DIRECTORS' MEETING
MONDAY, JULY 10, 2006
AT NOON
COUNTY-CITY BUILDING
ROOM 113

I. MAYOR

****1. NEWS ADVISORY. News conference with Mayor Seng on proposed local ban of concealed weapons.
**2. NEWS RELEASE. Domestic violence agencies support Mayor's efforts to ban concealed weapons in Lincoln.
**3. NEWS ADVISORY. Mayor Coleen Seng's schedule to include:
a) Friday, June 23 - Media briefing on recommended City budget; and
b) Monday, June 26 - State of the City address.
**4. Washington Report, June 16, 2006.
*5. NEWS RELEASE. Mayor says City must choose growth strategy and invest in future job creation.
*6. Letter to City Councilperson Robin Eschliman re: Comments/discussion about City budget.
*7. Letter to City Councilman Ken Svoboda re: Departmental low priority programs.
*8. NEWS ADVISORY. News conference, ground breaking for redevelopment project, south side of "O" Street, between 48th and 50th streets.
*9. NEWS RELEASE. "Star City Treasures" project capturing oral histories of city residents.
*10. NEWS RELEASE. Ground Broken for $10 Million Project at 48th and "O" Streets.
*11. Washington Report, June 23, 2006.
12. NEWS ADVISORY. Mayor Seng's Public Schedule, Week of July 1, 2006 through July 7, 2006.
13. NEWS RELEASE. Mayor's Independence Day Message.
14. NEWS ADVISORY. "Uncle Sam Jam" City's official 4th of July celebration.
15. NEWS ADVISORY. Mayor and Lincoln Police Union news conference on Thursday, July 6, 2006.
16. NEWS RELEASE. Police officers support Mayor's efforts to ban concealed weapons in Lincoln.
17. NEWS RELEASE. Part of 33rd Street to be closed Saturday, July 1, 2006.
18. Washington Report, June 30, 2006.

II. DIRECTORS

FINANCE/ TREASURERS DEPARTMENT

**1. Monthly City Cash Report closing May 31, 2006.
*2. June sales tax reports:
a) Actual Compared to Projected Sales Tax Collections.
b) Gross Sales Tax Collections (with refunds added back in).
c) Sales Tax Refunds.
d) Net Sales Tax Collections.

HEALTH DEPARTMENT

**1. Community Health Endowment announces recipients of annual awards.
*2. July 4th Pet Safety.

PLANNING

*1. Heritage Lakes 3rd Addition - Final Plat #05005. Generally located at South 95th Street and Pine Lake Road.
*2. Thompson Creek 2nd Addition - Final Plat #06007. Generally located at Thompson Creek Boulevard and Nashway Road.
3. Bike lane public meeting. Thursday, July 13, 2006 at the Energy Square Building, 11th and "O" Streets, Room 101, at 5:00 pm to 7:00 pm.

PLANNING COMMISSION FINAL ACTION

*1. Special Permit No. 06037. (Friedens Lutheran Church - 540 D Streets) Resolution No. PC-01003.

PUBLIC WORKS

1. PUBLIC WORKS AND UTILITIES ADVISORY. Water Capital Improvement Project No. 700275, "L" Street 6th to 9th. NOTE:** Has been put on hold until further notice. Questions contact Steve Faust at 441.8413.
**2. Memo from Dennis Bartels, Engineering Services, in answer to Eschliman's questions on cost-benefit numbers for two proposed annexations and developments.
**3. Highland View Annexation Agreement, 06R-114. Street construction estimates.
**4. Master Planning Open House on the Deadmans Run Watershed.
*5. PUBLIC WORKS AND UTILITIES ADVISORY. Water Capital Improvement Project # 700273. Eleventh Street; L - Lincoln Mall.
*6. PUBLIC WORKS AND UTILITIES ADVISORY. Storm Sewer bond issue project to start. Project #702190.
7. PUBLIC WORKS AND UTILITIES ADVISORY. Storm Sewer bond issue project to start. Project #702194.
8. PUBLIC WORKS AND UTILITIES ADVISORY. Public meeting for Peterson Park Water Quality Improvement Pond, Thursday, July 13, 2006. Project #702231.
9. Resolution ordering sidewalk construction.

URBAN DEVELOPMENT

*1. Street and Alley Vacation No. 05010, East/West Alley, 100 feet east of vacated 49th Street between Prescott and Lowell Avenues.

WEED CONTROL

**1. Combined Weed Program, May 2006 Monthly Report.

III. CITY CLERK

*1. Sidewalk Issue; 06R-123. Email from Bryan Oakeson.

IV. COUNCIL REQUESTS/CORRESPONDENCE

<u>JON CAMP</u>

*1. Email from Bob Fillaus re: Reduce tax and fee burden for wage earners.

*2. Email from Bryan Jones re: Do not support proposal of taking full advantage of recent property tax revaluations and not lowering city's levy on property.
3. Email from Jean Yost re: Lincoln taxes causes couples to move out of state.
4. Letter from Mary E. Geisler re: Suggestions on 1) ambulance service, and 2) possible arena location.

ROBIN ESCHLIMAN

**1. Article on "Supreme Court Rules Against Excessive Regulation" for affordable housing in two wetlands cases.
*2. Letter from Robin Eschliman to City Directors, June 23, 2006.
*3. Letter from Bonnie Coffey/Lincoln-Lancaster Women's Commission, "Concealed Carry Law Issues".
4. "Put the Brakes on Keno!" petition with 53 names collected by Ginger Colton.
5. "Put the Brakes on Keno!" petition with 11 names.

PATTE NEWMAN

**1. Response from Randy Hoskins, Public Works City Traffic Engineer, on traffic light at 33rd and Holdrege Streets.
**2. Request to Dana Roper, City Attorney/Karl Fredrickson & Marc Rosso, Public Works - RE: Graffiti - (RFI#39 - 06/22/06)

V. MISCELLANEOUS

**1. Email from Norman Stimbert re: Citizens paying high taxes and has suggestions on the City, Mayor, and County members being more fiscal problem solvers.
**2. Email from Mike Washington re: Supports Planning Commission's approval of Greg Sanford's permit for soil mining.
**3. Email from Stephen J. and Jeanne L. Nazario re: Opposed to sidewalks in the Edenton South Neighborhood.
**4. Email from Beatty Brasch re: Pitfalls of the "Stop Overspending in Nebraska" petition.
**5. Email from Susan Merrill re: Status of an animal shelter for the city.
**6. Email from Mary Emmons re: Developer fees.

Miscellaneous -- Opposed to the Mayor's Conceal Carry Ban
Received week of July 3, 2006

*1. Email from Don Bougger.
*2. Email from Scott Sandquist.
*3. Email from Ronnie Olson.
*4. Email from Joe Binge.
*5. Email from Shirley R. Anderson.
*6. Email from Sam Rupp. (Two copies received on same day)
*7. Email from John Swancara.
*8. Letter received from Clarice M. Lawson.
*9. Memo received from John Turner.

Miscellaneous –Received week of July 3, 2006

*1. "Put The Brakes On Keno" - Signatures of people opposed to new Keno locations. Two pages, 21 names.
*2. Letter received from Wavell Marcsisak, re: Thoughts on continued hike in property tax. (Distributed to Council Members on 06/26/06)

*3. Email from Kay Ballard re: Sidewalk issue - Desire that a sidewalk not be put in on the south side of Stevens Ridge Road.
*4. Email from Marilyn Hoskins, re: Suggestions after listening to the Mayor's proposed budget.
*5. Email from Jayne Sebby re: Property tax levy rate must be reduced and proposed city budget slashed to a reasonable, affordable rate.
*6. Email from Joel Christiansen re: Budget concerns.
*7. Email from Daylene Kollmorgen re: Do not use 100% of mill levy concerning Mayor's budget, believe it would be irresponsible.
*8. "Put The Brakes On Keno" - Signatures of people opposed to new Keno locations. One page, 6 names.
*9. Email from Ryan Burger re: Need for left turn lights for north and south traffic at 14th and Superior Streets.
*10. Email from Tanya Forney re: Proposed sidewalks and maintenance of existing sidewalks.
*11. Email from Gary Zellweger re: Fireworks in Lincoln.
*12. Email from Ron Ritchey re: Property taxes. Work and find way to make spending cuts and reduce amount of taxes.

Miscellaneous –Received week of July 10, 2006

1. Email from the InterLinc Action Center re: taxes and budget. High budget for libraries and parks and little for health.
2. Email from the InterLinc Action Center re: finding additional cuts to lower the tax burden, and not raising the mill levy.
3. Email from Charles Sepers re: cutting the budget. Possibly look at the buses, libraries police bicycle patrols and fines.
4. Information received from the Nebraska SOS (Stop Overspending -Coalition-Supporters) re: Judge rules in favor of petitioners to circulate on public property.
5. Email from Richard E. Goodman, Ph.D. re: Support Mayor Seng's proposal to ban the carrying of concealed weapons.
6. Email from Marj Manglitz re: Support for the ban on concealed weapons.
7. Email from Joseph Turner re: Anti-illegal immigration initiative for the City of San Bernardino, CA.
8. Email from Evoynel M. Olson re: Support the ban on concealed weapons.
9. Email from Allen V. Thomsen re: Illegal fireworks, noise, hardship on animals.
10. Email from Jackie Wells re: do not ban the conceal carry ordinance.
11. Email from Jean Sanders re: Ban firework sales to all but professional fireworks handlers.

VI. ADJOURNMENT

**** HELD OVER FROM JUNE 26, 2006**
*** HELD OVER FROM JULY 3, 2006**

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NEWS ADVISORY

CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: June 30, 2006
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng's Public Schedule
Week of July 1 through 7, 2006
Schedule subject to change

Sunday, July 2
- Municipal Band concert, remarks - 7 p.m., Antelope Park band shell

Tuesday, July 4
- Fourth of July picnic at "Uncle Sam Jam" - 7 p.m., Oak Lake Park, Charleston and Sun Valley Blvd.

Thursday, July 6
- News conference, topic and location to be determined - 10 a.m.
- United Way Kickoff Campaign, remarks - noon, Valentino's restaurant, 33rd and Holdrege

AM060629 Schedule

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: July 3, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

MAYOR'S INDEPENDENCE DAY MESSAGE

"I hope to see many area residents at Oak Lake Park for the City's official 4th of July Celebration – the "Uncle Sam Jam" featuring Lincoln's Symphony Orchestra and the big fireworks show. I also urge everyone to make sure this is a safe Independence Day, with no injuries from fireworks or traffic accidents.

"As we have fun with family and friends, it's important to remember why we are celebrating. The United States began 230 years ago with a dream of freedom and equality. The founders of our country risked their very lives to create this great democracy. As we celebrate our nation's birthday, please remember to support and think of the men and women in the military who are now risking their lives for the cause of freedom around the world. I urge all citizens to fly their flags proudly and give thanks that we live in this great city in the greatest country on earth."

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CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: July 3, 2006
FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 499-4818

The "Uncle Sam Jam," the City's official 4th of July celebration, will take place **Tuesday, July 4 at Oak Lake Park** in the area of Charleston Street and Sun Valley Blvd.

The celebration is a day-long event culminating with a 10 p.m. live performance by Lincoln's Symphony Orchestra synchronized to the Zambelli Internationale fireworks display. The Orchestra also will perform at 9:20 p.m. Both concerts are free.

Dave Norris of CIC is the City contact at the park. He can be reached via cell phone at 499-4818.

For more information on the celebration, visit the City Web site at lincoln.ne.gov (keyword: 4th).

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: July 5, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng and representatives of the Lincoln Police Union will discuss the proposed local ban on concealed weapons in the City at a news conference at **10 a.m. Thursday, July 6** in the **City Council Chambers, 555 South 10th Street.**

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: July 6, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Chief Tom Casady, Lincoln Police Department, 441-7237

POLICE OFFICERS SUPPORT MAYOR'S EFFORTS TO BAN CONCEALED WEAPONS IN LINCOLN

Officers in the Lincoln Police Union today announced their support for Mayor Coleen J. Seng's proposal to prohibit the carrying of concealed weapons within Lincoln's city limits. The Mayor introduced the local ban on concealed weapons June 26. The City Council has scheduled a public hearing on the ordinance for its July 31st meeting, which begins at 5:30 p.m.

