have a special situation that presents a challenge. . .where does the City Council start and stop in granting exemptions?

Jon Camp  
Lincoln City Council

In a message dated 7/2/2004 5:03:46 PM Eastern Daylight Time, "Barry Franzen" <libations@neb.rr.com> writes:

>I have a property for sale. The property includes about 1000 sq. ft of space that is nicely appointed with original art work, oak cabinets and wainscoting, comfortable tables and chairs, and an ambiance that is hard to describe. I fell in love with, and a little over two years ago, put everything I had into the purchase of the building. Also included is state-of-the-art smoke removal equipment, roughly triple the capacity of any similar size room. This area was specifically designed for the enjoyment of cigars, and caters to affectionados of such. There is no food, pool tables, live music, etc., just a quiet place, a niche for those who chose to engage in legal activity.

>

>However, several of you are astute business persons. Who would buy a cigar bar in a city that has banned it?

>Please don't insult my intelligence by saying non-smokers will magically appear in numbers necessary to save my business and investment. What sustains it is my regular customers and business travelers who are referred by downtown hotels to have a fine cigar and single malt scotch. I don't care what studies and surveys from other places say, I have polled my own customers over the last year, and the majority answer, no offense to me, but they will not come in like before; they will stay home or in one of the 20% of the rooms that allow smoking. If you believe different, as I said before, I have a building for sale. Make an offer.

>

>Surprisingly, I have little anger. I feel betrayed and as if my heart has been ripped out. I believed that if I ran a nice establishment, conducting legal activities, complied with the laws and worked hard, I could build a business to fund my retirement. And I have worked hard, 60+ hours a week to ensure, I thought, success. This is not a hobby for me, or one of several different businesses, this is all I have. I have paid my taxes, paid wages, and paid fees to the very government passing a law that targets me like a laser beam. Other cities with similar laws grandfathered cigar bars. in existence more than two years, to remain in business under current ownership.

Libations is a place where use of tobacco is expected. No minors come in here, except with police officers trying to fool a bartender into serving them. This establishment is not the rule, it is the exception. In the interest of being fair, would you allow me to have 20% of my building available for smokers? I would gladly comply.

>

>I realize this is initiated and supported by passionate people truly believing this is for the good of the public. It becomes a personal war, of sorts, and with war we have come to accept collateral damage. It acceptable unless the collateral damage is you. There is also a cost to war, and it astounds me no one has done an economic impact study. Here is a minor impact: when my windows go dark, no more sales tax, six employees out of a

job, no more Health Department fees, etc. There will be a negative impact on Lincoln's economy, that can't be fixed by raising real estate taxes. Maybe you could raise the tobacco tax?

>

>For those of you who supported the right of adults to engage in a legal activity in a free country that encourages free enterprise, I truly thank you.

>

>Barry D. Franzen, owner

>Libations Downtown

>

>

--  
Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com

07/05/2004 06:03 PM

To: arcdirector@alltel.net ("Teri Roberts")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: The Arc of Lincoln/Lancaster County

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

Teri:

Thank you for clarifying the situation with Critters Bar.

Jon Camp  
Lincoln City Council

In a message dated 7/2/2004 4:39:09 PM Eastern Daylight Time, "Teri Roberts" <arcdirector@alltel.net> writes:

>Dear Council Members,

>

>I want to take a moment to clarify an issue for you that was misrepresented  
>on the news last night and this morning by the owner of Critters Bar. This  
>is the bar that is emitting second hand smoke pollution into the Arc of  
>Lincoln/Lancaster County's office. During the broadcast she had stated that  
>she had just recently received a \$1200.00 bill for a ventilation fan that  
>was required by the Health Department. I want to inform you that the fan  
>installation was a part of a recommendation made in November 2001 as a  
>remedy to the second hand tobacco smoke pollution being emitted by Critters  
>Bar into our office on a daily basis. This installation did not "just" occur  
>and it was not a requirement of the Lincoln/Lancaster County Health  
>Department and it was not in response to the smoking ban or the vote on  
>Monday.

>

>When the Arc took occupancy of this office space in September 2001, I  
>contacted Mike Holmquist, Environmental Health Specialist III, at  
>Lincoln-Lancaster County Health Department, requesting that he conduct a  
>site visit with regard to the smoke issue here. Mr. Holmquist and our  
>landlord, G&C Investments, thoroughly investigated the daily health hazard  
>present in our office. At that time Mr. Holmquist indicated that there were  
>three main factors contributing to the transport of ETS from Critters Bar  
>into the Arc office: a gap along the top of the fire wall separating our two  
>spaces, the lack of a dedicated fresh air supply to the HVAC system of the  
>Arc office and Critters Bar, and the lack of a 24 hour exhaust system in  
>Critters Bar. G&C Investments instructed the owner of Critters Bar to make  
>these necessary changes as a resolution to the ongoing problems and also as  
>a condition of the lease agreement for the space occupied by the bar.

>

>The owner of Critters did eventually install an exhaust fan. However she did  
>not carry out the other two recommendations made by Mr. Holmquist and  
>required as a condition of the lease agreement by G&C Investments. As the  
>situation continued and worsened in our office, I again contacted Mr.  
>Holmquist and our landlord and requested another site visit. They  
>established during this second visit in April 2004 that Critters Bar was not  
>running the exhaust fan 24 hours a day as instructed during the initial  
>visit, the gap on the top of the wall remained open and no dedicated fresh  
>air supply had been installed.

>

>Our landlord has since made the arrangements for the dedicated fresh air  
>supply to be installed and notified the owner of Critters Bar that the cost  
>of this unit (\$522.26), along with running their fan 24 hours a day and  
>closing the gap along the top of the wall is all their responsibility to  
>resolve the transport of secondhand smoke pollution into our office AND to

>meet the conditions of the lease agreement for the space occupied by the  
>bar.

>

>I wanted to furnish you with the facts of this issue rather than you  
>believing that this is anything other than a compliance issue between a  
>landlord and tenant. This did not occur because of, or in response to, the  
>smoking ban or the vote on Monday.

>

>Sincerely,  
>Teri Roberts  
>Executive Director  
>The Arc of Lincoln/Lancaster County  
>1101 Arapahoe Street, Suite 5  
>Lincoln, NE 68502  
>421-8866

>---

>Outgoing mail is certified Virus Free.  
>Checked by AVG anti-virus system (<http://www.grisoft.com>).  
>Version: 6.0.708 / Virus Database: 464 - Release Date: 06/18/2004

>

>

>

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



**CAMPJON@aol.com**  
07/05/2004 05:57 PM

To: jray@ci.lincoln.ne.us (City Council)  
cc:  
Subject: Fwd: sidewalk cafe permit

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

----- Message from "D. Dickerson" <barz1114@neb.rr.com> on Sun, 4 Jul 2004 14:21:16 -0500 -----

**To:** <campjon@aol.com>

**Subject:** sidewalk cafe permit

Mr Camp.

It would appear that the very wording that is said to be unenforceable for differentiation when it comes to allowing smoking or not in bars v restaraunts is being used in the sidewalk cafe permit ordinance. I feel very confident that the food percentage language would not stand up to a legal challenge, just as the anti-smoking lobby has said in their fight.

In light of the way this smoking battle has gone, I will definitely have to take my chances and press forward with the sidewalk seating when the smoking ban commences.

Daryl Dickerson

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JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com

07/05/2004 05:59 PM

To: barz1114@neb.rr.com ("D. Dickerson")  
cc: jray@ci.lincoln.ne.us (City Council)  
Subject: Re: Meeting sidewalk cafe permit requirements

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JUL 06 2004  
CITY COUNCIL  
OFFICE

Daryl:

Thank you for your three emails. I have no answer for you at this time. The smoking ban matter has been a difficult issue, to say the least, and no matter which way the issue is decided, someone seems to have reasonable issues.

Jon Camp

In a message dated 7/5/2004 3:34:06 PM Eastern Daylight Time, "D. Dickerson" <barz1114@neb.rr.com> writes:

>Mr. Camp:

>

> Upon reviewing the sidewalk cafe permit conditions, 12.50.060, it would appear that the idea of this ordinance is mainly to prevent bars from having outdoor seating. But, the language does make it doable, albeit a bit of a hassle.

>

> What we would start with is getting a hot dog cart and the necessary permits and use that as our licensed kitchen to meet criteria (1) in 14.50.030. Since there is the choice of 60/40 sales or having the full menu available during sidewalk operating hours, we would use the latter.

>

> If that does not meet the criteria for some as yet unknown reason, then a small sub sandwich kitchen with no hot food would be the next method. The cost for this is much less than hot food, no hood fan required, no ovens or fryers. More than a hot dog cart, but still achievable. I have space inside for it, the knowledge to build it, and most of the equipment already. The fence, tables and chairs are not a problem at all, I already have some nice wrought iron fence sections like Yia Yias from the Omaha Country Club that fit the requirements set forth. So, in essence, I believe that for a small investment of \$15,000 or so, I would be able to satisfy the sidewalk cafe permit rules quite nicely. The permit requirements merely makes this a matter of whether the investment is worth the ability to compete with beer gardens or not.

>

> I own the building my business is in with partners, and I have a long lease with them, but more importantly, I intend to compete vigorously with the other bars as long as I am able. I have been in this business for over 25 years, and I intend to stay. I have been cooperative with the police, the RHC, the Fire Department and everyone else who holds dominion over my business. I would follow all the rules set forth regarding our new sidewalk cafe so that I could have as long as I need to make accretive and who knows, it may turn out to be a positive thing instead of just an attempt to maintain the status quo.

>

> But, I don't want to do this at all. To staff the area for security, the additional risk to our liquor license because of young people doing stupid things in the sidewalk area, the additional clean-up and maintenance, these are all things I would love to avoid. I am assuming you know I won't be able to avoid this, though, if my competitors with beer gardens get to allow smoking and I can not.

>

> Please find a way to either avoid beer gardens having an unfair

advantage, or to allow the establishments where food is not served to allow smoking. Again, I point out the various classes of health department managers licenses.

>

> Please feel free to call with any questions you may have, I would love the opportunity to hear your thoughts on this matter.

>

>Daryl Dickerson

>488-4341

>770-3828

>

--

Jon Camp

Lincoln City Council

City Council Office: 441-8793

Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



CAMPJON@aol.com

07/05/2004 05:57 PM

To: jray@ci.lincoln.ne.us (City Council)

cc:

Subject: Fwd: Meeting sidewalk cafe permit requirements

3rd email

--

Jon Camp  
Lincoln City Council  
City Council Office: 441-8793  
Constituent representative: Darrell Podany

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

----- Message from "D. Dickerson" <barz1114@neb.rr.com> on Mon, 5 Jul 2004 14:34:06 -0500 -----

**To:** <campjon@aol.com>

**Subject:** Meeting sidewalk cafe permit requirements

Mr. Camp:

Upon reviewing the sidewalk cafe permit conditions, 12.50.060, it would appear that the idea of this ordinance is mainly to prevent bars from having outdoor seating. But, the language does make it doable, albeit a bit of a hassle.

What we would start with is getting a hot dog cart and the necessary permits and use that as our licensed kitchen to meet criteria (1) in 14.50.030. Since there is the choice of 60/40 sales or having the full menu available during sidewalk operating hours, we would use the latter.

If that does not meet the criteria for some as yet unknown reason, then a small sub sandwich kitchen with no hot food would be the next method. The cost for this is much less than hot food, no hood fan required, no ovens or fryers. More than a hot dog cart, but still achievable. I have space inside for it, the knowledge to build it, and most of the equipment already. The fence, tables and chairs are not a problem at all, I already have some nice wrought iron fence sections like Yia Yias from the Omaha Country Club that fit the requirements set forth. So, in essence, I believe that for a small investment of \$15,000 or so, I would be able to satisfy the sidewalk cafe permit rules quite nicely. The permit requirements merely makes this a matter of whether the investment is worth the ability to compete with beer gardens or not.

I own the building my business is in with partners, and I have a long lease with them, but more importantly, I intend to compete vigorously with the other bars as long as I am able. I have been in this business for over 25 years, and I intend to stay. I have been cooperative with the police, the RHC, the Fire Department and everyone else who holds dominion over my business. I would follow all the rules set forth regarding our new sidewalk cafe so that I could have as long as I need to make accretive and who knows, it may turn out to be a positive thing instead of just an attempt to maintain the status quo.

But, I don't want to do this at all. To staff the area for security, the additional risk to our liquor license because of young people doing stupid things in the sidewalk area, the additional clean-up and maintenance, these are all things I would love to avoid. I am assuming you know I won't be able to avoid this, though, if my competitors with beer gardens get to allow smoking and I can not.

Please find a way to either avoid beer gardens having an unfair advantage, or to allow the establishments where food is not served to allow smoking. Again, I point out the various classes of health department managers licenses.

Please feel free to call with any questions you may have, I would love the opportunity to hear your thoughts on this matter.

Daryl Dickerson  
488-4341  
770-3828

Referred to: Public Works & Utilities Dept.

4060242

REQUEST FOR INFORMATION  
COUNCIL OFFICE  
RECEIVED

By: Annette McRoy - #152  
(Council Member)

June 28, 2004  
Date

JUL 06 2004

CITY COUNCIL  
OFFICE

REQUEST: RE: Stop signs

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

Please respond to both Judy and Annette. Thanks.

Annette McRoy

cc: Judy McDowell  
192 W. Lakeshore (28) - FOR YOUR INFORMATION - COPY OF REQUEST  
SENT BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU

Mayor's Office

RESPONSE (Indicate action taken):

By: Randy Hoskins Date 7/7/04

letter

COMMENTS:

~~PLEASE RESPOND WITH 15 COPIES~~ to the Council Office/tjg



Annette McRoy  
<amcroy@csiadmin.co  
m>

To: Tammy Bogenreif <TBogenreif@ci.lincoln.ne.us>  
cc:  
Subject: RFI: Stop signs

06/24/04 04:31 PM

*RFI # 152*

~~RECEIVED  
JUN 25 2004  
CITY CLERK  
OFFICE~~

Tammy

Please send this as an RFI to PWU and with instructions to respond to both Judy and I.

Thanks  
Annette

RFI to PWU.

Are there plans to put in any type of traffic control devices in this area soon? See comments below. It appears there have been discussions so please respond if there exists a timeline sequence.

Name: Judy McDowell  
Address: 192 W Lakeshore  
City: Lincoln, NE 68528

Phone: 402-890-6871  
Fax: 402-476-7608  
Email: nata@alltel.net

Comment or Question:

Annette - Several people who live in the Capitol Beach area have talked to the traffic department about putting STOP signs at NW 20th on West Q and West S. There have been several near misses at both of these intersections and, in fact, Marc Wulschlager with the Urban Development Department was broadsided at NW 20th and West S. There have been several other accidents at this intersection.

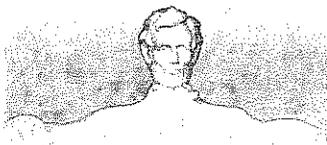
With all the new apartments and townhouses there it has increased the traffic considerably and someone is going to get killed because people seem to ignore the yield signs that are in place.

Is there anything you can do to help us expedite putting stop signs in these locations? It would certainly be appreciated. Thank You!

Judy McDowell

Annette McRoy  
SFI Product Line Manager  
amcroy@csiadmin.com

RECEIVED  
JUN 28 2004  
CITY CLERK  
OFFICE



**CITY OF LINCOLN**  
**NEBRASKA**

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

July 2, 2004

Judy McDowell  
192 W. Lakeshore  
Lincoln, NE 68528

Mrs. McDowell:

Your request to Annette McRoy for traffic control changes on NW 20th Street was referred to me for response.

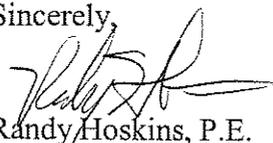
As you probably know, the intersection of West Q and NW 20th Street already has Stop signs for West Q. Yield signs were put in on West S Street at the NW 20th Street intersection in 2001.

Stop and Yield signs are installed at intersections to assign right-of-way, not to control speed or the flow of traffic. These signs are installed on the lower volume street to minimize the inconvenience and delay at the intersection. When used improperly, Stop and Yield signs have a much higher incidence of being violated, which can lead to an decrease in safety as motorists ignore them.

NW 20th & Q does not meet the Federal warrants for a 4-Way Stop. These warrants look at the number of crashes occurring, the volumes of traffic through the intersection, and whether or not both streets are carrying approximately the same volumes. This intersection has averaged less than one crash per year since Stop signs were installed in 1994. Similarly, NW 20th & S does not meet the requirements to go beyond Yield signs. Prior to the Yield sign installation, there were 5 crashes in 2001. Since the Yield signs went in, there have been 2 crashes in three years.

We appreciate your concern for safety at these locations. We will continue to monitor the conditions along NW 20th for changes that would suggest the need for changed or additional traffic control.

Sincerely,



Randy Hoskins, P.E.  
City Traffic Engineer

cc: Annette McRoy  
Karen Sieckmeyer  
Maggie Kellner  
Al Lee

**LINCOLN**

NW 20th Street Signs rh mk.wpd  
The Community of Opportunity

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE

**RESOLUTION NO. A-\_\_\_\_\_**

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL** of the City of  
Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City  
Treasurer is hereby directed to hold said investments until maturity unless  
otherwise directed by the City Council.

**INTRODUCED BY:**

\_\_\_\_\_

**Approved:**

\_\_\_\_\_  
**Don Herz, Finance Director**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Mayor

**FINANCE DEPARTMENT  
TREASURER OF LINCOLN, NEBRASKA  
INVESTMENTS PURCHASED  
JUNE 21 THRU JULY 2, 2004**

RECEIVED  
JUL 02 2004  
CITY COUNCIL  
OFFICE

June 21, 2004, we cashed a \$185,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$200,000 as follows:

\$180,000	Dreyfus Government Fund at Wells Fargo Bank
\$20,000	Nebraska Public Agency Investment Trust at Union Bank

June 22, 2004, we cashed a \$1,773,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$4,570,000 as follows:

\$4,560,000	Dreyfus Government Fund at Wells Fargo Bank
\$10,000	Nebraska Public Agency Investment Trust at Union Bank

June 23, 2004, we cashed a \$56,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$385,000 as follows:

\$340,000	Dreyfus Government Fund at Wells Fargo Bank
\$45,000	Nebraska Public Agency Investment Trust at Union Bank

June 24, 2004, a \$2,500,000 investment matured and we immediately cashed along with a \$2,900,000 Dreyfus Government Fund at Wells Fargo Bank out of the Short Term Pool. We then reinvested \$683,000 as follows:

\$15,000	Nebraska Public Agency Investment Trust at Union Bank
\$668,000	First American Government Obligation Fund at US Bank

June 25, 2004, we cashed a \$800,000 Treasury Cash Management Fund at Wells Fargo Bank out of the Short Term Pool. We then invested in a \$643,000 First American Government Obligation Fund at US Bank.

June 28, 2004, we cashed a \$408,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested in a \$50,000 Treasury Cash Management Fund at Wells Fargo Bank.

June 29, 2004, we cashed a \$6,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$70,000 as follows:

\$40,000	Treasury Cash Management Fund at Wells Fargo Bank
\$30,000	Nebraska Public Agency Investment Trust at Union Bank

June 30, 2004, we cashed a \$306,000 First American Government Obligation Fund at US Bank in the Short Term Pool. We then invested in a \$475,000 Treasury Cash Management Fund at Wells Fargo Bank.

Three investments, totaling \$7,500,000, matured July 1, 2004, and we immediately cashed and reinvested \$5,534,000 as follows in the Short Term Pool:

\$185,000	Treasury Cash Management Fund at Wells Fargo Bank
\$349,000	First American Government Obligation Fund at US Bank
\$5,000,000	Business Money Market at US Bank

A \$1,000,000 investment in the Medium Term Pool matured July 1, 2004, and we immediately cashed and invested in a \$1,090,000 Nebraska Public Agency Investment Trust at Union Bank in the Short Term Pool.

July 2, 2004, we cashed a \$154,000 First American Government Obligation Fund at Us Bank out of the Short Term Pool. We then reinvested \$135,000 as follows:

\$10,000	Nebraska Public Agency Investment Trust at Union Bank
\$125,000	Treasury Cash Management Fund at Wells Fargo Bank

We respectfully request approval of our actions.

---

Don Herz, Finance Director

---

Melinda J. Jones, City Treasurer



dherz@ci.lincoln.ne.us  
07/06/2004 10:27 AM

To: ffisher@neb.rr.com  
cc: campjon@aol.com, council@ci.lincoln.ne.us  
Subject: Wheel Tax

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

Mr. Fred Fisher  
4701 S 40th  
Lincoln, NE

Dear Mr. Fisher:

This is in response to your call to Jon Camp's office regarding questions about the amount of wheel tax on your 2003 Ford pick-up.

On August 18, 2003, the City Council adopted Ordinance 18227 which included 3 incremental increases in the wheel tax effective 1/1/2004, 1/1/2007, and 1/1/2010. This additional revenue was part of a package recommended by the Mayor's Infrastructure Finance Committee and endorsed by the current Street, Road and Trail (SRT) committee. It was at one of the SRT town hall meetings that you perhaps became aware of the wheel tax increases.

The wheel tax on your type of pick-up has been \$58.50 since 1997. The increases included in the Ordinance raise this amount to \$66 on 1/1/2004; \$73.50 on 1/1/2007; and \$81 on 1/1/2010.

The result of these increases is it has allowed the City to issue bonds in the amount of \$35 million this past March for street and road construction.

If you are interested in reviewing Ordinance 18227, you can go to the City web site at the following URL:  
<http://www.lincoln.ne.gov/asp/city/DocMan.asp?vRecNum=56380>

By clicking on the document number in the upper right hand corner, you can view the 36 page Ordinance and supporting comments.

cc: Jon Camp

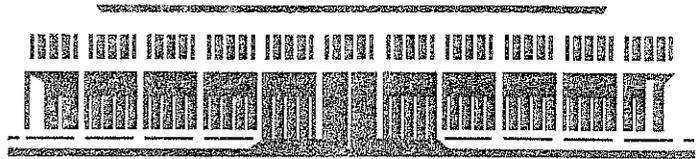
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-----  
Don Herz  
Finance Director  
City of Lincoln

Phone: 402-441-7411  
Fax: 402-441-8325  
E-mail: dherz@ci.lincoln.ne.us  
-----  
-----

City of *Lincoln*  
*Lancaster County*

HUMAN SERVICES DEPARTMENT

555 South 9th Street Lincoln, Nebraska 68508  
E-mail kboesch@co.lancaster.ne.us



Telephone (402) 441-4944 Fax (402) 441-6805

TO : Terry Werner, Chair  
City Council

FROM : Kit Boesch *Boesch*  
Human Services Administration

DATE : July 6, 2004

RE : Low Income City Bus/Handivan Transportation

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE

For the past eight years, the City has given my office \$50,000-\$55,000 to subsidize the cost of tickets and passports through agencies serving low income people. While helpful, there are still many many people who do not get them because they go so quickly each month. As a result ridership from this population remains few. What I am proposing to pilot should increase ridership. I'm not sure what financial impact it will have since we've never done it.

I am proposing to return \$50,000, in order to try this project. The specific proposal is enclosed and will appear on your pre Council agenda July 12, 2004; 8:15 a.m. Thank you.

KB/vdg

Enclosure

cc: Mayor Coleen Seng  
Larry Worth, StarTran  
Carle Long, Community Alternatives of Nebraska  
Jeremy Hohland, Nebraska Health and Human Services System/Southeast District  
Brian Mathers, Lincoln Action Program

**Proposal: To conduct a 6 month pilot project for low income persons to be able to afford to ride the city bus system.**

**Current status:** The City of Lincoln has allocated \$55,000 to low income transportation for the past 8 years. The results have been favorable in that three agencies: Community Alternatives of Nebraska, Lincoln Action Program, and HHSS have provided bus tickets and passports to their clients for a reduced rate. However, each month there is way more in requests than are available. Therefore, lots of people don't ride because they can't get tickets or passports and have very little income.

**Proposal:** All eligible riders could buy a monthly pass for unlimited rides for \$5.00/person. (or a handi-van pass for \$10.00) Eligibility would be in accordance with the federal poverty level guidelines used by most of our non-profit agencies and HHSS.

Agencies where low income passes are available would be expanded from the three mentioned above, to five more: Peoples Health Center ; Matt Talbot Kitchen; YWCA; Lincoln Literacy Council; and Cedars – Northbridge Center. While a bit more to supervise, it would certainly enhance the locations for persons to buy passes. (Note: these agencies have been contacted regarding their interest but have not been confirmed.)

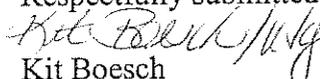
Of the \$55,000 granted in the past, \$50,000 would be returned to Star Tran and \$2500 would be distributed to MT Kitchen to be used for homeless persons with absolutely no income with which to purchase passes. \$2500 would be retained by this office to maintain accountability records for the project.

After 6 months we would analyze:

- \* If rider ship has increased on the bus system
- \* How much money has come in from low income rider ship
- \* How much money has this cost Star Tran in the process

We go forward at that time, based on the outcomes of these measures.

Respectfully submitted:

  
Kit Boesch  
Human Services Administration  
June 29, 2004

\*\* This proposal was unanimously approved by the Multi-Model Transportation Task Force on June 29, 2004.

RECEIVED

JUL 08 2004

CITY COUNCIL  
OFFICE

CITY OF LINCOLN  
NEBRASKA

# NEWS RELEASE

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Lincoln City Libraries - 136 S. 14<sup>th</sup> Street - Lincoln, NE 68508  
Phone: 402-441-8500; Fax: 402-441-8586; Email: [library@mail.lcl.lib.ne.us](mailto:library@mail.lcl.lib.ne.us)

**FOR RELEASE:** July 7, 2004  
**CONTACT:** Pat Leach, Library Youth Services Supervisor  
**PHONE:** 402-441-8565  
**E-MAIL:** [p.leach@mail.lcl.lib.ne.us](mailto:p.leach@mail.lcl.lib.ne.us)

## DISCOVER READING-PUPS @ YOUR LIBRARY!

A new type of storytime has come to Lincoln City Libraries—the kind where kids do the reading aloud, and the audience has four legs.

Reading-PUPS is a program to help kids ages 6 to 12 who have experienced reading difficulties, or who just need to practice reading. Domesti-PUPS Certified Pet Therapy Teams are partnered with children who polish their skills by reading aloud to a dog. Children read to dogs in 20-minute shifts, once a week for several weeks.

The Arnold Heights Branch Library at 3815 NW 54<sup>th</sup> Street is scheduling children for Reading-PUPS sessions. The schedule is:

Mondays July 12, 19, and 26th 7:30 to 8:30 p.m.  
Tuesdays July 6, 13, 20, and 27th 4:00 to 5:00 p.m.  
Wednesdays July 7, 14, 21, and 28th 2:00 to 3:00 p.m.  
Thursday July 22nd 5:00-6:00 p.m.

*Pre-registration is required by calling Arnold Heights Library at 441-8580.*

This program is presented in cooperation with the Domesti-PUPS Program.

###



Joan V Ray  
07/07/2004 08:54 AM

To: "Scott Crippen" <n7rvn1@hotmail.com>  
cc:  
Subject: Re: For your attention

Dear Mr. Crippen: Your message has been received in the Council Office and will be forwarded to the Council Members for their review. I, too, feel it would be most appropriate for the Council as well as the County Board to publicly recognize Mr. Ahlberg's efforts. Thank you for bringing his accomplishments to their attention.

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  
JUL 07 2004  
CITY COUNCIL  
OFFICE

"Scott Crippen" <n7rvn1@hotmail.com>



"Scott Crippen"  
<n7rvn1@hotmail.com  
>

To: <commish@co.lancaster.ne.us>, <council@ci.lincoln.ne.us>  
cc:  
Subject: For your attention

07/07/2004 03:00 AM

### Lancaster County Commissioners

and<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office"

/>

### Lincoln City Council

County-City Building  
555 South 10th Street  
Lincoln, Nebraska 68508

July 7, 2004

County Board and City Council Members,

I have decided to share with you with a great sense of pride, the association I have been afforded an opportunity to enhance recently. Sharing personal observations about a person whom you all already have developed trust and appreciation for seems unnecessary. For this individual, it is appropriate that there is some acknowledgement of his tireless efforts to serve the public.

Doug Ahlberg is the individual of whom I am referring. Many of you know that he spent over 100 hours per week since the storm, devoted to orchestrating a harmonious effort from the utter chaos that began on May 22, 2004.

When he was in Illinois visiting family, Mr. Ahlberg was called and advised that there was tornado damage in Hallam. He hastily returned to Lincoln to take over the reins from the volunteer staff in the Emergency Operations Center. His personal wisdom made what appeared to be "on the fly decisions", ultimately outstanding vision about what was necessary to have accomplished.

A meeting with FEMA, NEMA, Homeland Security, and others was held 2 weeks after the tornado. FEMA representatives told him that there were 12 things which would need to be addressed. They identified them all and indicated that they would need to be done in a specific order. They estimated the time necessary to complete them would be an additional 14-21 days. Of the 12 items, 11 were already completed and the 12<sup>th</sup> was about 50% complete. In natural fashion, FEMA felt it necessary to hold yet another long meeting to determine how this was accomplished so quickly. The answer was simple. Here in Lancaster County, Mr. Ahlberg has developed many resources to meet multiple needs. Most are volunteers, others are paid. All have specific skills that he has already identified and utilized to insure the fastest and best possible resolution.

Personally, as a Amateur Radio Operator and Storm Spotter, I have spent a limited amount of time with Mr. Ahlberg. I was temporarily hired by Mr. Ahlberg, to monitor the cleanup being done in the effected area. He has shown the same determination to assure that there are little if any issues about how this is being accomplished. He cares about everything the City and County are involved in.

Mr. Ahlberg has praised the Storm Spotters repeatedly and made comments about how we make him look good in the performance of his duties, to the County Commissioners and City Council. After watching and working with him, I can attest that he is the one that makes us all (paid staff and volunteers alike) look good. He does this from afar and out of the spotlight.

Mr. Ahlberg has repeatedly shown his attention to detail from behind the scenes. Contractors, volunteers, City and County personnel and especially the storm victims, have expressed that he seems to take care of everyone.

I am sure that you know him to be pretty efficient in the performance of his duties. Did you also know that he spent hours upon hours making sure that the E.O.C. was spotlessly clean as he was compiling paperwork and reports for FEMA and others? I witnessed papers carefully stacked all across his office floor and on multiple tables throughout the E.O.C. very late in the day, only to see it completely clean so that others would not be bothered by the mess before he left for the day.

He has even put family matters aside, making sure that the victims, volunteers, contractors and others were taken care of before he attended to a hospitalized family member.

His devotion to serve the public has been prominent throughout his career in the Police Department and carries on to his current position. In my opinion, Douglas Ahlberg has been an incredible representative for the City of Lincoln and Lancaster County as we recover from a disaster. There is no doubt that Mr. Ahlberg has taken a back seat to no one when he can assist others for the personal, emotional and physical cleanup needs of the storm victims. He treats everyone he encounters with the utmost respect. He genuinely cares for people.

Though the disaster has taken its toll on many local resources, Mr. Ahlberg has seen to it that

the other day to day needs are being met as well. In other words, he is doing all that is expected of him and the Emergency Management Office, as well as all the additional disaster related obligations. It is no wonder he has put in so many hours in a day.

If you have not done so already, it seems appropriate that his hours of service and devotion to his duties (and the public at large) should be recognized.

Respectfully,

Scott Crippen  
Temporary Labor Supervisor  
Lincoln-Lancaster County Emergency Management

1249 Butler

Lincoln, NE. 68521



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

July 7, 2004

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

RECEIVED

JUL 08 2004

CITY COUNCIL  
OFFICE

RE: Lincoln Industrial Park South 8<sup>th</sup> Addition Final Plat #04053

Dear Mr. Carstens:

Lincoln Industrial Park South 8<sup>th</sup> Addition was approved by the Planning Director on July 6, 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.

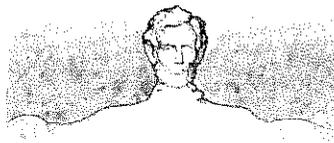
Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds 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: Samuel P. Olson  
Joan Ray, City Council (14)  
Dennis Bartels, Public Works & Utilities  
Terry Kathe, Building & Safety  
Sharon Theobald, Lincoln Electric  
Jean Walker, Planning  
File

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CITY OF LINCOLN  
NEBRASKA

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

RECEIVED

JUL 08 2004

CITY COUNCIL  
OFFICE

RECEIVED

JUL 08 2004

LAW DEPT.

July 7, 2004

Loel P. Brooks  
Brooks, Pansing, Brooks, PC LLO  
1248 "O" St. Suite 984  
Lincoln, NE 68508

RE: A. B. Wenzel Addition Final Plat #04025

Dear Mr. Brooks:

A. B. Wenzel Addition was approved by the Planning Director on June 29, 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,

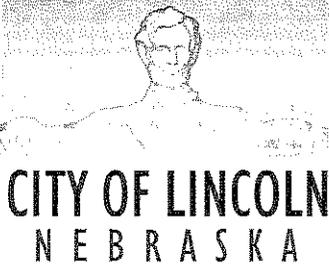
Tom Cajka  
Planner

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

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LINCOLN

The Community of Opportunity



Lincoln-Lancaster County  
Personnel Department  
Don W. Taute, Director

555 South 10th Street  
Rooms 201 & 107  
Lincoln, Nebraska 68508

402-441-7597  
fax: 402-441-8748



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

July 8, 2004

Sgt. Edmund Sheridan, President  
Lincoln Police Union  
c/o Lincoln Police Department  
Hall of Justice & Law Enforcement Center  
575 S. 10<sup>th</sup> St.  
Lincoln, NE 68508

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
OFFICE

RE: City of Lincoln/LPU 2004 Labor Negotiations

Dear Ed:

I am receipt of your July 5<sup>th</sup>, 2004 letter and as I advised you via telephone call the afternoon of July 7<sup>th</sup>, 2004, the City is agreeable to the terms outlined in your July 5<sup>th</sup>, 2004 letter regarding settlement of this year's negotiation.

The parties agree that a one year negotiated pay increase of two and one-quarter percent (2 ¼%) will be in effect for the 2004-2005 fiscal year and that the parties otherwise agree to the items previously addressed in my June 23<sup>rd</sup>, 2004 letter to you and agreed to at the table. All other items not tentatively agreed to at the negotiations table and not addressed in my letter of June 23<sup>rd</sup> nor your letter of July 5<sup>th</sup> are considered withdrawn and no longer subject to this contract agreement.

Subsequent to LPU's July 13<sup>th</sup>, 2004 membership meeting I would appreciate your contacting me to advise me of the outcome of that meeting regarding acceptance of this proposal. I assume that the proposal will be accepted by your membership and that the City can proceed to incorporate the 2 ¼% increase into the pay plan for the upcoming fiscal year.

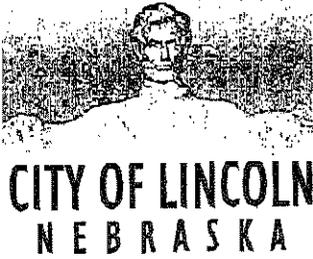
Thank you for your time and cooperation in bringing this matter to an amicable resolution.

Sincerely,

Don W. Taute,  
Personnel Director

cc: Mayor Seng  
City Council Members  
Steve Hubka, Budget  
Police Chief Tom Casady  
Joyce Norris  
John Cripe

DT3172D



# 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

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE

**FOR IMMEDIATE RELEASE: July 2, 2004**

**FOR MORE INFORMATION:** Kelly Sieckmeyer, Engineering Services, 441-7454  
Wayne Teten, Antelope Valley Manager, 441-4939

### LANES OF NORTH 27TH STREET TO CLOSE FOR IMPROVEMENTS

*Lanes of Vine Street also closed*

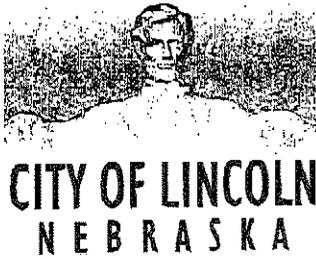
Beginning Tuesday, July 6, the two east (northbound) lanes of North 27th Street will close for reconstruction from Vine Street north one block to Pear Street. Two-way traffic will be maintained on the west (southbound) lanes. All left turns are prohibited at the intersection of 27th and Vine streets. The intersection improvements, which include upgrading the pavement and traffic signals and lengthening the left-turn lanes, are scheduled to be completed by mid-August.

The north (westbound) lanes of Vine Street remain closed from North 17th to North 28th streets. Two-way traffic is maintained on the south (eastbound) lanes of Vine. The closures are necessary for the installation of utilities and paving. Other improvements planned in the area include sidewalks, retaining walls, landscaping, a center-turn lane and ornamental lighting. The speed limit remains at 25 miles per hour in the area.

Related to the Vine Street project is the reconstruction of a portion of the sewer line which will serve the recently constructed UNL dorms on the southwest corner of 17th and Vine streets. Beginning Wednesday, July 7, the south (eastbound) lanes of Vine Street between 16th and 17th streets will close for about two weeks. Eastbound traffic will be detoured south on 16th Street to "R" Street, then east to 17th and north to Vine Street where motorists will be allowed to turn east.

All lanes in the 27th and "O" area re-opened this week, which will help to ease congestion on 27th and Vine streets.

The work under way on Vine and 27th streets is part of the Antelope Valley Project. The Antelope Valley Project includes transportation improvements, stormwater management and community revitalization. Partners in the Antelope Valley Project are the City of Lincoln, the Lower Platte South Natural Resources District and the University of Nebraska-Lincoln. A map and other information are available on the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov). Information can also be obtained by leaving a message at the Antelope Valley Hotline at 402-458-5999.



# NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

**PUBLIC WORKS AND UTILITIES**

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

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE

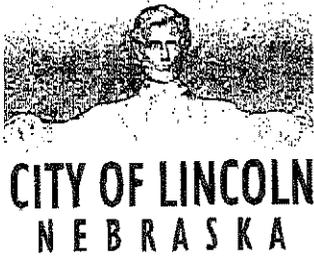
**FOR IMMEDIATE RELEASE:** July 2, 2004

**FOR MORE INFORMATION:** Charlie Wilcox, Engineering Services, 441-7532

**IMPROVEMENT WORK TO BEGIN AT 27TH AND HIGHWAY 2**

Construction will begin about 9 a.m. Tuesday, July 6, on the safety improvements to the intersection of 27th Street and Highway 2. The northbound outside lanes of 27th Street will be closed from Piccadilly Court to Highway 2. The construction will take place in phases to maintain traffic in each direction at all times. The project is scheduled to be completed in mid-August.

The project includes the addition of northbound and southbound left-turn lanes along 27th Street to provide dual left-turn lanes at Highway 2. The additional left-turn lanes will be created with minor street widening and revisions to the median and pavement markings. No additional right-of-way will be needed. The traffic signal system at the intersection of 27th and Highway 2 also will be replaced, and the median breaks 350 feet north and 250 feet south of Highway 2 will be closed. Work also will be done on the intersections of 27th with Bishop Heights Drive and Southwood Drive.



# 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:** July 2, 2004

**FOR MORE INFORMATION:** Larry Duensing, Engineering Services, 441-8401

**PORTION OF SOUTH 56TH TO CLOSE TWO DAYS  
FOR STORM SEWER WORK**

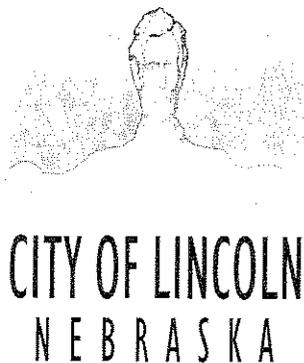
A portion of South 56th Street near Cavy Road will be closed to through traffic Wednesday, July 7, and Thursday, July 8, for storm sewer construction. Only local traffic will be permitted. The detour route is South 40th from Pine Lake Road and Yankee Hill Road.

- 30 -

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

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JUL 08 2004

CITY COUNCIL  
OFFICE

**OPEN HOUSE**  
**27th Street, Saltillo Road North To Yankee Hill Road**

July 15, 2004  
5:30 to 7:30 pm  
Pavilion Office Building  
2930 Ridge Line Drive  
in Southpointe Pavilions  
Lincoln Nebraska

Representatives from the City of Lincoln Public Works and Utilities and HWS Consulting Group will be there to hear your comments and respond to questions. Learn about this future project and how it interfaces with other public and private endeavors in this rapidly developing area of Lincoln and Lancaster County.

Allen F. Jambor, PE  
HWS Consulting Group, INC.  
402-479-2200



Joan V Ray  
07/02/2004 08:33 AM

To: "Steve & Jerry Lee Jensen" <badaxepike1@mylifeline.net>  
cc: <council@ci.lincoln.ne.us>  
Subject: Re: HOORAY For the Ban

Dear Steve and Jerry Lee: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

JUL 01 2004

CITY COUNCIL  
OFFICE

"Steve & Jerry Lee Jensen" <badaxepike1@mylifeline.net>



"Steve & Jerry Lee  
Jensen"  
<badaxepike1@mylifeli  
ne.net>

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: HOORAY For the Ban

07/01/2004 06:44 PM

Thank you for taking a stand for the betterment of our community. It took courage, but you did it. Smokers can do their polluting in their own homes, cars and outdoors (hopefully away from us). As far as Bleachers, maybe we will even eat there now along with the other establishments we have boycotted because of the disgusting smoke. Keep up the courage. You may not be hearing from the people who are cheering for the ban. We vote too!

Steve and Jerry Lee Jensen  
[Badaxepike1@mylifeline.net](mailto:Badaxepike1@mylifeline.net)



**Joan V Ray**  
07/02/2004 08:37 AM

To: Sandra Lab <blazingcomet45@yahoo.com>  
cc: council@ci.lincoln.ne.us  
Subject: Re: Smoking ban

Dear Ms. Lab: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

Sandra Lab <blazingcomet45@yahoo.com>

RECEIVED  
JUL 01 2004  
CITY COUNCIL  
OFFICE



**Sandra Lab**  
<blazingcomet45@yahoo.com>  
oo.com>  
07/01/2004 09:19 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Smoking ban

I couldn't be happier that common sense has prevailed in this issue. I heard the news when my sister was here from San Diego. She is a smoker. When Calif. implemented its ban, she whined and complained and said she wouldn't go out any more. She is now completely comfortable with it. Thank you, Thank you, Thank you!

Sandra Lab  
1931 Northville Circle  
Lincoln, 68521

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Joan V Ray  
07/02/2004 10:12 AM

To: SMiller@rbauction.com  
cc:  
Subject: Re: Atten: All City Council Members

Dear Ms. Miller: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

SMiller@rbauction.com

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE



SMiller@rbauction.co  
m  
07/02/2004 10:04 AM

To: council@ci.lincoln.ne.us  
cc: mayor@ci.lincoln.ne.us  
Subject: Atten: All City Council Members

Good morning.

My name is Sharon Miller. I just wanted to let you know how I feel about the no smoking ban imposed on the residents of Lincoln recently.

First, I am greatly opposed to the city telling privately owned businesses how to operate! Most Lincoln restaurants are non smoking already by CHOICE! The ban that was originally passed provided a fair and balanced opportunity for non-smokers to go wherever they wanted, yet allowed the smoking population their choice as well. I also feel it was VERY unfair to change the rules this close to the deadline. Yes, some bar owners HAVE spent money to comply with the original ordinance!! Are you going to reimburse every establishment that had made arrangements to comply? Of course not because in the arrogant words of Ken Svoboda "We are the City Council and can do whatever we want to make Lincoln a better city". Better for whom? Yet the Vice President of the United States comes in to town for a political fundraiser and the city is down \$32,000 and does not even make the beneficiary pay the expenses! Yes, those are MY tax dollars at work!! Unfortunately, I did not have \$250 to go hear Cheney speak, not that I would even want to. It just amazes me at the wasted money this city spends for an individual agenda- which is EXACTLY what this smoking ban is about.

I'm sure favors have always been promised to special interest groups by council members, but this is getting out of hand and something needs to be done about it!!

Jon Camp, Glen Friendt, Ken Svoboda and Terry Werner all need to take a hard look at their practices of deception and deceit when it comes to the underhanded nature in which this whole situation was handled. You are not representing our city in a professional manner and I'm embarrassed to say that I live here. Ken, why didn't you talk to ALL the council members before the meeting rather than a select few? Oh, I forgot. Annette McRoy smokes and Patti Newman has made reference to the fact that she has smoked in the past and John Cook is just a Democrat! How unfortunate for our city that a decision like this that will impact many private businesses will not be voted on by the citizens of Lincoln. What are you going to do when revenues start to diminish as many establishments will be closing their doors due to lack of business? I think with all the public testimony that went on, "Select ive Hearing" (which is typically a male trait) was used to hear what you wanted to hear and fact based information was dismissed as casually as taking out your trash. Clearly, both parties directly affected by this ordinance are not equally represented. And neither are the citizens of Lincoln. Channel 8 news did a poll Monday night and 84% of people that voted did NOT approve of your new smoking ban. What does THAT tell you? Of course, as always, you will not listen to the citizens of Lincoln or the "little guy". You can have "public hearings" all

you want. Looks good on paper, but if you do not LISTEN to what the hardworking people of Lincoln are saying, it does no good and is a waste of everyone's time. While my work schedule does not permit me to attend the public hearings, I do watch the coverage on replay. I have noted numerous public hearings where people take the time out of their busy schedules to testify, yet the City Council does exactly the opposite of what the majority of the citizens were in favor of. You do not listen to the public. You have your mind made up before you even walk into the room.

Well, I sure hope you four arrogant, narrow minded councilmen are happy. Enjoy the rest of your time on the City Council and your feeling of power over the little people as I'm positive none of you will be re-elected after this fiasco you have pulled!

A VERY UNSATISFIED CITIZEN

Sharon Miller

2344 Burnham St

Lincoln, NE 68502

420-1170 (hm)

421-3200 X273 (wrk)

June 30, 2004

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE

Dear City Council,

Thank you! Thank you! Thank you! No matter what other people say, I believe you made a great decision! You are protecting the health of the whole Lincoln population. I thank you for passing the all city smoking ban. Everyone can eat and drink without tasting the poisonous carcinogens of smoke. You took a great first step and made Lincoln a role model for other cities around Nebraska to follow. I can't wait to take this smoking ban to the state level. I hope you keep supporting the ban as it expands. Thanks again, you made a wise, responsible decision!

Thanks again,

Bailey Heafer  
Co-chair of No Limits  
2200 Pester Ridge Rd.  
Lincoln, NE 68523  
(402) 420-1233  
bheafer@netscape.net

Ken -

I am one of those in  
opposition to your actions on  
Monday - I didn't call you  
because I don't think you  
have ever listened to the  
small business owners -

I'd be happy to share  
my point of view with you -  
But my main point is that  
your 80% approval rate  
no longer is true -

Mary Frances

499-5069

Ken Svoboda  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

*Approx 368 signed  
Letters*

RECEIVED  
JUL 02 2004  
CITY COUNCIL  
OFFICE

Councilman Svoboda:

I am writing to let you know that I am opposed to the amendments that you proposed to the City Council on Monday night.

You not only bypassed the legitimate concerns of many of the citizens of Lincoln, you bypassed those citizens in an underhanded and unacceptable manner. Are you so afraid of debate that you felt the need to slip this into the meeting with only the Board of Health present? Where is public debate?

You have not addressed the issues fairly and in good faith, but took advantage of members of the Council who were trying to come up with compromises. I would hope that your fellow members will remember that in the days to come.

You still have not addressed the main issues of this debate and continue to look at information that is not only debatable, but outdated. The many measures taken to insure air quality have resulted in less pollution in our businesses and homes. The air quality in Los Angeles and New York however, continues to deteriorate.

The main issue here is that smoking is LEGAL! You may not approve of it. You may not smoke yourself. You may ban it in your own home or business, but in the true meaning of democracy, you do not have the right to ban it in private establishments. You have failed many Lincoln small businesses and tread of the liberties of Lincoln residents. Liberty is the "right to choose".

You should be ashamed of the methods used to achieve your goal. The ends never justify the means. You cannot justify the use of deception and denial of due process in government, which is exactly what you have done.

My vote (along with many others) will be against you in the next election. Perhaps there will be a permanent position on the Board of Health available.

Signed:

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

Approx 298 signatures

RECEIVED  
JUL 02 2004  
CITY COUNCIL  
OFFICE

Councilman Werner:

I am writing to let you know that I am opposed to the amendments that you voted to approve Monday night.

You have bypassed the legitimate concerns of many of the citizens of Lincoln and you did so in an underhanded and unacceptable manner. You have not addressed the issues fairly and in good faith, but have slipped in an ordinance with no public debate, (except for what you allowed the Health Department). Both sides of an issue must be allowed in a government decision!

You have failed to address the issue of break rooms, smoking rooms and have allowed some businesses to profit from your ordinance. If you truly believe that this is a health issue, then is the health of a maid less important to you for some reason? What message do you send with that exclusion?

You have failed many Lincoln small businesses and tread on the liberties of Lincoln residents. Liberty is the "right to choose". And, finally you have failed to address the fact that smoking is legal.

The State of Nebraska could choose to address this issue and in making this a City, (not even County) you have put many at a great disadvantage.

My vote (along with many others) will be against you in the next election.

Signed:

RECEIVED

JUL 02 2004

CITY COUNCIL  
OFFICE

June 29, 2004

Dear Council Members: Svoboda, Werner, Friendt, Camp

I would like to commend you on your decision to vote in a 100% Smoking Ban in the Work Place. I feel you are putting the citizens of Lincoln best interest first in your decision. I am impressed with your courage to stand up for this ban while being fulling aware of the few but loud opposition to the ban. I'm writing you to inform you that I am a citizen of Lincoln supporting the ban and your vote, as there are many of us that do.

My father died at the young age of 64 of lung cancer in 1999. It clearly states on his death certificate the cause of death was smoking. I wished the community where he lived had a ban similar in order to make it harder for him to smoke since he was unable to quit on his own. The only good thing that came from his death, is that my 10 year old child knows that smoking killed his grandfather and that smoking is bad for you and he will not make the choice to smoke as he matures. My son was five at the time of my father death and for years afterwards he would "yell" at strangers in other cars "not to smoke" and asked why people did that when it wasn't good for you.

I appreciate the fact that I will be able to take my children anywhere in Lincoln and they will not be subjected to second hand smoke. This isn't just a bar and restaurant issue. There are many other places where you may take your children and you don't want them in a smoking environment, for example bowling alleys, golf facilities, etc.

I have heard many asking whether government has a right to tell someone where they can and cannot smoke, well, I never hear the question of whether government has a right to put up a stop sign wherever government chooses. Public safety is public safety no matter how you look at it. Thanks again for your decision.

Melinda Jones  
4811 Beaver Creek Court  
Lincoln, NE 68516

CC: Council Members McRoy, Newman, Cook

July 2, 2004

RECEIVED  
JUL 02 2004  
CITY COUNCIL  
OFFICE

Dear Lincoln City Council Members: Terry Werner, Glenn Friendt, Ken Svoboda, Jon Camp

**Thank-you** for passing a complete ban on smoking in public places.

I used to socialize at the bars downtown quite regularly but stopped because the smoke bothers my eyes a great deal. I will return now that I can do so without risking my health and without my cloths stinking like an ashtray when I leave. I am looking forward to live music, dancing, and a drink with friends without having to weigh how gross I will feel when I leave against how much fun I will have.

You did the right thing.

I am sure I am not alone. Business owners will gain customers like me.

In addition, it is my opinion that people go out to bars to socialize, not smoke. Hard-core smokers might stay home and smoke alone, but I think most people smoke because they see other people smoking and they think "What the hell, my cloths are going to stink either way." Now they won't be saying that.

Thanks again!



Christy Aggens  
1501 A Street  
Lincoln, NE 68502  
438-9629

CC: Coleen Seng  
Jonathon Cook  
Patte Newman  
Annette McRoy

---

TO: Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

FROM: Anne Tegen

SUBJECT: Congratulations on a smokefree Lincoln!

DATE: July 2, 2004 08:15 PM

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Dear Lincoln City Council:

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

I hope you will keep the law strong and act as a proud model for other Nebraska cities.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Again, congratulations and thank you for passing a smart strong smokefree law. I look forward to my next visit to Lincoln!

Sincerely,

Anne Tegen

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JUL 05 2004  
CITY COUNCIL  
OFFICE



Joan V Ray

07/06/2004 09:11 AM

To: "Dale Butler" <butler203@cox.net>

cc:

Subject: Re: Smoking Ban 

Dear Mr. Butler: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"Dale Butler" <butler203@cox.net>



"Dale Butler"

<butler203@cox.net>

07/06/2004 08:25 AM

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

cc:

Subject: Smoking Ban



Please read this attachment. smokers-live-longer[1].pc

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JUL 06 2004  
CITY COUNCIL  
OFFICE

# LIES, DAMNED LIES, & 400,000 SMOKING-RELATED DEATHS

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

by Robert A. Levy and Rosalind B. Marimont

TRUTH WAS AN EARLY VICTIM in the battle against tobacco. The big lie, repeated ad nauseam in anti-tobacco circles, is that smoking causes more than 400,000 premature deaths each year in the United States. That mantra is the principal justification for all manner of tobacco regulations and legislation, not to mention lawsuits by dozens of states for Medicaid recovery, class actions by seventy-five to eighty union health funds, similar litigation by thirty-five Blue Cross plans, twenty-four class suits by smokers who are not yet ill, sixty class actions by allegedly ill smokers, five hundred suits for damages from secondhand smoke, and health-related litigation by twelve cities and counties—an explosion of adjudication never before experienced in this country or elsewhere.

The war on smoking started with a kernel of truth—that cigarettes are a high risk factor for lung cancer—but has grown into a monster of deceit and greed, eroding the credibility of government and subverting the rule of law. Junk science has replaced honest science and propaganda parades as fact. Our legislators and judges, in need of dispassionate analysis, are instead smothered by an avalanche of statistics—tendentious, inadequately documented, and unchecked by even rudimentary notions of objectivity. Meanwhile, Americans are indoctrinated by health “professionals” bent on imposing their lifestyle choices on the rest of us and brainwashed by politicians eager to tap the deep pockets of a pariah industry.

The aim of this paper is to dissect the granddaddy of all tobacco lies—that smoking causes 400,000 deaths each year. To set the stage, let’s look at two of the many exaggerations, misstatements, and outright fabrications that have dominated the tobacco debate from the outset.

## THIRD-RATE THINKING ABOUT SECONDHAND SMOKE

“Passive Smoking Does Cause Lung Cancer, Do Not Let Them Fool You,” states the headline of a March 1998 press release from the World Health Organization. The release begins by noting that WHO had been accused of suppressing its own study because it “failed to scientifically prove that

there is an association between passive smoking . . . and a number of diseases, lung cancer in particular.” Not true, insisted WHO. Smokers themselves are not the only ones who suffer health problems because of their habit; secondhand smoke can be fatal as well.

The press release went on to report that WHO researchers found “an estimated 16 percent increased risk of lung cancer among nonsmoking spouses of smokers. For workplace exposure the estimated increase in risk was 17 percent.” Remarkably, the very next line warned: “Due to small sample size, neither increased risk was statistically significant.” Contrast that conclusion with the hype in the headline: “Passive Smoking Does Cause Lung Cancer.” Spoken often enough, the lie becomes its own evidence.

The full study would not see the light of day for seven more months, until October 1998, when it was finally published in the *Journal of the National Cancer Institute*. News reports omitted any mention of statistical insignificance. Instead, they again trumpeted relative risks of 1.16 and 1.17, corresponding to 16 and 17 percent increases, as if those ratios were meaningful. Somehow lost in WHO’s media blitz was the National Cancer Institute’s own guideline: “Relative risks of less than 2 [that is, a 100 percent increase] are considered small. . . . Such increases may be due to chance, statistical bias, or effects of confounding factors that are sometimes not evident.” To put the WHO results in their proper perspective, note that the relative risk of lung cancer for persons who drink whole milk is 2.4. That is, the increased risk of contracting lung cancer from whole milk is 140 percent—more than eight times the 17 percent increase from secondhand smoke.

What should have mattered most to government officials, the health community and concerned parents is the following pronouncement from the WHO study: After examining 650 lung cancer patients and 1,500 healthy adults in seven European countries, WHO concluded that the “results indicate no association between childhood exposure to environmental tobacco smoke and lung cancer risk.”

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*Robert A. Levy is a senior fellow in constitutional studies at the Cato Institute and an adjunct professor at Georgetown University Law Center where he teaches “Statistics for Lawyers.” Rosalind B. Marimont is a mathematician and scientist now retired after a 37-year career with the National Institute of Standards and Technology (formerly the Bureau of Standards) and the National Institute of Health.*

## EPA'S JUNK SCIENCE

Another example of anti-tobacco misinformation is the landmark 1993 report in which the Environmental Protection Agency declared that environmental tobacco smoke (ETS) is a dangerous carcinogen that kills three thousand Americans yearly. Five years later, in July 1998, federal judge William L. Osteen lambasted the EPA for "cherry picking" the data, excluding studies that "demonstrated no association between ETS and cancer," and withholding "significant portions of its findings and reasoning in striving to confirm its *a priori* hypothesis." Both "the record and EPA's explanation," concluded the court, "make it clear that using standard methodology, EPA could not produce statistically significant results." A more damning assessment is difficult to imagine, but here are the court's conclusions at greater length, in its own words.

EPA publicly committed to a conclusion before research had begun; excluded industry [input thereby] violating the [Radon Research] Act's procedural requirements; adjusted established procedure and scientific norms to validate the Agency's public conclusion, and aggressively utilized the Act's authority to disseminate findings to establish a de facto regulatory scheme intended to restrict Plaintiff's products and to influence public opinion. In conducting the ETS Risk Assessment, EPA disregarded information and made findings on selective information; did not disseminate significant epidemiologic information; deviated from its Risk Assessment Guidelines; failed to disclose important findings and reasoning; and left significant questions without answers. EPA's conduct left substantial holes in the administrative record. While so doing, EPA produced limited evidence, then claimed the weight of the Agency's research evidence demonstrated ETS causes Cancer. [*Flue-Cured Tobacco Coop. Stabilization Corp. v. United States Environmental Protection Agency*, 4 F. Supp. 2d 435, 465-66 (M.D.N.C. 1998)]

Hundreds of states, cities, and counties have banned indoor smoking—many in reaction to the EPA report. California even prohibits smoking in bars. According to Matthew L. Myers, general counsel of the Campaign for Tobacco-Free Kids, "the release of the original risk assessment gave an enormous boost to efforts to restrict smoking." Now that the study has been thoroughly debunked, one would think that many of the bans would be lifted. Don't hold your breath. When science is adulterated and debased for political ends, the culprits are unlikely to reverse course merely because they have been unmasked.

In reaction to the federal court's criticism EPA administrator Carol M. Browner said, "It's so widely accepted that secondhand smoke causes very real problems for kids and adults. Protecting people from the health hazards of secondhand smoke should be a national imperative." Like *Alice in Wonderland*, sentence first, evidence afterward. Browner reiterates: "We believe the health threats . . . from breathing secondhand smoke are very real." Never mind science; it is

Browner's beliefs that control. The research can be suitably tailored.

For the EPA to alter results, disregard evidence, and adjust its procedures and standards to satisfy agency prejudices is unacceptable behavior, even to a first-year science student. Those criticisms are about honesty, carefulness, and rigor—the very essence of science.

## CLASSIFYING DISEASES AS SMOKING-RELATED

With that record of distortion, it should come as no surprise that anti-tobacco crusaders misrepresent the number of deaths due to smoking. Start by considering the diseases that are incorrectly classified as smoking-related. The Centers for Disease Control and Prevention (CDC) prepares and distributes information on smoking-attributable mortality, morbidity and economic costs (SAMMEC). In its *Morbidity and Mortality Weekly Report* for 27 August 1993, the CDC states that 418,690 Americans died in 1990 of various diseases that they contracted because, according to the government, they smoked.

Diseases are categorized as smoking-related if the risk of death for smokers exceeds that for nonsmokers. In the jargon of epidemiology, a relative risk that is greater than 1 indicates a connection between exposure (smoking) and effect (death). Recall, however, the National Cancer Institute's guideline: "Relative risks of less than two are considered small. . . . Such increases may be due to chance, statistical bias, or effects of confounding factors that are sometimes not evident." And the *Federal Reference Manual on Scientific Evidence* confirms that the threshold test for legal significance is a relative risk of two or higher. At any ratio below two, the results are insufficiently reliable to conclude that a particular agent (e.g., tobacco) caused a particular disease.

What would happen if the SAMMEC data were to exclude deaths from those diseases that had a relative risk of less than two for current or former smokers? Table 1 (at the end of this article) shows that 163,071 deaths reported by CDC were from diseases that should not have been included in the report. Add to that another 1,362 deaths from burn injuries—unless one believes that Philip Morris is responsible when a smoker falls asleep with a lit cigarette. That is a total of 164,433 misreported deaths out of 418,690. When the report is properly limited to diseases that have a significant relationship with smoking, the death total declines to 254,257. Thus, on this count alone, SAMMEC overstates the number of deaths by 65 percent.

## CALCULATING EXCESS DEATHS

But there is more. Writing on "Risk Attribution and Tobacco-Related Deaths" in the 1993 *American Journal of Epidemiology*, T. D. Sterling, W. L. Rosenbaum, and J. J. Weinkam expose another overstatement—exceeding 65 percent—that flows from using the American Cancer Society's Cancer Prevention Survey (CPS) as a baseline against which excess deaths are computed. Here is how one government agency, the Office of Technology Assessment (OTA), calculates the number of deaths caused by smoking:

The OTA first determines the death rate for persons who were part of the CPS sample and never smoked. Next, that rate is applied to the total U.S. population in order to estimate the number of Americans who would have died if no one ever smoked. Finally, the hypothetical number of deaths for assumed never-smokers is subtracted from the actual number of U.S. deaths, and the difference is ascribed to smoking. That approach seems reasonable if one important condition is satisfied: The CPS sample must be roughly the same as the overall U.S. population with respect to those factors, other than smoking, that could be associated with the death rate. But as Sterling, Rosenbaum, and Weinkam point out, nothing could be further from the truth.

The American Cancer Society bases its CPS study on a million men and women volunteers, drawn from the ranks of the Society's members, friends, and acquaintances. The persons who participate are more affluent than average, overwhelmingly white, married, college graduates, who generally do not have hazardous jobs. Each of those characteristics tends to reduce the death rate of the CPS sample which, as a result, enjoys an average life expectancy that is substantially longer than the typical American enjoys.

Because OTA starts with an atypically low death rate for never-smokers in the CPS sample, then applies that rate to the whole population, its baseline for determining excess deaths is grossly underestimated. By comparing actual deaths with a baseline that is far too low, OTA creates the illusion that a large number of deaths are due to smoking.

That same illusion pervades the statistics released by the U.S. Surgeon General, who in his 1989 report estimated that 335,600 deaths were caused by smoking. When Sterling, Rosenbaum, and Weinkam recalculated the Surgeon General's numbers, replacing the distorted CPS sample with a more representative baseline from large surveys conducted by the National Center for Health Statistics, they found that the number of smoking-related deaths declined to 203,200. Thus, the Surgeon General's report overstated the number of deaths by more than 65 percent simply by choosing the wrong standard of comparison.

Sterling and his coauthors report that not only is the death rate considerably lower for the CPS sample than for the entire U.S. but, astonishingly, even smokers in the CPS sample have a lower death rate than the national average for both smokers and nonsmokers. As a result, if OTA were to have used the CPS death rate for smokers, applied that rate to the total population, then subtracted the actual number of deaths for all Americans, it would have found that smoking saves 277,621 lives each year. The authors caution, of course, that their calculation is sheer nonsense, not a medical miracle. Those "lives would be saved only if the U.S. population would die with the death rate of smokers in the affluent CPS sample."

Unhappily, the death rate for Americans is considerably higher than that for the CPS sample. Nearly as disturbing, researchers like Sterling, Rosenbaum, and Weinkam identified that statistical predicament many years ago; yet the government persists in publishing data on smoking-related deaths

that are known to be greatly inflated.

#### CONTROLLING FOR CONFOUNDING VARIABLES

Even if actual deaths were compared against an appropriate baseline for nonsmokers, the excess deaths could not properly be attributed to smoking alone. It cannot be assumed that the only difference between smokers and nonsmokers is that the former smoke. The two groups are dissimilar in many other respects, some of which affect their propensity to contract diseases that have been identified as smoking-related. For instance, smokers have higher rates of alcoholism, exercise less on average, eat fewer green vegetables, are more likely to be exposed to workplace carcinogens, and are poorer than nonsmokers. Each of those factors can be a "cause" of death from a so-called smoking-related disease; and each must be statistically controlled for if the impact of a single factor, like smoking, is to be reliably determined.

Sterling, Rosenbaum, and Weinkam found that adjusting their calculations for just two lifestyle differences—in income and alcohol consumption—between smokers and nonsmokers had the effect of reducing the Surgeon General's smoking-related death count still further, from 203,200 to 150,000. That means the combined effect of using a proper standard of comparison coupled with controls for income and alcohol was to lower the Surgeon General's estimate 55 percent—from 335,600 to 150,000. Thus, the original estimate was a disquieting 124 percent too high, even without adjustments for important variables like occupation, exercise, and nutritional habits.

What if smokers got plenty of exercise and had healthy diets while nonsmokers were couch potatoes who consumed buckets of fast food? Naturally, there are some smokers and nonsmokers who satisfy those criteria. Dr. William E. Wecker, a consulting statistician who has testified for the tobacco industry, scanned the CPS database and found thousands of smokers with relatively low risk factors and thousands of never-smokers with high risk factors. Comparing the mortality rates of the two groups, Dr. Wecker discovered that the smokers were "healthier and die less often by a factor of three than the never-smokers." Obviously, other risk factors matter, and any study that ignores them is utterly worthless.

Yet, if a smoker who is obese; has a family history of high cholesterol, diabetes, and heart problems; and never exercises dies of a heart attack, the government attributes his death to smoking alone. That procedure, if applied to the other causal factors identified in the CPS study, would produce more than twice as many "attributed" deaths as there are actual deaths, according to Dr. Wecker. For example, the same calculations that yield 400,000 smoking-related deaths suggest that 504,000 people die each year because they engage in little or no exercise. Employing an identical formula, bad nutritional habits can be shown to account for 649,000 excess deaths annually. That is nearly 1.6 million deaths from only three causes—without considering alcoholism, accidents, poverty, etc.—out of 2.3 million deaths in 1995 from all causes combined. And on it goes—computer-generated phantom deaths, not real deaths—constrained

neither by accepted statistical methods, by common sense, nor by the number of people who die each year.

#### ADJUSTING FOR AGE AT DEATH

Next and last, we turn to a different sort of deceit—one pertaining not to the number of smoking-related deaths but rather to the misperception that those deaths are somehow associated with kids and young adults. For purposes of this discussion, we will work with the far-fetched statistics published by CDC—an annual average from 1990 through 1994 of 427,743 deaths attributable to tobacco. Is the problem as serious as it sounds?

At first blush, it would seem that more than 400,000 annual deaths is an extremely serious problem. But suppose that all of the people died at age ninety-nine. Surely then, the seriousness of the problem would be tempered by the fact that the decedents would have died soon from some other cause in any event. That is not far from the truth: while tobacco does not kill people at an average age of ninety-nine, it does kill people at an average age of roughly seventy-two—far closer to ninety-nine than to childhood or even young adulthood. Indeed, according to a 1991 RAND study, smoking “reduces the life expectancy of a twenty-year-old by about 4.3 years”—not a trivial concern to be sure, but not the horror that is sometimes portrayed.

Consider Table 2, which shows the number of deaths and age at death for various causes of death: The three nonsmoking categories total nearly 97,000 deaths—probably not much different than the correctly calculated number of smoking-related deaths—but the average age at death is only thirty-nine. As contrasted with a seventy-two-year life expectancy for smokers, each of those nonsmoking deaths snuffs out thirty-three years of life—our most productive years, from both an economic and child-rearing perspective.

Perhaps that is why the Carter Center’s “Closing the Gap” project at Emory University examined “years of potential life lost” (YPLL) for selected diseases, to identify those causes of death that were of greatest severity and consequence. The results were reported by R.W. Amler and D.L. Eddins, “Cross-Sectional Analysis: Precursors of Premature Death in the United States,” in the 1987 *American Journal of Preventive Medicine*. First, the authors determined for each disease the annual number of deaths by age group. Second, they multiplied for each age group the number of deaths times the average number of years remaining before customary retirement at age sixty-five. Then they computed YPLL by summing the products for each disease across age groups.

Thus, if smoking were deemed to have killed, say, fifty thousand people from age sixty through sixty-four, a total of 150,000 years of life were lost in that age group—i.e., fifty thousand lives times an average of three years remaining to age sixty-five. YPLL for smoking would be the accumulation of lost years for all age groups up to sixty-five.

Amler and Eddins identified nine major precursors of preventable deaths. Measured by YPLL, tobacco was about halfway down the list—ranked four out of nine in terms of years lost—not “the number one killer in America” as

alarmists have exclaimed. Table 3 shows the four most destructive causes of death, based on 1980 YPLL statistics. Bear in mind that the starting point for the YPLL calculation is the number of deaths, which for tobacco is grossly magnified for all of the reasons discussed above.

According to Amler and Eddins, even if we were to look at medical treatment—measured by days of hospital care—nonalcohol-related injuries impose a 58 percent greater burden than tobacco, and nutrition-related diseases are more burdensome as well.

Another statistic that more accurately reflects the real health repercussions of smoking is the age distribution of the 427,743 deaths that CDC mistakenly traces to tobacco. No doubt most readers will be surprised to learn that—aside from burn victims and pediatric diseases—*tobacco does not kill a single person below the age of 35*.

Each year from 1990 through 1994, as shown in Table 4, only 1,910 tobacco-related deaths—less than half of 1 percent of the total—were persons below age thirty-five. Of those, 319 were burn victims and the rest were infants whose parents smoked. But the relationship between parental smoking and pediatric diseases carries a risk ratio of less than 2, and thus is statistically insignificant. Unless better evidence is produced, those deaths should not be associated with smoking.

On the other hand, the National Center for Health Statistics reports that more than twenty-one thousand persons below age thirty-five died from motor vehicle accidents in 1992, more than eleven thousand died from suicide, and nearly seventeen thousand died from homicide. Over half of those deaths were connected with alcohol or drug abuse. That should put smoking-related deaths in a somewhat different light.