Last spring, the State Legislature passed and the Governor signed into law a bill that will allow people to carry concealed weapons in Nebraska beginning January 1, 2007. A separate existing State law gives cities, including Lincoln, the power to prohibit the carrying of concealed weapons. Omaha already has an existing ban on carrying concealed weapons.

"I support the constitutional right of citizens to own weapons, but we must listen to those on the front lines -- the law enforcement professionals who risk their lives to keep our community safe," said Mayor Seng. "Local officers overwhelmingly agree that more guns will not make Lincoln safer and will actually increase risks to both citizens and police officers."

Lincoln Police Sergeant Jim Davidsaver researched the issue of concealed weapons as part of his course work to earn a master's degree at the University of Nebraska - Lincoln. Five years ago, he surveyed all Lincoln Police Officers on the topic, and 173 responded. Nearly 85 percent disagreed with the statement that Lincoln citizens should be allowed to obtain permits to carry concealed firearms. More than 88 percent disagreed with the statement that allowing citizens to lawfully carry concealed firearms would deter crime in Lincoln. In focus group discussions, experienced officers said allowing concealed weapons may result in criminals arming themselves when they otherwise would not. Sgt. Davidsaver's conclusion was that the potential costs of concealed weapons outweigh the potential benefits, and the State law is adequate.

Police Chief Tom Casady said he supports his officers and agrees that a law allowing concealed weapons is not needed in Lincoln. "If a person's occupation or actions justify the need for a concealed weapon, current State law already provides for an affirmative defense against criminal charges," he said. "If concealed carry is such a great idea, you have to wonder why our State Senators excluded concealed handguns from athletic events, financial institutions, political fund-raisers and their own chambers."

- more -

Under the new State law, Nebraskans will be able to obtain a permit for a fee of $100 after they complete firearms training and are cleared by a background check. But the Mayor and Casady say the new State law has many loopholes, such as allowing individuals to obtain permits even if they have been convicted of serious misdemeanors, including stalking, violating a protection order, impersonating a peace officer and indecent exposure.

"Rolling back an odometer is a felony, but violating a protection order is not," said Casady. "This is just one example of the gaping loopholes in the State law I can't support something that results in this kind of bizarre and dangerous outcome."

Casady said other states have experienced problems with allowing concealed weapons:

- From January 1996 to August 2001, 5,314 Texans with concealed carry permits were arrested for various offenses, including 41 cases of murder or attempted murder, 79 sexual assaults, 833 assaults and 60 other sex crimes.
- Last year, 1,395 people in Florida committed a crime serious enough to have their concealed weapons permits revoked.

Casady said citizens don't hear more about such problems because many State concealed weapons laws, including Nebraska's, do not allow law enforcement to reveal the fact that an offender has a concealed weapons permit. And he said there is no solid evidence that allowing concealed weapons has an impact on crime rates.

"Violent crime in Nebraska fell 35 percent from 1999 to 2004 without allowing concealed weapons," said Casady. "Crime has dropped almost everywhere in the nation since the early 1990s. If concealed weapon advocates want to take credit for falling crime rates, how are these proponents explaining the increase in violent crime in the U.S. last year?"

CITY OF LINCOLN
NEBRASKA

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 29, 2006
FOR MORE INFORMATION: Larry Duensing, Engineering Services, 441-8401

PART OF 33RD STREET TO BE CLOSED SATURDAY

From 6 a.m. to 2 p.m. Saturday, July 1, 33rd Street from "O" to "Q" streets will be closed to through traffic in order to abandon water mains at 33rd and "P" streets. Traffic will be detoured to 27th, Vine and "O" streets.

For more information, contact Larry Duensing at the City Public Works and Utilities Department at 441-8401.

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CITY OF LINCOLN Washington Office

Volume 12, Issue 17
June 30, 2006

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Washington Report

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CONGRESS BEGINS WEEK-LONG RECESS

TELECOMMUNICATIONS

Senate panel approves telecom rewrite, but its future consideration is unclear. The Senate Commerce Committee approved legislation (S 2686) this week to update federal telecommunication laws, but according to Chairman Ted Stevens (R-AK), the bill will not reach the Senate floor until September at the earliest.

As reported last week, the bill represents a marked improvement over legislation (HR 5252) that was approved by the House earlier this month. From the local government perspective, the most glaring omission from the bill was a build-out requirement for new entrants into video markets. However, both amendments to rectify that situation were defeated in committee, primarily along party lines. An amendment to grandfather states with statewide franchises already in place was also defeated.

While the section of the legislation dealing with local franchising was left largely intact by the committee, two amendments were approved that are problematic to local governments. Committee members easily approved a permanent extension of the moratorium on state and local taxation of Internet access fees, even though the current moratorium does not expire until November 2007. Also, the panel accepted an amendment to place a three-year moratorium on "new or discriminatory" state and local taxation of wireless services.

The most hotly debated amendment of the week was regarding network neutrality. The Stevens bill contains language on the issue that resembles the House provisions, but is unacceptable to content providers such as Microsoft, Google, and Yahoo. Despite a vigorous campaign to convince committee members to prohibit telephone companies from charging content providers a premium for priority access to its infrastructure, the amendment was defeated, again primarily along party lines.

Following the markup, Stevens conceded that it will be difficult to convince Senate leadership to schedule floor debate for this bill. With few legislative days remaining before an early October adjournment, Majority Leader Bill Frist (R-TN) is only interested in bringing filibuster-proof legislation to the floor to avoid protracted debates. With a filibuster, or at least a long debate, expected on net neutrality, Stevens will need to secure 60 votes for his bill in order to shut off those debates before it can go to the floor.

Additional details on the House and Senate bill may be obtained from the last several issues of the ***Washington Report***.

FINANCE

House panel votes to preempt state and local business activity taxes. The House Judiciary Committee approved legislation (HR 1956) that would curtail the ability of state and local governments to collect business activity taxes. Although several Democrats, including Ranking Member John Conyers (D-MI) spoke out against the bill, the Committee approved it by voice vote.

As cleared by the Committee, the bill would extend the federal prohibition on the collection of taxes on interstate commerce by state and local governments to include all out-of-state transactions involving intangible personal property and services. Currently, the ban only includes taxes on transactions involving tangible personal property. The bill would also prohibit state and local governments from levying business activity taxes on entities that do not have a physical

presence in the taxing jurisdiction. Taxes included in the ban are: taxes imposed on or measured by gross receipts, gross income or gross profits; business license taxes; business and occupation taxes; franchise taxes; single business or capital stock taxes, and any other tax imposed by a State on a business for the right to do business in the State or measured by the amount of, or economic results of, business or related activity conducted in the State.

The bill would define "physical presence" as: "being an individual physically within the State, or assigning one or more employees to be in the State, on more than 21 days." However, the bill includes a long list of exceptions that state and local government organizations fear many businesses will use to avoid many state and local tax obligations outside of the state where they are headquartered or incorporated.

The bill has the strong backing of business groups and has garnered 40 cosponsors and it is expected to pass when it reaches the House floor. Senator Charles Schumer (D-NY) has introduced a companion bill (S 2721) in the Senate that has 6 cosponsors. So far, the Senate has not taken any action on the Schumer bill.

HOMELAND SECURITY

Senate committee approves FY 2007 DHS budget. The Senate Appropriations Committee approved its version of the FY 2007 Department of Homeland Security (DHS) appropriations bill this week, clearing the measure for floor consideration. The $31.7 billion measure represents an increase of $1.4 billion over FY 2006 levels, although it is less than the $32.1 billion approved by the House earlier this month.

First responder programs at the Office of Domestic Preparedness (ODP) would be funded at $3.254 billion, down $59 million from FY 2006, broken down as follows (with difference from FY 2006 and House FY 2007 levels in parentheses):

- $745 million for the Urban Area Security Initiative (-$25m House, -$20m FY06)
- $500 million for the State Homeland Security Grant Program (-$45m House, -$44.5m FY06)
- $540 million for the Firefighter Assistance Grant program (+$40m House, +$1.5m FY06)
- $115 million for SAFER firefighter hiring grants (+$75m House, +$5m FY06)
- $210 million for port security (+$10m House, +$35m FY06)
- $150 million for rail and transit security (-$50m House, same as FY06)
- $35 million for Metropolitan Medical Response Systems (+$5m House and FY06)

While there were no amendments addressing the concerns of cities such as Washington, DC and New York City over sharp reductions in their FY 2006 ODP funds, Senator Barbara Mikulski (D-MD) indicated she is planning one when the bill is considered on the Senate floor beginning July 10.

LAW ENFORCEMENT

House approves FY 2007 Justice Department spending legislation. On Thursday the House approved HR 5672 to fund programs at the Departments of Commerce, Justice and State in FY 2007. The House approved $22.1 billion for Justice Department programs, including $2.6 billion for state and local law enforcement. (More details on the specific programs can be found in the June 16 edition of the Washington Report).

During its debate on the bill, the House adopted an amendment sponsored by Rep. John Culberson (R-TX) that would withhold federal law enforcement assistance to communities that do not allow communication to federal officials on the immigration status of people in custody. Since the provision is included in an annual appropriations bill, it would only be in effect for FY 2007; however, similar provisions were included in the House version of immigration reform legislation.

In a victory for local governments, two amendments were approved to increase total funding for the Edward Byrne Justice Assistance grants program to $633 million, which would represent an increase of $25 million over FY 2006.

In a related item, the Senate Judiciary Committee marks up anti-gang legislation. Introduced by Senator Dianne Feinstein (D-CA) in January 2005, the legislation (S 155) would make many gang activities a federal crime and would stiffen federal penalties for a variety of gang-related offenses. It would also update several grant programs designed to help state and local efforts to combat gangs.

In an effort to reduce the amount of gang violence and to increase federal-state-local cooperation, S 155 would designate high intensity interstate gang activity areas and authorize $50 million annually. Another $50 million would be authorized for grants for community-based programs that encourage prevention and intervention services to decrease gang related violence. Anti-gang initiatives would include prevention programs for at-risk youth, and $20 million annually would be authorized for grants for prosecutors, witness protection, and victim protection.

The House approved similar legislation (HR 1279) last May.

ENVIRONMENT

Senate panel clears EPA spending measure. As part of its flurry of sudden action on FY 2007 spending, the Senate Appropriations Committee unanimously cleared the FY 2007 spending bill (HR 5386) for the Environmental Protection Agency (EPA) this week. The unanimous vote came after several hours of often heated debate over environmental issues ranging from emission standards for lawnmowers to fuel economy standards.

As cleared by the Committee, the bill would deeply cut funding for the Clean Water State Revolving Loan Fund. Following the Administration's lead, Senate appropriators agreed to cut funding for the program, which helps

communities pay for sewer upgrades, to $688 million, $201 million less than FY 2006 and the same as the House. The news is better for the Drinking Water State Revolving Loan Fund, which would see its funding increase by $4 million to $842 million, the same as the House. The bill would increase funding for the Brownfields Program over the White House request by a little less than a million dollars, to $89 million, the same as the House.

During the markup, the Committee approved an amendment offered by Senator Larry Craig (R-ID) that would provide $11 million for grants to small drinking water systems to help them meet federal arsenic standards. Craig offered the amendment as a compromise after his original amendment to create a moratorium on arsenic standard enforcement for small drinking water systems drew fire from environmental organizations and several Committee members. However, Craig said that he will revive his moratorium amendment when the full Senate considers the bill, claiming that he believes he has enough votes for passage.

The bill now heads to the Senate floor, where it will probably be considered later this month. Although the Senate is expected to pass the measure, it will do so only after more heated debate on a wide variety of environmental issues.

ARTS & RECREATION

Senate panel clears arts and park funding. The Senate Appropriations Committee cleared the FY 2007 spending bill (HR 5386) for the Department of Interior and a host of related independent agencies.

In a victory for local governments, the Committee did not follow the House's lead and rejected the Administration's proposal to eliminate the state grants under the Land and Water Conservation Fund (LWCF). As cleared, by the Committee, the bill would provide $30 million for state grants under LWCF, the same as last year. Funding for the overall LWCF Program, which funds the acquisition of land for environmental and recreation purposes, has fallen precipitously in the past five years. As recently as FY 2003, state grants received $100 million.

Senate appropriators generally treated other programs of interest to local governments well. Highlights include (with differences from FY 2006 and the House in parentheses):

- $71 million for the Historic Preservation Fund (-$44 million FY 2006, +$12 million House);
- $39 million for the North American Wetlands Conservation Fund (same as FY 2006, +$3 million House);
- $124 million for the National Endowment for the Arts (same as FY 2006, same as House), and
- $141 million for the National Endowment for the Humanities (same as FY 2006, -$5 million House).

The bill now heads to the Senate floor.

JOB TRAINING

Senate clears job training reauthorization. After months of no action on legislation (S 1021) to reauthorize the Workforce Investment Act (WIA), the Senate this week quietly and unanimously approved it, sending it to a Conference Committee with legislation (HR 27) that the House passed in early 2005. The Senate Health, Education, Labor and Pensions Committee approved the bipartisan bill last fall but the bill was held up by Senate Democrats concerned that they would be blocked from the House-Senate Conference Committee.

As cleared by the Senate, the bill would reauthorize federal job training programs through FY 2011. The bill includes a number of changes designed to give state and local workforce investment boards more flexibility in implementing the job training programs authorized by the bill. It also places an emphasis on strengthening the system of one-stop job training centers created by WIA. Despite those changes, it largely leaves the structure created by WIA intact. The main streams of funding would remain the Adult Job Training Block Grant, the Youth Job Training Block Grant and the Dislocated Workers Training Block Grant.

Unlike the House, the Senate rejected the Administration's proposal to combine the Adult and Dislocated Workers Block Grants into a single block grant. Instead, it would allow the states to shift up to 45 percent of all funding between the two block grants.

In a victory for local governments, the bill largely leaves the current system for designated local workforce investment areas intact, although it ties automatic designation of cities over 500,000 population as their own local workforce investment area to performance factors. In addition, the bill includes language that would allow for the combination of local workforce investment areas in order to create a regional job training system.

The unanimous Senate vote stands in stark contrast to the partisan vote in the House on HR 27, where the parties were divided on the issue of the provision in that measure allowing faith-based organizations that make hiring decisions based on religion to be eligible for job training funds. That issue will continue to create controversy as the bill heads to a House-Senate Conference Committee.

HUMAN SERVICES

Senate committee approves Older Americans Act reauthorization. On the heels of House approval of its version (HR 5293) last week, the Senate Health, Education, Labor, and Pensions Committee approved a reauthorization of the 1965 Older Americans Act (S 3570) this week. The legislation reauthorizes all of the programs of the Administration on Aging at the Department of Health and Human Services, as well as the Senior Community Service Employment Program (SCSEP) at the Department of Labor.

While the bills have experienced relatively smooth sailing, the SCSEP program has been the center of some debate. The Bush Administration had proposed shifting the focus of the program from community service to job training, but the House rejected that plan and settled on a compromise that would continue to recognize the community service aspect of the program, but would also increase from 20 percent to 30

percent the number of program participants that must move to unsubsidized jobs within five years. The Senate legislation, however, would make no changes to the program, which was funded at $432 million in FY 2006.

The Senate bill may not proceed to the floor as quickly as the House, as Senators from states that have growing senior populations have some concerns over current Aging Administration program formulas that "hold harmless" those states where the aging population is shrinking. Senator Jeff Bingaman (D-NM) indicated he would work with bill sponsors on formula changes prior to floor consideration rather than hold up the bill with proposed amendments in Committee.

COMM. DEVELOPMENT

House and Senate panels scrutinize CDBG. In a pair of hearings this week, the Federalism and the Census Subcommittee of the House Government Reform Committee and the Subcommittee on Federal Financial Management, Government Information, and International Security Subcommittee of the Senate Governmental Affairs Committee looked into proposals to make changes to the Community Development Block Grant (CDBG). Neither committee, however, has jurisdiction over CDBG.

Testifying for HUD, Assistant Secretary for Community Planning and Development Pamela Patenaude (who administers CDBG) offered a detailed description of the Administration's proposal and the need for it. Patenaude told the Subcommittee that the Administration's proposal makes three much-needed changes to the program, especially in the formula, which the Administration argues is outdated and fails to direct funding to the neediest communities.

Testifying for GAO, Stanley Czerwinski told the Subcommittee that the results of a study of CDBG commissioned by Congress showed that a combination of an outdated formula and a decline in real dollars spent on the programs have combined to hurt its effectiveness and its ability to target those communities with the greatest need.

In the Senate, Subcommittee Chairman Tom Coburn (R-OK) kicked off the hearing by praising the flexibility CDBG affords local governments. However he quickly turned negative, saying the program suffered from a lack of accountability and an outdated formula.

In addition to hearing from Patenaude, the Subcommittee heard from HUD Inspector General Kenneth Donohue, who testified that the biggest problem facing CDBG from his perspective is lack of central management and improper use of funds by grantees. He also testified other major problems facing CDBG are lack of capacity to manage funds on the part of local governments and corruption related to CDBG funds that arise directly from what Donohue terms the program's lack of transparency. However, for each specific problem for which he faulted CDBG, Donohue only produced one or two examples of specific cases, which, as some Subcommittee members pointed out translates into a remarkably clean and effective program given the large number of CDBG grantees nationwide.

Testifying on behalf of a wide variety of local government organizations, Cardell Cooper of the National Community Development Association, gave the Subcommittee an impassioned and well researched defense of CDBG. He countered the previous witnesses with a slew of statistics showing how much CDBG has added to the economy, how many jobs it has created, how many units of housing it has created and rehabilitated and how many businesses it has assisted.

Cooper also pointed out that when Congress needed to get flexible funding to state and local governments quickly in the wake of last year's hurricanes, it used CDBG as a vehicle. Addressing the issue of formula fairness, Cooper told the Subcommittee that "fairness is in the eye of the beholder." He said that those communities that would see large funding cuts under the Administration's formula and those that would lose funding entirely (not all of which are wealthy cities) would not think the proposed formula particularly fair. Cooper told the Subcommittee that the only politically palatable way to change the formula would be to significantly increase the funding so that there would be no losers.

WATER RESOURCES

First comprehensive program for levee inspection bill passes House Committee. On Wednesday, the House Transportation and Infrastructure Committee approved a bill (HR 4650) that would create the first mandatory, comprehensive federal levee inspection and inventory system. The panel gave voice approval to the bill after adopting an amendment to increase the annual funding from $10 million to $15 million for FY 2007 to FY 2012.

The legislation directs the Secretary of the Army to carry out programs and activities to enhance the safety of levees in the United States. The measure would require the U.S. Army Corps of Engineers to:

Create the levee catalog;

- Provide incentives for states to design their own levee safety programs;
- Establish a committee to devise standards for federal levees, and
- Form a national board to monitor levee safety.

Several committee members said the devastation caused during hurricane Katrina last summer demonstrated the importance of levees and the need for closer monitoring. The bill is expected to head to the House floor for vote by this fall.

Michele M Abendroth/Notes
07/06/2006 09:22 AM

To
cc
bcc Jean L Walker/Notes
Subject Bike Lane Public Meeting – July 13th

BIKE LANE PUBLIC MEETING!

You are invited to provide the City of Lincoln your comments and ideas on bike lanes in Downtown Lincoln. A public meeting is set for Thursday, July 13th on a proposal to create bike lanes on 11th Street from K to Q Streets and on 14th Street from L to R Streets. The meeting will be held from 5:00 to 7:00 p.m. in Room 101 of the Energy Square building at 11th and O Streets. Staff will be available to provide information on this project. For more information, please call 441-7491. Thank you.

Michele Abendroth
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6164

CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

July 5, 2006

STORM SEWER BOND ISSUE PROJECT TO START
PROJECT #702194

Within the next few days, the City of Lincoln Public Works & Utilities Department will be starting a storm sewer project in your area. We are issuing this advisory because your neighborhood will be affected by this construction.

- **The limits of the construction are as follows:**
  37th Street from Otoe Street to High Street and High Street from 37th Street west approximately ½ block.

- **Construction Schedule:**
  The contractor for this project is Skoda Construction Inc. Their schedule is to begin work on this project during the week of July 10, 2006. Weather permitting and barring unforeseen conditions, they plan to be completed with the project in approximately four weeks.

- **Temporary Inconvenience:**
  The City of Lincoln realizes this construction project may temporarily inconvenience you. The contractor will try to maintain access to individual properties but at times may have to close the access during that portion of the project.

- **Commonly Asked Questions:**
  Q: Will this project cost me directly?
  A: No, not directly, but as a taxpayer we all share in the costs of community improvements.

  Q: If my driveway or sidewalk is damaged or removed, will it be replaced?
  A: Yes.

  Q: If my lawn is disturbed by the construction activities, will it be restore to its original condition?
  A: Yes, the earthwork will be completed as needed and grass will be seeded in the disturbed area.

- **Contacts for this project if you have questions:**

Skoda Construction	City of Lincoln, Engineering Services
Ron Skoda	Brian Dittmann, Project Manager
(402) 560-5004	(402) 525-5646

702194 Adv BKD tdq.wpd

CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES
ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

July 5, 2006

Public Meeting for Peterson Park Water Quality Improvement Pond
Thursday, July 13, 2006 from 5:30 p.m. to 7:00 p.m.
Open House Format
Hill Elementary School - 5230 Tipperary Trail
Project #702231

The existing pond in Peterson Park provides little aesthetic value to the park and minimal water quality improvement for Beal Slough, the receiving stream. The purpose of this project is to create a water quality improvement pond for Beal Slough and at the same time enhance the appearance and provide better wildlife and aquatic habitat at the pond for visitors to enjoy.

Peterson Park is located southwest of Highway 2 and 27th Street adjacent to Beal Slough.

Please plan to attend this meeting to learn more about current design ideas and provide your input. For questions, please contact one of the following:

Tim Gokie
Olsson Associates
(402) 474-6311

Holly Lionberger
City of Lincoln Engineering Services
(402) 441-8400

702231 Adv HL tdq.wpd

M e m o r a n d u m

To: City Council Members

From: Harry Kroos, Engineering Services H. Kroos

Subject: Resolution Ordering Sidewalk Construction

Date: June 28, 2006

cc: Mayor's Office
Karl Fredrickson
Dana Roper
Roger Figard
Nicole Fleck-Tooze
Randy Hoskins
Scott Opfer

The Sidewalk Office has reviewed the recommendations for sidewalk construction after the comments received at the public hearing on Monday, June 26, 2006. A recommendation was requested for a select list of locations as a result of the public hearing. This office finds it very difficult to recommend the removal of any locations on the proposed list for sidewalk construction. We developed the proposed recommendations which were forwarded to the City Council after a significant review of each location.

A number of opponents to the construction of these sidewalks voiced the eventual need for repairs as the reason these sidewalk should not be constructed. With the construction of sidewalks associated with residential and commercial construction, the sidewalks included in this resolution will total only 10 to 15 percent of the total length of sidewalk completed this year. The Public Works & Utilities Department estimates that there is over 1,700 miles of public sidewalk within the City. The repair of a significant portion of these sidewalks is a much more serious concern. The sidewalks constructed with this resolution should not require repairs for at least 10 years or longer.

Other comments during the hearing expressed the opinion that if sidewalks or bikepaths were on one side of the street that this would serve the needs of both sides of the street. Unlike vehicle travel, pedestrians must have safe and convenient routes in order to encourage people to walk. This typically means sidewalks are necessary on both sides of every street.

The critical function of sidewalk is to clearly define the pedestrian travel path. This includes defining crosswalks. Crosswalks are defined as an extension of the outside lines of the sidewalk through a street intersection. Without the sidewalk, pedestrians crossing streets are offered limited protection.

We have summarized additional details for the proposed locations in response to the comments received at the public hearing. A corrected summary for the proposed locations are included with this memo. The letters noting the locations in the summary correspond with the letters noting the locations in the resolution.