Most revealing of all, almost 255,000 of the smoking-related deaths—nearly 60 percent of the total—occurred at age seventy or above. More than 192,000 deaths—nearly 45 percent of the total—occurred at age seventy-five or higher. And roughly 72,000 deaths—almost 17 percent of the total—occurred at the age of 85 or above. Still, the public health community disingenuously refers to “premature” deaths from smoking, as if there is no upper age limit to the computation.

The vast overestimate of the dangers of smoking has had disastrous results for the health of young people. Risky behavior does not exist in a vacuum; people compare uncertainties and apportion their time, effort, and money according to the perceived severity of the risk. Each year, alcohol and drug abuse kills tens of thousands of people under the age of thirty-five. Yet according to a 1995 survey by the U.S. Department of Health and Human Services, high school seniors thought smoking a pack a day was more dangerous than daily consumption of four to five alcoholic beverages or using barbiturates. And the CDC reports that the number of pregnant women who drank frequently quadrupled between 1991 and 1995—notwithstanding that fetal alcohol syndrome is the largest cause of preventable mental retardation, occurring in one out of every one thousand births.

Can anyone doubt that the drumbeat of antismoking propaganda from the White House and the health establishment has

deluded Americans into thinking that tobacco is the real danger to our children? In truth, alcohol and drug abuse poses an immensely greater risk and antismoking zealots bear a heavy burden for their duplicity.

**CONCLUSION**

The unvarnished fact is that children do not die of tobacco-related diseases, correctly determined. If they smoke heavily during their teens, they may die of lung cancer in their old age, fifty or sixty years later, assuming lung cancer is still a threat then.

Meanwhile, do not expect consistency or even common sense from public officials. Alcoholism contributes to crime, violence, spousal abuse, and child neglect. Children are dying by the thousands in accidents, suicides, and homicides. But states go to war against nicotine—which is not an intoxicant, has no causal connection with crime, and poses little danger to young adults or family members.

The campaign against cigarettes is not entirely dishonest. After all, a seasoning of truth makes the lie more digestible. Evidence does suggest that cigarettes substantially increase the risk of lung cancer, bronchitis, and emphysema. The relationship between smoking and other diseases is not nearly so clear, however; and the scare-mongering that has passed for science is

appalling. Not only is tobacco far less pernicious than Americans are led to believe, but its destructive effect is amplified by all manner of statistical legerdemain—counting diseases that should not be counted, using the wrong sample as a standard of comparison, and failing to control for obvious confounding variables.

To be blunt, there is no credible evidence that 400,000 deaths per year—or any number remotely close to 400,000—are caused by tobacco. Nor has that estimate been adjusted for the positive effects of smoking—less obesity, colitis, depression, Alzheimer’s disease, Parkinson’s disease and, for some women, a lower incidence of breast cancer. The actual damage from smoking is neither known nor knowable with precision. Responsible statisticians agree that it is impossible to attribute causation to a single variable, like tobacco, when there are multiple causal factors that are correlated with one another. The damage from cigarettes is far less than it is made out to be.

Most important, the government should stop lying and stop pretending that smoking-related deaths are anything but a statistical artifact. The unifying bond of all science is that truth is its aim. When that goal yields to politics, tainting science in order to advance predetermined ends, we are all at risk. Sadly, that is exactly what has transpired as our public officials fabricate evidence to promote their crusade against big tobacco.

**Table 1**

Disease Category	Relative Risk	Deaths from Smoking
Cancer of pancreas	1.1 - 1.8	2,931*
Cancer of cervix	1.9	647*
Cancer of bladder	1.9	2,348*
Cancer of kidney, other urinary	1.2 - 1.4	353
Hypertension	1.2 - 1.9	5,450
Ischemic heart disease (age 35-64)	1.4 - 1.8	15,535*
Ischemic heart disease (age 65+)	1.3 - 1.6	64,789
Other heart disease	1.2 - 1.9	35,314
Cerebrovascular disease (age 35-64)	1.4	2,681*
Cerebrovascular disease (age 65+)	1.0 - 1.9	14,610
Atherosclerosis	1.3	1,267*
Aortic aneurysm	1.3	448*
Other arterial disease	1.3	372*
Pneumonia and influenza	1.4 - 1.6	10,552*
Other respiratory diseases	1.4 - 1.6	1,063*
Pediatric diseases	1.5 - 1.8	1,711
Sub-total		160,071
Environmental tobacco smoke	1.2	3,000
<b>Total</b>		<b>163,071</b>

\* Number of deaths for this category assumes population deaths distributed between current and former smokers in same proportion as in Cancer Prevention Survey CPS-II, provided by the American Cancer Society.

**Table 2**

Cause of Death	Number of Deaths per Year	Mean Age at Death
Smoking-attributed	427,743	72
Motor vehicle accidents	40,982	39
Suicide	30,484	45
Homicide	25,488	32

Source: Centers for Disease Control and Prevention

**Table 3**

Cause	Deaths	YPLL
Alcohol-related	99,247	1,795,458
Gaps in primary care*	132,593	1,771,133
Injuries (excluding alcohol-related)	64,169	1,755,720
Tobacco-related	338,022	1,497,161

\* Inadequate access, screening and preventive interventions.

**Table 4**

U.S. Smoking-Attributable Mortality by Cause and Age of Death  
1990-1994 Annual Average

Age at Death	Pediatric Diseases	Burn Victims	All Other Diseases	Total
Under 1	1,591	19	0	1,610
1 - 34	0	300	0	300
35 - 49	0	221	21,773	21,994
50 - 69	0	286	148,936	149,222
70 - 74	0	96	62,154	62,250
75 - 84	0	133	120,537	120,670
85 +	0	45	71,652	71,697
Totals	1,591	1,100	425,052	427,743

Source: Private communication from the Centers for Disease Control and Prevention



Joan V Ray  
07/06/2004 09:03 AM

To: KE12312312@MSN.COM  
cc: council@ci.lincoln.ne.us  
Subject: Re: Thank you for bringing smokefree air to Lincoln!

Dear Ms. Kernes: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
KE12312312@MSN.COM

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



KE12312312@MSN.CO  
M  
07/02/2004 07:46 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for you commitment to a healthier Lincoln.

Sincerely,

Angela Kernes  
17172 Atkins Plaza # 367  
Omaha, Nebraska 68118



Joan V Ray

07/06/2004 09:06 AM

To: debkernes1970@alltel.net

cc:

Subject: Re: Thank you for bringing smokefree air to Lincoln! 

Dear Ms. Kernes: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

debkernes1970@alltel.net

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



debkernes1970@alltel.net

07/03/2004 07:46 AM

To: council@ci.lincoln.ne.us

cc:

Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for your commitment to a healthier Lincoln.

Sincerely,

Deborah Kernes  
4233 N.W 49 st.  
Lincoln, Nebraska 68524



Joan V Ray  
07/06/2004 09:06 AM

To: rshays@pacbell.net  
cc: council@ci.lincoln.ne.us  
Subject: Re: Thank you for bringing smokefree air to Lincoln!

Dear Ms. Hays: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
rshays@pacbell.net

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JUL 06 2004  
CITY COUNCIL  
OFFICE



rshays@pacbell.net  
07/03/2004 12:39 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

As a non-smoker, I have been advocating for the protection that you now offer since the 1970's in the county where I live (Contra Costa) and in my state (California). What a difference it makes! I can assure you that non-smokers do think about places and make decisions based on where smoke-free laws are in affect - much more so than smokers. You have enhanced the quality of life of your residence many fold. You certainly are to be commended!

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for you commitment to a healthier Lincoln.

Sincerely,

Rita Hays  
175 Caprice Circle  
Hercules, California 94547



Joan V Ray

07/06/2004 09:09 AM

To: "Jackie Roth" <jlroth@neb.rr.com>

cc:

Subject: Re: Smoking

Dear J. Roth: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"Jackie Roth" <jlroth@neb.rr.com>



"Jackie Roth"

<jlroth@neb.rr.com>

07/05/2004 07:25 PM

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

cc:

Subject: Smoking

Our family is very glad that the city council as voted to enforce a strict policy for a smoke-free environment in public places, especially restaurants! I hope you stick to your decision. Our family has mutiple health concerns and will hopefully no longer need to avoid certain establishments because of smoke. Thank you for taking a firm stance on this health issue!

J Roth

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JUL 06 2004  
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Joan V Ray  
07/06/2004 09:10 AM

To: "Roger Coffey" <coffeyrl@cox.net>  
cc:  
Subject: Re: Smoking Ban Ordinance 

Dear Mr. Coffey: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Roger Coffey" <coffeyrl@cox.net>



"Roger Coffey"  
<coffeyrl@cox.net>  
07/05/2004 09:48 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: Smoking Ban Ordinance

I applaud your bold move forward in enacting a total ban on smoking in eating and drinking establishments. This is a welcome move. The workers in these establishments that did not really have a choice should welcome your protection. Some of them did not have the choice of quitting and finding another job. Now they don't have to quit to be free from second hand smoke at their place of work.

Roger Coffey  
402-592-6636

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Joan V Ray  
07/06/2004 09:04 AM

To: "steve" <suetrecht@neb.rr.com>  
cc: <council@ci.lincoln.ne.us>  
Subject: Re: We want to commend you

Dear Mr. & Ms. Uetrecht: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"steve" <suetrecht@neb.rr.com>

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JUL 06 2004  
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"steve"  
<suetrecht@neb.rr.com>  
m>  
07/02/2004 10:08 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: We want to commend you

July 2, 2004

My wife and I would like to take this opportunity to commend you for taking the right stand on the smoking issue and banning it from all public buildings. It will be such a pleasure to go to a restaurant and not be forced to breath someone else's smoke. You did the right thing and in the long run, Lincoln will be a much healthier place to live. Please don't give into the measures that the smokers will try to put on you to change the vote. You have done the best thing for the current and future citizens of Lincoln. We will all be able to live much healthier lives. My wife and I will remember this come election time and you can rest assured that our votes will be to the those who support the ban. If there is anything we can do to help you in your efforts to make this stand, please let us know.

Citizens proud of our City Council,  
Steve and Jan Uetrecht



**Joan V Ray**  
07/06/2004 09:52 AM

To: Steve.V.Tafolla@nwo02.usace.army.mil  
cc: council@ci.lincoln.ne.us  
Subject: Re: Thank you for bringing smokefree air to Lincoln!

Dear Mr. Taffola: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
Steve.V.Tafolla@nwo02.usace.army.mil



**Steve.V.Tafolla@nwo0**  
**2.usace.army.mil**  
07/06/2004 08:35 AM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you for bringing smokefree air to Lincoln!

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JUL 06 2004  
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Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for you commitment to a healthier Lincoln.

Sincerely,

Steve Tafolla  
3324 s 105 Avenue  
Omaha, Nebraska 68124



**Joan V Ray**  
07/06/2004 12:09 PM

To: "Rose Marie Tondl" <rtondl@neb.rr.com>  
cc:  
Subject: Re: Thank You 

Dear Ms. Tondl: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Rose Marie Tondl" <rtondl@neb.rr.com>

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JUL 06 2004  
CITY COUNCIL  
OFFICE



**"Rose Marie Tondl"**  
<rtondl@neb.rr.com>  
07/06/2004 12:10 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: Thank You

Thanks to Jon Camp, my representative and the other 3 council members who voted a smoke-free Lincoln. One's health is so important and if this ordinance can help, let it remain on the books.

Rose Marie Tondl



Joan V Ray  
07/06/2004 04:40 PM

To: thomas\_sandy@alltel.net  
cc: council@ci.lincoln.ne.us  
Subject: Re: Thank you for bringing smokefree air to Lincoln!

Dear S. Thomas: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

thomas\_sandy@alltel.net

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE



thomas\_sandy@alltel.net

07/06/2004 04:38 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Our son lives in Lincoln and we visit often. Our choices for dining are always governed by who has a no smoking policy. Now, we can dine anywhere in Lincoln, thanks to you.

In addition, Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for your commitment to a healthier Lincoln.

Sincerely,

Sandy Thomas  
315 North 22nd Street  
Plattsmouth, Nebraska 68048-2735



DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov  
>

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

07/06/2004 02:18 PM

InterLinc: City Council Feedback for  
General Council

Name: Marcus Porath - Tri-Con EHS Coordinator  
Address: 4000 NW 44th  
City: Lincoln, NE 68524  
Phone: 402-470-3311 x112  
Fax:  
Email: marcus\_porath@tstna.com

Comment or Question:  
Concerning the Smokefree Air Issue:

I do maintain reservations regarding the amount of power that may be exercised by such a select group of individuals, however, the decision to remove the exemptions to the smokefree air act will make complying with the ban much simpler for businesses.

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE



Joan V Ray  
07/07/2004 09:36 AM

To: Cindy Dempsey <Cindy.Dempsey@mdsps.com>  
cc:  
Subject: Re: Thank you

Dear Ms. Dempsey: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
Cindy Dempsey <Cindy.Dempsey@mdsps.com>



Cindy Dempsey  
<Cindy.Dempsey@mdsps.com>

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you

07/06/2004 01:23 PM

Thank you for making public health a priority with the recently passed smoking ban. Sincerely, Cindy Dempsey

\*\*\*\*\*

Cindy Dempsey, RN, BSN  
Medical Writer  
MDS Pharma Services  
621 Rose Street  
Lincoln, Nebraska 68502 USA  
402-437-1120  
Cindy.Dempsey@mdsps.com  
\*\*\*\*\*

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE



Joan V Ray  
07/07/2004 09:37 AM

To: "George Wolcott" <gwolcott@alltel.net>  
cc:  
Subject: Re: Smoking Ban 

Dear Mr. Wolcott: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"George Wolcott" <gwolcott@alltel.net>



"George Wolcott"  
<gwolcott@alltel.net>  
07/06/2004 01:43 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: Smoking Ban

Bravo to our City Council members for passing this smoking ban!!! FINALLY the majority of people can enjoy the freedom that fellow citizens in California, New York, etc. have enjoyed for years. I'm sure employees of these establishments will also thank you once they've had a 'taste' of a smoke free work environment and its health benefits. I think they will be surprised how much better they will feel after the ban is put into effect. I applaud your strength to overlook pressures from bar owners as I think, in the long run, they will also find out that this will not effect their businesses as much as they had thought. Thank you for your progressive/insightful action!!!

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JUL 07 2004  
CITY COUNCIL  
OFFICE



Joan V Ray  
07/07/2004 09:38 AM

To: PHarpo17@aol.com  
cc:  
Subject: Re: Smoking ban

Dear Ms. Stearley: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
PHarpo17@aol.com



PHarpo17@aol.com  
07/06/2004 01:49 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Smoking ban

Bravo to our City Council members for passing this smoking ban! FINALLY the majority of people can enjoy the freedom that fellow citizens in California, New York, etc. have enjoyed for years. I'm sure employees of these establishments will also thank you once they have had a 'taste' of a smoke free work environment and its health benefits. I think they will be surprised how much better they feel after the ban is put into effect. I applaud your strength to overlook pressure from bar owners as I think, in the long run, they will find also that this will not effect their businesses as much as they had thought. Thank you for your progressive/insightful action!!!  
Pam Stearley

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JUL 07 2004  
CITY COUNCIL  
OFFICE



**Joan V Ray**

07/07/2004 09:39 AM

To: "Kyle Gibson" <fusion\_fission@hotmail.com>

cc:

Subject: Re: Thank you for passing the smoking ban! 

Dear Mr. Gibson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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](mailto:jray@ci.lincoln.ne.us)

"Kyle Gibson" <fusion\_fission@hotmail.com>



**"Kyle Gibson"**

<fusion\_fission@hotmail.com>

07/06/2004 02:19 PM

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

cc: "Colleen Seng" <mayor@ci.lincoln.ne.us>

Subject: Thank you for passing the smoking ban!

Dear Members of the Lincoln City Council,

Thanks a million for putting the people of Lincoln first and voting for the smoking ban with its original wording. The business owners who would rather save a buck than keep their customers alive have made it clear to us that they have nothing but their own financial interests in mind.

Gratefully,

Kyle Gibson

[fusion\\_fission@hotmail.com](mailto:fusion_fission@hotmail.com)

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE



Joan V Ray

07/07/2004 12:30 PM

To: "Julie Arndt-Hollander" <juliehollander@hotmail.com>  
cc: council@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us  
Subject: Re: Thank you for passing the Smoking Ban!

Dear Ms. Hollander: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
JUL 07 2004  
CITY COUNCIL  
OFFICE

"Julie Arndt-Hollander" <juliehollander@hotmail.com>



"Julie  
Arndt-Hollander"  
<juliehollander@hotmail.com>

To: council@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us  
cc:  
Subject: Thank you for passing the Smoking Ban!

07/07/2004 12:04 PM

Attention All Council Members and Mayor Seng:

Thank you so much for passing the Smoking Ban in all public places. I am excited that I or my children or other family members will not be forced to sit in a hazardous environment in order to make a living and support their families or build their careers.

I am not a smoker and I have had to sit in a smoking environment to do my job. About 15 years ago I lived in Denver and worked for the Denver Division of Super Value Stores, Inc.. They are one of the leading wholesale grocers in the U.S.. It was my first big job out of college and I was a Buyer Trainee and a Corporate Management Trainee. When I took the job, there was no smoke in my area, then about a year later they built a new distribution facility and my office moved. I was near a group of buyers who chain smoked constantly. When I brought my brief case home at night and opened it up, I swear a puff of smoke rose to the ceiling. I bought an expensive air cleaner and put it in my office, but that did not really help with the volume of smoke that was produced and distributed through the air system. I went to the HR Director and he organized a smoking committee for the division made up of 3-4 smokers and 3-4 non smokers. We had several meetings, informed others what we were doing - trying to come up with a way so that both groups were happy. We looked at the research on the issue. The result was that smokers had to sit in their own office to smoke and have an air cleaner (desk type) running in their office. Honestly, this did not make much difference in the air quality. After sitting in that air, I had developed nasal polyps and have had trouble with my sinuses ever since. I think I stayed at S. V . a couple more years and took an internship with IBM while I worked on my Masters in Information Systems. I was glad to get out of that environment.

I was thankful that the HR director took the time to organize the committee and bring it to managements attention. He did what he could, but without top level direction from management to provide a non-smoking healthy environment, the compromise did not help much.

My point is, even though you go through the channels to try to get a healthy environment to work in, often one person or a few persons are only willing to take a stand and the end result does not get you to the point that a government law will get you. I believe we need this law in order to protect all the non-smokers (which I hear is actually the majority of people). It is the right thing to do for current and future workers and the health of the people of Lincoln. Thank you for being so progressive!

Thank You So Much For Taking A Stand To Keep The People of Lincoln Healthy!

Julie Hollander  
904 Rockhurst Drive  
Lincoln, NE 68510

402-489-8335

---

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Joan V Ray  
07/07/2004 03:51 PM

To: "Jennifer M. Wolf-Wubbels" <jenwolfw@bryanlgh.org>  
cc: council@ci.lincoln.ne.us  
Subject: Re: smoking ban

Dear Ms. Wolf-Wubbels: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"Jennifer M. Wolf-Wubbels" <jenwolfw@bryanlgh.org>



"Jennifer M.  
Wolf-Wubbels"  
<jenwolfw@bryanlgh.o  
rg>

To: council@ci.lincoln.ne.us  
cc:  
Subject: smoking ban

07/07/2004 03:52 PM

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JUL 07 2004  
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Lincoln City Council,

I just wanted to express my thanks for the council passing the smoking ban. I am happy to see our leaders looking out for the communities health and well being! Thanks again and keep up the good work!

Sincerely,  
Jennifer Wolf - Wubbels

--  
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Joan V Ray  
07/08/2004 08:47 AM

To: Paul Haith <phaith@alltel.net>  
cc: council@ci.lincoln.ne.us  
Subject: Re: Smoking Ordinance

Dear Mr. Haith: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

Paul Haith <phaith@alltel.net>

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
OFFICE



Paul Haith  
<phaith@alltel.net>  
07/07/2004 06:40 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Smoking Ordinance

Members of the Lincoln City Council:

Thank you Ken for introducing the amendment to change the no smoking ordinance back to it's original form and to those who supported Ken's amendment.

I am sure that you all have read where Massachusetts has just passed a no smoking law for the whole state, the sixth such State to do so. Lincoln is now in the leadership role for Nebraska. Omaha is considering a similar ordinance and hopefully the State legislature will have the courage to follow the leadership that you have established.

Threats of closing business are idle threats and will not happen because of a smoking ban. Maybe because of mis-management, but not for non smoking.

I would hope that the council members who did not vote for the non smoking ordinance will have the courage to vote for it if necessary in the future.



DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov  
>

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

07/07/2004 07:19 PM

InterLinc: City Council Feedback for  
General Council

Name: Derek Zimmerman  
Address: 6527 Sundance Court  
City: Lincoln, NE 68512  
  
Phone: 402-423-0342  
Fax:  
Email: zimmy6697@hotmail.com

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
OFFICE

Comment or Question:

Dear Council Members

I am writing this email to express my appreciation for passing the smoking ban in its current form without the exemptions. I also urge the council to keep the ban in its current form and not bow in to pressures from certain groups that may seek to be exempted from the ban. Allowing exemptions makes the bill discriminatory and will only cause you further irritation down the road because if one group is exempted, then everyone feels they should be exempt as well. Once again, thank you for passing the smoking ban without exemptions.  
Derek Zimmerman



Joan V Ray

07/06/2004 09:07 AM

To: "D. Dickerson" <barz1114@neb.rr.com>

cc:

Subject: Re: Using health department rules as smoking exemption 

Dear Mr. Dickerson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"D. Dickerson" <barz1114@neb.rr.com>

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



"D. Dickerson"

<barz1114@neb.rr.com

>

07/03/2004 05:22 PM

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

cc:

Subject: Using health department rules as smoking exemption

To all council members:

This is a copy of an e-mail I sent to Mr. Camp:

Mr. Camp:

I would like you, as the representative for my district, to consider an ammendment to the smoking ban. Since the exemption to bars with a beer garden is going to kill my business, Sandy's, owning a bar with no possibility of having a beer garden, that you not exempt them. How is it possible to enforce the 25 foot rule with people smoking in sidewalk cafes and beer gardens, anyway?

Perhaps a better way to handle an exception would be to use the rules set forth by the health department regarding classes of food handlers permits. If the establishment has to have a full food handler managers license, then they don't get to allow smoking. No fuss, no cooking of the books, no problem. You sell food, no smoke. No food, no problem. The lines are already drawn by the health department. They are official and a matter of public record. No one can argue about how they are derived.

In the probable chance that the ban does stay, though, we are now drawing up our plans for our "sidewalk cafe" permit. We have access to a hot dog cart for the food portion, and the seating area we can capture on the corner of 14th and O is huge. I estimate that is will seat about 200. It will extend from the door between us and Papa Johns, go about 12 feet out towards the street, then extend about 75 feet to the north, towards O, wrapping around our front door like Brothers across the street or the Dish, then head east to the edge of our building.

We do not have a choice about this, either. If I don't act, my business will be hurt so much by the bars with beer gardens that I have to move out on to the sidewalk or risk laying people off or worse. Please don't make downtown a series of "smoking cafes".

Daryl Dickerson

Sandy's Lounge



Joan V Ray  
07/06/2004 09:09 AM

To: Jim Johnson <jjohnson@cornhusker.net>  
cc:  
Subject: Re: Rescind Smoking Ban 

Dear Mr. Johnson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
Jim Johnson <jjohnson@cornhusker.net>

RECEIVED  
JUL 06 2004  
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Jim Johnson  
<jjohnson@cornhusker.net>  
07/05/2004 08:27 AM

To: twerner@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us,  
jcamp@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us  
cc: pneman@ci.lincoln.ne.us, jcook@ci.lincoln.ne.us,  
amcroy@ci.lincoln.ne.us, council@ci.lincoln.ne.us  
Subject: Rescind Smoking Ban

Council members Camp, Friendt, Svoboda, and Werner:

I urge you to reconsider your vote on the amended version of the smoking ban ordinance that was passed at your June 28 meeting.

I understand your thinking; I suspect that if a Council vote were taken on the theoretical question of whether or not people **ought to** smoke, you'd get a 7-0 vote (and you'd have my support).

But a ban on smoking in the workplace, (especially the new version but to some extent also the previous carefully crafted compromise), does nothing to curtail smoking. I'll grant you that it punishes blue-collar folks, and it will probably cause some of them to lose jobs in their now smokefree workplaces, and it will probably drive them out of the bars & restaurants, back to smoking in their homes (which are typically much less well-ventilated or fireproof than businesses with designated smoking areas and alert wait staff), back to smoking in front of their spouses and children. But there are plenty of good nonsmoking venues already; we don't need to chase smokers out of the remaining places just because we have more votes than they do.

If we want people to stop smoking, let's dedicate more funds to education and smoking cessation programs, not to punishment that does nothing to address the problem.

The issue of fairness was tossed around during the discussion. True enough, the only ban which would be totally fair is no ban at all (and for the record, "no ban" would be my preference anyway, but I suspect that's not going to happen); but it's bizarre to me that you think a complaint-based ban could be anywhere near as fair as the permit-based ban which you turned down. Permits can be examined to determine whether or not ordinances are being applied fairly, and they can serve as informal "contracts" to let employees know what's acceptable and what's not. Complaints, especially anonymous complaints to the so-called hotline that the Health Department is planning, have neither of these attributes. If I'm running a bar and I decide I can get more business by having friends call in anonymous complaints about the competing bar next

door, and force the owner to have to prove his or her innocence to the police or Health Department officials, what's to stop me from doing so? How can my competitor appeal an anonymous complaint? And who really thinks that the complaints will be fairly distributed anyway? If the police have to choose between hanging around country clubs ticketing the fat cat cigar smokers vs hanging around the Zoo Bar ticketing the blue-collar working folks, does anyone doubt that they'll choose the latter? And do we really want bar employees or workplace managers to have to check out the bathrooms every ten or fifteen minutes to make sure that no one is smoking on the sly?

You've made your point, smoking is a bad thing, now do the right thing for the city; move to reconsider that vote and approve the less strict, more sensible, smoking ban. (Or drop the ban completely and show the business owners that you trust them to do what's in the best interests of their customers, whatever.)

A few weeks ago some of you voted to allow liquor sales before noon on July 4th; I don't think any of you were suggesting that people ought to spend their Sunday mornings drinking beer, but on that particular issue you balanced your theoretical beliefs about whether people ought to get drunk on Sunday with your pragmatic beliefs about whether they would go out to the surrounding towns and get their Sunday morning alcohol, and you came down on the side of pragmatism. I'm asking you to do that again now, on the smoking issue.

Thanks in advance!

Jim Johnson  
1201 Berkshire Ct #36  
Lincoln NE 68505  
(402) 466-0690  
jjohnson@cornhusker.net

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JUL 06 2004  
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Joan V Ray  
07/06/2004 09:12 AM

To: Tobias Tempelmeyer <stockpicker2222@yahoo.com>  
cc:  
Subject: Re: Smoking Ban 

Dear Mr. Tempelmeyer Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
Tobias Tempelmeyer <stockpicker2222@yahoo.com>

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JUL 06 2004  
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OFFICE



Tobias Tempelmeyer  
<stockpicker2222@yah  
oo.com>

To: council@ci.lincoln.ne.us  
cc:  
Subject: Smoking Ban

07/06/2004 08:31 AM

Let me start off by saying that I am not a smoker, but I believe that the Lincoln City Council went to far in its smoking ban. While I do not like to smoke or to be around others that are smoking, they have a right to smoke since it is a legal activity.

I believe that a better alternative to the smoking ban would be to require businesses to decide to be either be smoke free or to allow smoking. Then business should be required to advertise on the outside of their buildings if they allow smoking are not. This would allow me, as a consumer, to decide for myself if I wish to patron a business that allows smoking. This alternative will allow the market place to decide if smoking should be allowed.

Business owners should be allowed to decide which LEGAL activies occur within their buisness. I know the arguement on the otherside is that second hand smoke harms others, but what about drinking or noise. Drinking by others causes serious harm to others, should businesses be forced to ban drinking in their establishments? Some places have live music or music being played over their sound system. If this music is to loud it can cause hearing damage, should businesses be forced to ban loud noise in their establishments?

Tobias Tempelmeyer

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Joan V Ray

07/07/2004 09:35 AM

To: "MFrauen" <mfrauen@secmut.com>  
cc: <council@ci.lincoln.ne.us>, <campjon@aol.com>,  
<amcroy@cilincoln.ne.us>, <pnewman@cilincoln.ne.us>,  
<gfriendt@cilincoln.ne.us>, <twerner@cilincoln.ne.us>,  
<jcook@cilincoln.ne.us>, <ksvoboda@cilincoln.ne.us>

Subject: Re: Lincoln's Smoking Ban

Dear Ms. Frauen: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"MFrauen" <mfrauen@secmut.com>



"MFrauen"  
<mfrauen@secmut.com>  
m>

07/06/2004 01:12 PM

To: <council@ci.lincoln.ne.us>, <campjon@aol.com>,  
<amcroy@cilincoln.ne.us>, <pnewman@cilincoln.ne.us>,  
<gfriendt@cilincoln.ne.us>, <twerner@cilincoln.ne.us>,  
<jcook@cilincoln.ne.us>, <ksvoboda@cilincoln.ne.us>

cc:

Subject: Lincoln's Smoking Ban

I just wanted to register a complaint with each and every one of you about the way you have handled the smoking ban. I hope that none of you really wants to remain a city councilperson, because I have not spoken to a single person yet who is not outraged by your "under the radar" tactics.

I think that the first plan that was finally settled upon was fair to everyone. It would have maintained venues for smokers and non-smokers alike to get out and patronize our local businesses.

Changing the law without notice, without a public hearing and without a bit of concern for what your constituents might want was simply an abuse of power. I hope that each of you loses any future campaign for public office.

Marylou Frauen  
2812 R Street  
Lincoln, NE 68503

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JUL 07 2004  
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Joan V Ray

07/07/2004 09:43 AM

To: <dvanwinkle@neb.rr.com>

cc:

Subject: Re: smoking reg□

Dear Mr. Van Winkle: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"David Van Winkle" <dvanwinkle@neb.rr.com>



"David Van Winkle"

<dvanwinkle@neb.rr.com>

07/06/2004 05:34 PM

Please respond to  
dvanwinkle

To: <jray@lincoln.ne.gov>

cc:

Subject: smoking reg

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JUL 07 2004  
CITY COUNCIL  
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Dear Council Members,

As a citizen on Lincoln, I urge you to reconsider your decision to pass the Smoking Regulation Act. This kind of "blanket" ban is discriminative and a violation of smoker's (everyone's) rights. Furthermore, this kind of legislation sets precedence for similar regulation of the people's rights. Why don't you pass a law that regulates the use of vehicles with diesel engines within the city limits? Far more toxicity is exuded from such vehicles than all smokers combined. Even if they are running outdoors, we have no choice but to breathe in their toxic stench every day. Every day I have to follow a seemingly ordinary person like myself who for some reason needs a diesel pickup truck, and every day I have to roll up my windows and turn off my vents to keep the fumes from my lungs (which does no good anyway, since I succeed only in trapping the offensive stuff in the passenger compartment!). You won't ever regulate this, because you can find no moral grounds to do so (other than the destruction of the environment, but Lincoln couldn't possibly give two hoots about that right?! Not that morals should dictate law in the first place!

I do agree that non-smokers also have rights, but by enforcing businesses to designate "smoking areas", non-smoker's rights are being duly addressed. If a business's clientele are vocal enough about their disapproval of the allowance of smoking within that business's domain, then it should be the business's decision ALONE to ban smoking within their premises. Government regulations of such matters assume that we are all too stupid to make decisions for ourselves, and "big brother" needs to step in to assert their dictatorial rulings to protect their "helpless" subjects. As a free human being, it is MY decision whether I choose to voice my complaints or not and MY decision to frequent an establishment or not. If I am a smoker or a non-smoker and a bar or restaurant does or doesn't allow smoking, then I can decide whether or not to stay or go someplace else. Why should any of you decide this for me? I am not a child, and neither are any of the registered voters in this or any other American city.

Though I believe my efforts to be in vain, and my request fruitless, I still implore you to reply with some sort of acceptable justification for your decision that takes my preceding arguments into account. Please forward this to your fellow council members and their staff.

Thank You,

David H. Van Winkle



Joan V Ray

07/07/2004 09:43 AM

To: "Sherry Minnig" <sminnig@neb.rr.com>  
cc:  
Subject: Re: SMOKING BAN

Dear Ms. Minnig: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Sherry Minnig" <sminnig@neb.rr.com>

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JUL 07 2004  
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"Sherry Minnig"  
<sminnig@neb.rr.com>  
>

07/06/2004 06:46 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: SMOKING BAN

As council members you are supposed to represent the people, all the people, not just the ones you think are better. If smoker's can't smoke anywhere, they shouldn't have to pay cigarette taxes, and you can't build all the things that have been build with cigarette taxes.

You are deciding for everyone that smoking is bad, what kind of dog you own is bad, what kind of car you drive, is bad. Where does it stop? This is a freedom of choice issue, not a smoking issue. Smoker's gave non smokers the right to have a place in the restaurants but where is the choice for the owner's of the bar, or restaurant? Where is the smoker's choice?

I think you are over stepping your bounds with this kind of legislation. What kind of communists are you anyway? And this is communism! I want my freedom of choice back!

Sherry Minnig



Joan V Ray  
07/07/2004 09:44 AM

To: "Jason Gove" <jason\_gove@hotmail.com>  
cc: council@ci.lincoln.ne.us  
Subject: Re: smoking ban

Dear Mr. Gove: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Jason Gove" <jason\_gove@hotmail.com>

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JUL 07 2004  
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"Jason Gove"  
<jason\_gove@hotmail.com>  
07/06/2004 07:56 PM

To: council@ci.lincoln.ne.us  
cc:  
Subject: smoking ban

I am upset by the City Council's vote on Monday (without a public hearing) to ban smoking, contact these City Council members and let them know your thoughts. If enough people complain in the next two weeks, this can be brought to a vote again - with a public hearing.

---

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DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov  
>

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

07/07/2004 07:38 PM

InterLinc: City Council Feedback for  
General Council

Name: Carla Squitieri  
Address: 2301 Liberty Bell Lane  
City: Lincoln, NE 68521

Phone:  
Fax:  
Email: wbjeeeping@earthlink.net

Comment or Question:  
Dear City Council Members:

I am a smoker. My husband is non-smoker and has never smoked. He is as furious as I am with the direction that the Council has taken when this was not even being publicly discussed. I feel that you are going far beyond your boundaries with this topic.

We both fully agree with the restaurant side of the argument.

Children under the age of 18 should not be allowed in bars. As taxpaying citizens, we should have the right to decide to choose. There are plenty of places that people can meet that are non-smoking. We fully understand the consequences our decisions and fully accept responsibilities for our decisions.

Why is it that you can mandate what is appropriate for us?  
What happened to the petitions that were previously signed?  
Why can't we put this to a vote of the people?  
The people should decide.

Have you even thought about how many will be laid off due to places closing up?  
Is the government (TAXPAYERS) going to take care of these folks that were displaced?

After all, we have sent our Military to find for freedoms of others, yet we have our government trying to take more of our freedoms away every day.  
FREEDOM is to choose.