A. There was no support or opposition voiced at the hearing. There is some evidence of a trail. The greatest portion of this sidewalk is along Holmes Golf Course and would be constructed by the City. I received one call from a property owner on the east end who voiced their opinion that it was not needed.

B. Robert Winters appeared at the hearing to voice his opposition. I discussed his claim that the City indicated there would be no sidewalk along the south side of Old Cheney during meetings for the project with the project manager for the Old Cheney project. Mr. Winters may have misunderstood that it was stated that sidewalk would not be completed with the project. The sidewalk alignment and elevation were modified to minimize the grading so that no trees would be removed. There are several segments of sidewalk completed in this length of Old Cheney Road. There is a significant portion of area south of Old Cheney which is available for residential development. Completing the sidewalk system now will provide an essential sidewalk system.

C. We received contact from Joe D'Amico, Greg & Nancy McLean and Richard Goodban regarding the lack of sidewalks along South 70th between Old Cheney and Pine Lake Road. Sheridan Lutheran Church submitted the permit for the church construction in 2003. The estimated construction cost for the church was $7,000,000. The estimated cost for the sidewalk is $34,000.00 or 0.5 percent of the contract for church construction. Exempting the church from the responsibility for completion of the sidewalk along their property does not promote the image of an open active church to the residents in this area.

D. We received similar concerns regarding the sidewalk along the east side of South 70th Street from Stevens Ridge Road to Pine Lake Road. The sidewalk in front of the development which includes the Home Depot, Credit Union and The Still has been completed between Highway 2 and Pine Lake Road. We have similar concerns with the Berean Church that not allowing for sidewalk along their property does not promote the church to the adjoining neighborhoods. The Berean Church was issued a permit in 2004 for a $1,500,000.00 assembly building and a permit in 2005 for a $9,300,000.00 addition to the church auditorium. The estimated cost of the sidewalk is $16,000.00.

E. The Sidewalk Office included completion of the sidewalk along the south side of Stevens Ridge Road since a portion of the sidewalk west from South 72nd Street is completed. This segment generated the most organized opposition from the neighborhood.

F. There was no opposition to the sidewalk along Pine Lake Road from 25th Street to Helen Witt Drive. There is a path worn along the south side of Pine Lake Road and completing this sidewalk will accommodate residents in the Wood Bridge Housing area including an individual in a wheel chair.

G. The sidewalk along Normal Boulevard was requested by a parent of a sight impaired couple in the Lincoln Meadows Townhomes. The townhome development will be responsible for a portion of the sidewalk, but the City will construct the majority of this sidewalk.

H. No opposition was voiced for the sidewalk along the south side of Leighton Avenue between North 82nd and North 84th. LES will be responsible for the walk along the substation and the developer has contacted us that they will complete the portion along the outlot for Northern Lights.

I. Several homeowners appeared in opposition to the sidewalk along the east side of North 84th Street north of Vine Street. While there are pedestrian sidewalks which provide access to the internal sidewalk system, these sidewalks have not functioned as intended. These sidewalks receive only minimal light from the adjacent streets. In addition, the two pedestrian walks which access 84th Street have stretches which are in need of repair and exceed the allowable slope for an accessible route for a wheel chair. This area will see increasing pedestrian activity with the restaurants and other commercial development along 84th and Holdrege.

J. There was no opposition voiced to this segment. We continue to support the completion of these segments to provide a continuous sidewalk along the north side of Huntington/ Leighton Avenue between 33rd and 48th Streets.

K. As for segment J, there was no opposition voiced to this segment. We continue to support the completion of these segments to provide a continuous sidewalk along the north side of Huntington/ Leighton Avenue between 33rd and 48th Streets.

L. The remaining sidewalk necessary at 33rd and Superior Street will be constructed by LES.

M. This sidewalk will also be the responsibility of LES

N. This sidewalk is adjacent to a large Irregular Tract with a single residence on it. A representative of the owner called the Sidewalk Office and expressed concern that the owner will not be able to afford the cost. The length of the lot is 462 feet with an estimated cost of the sidewalk at $9,200.00. This is the final gap in the sidewalk from north of Fletcher to Superior Street. This office strongly recommends that this segment be ordered constructed.

O. There was a short discussion on the sidewalk along North 26th between Kensington and Folkways. This is a commercial property platted as an outlot. This segment will complete a sidewalk between the Tabitha retirement area and the commercial areas to the south.

P. This office recommended the sidewalk along the east side of Northwest 12th Street from West Commerce Way to West Highland Boulevard to provide a crucial connection between several significant areas of Northwest Lincoln. This will connect the West Lincoln area along Cornhusker Highway, the commercial area at Northwest 12th and West Adams and the Highlands area including the Highlands bikepath. Between West Bond Street and West Highlands Boulevard, 33 percent of the sidewalk is complete along the east side and only 13 percent is complete along the west side. Mark Hunzeker appeared to represent the property owner at Northwest 12th and Kingbird. There is some dirt mining occurring on a portion of this property, but this property has not seen significant improvement since Consolidated Freightways ceased operations in Lincoln. There are many lots still undeveloped in the Union Pacific development area. This area was originally platted in 1972 and 1980 and there is limited development occurring in this area. There is limited potential that sidewalk may be completed in association with building projects in the near future. We strongly recommend that the investment in construction of sidewalk will enhance the properties in this area.

Q. The Sidewalk Office has received several calls opposing the sidewalk along Northwest 48th Street between West Huntington and West Adams. If there was an option to locate this sidewalk along the east side and not force this cost on the residents on the west side, we would make such a recommendation. Due to the large drainage ditch on the east side, this is not feasible at this time. Also with a future signal at Northwest 48th and West Huntington, this will be the safest location to cross and use the sidewalk along the west side to get to school or shopping. There is ongoing discussion where the future school site will locate, but this sidewalk is necessary regardless of the school location.

R. This is a short segment along an outlot. This sidewalk is necessary to complete the sidewalk along West St. Paul between Northwest 49th and Northwest 55th Street.

S. thru V. These locations are gaps along the streets adjacent to the Olympic Heights Park area. This sidewalk will be constructed by the City.

In summary, we feel there is merit and need for each of the proposed locations. The Pedestrian Bicycle Committee endorsed the completion of the proposed sidewalks at their June 13, 2006 meeting.

Summary of Proposed Locations for Council Resolution

(A) North side of Pioneers Blvd. from S. 59th Court to Ridgeview Drive

(B) South Side of Old Cheney Road from west of S. 62nd St to S. 70th Street

(C) West side of S. 70th Street from Old Cheney Road to Nebraska Highway 2

(D) East side of S. 70th Street from Stevens Ridge Road to Pine Lake Road

(E) South side of Stevens Ridge Rd. east from S. 70th to existing sidewalk west of S. 72nd Street.

(F) South side of Pine Lake Road from Helen Witt Drive to approximately 25th Street

(G) North side of Normal Blvd. from S. 62nd to west of Park Crest Drive

(H) South side of Leighton Avenue from N. 82nd Street to N. 84th Street

(I) East side of N. 84th Street from Vine Street north to east side at Elizabeth Drive

(J) North side of Huntington Avenue from N. 33rd to N. 35th Street

(K) Northeast side of Huntington/Leighton Avenue from 43rd to 44th Street

(L) North side of Superior Street and west side of N. 33rd Street north and west of the corner of 33rd & Superior Street

(M) North side of Fletcher Avenue and west side of N. 27th Street at the northwest corner of 27t h& Fletcher Avenue

(N) West side of N. 27th Street from Enterprise Drive to Fletcher Avenue

(O) West side of N. 26th Street between Kensington Drive and Folkways Dr.

(P) East side of NW 12th Street from W. Commerce Way to W. Highland Blvd.

(Q) West side of Northwest 48th Street from W. Huntington Avenue to W. Adams Street

(R) North side of W. Saint Paul Avenue between NW 50th & NW 52nd Street

(S) South side of W. Saint Paul Avenue between NW 50th & NW 52nd Street

(T) West side of NW 52nd Street between W. Saint Paul and W. Huntington

(U) South side of West Huntington Avenue between NW 52nd Street and NW 51st Street

(V) North side of West Leighton Avenue west of NW 52nd Street

joncampcc@aol.com
07/04/2006 09:39 AM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject For Council Members

Tammy:

Please share this with my colleagues and the Mayor.

Jon

Jon Camp

Office: 402-474-1838
Home: 402-489-1001
Cell: 402-560-1001
Email: JonCampCC@aol.com

-----Original Message-----
From: jy84323@alltel.net
To: JonCampCC@aol.com
Sent: Mon, 3 Jul 2006 10:44:24 -0500

Thank you Mr. Camp for taking time to visit with me the other day. Saturday I was at a gift shop in Meadowlane and a clerk at the shop told me she had three couples the past week that were moving to Missouri because of the taxes. Two couples were retired and the other couple sold their house and are renting an apartment until they retire next year. Maybe we should change Lincoln to Taxed, Nebr. I do not feel Lincoln is going in a very good direction. One fairly young couple moved to Arizona because of the taxes in Lincoln. Again, thank you for your time. Stay the course. Don't give up. Jean Yost

---

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

Jon,
Put on Dir. Agenda for July 10.
m.
7/3/06

John Camp
City Councilman -
500 So. 10th
Lincoln NE 68508

RECEIVED
JUL 05 2006
CITY COUNCIL OFFICE

Dear Councilman John Camp.

I have 2 suggestions. I'd called the mayor's office (about the 1st suggestion - they said to let the council know) - My suggestions - (1) When an ambulance is called to a nursing home - both ambulance and fire dept. don't need to come. An ambulance is needed to transport, as the nurses have already assessed the need. No need for the fire dept. to come also. This is double duty. If there is a fire - send the fire dept. too -

My 2nd suggestion: Possible arena sights - It would make sense to use the fair ground area - due to open space + Parking availability - but if the Post office area is chosen - then trade spaces with pershing auditorium. Pershing bldg. has space for a post office - "drive in" ability -

→

to load the trucks, central down town location and parking space could be made in the yard space -

Thank you for your service

Sincerely

Mary Geisler

campjon@aol.com
07/06/2006 11:53 AM

To Pr5320@cs.com, Ljohnson@lincoln.ne.gov
cc tgrammer@lincoln.ne.gov
bcc
Subject Re: starlings

History: This message has been replied to.

Lynn:

I will defer to you and other City experts on what we can do as a City to alleviate and/or mitigate this problem.

Thanks in advance for your leadership and action.

Jon

Jon Camp
Lincoln City Council
City Council Office: 441-8793

-----Original Message-----
From: Pr5320@cs.com
To: Ljohnson@Lincoln.ne.gov
Cc: campjon@aol.com
Sent: Thu, 6 Jul 2006 09:28:14 -0400
Subject: starlings

I understand Mr. Camp forwarded an email, from John Wieneke, on to you. As noted in previous corespondence this is not just our problem. This is Lincolns' problem. This city has a starling population that is out of control. City officials recognized it last year, this year we need action. What needs to be done to get the powers to be to understand it is only going to get worse. The house next door cut down a mature crab apple tree over the winter because they could not use their back patio and their grand kids would not come over to play because of the bird crap on everything. Please let me know what we can do to get some action. Thanks.

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campjon@aol.com
07/06/2006 12:57 PM

To jweddel2001@yahoo.com
cc tgrammer@lincoln.ne.gov
bcc
Subject Re: fireworks

John:

Thank you for your email concerning failure to follow our fireworks ordinances. As I recall, Police Chief Tom Casady and Fire Chief Mike Spadt would both prefer to ban fireworks, if they had their way.

I will visit with my Council Colleagues. I do understand your concerns for both peace and quiet as well as safety.

Best regards,

Jon

Jon Camp
Lincoln City Council
City Council Office: 441-8793

-----Original Message-----
From: John Weddel <jweddel2001@yahoo.com>
To: ksvoboda@lincoln.ne.gov; reschliman@lincoln.ne.gov; jcamp@lincoln.ne.gov
Sent: Wed, 5 Jul 2006 15:11:37 -0700 (PDT)
Subject: Fwd: re: fireworks

Note: forwarded message attached.

Do you Yahoo!?
Everyone is raving about the all-new Yahoo! Mail Beta.
Attached Message

From:	John Weddel <jweddel2001@yahoo.com>
To:	pnewman@lincoln.ne.gov
Subject:	re: fireworks
Date:	Wed, 5 Jul 2006 15:08:41 -0700 (PDT)

For the last several days and last night (July 4th), it has become apparent to me that the city's fireworks policy towards fireworks in the city limits is a joke. My neighborhood sounded like a war zone til after 2:AM with fireworks that are clearly not allowed. There is simply no way that police could ever keep up with the complaints. Almost everyone I spoke to at work today commented on the lack of sleep they have gotten and the massive amount of illegal fireworks

they have wittnessed in the past week. As much as I would hate to see it, I think the time has come for our growing city to institute a ban on fireworks (except public displays) within the city limits. I have personally witnessed too many drunken, out of control individuals shooting off their illegal fireworks with no regard to time or safety.

I sincerely hope the Mayor and Council will give this matter some serious thought.

John Weddel

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PUT THE BRAKES ON KENO!

City Council Members of Lincoln, Nebraska....*please* do not continue to approve new Keno locations. Keno operators want to introduce electronic gaming, which causes addictions 3.5 times faster than other forms of gambling. Gambling is the fastest-growing teenage addiction. Keno doesn't add new dollars our economy. Please respect the wishes of voters 18 months ago who said "NO" to gambling.

Name 6/29/06 **Address** **(Lincoln residents only, please)**

RECEIVED
JUL 03 2006
CITY COUNCIL OFFICE

Robin ~

Most of the people I talked to said they would like no gambling in the city limits — & this was without soliciting!

Thank you for standing up for the "moral majority".

God Bless,
Ginger Colton

Please mail to: Lincoln City Council, 555 S. 13th, Lincoln, NE 68508

PUT THE BRAKES ON KENO!

City Council Members of Lincoln, Nebraska....*please* do not continue to approve new Keno locations. Keno operators want to introduce electronic gaming, which causes addictions 3.5 times faster than other forms of gambling. Gambling is the fastest-growing teenage addiction. Keno doesn't add new dollars our economy. Please respect the wishes of voters 18 months ago who said "NO" to gambling.

Name	**Address** (Lincoln residents only, please)
Diana Cloud	3110 S. 72nd St. #123 (68506)
Jeff Cloud	same as above
[illegible]	1841 Rusty Lane (68506)
[illegible]	1417 S.W. 15th St. 68522
[illegible]	" "
[illegible]	805 Sumner St Lincoln 68502
Karen Kidder	6801 Parger Ln Lincoln, Ne. 68516
[illegible]	700 West Jennifer Dr Lincoln Ne 68521
Randel Alby	1625 - Arapa Hoe Lincoln NE 68502
[illegible]	935 So 34 Lincoln, Ne 68510
[illegible]	935 So 34 Lincoln, Ne. 68510
[illegible]	" " " "
Carol L Moravec	2806 Laredo Drive Lincoln NE 68510
Tara L Reiman	1959 Euclid 68502

Please mail to: Lincoln City Council, 555 S. 13th, Lincoln, NE 68508

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Name	Address (Lincoln residents only, please)
Ginger Colton	3410 Desert Ct (16)
Cary D. Colton	3410 Desert Ct. (16)
William H Luick	3410 Desert Ct (16)
Timothy D. Koecher	1445 Patterson Dr. 68522
Chris Brown	5225 S. Bennington Pl 68516
Terri Koecher	1445 Patterson Dr (22)
Margaret Hamm	4528 Hallcliffe Rd 68516
Robert Hamm	4524 HallcLiFFE RD 68516
Anastacia Schwarz	1420 W. Park Av. 68522
Deloris Cole	1207 D Street #3 (02)
Mark Dewitt	3431 Desert Court
Tiffi Unera	3443 Desert Ct
Kathy Jurgen	3444 Desert Ct.
[illegible]	3444 Desert Ct.
Scott D. Johnson	7500 S. 35th
J. Kruckenberg	3431 Canyon Dr
Bridget Poldberg	3421 Canyon Rd.
Helen Poldberg	3421 Canyon RD

Please mail to: Lincoln City Council, 555 S. 13th, Lincoln, NE 68508

Melissa Olson 3411 Canyon Rd
Jeen Langer 3401 Canyon Rd
Patrick M Langer 3401 Canyon RD
Linda Russell 7508 S. 34th St.
Scott Fitzgerald 7516 So. 34th St.
Lisa Hurwich 7524 S 34th St
Kaileen Tyrrell 7516 So 34th St.
Deborah K Tolgo 3420 Scottsdale Ln.
Laura Tolgo 2841 Tierra Dr.
Jeanie Denley 7548 S 35th
Peggy Prochazka 7532 So. 35
Melody Carmichael 3430 Desert Ct.
Tana Malik 3400 Desert. Ct.
Shahid Malik 3400 Desert Ct.
Tina Span 4931 Boeckner Ave.
Jim Menter 2411 Greenspire Circle

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Name	Address (Lincoln residents only, please)
Tim Frisch	1730 Timber Ridge Rd. (22)
Larry Elias	7621 Karl Drive 68516
Deb Elias	7621 Karl Drive 68516
MARILYNN S. WILLIAMS	1923 SW 15th St 68522
Roberta Christensen	2120 Stonecrook Loop 68512

Please mail to: Lincoln City Council, 555 S. 13th, Lincoln, NE 68508

PUT THE BRAKES ON KENO!

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Name	**Address** (Lincoln residents only, please)
Cindy Zelt	5026 Constitution Ave Lincoln
Angela Paolini	1732 SW 16th Lincoln (22)
Jon Paolini	1732 SW 16 Lincoln (22)
Donna Stangl	1514 W. Manor Dr. Lincoln, NE 68506
Diana Rhodes	3833 NW 54th St Lincoln NE 68524
Roger L. Krause	4811 N. 17th Lincoln, NE 68521
Jon Reeder	3220 LOVELAND DR Lincoln NE. 68502
Annie Krause	4811 N. 17th St. Lincoln NE 68521
Di Keller	5911 Robin Ct., Lincoln, NE 68516
Scott Keller	5911 ROBIN CT. LINCOLN, NE 68516
Ron Zelt	5026 Constitution Ave Lincoln 68521

RECEIVED

JUL 06 2006

CITY COUNCIL OFFICE

Please mail to: Lincoln City Council, 555 S. 13th, Lincoln, NE 68508

InterLinc Action Center
<action@lincoln.ne.gov>
06/27/2006 05:52 PM

To City Council <tgrammer@lincoln.ne.gov>
cc
bcc
Subject Action for City Council - General received.

An action has been filed for City Council - General.

Tracking Number: 2400

Problem:

Comments: How is it that Lincoln can have a budget so high for Library and Parks & Rec's and so little for health? Seems that these should be reversed! Maybe Parks & Rec's should be removed and let the individual home owner's associations deal with the upkeep of their parks! After all I can't even remember the last time I visited a Lincoln park.....or for that matter a Lincoln Library!
Wake up Lincoln City Council.....money is being spent by these agencies at an extremely fast pace. Who needs them and/or wants additional libraries and parks? Looks like we need to learn to use what is available instead of always adding new parks & libraries. Lincoln/Lancaster county tax payers can not afford to continue at this rate.....bankrupty and foreclosures are awaiting in the wings for many Nebraska residents.....keep it up Lincoln/Lancaster and you won't have anyone living here to pay these high taxes.....as we will all move out to another state where they know how to manage their revenue!

Go to your list of actions:
https://intralinc.lincoln.ne.gov/city/mayor/action/default.asp

PLEASE DO NOT REPLY TO THIS MESSAGE.

InterLinc Action Center
<action@lincoln.ne.gov>
06/28/2006 09:22 PM

To City Council <tgrammer@lincoln.ne.gov>
cc
bcc
Subject Action for City Council - General received.

An action has been filed for City Council - General.

Tracking Number: 2406

Problem:

Comments: Now that all of the property values have been raised to values way beyond what they are worth, we hope that the council will be able to find additional cuts to lower the tax burden.
It would seem that with all of the new home construction going on in Lincoln and Lancaster county that there would be more than enough money for the City/County budgets without raising the mill levy or the amounts needed to run the city/county. Property is a an all time high in valuation, with some properties being valued at more than 5 -6 times what they cost.....
when will it stop? When will the governments learn to lower their standards, with the baby boomer generation fastly approaching retirement, many of them will be forced to move and forced to sell their properties as they will not be able to maintain them with the rate that the taxes are increasing at an all time HIGH! You are forcing the elderly out of their homes! Most of them are on fixed incomes that are merely small amounts of monthly social security, with the rising costs in fuel to heat homes, and fuel for vehicles, not to mention the cost of medical services and prescriptions. These increases in government spending need to stop before it is to late and we have lost many of our long time residents to other states!

Go to your list of actions:
https://intralinc.lincoln.ne.gov/city/mayor/action/default.asp

PLEASE DO NOT REPLY TO THIS MESSAGE.

Chuck <sepersr@yahoo.com>

06/30/2006 12:17 PM

To council@lincoln.ne.gov
cc
bcc
Subject cutting the budget

With the high cost of fuel, you always see city busses running all day empty. Maybe they should run only a peak times. Also, in Phoenix, they have bike racks on the front of busses. People put their bikes on the front and ride to the area where the busses don't go.

Also, in the libraries. You could eliminate Sundays. Eliminate the $1 allocation of free print outs and start charging for all printouts from people that use the city library computers. Also, you could allow one free usage a day and pay $1 for each subsequent useage.

There are alot of cities now using police on bicycle patrols. This could save alot of money in the downtown areas. Have patrol cars stationed in key points that could respond to calls placed by the bike patrol. Would save much in fuel.

Also, those sidewalk sweepers in the morning are basically sweeping cigarette butts. Have a fine for all those that throw their cig butts on the bround. This could save alot of money.

Just some ideas but like families, the city has to start cutting back.
Thank you
Charles Sepers
Lincoln NE

FROM: NEBRASKA SOS COMMITTEE

IMPORTANT LEGAL NOTICE:

NEBRASKA SOS PETITIONERS REGAIN RIGHT TO CIRCULATE ON PUBLIC PROPERTY

JUDGE RULES IN FAVOR OF PETITIONERS

See attached brief for details.

This document is available online at www.sosnebraska.com

OGBORN SUMMERLIN
& OGBORN PC
Denver Colorado Lincoln Nebraska

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Telephone: (402) 434-8040
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www.osolaw.com

Gene Summerlin
Direct: (402) 434-8042
Email: gene@osolaw.com

July 29, 2006

Mr. Mike Groene
Chairman, Stop Overspending Ballot Committee
9523 Canal Road
North Platte, NE 69101

Re: Groene v. Seng; 4:06CV3153 (U.S. Dist. Ct. D. Neb. 2006)

Dear Mike:

Enclosed is a copy of the Memorandum and Order entered today by the United States District Court for the District of Nebraska on our Motion for Temporary Restraining Order. As you know, we initially sought a restraining order to prohibit the police and public officials in Omaha, Lincoln and Grand Island from denying petition circulator's access to public streets, sidewalks, parks and governmental buildings. The Court granted our request for a Temporary Restraining Order and has prohibited Omaha, Lincoln and Grand Island from:

1. Denying petition circulators access to streets, sidewalks, exterior courtyards, parks and walkways that carry public pedestrian traffic (excluding steps into buildings or vestibules connected to buildings);

2. Streets, sidewalks, and walkways adjacent to government buildings or governmental offices located in strip malls; and

3. Streets, sidewalks and walkways in parks where temporary festivals are being conducted.

COLORADO OFFICE
1120 Lincoln St. Suite 1100
Denver, Colorado 80203
Telephone (303) 861-7472
Facsimile (303) 830-8516

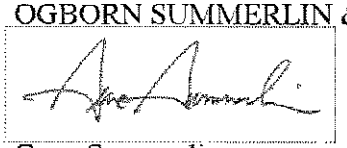
The court held that the cities' past attempts to disallow petition circulators access to these areas was a violation of the First Amendment to the United States Constitution. The court determined that this denial of First Amendment rights constituted an irreparable injury to plaintiffs.