Sincerely,  
Carla Squitieri

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
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Joan V Ray

07/02/2004 04:07 PM

To: "Teri Roberts" <arcdirector@alltel.net>  
cc: <ksvoboda@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>

Subject: Re: The Arc of Lincoln/Lancaster County

Dear Ms. Roberts: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Teri Roberts" <arcdirector@alltel.net>

RECEIVED  
JUL 02 2004  
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"Teri Roberts"  
<arcdirector@alltel.net>  
>

07/02/2004 03:39 PM

To: <ksvoboda@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <council@ci.lincoln.ne.us>  
cc: <mayor@ci.lincoln.ne.us>

Subject: The Arc of Lincoln/Lancaster County

Dear Council Members,

I want to take a moment to clarify an issue for you that was misrepresented on the news last night and this morning by the owner of Critters Bar. This is the bar that is emitting second hand smoke pollution into the Arc of Lincoln/Lancaster County's office. During the broadcast she had stated that she had just recently received a \$1200.00 bill for a ventilation fan that was required by the Health Department. I want to inform you that the fan installation was a part of a recommendation made in November 2001 as a remedy to the second hand tobacco smoke pollution being emitted by Critters Bar into our office on a daily basis. This installation did not "just" occur and it was not a requirement of the Lincoln/Lancaster County Health Department and it was not in response to the smoking ban or the vote on Monday.

When the Arc took occupancy of this office space in September 2001, I contacted Mike Holmquist, Environmental Health Specialist III, at Lincoln-Lancaster County Health Department, requesting that he conduct a site visit with regard to the smoke issue here. Mr. Holmquist and our landlord, G&C Investments, thoroughly investigated the daily health hazard present in our office. At that time Mr. Holmquist indicated that there were three main factors contributing to the transport of ETS from Critters Bar into the Arc office: a gap along the top of the fire wall separating our two spaces, the lack of a dedicated fresh air supply to the HVAC system of the Arc office and Critters Bar, and the lack of a 24 hour exhaust system in Critters Bar. G&C Investments instructed the owner of Critters Bar to make these necessary changes as a resolution to the ongoing problems and also as a condition of the lease agreement for the space occupied by the bar.

The owner of Critters did eventually install an exhaust fan. However she did

not carry out the other two recommendations made by Mr. Holmquist and required as a condition of the lease agreement by G&C Investments. As the situation continued and worsened in our office, I again contacted Mr. Holmquist and our landlord and requested another site visit. They established during this second visit in April 2004 that Critters Bar was not running the exhaust fan 24 hours a day as instructed during the initial visit, the gap on the top of the wall remained open and no dedicated fresh air supply had been installed.

Our landlord has since made the arrangements for the dedicated fresh air supply to be installed and notified the owner of Critters Bar that the cost of this unit (\$522.26), along with running their fan 24 hours a day and closing the gap along the top of the wall is all their responsibility to resolve the transport of secondhand smoke pollution into our office AND to meet the conditions of the lease agreement for the space occupied by the bar.

I wanted to furnish you with the facts of this issue rather than you believing that this is anything other than a compliance issue between a landlord and tenant. This did not occur because of, or in response to, the smoking ban or the vote on Monday.

Sincerely,  
Teri Roberts  
Executive Director  
The Arc of Lincoln/Lancaster County  
1101 Arapahoe Street, Suite 5  
Lincoln, NE 68502  
421-8866

----  
Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).  
Version: 6.0.708 / Virus Database: 464 - Release Date: 06/18/2004



**DO NOT REPLY to this- InterLinc** To: General Council <council@lincoln.ne.gov>  
cc:  
<none@lincoln.ne.gov> Subject: InterLinc: Council Feedback  
>

07/03/2004 03:17 PM

InterLinc: City Council Feedback for  
General Council

Name: Elizabeth Volkmer  
Address: 3818 C Street  
City: Lincoln, NE 68510

Phone:  
Fax:  
Email: jediliz@id7.com

Comment or Question:

I was wondering if Lincoln could start a strict enforcement of NO FIREWORKS BEFORE the 4th of July. And only allowing them ON the 4th of July (unless its done professionally). I have been hearing fireworks going off BEFORE the start of July- by Mid June it always seems that there are fireworks being shot off.

I think a strict time limit of no fireworks from 12:00 Midnight to 7:00 AM would also be a good idea. Some people have no respect for elderly or people with small children who have their babies or toddlers awoken because people are shooting fireworks off at 12:30 midnight or even later.

Also, it seems that every year, someone manages to sneak illegal fireworks into our city and nothing is done about it. There are always numerous complaints to the police, but nothing else is done.

If Lincoln plans to do something, they better do it now.

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



Joan V Ray

07/06/2004 09:08 AM

To: "D. Dickerson" <barz1114@neb.rr.com>  
cc: <Council@ci.Lincoln.ne.us>  
Subject: Re: sidewalk cafe permit

Dear Mr. Dickerson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"D. Dickerson" <barz1114@neb.rr.com>



"D. Dickerson"  
<barz1114@neb.rr.com>  
>

To: <Council@ci.Lincoln.ne.us>  
cc:  
Subject: sidewalk cafe permit

07/04/2004 02:23 PM

To all council members:

This is a copy of another e-mail I sent to Mr. Camp:

Mr Camp.

It would appear that the very wording that is said to be unenforceable for differentiation when it comes to allowing smoking or not in bars v restaurants is being used in the sidewalk cafe permit ordinance. I feel very confident that the food percentage language would not stand up to a legal challenge, just as the anti-smoking lobby has said in their fight.

In light of the way this smoking battle has gone, I will definitely have to take my chances and press forward with the sidewalk seating when the smoking ban commences.

Daryl Dickerson

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE



July 1, 2004

Coleen Seng, Mayor  
City of Lincoln  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68510

RECEIVED  
JUL 02 2004  
CITY COUNCIL  
OFFICE

~~RECEIVED  
JUL 02 2004  
LANCASTER COUNTY  
BOARD~~

Dear Mayor Seng:

The purpose of this letter is to remind you that the three-year terms of the following members of the Board of Trustees of the Community Health Endowment (CHE) will expire on August 31, 2004.

<u>Name</u>	<u>Current Position</u>
Michael J. Tavlin	Treasurer; Chair, Finance/Investment Committee
Molvina Carter	Chair, Funding Committee
Michelle Petersen, M.D.	Member, Administration Committee; Past President
Carol Ott Schacht	Chair, Administration Committee

Mr. Tavlin, Ms. Carter, and Dr. Petersen have completed two, three-year terms, the maximum allowed by city ordinance. Ms. Ott Schacht, who has completed one, three-year term, is eligible to be re-appointed, at your discretion and with City Council confirmation, to serve an additional three-year term. For your information, Ms. Ott Schacht has indicated to me that she would be pleased to accept a mayoral appointment to serve an additional, three-year term.

**We respectfully request that new appointments to the CHE Board of Trustees be made by August 15, 2004.** To assist you in the selection process, I have asked the CHE Trustees to provide me with recommendations for potential Trustee appointments. I would be pleased to provide you with this information at your request.

If I can be of any other assistance to you or your staff in the appointment process, please do not hesitate to contact me. Thank you for your attention to this matter and for your commitment to CHE.

Sincerely,

Lori Vrtiska Seibel  
Executive Director

cc Board of Trustees  
Members of the City Council  
Dana Roper, City Attorney



Mr. Werner,

Thank you for making  
all worksites in Lincoln  
smoke-free and for  
protecting the health  
of everyone in Lincoln!

Roberta Clausen

Roberta Clausen  
1925 SW 22<sup>nd</sup> Street  
Lincoln, NE 68522



RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

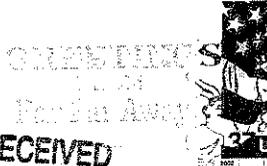
Lincoln City Council

Dear Councilman Werner,

Thank you for your vote on the smoking ban for Lincoln workplaces. What a great step toward providing clean air standards for all Nebraskans! As someone who visits Lincoln often the vote was wonderful news.

Sincerely,  
Saundra K. Karst  
Ambassador for the  
American Cancer Society

 Saundra K. Karst  
Box 996  
Wilber, NE 68465-0996



RECEIVED

JUL 06 2004

CITY COUNCIL  
OFFICE

Lincoln City Council  
Councilman Jerry Werner

Mr. Werner -

I was so excited to hear of the smoking ban in Lincoln. Not only are you helping protect the health of city residents, but also those of us who visit. Thank you for giving me another great reason to come to Lincoln!!

*Amy Prigge*

**P** Amy Prigge  
259 23rd Rd  
Ulysses, NE 68669-6929

ISSUED 20:47 07/02/04



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JUL 06 2004

CITY COUNCIL  
OFFICE

68669

Lincoln City Council  
Terry Werner  
555 S. 10th St. Rm 111  
Lincoln, NE 68508



7-6-04

Dear Councilman Warner,

Thank you for voting to make all workplaces in Lincoln smoke-free!

My children will soon be old enough to get jobs and now I know they'll be protected from the smell and bad effects of secondhand smoke.

Mona's Pribil's family

RECEIVED

JUL 07 2004

CITY COUNCIL OFFICE

Pribil  
311 Skyway Road  
Lincoln, NE 68505-2631



RECEIVED

JUL 07 2004

CITY COUNCIL OFFICE

Susie Dugan

RECEIVED

JUL 07 2004

CITY COUNCIL OFFICES

Dear Councilman Wexler,

Thank you for your leadership in making Lincoln smoke-free. I am in Lincoln often and will stay longer & visit places I've never been to before since I am allergic to smoke.

Thank you for the courage and perseverance to do the right thing.

Susie Dugan

Susie Dugan  
1848 So. 138 St.  
Omaha, Neb 68144

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

Councilman Werner:

I am writing to let you know that I am opposed to the amendments that you voted to approve Monday night.

You have bypassed the legitimate concerns of many of the citizens of Lincoln and you did so in an underhanded and unacceptable manner. You have not addressed the issues fairly and in good faith, but have slipped in an ordinance with no public debate, (except for what you allowed the Health Department). Both sides of an issue must be allowed in a government decision!

You have failed to address the issue of break rooms, smoking rooms and have allowed some businesses to profit from your ordinance. If you truly believe that this is a health issue, then is the health of a maid less important to you for some reason? What message do you send with that exclusion?

You have failed many Lincoln small businesses and tread on the liberties of Lincoln residents. Liberty is the "right to choose". And, finally you have failed to address the fact that smoking is legal.

The State of Nebraska could choose to address this issue and in making this a City, (not even County) you have put many at a great disadvantage.

My vote (along with many others) will be against you in the next election.

Signed:

*Lina Noel*

2940 South 12<sup>th</sup> St.  
(68502)

Christine & Walt Bleich  
1062 "Y" St.  
Lincoln, NE 68508

Councilperson Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> St.  
Lincoln, NE 68508

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

Dear Terry,

We would like to express our deepest appreciation to you for all you have done to make Lincoln smoke free. We know that you have taken a lot of flack and criticism for your stand to protect Lincoln's citizens, especially our children. Such courage is quite rare these days when most politicians try to placate all sides of an issue. Seeing an elected official like you standing by their convictions is quite refreshing.

We sincerely hope that this miraculous turn of events is not sabotaged and that the ban is not again watered-down to the point of being meaningless. We have a hard time understanding the logic of restaurant and bar owners who assume that their business will suffer under the ban. When seven out of every ten Lincolniters are non-smokers many of whom, like Christine and myself do not enter smoking establishments, how can serving thirty-percent of your customers at the expense of the other seventy-percent be a good business decision. Anecdotal accounts of lost business elsewhere are completely contradicted by the validity of the many studies, which have shown no adverse economic effects.

The positives of a smoking ban are indeed many, but we feel one of the most important aspects of the ban, will be the message that this sends to our young people. Allowing smoking in public places is sending contradictory messages and has undermined our attempts to keep our children from choosing to use tobacco products. It's funny, in polls, about 90% of smokers have said they would like to quit, with that in mind the ban far from being an attack on these people's rights, is more of an assist in helping them become what they truly want to be, smoke-free.

Sincerely,

*Walt & Christine*

Walt & Christine Bleich

*We will volunteer  
for your campaign.  
477-5584*

7/1

  
D E M A R S   G O R D O N  
O L S O N • Z A L E W S K I

LAW FIRM

RECEIVED  
JUL 06 2004  
CITY COUNCIL  
OFFICE

July 1, 2004

Members of Lincoln City Council  
575 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: "O" Street Revitalization Plan in Conjunction with Antelope Valley Project

Dear Council Members:

This letter is written on behalf of the Block 23 Business Owners' Association. We represent T. O. Haas, LLC, one of the members of the Block 23 Business Owners' Association. T. O. Haas, LLC operates a retail tire and service center at 2400 "O" Street in Lincoln. For several months, T. O. Haas, LLC has been in discussions with Marc Wullschleger and others representing the Department of Urban Development concerning the proposed inclusion of the block bordered by "O" and "P" Streets and 24<sup>th</sup> and 25<sup>th</sup> Streets (Block 23) in the redevelopment plan which is proposed for the area to the East and North of the Antelope Valley Project.

T. O. Haas, LLC became aware of the proposed redevelopment plan somewhat by accident, and has been concerned ever since. As you may or may not be aware, T. O. Haas, LLC has already expended a considerable sum of money, labor and time in doing renovation to the 2<sup>nd</sup> floor of the tire store and service center at 24<sup>th</sup> & "O" Street. Further, T. O. Haas, LLC has been planning for some time to renovate the exterior and make additions to the building and other improvements for the location. Additionally, other property owners on Block 23 have recently made considerable expenditures to renovate their buildings. All are concerned with the issues discussed in this letter.

While Urban Development has indicated by email that it will be some time before any development plans would be undertaken for this block, there has been no indication that the block will be removed from the proposed redevelopment plan. In other words, Block 23 is in the current plan which indicates that the City would condemn the tire store and other businesses, and through one or more developers, provide for new residential housing with some ground floor service retail in this block. It appears from the proposed plan that T. O. Haas, LLC would be unable to maintain its retail tire store at this location. Again, while assurances have been made that this would be a long way in the future, the plan still includes this block.

Members of Lincoln City Council  
July 1, 2004  
Page 2 of 2

My client and the other Block 23 business owners are unsure of how to proceed at this stage. Any further investment in their properties at this time may be unwise knowing that sometime in the near or distant future eminent domain may make such an investment at the least foolish. At the best, it would require the city to pay a great deal more for this property than it would be required to pay without such renovations.

There are other Block 23 landowners who have even more concerns. For instance, the owner of the property at the Southeast corner of 24<sup>th</sup> & "P" Street is unable to rent his building due to the shadow of eminent domain. The possibility of eminent domain chills opportunities for leasing or selling this property. It makes it nearly impossible to finance any improvements.

It seems unlikely that the city would not desire current owners to improve their property or make any investments for the next 20 years, assuming that is the time-line for ultimate redevelopment. In addition, it is unfeasible for any of the current owners of businesses on this block to move their businesses to other locations due to the cost of moving and the probable depressed land value which would occur in the event of a desire to sell caused by the inclusion in the redevelopment plan

The only recourse the owners now have is to request that the block be removed from the proposed redevelopment plan, thus removing the shadow of eminent domain. This remedy seems only fair since the possible redevelopment of this block is years, if not decades away.

We would like to meet with you to discuss these issues.

Very truly yours,



William E. Olson  
For the Block 23 Business Owners Association  
And T. O. Haas, LLC

WEO:sks



"Carol B"  
<carolserv@hotmail.com>

07/06/2004 04:00 PM

To: RHoskins@ci.lincoln.ne.us  
cc: PNewman@ci.lincoln.ne.us, AHarrell@ci.lincoln.ne.us,  
aabbott@ci.lincoln.ne.us, HKroos@ci.lincoln.ne.us,  
SOpfer@ci.lincoln.ne.us

Subject: Re: sidewalks

RECEIVED  
JUL 06 2004  
CITY CLERK'S  
OFFICE

Randy,

Thank You for replying. Although you think the areas that I pointed out to you may be functional and better than the old very broken sidewalks, will they last over the time we expect our sidewalks to last...especially if they are already breaking down. Shouldn't the contractor be held to replacing the sidewalks, if they don't last a certain amount of years. I did not see a standard of how many years or months you expect these sidewalks to last. We think we have a problem with sidewalk repairs now, what about 5 years down the road? I ask you to look at the sidewalks outside of your home, compare them to areas that have recently been done...is this all we can expect of our tax dollars? Is this how you feel about the roads that are going to have to be replaced in residential neighborhoods? It makes it sound like we should have less quality standards for the older neighborhoods when it comes to replacement. Should we have to settle for less....Hummm.

When I was referring to the crookedness of the sidewalks on 49th and Huntington it was between the sidewalk sections, that I was referring to. Nothing that Mr. Groat did to put a finish on his sidewalk made the sidewalks look bad. It is evident without a t-square that the lines were not straight but I wanted to measure the curve. Even in city standards you talk about having straight lines. So just what standards are we using? Are the standards the same for old neighborhoods different from new neighborhoods, because I have not seen any new construction sidewalks looking like this. Again I expect good quality work, that will last, out of my tax dollars. Is that too much to ask?

Now I do have a suggestion for these ramps with or without dome. Some ramps have a built in seam on the wings of the ramp. So you don't have to travel far for an example there is one on the Northeast corner of the City Co building. This technique seems to alleviate the cracking that occurs on these wings, on the sidewalk ramps that I have observed. Maybe this should be 'standard' so these wings don't crack off like they are doing. What evidence do you use to make the assumption that large trucks have caused the cracking of these ramps so I can use that same criteria when I observe more of these ramps? If that is a fact then we need different standards like the sectioning of the wings that I have mentioned above so we get more life out of our sidewalk ramps.

You stated the department has spent 'about \$140,000 for design and inspection of these projects through July 2' I beg your pardon but what design is involved in these sidewalks?

I still have a few questions that you did not address and a few added questions:

What is the expectation of longevity for our sidewalks?

How many and who are the contractors working with the city to fulfill our quota of sidewalk repair?

Is there a guarantee on the life of the concrete etc.

Is the concrete good quality? How do we know it is good quality concrete?

How many sidewalk inspectors do we have specifically for sidewalks?

Thank you,  
Carol Brown

>From: RHoskins@ci.lincoln.ne.us  
>To: "Carol B" <carolserv@hotmail.com>  
>CC: PNewman@ci.lincoln.ne.us, AHarrell@ci.lincoln.ne.us,  
>aabbott@ci.lincoln.ne.us, HKroos@ci.lincoln.ne.us, SOpfer@ci.lincoln.ne.us  
>Subject: Re: sidewalks  
>Date: Tue, 6 Jul 2004 11:00:54 -0500

>  
>

>Our inspectors have been out and looked at the list that you provided, and  
>I went out and looked at a number of the locations myself. Was it the best  
>looking work I'd ever seen? No. Was it functional and a vast improvement  
>over what was there before and did it meet specs? I would say yes.

>

>We also took a look at the cracked ramps. There is unfortunately nothing  
>to suggest that the cracks had anything to do with workmanship or  
>situations that the contractor could control. The evidence suggests that  
>the ramps were run over by large vehicles, causing the cracking. As a  
>result, the contractor has no responsibility to repair or replace those  
>ramps. We will be asking the contractor to seal the cracks in those ramps  
>in an effort to prevent problems that might result in the cracks widening.  
>We will keep an eye on the Hartley ramp you noted to see if it does  
>continue to subside after the crack is sealed. Some of the ramps you noted  
>are older ramps (without domes) that we would have no recourse on even if  
>they were the fault of the contractors.

>

>The worst looking sidewalk I saw was due to the work Groat did in front of  
>his house. In his attempts to edge it, he did not keep straight lines, so  
>the edge of the sidewalk looks crooked through there, as you noted. This  
>is certainly not the contractor's fault. As to the joints not being  
>square, the only one of note I saw was where Groat's driveway goes at a  
>skew to the sidewalk. In that case, the joint line followed the edge of  
>the driveway, as it should have. I would suggest that if one has to get  
>out a T-square to find a deflection of less than 2 degrees, that is  
>definitely within acceptable standards.

>

>You mentioned that at 1210 Benton it "looks as though the concrete was  
>smearred on". There is a little new concrete that ended up on the old  
>concrete. You can tell that by the color differences, though it is flat  
>and poses no problems. The only other problem I could see at that location  
>was that a cat walked through the wet concrete. The finishers tried to  
>smooth out the first couple of paw prints, but the concrete had already set  
>up too much, maybe that is what you were referring to as the smearred on  
>portion. The rest of the paw prints were just left in place, as they are  
>fairly light and do not impact the sidewalk other than its appearance.

>

>You can find the information you asked about regarding our specs at  
><http://www.ci.lincoln.ne.us/city/pworks/engine/spx/ch07.htm>. The standard  
>plans can be found at  
><http://www.ci.lincoln.ne.us/city/pworks/engine/spx/estdplans.htm>. We have  
>let contracts in excess of our million dollars allotted this year. This  
>was accomplished by using a multi-year contract on the last contract let,  
>expecting to finish constructing and paying off the contract with the  
>sidewalk money next year. In looking through the project budgets, it  
>appears we have spent about \$140,000 for design and inspection of these  
>projects through July 2. That amount may not have been totally out of this  
>year's budget, but rather that is the entire amount spent on the projects  
>to-date.

>

>We've passed along your list of "good" locations to the contractor in hopes  
>that he will continue that type of work at other locations under contract.

>  
>Randy Hoskins, P.E.  
>City Traffic Engineer  
>City of Lincoln, NE  
>

carolserv@hotmail.com

From : Carol B <carolserv@hotmail.com>  
Sent : Wednesday, June 16, 2004 3:10 AM  
To : aabbott@ci.lincoln.ne.us, RHoskins@ci.lincoln.ne.us  
Subject : sidewalks  
Alan and Randy,

Forgive me for not replying to you sooner....I do have a life and do not, spite what you might think, make it my life's mission to monitor the sidewalks of Lincoln. Having said that though and having walked the Huntington/Walker and 49th to 51st street area today for the fifth time, during a break at Wesleyan registration, I will respond to your messages.

You are probably right. My expectations and the expectations of those that put in the sidewalks, at the locations that I will list, do not match. I expect straight lines between the sections of sidewalks and smooth (not broken off) edges to my sidewalks. I expect no quarter size holes between the sidewalk sections either. To me it is a matter of pride, training and attitude in workmanship and pride in preserving our existing community. Many of the older portions of sidewalk are 20-30 or 40 years old. They have lasted that long because they were done with skill, knowledge of the correct methods of laying sidewalk and without shortcuts. I really have my doubts that we will get the longevity out of the sidewalks we are putting in today esp. when we are seeing deterioration, cracking and crumbling of sidewalks that have only been in place for short periods of time. We will be in the same financial fix with our sidewalks in 2-3 to 4 years if they are not installed properly.

Randy you stated that you get what you pay for. If my husband and I do a ring sizing for 20 dollars and another jewelry store does the same ring sizing for 60 dollars don't those customers deserve a job well done in both circumstances? Shouldn't they expect top quality workmanship no matter what the cost? I tell you we would not be in business anymore if we only did half the work or did not take pride in quality. Maybe it is time we start eliminating the companies that don't do quality work. There are many hungry concrete workers out there.

I have a few wondering questions I hope you can answer.  
What are the standards and expectations of the companies that lay the sidewalks for our city? Could I get a copy of those standards?  
Are inspections required for all of the sidewalks put in?  
What is the expectation of longevity for our sidewalks?  
How many contractors are working with the city to fulfill our quota of sidewalk repair?  
Are there any funds remaining from our million that we put toward the sidewalk repair program and how much has been used on soft costs?  
Is there a guarantee on the life of the concrete etc.  
Is the concrete good quality?

Now here is a list of just some sidewalks I have noticed in areas that I frequent.

4935 and Huntington (yes in front of Mr.Groat's home) the sidewalks are crude looking at best, with quarter size holes in-between the sections that were marked with something that was obviously warped. I took a t-square to

the sections and they are ½ to 1 ½ off square. It makes you dizzy to walk the sidewalk if you are looking down. The edges also are not smooth by any means. It looks sloppy. This same method continues around the corner south onto 49th st.

I walked up to Walker and 51st and the ramp with dome is cracked. (NE corner) I would like to know when the ramp at 51st and Huntington (east side) was put in for it does not look very old and it is cracked into 5 pieces.

46th and Q st a ramp is cracked

48th and R a ramp with dome is cracked

41st and Adams ramp is cracked

4th and W.Fletcher ramp is cracked

Portia and Manatt ramp is cracked

1649 Hartley ramp with dome is cracked. The resident of this home came over and talked to me and he and his neighbors are not happy campers. They have called several times to the city to report this ramp and someone told them several times they would send someone out and it has not been looked at. It is more than cracked it is separating rapidly. I suggest you talk with this resident to help him understand how government works.

NW Gary and W Beal Intersection and sidewalk on the north side has very crude looking surface looks very sloppy.

1210 Benton looks as though the concrete was smeared on you will just have go look at this one.

These are just ones that I have driven by recently that I took the time to write down. It is very distressing when you can tell by the white appearance that they have been done very recently.

Now I will also tell you of some sidewalks that look very nice that have been put in around areas that I frequent.

Paxton st in my neighborhood

NW 7th and W Beal

NW 1st and Superior

N 10th and Benton

N 13th and Benton

Also at the MRT this last Thursday it was brought up that we still do not have anyone responding back to us when we submit sidewalks for repair. We are hoping that someone is recording that we are reporting these for repair it would be nice to have an email back saying that you have received the message. That way we don't have to worry if it is floati g out there somewhere in cyberland.

I will take this opportunity to report some very bad sidewalks, that have not been repaired, I have walked recently.

3810 N 17th

1411 Atlas

1241 Irving

611, 631, 409, 423 West Beal

1945 Fairfield

6200 NW 5th

4521, 4401, 4225, 4100 N 10th

I am sorry if I make your life miserable but I care too much about my city and the hard earned tax dollars that go into maintenance of our fair city to stand by and watch when I think this is COST SAVINGS and EFFICIENCES just like we addressed in the roads situation.

Carol Brown

From: aabbott@ci.lincoln.ne.us  
To: "Carol B" <carolserv@hotmail.com>

CC: aabbott@ci.lincoln.ne.us, council@ci.lincoln.ne.us,  
Mayor@ci.lincoln.ne.us, RHoskins@ci.lincoln.ne.us  
Subject: Re: sidewalks  
Date: Thu, 10 Jun 2004 08:51:29 -0500

What are you talking about? waht sidewalks do not meet your expectations. We do not let contracts to do shoddy work. If there is a problem let me know where it is and I will look into it. I do not appreciate the innuendo that PW&U does not care about the quality of a product.

"Carol B"  
<carolserv@hotmail.com>  
aabbott@ci.lincoln.ne.us, council@ci.lincoln.ne.us, Mayor@ci.lincoln.ne.us,  
l.com>  
RHoskins@ci.lincoln.ne.us  
cc:  
06/09/2004 10:50  
PM  
Subject: sidewalks

I am very disappointed that our new sidewalk repairs are not up to a standard that we would expect them to be. We have worked too hard to find funds for replacing our our broken sidewalks I would not like to see those funds squandered on shoddy workmanship. What would be the problem of bidding out the sidewalks to those that take pride in quality not quantity.

Carol Brown

From: RHoskins@ci.lincoln.ne.us  
To: "Carol B" <carolserv@hotmail.com>  
Subject: Re: sidewalks  
Date: Thu, 10 Jun 2004 12:50:20 -0500

Could you please give me specific examples of locations where you've seen sidewalk repairs that are not up to standards or where this shoddy workmanship is? I will have our sidewalk inspectors to take another look at those locations. I can tell you I am aware of instances where we've had standards not met or shoddy workmanship and we have required the contractors to remove new sidewalk and repour it.

The problem in bidding out the sidewalks to those that take pride in their work is that we are limited by State law to take the low bidder. Just as all houses are required to meet building codes, some are better built than others. The difference between the two houses is typically reflected in the prices paid for them, with the nicer one coming at a premium.

Therein lies the catch. We could upgrade our standards for finishing sidewalks, but it would cost more. The higher price for those sidewalks would require that we either need even more money to catch up on sidewalk repairs, or we would have to again spread them out over a longer time period. Under the current scenario, new sidewalks are constructed of proper materials to the proper thickness and smoothness, taking care of the problems that existed. The finish on the sidewalks is a more subjective aspect and is dependent upon the work ethic and pride of those doing the work. If the finish is truly an issue for a homeowner, they can hire the work done by the firm of their choice (or do it themselves) and be reimbursed by the City.

Randy Hoskins, P.E.  
City Traffic Engineer  
City of Lincoln, NE

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4 July 2004

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JUL 07 2004

CITY COUNCIL  
OFFICE

Dear City Council -

The Patriot Act is our leaders attempt to install fear in American citizens while taking away the basic rights that our country was founded upon. I urge you to continue supporting the Defense of Liberty resolution that will help us get our country back.

Americans need to stand up and be heard, short-term + irrational thinking + decisions will cause us great danger in the future, + the time to put an end to this is now.

Do your part.

Thank you.



E. Sommer  
5921 Barthelemy Cir.  
Lincoln, NE  
68512

RECEIVED

JUL 07 2004

7-404

CITY COUNCIL  
OFFICE

Dear Jerry Werner,  
While I am not a resident of Lincoln, I do work there. I want to thank you for passing the smoke-free ordinance for all work sites.

I am also a cancer survivor so this has a double meaning for me. It will allow myself and my family access to

activities in Lincoln without jeopardizing our health.

Thanks again  
Lorrie Stierwalt



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JUL 07 2004

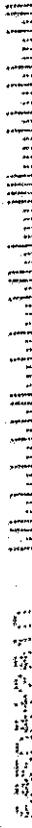
CITY COUNCIL  
OFFICE



Lorrie Stierwalt  
1510 S 8th St.  
Beatrice, NE 68310



Lincoln City Council  
Jerry Werner  
555 S. 10th St. Room 111  
Lincoln NE 68508





**DO NOT REPLY to this-  
InterLinc**  
<none@lincoln.ne.gov  
>

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

07/07/2004 10:17 AM

InterLinc: City Council Feedback for  
General Council

Name: Ed Schnabel  
Address: 7317 South Wedgewood Drive  
City: Lincoln, NE 68510

Phone:  
Fax:  
Email: eds19495@aol.com

**Comment or Question:**

I hope you have taken the time to read my note to Mayor Seng, "Where has the money gone?"

I would you to address this issue also, I would like to know where all the money has gone that the developers have paid into the city for new roads next to their developments, roads that have yet to be built. Some over ten to twenty years behind the development.

I would hope that you (council) would address this question with the city staff before you even think of asking for a bond issue, or even think of spending money for a special vote on a bond issue.

I will be looking forward to your answers, I would like to hear from you, not your staff or a form letter from the city, but a letter that does address the question, "Where has the money gone?"

Thanks,

Ed

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JUL 07 2004  
CITY COUNCIL  
OFFICE



**Joan V Ray**  
07/07/2004 10:26 AM

To: EDS19495@aol.com  
cc: mayor@ci.lincoln.ne.us, council@ci.lincoln.ne.us, EDS19495@aol.com  
Subject: Re: Where has all the money gone?

Dear Mr. Schnabel: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

EDS19495@aol.com

RECEIVED  
JUL 07 2004  
CITY COUNCIL  
OFFICE



**EDS19495@aol.com**  
07/07/2004 10:08 AM

To: mayor@ci.lincoln.ne.us, council@ci.lincoln.ne.us  
cc: EDS19495@aol.com  
Subject: Where has all the money gone?

Mayor Seng,

I would really like to know, "Where has all the money gone?" I read that you and your staff said that we are \$135 million dollars behind in street and road construction and need to pass a \$75 million dollar bond issues to start to address these needed road improvements.

Again, I have to ask, "Where has all the money gone?" When I drive around the city and see all these new developments, homes, shopping centers, churches, industrial sites, I have to ask, "Where has all the money gone?" Where has the taxes gone that these developers have paid in the way of fees for road improvement next to their developments? What has become of the money from the increase in taxes that should have come in from these developments?

Then I keep reading and hearing you said that taxes have not gone up. I should go back and see what my taxes were when I bought my home 30 years ago, just to see how much they really have increased. I know that my home has had its value raised many times over the years, thus, as you state, "Your taxes have not been raised," my taxes I pay should be next to nothing. As, if the taxes have not gone up, then as my value has gone up my taxes paid should have gone down the same percentage.

Sorry to say that has not been the case. In years past, the value has gone up and the taxes have remained the same, thus a tax increase.

"Again, where has all the money gone?" The wheel and gas taxes keep going up, year after year, most were passed as a short term, one time tax. I can never recall a year when we had a press release stating that a given tax has now ended.

I would really like to know where the money has gone? Why haven't the streets been built as the new developments were being built? I look at West South Street, West A Street, South 14th street, Adams, Holdredge, etc., why were these streets not built to 4 or 5 lanes before the developers were allowed to turn the land over for development.

South 14th street should have been built to the five lanes, completed, before the new high school was allowed to open, same goes for the new YMCA, Lib. and park.

I do not like to say it, but this has been on going for all the years I have lived in Lincoln, 50 years. I travel to other cities, see that they are building new roads to 4 or 5 lanes before the developers are allowed to open their new developments. Why doesn't Lincoln, why are we always 10 to 20 years behind the developers in getting the roads built? For some improvements we are over 30 to 40 years behind the developments.

Same goes for our water and waste water trunk lines. Why hasn't the city been looking ahead and seeing the needs to bring these systems on line before the developers move into these new areas?

I watch the council week after week approve new developments, talk about the need to pay for the roads and other improvements, the cost to be paid by the developers. But I do not see the roads that should have been built being built as these developments have been built. Again, where has these funds gone that should have been used for the roads around these new developments?

I hear the city said we cannot afford this and that, then we build a new ball park. The funds just happen to be there that were not there just the week before. Again, where did the money go, or in this case, where did it come from? No one has ever said how the city was able to give money for the new ball park a week after it (city) said it was going to have to cut projects from the city budget because the lack of funds to carry them out.

Now you tell me that I cannot vote on more than one issue at a time, thus will spend more funds to have a special election to vote on this bond issue. I see this as a total waste of money that could be better spent, like on sidewalk repair, etc.

I really would like you, Mayor Seng, to tell me where the money has gone these past twenty years, as you have been Mayor or on the council? I would hope that you would answer these questions before you even think about having a bond issues for road construction. If I were a member of the press, I would be asking you this question at every meeting with the press or whenever you address the public.

I wish I had the time to attend the meetings and address you face to face on this question, just to get it out in front of the public. My friends all have the same question, "Where has the money gone?"

Well, "Where has it gone?"

I will be looking for you answer.

Sincerely,

Ed Schnabel

July 4, 2004

Terry Werner  
555 S 10th St, Room 111  
Lincoln, NE 68508

**RECEIVED**  
JUL 07 2004  
LANCASTER COUNTY  
BOARD

**RECEIVED**  
JUL 07 2004  
CITY COUNCIL  
OFFICE

Good Morning Terry,

I am writing this letter to you and all of your fellow City Council Members and the Mayor, with the hope that you will once again re-consider the new and present "Smoking Ban". I realize that there are many points of view and different perspectives on this controversial topic – but I can only respond and relate to this issue in the manner in which it has affected our business and in the manner that the "New Smoking Ban" will affect our business.

I must also state that I am offended and insulted by the remarks of Council Member Ken Svoboda. He said that he did not think that anybody made any changes following the passing of the "First Smoking Ban." I can assure you that we made significant changes following the passing of the "First Smoking Ban." These changes have drastically changed our business – and we were hurt by the "First Smoking Ban" and we are now going to be hurt again by the "Second and New Smoking Ban".

Perhaps a little background of our involvement with this "Smoking Ban" will help you understand our situation and the predicament in which we now find ourselves. I wrote each and every Council Member at the time that this smoking issue was being discussed in the early part of the autumn of 2003.

In my original email letter I stated that I WAS NOT IN FAVOR OF A CITY SMOKING BAN. However, I did qualify that statement by also stating that I am not in favor of smoking either. My wife Susan and I do not smoke. In fact, Susan has been a Cancer Nurse for 25 years and is against smoking based on the issue of health. She has seen hundreds of people die prematurely over the span of her career, in large part due to smoking. So, we have never been supporters of smoking. We both believe that smoking is hazardous to a person's health. Smoking is a huge financial drain on people and to be honest, we see very little redeeming social value in smoking.

However, having said all of that, we still are not in favor of a CITY or COUNTY SMOKING BAN. We would support a STATE WIDE SMOKING BAN – but even more so – would we support a NATION WIDE SMOKING BAN. And, this is where my real concern lies – with our Federal Government. Our Federal Government has been more concerned about the economics of smoking rather than the health issues of smoking. Smoking has caused a tremendous financial drain on our health system and on our insurance companies – not to mention the millions of people who have died pre-maturely. It is stated on all cigarette packages that smoking is harmful to one's health – yet we do nothing about it from a Federal standpoint. Instead, our Federal Government supports and subsidizes the tobacco industry. Our Federal, State and Local Governments place heavy taxes on cigarettes. Government up and down the line all benefit from the taxes that are raised from the sale of cigarettes. Politicians – both Democrats and Republicans accept money from the tobacco industry in their bid to get elected or re-elected. Yet, no Federal Government body has been willing to tackle the real issues about smoking – the health issues.

Our Federal Government won't let people smoke in their Federal Buildings, yet they continue to support and subsidize the tobacco industry, tax the heck out of cigarettes and take money from the tobacco industry – while millions of people suffer every year and thousands die every year – as a result of smoking.

It also further upsets me – to know that the tobacco industry has intentionally tried to increase the level of nicotine in cigarettes. The tobacco industry intentionally tries to addict people to cigarettes – for the sole purpose of financial gain. This is especially troubling to me – that we have a product that causes addiction – plus health problems – and death! Yet, our Federal Government has done nothing to ban or prohibit smoking. It would be a glorious day in America if our Federal Government would make nicotine an illegal substance.

There was time when Coca-Cola was made with cocaine. Our government saw the danger in this product and banned cocaine as an illegal substance. I would heavily support a ban of nicotine. That act alone would decrease the amount of smoking in this country. If nicotine was removed from cigarettes, people would no longer have the strong addiction and urge to smoke, nor would they be forced to spend so much of their hard earned money on a tobacco habit. Yes, you still may have some people who would smoke out of the enjoyment of the smoke, such as what you see with cigar smokers or pipe smokers – but the smoking habits that we see today, would not be the same. People who wanted to continue to smoke – would no longer be addicted – and they could enjoy the smoking in the privacy of their own homes or perhaps – in special ventilated rooms if some businesses wanted to have a smoking club or lounge. But the bottom line is simple, if people were not addicted, they would not smoke nearly as much as they do now. And, it would be much easier to go without smoking for long periods of time.

But, why should there be a CITY BAN OF SMOKING when the Federal Government has not been responsible on their end. Why should a group of LOCAL BUSINESSES be forced to suffer a huge financial and economic loss – when the Federal Government is not protecting people from the harmful affects of cigarettes? The Federal Government supports, subsidizes and taxes the tobacco products and the politicians gladly accept the money from the tobacco industry. It seems like everyone is benefiting financially from the tobacco industry – except for local business people who will take huge financial and economic losses as the result of a City Smoking Ban. All the politicians seem to be in favor of the economic gains and benefits of the tobacco industry. And now, we have a City Council who is asking me to fight this problem in my business. We now have a City Council who is asking me to take huge financial losses and suffer economically and fight this smoking battle, while not doing a darn thing to really put an end to this smoking problem. It really does not add up to fair government from my perspective.

Suppose that as a restaurant owner I, served a hamburger that made people sick and gave them stomach cramps and pains – and caused them to be nauseous all the time – would the health department allow me to continue to serve my hamburgers? Of course not, I would be shut down rather quickly. Yet, our Federal Government allows these large tobacco industries to grow a crop and manufacture a product that is killing people daily – yet our government does nothing. Our local Health Department does nothing to stop the real problem of smoking. There are no battles being fought against the tobacco companies. Tobacco companies are making huge profits. Government is receiving financial gains and benefits from the tobacco industry – but now – you are asking me – a small business person to take all the financial loss and economic backlash for a problem that I did not create or start. Now, where is the fairness in that logic? You as a City Council and our local Health Department say that you are for the health of this community. Then, if you are for the Health of this community, file a lawsuit against the Federal Government for negligence on their part – for supporting and helping the tobacco industry and for allowing a company to grow, make and financially gain from a product that is addictive and tremendously destructive to a person's health. And, they grow, produce and gain from a product that does kill!

Yet, on a local level, you want me to fight this fight and take huge financial losses? I am not in favor of a local smoking ban – because I believe we need a country wide smoking ban that would best be accomplished by banning nicotine – as an illegal substance. But, to ask a local business person to be the one to fight this problem and to suffer financially – that is asking me to take the blame for someone else's mistake. Why

should the bars and restaurants of Lincoln suffer economically because our politicians care more about money than the health of the citizens of this country.

A State ban would be better than a City Ban, because at least it creates a more level and larger playing field for the businesses of this State. However, a State ban would hurt some cities more than others. In Omaha, for example, you would have many people run across the river – over into the Casinos of Council Bluffs, and you would be asking the business owners of Omaha to take an economic loss – while the business owners of Council Bluffs would reap the financial benefits of a Nebraska Smoking Ban. Likewise, you would have the cities along the borders of Kansas being hit financially, because people would run into Kansas to eat and go out for entertainment. That is why I would be very supportive and encouraged by a COUNTRY WIDE SMOKING BAN – or more importantly – a law that would make nicotine an illegal substance.

If we made nicotine illegal – many of the smoking problems would start to disappear. As a City Council, this is the fight that you should be fighting – a fight against our Federal Government for not standing up for the citizen's health of this community and this State.

I am not in favor of smoking. I think if this country would become smoke-free (except for occasional smoking of pipes, cigars and nicotine-free cigarettes), we would be a much more healthy country. But, to ban smoking in this city alone, all you will accomplish is the financial destruction of some of the local establishments. You will not solve the problem of smoking! You will not curb nor will you stop the smoking that is harming the health of the citizens of Lincoln. You will only force them to go to different places to smoke – and they will not patronize bars and restaurants as frequently – which is where the economic shortcomings will take place. No, I am not in favor of destroying the local business person that has worked hard to make a fair and honest living. Again, why would you ask me – or any other restaurant or bar – to fight this battle – when our own Federal Government won't fight this battle? Why should I lose money and fight with my customers – only to see politicians take money from the tobacco industry? Why should the city of Lincoln see financial gain from the taxes of cigarettes, so you can build buildings and pay salaries, but you ask me to take huge financial losses by banning smoking in my establishment? I think you – as a City Council – are looking at the wrong people to fight this battle. Why would you ask your fellow neighbors to take an economic loss and fight a battle that is not theirs, when the real battle should be fought in Washington – with your fellow politicians?

The following is a copy of my original email that I sent to you:

My name is Bob Ihrig and I am the owner of Bob's Gridiron Grille & the Pigskin Pub in the Bishop Heights Shopping Center at 27th & Highway 2 in South Lincoln. I am reading with great displeasure of your discussions about a possible or potential "exemption to the smoking ban for bars." If a bar serves "no food" or "incidental food" - you are considering the possibility to allow smoking in their establishment. In other words, people can still smoke in those establishments. That sounds to me like an unfair advantage to those establishments that offer "no food" or "incidental food." And, what does "incidental food" really mean? Are you really trying to pass a bill that would allow a customer to still go to places such as Cheerleaders, Bleachers, Brewksy's, Sportscasters, the Misty's Isles and places such as that and still eat and smoke? While at the same time telling restaurants such as Applebees, Chili's, Misty's, Dave's, Whiskey Creek and ours that we will be penalized - because we will no longer be able to cater or serve those people who wish to come in and eat and smoke. The only fair way to handle this problem is to allow each individual business owner the choice on what they want for their business and their customer base. Or, if you must, ban smoking all together - for every business!! I also think it is hypocritical to allowing smoking for "theatrical performances." If a story was a story about child sexual abuse, would you allow that on stage, simply because it is a "theatrical performance"? If it is banned - it should be banned for everyone and all business owners - period. That means, the city should not allow any business to offer or permit smoking. Any other solution is unfair and you will be showing favoritism which will open the city up against future lawsuits. To allow any type of "exemption" is "discrimination against certain business owners!" That is not what I want and that is not what the city should want. If I had my choice, I would wish everyone would quit smoking and the tobacco companies should be fined for producing a product that has caused serious damage to our society. But, as lawmakers, nobody has been brave enough to ban smoking altogether. Smoking is not an illegal

activity. Instead, smoking is a privilege we have allowed the citizens of this country to engage in - if they are of age. Now, you have many people who have a serious habit and they want to smoke. To make any type of "exemption" would be totally unfair and would only come back to cause further problems. I agree, non-smokers have a legitimate complaint and should not be forced to be in an environment that is harmful to their health. But, it appears to me that as lawmakers, if it is really that bad, then take a stance to make it illegal altogether. But, why expect private business owners to be the policemen of a social problem - when you as lawmakers are afraid to take the real steps you should be taking on the matter. To me, this is not a city issue, it is a State and Federal issue and we either say that smoking is bad and make it illegal - or we allow it - and let private people and let private business owners make their own decisions on how they will handle this issue. Furthermore, if the smoking ban is passed, it will cause many problems for this city. You will cause many little bars and restaurants to open outside of the city limits and you will see a decrease in city funds. You will force many business owners out of business, because smokers will go to places right outside of the city limits to smoke. You will hurt our business, because we have both a restaurant side and a pub side. You will force us to be totally a restaurant or totally a bar. And, why should a business be penalized because they have done both for their business existence. In summary, I am against the smoking ban, because I believe the ban should come from a higher authority and if this country decided to make it a federal law, that would be the best course of action. Until then, why are you as a "City Council" trying to tell citizens of this city and visitors to this city that the people in Lincoln cannot do something that is legal to do in our society. This is another example of lawmakers trying to force business owners into a role that should not be their role. I'm not saying I favor smoking, I am against smoking. But, a smoking ban is not the answer. A Federal Law against smoking should be passed. As a City Council, you should attempt to change the laws that would be fair for everyone. To me, the fair thing would be to make smoking in the State illegal. Then, we should not be able to legally buy cigarettes and we should not be allowed to smoke. But, you would not do that and the State would not do that - because it would affect state income. But, you are willing to tamper with my business income. That is not fair and I am very disappointed in the course this council is taking. Perhaps, you as a City Council, should bring lawsuits against the people who make the cigarettes and if you are really trying to protect the citizens of this city, that would be the correct course of action. But, you are telling me that it is illegal for me to allow someone to do something that is a "legal activity" in our society. That does not seem right and even if you pass the ban, this issue will not be solved until it is really solved and until smoking becomes an "illegal activity." Robert Ihrig"

Needless to say, the City Council passed a "Smoking Ban" full of exemptions. The original Smoking Ban was one that showed favoritism to Bars, but you passed it nonetheless.

I then wrote the Mayor and asked her to veto the "Smoking Ban." She did veto the City Council's Smoking Ban, but the City Council over-rode the Mayor's veto and you passed a "Partial Smoking Ban" anyway - much to my disappointment.

Because of the City Council's "Partial" and "Unfair" Smoking Ban, we as business owners, had some hard decisions to make. We again wrote and emailed the City Council Members and the Health Department for information about the new and partial "Smoking Ban". We needed to know what we should do if we were going to allow customers to smoke or if we needed to be totally smoke free. You, the City Council, basically forced us into becoming either a TOTAL RESTAURANT or a TOTAL BAR. No longer would we, as a private, free enterprise business be allowed to make our own decision on what we wanted to be. You have intruded into my business and are forcing us to make changes in our business, even though we are talking about a product that is legal and will continue to be sold in this city. Yet, you are telling us that it will be "illegal" to smoke this "legal" product in my private establishment. That does not appear very democratic.

We existed quite well before the Smoking Ban - by allowing our Non-Smoking Customers to sit on one side of our establishment in a Smoke Free environment, while at the same time, allowing our Smoking Customers to sit in a Pub - where we had very good ventilation and little smoke. In the year we were in operation, we had a total of one complaint about smoking from a customer in our non-smoking section. Most of our customers were very happy that they had an environment where they could not see or smell smoke. One complaint from one customer about smoking and we served 130,000 people in that first year. But, according to you - The City Council - our operation was not good enough. You still felt compelled to force us to be either a RESTAURANT or a BAR.

Because of the original "Smoking Ban" and how it was drafted – and because of the exemptions and favoritism that is showed to Bars – we finally decided that it was in our best interest to concentrate on the Pub side of our operation. In other words, because of the Partial Smoking Ban it would be best for us to become a total BAR that would allow some of our customers to smoke, rather than a total RESTAURANT that would require us to be totally smoke free. Again, we were forced into this decision because of the Smoking Ban that you – the City Council passed. We felt that the restaurants were being penalized for being a restaurant - and we felt that the favoritism that you showed to BARS was such – that rather than being penalized for being a restaurant – we would just become a bar. Which we did. We also knew that the majority of restaurants would become non-smoking. After all, if 80% of their customers were Non-Smokers, we knew that the majority of restaurants would decide to go Non-Smoking. Or perhaps I should say that the majority of restaurants would be forced to go Non-Smoking.

We also knew that 28% of the adults in Lincoln were smokers. So our logic was simple, rather than be part of the 90% of the restaurants that would be forced to go Non-Smoking – competing for the 72% of the Non-Smoking business, we felt we should become part of the 10% of the businesses – competing for the 28% of the Smoking market share. Thus, once the original "Smoking Ban" was passed (against our objection), we started a process of converting our establishment that was a Restaurant/Pub concept into an establishment that was a total PUB.

We again communicated with the City Council and the Health Department on what we needed to do – in order to comply with the new law – the original "Smoking Ban." We brought in Keno, which you – the City Council approved. We converted our party rooms into Pool Rooms. We started up league play with a new shuffleboard, new pool tables and a new and lower priced menu – that was more "BAR-LIKE." We added a P.A. System and we started Karaoke, and Live Music. We applied and received a Dance Permit. We booked Blues Bands and have Blues Bands booked up throughout the autumn and early winter. We basically – in simple terms – transformed our operation – from a RESTAURANT/PUB concept – to a total PUB or BAR. And this was all done as a result of the City Council's passing of the original "Smoking Ban." A "Smoking Ban" that was partial and showed favoritism to the Bars.

This transformation was not without a heavy, heavy price tag. All total, we have spent over \$50,000.00 on equipment and a new look. In addition, because of the transformation, we knew we would be hit hard with a loss of sales revenue. Because we sided with the BARS on this issue, we slowly and steadily saw a decrease of our Non-Smoking customers. Many of our Non-Smoking customers were upset that we were transforming into a Bar and some stopped coming. And, this was a direct result of the City's Council's Smoking Ban – because we could no longer be both a Restaurant and a Pub. We needed to be either one or the other. Our loss in sales revenue is mainly due to the "Smoking Ban" – because we took this ban very seriously and we made changes because of the Smoking Ban.

You can try and make an argument that we should not have made any changes – but that would be a silly argument to try and make. Of course we should take the City Council and the passing of a law and a "Smoking Ban" as something VERY SERIOUS. That is why I am insulted by the words of Ken Svoboda. Does he think that the first Smoking Ban was just a trial run for fun and games? We had and still do have – every intention of being law abiding members of this community. But, I also have the right of Freedom of Speech and I have the right to voice my opinions – especially when the laws you make have a profound affect upon my business and my livelihood. And thus far, this Smoking Ban has had a profound negative affect upon the financial well-being of our business.

We were prepared for an initial drop in sales, because we knew that many of our Non-Smoking Customers would not want us to become a Bar. We also believed (and we still believe) that once the "Smoking Ban" took effect on July 1, 2004 – that we would start to re-build our business. If the 28 % smoking population had a good place to go – that served good food, we knew that our sales would eventually recover.

All of our decisions were predicated on the "Smoking Ban" that the City Council approved. We made the transformation based on the "Smoking Ban" that the City Council passed. All of our changes were based on the original "Smoking Ban" that was supposed to take place on July 1, 2004.

It must also be noted that we have some great customers who are smokers. Since we opened in February of 2003, some of our most loyal and supportive customers have been people who smoke. They have been respectful of our restaurant and have only smoked in the Pub and in those sections that have been designated for smoking. And, in regards to our smoking customers, we felt it would be wrong to turn our back on their support and loyalty. We do not feel it is right to treat our smoking customers as second class citizens. Many people who smoke feel like second class citizens – almost as criminals and as people who should no go out into the public – because of the Smoking Ban that is being forced upon the citizens of Lincoln by the City Council.

I believe that smokers would be greatly helped if there was no nicotine in cigarettes, and this would help many of them kick the habit. But, a Smoking Ban will do nothing more than alienate the Smoking population from the City Council and from the local businesses of this community who are being forced to "shun Smokers." This is not fair, nor ethical, nor right.

I spoke with a gentleman customer of ours the other day. He fought in World War II. He never smoked until he joined the Army. Upon arriving at boot camp there was a "Care Package" given to him by the Red Cross. In this "Care Package" was a pack of cigarettes. Throughout his stay in the Army and while he fought in World War II, the Red Cross provided him with cigarettes. Well, guess what happened? He became addicted. They did not call it an addiction in the 1940's or 1950's or even in the 1960's. But, the Red Cross and the United States Army played a huge role in getting this young man addicted to cigarettes. Since then, our Government has done nothing but to collect money from the tobacco companies and run with it. Many more bodies have been buried prematurely because of cigarette smoking than all the bodies that have been buried as a result of World War I, World War II, the Korean Conflict and the Vietnam War! Many of the people who smoke are good law abiding citizens; many of them have fought for our country, yet you still want to treat them as second class citizens or criminals. Yet, our Federal Government has done little to help solve this problem of nicotine addiction. Yet, you ask me, a local business person to fight this battle.

A City Wide Smoking Ban will not solve or stop the problem of smoking. It will merely force the smokers out of local businesses. Smokers will visit these businesses less often – causing economic and financial hardship on the Lincoln bars and restaurants. Again, most people smoke because of their addition to nicotine. It would be more humane to ban nicotine – than it would be to tell smokers they are second class citizens and cannot smoke a substance that our Government supports, subsidizes and gains from financially.

If a total smoking ban goes into effect, many smokers will go to the bars on the outskirts of Lincoln. Or, they will make more frequent trips to Omaha or the gambling boats in Council Bluffs. Many of them will stay home more often – because they will feel more comfortable in their home. Not

wanting to be a burden to other people, smokers will not patronize bars or restaurants as much. This will hurt the Lincoln business community. What good is a Smoking Ban if all you do is transplanting the smokers? They will continue to smoke, but not in bars, because they will not be in bars as often. Or at least they will not be in Lincoln bars and restaurants as much.

If you have any doubt about whether or not smokers will take the time to travel outside of Lincoln, all one would have to do is go back to the time when Sunday alcohol sales were prohibited in Lincoln. You had a tremendous amount of bars, restaurants, and off sale stores open on the outskirts of Lincoln and many of them prospered tremendously because of their Sunday alcohol sales.

It must also be pointed out that there is a HUGE difference between a RESTAURANT and a BAR. I have spent over 25 years in the hospitality industry and some people think a restaurant and a bar are the same. They are NOT! In the restaurant business, an owner or manager is concerned about TABLE TURNS. While I was managing at Applebee's we tracked our table turns. From the time a customer was greeted until the time they paid their bill, the average table turn or table time was 48 minutes. In the restaurant business, you want to get customers in and out as quickly as possible. Smokers will still patronize the restaurants in town, but I can tell you, they will go into a restaurant and spend their 48 minutes and then leave quickly. On their way out the door, they will light up and have a smoke. Restaurants use their bar areas for over-flow seating and to hold people while they are waiting for a table and to sell a few drinks to compliment the food. Most restaurants close at 10:00 or 11:00 – because after that time – business dies down. Restaurants do not do that much late-night business.

Bars on the other hand have a completely different mentality. Bars try and keep people in their bar for longer periods of time – and for the entire night – if possible. Bars have games, pool tables, darts and league play. Bars have live music, and when a band is brought in to play - the intent is to keep people in the bar all night. If people are having a fun time, they will spend more time in a bar. A Bar (or Pub as we like to call ourselves) is like an extension of a person's living room. Many people find their socialization with other people in the setting of their favorite neighborhood bar. Many people spend much of their free time in a bar. If someone wants to smoke they are not going to spend as much time in a bar because they will not be able to stand the compelling urge of their nicotine addiction. And thus, many of them will start to find their comfort and socialization in the bars outside of Lincoln. Your Smoking Ban will do little to solve any real social problems. The only thing that your Smoking Ban will do – is prevent Non-Smokers from being around smoke.

However, my contention is this: the Non-Smokers already have a choice as to whether or not they want to go into a place that allows smoking. There is not a single bar that is forcing people into their establishments.

Non-Smokers have always had a choice – if they don't like smoke – support and go to those places that are Non-Smoking. I can tell you this: the places that are Non-Smoking are not having their doors knocked down because of the flood of business from the Non-Smoking population. So, what does that tell you? Perhaps you are more concerned about this problem than the general public. As a City Council Member, you may say, "But, more Non-Smokers will go out to the Bars if there was no smoking or if the place was not as smoky. To that response I would say, there are already two Non-Smoking Bars in Lincoln and if all the Non-Smokers really wanted to go to a bar that was smoke-free - why aren't those bars packed all the time? My goodness gracious, there must be 200 bars in Lincoln and all of them allow smoking and yet we only have two Non-Smoking Bars. Why aren't the two Non-Smoking Bars overflowing with Non-Smokers and with people who want to be

in a smoke-free environment? If a Non-Smoking Bar is such a great idea and something that the Non-Smokers were really interested in – why aren't the Non-Smoking Bars the craze of Lincoln? If Non-Smoking Bars were so financially profitable, you would see Non-Smoking Bars crop up all over Lincoln. But, you don't see it – because they are not overly profitable. And yet, your smoking ban will simply make all of the present bars less profitable – by alienating the smoking community from the bars.

The bars that allow smoking are simply more profitable and it is the smokers that are the backbone of the bar business. It is the smoking clientele that has been supportive of the bars of Lincoln. Much to your dismay, I must say that the Non-Smokers are not the life and backbone of the bar business. Smokers are the backbone. And yet, your smoking ban will force a large majority of the smokers out of the bars. And yet, you think your Smoking ban will transplant those customers with an equal amount of Non-smokers who will now feel comfortable in a bar because it will now be a smoke-free environment. But, the Smokers will not come as much or as often, because they will no longer feel comfortable because they cannot smoke. So, the real issue is the comfort of the smokers who come to bars now – versus the comfort of the Non-Smokers who do not come to bars as often. And, my belief is that the Non-Smoking population will not make up the difference that will be lost when the smokers stop coming to bars as often if a smoking ban goes into effect. This is the risk that you are asking me to take. And, as a bar owner I would prefer not to take this risk – nor would the majority of other bar owners.

It is not that I am in favor of making all bars an uncomfortable place for Non-Smokers. Even some Smokers do not like the fact that some bars become too smoky. But the solution is not a smoking ban. The solution is to help those bars get better ventilation systems and to cut down on the amount of smoke in their establishments. But if the City Council hurls a major blow to the bars in Lincoln, and if many of them shut down, you shut down the Night Life of this city. And if this happens, you will have taken major steps in making it a boring and docile city with little fun and adventure. Live music and entertainment will decrease. With less to do, crime will increase. And, if there is any hope of gaining conventions and tourism business, you can cross those hopes off of the agenda, because businesses and people do not like to visit boring and docile towns. Which city in this country does the most convention business and attracts major tourism – none other than the city of Lights - Las Vegas. Don't laugh: people like to go to places that are fun and adventurous. Lincoln will become a boring city that will cater to the Non-Smokers who won't even support a Non-Smoking Bar. How do you think they will support all the existing Bars and Night Spots in town? They won't and many will go out of business. The tourism business will dry up and the economy of Lincoln will take a hard hit.

There is one other problem that I see with this "Smoking Ban" and that is the fact that it appears that the City Council is trying to force everyone to act, behave and be like the City Council Members. Where are our freedom of choice and our freedom to be who we wish to be? Where is our freedom of choice to go and patronize where we want to patronize and turn away from those establishments that we don't want to patronize. You have taken away all our freedom and choices in this matter and have acted like stern and controlling parents. Sorry, but I don't need seven more parents. I must simply say, how sad it is that we have such a conservative and controlling group of people on our City Council – and – if you vote in a smoking ban that does great harm to this city, it only be a matter of time in which many of you will be voted out and a new Council will be voted in to restore the life to this city. But, you will never be able to rebuild those businesses you tear down.

You may say, but the majority of people want a Smoking Ban. To that I would reply, what if 51% of the population was Lutheran or Catholic or Baptist, does the majority of the people have a right to force everyone else to be like them and think like them? Does the majority of people have the right to tell everyone else how they have to think and act? Where are the individual rights of people to partake in a product that is legal? Harmful, yes, but still legal. Should it be illegal, I say yes, and in time I think it will be – and then the Federal Government can help people withdraw from their addiction. But until then, why are the Bars and Restaurants of Lincoln being forced to fight a battle that should be fought in Washington. This is not my battle and I should not be fighting it!

About now you might be saying, this guy is switching his position. In the first place, I was against the City Smoking Ban. That position has not changed. I would support a State wide Smoking Ban – and more importantly – I think nicotine should be banned and it should become an illegal substance. That would go a long way in solving the problem of smoking in our society. Secondly, when this issue was first being discussed, I fought for a total and fair ban. The City Council instead passed a partial ban with exceptions for bars. I was against a Smoking Ban that was full of exceptions and one that was unfair and one that put businesses on an un-level playing field. But, after you passed the “Partial Smoking Ban” we were forced into making a decision and our decision was to become a bar.

Now that we have become a bar – it is only right that we should still expect the exemptions that were passed in the original smoking ban. We made hard decisions and spend a tremendous amount of money – based on the law and smoking ban that was passed. We think you should still honor those exemptions that you originally gave to bars. So yes, I have changed my position, but it has changed only because we acted on the law that you passed. We responded to the original Smoking Ban that you approved and passed.

This brings me to another important point – and that is the matter of being a responsible and fair governing body. I am not the only bar or restaurant that made changes, based on the law you passed in December of 2003. There are several other bars and restaurants that made changes based on the original “Smoking Ban.” We did not ask for the Smoking Ban, you forced it upon us. We made decisions and changes in our business operation, based on the law that you passed. Now, only a couple of days before the smoking ban was scheduled to go into effect, you – the City Council voted to completely change the law. You came up with a completely new Smoking Ban. To me, this is totally irresponsible government.

Suppose that a new law were passed to permit gambling. And, as a result of that new law, a business owner decided to invest money into the gambling industry and went out and built a new Casino. Now, how responsible would the local government be – if six months after a law was passed to permit gambling – that a new law was passed that prohibited gambling? I think the business owner that built the Casino would have grounds for restitution for the damages caused by the new law. I think a remedy could be forced in a court of law. And this is precisely our position.

That is exactly the position that you have placed my business into. We have made decisions and plans based on the law and Smoking Ban you passed. We have invested money. We have taken a serious blow to our source of revenue - based on our decisions to become a Bar (or Pub). We have lost customers because of the original smoking ban. But, because we were led to believe that the original smoking ban would go into effect on July 1, 2004 - we would have been in a position to start re-building a new customer base – a customer base that would appreciate the risks and changes that we made – to allow Smokers a nice and comfortable place to come and eat, drink and smoke. We have taken huge risks based on the laws and decisions of this City Council. And now – right

before we were scheduled to reap some of the benefits because of the changes we made – based on the exemptions you voted for and passed - you go and change the Smoking Ban, And, this new smoking ban that again be devastating to our business. In fact, so devastating is this new smoking ban – based on the changes we made - that you and this new smoking ban may force us out of business.

We made decisions based on your original “Smoking Ban” – and right before it was scheduled to go into effect, you drastically changed the law - in a cowardly, late evening, unplanned session. Any business confronted with this much change is likely to suffer irreparable damage, or die all together. I have serious doubts that we will recover from this recent change in the Smoking Ban. We will fight and do everything we can to keep our business alive. But, let’s go back to the illustration of the Casino that was built – only to have the law changed and gambling abolished. That business owner may still try and fill the hotel rooms of a Casino, that business owner may still try and run the restaurants inside the Casino, but if gambling is taken away – you have created a lame duck and that Casino owner would probably be forced out of business because of irresponsible government.

That is exactly our position. Your changing of the Smoking Ban has made our business a lame duck and our chance for survival is now in serious question. We made decisions and changes based on your original law and on the original Smoking Ban. You changed the law, without any regards to the economic and financial damage that you are causing business owners. Thus, we are frustrated and upset with this entire process.

So, the question needs to be asked – “Where do we go from here?”

I believe we need to go back to the original Smoking Ban and work with that ban. In fact, I urge and encourage you to go back and allow the exemptions that you originally gave to Bars. Bars and restaurants are not the same.

Then the question needs to be asked – but what about the Restaurants, are they being treated fairly? And to that question, I would respond – simply let each business decide for them if they want to be a bar or a restaurant. You have already passed a law and Smoking Ban that states: “Restaurants must be Non-Smoking – because they cater to a large Non-Smoking clientele. Bars will be allowed Smoking areas – because they cater to a large Smoking Clientele.”

However, I still think you can make some progress in this area – by demanding Non-Smoking areas in Bars. Even when we decided to convert our business in to a full Bar – we still planned to have some very comfortable Non-Smoking sections within the Pub. We still have many wonderful Non-Smoking customers – who support us in our efforts. We still have many Non-Smoking customers who plan to patronize our establishment, even though we hope to continue to allow our smoking customers a comfortable place to come and smoke. We still plan to provide our Non-Smoking customers with an area that is free from smoke. And, I don’t think that many bars would overly object if you added a stipulation that Bar must now provide Non-Smoking Areas for Non-Smokers that is free from smoke. There are some relatively inexpensive units that can be purchased that filter the smoke out of the air. In fact, we are looking at a couple units now that costs about a \$1000.00 each and they cover about 1300 square feet. They clean the air and pull the smoke out of the air. After all, there is a State Law that requires Bars, if they have any sort of food service, that Non-Smoking areas be provided for Non-Smokers. I am certainly not against the Non-Smokers, because I myself am a Non-Smoker. But, I also believe strongly we need to support our smoking customers. And, if you let each business decide for themselves what they want to be, then you

don't have to worry about whether or not you are being fair, because you gave each individual business the freedom to be who they want to be.

You as a Council Member may say, "But what about a place that does more than 60% of their sales in Food?" To this question about the original percentages – I would say, "Who cares?" Is this not just another expression of Ken Svoboda trying to control everybody and every business and it is simply stupid. Who cares what the sales are in a business – as long as we pay our fair share of taxes, stop trying to control every dollar that is brought into a business. If a business wants to be a Bar, they will be labeled as such and the general public will decide if they want to patronize that business or not. If a business wants to be a Restaurant, they will be labeled as such and the general public will decide if they want to patronize that business or not. By letting each business decide who they want to be – you are being fair and you will prevent future lawsuits – because you let each business decide for themselves how they want to deal with this smoking issue.

The concern about sales and percentages and the rule about the 18 year olds is just another illustration of how the City Council is trying to be controlling and intrusive into the private affairs of a business. If a place wants to be a Bar and a Grill – they should be given the right to be a Bar and a Grill. If Old Chicago wants to be considered a Bar and if they want to have smoking sections, let them have smoking sections. This is not that difficult of a decision – other than the fact that the City Council – have made this issue overly complicated – because of your controlling attitudes. Let business owners be who they wish to be and help the local business owners – don't force them out of business. Then, with the extra time that you have – fight Washington on this issue and try and get them to make nicotine an illegal drug. Everyone wins in this type of approach.

I would also support the idea that every business – if they decide to become a bar – that as a public service, they place a decal or sign on their door, that would alert every potential customer about the fact that smoking is permitted in some areas of the establishment. Then, each customer would have the choice as to whether or not they would wish to patronize that business.

I also have an issue with the 18 year old ban. I think if a child lives with parents who smoke, and if they are around smoke all the time, why are you as a City Council so concerned about taking the rights of the parents away from them. Remember, smoking is still legal, it is not a crime. Why cannot parents take their children to the place of their choice? If they smoke at home and if smoking parents want to visit a bar that allows smoking – what is the big deal? Once again, I see a very controlling mentality from this City Council that I just do not understand. Why should the City Council stick their nose into these decisions? Why does this City Council feel that they need to mangle into the decisions of private citizens doing something that is legal? Hitler was controlling. Saddam Hussein was controlling. Every empire that has been too controlling has crumbled – because people need to have some rights and choices – or they rebel. If you pass this law, it will only be a matter of time and the people of Lincoln will rebel.

Much damage will be caused in the meantime – but conservative and controlling politicians do not stay in office very long.

So, my request is that this City Council reverses the last vote and re-establishes the original smoking ban with some fair exemptions. However, if this City Council does not re-establish the original smoking ban – then I wish to request that we receive a special exemption to allow smoking, based on the fact that we made major changes after the original smoking ban was passed.

Just as there are now two Non-Smoking Bars in town, why not allow us to be one of a few establishments where smoking would be permitted. I know that Granite City invested quite a bit of money into a ventilation system; perhaps they should also receive a special exemption to allow smoking – if they wish to continue to allow smoking. If we allow smoking in our bar and we alert the public to this fact, then the public can decide for themselves if they wish to patronize our business..

In fact, it would not be a bad idea to allow a few exemptions for a few smoking bars in Lincoln, so that Smokers would have some place they can go. The Non-Smokers have lots of bars where there would be no smoking. They would have many, many, many more choices if you pass the Smoking Ban. But why not allow the Smokers a few places they can go? So, if the original smoking ban is not re-instated, then we request a special exemption to allow smoking in our establishment.

One of the other reasons I am opposed to the Smoking Ban is simply because of the principle that I think it is wrong for Government to try and control and force every decision of the private business owner. I have said before, and I will say again, if I had known about a possible Smoking Ban in Lincoln, we would have never opened a restaurant and pub in this town. If a smoking ban is passed, you will see a sharp decrease in the number of bars that operate in Lincoln and the number of new bars openings will drastically decrease. Perhaps, this is what the City Council is trying to do, force the Bars out of business because the City Council does not agree with Bars and the free spirit and fun that is prevalent in Bars and Pubs.