Importantly, at the hearing the court explained that its reference to "walkways that carry public pedestrian traffic" encompasses all walkways that carry public pedestrian traffic, including walkways that carry public pedestrian traffic located in front of retail stores or other facilities that are generally open to the public. As we have previously discussed, there are other cities that have attempted to enforce the same or similar limitations on petition circulators as Omaha, Lincoln and Grand Island. Based upon the court's order, if further violations occur in other municipalities, we believe that we can very quickly take action against offending cities to obtain similar relief.

Please let me know if you have any further questions. Thanks, Mike.

Very truly yours,

OGBORN SUMMERLIN & OGBORN, PC



Gene Summerlin

VGS:tbm
Encl.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIKE GROENE, individually and as Chair of the Stop Overspending Nebraska Ballot Committee; ROBERT COLE ROGERS, and AMIE SPRADLEY,	)	
Plaintiffs,	)	4:06CV3153
v.	)	
COLEEN SENG, in her official capacity as Mayor of the City of Lincoln, Nebraska; THOMAS K. CASADY, in his official capacity as Chief of Police for the City of Lincoln, Nebraska; MIKE FAHEY, in his official capacity as Mayor of the City of Omaha, Nebraska; THOMAS H. WARREN, in his official capacity as Chief of Police for the City of Omaha, Nebraska; JULY M. HANEY, in her official capacity as Treasurer, Douglas County, Nebraska; RIVKAH SASS, in her official capacity as Library Director for the City of Omaha, Nebraska; STACEY ALDRICH, in her official capacity as Assistant Library Director for the City of Omaha, Nebraska; JAY VAVRICEK, in his official capacity as Mayor of the City of Grand Island, Nebraska; STEVE LAMKEN, in his official capacity as Chief of Police for the City of Grand Island, Nebraska; STEVE FOSSELMAN, as Library Director for the City of Grand Island, Nebraska; RONALD W. ROSKENS, in his official capacity as Chairman of the Omaha-Douglas Public Building Commission,	)	**MEMORANDUM AND ORDER**
Defendants.	)	

This matter comes on for consideration of Plaintiffs' request for a temporary restraining order pursuant to Fed. R. Civ. P. 65. (Filing 4.) Plaintiffs are petition circulators working for a group which seeks to place a constitutional amendment on the Nebraska November 2006 ballot.[1] The amendment would establish a limit on the growth of state spending. In this 42 U.S.C. § 1983 action, the plaintiffs allege they have been denied access to public areas and have been threatened with arrest pursuant to the "policies and practices" of the cities of Omaha, Lincoln, and Grand Island, Nebraska.

One of these policies, issued by the Omaha Police Department, requires "petitioners that are attempting to obtain signatures" to get permission from "management" before attempting to obtain signatures and to leave if permission is not granted. If the request to leave is disobeyed in the presence of the Omaha police, the petitioner "can be arrested for Trespassing or any other appropriate charge." The policy states that this procedure will be followed at private shopping areas and also "when the petitioner is on publicly-owned property that has a restricted use and is not an open public forum such as outside the City of Omaha libraries or business offices." (Filing 1, Complaint, Ex. 2.)

Another of these policies is a rule regarding the "Celebrate Lincoln" festival which prohibited "campaign materials, petitions, religious materials, brochures and/or solicitations" at the festival. The festival was held on City of Lincoln streets and sidewalks from June 9, 2006, through June 11, 2006. Pursuant to this policy, one of the plaintiff petition circulators was denied access to the festival.

The allegedly unconstitutional Grand Island "policy" caused one of the plaintiff petition circulators to be directed to leave the public sidewalk on the exterior grounds

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[1]The plaintiffs allege that they must collect and verify approximately 115,000 signatures and submit them to the Nebraska Secretary of State by July 7, 2006.

of the Edith Abbott Memorial Library when the plaintiff was positioned 200-300 feet from the library entrance.

The "policies and practices" complained of shall be referred to as "the policy" in the text of this memorandum and order.

I. PRELIMINARY INJUNCTIVE RELIEF[2]

The factors to be weighed in deciding whether to grant or deny preliminary injunctive relief are:

> (1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.

Dataphase Systems, Inc. v. C L Systems, Inc., 640 F.2d 109, 114 (8th Cir. 1981). "No single factor in itself is dispositive; rather, each factor must be considered to determine whether the balance of equities weighs toward granting the injunction." United Indus. Corp. v. Clorox Co., 140 F.3d 1175, 1179 (8th Cir. 1998).

> At base, the question is whether the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined. . . .
>
> . . . .

[2]I apply the factors to be weighed in deciding whether to grant a preliminary injunction to the plaintiffs' request for a temporary restraining order. Gahan ex rel. Gahan v. United States Amateur Confederation of Roller Skating, 382 F. Supp. 2d 1127, 1129 (D. Neb. 2005).

> [W]here the balance of other factors tips decidedly toward movant a preliminary injunction may issue if movant has raised questions so serious and difficult as to call for more deliberate investigation.

Dataphase, 640 F.2d at 113.

A. Probability of Success on the Merits

It appears that most of the petition-circulating activity being regulated here occurred in public streets, sidewalks, grounds, parks, malls, and access ways to these areas. "'[P]ublic places' historically associated with the free exercise of expressive activities, such as streets, sidewalks, and parks, are considered, without more, to be 'public forums.'" United States v. Grace, 461 U.S. 171, 177 (1983). "'[T]ime out of mind' public streets and sidewalks have been used for public assembly and debate, the hallmarks of a traditional public forum." Frisby v. Schultz, 487 U.S. 474, 480 (1988) (quoting Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 45 (1983)). The government's ability to restrict expressive activities in these public places is very limited.

> In these quintessential public forums, the government may not prohibit all communicative activity. For the State to enforce a content-based exclusion it must show that its regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end. The State may also enforce regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.

Perry, 460 U.S. at 45 (citations omitted). See Bowman v. White, 444 F.3d 967, 975 (8th Cir. 2006) (explaining tests for traditional public, designated public, and nonpublic fora; determining type of forum requires considering physical characteristics and location of the property, traditional and objective uses of the

property, purposes of the space, government intent and policy with respect to the property, and special characteristics).

At this very early stage of the litigation, it appears that the policy at issue is a content-neutral restriction on expressive activity in traditional public fora which must be narrowly tailored to serve a significant state interest. While Omaha, Grand Island, and Lincoln have a significant state interest in maintaining clear access to its public buildings and events, controlling pedestrian traffic on sidewalks, and preventing disturbances, it is not necessary to remove all petition circulators from public areas to achieve those interests. These cities could enact legitimate time, place, and manner restrictions which limit the number of circulators in a given area or require that circulators remain a certain distance from public facilities, but a total ban on all petition circulators in public areas cannot be considered "narrowly tailored." See Olmer v. City of Lincoln, 192 F.3d 1176, 1181 (8th Cir. 1999) ("'The defendants . . . have a right to engage in peaceful pamphleteering and picketing on public property, so long as they do not 'unduly interfere with the normal use of the public property by other members of the public with an equal right of access to it.'") (quoting Action v. Gannon, 450 F.2d 1227, 1232-33 (8th Cir. 1971)).

To the extent the policy at issue regulates expressive activity on what might be characterized as "designated public fora"—such as sidewalks outside of the Douglas County Treasurer's Office and the Department of Motor Vehicles, some of which are located in strip malls—it also violates the First Amendment. As discussed above, the policy cannot be considered a content-neutral time, place, and manner restriction because it is not narrowly drawn to achieve a significant government interest. Bowman, 444 F.3d at 976 (test for unlimited[3] designated public forum). Nor is the

---

[3] "In an unlimited designated public forum, the government may enforce a content-neutral time, place, and manner restriction only if the restriction is necessary to serve a significant government interest and is narrowly drawn to achieve that interest." Bowman, 444 F.3d at 976.

policy reasonable, id. (test for limited[4] designated public forum), as illustrated by an argument made in Plaintiffs' brief:

> Here, petition circulators wish to engage in core political speech seeking a constitutional amendment to cap governmental spending. Though Nebraska residents are otherwise free to come by a county treasurer's office to voice concerns about property tax increases, a Nebraska resident seeking to enact legislative change to the government's spending structure is denied access to the very same office. Similarly, one would presume that if a group of citizens engaged a lobbyist to convince the county treasurer to lower the tax levy, the lobbyist would be free to address this issue with the treasurer or the treasurer's agents at the county treasurer's office. Again, though, if citizens sought to change the tax levy through the initiative process, those citizens would be denied access to the very same property despite the similar purpose of their requested access.

(Filing 5, Br. Supp. Mot. TRO at 33.) See, e.g., Jacobsen v. Howard, 109 F.3d 1268, 1274 (8th Cir. 1997) (holding that statute banning distribution of newspapers at interstate rest areas was unconstitutional, noting that such distribution was "fully compatible with the state's interests in providing safety, rest, and information to interstate travelers" and "the state may not legislate such a broad ban on First Amendment activity").

Thus, the plaintiffs are likely to succeed on the merits of their claim.

---

[4] "[I]n a limited designated public forum, restrictions on speech not within the type of expression allowed in a limited public forum must only be reasonable and viewpoint neutral." Bowman, 444 F.3d at 976 (internal quotation marks and citation omitted).

B. Irreparable Harm to the Plaintiffs

"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976) (plurality). See also Marcus v. Iowa Public Television, 97 F.3d 1137, 1140 (8th Cir. 1996) (citing Elrod and stating that if congressional candidates who moved for injunctive relief were denied their First Amendment rights when they were excluded from appearance on public television with other political candidates, they have suffered an irreparable injury under Dataphase); Kirkeby v. Furness, 52 F.3d 772, 775 (8th Cir. 1995) (district court should have granted demonstrators' motion to enjoin enforcement of city ordinance restricting residential picketing; citing Elrod and stating that since demonstrators' right to speak had probably been violated, they would suffer irreparable injury under Dataphase if injunction did not issue).

Because I have concluded that the policy at issue is not narrowly tailored to serve an important government interest, enforcement of the policy against the plaintiffs would deny them their First Amendment rights. Therefore, if a temporary restraining order barring enforcement of the policy did not issue, the plaintiffs would suffer irreparable harm under Dataphase.

C. Harm to the Defendants

If the court issues a temporary restraining order barring enforcement of the policy, the defendants simply lose an opportunity to arrest violators for "[t]respassing or any other appropriate charge" while the court decides whether the plaintiffs are entitled to a permanent injunction. When balanced against the risk that Plaintiffs will be denied their First Amendment rights if a temporary restraining order does not issue, this potential harm to Defendants is minimal.

D. Public Interest

The court finds that the public interest in avoiding violation of the plaintiffs' First Amendment rights while the court considers the plaintiffs' request for a permanent injunction, and the public interest in encouraging government policies to be written and applied in a constitutionally acceptable manner, outweigh the arguably significant public interest in enabling patrons of government facilities to access those facilities without encountering petition circulators.

II. CONCLUSION

After analyzing the factors for granting preliminary injunctive relief set out in Dataphase, I conclude that "the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined." Dataphase, 640 F.2d at 113. Therefore, a temporary restraining order should issue, barring enforcement of the policy because it is not narrowly tailored to serve a significant government interest and is not reasonable, in violation of the First Amendment. The plaintiffs are reasonably likely to succeed on the merits of their claim. Further, when balanced against the risk that Plaintiffs will be denied their First Amendment rights if a temporary restraining order does not issue, the potential harm to Defendants is minimal if the temporary restraining order is granted. Finally, the public interest in avoiding violation of the plaintiffs' First Amendment rights while the court considers the plaintiffs' request for a permanent injunction weighs in favor of issuing a temporary restraining order.

IT IS ORDERED:

1. Plaintiffs' request for a temporary restraining order (filing 4) is granted as provided herein and is otherwise denied.