I can understand the reasoning for a smoking ban in public buildings such as Post Offices and Libraries and Court Houses and buildings such as this. A Non-Smoker should never be “forced” to be around smoke – if they do not wish to be. But, we are a private business and people have a CHOICE as to whether or not they want to come into my place of business. If they like our food and our atmosphere and prices, they may decide to come in. If they see that we allow smoking in certain areas and if they do not like that decision, they have the right to leave. Why is it – that this City Council cannot give each person and each business the right to run their business in the manner that they see fit. As long as we are not doing anything illegal, why can't a Bar allow someone to smoke a legal substance? This I will never understand, the controlling nature of this City Council.

So, in summary, I would urge and encourage the City Council to re-instate the original Smoking Ban – that would allow Smoking in Bars. Each business should be given the choice if they want to be a Bar or a Restaurant – it is that simple! Non-Smoking sections that are comfortable must be provided for the Non-Smoker in Bars and everyone is happy. If this is not possible, then we request a special exemption to allow smoking in our private establishment.

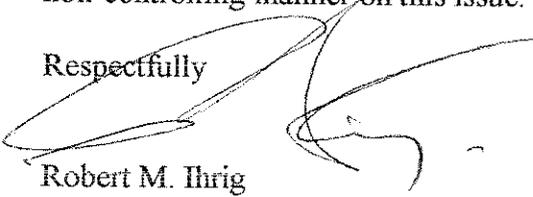
I realize that this letter is passionate, but if you were in my shoes, if you had worked the majority of your life trying to build a business – only to have it ripped apart because of controlling and irresponsible government – you would also be upset. We first fought for a level playing field – you did not vote for a fair law. You voted in a law with exceptions. We decided to take advantage of those exemptions – and now you want to rip those exemptions away from us – after we made major changes to abide by the law and smoking ban that was passed. You have left us in no other position than to fight for our rights and for fairness. This City Council has not been responsible – nor fair. You were not fair in the beginning and you are not being fair now. You cannot agree on anything and you are grasping to do something. But, in the end, you will only hurt many businesses of Lincoln if you pass a controlling Smoking Ban.

Please understand, people still have the right as to whether or not they want to come into a bar that allows smoking. Nobody is forcing people to come into Bars. You should go back and let business owners and the general public make some of their own decisions.

July 12<sup>th</sup> is an important date for the City of Lincoln. I urge this City Council to be fair and respectful of the rights of all the citizens and business owners of this community. The Smoking Issue can continue to be fought, but it should be fought in the Halls of Washington and not inside my Pub. Our Smoking Customers should not be treated like second class citizens. Business owners must be given the right to decide what is best for their business – especially since we are talking about a “legal substance.”

If in the end, you make a decision that is detrimental to our business, you will leave me with no choice but to seek damages and restitutions from the courts of this country. I urge you to be mindful of the private business owner – and respect their rights. You, as a City Council can be held liable for unfair governmental tampering and irresponsible actions. Please vote in a responsible and non-controlling manner on this issue.

Respectfully



Robert M. Ihrig  
Bob's Gridiron Grille & the Pigskin Pub  
Lincoln, Nebraska.

cc. Tom Zimmerman, P.C.  
Jeffrey, Hahn, Hemmerling & Zimmerman  
Attorneys at Law



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**FIRST CLASS**

Terry Weiner

City Council Chambers

555 S. 10th Street

Room 111

Lincoln, Nebraska 68508



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CITY COUNCIL  
OFFICE



Robert Thrig  
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email: rthrig@neb.tv.com  
"HOME OF THE CORNHUSKER COLLECTION"



Joan V Ray  
07/08/2004 10:44 AM

To: BJNehe@aol.com  
cc: council@ci.lincoln.ne.us  
Subject: Re: smoking ordinance

Dear Mr. Nehe: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

BJNehe@aol.com

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
OFFICE



BJNehe@aol.com  
07/08/2004 10:10 AM

To: council@ci.lincoln.ne.us  
cc:  
Subject: smoking ordinance

Council Members,

I am sure by now that you are exhausted reading and hearing comments on the smoking ordinance. I am only contributing my comments because of the logic that I hear citizens and business owners using when supporting or aruing against the smoking ordinance.

I firmly believe that government should be limited in scope. No offense, but I believe that the best government is a government that limits its involvement in the actions of individuals and businesses. However, one area where government should, and has for well over 200 years, play a role in is public safety. This smoking ordinance should not be an issue over whether government should have a right to interfere in what a business does. The smoking ordinance is not an issue of taking away the rights of individuals. In the arena of public safety, governments have established laws protecting the public from the actions of individuals and businesses for a long time.

Does a restaurant owner have the right to have a delivery driver drive 50 mph on a residential street to deliver a food item faster than the competition? Do I as an individual have a right to drive 50 mph on a residential street? Of course not, because the government has determined that driving over 25 mph in a residential area is a public safety hazard.

Does a restaurant owner have the right to allow patrons to bring their own candles for a romantic dinner? Do I as an individual have the right to light my own candles in a restaurant? No, because in the name of public safety, fire codes restrict the type of candles used in restaurants.

I could go on with more examples, but I have researched the Lincoln Municipal Code and have counted well over 100 public safety requirements that restaurant owners must comply with.

The real issue is simple. Is second hand smoke a safety hazard? If the City Council answers no to this question, then I question the Council's objectivity. If the City Council accepts all of the research supporting that second hand smoke is a safety hazard, then the City Council has the right and obligation to protect the public from the unsafe actions of others.

Thank you for listening to another citizen on this subject.

Sincerely,

Brian Nehe

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JUL 08 2004

CITY COUNCIL  
OFFICE

Robert V. Blevins  
2717 North 48<sup>th</sup> Street  
Apartment # 3  
Lincoln, NE 68504  
(402) 416-0510

July 7, 2004

Star Tran  
710 J Street  
Lincoln, NE 68508

To Whom it May Concern:

It is with utter dismay that I must sit down and write such a communication to you about this, however I won't feel right if I don't. I intend to convert this into an article that I will have published in the Journal Star. I realize that you will not respond.

Look. I have been a loyal customer of yours since I moved to Lincoln. I have Monthly Bus Passports dating back to August of 1996 to prove this. I am one who praises your service. I know Pam, who is or was the head of some Union you have as well as Lyle, Casey and Jolene plus a multitude of other drivers in your employ. I am not a stranger to your service.

Yet "service" was exactly what I didn't see last Saturday, July 3.

Knowing that there would be no service on Sunday or Monday of this week, I decided to take the 48<sup>th</sup> Street Shuttle (#18) on Saturday over to what was Gateway and drop \$55 at Younkers and another forty or fifty at the music/video store there. (I plan everything in advance including the ride.) I board the bus at 48<sup>th</sup> Street just north of Madison. Sitting in the shelter there, it was difficult for me not to notice that the #18 was running tragically behind schedule. It was twenty past noon and the bus was supposed to be at Gateway at noon. I thought very little of it. Hell...we are living in "Norman Rockwell land" here in Lincoln, aren't we? I am a patient man. I realize that traffic snarls and wheelchair boardings will be a time detriment to the bus schedule. No problem.

Until the bus approached. I wanted to make sure that the driver would notice me so I stood out at the curb. Even after seeing me, the bus driver continued to accelerate. So I started to wave my arms about in the air like some character from the Looney Tunes. He might as well have opened the door and flipped the bird at me as he flew by. He was a short, bald-headed man whose name I do not know. Anyway...there I stood with bus pass in hand and no bus willing to stop for me. I began to wonder if I'd died and was only imagining myself as being a real human being. Maybe I was only a ghost who people couldn't see. So I went to the local bar. They were able to see me there so I knew I wasn't dead.

But I wonder about you. Is ridership so good that you are able to pass some people up along the way?

This was not only blatant disrespect for a customer but blatant disrespect for a human being. A person who was willing to go to the stores and spend money.

I don't know who this bald-headed little guy was but were I in a position of hierarchy with you I would not only severely reprimand him but fire him on the spot. I would not engage such a person as an employee. I am not able to understand why he "passed me up."

Please, somehow respond to this communication. I will continue to be a loyal customer of yours in spite of this anomaly.

Sincerely,

Robert V. Blevins

cc: Office of the Governor  
Office of the Mayor, City of Lincoln  
Office of the City Council, City of Lincoln

July 6, 2004

Terry Werner, Lincoln City Councilman  
City Council Office  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RECEIVED  
JUL 08 2004  
CITY COUNCIL  
OFFICE

Dear Mr. Werner;

Some folks are now praising your recent passage of the total smoking ban for Lincoln. Many of us are not at all impressed with the ban itself nor with the manner in which it was made law. In one quick, swoop of behind-the-scenes collusion you trashed the wishes and efforts of a lot of Lincolniters. It has been called a cheap, sneaky act and I would have to agree. I was surprised and disappointed.

Last weeks passage of the total ban—as an “amendment”—was preceded by months of efforts by Council members and many of the most affected people to reach some sort of compromise. The latest version of that compromise was messy, yes. But such is the nature of such compromise. It is important to a well-functioning representative government. It is far too important to simply trash it so suddenly and casually. What about all the people who put time and effort into reaching a compromise? When a government body considers the making of laws which remove or restrict the rights and freedoms of one group in favor of another, such willingness to compromise is especially important. It's WORTH some degree of messiness.

Except for extreme and theoretical settings, the case for second-hand smoke being a serious health threat is actually not very strong. For most non-smokers, second-hand smoke is much more an annoyance or an irritant than it is a serious health concern. The effect of second-hand smoke on a non-smoker is *orders-of-magnitude* less than the effect of primary smoke on a smoker. They aren't even in the same ballpark. In recent years we've seen this issue become politicized. There is little if any genuinely objective research on the subject. The 'data' and 'research' often quoted is designed to support a predetermined agenda. It is shared, repeated, and stated with intentional exaggeration, misrepresentation, and above all, lack of sufficient context to fairly evaluate what it means. It is spread, believed, and repeated largely by people who accept it simply because they WANT to believe it: “Smoking is bad, so anything negative that can be said about it is OK, no matter how factual, fair, or extreme.”

I cannot understand why we cannot find a way to allow bars to serve smokers, and for smokers to be able to choose bars that do. Aren't there enough options and choices in a city the size of Lincoln for smokers and non-smokers BOTH to have what they want? Can't we let bar owners decide for themselves? If non-smoking bars are really preferred by enough people, won't we see more of them?....with or without government intervention?

It is my hope that a compromise short of a total smoking ban can still be reached for bars in Lincoln. I strongly encourage you to allow such a compromise to occur. At the very least, I urge you to resist the sort of tactics that led to the last-minute passage of the total smoking ban last week. There will certainly be other issues brought before you which share similarities to this one. I ask that you always be candid, above-board, patient, and willing to carefully consider the wishes and freedoms of minority constituencies. These are some of the things I value most in government leaders such as yourself.

Sincerely,



Steve Drda  
2553 Arlene Ave.  
Lincoln, NE 68502  
(402) 421-8688

copies: All other Council members

RECEIVED

JUL 08 2004

CITY COUNCIL  
OFFICE

Dear Mr. Werner,

On behalf of our family, thank you so much for your vote in support of the smoke free ordinance. You spoke for the majority of Lincolnites!

Our 24 year old is eagerly looking forward to performing with his band in smoke free venues now in Lincoln. Our 22 year old is also pleased that his favorite watering hole will now be smoke free. My husband and I may take up bowling again - abandoned due to the smoky environment. I don't think businesses who are upset with you realize how much business they are currently missing out on due to the smoking in their establishments.

Unfortunately, most of your constituents probably won't take the time to thank you personally. From the conversations we have had in our workplaces, you did the right thing in dumping that watered down version.

Thank you again!

*Cathy G. Dorke*

RECEIVED

JUL 08 2004

CITY COUNCIL  
OFFICE

Dear Ms. McROY,

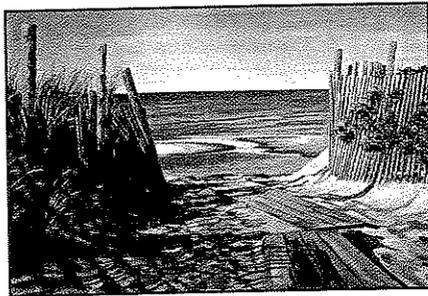
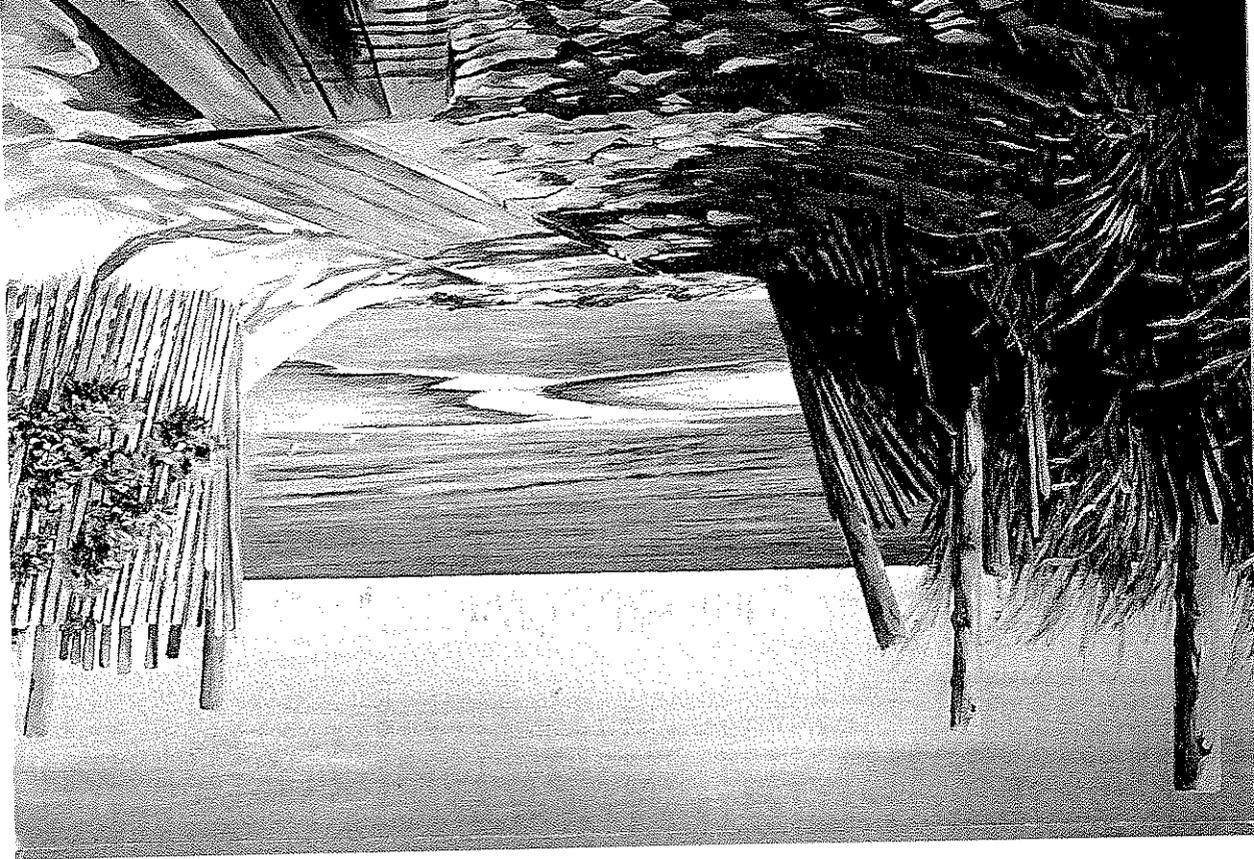
On behalf of our family, I have sent thank yous to your fellow councilmen who voted in support of the smoke free ordinance. They spoke for the majority of Lincolnites!

Unfortunately, most of their constituents probably won't take the time to thank them personally. From the conversations we have had, dumping that watered down version was the right thing to do.

Our 24 year old is eagerly looking forward to performing with his band in smoke free venues now in Lincoln. Our 22 year old is also pleased that his favorite watering hole will now be smoke free. My husband and I may take up bowling again - the smoky environment was a real turnoff. Businesses who are upset with the ordinance don't realize how many potential patrons have avoided their establishments due to smoking.

Let's make Lincoln a champion for healthier living.

Sincerely, *Cathy G. Burke*



*Sound Side Boardwalk, 1998*  
©Susan Hollis / Bayview Press

**FOR DIAGNOSIS, CAREGIVING, OR TREATMENT MATERIALS,  
CONTACT THE ALZHEIMER'S ASSOCIATION AT (800) 272-3900.**

[www.alz.org](http://www.alz.org)



**Alzheimer's Disease and Related Disorders Association, Inc.**

1698-4

©2003

MIKE & CATHY GORKA  
7216 SHIRL DRIVE  
LINCOLN NE 68516



Terry Werner

RECEIVED

JUL 08 2004  
CITY COUNCIL  
OFFICE

5/8/04 Tree Incident  
LPD Case #A4-048551

1. On 5/8/04 at approximately 1:30 a.m., I was awakened by a loud noise. Upon inspection, I found a 40 foot leader had rotted and fallen from the Silver Maple tree in the right of way, totaling my vehicle and damaging my north neighbor's roof and fence. The weather that evening was calm, not windy. There was a UNL graduation party in the front yard of the house on the south side of me. If this had fallen in the other direction we could possibly have had casualties.
2. When I contacted the Police department at 2:00 a.m., they were unable to provide information of what to do about this leader. The LPD help desk informed me that due to the holiday weekend, the City of Lincoln would not pay overtime for this leader to be removed. This was Mother's Day weekend and the leader was blocking the entrance to my home, thus causing my family and guests to climb over the tree to celebrate Mother's Day with me.
3. I informed the City of Lincoln Parks & Recreation on 5/10/04 of the fallen leader and also filed a claim with the City of Lincoln. Parks & Rec came and immediately removed the rotted leader. The next day they removed the rest of the top of the tree leaving a 10' trunk. On 6/22/04, following the City Council meeting 6/21/04 approving reconsideration of my denied claim, the City removed the rest of the trunk of this tree. If the city is not liable for my total loss, why did they remove the tree? If the tree was someone else's responsibility, why would the City of Lincoln incur on itself the expense of removing the tree?
4. My vehicle was a 1986 Pontiac 6000 that I purchased in January, 2004. This car had 10,000 original miles, 13,500 when totaled, no rust, dents or door dings. The condition was immaculate. I paid \$3,800.00 for this car on 1/12/04. Due to the age of the car, my insurance company blue booked it at \$1,500.00. The damages were \$3,829.29, thus totaling my car. I was not provided a rental car. For 10 days I did not have transportation. I have 2 jobs and this was extremely difficult and inconvenient. This unfortunate incident was very costly for me. \$9,756.00 (replacement vehicle) + \$3,800 (original Loan) = \$13,556.00. I was able to convince State Farm to come up to \$2,585.00 due to the immaculate condition of the car. The total loss caused by the City tree falling is **\$10,971.00**. Calculations for time missed at work, duress and inconvenience are not included. Please be advised that I am a tenant at 1926 Pepper Ave. I do not own the property.

5. I requested the maintenance records from Parks & Rec on 6/16/04. According to their records, the last time they performed maintenance was 10/12/2000. "Silver Maple Tree Prev Trimmed". 1926 Pepper Ave. has been my residence since 2/2003. I spoke to my neighbors who have resided at 1928 Pepper Ave. for a number of years. They informed me that the tree at one point had a bee infestation issue. The bees had burrowed a hole through the entire tree. According to them, Parks & Rec came and filled the hole with something unknown to them. I do not see a record of this nor a record of the trimming of the tree in May, 2004. I do have pictures of the carpenter ant holes at the base of the tree and several knobby areas from previous maintenance throughout the years. It was quite visible that this tree had problems by inspecting the exterior condition of the tree.
  
6. On 7/7/04, the rest of the stump was ground up and left in a large pile in my yard. Upon inspecting the mulch, it is filled with carpenter ants. It is interesting that the City Parks & Rec have reacted hand in hand with my communications with the City Council. I am due to speak before you 7/12/04 for reconsideration of my claim.
  
7. It is my belief that if the City had properly inspected this tree in a timely manner they would have clearly seen the carpenter ants. The pictures show the ants everywhere as well as the large holes at the base of the tree where they reside. Carpenter ants cause a tree to become soft, weak and are a warning of serious internal decay. This would have indicated to a trained forestry employee that a more thorough inspection of the tree should have been completed and any necessary maintenance accomplished.

Thank you.

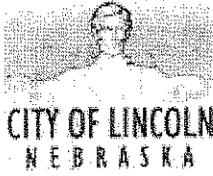
*Patti Talamante*

Patti Talamante  
1926 Pepper Ave.  
Lincoln, NE 68502  
474-7238

Enclosures: Who Do I Contact..., B & D Auto Receipt, Parks & Rec Maintenance Records, Mid-Town Body Estimate, Misc. pictures (you all have different ones)

**InterLine**

ne.lincoln.gov



City of Lincoln  
Parks & Recreation - Community Forestry/Horticulture

**Who Do I Contact For...**

---

**Who Do I Contact For...**

**Planting, Trimming, Maintenance**

Contact Forestry at (402) 441-7035, weekdays from 8:00 am to 4:30 pm, regarding planting, trimming, and maintenance of street trees or other public trees located on City property.

**Emergencies**

Tree related emergencies- after hours/ weekends/holidays- contact the Lincoln Police Department at (402) 441-6000. *Police Contacted @ 1:30 a.m. 5/9/04 - Tree not removed until 5/10 + 5/11 Due to Mother's Day Holiday.*

**Vandalism/Accidents**

Vandalism or vehicular accidents involving damage to public trees contact the Lincoln Police Department at (402) 441-6000.

~~LES~~ **Power Lines**

Trees in the power lines- contact Lincoln Electric System (LES) at (402) 465-7125.



B+D Auto - Replacement Vehicle

REDFORM 81816 CARPENTERS

Replacement Vehicle

RECEIPT

Date 5-17-04 19 No. 8390

Received From Patti TALAMANTE

Address # 3126 02 Grand Prix Dollars \$8995

For:

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	8995.00
BALANCE DUE		MONEY ORDER	

By [Signature]

Tax Title - \$761.00 Total - \$9,756.00

6/16/2004

3 years 7 months since any  
inspection or maintenance.

Tree History

1926	PEPPER	9/3/1999	SILVER MAPLE	TREE PREV TRIMMED	10/12/2000	R SMITH
1926	PEPPER	8/25/2000	SILVER MAPLE	CONTR TRIMMED 1	8/29/2000	SCHWAB

*Parti Tahamanta*

*1-60205*

Date: 5/17/04 10:35 AM  
 Estimate ID: 8492  
 Estimate Version: 0  
 Preliminary  
 Profile ID: Mitchell

# MID-TOWN BODY & PAINT SHOP

332 SOUTH 19TH STREET LINCOLN, NE 68510  
 (402) 474-4818  
 Fax: (402) 474-8842  
 Tax ID: 47-0649680 EPA #: NED-881709934

Damage Assessed By: DANIEL T. LOCOCO

Condition Code: Excellent  
 Deductible: UNKNOWN

Owner: PATTY TALAMANTE  
 Address: 1926 PEPPER AVE LINCOLN, NE 68502  
 Telephone: Work Phone: (402) 441-6212

Home Phone: (402) 474-7238

Mitchell Service: 915492

Description: 1986 Pontiac 6000 LE  
 Body Style: 4D Sed  
 VIN: 2G2AG19L4G9273243  
 Mileage: 14,000  
 Color: WHITE

Vehicle Production Date: 2/96  
 Drive Train: 2.5L Inj 4 Cyl AT  
 License: 16-N 388 NE

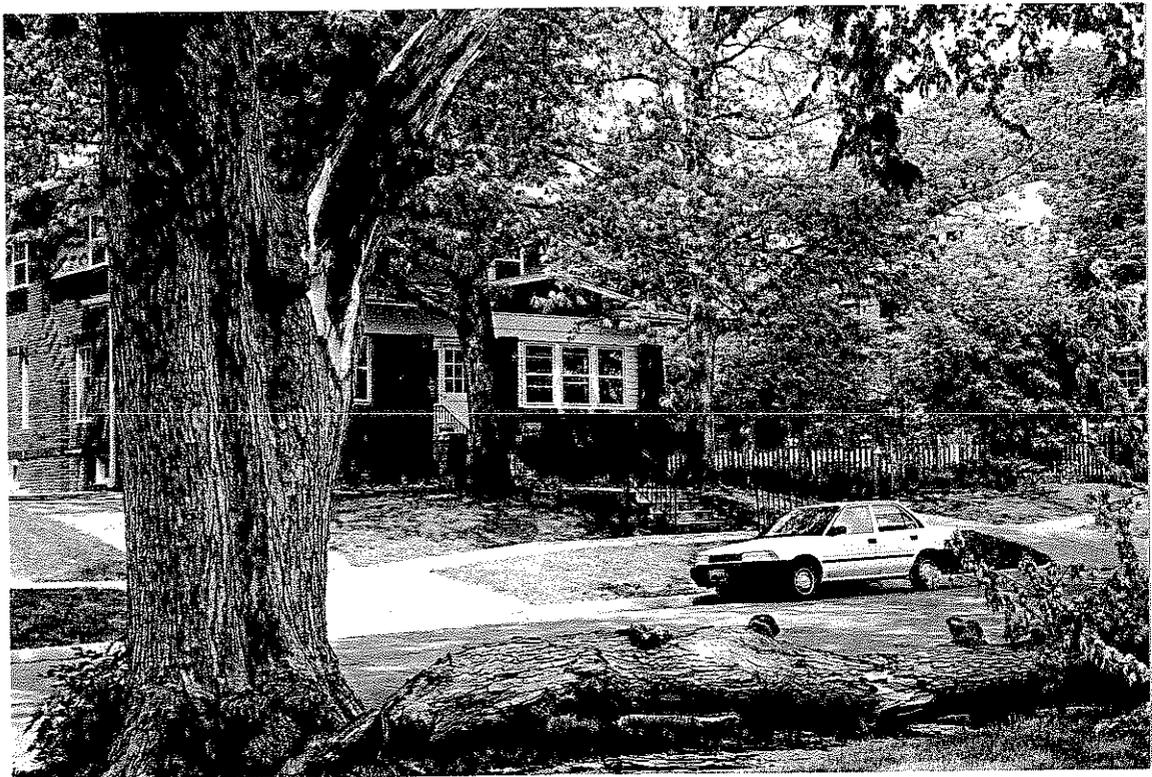
QTY	DESCRIPTION	UNIT	REMARKS	EXISTING	GM PART	PRICE	UNIT
7	505400	BDY	REMOVE/NO FALL	L FENDER FRONT MOULDING			U.S.
8	510320	BDY	REMOVE/REPLACE	R FENDER ADHESIVE NAMEPLATE	10019400	22.58	0.2
9	510330	BDY	REMOVE/REPLACE	L FENDER ADHESIVE NAMEPLATE	10019400	22.58	0.2
10	524450	GLS	REMOVE/REPLACE	W/SHIELD GLASS	20648002	176.92	INC #
11	524660	GLS	REMOVE/REPLACE	W/SHIELD INSTALLATION KIT	**Qual Repl Part	20.00 *	
12	524670	BDY	REMOVE/REPLACE	W/SHIELD REVEAL MOULDING	10103279	27.78	INC
13	524930	BDY	REMOVE/REPLACE	R W/SHIELD WIPER BLADE ARM	10263454	44.12	INC
14	524940	BDY	REMOVE/REPLACE	L W/SHIELD WIPER BLADE ARM	10263453	44.12	INC
15	525370	BDY	REMOVE/REPLACE	COWL/DASH TOP PANEL	20648096	6280.04	0.7 #
16	AUTO	REF	REFINISH	COWL VENT GRILLE			1.2
17	525440	BDY	REMOVE/REPLACE	COWL/DASH VENT SCREEN	20584415	628.09	
18	538694	BDY	REMOVE/REPLACE	ROOF PANEL	20255002	6346.50	17.0
19	AUTO	REF	REFINISH	ROOF PANEL			C 3.0
20	541160	BDY	REMOVE/INSTALL	REAR GLASS ASSY			0.4 #
21	541430	GLS	REMOVE/REPLACE	BACK WINDOW INSTALLATION KIT	**Qual Repl Part	20.00 *	
22	541450	BDY	REMOVE/REPLACE	UPR BACK WINDOW REVEAL MLDG	10103279	27.78	INC #
23	543010	REF	BLEND	R QUARTER PANEL OUTSIDE			C 0.9
24	543020	REF	BLEND	L QUARTER PANEL OUTSIDE			C 0.9
25	AUTO	REF	ADD'L OPR	CLEAR COAT			3.1
26	933005	BDY	ADD'L OPR	RESTORE CORROSION PROTECTION		10.00 *	0.3*
27	933019	BDY	ADD'L OPR	TAPED STRIPE		15.00 *	0.5*
28	AUTO		ADD'L COST	PAINT/MATERIALS		443.70 *	
29	AUTO		ADD'L COST	HAZARDOUS WASTE DISPOSAL		7.00 *	

ESTIMATE RECALL NUMBER: 5/17/04 10:31:22 8492

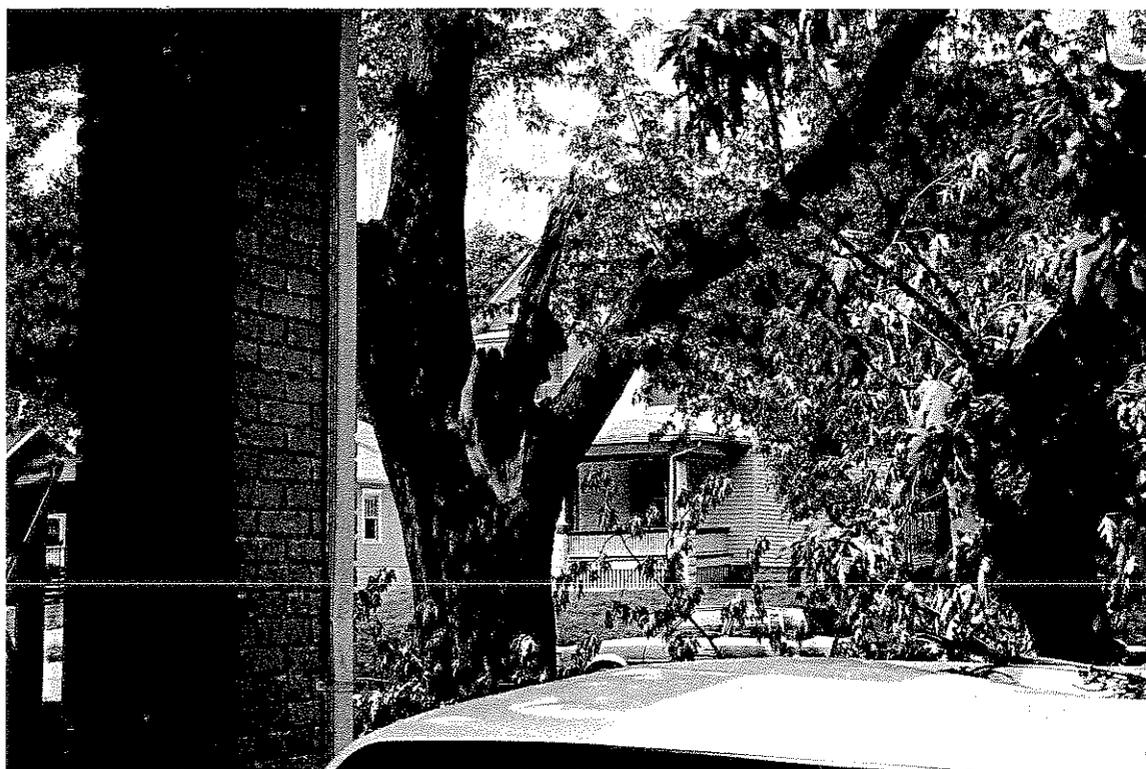
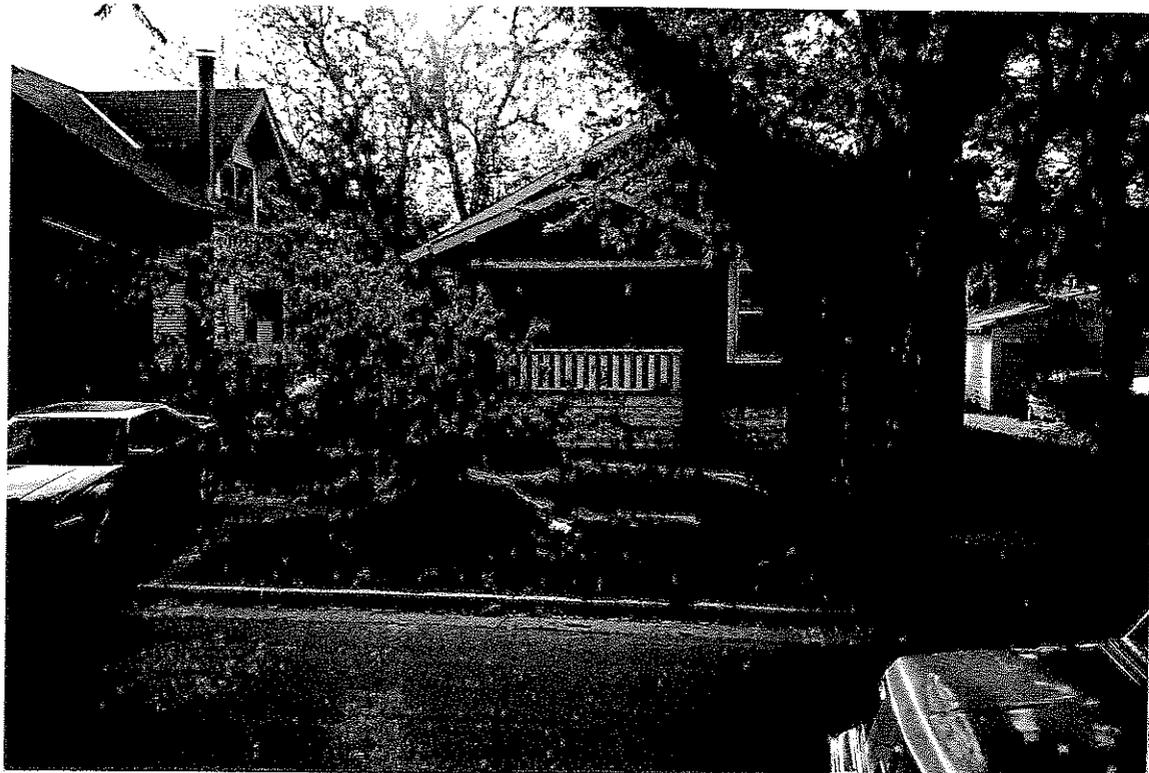
Mitchell Data Version: MAY\_04\_A  
 UltraMate Version: 5.0.021

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**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, JULY 12, 2004**

**I. MAYOR - NONE**

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS/CORRESPONDENCE**

**TERRY WERNER**

1. E-Mail from Josh Knapp with response from Terry Werner - RE: The Smoking Ban - (See E-Mail)
2. 4 Format Letters to Terry Werner - RE: Opposed to the smoking ban - (See Letters)

**JON CAMP**

1. Letter from Craig Loeck to Jon Camp - RE: Opposed to the smoking ban - (See Letter)

**KEN SVOBODA**

1. 4 Format Letters to Ken Svoboda - RE: Opposed to the smoking ban - (See Letter)

**B. DIRECTORS AND DEPARTMENT HEADS**

**FINANCE DEPARTMENT/CITY TREASURER**

1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased July 6, 2004 thru July 9, 2004.

**PUBLIC WORKS & UTILITIES DEPARTMENT**

1. NEWS RELEASE - RE: East "O" Lanes To Close For Pavement Marking - (See Release)

2. ADVISORY - RE: Pre-Construction Open House - West "A" Street Storm Sewer Project on Wednesday, July 14, 2004 from 5:00 p.m. to 6:00 p.m. at Roper Elementary School - (See Advisory)

**C. MISCELLANEOUS**

1. Letter from Alex Knight - RE: 'Thank-you' for the smoking ban - (See Letter)
2. Letter from Robert L. Miller - RE: Supports the Council in its Resolution to change parts of the Patriot Act - (See Letter)
3. 3 'Thank-you' Note Cards - RE: The smoking ban - (See Note Cards)
4. E-Mail from Karin Fuog - RE: StarTran route from Lux to Vintage Heights - (See E-Mail)
5. E-Mail from Jim Johnson - RE: Correction to a KOLN/KGIN news story - on the smoking ban petition - (See E-Mail)
6. E-Mail from John A. Roby - RE: Opposed to the smoking ban - (See E-Mail)
7. 7 E-Mail's - RE: Thank you for the 100% smoking ban (See E-Mail's)
8. Letter from Hugh E. Bowen, President, USWA Local 286 - RE: Opposed to new smoking ban go back to what was voted on the first time - (See Letter)
9. Letter from Peter M. Townley, M.D., President of Nebraska Oncology Society - RE: Thank you for passing the smoking ban - (See Letter)
10. Letter & Resolution from Polly McMullen, DLA President & Michelle Waite, DLA Chair (Downtown Lincoln Association) - RE: Supporting the Infrastructure Financing - (See Material)

daadd071204/tjg



"josh knapp"  
<joshknapp20@hotmail.com>

07/08/2004 01:51 PM

To: TWernerLNK@aol.com  
cc: jcamp@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us,  
jcook@ci.lincoln.ne.us, pneman@ci.lincoln.ne.us,  
gfriendt@ci.lincoln.ne.us, amcroy@ci.lincoln.ne.us

Subject: Re: smoking ban

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Council member,

I do understand where you come from on the issue of people dying. However, skewed results from biased research agencies may or may not maintain that it is the actual killer. What I do know is that a 100% ban is a direct violation of a person's rights. It should not be up to the council to pass this ban under a cloak without the public's knowledge. Also, when you can not make everyone happy, outlawing something should be the last resort. A better median should be able to be found. the 60/40 rule was a weak attempt at making everyone happy. Giving people and businesses choices is what this country is founded on. The freedom to decide without government forcing it upon them.

I personally am not a smoker. Have I smoked before - yes. Do I find it unpleasant - sometimes. Should we favor the 10/1 majority because the minority doesn't have the same size of voice? I don't think so. Do people really die from solely being around 2nd hand smoke in public places - I doubt it.

You probably wonder what the solution is then. Give people the choice of whether or not to go to a smoking environment. Give business owners the choice to offer a smoke free environment 10/1 citizens who want the smoking ban. If the demand for smoke free is up, then let the bars and restaurants decide whether they want to provide it.

Thanks for your time. Please write back,

Josh Knapp

>From: TWernerLNK@aol.com  
>To: joshknapp20@hotmail.com  
>Subject: Re: smoking ban  
>Date: Thu, 8 Jul 2004 13:21:53 EDT

>

>Mr.Knapp, I did not vote for the 60/40 ordinance. I have always  
>maintained  
>that it needed to 100% or nothing. The prior ordinance discriminated  
>against  
>many small businesses. Now everyone is on a level playing field.

>

>I disagree with your point about the people of Lincoln not wanting the  
>total  
>ban. My emails have been 10 to 1 in favor. Also, polls taken in Lincoln  
>show  
>an overwhelming majority favor a ban.

>

>As far as smokers go, they can still smoke. No-one is taking that right  
>away  
>from them.

>  
>Finally, there may be one big difference between you and I on this issue.  
>I  
>believe that employees in the hospitality industry are dying because of  
>second  
>hand smoke. The study conducted in Lincoln surmised that could be up to 17  
>a  
>year in Lincoln alone. Therefore it is a very legitimate thing to  
>legislate  
>to save lives. I cannot turn the other way when people are dying. You may  
>say people have a choice where they work. I heard testimony from single  
>parents, with college degrees who made more money waitressing than in their  
>field.  
>Her choice was to feed her child and clothe her child or not. Again, this  
>is a  
>matter of saving lives every day.  
>  
>I will not change my vote. I have never wavered on my support of a 100%  
>smoking ban.  
>  
>I am sorry we disagree on this subject. Thank you for your input. Terry  
>Werner

---

Get tips for maintaining your PC, notebook accessories and reviews in  
Technology 101. <http://special.msn.com/tech/technology101.armx>

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

Councilman Werner:

I am writing to let you know that I am opposed to the amendments that you voted to approve Monday night.

You have bypassed the legitimate concerns of many of the citizens of Lincoln and you did so in an underhanded and unacceptable manner. You have not addressed the issues fairly and in good faith, but have slipped in an ordinance with no public debate, (except for what you allowed the Health Department). Both sides of an issue must be allowed in a government decision!

You have failed to address the issue of break rooms, smoking rooms and have allowed some businesses to profit from your ordinance. If you truly believe that this is a health issue, then is the health of a maid less important to you for some reason? What message do you send with that exclusion?

You have failed many Lincoln small businesses and tread on the liberties of Lincoln residents. Liberty is the "right to choose". And, finally you have failed to address the fact that smoking is legal.

The State of Nebraska could choose to address this issue and in making this a City, (not even County) you have put many at a great disadvantage.

My vote (along with many others) will be against you in the next election.

Signed:

*Kenneth Stewart*

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

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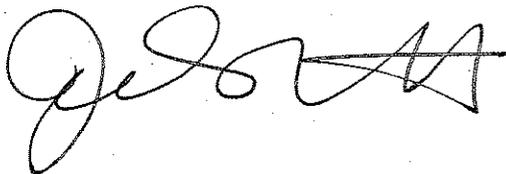
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Signed:



RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

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Signed:

Kris Childers

Terry Werner  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68506

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

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My vote (along with many others) will be against you in the next election.

Signed:

*Rosemary Werner*

July 7, 2004

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Jon Camp  
PO Box 82307  
Lincoln, NE 68501-2307

Dear Jon,

Why would you feel you have the authority to tell a business owner people can not smoke in his or her establishment?

What I can't figure out is who or what is the power that forces anyone into a bar or restaurant that allows smoking? The government does not have the authority to make them go in. Who forces people to work in a business that allows smoking? There are scores of restaurants and some bars that choose to be non-smoking. There are countless jobs available where exposure to smoke isn't an issue.

Who forces those offended by smoking to be there? You? Government? Perhaps there is a whole segment of our America just looking for something to be offended by.

Dear officials, mind your own business and run the government. Don't put on your tan shirts and tell people what's best for them in your opinion. Leave private enterprise in America alone and let people decide for themselves where they chose to go and where they choose not to go.

These are my thoughts on Independence Day in the United States of America regarding the smoking question in my city.

Sincerely,



Craig Loeck

RECEIVED JUL 09 2004

Ken Svoboda  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Councilman Svoboda:

I am writing to let you know that I am opposed to the amendments that you proposed to the City Council on Monday night.

You not only bypassed the legitimate concerns of many of the citizens of Lincoln, you bypassed those citizens in an underhanded and unacceptable manner. Are you so afraid of debate that you felt the need to slip this into the meeting with only the Board of Health present? Where is public debate?

You have not addressed the issues fairly and in good faith, but took advantage of members of the Council who were trying to come up with compromises. I would hope that your fellow members will remember that in the days to come.

You still have not addressed the main issues of this debate and continue to look at information that is not only debatable, but outdated. The many measures taken to insure air quality have resulted in less pollution in our businesses and homes. The air quality in Los Angeles and New York however, continues to deteriorate.

The main issue here is that smoking is LEGAL! You may not approve of it. You may not smoke yourself. You may ban it in your own home or business, but in the true meaning of democracy, you do not have the right to ban it in private establishments. You have failed many Lincoln small businesses and tread of the liberties of Lincoln residents. Liberty is the "right to choose".

You should be ashamed of the methods used to achieve your goal. The ends never justify the means. You cannot justify the use of deception and denial of due process in government, which is exactly what you have done.

My vote (along with many others) will be against you in the next election. Perhaps there will be a permanent position on the Board of Health available.           

Signed:

*Carol J. Crayton*  
*4711 Southpark Dr.*  
*Lincoln, NE 68516*

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Ken Svoboda  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

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Signed:

*Janice J. Cordes*  
8207 Meredith Place  
Lincoln, NE 68506  
402-327-9420

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Ken Svoboda  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

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Signed:

*Kenneth Stewart*

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Ken Svoboda  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

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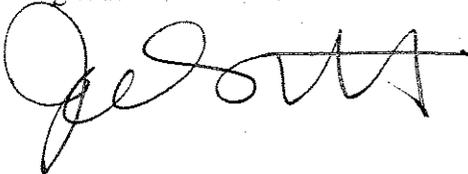
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Signed:



RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

RESOLUTION NO. A-\_\_\_\_\_

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL** of the City of  
Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City  
Treasurer is hereby directed to hold said investments until maturity unless  
otherwise directed by the City Council.

**INTRODUCED BY:**

\_\_\_\_\_

**Approved:**

\_\_\_\_\_  
**Don Herz, Finance Director**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Mayor

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

**FINANCE DEPARTMENT  
TREASURER OF LINCOLN, NEBRASKA  
INVESTMENTS PURCHASED  
JULY 6 THRU JULY 9, 2004**

July 6, 2004, we cashed a \$439,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$415,000 as follows:

\$170,000	Treasury Cash Management Fund at Wells Fargo Bank
\$245,000	Nebraska Public Agency Investment Trust at Union Bank

July 7, 2004, we cashed a \$35,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$260,000 as follows:

\$60,000	Nebraska Public Agency Investment Trust at Union Bank
\$200,000	Treasury Cash Management Fund at Wells Fargo Bank

A \$5,000,000 investment matured July 8, 2004, and we immediately cashed along with a \$2,830,000 Treasury Cash Management Fund and a \$1,000,000 USB Business Money Market out of the Short Term Pool for a total of \$8,830,000. We then reinvested \$6,960,000 as follows:

\$10,000	Nebraska Public Agency Investment Trust at Union Bank
\$4,450,000	First American Government Obligation Fund at Us Bank
\$2,500,000	CD, purchased at par, rate of 1.53%, maturing August 26, 2003

July 9, 2004, we cashed a total of \$2,218,000 out of the Short Term Pool. We then added to that amount and invested \$3,540,000 as follows:

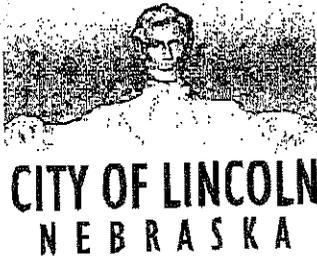
\$40,000	Nebraska Public Agency Investment Trust at Union Bank
\$1,000,000	USB Business Money Market
\$2,500,000	FREDN, discounted 99.80725%, costing \$2,495,181.25, yielding 1.308940%, maturing September 1, 2004

We respectfully request approval of our actions.

\_\_\_\_\_  
Don Herz, Finance Director

\_\_\_\_\_  
Melinda J. Jones, City Treasurer

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE



# 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:** July 9, 2004

**FOR MORE INFORMATION:**

- Diane Gonzolas, Citizen Information Center, 441-7831
- Linda Weaver Beacham, Project Manager, The Schemmer Associates, 488-2500
- Stroud Evans, Construction Administrator, The Schemmer Associates, 488-2498
- Larry Duensing, City Project Manager, Public Works and Utilities Dept., 441-7711
- Randy Howard, President, Constructors Inc., 434-1764

### EAST "O" LANES TO CLOSE FOR PAVEMENT MARKING

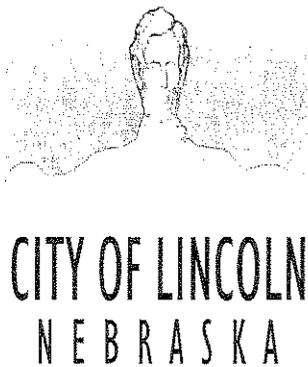
Beginning Monday, July 12, some lanes of traffic in the East "O" Street area will temporarily close as crews apply permanent pavement markings to streets. The streets affected by these lane closures are:

- East "O" Street from Lyncrest Drive to Wedgewood Drive;
- 66th Street from Taylor Park Drive to "Q" Street;
- 70th Street from "L" Street to "P" Street; and
- the intersections of East "O" with 63rd Street, 68th Street and Wedgewood Drive.

Permanent striping is expected to be completed by August 1. All affected streets will remain open during the work, but traffic will be limited by partial closures. Lane closures for each street section may shift during the course of the day as crews work on different parts of the street.

- 30 -

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

## PRE-CONSTRUCTION OPEN HOUSE

WEST 'A' STREET STORM SEWER PROJECT

WEDNESDAY, JULY 14, 2004

5:00 - 6:00 PM

ROPER ELEMENTARY SCHOOL

2323 S. CODDINGTON AVE

(ENTRANCE ON NORTH SIDE OF BUILDING, INSIDE GYM)

This advisory is to inform you of an informational meeting regarding the upcoming construction of the West 'A' Storm Sewer Street project between SW15th and SW17th Street. City personnel and construction contractors will be at this meeting to answer questions concerning the project. Information and detour route are available on the City's website: [lincoln.ne.gov](http://lincoln.ne.gov).

Please call Charlie Wilcox with any questions.

Charlie Wilcox  
Senior Engineering Specialist  
Public Works & Utilities Department  
531 Westgate Blvd. Suite 100  
Lincoln NE 68528  
402-441-7532  
[cwilcox@ci.lincoln.ne.us](mailto:cwilcox@ci.lincoln.ne.us)

RECEIVED  
JUL 14 0 2 2004  
CITY CLERK'S  
OFFICE

7-8-04

Dear Councilman Terry Winer

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

I want to thank you for your recent vote on the smoking ban.

I believe this complete measure is what Lincoln needs - for its health!

I have many more choices now, of restaurants - for now, I will spend my money in many more "non smoking" eating establishments.

Alex Knight  
Life-long Lincolnite

5031 S. Bark  
Lincoln, NE 68516  
July 8, 2004

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

City Council  
555 S. 18th St.  
Lincoln, NE 68508

Dear Council Members:

I would like to support the Council in its resolution to change parts of the Patriot Act which undermine a free and open society. The Act seems far to invasive of privacy of "every day" citizens for we need to say "Common citizens" in our country.

Sincerely

Robert L. Miller

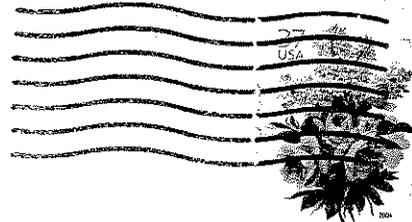
RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE

Dear Mr. Werner, 7-6-04

I work for the American Cancer Society in Nebraska, housed in the North Platte office. I am writing to THANK-you for helping make all Lincoln work-sites Smoke-free! What a great accomplishment! I used to live in Lincoln, and still have family & friends there, so I truly appreciate the steps you have taken to protect them, and everyone else in Lincoln, from dangerous second-hand smoke!

Congratulations! With appreciation,  
Mindy Hope

American Cancer Society  
3701 Cavalry Hills Drive  
North Platte, NE 69101



Lincoln City Council  
RECEIVED Mr. Terry Werner  
JUL 09 2004 555 S. 10th St. Room 111  
CITY COUNCIL OFFICE Lincoln NE 68508

Mr. Werner -

Thank you for voting to  
make Lincoln smokefree!  
Though I do not live in Lincoln,  
my daughter who attends UNL  
does. Your vote has made  
it a healthier place for her  
to live. I greatly appreciate  
your courage in making  
this happen and hope that  
the rest of the state is soon  
to follow.

Many thanks!

Sincerely,  
Peggy Kelley

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

Hallmark

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MADE IN U.S.A.  
www.hallmark.com

Peggy Kelley  
16114 Spencer  
Omaha Ne.

NE 681  
PM  
09 JUL  
2004



Lincoln City Council  
Jerry Werner

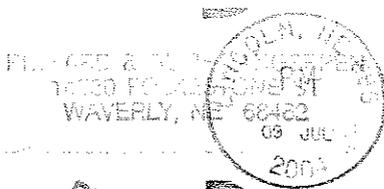
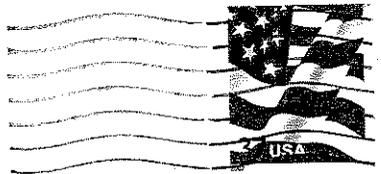
RECEIVED  
JUL 12 2004

555 S 10th St Room 111

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

Mr Werner,

THANK YOU so much  
for voting in favor of  
the Smoking Ordinance.  
As an oncology nurse, I  
appreciate your  
understanding of the  
impact of smoking.  
As a community member,  
it is a pleasure to  
eat in restaurants &  
enjoy and not endure  
"drifting" smoke.  
Best Wishes  
Ruth Wankemper



RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

Lincoln City Council

Jerry Werner

555 So 10<sup>th</sup> St, Rm 111



Joan V Ray

07/09/2004 04:25 PM

To: "Fuog, Karin" <Karin.Fuog@nelnet.net>  
cc: "campjon@aol.com" <campjon@aol.com>, "council@ci.lincoln.ne.us"  
<council@ci.lincoln.ne.us>, "Home (E-mail)"  
<karinanderic9397@earthlink.net>, "mayor@ci.lincoln.ne.us"  
<mayor@ci.lincoln.ne.us>

Subject: Re: StarTran route from Lux to Vintage Heights

Dear K. Foug: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
"Fuog, Karin" <Karin.Fuog@nelnet.net>

RECEIVED  
JUL 09 2004  
CITY COUNCIL  
OFFICE



"Fuog, Karin"  
<Karin.Fuog@nelnet.net>  
et>

07/09/2004 04:25 PM

To: "campjon@aol.com" <campjon@aol.com>  
cc: "council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>, "Home (E-mail)"  
<karinanderic9397@earthlink.net>, "mayor@ci.lincoln.ne.us"  
<mayor@ci.lincoln.ne.us>

Subject: StarTran route from Lux to Vintage Heights

Jon:

I am writing to applaud Mayor Seng's inclusion in the 2004-2005 city budget of the new bus route between Lux Middle School and neighborhoods south, including Vintage Heights.

My elder son will start attending Lux Middle School this fall and as my husband and I both work, we were concerned about how to get him to and from school without impacting our work schedules. Many other parents in Vintage Heights and the other southeastern neighborhoods that feed into Lux have had the same concern. The new bus route will solve this problem and simplify life for all of us.

I strongly urge you to keep this bus route in the 2004-2005 budget. The southeastern area of Lincoln is growing and most of the new residents are families with young children. The demand for a reliable means of transportation to and from the schools will only get stronger. Establishing this bus route will make these neighborhoods even more attractive.

Sincerely,

Karin Fuog  
486.0386

-----  
The information contained in this message is confidential proprietary property of Nelnet, Inc. and its affiliated companies (Nelnet) and is intended for the recipient only. Any reproduction, forwarding, or copying without the express permission of Nelnet is strictly prohibited. If you have

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received this communication in error, please notify us immediately by replying to this e-mail.  
-----



Joan V Ray  
07/12/2004 08:45 AM

To: Jim Johnson <jjohnson@cornhusker.net>  
cc: info@kolnkgin.com, ksvoboda@ci.lincoln.ne.us,  
council@ci.lincoln.ne.us  
Subject: Re: Correction to a KOLN/KGIN news story

Dear Mr. Johnson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
JUL 12 2004  
CITY COUNCIL  
OFFICE

Jim Johnson <jjohnson@cornhusker.net>



Jim Johnson  
<jjohnson@cornhusker.net>  
07/10/2004 12:29 AM

To: info@kolnkgin.com  
cc: ksvoboda@ci.lincoln.ne.us, council@ci.lincoln.ne.us  
Subject: Correction to a KOLN/KGIN news story

KOLN/KGIN news department:

In your Friday story on the smoking ban petition,

<http://www.kolnkgin.com/home/headlines/873846.html>

you quoted Council member Ken Svoboda as saying that "Those individual signatures have to not only be registered voters, they have to have voted in the last gubernatorial election a year and a half ago."

In my opinion, Mr. Svoboda is misinterpreting the City Charter provision on public referendums. In the City Charter, which is available online at:

<http://lincoln.ne.gov/city/attorn/lmc charter.pdf>

Article IV, Section 23, (page 12 of 50 on my computer screen) says, in part:

"... if, during said fifteen days, a referendum petition, signed and verified as provided in this article by at least four percent of the number of participating city voters at the last general gubernatorial election protesting against the passage of such ordinance, be filed with the city clerk, ..."

Mr. Svoboda apparently believes that means that four percent of the actual gubernatorial election voters have to sign the petitions, not just four percent of the number of voters. I think if the authors of the charter had meant it that way they surely would have just SAID "four percent of the voters ...", instead of "four percent of the NUMBER of voters ...". Admittedly there's room for more clarity in the language, but it seems clear enough to me. (Obviously, the person you should be interviewing regarding signature requirements is Election Commissioner David Shively, not Ken Svoboda nor myself, nor the KOLN/KGIN news staff.)

Given the circumstances, I also think it's a little "convenient" that Mr. Svoboda's comments, if heeded, would tend to discourage University Students who in many cases weren't old enough to vote in the 2002 gubernatorial election.

I urge you to check with the Election Commissioner on Monday (sooner if you can track him down on the weekend) and if it turns out that Mr. Svoboda's interpretation is wrong, air a retraction.

Thanks!

Jim Johnson,  
1201 Berkshire Ct #36  
Lincoln NE 68505



**DO NOT REPLY to this-  
InterLinc**  
<none@lincoln.ne.gov  
>

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

07/10/2004 11:16 AM

InterLinc: City Council Feedback for  
General Council

Name: John A. Roby  
Address: 2615 NorthWest 55th Street  
City: Lincoln, NE 68524  
  
Phone: 402-470-2973  
Fax:  
Email: johnandbrenda@earthlink.net

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

Comment or Question:

Dear City Council Members:

I implore the Lincoln City Council to say no to the anti-smoking fascists who seek to regulate behavior they don't agree with in the name of 'public health.'

As much as Tobacco Free Lincoln and the rest the nanny staters would like to wrap their intentions up in the self righteous blanket of protecting the proletariat, they truly seek to regulate behavior they find disagreeable. They regurgitate endless, grim statistics to support their position, but the bottom line is they don't like smoking and so seek to impose themselves on everyone and use the city government to do it.

The entire issue boils down to personal free choice. A business owner (currently) has the freedom to run his or her business. Those who disagree with the way that business is run have the freedom to choose not to frequent that business. Curtailing that freedom and making all march in myopic lock step is insulting. Dressing up the destruction of this liberty in benevolent rhetoric is fascist.

Oh, by the way, I'm a non-smoker.

Sincerely,  
John A. Roby

2615 NorthWest 55th Street  
Lincoln, Nebraska 68524



Joan V Ray  
07/12/2004 08:48 AM

To: "Julie & Harry Watson" <hj725@earthlink.net>  
cc: <council@ci.lincoln.ne.us>  
Subject: Re: Thank You for the 100% Smoking Ban

Dear Mr. & Ms. Watson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
JUL 12 2004  
CITY COUNCIL  
OFFICE

"Julie & Harry Watson" <hj725@earthlink.net>



"Julie & Harry Watson"  
<hj725@earthlink.net>  
07/10/2004 12:16 PM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: Thank You for the 100% Smoking Ban

We are writing as a very happy and concerned family. When we originally heard of the smoking ban months ago, we were excited. Then frustrated when the amendments passed with restrictions, we felt, weren't easy to enforce. . When we heard of the vote of 100% smoking ban, we were ecstatic! We notified all of our friends and family that night. They all were just as excited.

Passing of the 100% smoking ban has been something we have wanted for over 10 years. We are in our late 20's and enjoy the bar atmosphere. However, there have been numerous times when we choose not to go out due to the smoky environment. We don't like the way our clothes, hair, throat and sinuses feel after a night out at a smoky bar. Actually, we've lost our voice from the smoke filled bars before.

**This 100% smoking ban has motivated our friends from Omaha to visit Lincoln and go to the bars due to the smoke free environment.**

As a registered pharmacist, I feel, the ban will allow those smokers who have had a hard time breaking the habit, be more successful at quitting. Many smokers smoke more when they drink alcohol or see others around them smoking. *Less smokers equals less health care costs.* The Surgeon General warning should explain the concern cigarettes have for people's health. Why should non smokers have to sacrifice their health and choice of bars by smokers habits? You would think business owners would be more concerned about the health of their employees and customers, rather than their "rights".

We have wanted to open a smoke free bar of our own, but knew placement of a nonsmoking bar next to smoking bars would be unsuccessful. It has to be all-or-none in this case. Anyone who thinks that this ban is going to hurt business is crazy. Do you really think that people are going to stay home? Judging by the success rate of local restaurants and bars, I don't think anyone stays home any more. The ban on airplanes didn't seem to keep people from flying, did it? Not being able to smoke in grocery stores didn't decrease business. People will never stop going to bars. It's about being with friends and having a good time, not to just smoke. The only thing people are afraid of is change, no matter what you are doing, and this is no different. Change scares most people, but usually change ends up being for the betterment of all.

Please don't waste our city money by dragging this debate out, when it is clear a more healthy environment is necessary.

**We are also proud to be part of a community who are pioneers in this healthy decision for all citizens. It's exciting to know we are the first splash in the ripples to come throughout Nebraska and the Midwest.**

**Thank you for your time and support of protecting your citizens and visitors of Lincoln! It is nice to know our City Council members are leaders, not followers. Anyone can be a follower, but it takes vision to be a leader.**

Julie & Harry Watson



Joan V Ray

07/12/2004 08:52 AM

To: "Sarie Mundhenke" <cmundhenke1@neb.rr.com>

cc:

Subject: Re: Thank You for the 100% Smoking Ban 

Dear C and S Mundhenke: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"Sarie Mundhenke" <cmundhenke1@neb.rr.com>



"Sarie Mundhenke"  
<cmundhenke1@neb.rr.com>

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

cc:

Subject: Thank You for the 100% Smoking Ban

07/10/2004 02:04 PM

I support the 100% smoking ban! Thank you for taking the initiative for making our environment more healthy for all. Please don't waste our city money by dragging this debate out, when it is clear a more healthy environment is necessary. I can guarantee I will go out to more places knowing they will be smoke free.

Thank You!

Camden & Sarepta Mundhenke

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE



Joan V Ray

07/12/2004 08:53 AM

To: HLWatsonSr@aol.com

cc:

Subject: Re: Thank You for the 100% Smoking Ban 

Dear Mr. & Ms. Watson: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

HLWatsonSr@aol.com



HLWatsonSr@aol.com

07/10/2004 03:13 PM

To: council@ci.lincoln.ne.us

cc:

Subject: Thank You for the 100% Smoking Ban

We support the 100% Smoking Ban! Thank you for taking the initiative for making our environment more healthy for all. Please don't waste our city money by dragging this debate out, when it is clear a more healthy environment is necessary. We can guarantee we will go out to more places knowing they will be smoke free.

Harry and Mary Watson

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE

 Joan V Ray

07/12/2004 08:56 AM

To: ambery@yaho.com

cc:

Subject: Re: Thank you for bringing smokefree air to Lincoln! 

Dear Ms. Girard: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

ambery@yaho.com



ambery@yaho.com

07/11/2004 01:11 PM

To: council@ci.lincoln.ne.us

cc:

Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for you commitment to a healthier Lincoln.

Sincerely,

Amber Girard  
1600 Primrose Lane  
Fairborn, Ohio 45324

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JUL 12 2004  
CITY COUNCIL  
OFFICE



**Joan V Ray**  
07/12/2004 08:57 AM

To: "Dr. Kim Tucker" <ktucker@eyecarespecialties.com>  
cc:  
Subject: Re: Thank You for the 100% Smoking Ban 

Dear Dr. Tucker: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

"Dr. Kim Tucker" <ktucker@eyecarespecialties.com>



**"Dr. Kim Tucker"**  
<ktucker@eyecarespecialties.com>  
07/12/2004 08:28 AM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank You for the 100% Smoking Ban

City council members:

I support the 100% smoking ban! Thank you for taking the initiative for making our environment more healthy for all. Please don't waste our city money by dragging this debate out, when it is clear a more healthy environment is necessary. I can guarantee I will go out to more places knowing they will be smoke free.

Dr. Kim Tucker I support the 100% smoking ban! Thank you for taking the initiative for making our environment more healthy for all. Please don't waste our city money by dragging this debate out, when it is clear a more healthy environment is necessary. I can guarantee I will go out to more places knowing they will be smoke free.

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE



**Joan V Ray**  
07/12/2004 08:57 AM

To: <christina@neb.rr.com>  
cc:  
Subject: Re: Smoking Ban 

Dear Christina: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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

<christina@neb.rr.com>



<christina@neb.rr.com  
>  
07/12/2004 07:46 AM

To: <council@ci.lincoln.ne.us>  
cc:  
Subject: Smoking Ban

I emailed the City Council a few weeks ago regarding the smoking ban and how excited I am about it. I am now getting nervous, as a waitress at Brewskys I see the many petitions around the bar and all the customers Brewskys is trying to get to sign. Please do not let them persuade you, I have spoke with customers in the bar myself whom are so pleased and can't wait for the ban-this is for everyones health! Please keep this ban!!

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JUL 12 2004  
CITY COUNCIL  
OFFICE



**Joan V Ray**  
07/12/2004 09:21 AM

To: mary@ncdhd.info  
cc: council@ci.lincoln.ne.us  
Subject: Re: Thank you for bringing smokefree air to Lincoln!

Dear Ms. Drudik: Your message has been received in the Council Office and will be forwarded to the Council Members for their 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  
JUL 12 2004  
CITY COUNCIL  
OFFICE

mary@ncdhd.info



**mary@ncdhd.info**  
07/12/2004 09:13 AM

To: council@ci.lincoln.ne.us  
cc:  
Subject: Thank you for bringing smokefree air to Lincoln!

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Lincoln City Council,

I am writing to thank the City Council for choosing to protect the health of all workers, residents, and visitors of Lincoln.

Please be vigilant in safeguarding the new law from any opposition attempts to weaken or repeal the law.

Lincoln residents, especially those working in smoke-filled environments, can now look forward to fewer heart attacks, fewer asthma attacks, and lower cancer rates. They will have you to thank for their improved health and quality of life.

Experience in hundreds of other communities around the country shows that smokefree laws, once in effect, are not only popular, but also good for health, and good for business.

Thank you again for you commitment to a healthier Lincoln.

Sincerely,

Mary Drudik  
316 E. Douglas Street  
Oneill, Nebraska 68763

120



# United Steelworkers of America

AFL-CIO/CLC  
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JUL 12 2004

CITY COUNCIL  
OFFICE

RUBBER / PLASTICS INDUSTRY CONFERENCE

Local Union No. 286  
5724 Seward Ave.  
Lincoln, NE 68507  
402/434-2976  
Fax 402/434-2976

HUGH BOWEN, President  
CARY SCHAEFER, Vice President  
JUDY JOSLIN, Recording Secretary  
MICK VERCELLINO, Financial Secretary  
PATSY HILDRETH, Treasurer

July 9, 2004

Terry Warner  
Lincoln City Council  
555 South 10<sup>th</sup> St.  
Lincoln, NE 68508

Mr. Warner:

Goodyear has eight break rooms set up in the plant for smokers and nine break rooms for non-smokers. After the City Council took action to reverse the smoking policy to no smoking, Goodyear stopped on the smoking rooms and put a notice out saying no one can smoke anywhere in the factory.

I would ask that you reconsider the no smoking ban and go back to what was voted on the first time.

Yours truly,

A handwritten signature in cursive script that reads "Hugh E. Bowen".

Hugh E. Bowen  
President  
USWA Local 286

HEB:bg

100



# ONCOLOGY HEMATOLOGY WEST, P.C.

Medical Oncology  
Hematology

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OFFICE

Margaret Block, M.D., F.A.C.P.  
Laxmi Narayana R. Buddharaju, M.D.  
Robert M. Langdon, Jr., M.D., F.A.C.P.  
David A. Silverberg, M.D., F.A.C.P.  
Gamani S. Soori, M.D., F.A.C.P., F.R.C.P.  
Stephan D. Thomé, M.D.  
Peter M. Townley, M.D.  
Rose Townley Bakewell, M.S.N., A.P.R.N.  
Sheryl P. Shannon, M.S.N., A.P.R.N.

June 30, 2004

Mr. Terry Werner  
Lincoln City Council  
555 South 10<sup>th</sup> St., Rm. 111  
Lincoln, NE 68508

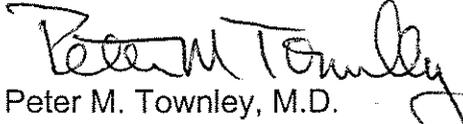
Dear Terry,

I thank you for passing the Smoke Free Bill in Lincoln, Nebraska. Currently, I am the president of the Nebraska Oncology Society, and I am a practicing oncologist in the Omaha area. Unfortunately, I see far too many patients with incurable lung carcinoma that we have inadequate treatment for.

We have seen a number of patients and their families suffer needlessly; and, in fact, one story I will share with you is of a young man who has contracted terminal lung cancer from second-hand smoke. This patient, unfortunately, had worked a second job, which was in a bar, two nights a week to save money to send his children to school. Unfortunately, related to this, he has contracted lung carcinoma, and he has been undergoing very rigorous treatment. I know that he would not have contracted this without the second-hand smoke exposure. As you may be aware, recent studies came out this week demonstrating the increased risk of patients developing heart attacks when exposed to second-hand smoke.

I thank you again for the support. I know this was not an easy task, but the health of Lincoln restaurant-bar workers, as well as other residents, will be improved significantly over upcoming years.

Sincerely,

  
Peter M. Townley, M.D.  
President of Nebraska Oncology Society

PMT:vsl

Bergan Mercy Medical Bldg  
7710 Mercy Rd, Suite 122  
Omaha, Nebraska 68124  
402-393-3110  
402-393-5732 fax

Methodist Cancer Center  
8303 Dodge St, Suite 250  
Omaha, Nebraska 68114  
402-354-8124  
402-354-8127 fax

Oncology Hematology West, P.C.  
611 Fenwick Dr  
Papillion, Nebraska 68046-5706  
402-593-3141  
402-593-3145 fax

Lakeside Health Park  
17030 Lakeside Hills Plz, Suite 100  
Omaha, Nebraska 68130-2325  
402-334-4773  
402-330-7463 fax



July 9, 2004

Mayor Coleen Seng  
Lincoln City Council  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Mayor Seng and Council Members:

On June 22, the DLA board was updated by Brad Korell and Russ Bayer on the progress of the SRT committee in addressing the serious infrastructure financing needs faced by our community.