2. Defendants, and each of them, including their agents, servants, and employees, are restrained from prohibiting the plaintiffs from circulating petitions on streets, sidewalks, exterior courtyards, parks, and walkways that carry public pedestrian traffic, but excluding steps into buildings or vestibules connected to such buildings.

3. For the sake of clarity, but without limitation, this restraining order applies to (a) streets, sidewalks, and walkways adjacent to government buildings or offices located in strip malls and (b) streets, sidewalks, and walkways where temporary festivals are being conducted.

4. The court determines under Fed. R. Civ. P. 65 that a bond in the amount of $500 is sufficient and directs Plaintiffs to post such a bond.

June 29, 2006.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge

Richard E Goodman
<rgoodman2@unlnotes.unl.edu>
07/01/2006 08:59 AM

To Council@lincoln.ne.gov
cc
bcc
Subject Concealed weapons

Dear Council Members,

I strongly urge each of you to support Mayor Seng's proposal to ban the carrying of concealed weapons. The number of deaths from handguns seems to continue to rise in the US and it is often the case that the presence of the gun allows disputes to grow more violent. Rather than an arguement or a physical tussle (which can itself be deadly), individuals who posses a weapon are likely to pull out the weapon, raising the stakes. They may panic and shot, possibly an innocent by standard, or often in close encounters the other person tries to grab the gun in self defense, or to intentionally take it away. Someone gets shot. Someone gets killed.

All of the violent movies and shows help encourage the average person to think they can successfully use a gun, control their actions, save themselves. Or for some immature people, solve their problems by removing their enemies.

I don't have the numbers, but would like to see some solid evidence that demonstrates a positive balance of outcomes when concealed weapons are allowed. I have never seen that. I don't mean an anecdotal instance. On the average do they hurt or harm? I believe there is more damage caused by carring concealed weapons than not.

Again, I urge you to support Mayor Seng's efforts.

Thank you,

Rick

Richard E. Goodman, Ph.D.
University of Nebraska - Lincoln
Professor - Food Science & Technology
Food Allergy Research & Resource Program
143 Food Industry Complex
Lincoln, NE 68583-0955

TEL: +1 (402) 472-0452
FAX: +1 (402) 472-1693
e-mail: rgoodman2@unl.edu
Cell: (402) 417-5549

Marj Manglitz
<marjmanglitz@yahoo.com>
07/01/2006 09:41 AM

To council@lincoln.ne.gov, Marj Manglitz <marjmanglitz@yahoo.com>
cc
bcc
Subject Ban Concelled Weapons

Dear Friends;

I trust you will continue to make Lincoln a safe place by not allowing women and children and those trying to protect them the added fear of violence by those with short temper fuses who can carry a gun with or without a permit. Who would know before hand if they had a legal permit?. Will the training include treatment for those who have anger problems to help prevent the use of the gun when they do not get thier way?

Put yourself in the shoes of a police officer. When he approches any situation how will he know if any person either near the scene or in a window or across the street has a gun and will be aiming at him? It's dangerous enough being able to see a weapon ahead of time.

Having more guns in town does not make it safer for any of its citizens or guests. Children are noted for thier inquisitivebess and will find a gun in the house and will play with it. Their educatrion by TV and Videos does not make them aware of the danger.

I implore you to support the many individuals and groups who are warning against allowing concelled weapons in what we hope will be a safe, secure
city.

Thank you,

Marj Manglitz
955 N 67th St.
Lincoln, Ne 68505
464-3607

Want to be your own boss? Learn how on Yahoo! Small Business.

Dear Elected Official,

I recently authored an anti-illegal immigration initiative for the City of San Bernardino, California. I wanted to provide a template for local elected officials to demonstrate the ability of local governments to mitigate the harmful impacts of illegal immigration.

My measure would prevent taxpayer funded day laborer centers for illegal aliens, make it illegal to rent to illegal aliens, deny business permits and licenses to businesses that aid and abet illegal aliens and institute an English-only policy.

Since I authored this measure and it has gained national media coverage, other cities across the country are taking these ideas and passing ordinances with nearly identical language. I direct your attention to Hazleton, Pennsylvania and Avon Park, Florida, which are just two cities that have already passed items on their first reading.

Obviously, our state and federal governments have done nothing about the illegal immigration crisis we are facing in our communities. It is time for local governments to step up and tackle this issue. By taking action locally, you can work to better the quality of life of your residents. Collectively, we can exert an enormous amount of pressure on Congress to get something done.

If you have any questions or concerns, please feel free to email me at: info@saveourstate.org.

Sincerely,

Joseph Turner
Executive Director
Save Our State
PO Box 91000
San Bernardino, CA 92427

Enclosure

SECTION 1 Title

This chapter shall be known and may be cited as the "City of San Bernardino Illegal Immigration Relief Act Ordinance."

SECTION 2 Findings and Declaration of Purpose

The People of the City of San Bernardino find and declare:

A. That illegal immigration leads to higher crime rates, contributes to overcrowded classrooms and failing schools, subjects our hospitals to fiscal hardship and legal residents to substandard quality of care, and destroys our neighborhoods and diminishes our overall quality of life.
B. That the City of San Bernardino is empowered and mandated by the People of San Bernardino to abate the nuisance of illegal immigration by aggressively prohibiting and punishing the acts, policies, people and businesses that aid and abet illegal aliens.

SECTION 3 Definitions

Whenever used in this chapter, the following terms shall have the following meanings:

"City" means the City of San Bernardino.
"Contract employer" means any person who obtains the services of one or more individuals through a day labor agency.
"Day Labor" means labor or employment that is irregular or occasional at which a person is employed for not longer than the time required to complete the assignment. For the purposes of this chapter, "day labor" does not include secretarial, clerical or professional services.
"Day Laborer Agency" or "agency" means any entity engaged in providing day labor workers for a contract employer.
"Day Laborer" means any person who seeks day labor employment.
"Solicit" or "solicitation" means and includes the following:

1. The act of making a request, offer or an announcement by the use of spoken word, bodily act or gesture;
2. A solicitation as defined in this section shall be deemed completed when made, whether or not an employment relationship is created.

"Vehicle" means a vehicle as defined in California Vehicle Code Section 670 as the same now reads or may hereafter be amended.

SECTION 4 Day Laborer Agencies

A. Public Funding
    1. The City shall not operate, construct, maintain or fund any day laborer agencies.
B. Operational Procedures, Requirements and Responsibilities

1. No person or entity shall engage in the business of a day laborer agency without first having obtained and met all applicable business licensing and zoning requirements by the City.
2. Day Laborer Agencies are prohibited from procuring work on behalf of day laborers that are not legally authorized to work in the United States. Agency assumes strict liability with respect to ensuring that all day laborers matched with a contract employer are legally authorized to work in the United States.
3. Each agency must collect a completed Employment Eligibility Verification Form I-9 for each prospective day laborer and must retain the I-9 form of each employee either for three years after the date of hire or for one year after the employment is terminated, whichever is later.
4. Each agency must conduct extensive background checks on each prospective day laborer seeking day labor employment to verify the veracity of all identification information and to ensure that each applicant is legally authorized to work in the United States.
5. Each agency shall collect all compensation from the contract employer for each day laborer transaction.
6. Each agency is responsible for deducting required FICA and state and federal income taxes and remitting payment of remainder to day laborer.
7. Each agency shall purchase general liability insurance in amount not less than two million dollars.
8. Each agency shall provide toilet facilities within its place of business to accommodate the needs of day laborers using the agency.
9. Each agency shall create an account and record of each day laborer applicant containing the information from the background check and all employment transactions.
10. Each agency shall create an accurate record of each transaction by which a day laborer was sent to a contract employer. The record shall include:
    a. The name of the day laborer and the date of the transaction;
    b. The address of the day laborer;
    c. The name, address and telephone number of the contract employer;
    d. The name and title of the individual at the contract employer's place of business responsible for the transaction;
    e. The type of work to be performed;
    f. The hourly rate of pay to the day laborer;
    g. The compensation payable by the contract employer to the agency;
    h. The number of hours worked by the day laborer;
    i. Actual deductions from the day laborer's compensation made by the agency.

C. Violations

1. Any person or entity that violates any portion of this section shall be subject to a fine of not less than $1,000 for each offense. Each day that a violation shall continue shall constitute a separate and distinct offense. Any licensee who violates any provision of this chapter shall be subject to suspension or revocation of any licenses and permits.

SECTION 5 Solicitations of Day Laborers

A. Any person or his or her servant, agent, or employee who owns, leases, conducts or maintains any vehicle used to solicit day laborers is guilty of creating a nuisance.
B. Unless procured at a day laborer agency in compliance with this Chapter or at the legal residence of the day laborer offering his/her services, any vehicle used to solicit or attempt to solicit the services of a day laborer is declared a nuisance and the vehicle shall be enjoined and abated by seizure and impoundment, as provided in Chapter 8.35 of the San Bernardino Municipal Code. If the Common Council amends Chapter 8.35, that Chapter shall be added in its original form to this Chapter.
C. This section shall not be construed so as to prohibit a business establishment or property owner from soliciting or hiring employment at or on his or its premises. For the purpose of this section, vehicles and other similar types of mobile locations shall not be considered a business establishment or premises.

SECTION 6 Business Permits, Contracts or Grants

Any for profit entity, including acts committed by its parent company or subsidiaries, that aids and abets illegal aliens or illegal immigration shall be denied approval of a business permit, the renewal of a business permit, city contracts or grants for a period not less than five years from its last offense.

A. Aiding and abetting shall include, but not be limited to, the hiring or attempted hiring of illegal aliens, renting or leasing to illegal aliens, or funding or aiding in the establishment of a day laborer center that does not verify legal work status.
B. Any act that aids and abets illegal aliens within the United States, not just within the City limits, will constitute a violation.

SECTION 7 Renting to Illegal Aliens

A. Illegal aliens are prohibited from leasing or renting property. Any property owner or renter/tenant/lessee in control of property, who allows an illegal alien to use, rent or lease their property shall be in violation of this section, irrespective of such person's intent, knowledge or negligence, said violation hereby being expressly declared a strict liability offense.
B. Property owner is hereby required to submit a copy of the lease or rental agreement to the City Clerk's Office within 45 days of execution.
C. Any person or entity that violates this section shall be subject to a fine of not less than $1,000.

SECTION 8 English Only

Unless explicitly mandated by the federal government, the state of California or the county of San Bernardino, all official city business, forms, documents, signage, telecommunication or electronic communication devices will be conducted or written in or utilize English only.

SECTION 9 Severability

If any part or provision of this Chapter is in conflict or inconsistent with applicable provisions of federal or state statutes, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable laws or regulations, and the remainder of this Chapter shall not be affected thereby.

SECTION 10 Injunctive and Declaratory Relief

Any citizen residing in the City of San Bernardino may sue for injunctive, declaratory, or any other appropriate relief to enjoin violations or to compel compliance with the provisions of this section.

SECTION 11 Duties to Defend

If any part or parts of this section are challenged in court, the City shall defend the legality of this section until all appeals have been exhausted and a final judgment is enacted.

<evyolson@alltel.net>
07/02/2006 07:02 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject concealed weapons

Dear Lincoln City Council Members:

Allowing concealed weapons to be carried in Lincoln will most certainly put victims of domestic violence at further risk and will increase the risk of injury or death to every citizen in our community. We live in a civilized society...so let's act like it and ban concealed weapons.

Respectfully,
Evoynel M. Olson

Allen Thomsen
<Avtho@concentric.net>
07/03/2006 09:29 PM

To Council@lincoln.ne.gov
cc
bcc
Subject Fireworks

As a long time citizen of Lincoln but first time contacting the council members, I am tired, tired of the noise of illegal fireworks, tired of no response from the police, oh I know they are overworked on a nite like this where there is so much noise from supposedly illegal fireworks.

I can handle the little firecrackers and all the display type, but my problem is with the dogs and their frantic behavior from the noise. Do you realize this is the time of the year when many outdoor dogs panic and escape from the outside yard and then get lost or hit by traffic?? Mine are indoor dogs, but they still have a difficult time going outside to potty on a nite like this.