After discussion, the board adopted by unanimous vote the attached resolution supporting the SRT process and the financing package, including a \$75 million general obligation bond, and the proposed rate increases for water and waste water, to close the financing gap. The board also recognized the dedication and hard work of the SRT committee and gave special recognition to leaders, Russ Bayer, Brad Korell, Jan Gauger and Dan Marvin.

The DLA stands ready to provide our support in the upcoming months to ensure the implementation of the financing package.

Sincerely,

Michelle Waite  
DLA Chair

PM: pas

CC: Russ Bayer  
Brad Korell

Polly McMullen  
DLA President

RECEIVED  
JUL 12 2004  
CITY COUNCIL  
OFFICE



## **RESOLUTION ON INFRASTRUCTURE FINANCING JUNE, 2004**

The Downtown Lincoln Association (DLA) considers infrastructure needs to be one of the greatest challenges facing Lincoln and we endorse the Mayor's process to identify financing alternatives.

We strongly encourage the Mayor and City Council to adopt a financing package to fund the \$135 million gap for streets and roads, including a general obligation bond in the amount of \$75 million and the proposed rate increases for water and waste water.

DLA commends the SRT Committee and its leaders for their commitment and hard work in identifying and bringing to the community a range of options for funding Lincoln's infrastructure and financing needs.

**DIRECTORS' MEETING  
MINUTES  
MONDAY, JULY 12, 2004  
CONFERENCE ROOM 113**

**Council Members Present:** Terry Werner, Chair; Ken Svoboda, Vice-Chair; Jon Camp, Jonathan Cook, Patte Newman, Glenn Friendt, Annette McRoy.

**Others Present:** Mayor Coleen Seng, Mark Bowen, Ann Harrell, Darl Naumann, Corrie Kielty, Mayor's Office; Deputy City Clerk, Teresa Meier-Brock; Dana Roper, City Attorney; Directors and Department Heads; Darrell Podany, Aide to Council Members Camp, Friendt, & Svoboda; Tammy Grammer, City Council Staff and Nate Jenkins, Lincoln Journal Star Representative.

**I. MAYOR**

Mayor Seng stated to Council that she has a couple of things that she wants to pass out to them this morning. One is a 'Thank-you' note from the Village of Hallam and she wanted them to have it and then the letter from the Hallam Board that she wanted them to see, they were saying 'Thank-you'. In the 'Downtown Idea Exchange' Lincoln made the news, which comes out about once a month and they send it around to people that are working on downtown things and they're in it.

Mayor Seng noted on Friday evening was the 'Relay For Life' and Terry [Werner] had a team there, right. Mr. Werner responded 'yes'. Mayor Seng stated it was a huge affair, she heard anywhere from 7,000 to 9,000 people attended, it was quite a big fund raiser.

Mayor Seng said on Saturday morning the Health Partners had their first neighborhood type project and they all need to know that Ken [Svoboda] did a lot of donation over at Cooper Park. Mr. Svoboda commented got it done.

Mayor Seng stated to Council that they're all invited to the rally out in front of the Hall of Justice on Thursday evening at 5:00 p.m. and it's really important if there's anyway they can be there to be supportive. This is sort of the formal announcement of the Saturday diversity event out at Pioneers Park.

Mayor Seng commented just to let them know that the group coming into town has called and they are not very pleasant when they call and talk, they rant and rave. Mayor Seng said she doesn't know, she hasn't asked Chief of Police if she should be returning this phone call or not. She did listen to someone taking the call and it was not very pleasant. Ms. McRoy asked Mayor Seng if they were trying to cancel. Mayor Seng replied 'no', they were mad that they were having another rally the same day.

Mayor Seng stated she thinks Police Chief Casady wanted to talk a little bit about what went on out at the Event Center on Saturday night. Chief Casady said 'yes', he just wanted the Council to be aware that they have had some problems recently at the Lancaster County Event Center. Two or three years ago the Event Center was annexed into the City, not all the properties inside the City limits, but the building is so they're responsible for the law enforcement services out there. Early yesterday morning they had dispatched 9 officers and a couple of deputy sheriff's over there because they had a party of about 1,000 to maybe 1,500 people that got out of control a little bit after midnight, which looks like it was some kind of a wedding party. Lots and lots of alcohol out in the parking and bottles, glasses and cans, they had an assault inside, it was just a pretty ugly scene and they're not happy about it at all. There was one employee of the Event Center on duty, he's a young man that's been working there as a security guard for about two weeks and the Director of the Event Center could not be located despite repeated attempts to call him. So, they'll be in touch with Mr. Bentler, they kind of want to get a handle on this so they don't have potential problems out there. Mr. Werner commented security would be their full responsibility, right. Chief Casady replied oh 'yes', absolutely.

Mayor Seng called on Marc Wullschleger, he has something about T.O. Haas. Marc Wullschleger stated Council received a letter in their packet from T.O. Haas's Attorney representing some of the other landowners on the block, approximately 24<sup>th</sup> & "O", 24<sup>th</sup> & 25<sup>th</sup> - "O" to "P". They've met with 3 of the... he believes, it's 5 property owners on that block earlier this year, the block was identified as 1 of the 31 redevelopment projects in the Antelope Valley area. At this meeting they agreed [inaudible] with Child Guidance and Mr. Olson was there and T.O. Haas and they agreed that the City would not pursue a redevelopment project on that block. They're working on two projects out of the 31, one of them is in the 18<sup>th</sup> & "P" area and the other one so there's no confusion is right north of this block so they are working on a residential project for the two blocks north of this block, which would be "P" to "R"-24<sup>th</sup> & 25<sup>th</sup> and they're working with Neighborhoods, Inc. on it, they have secured some money for it. The redevelopment plan for Antelope Valley will be in front of Council in late September and of course any condemnation action that they would take or the City would take, would have to be authorized by them on an individual basis. They will not be coming in on a project why basis with 31 projects and asking for condemnation authority, it will be done on individual projects. Mayor Seng asked Council if they have any questions on it because it's really important that they get this straight. Mr. Friendt stated does that mean the property that T.O. Haas and the Child Guidance Center sits on is not on some list that indicates it can potentially be condemned or be taken by eminent domain. Mr. Wullschleger stated 'no', their consultant came up with the 31 redevelopment projects those are going forward and this block is in there. However, they had told them they are not interested in pursuing this and that goes for the other 29 as well. Mr. Wullschleger indicated they are working on two of them, they had narrowed down to 6 and they're working on two of those 6. This one will come forward in the redevelopment plan, it can always be taken out, obviously this letter will go into the packet, they will have the opportunity to decide if those 31 projects come forward also.

- \*1. Washington Report - June 18, 2004. — NO COMMENTS
- \*2. NEWS RELEASE - RE: Mayor Names City Council Compensation Committee. — NO COMMENTS
- \*3. NEWS RELEASE - Mayor Kicks Off Effort to Prevent Cigarette Litter (Also See #1 Under III CORRESPONDENCE - B: DIRECTORS/DEPARTMENT HEADS - Health Department). — NO COMMENTS
- \*4. NEWS ADVISORY - Mayor's Public Meeting Schedule for June 24<sup>th</sup> - June 28<sup>th</sup>. — NO COMMENTS
- \*5. NEWS RELEASE - RE: Mayor Accepts Report Of Streets, Roads and Trails Committee. — NO COMMENTS
- \*6. NEWS RELEASE - RE: Mayor Invites Area Residents To City's Fourth Of July Celebration - Annual event returns to Oak Lake Park for second year. — NO COMMENTS
- \*\*7. NEWS RELEASE - RE: Seng Balances City Budget - Mayor cuts budget requests, but flat revenues call for restoring one cent of previous rate cut to maintain services. — NO COMMENTS
- \*\*8. NEWS ADVISORY - RE: Mayor Coleen J. Seng's schedule includes the following events: - (See Advisory). — NO COMMENTS
- 9. NEWS RELEASE - Mayor Rededicates Lincoln Mall. — NO COMMENTS
- 10. NEWS RELEASE - RE: City Receives New Robot To Handle Explosives. — NO COMMENTS
- 11. NEWS RELEASE - RE: New Services To Be Available On City-County Web Site - Public-private partnerships to help promote InterLinc. — NO COMMENTS
- 12. NEWS RELEASE - RE: Open House Planned On Improvements To South 27<sup>th</sup>. — NO COMMENTS
- 13. NEWS ADVISORY - RE: Mayor Coleen Seng will have a news conference at 10:00 a.m., Thursday, July 8<sup>th</sup> - (See Advisory). — NO COMMENTS

## II. CITY CLERK

Deputy City Clerk Teresa Meier-Brock stated to Council the only thing that she has is a request to call Items 5 through 11 together just for Public Hearing, which are all agreements with the State Department of Roads regarding Antelope Valley. Mr. Werner commented suppose they could, anybody object to it or would they rather hear them one at a time. No objections from anybody. Mr. Werner asked Allan [Abbott] if he would start out by going over just briefly each one of them. Mr. Abbott stated he can do that. Mr. Werner stated okay, call them together. *[See Formal Council Agenda of July 12<sup>th</sup> for further descriptions of Items 5 through 11.]*

## III. CORRESPONDENCE

### A. COUNCIL REQUESTS/CORRESPONDENCE

#### PATTE NEWMAN

Ms. Newman stated that she is still waiting for some responses to her RFI's (Requests For Information).

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. — NO COMMENTS**
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 78<sup>th</sup> 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. – 2.) Response from Dennis Bartels, PW received on RFI#21 - 06/04/04 (Same response as 1.). — Ms. Newman stated she thinks Tonya Skinner had some more information on this Request For Information (#21) regarding the Easthart Neighborhood problem and she's still waiting for a response from her.**

3. **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). — Ms. Newman said she's still waiting for a response from the Law Department on this RFI.
  
4. Request to **Marc Wullschleger (UD)**// Kit Boesch (Human Services) // **Dana Roper (Law)** RE: A concern that College Students may be usurping Low-Income Public Housing from the Poor. (RFI #25 - 06-23-04). — **1.) SEE RESPONSE FROM KIT BOESCH, HUMAN SERVICES ADMINISTRATOR RECEIVED ON RFI#25 - 7/02/04.** — Ms. Newman stated to Marc Wullschleger that she would appreciate it if she could get a response from them as to how HUD funds are used on public housing, not private. She understands that they can't do anything about merge mercy, but she thinks this is an issue. She knows that there have to be changes at the Federal level, but she would hope on the City level that they can ensure that the waiting list of 2,500 people for low-income housing would be prioritized for single moms with kids and certain situations rather than athletes who are getting housing and stuff. Mr. Wullschleger commented that's Housing Authority. Ms. Newman said 'yes', she understands, but HUD funding comes from them. Mayor Seng commented to Marc [Wullschleger] but the funding for Housing Authority does not come through them. Mr. Wullschleger stated that's correct. Ms. Newman stated to Mr. Wullschleger correct, there are two different situations, her question of Law and of them is there anything they can do as a locality to keep things like this from happening here as to what the newspaper article said. Mr. Wullschleger stated okay, he can respond to that. Ms. Newman 'thanked' Mr. Wullschleger.

#### **TERRY WERNER**

1. Request to PW/Planning - RE: Inquiry from Jay Petersen on Kajan Drive - Public or Private Roadway, plus Surface Rehabilitation Process (RFI #130 - 6-15-04). — NO COMMENTS
  
2. Request to Vince Mejer, Purchasing Agent - RE: Notice to Bidders #04-110 – Television Equipment (RFI#132 - 6/16/04). — NO COMMENTS
  
3. Request to Marvin Krout, Planning Director - RE: Opening Fletcher Avenue to 14<sup>th</sup> Street (RFI#133 - 6/16/04). — **1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#133 - 7/01/04.** — NO COMMENTS

4. Request to Allan Abbott, Public Works & Utilities Director/Larry Worth, StarTran - RE: HandiVan Service to Coaches, 640 W. Prospector Ct. (RFI#134 - 6/21/04). — **1.) SEE RESPONSE FROM LARRY WORTH, STARTRAN RECEIVED ON RFI#134 -6/24/04.** — NO COMMENTS
5. 2 E-Mail's to Terry Werner - RE: Comments- The smoking ban - (See E-Mail's). — NO COMMENTS
6. 15 E-Mail's Opposed & 50 E-Mail's 'Thank-you' to Terry Werner - RE: The smoking ban - (See E-Mail's). — NO COMMENTS

#### **GLENN FRIENDT**

1. Request to Lynn Johnson, Parks & Rec. Director - RE: South Salt Creek Community Organization concerns (RFI#33-5/25/04). — NO COMMENTS

#### **JONATHAN COOK**

1. Request to Weed Control/Public Works & Utilities Department/Parks & Recreation Department - RE: Maintaining of ROW along W Van Dorn - (RFI#114 - 6/14/04). — NO COMMENTS
2. Request to Terry Bundy, LES - RE: Administrative and general expense item in LES budget - (RFI#115 - 6/28/04). — **1.) SEE RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#115 - 7/01/04.** — NO COMMENTS
3. Request to Steve Masters, Lincoln Water System, PW - RE: Lead in Water - (RFI#116 - 7/06/04). — NO COMMENTS

#### **JON CAMP**

- \*1. E-Mail to Jon Camp - RE: Cats. — NO COMMENTS
- \*2. E-Mail from Bill English to Jon Camp - RE: Cats on a leash. — NO COMMENTS
- \*3. E-mail to Jon Camp from Ed Caudill - President of the North Bottoms Neighborhood Association RE: Enforcement of current codes relating to Overgrown Lawns. — NO COMMENTS
- \*4. E-mail and letter to Jon Camp from Lori Yaeger RE: In Support of Cat Leash Law. — NO COMMENTS

5. 5 - 'Thank-you' E-Mail's to Jon Camp & 2 Opposed E-Mail's - RE: The smoking ban - (See E-Mail's). — NO COMMENTS
6. E-Mail to Jon Camp from Teri Roberts, Executive Director, The Arc of Lincoln/Lancaster County - RE: Comments- The smoking ban. — NO COMMENTS
7. 3 -E-Mail's from Daryl Dickerson to Jon Camp - RE: Meeting sidewalk café permit requirements - (See E-Mail's). — NO COMMENTS

**ANNETTE McROY**

1. Request to Polly McMullen, Downtown Lincoln Association - RE: An area that is being utilized as a garbage and brush storage collection point for the DLA - area directly East of 610 "G" Street - (RFI#151-6/24/04). — **NO COMMENTS - [NOTE: Response Letter & pictures from Polly McMullen, President Downtown Lincoln Association to this RFI#151 received on 6/25/04 - RE: An area that is being utilized as a garbage and brush storage collection point for the DLA-area directly East of 610 G Street was listed & attached to the Directors' Addendum for 6/28/04.]**
2. Request to Public Works & Utilities Department - RE: Stop signs (RFI#152 - 6/28/04). — **1.) SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#152 - 7/06/04.** — NO COMMENTS

**B. DIRECTORS AND DEPARTMENT HEADS**

**BUILDING & SAFETY DEPARTMENT**

- \*1. Letter from Mike Merwick to Mayor Seng, City Council, County Board - RE: Hallam. — NO COMMENTS

**FINANCE DEPARTMENT/CITY TREASURER**

- \*1. Material - RE: Monthly City Cash Report & City of Lincoln-Pledged Collateral Statement - May 31, 2004. — NO COMMENTS
- \*2. Material from Don Herz, Finance Director & Joel L. Wittrock, Asst. City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased June 14, 2004 thru June 18, 2004. — NO COMMENTS

3. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased June 21, 2004 thru July 2, 2004. — NO COMMENTS
4. Response E-Mail from Don Herz to Fred Fisher - RE: Wheel Tax. — NO COMMENTS

#### **HEALTH DEPARTMENT**

- \*\*1. Response Letter from Bruce D. Dart to Danny Walker - RE: The property directly east of 610 G Street. — NO COMMENTS

#### **HUMAN SERVICES DEPARTMENT**

1. Memo from Kit Boesch - RE: Low Income City Bus/Handivan Transportation (Material for Pre-Council Meeting scheduled on 7/12/04 at 8:15 a.m.) (See Material). — NO COMMENTS

#### **LIBRARY**

- \*\*1. NEWS RELEASE - RE: Discovery Bags Available @ your library. — NO COMMENTS
2. NEWS RELEASE - RE: Discover Reading-Pups @ Your Library! — NO COMMENTS

#### **LINCOLN-LANCASTER COUNTY: EMERGENCY MANAGEMENT**

- \*1. NEWS RELEASE - RE: County Revises Time Frames For Debris Removal. — NO COMMENTS
- \*2. NEWS RELEASE - RE: Lancaster County Emergency Management No Longer Recruiting Volunteers to Help with Clean-Up Efforts. — NO COMMENTS
- \*\*3. NEWS RELEASE - RE: More Disaster Cleanup Volunteers Needed On July 9 And 10 For Final "Push" In Hallam And Lancaster County. — NO COMMENTS
4. E-Mail from Scott Crippen, Temporary Labor Supervisor, Lincoln/Lancaster County Emergency Management - RE: Recognize Mr. Ahlberg's efforts - tornado damage in Hallam. — NO COMMENTS

**LINCOLN-LANCASTER COUNTY: HEALTH DEPARTMENT**

- \*1. NEWS RELEASE RE: CIGARETTE LITTER PREVENTION RESEARCH PROJECT ANNOUNCED w/Invitation to Council Members for Kick-Off Celebration (Council Members Received this Release on June 21, 2004). — NO COMMENTS

**PLANNING DEPARTMENT**

- \*1. Letter to Jason Theillen RE: Prairie Village 1<sup>st</sup> Addition Final Plat #04036. — NO COMMENTS
- 2. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Lincoln Industrial Park South 8<sup>th</sup> Addition Final Plat #04053. — NO COMMENTS
- 3. Letter from Tom Cajka to Loel P. Brooks, Brooks, Pansing, Brooks, PC LLO - RE: A. B. Wenzel Addition Final Plat #04025. — NO COMMENTS

**PLANNING COMMISSION FINAL ACTION . . . . .**

- \*1. Special Permit No. 04031 (Dwelling units above the first floor in B-4 Lincoln Business District) Resolution No. PC-00879. — NO COMMENTS
- \*2. Preliminary Plat No. 04002 - Stone Bridge Creek 1<sup>st</sup> Addition (South of Humphrey Avenue and east of N. 14<sup>th</sup> Street) Resolution No. PC-00881. — NO COMMENTS
- \*3. Special Permit No. 04030 (Expand nonstandard single-family dwelling at 2653 S. 11<sup>th</sup> Street) Resolution No. PC-00878. — NO COMMENTS
- \*4. Preliminary Plat No. 04007 - Anderson's Place (South of Leighton Avenue and east of N. 84<sup>th</sup> Street) Resolution No. PC-00880. — NO COMMENTS

**PERSONNEL DEPARTMENT**

- \*1. Letter from Don W. Taute to John O'Brien - RE: Your Letter dated June 9<sup>th</sup>, 2004. — NO COMMENTS
- 2. Letter from Don W. Taute to Sgt. Edmund Sheridan, President, Lincoln Police Union - RE: City of Lincoln/LPU 2004 Labor Negotiations. — NO COMMENTS

## **PUBLIC WORKS & UTILITIES DEPARTMENT**

- \*1. NEWS RELEASE - RE: Lane Closures On Vine Street Extended. — NO COMMENTS
- \*2. NEWS RELEASE - RE: Intersection of 8<sup>th</sup> and “O” To Become Four-Way Stop. — NO COMMENTS
3. NEWS RELEASE - Lanes of North 27<sup>th</sup> Street to Close for Improvements. — NO COMMENTS
4. NEWS RELEASE - Improvement Work to Begin at 27<sup>th</sup> and Highway 2. — NO COMMENTS
5. NEWS RELEASE - Portion of South 56<sup>th</sup> Street to Close Two Days for Storm Sewer Work. — NO COMMENTS
6. ADVISORY - RE: Open House - 27<sup>th</sup> Street, Saltillo Road North To Yankee Hill Road - (See Advisory). — NO COMMENTS

## **URBAN DEVELOPMENT - Real Estate Division**

- \*1. MEMO from Clinton W. Thomas RE: Vacation of South 489<sup>th</sup> Street; Prescott to Lowell - Followup to June 4<sup>th</sup> Letter - Revised sale price. for the vacated property. — NO COMMENTS
- \*\*2. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4007 Washington Street from 1<sup>st</sup> Street to Southwest 1<sup>st</sup> Street; and the east-west alley between West A and West Washington Streets, South 1<sup>st</sup> Street to Southwest 1<sup>st</sup> Street. — NO COMMENTS
- \*\*3. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4008 21<sup>st</sup> Street between Y Street and the abandoned MoPac RR right-of-way. — NO COMMENTS
- \*\*4. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4005 Allen Road from west line of Stephanie Lane west approximately 565 feet. — NO COMMENTS
- \*\*5. Interoffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4004 6<sup>th</sup> & M Streets. — NO COMMENTS

**C. MISCELLANEOUS**

- \*1. Letter from C.W. Swingle - RE: The objective of this letter is to notify all of the Lincoln Council Members that action on all of the following items must be put in place. — NO COMMENTS
- \*2. E-Mail from Dave Shoemaker - RE: Smoking - (Council & City Clerk received copies of this E-Mail on 6/21/04). — NO COMMENTS
- \*3. E-Mail from Mark Welsh, GASP President - RE: Letter for Public Hearing on Non-Smoking Ordinance - (Council & City Clerk received copies of this E-Mail on 6/21/04). — NO COMMENTS
- \*4. Letter From Thomas A. Green of the Democratic Party RE: Formation of a Non-Partisan Committee to establish a Code of Ethics for City Government.— NO COMMENTS
- \*5. E-Mail from Peggy Sturwe RE: Mayor's State of the City Address - Notification. — NO COMMENTS
- \*6. E-Mail from Bob Valentine RE: Charges for Vice-President Cheney's Lincoln visit.(Against). — Mr. Werner stated he sees that Bob Valentine is against charging Vice-President Cheney and noted that Mr. Valentine is moving on the 21<sup>st</sup>.
- \*7. Letter from Dr. Robert W. Beck RE: Charges for Vice-President Cheney's Lincoln visit.(Against). — NO COMMENTS
- \*8. E-Mail from Jan Karst RE: Smoking Ban Ordinance. — NO COMMENTS
- \*9. Letter from Bruce J. Bohrer, Senior Vice-President/Governmental Affairs Counsel, Lincoln Chamber of Commerce - RE: State Fair. — NO COMMENTS
- \*10. Material from Lincoln Chamber of Commerce - RE: Resolution on State Fair Constitutional Amendment. — NO COMMENTS
- \*11. Material from Richard Meyer - RE: Get Fluoride Out Of Our Drinking Water! — NO COMMENTS
- \*12. Letter from Simera Reynolds, M. E.d., State Executive Director, MADD to Bob Logsdon, Chairman, Liquor Control Commission - RE: MADD has not received any information about the commission's future actions with regard to the loophole in the liquor control statute. — NO COMMENTS

- \*13. E-Mail from A.C. Thayn - RE: Public smoking ban proposal. — NO COMMENTS
- \*\*14. Letter from Nancy Russell - RE: The City budget. — NO COMMENTS
- \*\*15. E-Mail from Mark Siske - RE: The Council Meeting on June 28<sup>th</sup>. — NO COMMENTS
- \*\*16. 44 E-Mail's - RE: Thank-you for the smoking ban - (See E-Mail's). — NO COMMENTS
- \*\*17. E-Mail from John (J.R.) Brown III - RE: Innovation in Infrastructure Financing. — NO COMMENTS
- \*\*18. E-Mail from Bob Ihrig with response from Joan Ray - RE: Length Of Terms for City Council. — NO COMMENTS
- \*\*19. 4 E-Mail's - RE: Comments on Smoking Ban - (See E-Mail's). — NO COMMENTS
- \*\*20. 10 E-Mail's - RE: Against the Smoking Ban - (See E-Mail's). — NO COMMENTS
- \*\*21. E-Mail from David Oenbring - RE: My very strong opposition to the holding of a special election for the purpose of voting on a bond issue. — NO COMMENTS
- \*\*22. E-Mail from John Leonard Harris, President, Encouragement Unlimited, Inc. - RE: Issue regarding the Housing Authority. — NO COMMENTS
- \*\*23. 9 Note Cards - RE: Please reconsider your vote on the Smoking Ban - (See Note Cards). — NO COMMENTS
- \*\*24. 7 Thank-you cards - RE: The Smoking Ban - (See Cards). — NO COMMENTS
- \*\*25. 3 Thank-you Letters - RE: The Smoking Ban - (See Letters). — NO COMMENTS
- \*\*26. Material from Ed A. Schneider, O.D., Lincoln Vision Clinic P.C. - RE: Hard Evidence - Study: Secondhand Smoke Is Much More Dangerous Than First Thought. — NO COMMENTS

- \*\*27. Letter & Material from Peter W. Katt, Pierson/Fitchett, Law Firm - RE: Cardinal Heights Second Addition Annexation and Zoning Agreement Resolution No. 04R-143. — [Allan Abbott mentioned this issue to Council under “IV. Directors-Public Works & Utilities Department”.] (See that discussion)
- \*\*28. Letter from Teresa J. Meier - RE: Applaud your decision of a total smoking ban. — NO COMMENTS
- \*\*29. Letter from Edmund Sheridan, President of Lincoln Police Union to Don Taute, Personnel Director - RE: The City’s last best offer. — NO COMMENTS
- 30. E-mail from Steve and Jerry Lee Jensen RE: Thanking Council for Passing Smoking Ban. — NO COMMENTS
- 31. E-mail from Sandra Lab - Thanking Council for Passing Smoking Ban. — NO COMMENTS
- 32. E-mail from Sharon Miller RE: Opposition to Smoking Ban. — NO COMMENTS
- 33. Letter to Entire Council from Bailey Heafer RE: Thanking Council for Passing Smoking Ban. — NO COMMENTS
- 34. Written Letter from Mary Rauner to Ken Svoboda Re: Smoking Ban (Opposes). — NO COMMENTS
- 35. Approx. 368 Signatures on Anti Smoking Ban Form Letters to Ken Svoboda from patrons of BC’s Bar - brought in by Mary Rauner (See form letter attached) - Letters on File in Council Office. — NO COMMENTS
- 36. Approx. 298 Signatures on Anti-Smoking Ban Form Letters to Terry Werner from patrons at BC’s Bar - brought in by Mary Rauner (See form letter attached) - Letters on File in Council Office. — NO COMMENTS
- 37. Letter from Melinda Jones, RE: Approval of Smoking Ban. — NO COMMENTS
- 38. Letter from Christy Aggens RE: Approval of Smoking Ban. — NO COMMENTS
- 39. Faxed Letter from Anne Tegen - RE: Congratulations on a smokefree Lincoln! — NO COMMENTS
- 40. E-Mail Article from Dale Butler - RE: Smoking ban-‘Lies, Damned Lies, & 400,000 Smoking-Related Deaths’. — NO COMMENTS

41. 18 E-Mail's - RE: Thank-you for smoking ban - (See E-Mail's). — NO COMMENTS
42. 8 E-Mail's - RE: Opposed to smoking ban - consider an amendment - (See E-Mail's). — NO COMMENTS
43. E-Mail from Teri Roberts, Executive Director, The Arc of Lincoln/Lancaster County - RE: Comments - smoking ban - wants to take a moment to clarify an issue for you that was misrepresented on the news last night and this morning by the owner of Critters Bar. — NO COMMENTS
44. E-Mail from Elizabeth Volkmer - RE: Fireworks. — NO COMMENTS
45. E-Mail from Daryl Dickerson - RE: Sidewalk café permit. — NO COMMENTS
46. Letter from Lori Vrtiska Seibel, Executive Director, Community Health Endowment of Lincoln - RE: Purpose of this letter is to remind you that the three-year terms of the following members of the Board of Trustees of the Community Health Endowment (CHE) will expire on August 31, 2004: - (See Letter). — NO COMMENTS
47. 5 'Thank-you' Notes - RE: The smoking ban. — NO COMMENTS
48. Letter from Gina Noel - RE: Opposed to the amendments on the smoking ban. — NO COMMENTS
49. Letter from Walt & Christine Bleich - RE: The smoking ban, 'Thank-you'. — NO COMMENTS
50. Letter from William E. Olson, Demars, Gordon, Olson, Zalewski Law Firm, For the Block 23 Business Owners Association And T.O. Haas, LLC - RE: "O" Street Revitalization Plan in Conjunction with Antelope Valley Project. — [Marc Wullschleger mentioned this letter to Council earlier under "I. Mayor".] (See that discussion)
51. E-Mail from Carol Brown to Randy Hoskins, Public Works & Utilities Department - RE: Sidewalks. — NO COMMENTS
52. Letter from E. Sommer - RE: The Patriot Act. — NO COMMENTS
53. Letter from Lorrie Stierwalt - RE: 'Thank-you' for the smoking ban. — NO COMMENTS

54. 2 E-Mail's from Ed Schnabel - RE: Where has all the money gone? - (See E-Mail's). — NO COMMENTS
55. Letter from Robert M. Ihrig, Bob's Gridiron Grille & the Pigskin Pub - RE: Reconsider the new and present "Smoking Ban". — NO COMMENTS
56. E-Mail - RE: Comments on the smoking ban. — NO COMMENTS
57. Letter from Robert V. Blevins to StarTran - RE: The 48<sup>th</sup> Street Shuttle (#18). — Ms. Newman asked Allan Abbott if Larry Worth got a copy of this letter that they all got from Robert Blevins that he was out there waving at the bus feeling like a bird flapping and the bus did not stop. Allan Abbott stated 'no', he'll have to take a look at it and see what it says, he has not seen it yet. Ms. Newman stated to Mr. Abbott okay, it would be nice if StarTran or you guys took care of it. Mr. Abbott stated they will.
58. Letter from Steve Drda - RE: The Smoking Ban. — NO COMMENTS
59. Note Card for each of the Council members from Cathy Gorka - RE: The Smoking Ban. — NO COMMENTS
60. Material & pictures from Patti Talamante - RE: Claim - 5/8/04 Tree Incident - (See Material). — NO COMMENTS

#### **IV. DIRECTORS**

**POLICE DEPARTMENT** - Chief Casady commented to Council that he neglected to tell them that the alone security guard that was working at the Event Center was a 19 year old.

[Chief Casady passed out to Council copies of the fliers to them to see.] Chief Casady stated last night or this morning someone deposited a few hundred fliers in various residential areas in Lincoln. The same kind of fliers that they had distributed earlier from the National Alliance and seems to have hit various parts of Lincoln, no clear pattern. Just so they're aware, despite what he said the last time they had these fliers delivered, he was wrong, it is not littering. In fact, who ever is distributing these fliers seems to be more familiar with Lincoln's law on distributing hand bill than the Chief of Police was and they've complied with it to the 'T'. Mr. Werner commented how did they comply when they throw them from a car in plastic bags. Chief Casady stated they have ordinances on how you can legally deliver hand bills and they have to be secured on private premises or they have to be placed in a plastic bag that either has ventilated holes or is no wider than 6 inches in diameter and secured against being blown out by the wind. So a 6 inch or less zip lock with pebbles meets the requirements of the ordinance perfectly. Mr. Werner commented that's how they did it again. Chief Casady replied 'yes'.

**PUBLIC WORKS & UTILITIES DEPARTMENT** - [Allan Abbott handed out to Council a memo regarding the Hartland's Cardinal Heights/Northwest 56<sup>th</sup> Street] Allan Abbott stated to Council on their Agenda there has been a lot of discussion about Cardinal Heights and this is a summary from Dennis Bartels to Roger Figard as far as the history of who said what and when and there's a map with it so they can see where it is. Mr. Abbott stated if they have any questions about it let him know. Mr. Werner said okay and asked if Dennis [Bartels] will be at the meeting today or is he handling it. Mr. Abbott stated he thinks Dennis [Bartels] is going to be there. (Copy of this Memo on file in the City Council Office.)

**V. CITY COUNCIL MEMBERS**

**ANNETTE McROY - NO COMMENTS**

**JON CAMP - NO COMMENTS**

**KEN SVOBODA - NO COMMENTS**

**TERRY WERNER**

Mr. Werner stated that he would like to talk to Bruce Dart and Fire Chief Spadt after the Directors' Meeting today.

**GLENN FRIENDT - NO COMMENTS**

**JONATHAN COOK - NO COMMENTS**

**PATTE NEWMAN**

Ms. Newman stated that she would like to talk with Allan Abbott after the Directors' Meeting today.

Mr. Werner adjourned the meeting at this time. - [Approximately at 11:23 a.m.]

**ADDENDUM - (For July 12<sup>th</sup>)**

**I. MAYOR - NONE**

**II. CITY CLERK - NONE**

### **III. CORRESPONDENCE**

#### **A. COUNCIL REQUESTS/CORRESPONDENCE**

##### **TERRY WERNER**

1. E-Mail from Josh Knapp with response from Terry Werner - RE: The Smoking Ban. — NO COMMENTS
2. 4 Format Letters to Terry Werner - RE: Opposed to the smoking ban. — NO COMMENTS

##### **JON CAMP**

1. Letter from Craig Loeck to Jon Camp - RE: Opposed to the smoking ban. — NO COMMENTS

##### **KEN SVOBODA**

1. 4 Format Letters to Ken Svoboda - RE: Opposed to the smoking ban. — NO COMMENTS

#### **B. DIRECTORS AND DEPARTMENT HEADS**

##### **FINANCE DEPARTMENT/CITY TREASURER**

1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased July 6, 2004 thru July 9, 2004. — NO COMMENTS

##### **PUBLIC WORKS & UTILITIES DEPARTMENT**

1. NEWS RELEASE - RE: East "O" Lanes To Close For Pavement Marking. — NO COMMENTS
2. ADVISORY - RE: Pre-Construction Open House - West "A" Street Storm Sewer Project on Wednesday, July 14, 2004 from 5:00 p.m. to 6:00 p.m. at Roper Elementary School - (See Advisory). — NO COMMENTS

#### **C. MISCELLANEOUS**

1. Letter from Alex Knight - RE: 'Thank-you' for the smoking ban. — NO COMMENTS

2. Letter from Robert L. Miller - RE: Supports the Council in its Resolution to change parts of the Patriot Act. — NO COMMENTS
3. 3 'Thank-you' Note Cards - RE: The smoking ban. — NO COMMENTS
4. E-Mail from Karin Fuog - RE: StarTran route from Lux to Vintage Heights. — NO COMMENTS
5. E-Mail from Jim Johnson - RE: Correction to a KOLN/KGIN news story - on the smoking ban petition. — NO COMMENTS
6. E-Mail from John A. Roby - RE: Opposed to the smoking ban. — NO COMMENTS
7. 7 E-Mail's - RE: Thank you for the 100% smoking ban. — NO COMMENTS
8. Letter from Hugh E. Bowen, President, USWA Local 286 - RE: Opposed to new smoking ban go back to what was voted on the first time. — NO COMMENTS
9. Letter from Peter M. Townley, M.D., President of Nebraska Oncology Society - RE: Thank you for passing the smoking ban. — NO COMMENTS
10. Letter & Resolution from Polly McMullen, DLA President & Michelle Waite, DLA Chair (Downtown Lincoln Association) - RE: Supporting the Infrastructure Financing - (See Material). — NO COMMENTS

**VI. MEETING ADJOURNED - Approximately at 11:23 a.m.**

**\*HELD OVER FROM JUNE 28, 2004.  
\*\*HELD OVER FROM JULY 5, 2004.**