What would the police do if this were a war-time attack they can't handle this so what is the answer? It seems to me the penalties are not nearly severe enough. I believe it is time for the ouncil to get together to increase the penalties for possession of fireCRACKERS and explosives the same as if I were firing a gun or igniting dynamite.

Why should the police be running all over town spending time that should be used for real crimes when a really, really significant fine and or jail time would certainly help.

Thanks for your attention to this problem.

Allen V Thomsen
1835 South 25th St
Lincoln, Ne 68502

WebForm
<none@lincoln.ne.gov>
07/04/2006 06:34 PM

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

InterLinc: City Council Feedback for
General Council

Name: jackie wells
Address: 737 south 1st street
City: Lincoln, NE 68508

Phone: 402-435-4863
Fax:
Email: beaupetite@gmail.com

Comment or Question:
regarding the gun ordinance. i know the mayor and police are opposed to citizens being allowed get a permit to carry a gun. i think the journl-star is also because i sent a letter to the editor and they only published the half not making the following point. i have given the matter great consideration. i was under the impression there would be a gun handling class, gun education, and other such safety measures. would it not be better if we knew roughly how many guns there are in the city? just because someone has a permit does not mean they are going to CARRY the gun. i would make it so they permit is attached to the driver's license and the car plates. when someone is stopped, that would show up like tickets and such so an officer would have some clue if he was going to be in a more dangerous situation. you know not everyone is going to get the carry permit. we all know how well the ordinance limiting people to owning 5 cats turned out.

the city seems very insistent on knowing where all the registered sex offenders are going to live. i consider this to be of equal importance, maybe more so. there are more guns in this town than sex offenders.

jackie wells
737 south 1st street
435-4863
beaupetite@gmail.com

WebForm
<none@lincoln.ne.gov>
07/04/2006 10:05 PM

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

InterLinc: City Council Feedback for
General Council

Name: Jean Sanders
Address: 2828 Arlington Avenue
City: Lincoln, NE 68502

Phone: 402-435-7801
Fax: 402-435-5426
Email: jsanders@neb.rr.com

Comment or Question:
For all the reasons Fire and Police Departments can state, I sincerely hope you will consider banning all future sales to and use by anyone but professional fireworks handlers. Other cities' leaders have seen the wisdom of doing so.

I was particularly appalled to hear an interview recently on Channel 10/11 with a man who admitted to buying illegal fireworks and who stated proudly that he wanted to pass on this Fourth of July legacy to his children.

There are many safe ways to celebrate. Let's encourage this behavior and eliminate dangerous behavior by amateurs.

Jean Sanders

AD D E N D U M
T O
D I R E C T O R S' A G E N D A
MONDAY, JULY 10, 2006

I. MAYOR -

1. NEWS RELEASE - RE: Mayor Accepts Fire Chief's Resignation: Places Assistant Chief On Administrative Leave.

2. NEWS RELEASE - RE: Mayor Seng's Public Schedule Week of July 8 through 14, 2006-Schedule subject to change.

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

PLANNING

1. Petition in Support of Change of Zone #06039, text amendment relating to Outdoor Dining, Bill #06-112, First Reading 7/10/06.

PUBLIC WORKS & UTILITIES

1. Letter from Erika Nunes, P.E., Associate Engineer to City Council - RE: 7/10/06 City Council Meeting - Removal of Agenda Item #19 - Proposed Resolution 06R-124 (Council received copy of letter on 7/07/06)

C. MISCELLANEOUS -

1. E-Mail from Holly Ostergard - RE: Agenda Item#49, 06R-123 for 07/10/06 Council Meeting.

daadd071006/tjg

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: July 7, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Mark Bowen, Mayor's Office, 441-7511

MAYOR ACCEPTS FIRE CHIEF'S RESIGNATION; PLACES ASSISTANT CHIEF ON ADMINISTRATIVE LEAVE

Mayor Coleen J. Seng today requested and accepted Fire Chief Mike Spadt's resignation. In addition, she placed Assistant Fire Chief John Huff on administrative leave pending the outcome of an investigation regarding the new fire trucks.

"Within the last 24 hours, the Law Department received information from the Fire Maintenance Division contradicting previous assurances by Fire Department officials that the new fire trucks met all specifications," said Mayor Seng. "Upon learning about the contradiction, I ordered two separate inspections of the new trucks by the Maintenance Division of the Public Works and Utilities Department. At the first inspection, Public Works maintenance officials reported they did not believe the frame cross support spec had been met. At the second inspection, Fire maintenance officials and Public Works maintenance together inspected a truck, and Fire maintenance officials did not dispute the Public Works conclusion."

Chief Spadt, Assistant Chief Huff and Deputy Chief of Maintenance Dennis Klein previously had inspected the vehicles at the factory. Earlier this year, when anonymous allegations were made about the trucks, Fire Department administration officials repeatedly said the trucks met specifications.

"For months, the Fire Department management has assured us that these trucks met the specifications," said Mayor Seng. "I am angry to find out now they don't meet all of the specifications as we were previously assured and want to know why this was not reported when these trucks were inspected at the factory. I am very disappointed in the people involved. I will not tolerate misdirection, and it is not acceptable. Those who have participated in this misconduct will be disciplined or fired. I am directing the Personnel Director to conduct a thorough review of the allegations and recommend the discipline for the employees who were involved."

Mayor Seng will name an interim Fire Chief. The position will be advertised, but the City will begin accepting applications immediately. Seng said those interested in the position should contact the Personnel Director. The Fire Chief is an at-will unclassified position that reports directly to the Mayor. Seng said the current Fire Chief job description would be reviewed to determine whether it should be updated.

- more -

The Mayor said she also directed the Law Department to contact EDM, Inc. who sold the trucks to the City to determine how they will bring the vehicles into compliance. Seven fire trucks were ordered, and the City has not yet made final payments for the last two vehicles because they were delivered late. The City already intends to charge penalties for the late delivery.

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: July 7, 2006
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng's Public Schedule
Week of July 8 - 14, 2006
Schedule subject to change

Sunday, July 9

- Grace United Methodist Church 120th Anniversary Celebration, proclamation - 11:15 a.m., 2640 "R" Street

Monday, July 10

- Mayor's Award of Excellence - 1:30 p.m., City Council Chambers, 555 South 10th Street

Thursday, July 13

- News Conference - 10 a.m., topic and location to be announced
- Mayor's Neighborhood Roundtable - 4:30 p.m., Room 113, 555 South 10th Street

Friday, July 14

- News Conference, USA Rollersports, remarks - 10 a.m., Holiday Inn Downtown, 141 North 9th Street
- Cornhusker State Games Opening Ceremonies - 6 p.m., Seacrest Field, "A" Street east of 70th Street

We.The undersigned. Do hereby support El Sitio Restaurant for allowing patio tables and chairs to be placed outside.We are also supportive of the zone change 06039 which would allow this to happen.

Name	Phone #	Address	E-mail
19. James Oeltjen	435-1126	1521 D St #2	
20. Will McGuffin	(318) 332-8147		willm@saltdogs.com
21. Aine Vidaver	435-0882	2416 Sewall St.	
22. Vic Ooton	421-6269	4100 Fiona Blvd	
23. Marj Scheuebauer	438-2816	1708 S.W. 16	
24. Loren Forbes	785-820-8095	677 S 4 - Salina, Ks	
25. Don Sells	785-827-5130	621 S. 4th Salina KS	
26. Jon Yoachim	402-984-1774	2120 S. 14th St.	
27. Jamie Carey	402-202-4701	2120 South 14th St.	
28. Val Andersen	470-7000	3800 X St	
29. Hugh Webb	890-2575	3320 Calvert	
30. Jeanne Krenk	423-7518	2411 Surrey Ct	
31. Mark Poston		2411 Surrey Ct.	
32. Jennifer Varenhorst	261-4220	3530 Smith St	
33. Whitney Benzmer	617-3658	1160 SW 27 #141	
34. Sima Zangeneh	327-9552.		
35. Amin Ghafar	420-3003	5412 Derby Dr	
36. Patty Benzmer	328-8453	2540 Wilderness ridge Cir	

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We.The undersigned. Do hereby support El Sitio Restaurant for allowing patio tables and chairs to be placed outside.We are also supportive of the zone change 06039 which would allow this to happen.

Name	Phone #	Address	E-mail
1. Cassidy Glenn	(402)601-4919	1925 Harrison Ave	Cassidyg3@yahoo.com
2. Ben Youngman	(402) 328-0214	2901 S. 12th	
3. Travis Sterns	402-805-9196	1626 D St Lincoln	
4. Brittany Williams	402-601-2777	1816 L	
5. Courtney Wood	402-499-3771	740 Rutland Dr. #1810	
6. Brad Brethauer	402-499-5912	" "	
7. Loi Apavo	420.1341	11400 SW 27th St.	
8. Anne Wenner	438-5947	1804 Sewell St.	
9. Zara Hassaini	423 4060	2715 Odessa Ct	
10. Rebecca Amini	420-3003	5410 Derby Dr	
11. Rob Hill	438-7634	2116 22nd St	
12. Philip Goyette	430.1347	1409 Cheyenne Street	
13. Lisa Winterstien	488-5454	4035 S 30th Lincoln, NE 68502	
14. Richard Notaro	601-4445	1941 S. 23rd Lincoln	
15. Audrey Glenn	(402) 805-2277	1925 Harrison Ave	
16. Dolores de la Torre	499 6498	1721 SW 26th St	
17. José Fierro	(402)617-6864	1224 C #2 Lincoln	
18. Omar Aguilera	938 01 12	1721 SW 26th St.	

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Name	Phone #	Address	E-mail
37. CAROL MATHIAS	475-7035	545 N. 26TH, Lincoln, NE 68503	
38. Patrick Studebaker	310-2621	1675 pawnee #3 Lincoln NE 68502	
39. Melissa Gleason	328-8761	618 W Blue Dr " " 68521	
40. [illegible] Nagel	486-4409	2343 SO 75th Lincoln " 68506	
41. Derek Nagel	"	"	
42. Mike Shore	489-4791	2615 S. 39 st Lincoln, NE 68506	
43. Kent Mullington	560-2553	705 SHERIDAN CORTLAND, NE 68331	
44. Jennifer Irvin	432-0787	2511 B St Lincoln NE 68502	
45. Rebecca Prounce	3256453	6819 S. 89th St Lincoln 68526	
46. TRACEY McCloud	6012126	2205 S. 8th St Lincoln 68502	
47. Yoly Guzman	610 3288	2205 S. 8th st Lincoln 68502	
48. Tiye Jensen	484-5849	5351 Cooper Ave Lincoln 68506	
49. RaShelle Alloway	421-9394	3100 S. 31st Lincoln 68502	
50. DUANE HARTMAN	477-6668	6280 So 31 Lin 68516	
51. Charles Hatfield	326-4256	1531 South 22nd Linc. 68502	
52. Karen Kerl	327-9880	6008 Dogwood Linc 68516	
53. Jessie Martin	475-7158	1145 plum St. Lincoln 68502	
54. Robert D. Strong	484-6836	3827 Saint Mary Ave. Lincoln 68502	

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	Name	Phone #	Address	E-mail
55	Teresa Cowles	560-1904	1845 Pepper Ave	
56	Ali Zangeneh	805-1802	5625 S. 31st	
57	Tanya Hinrichsen	855-6085	1960 SW 27 #141	
58	Aimee Swanburg	N/A	1960 SW 27 #141	
59	Jennie Powell	4386053	6095 37 ST 68510	
60	Lorraine Fischer	4354703	2144 B Street #4	
61	GREG GROSS	402 471 1899	3401 S. 17th	
62	Teresa Durrant	402.488-8980	1230 S. 37th St Lincoln 68510	
63	Tim Suara	450-5757	1215 ARAPAHOE APT 310	
64	Sid Halkwith	617-9253	521 N 23rd #208	
65	John Petty	202-0210	2936 N. 45th st.	
66	Wes + Nancy Jo Welch	782-8802	P.O.Bx 276, Bennet, Wolfalpha1@alltel.net	
67	Kourtnie Lohrs	540-2088	707 W. Burt Dr Lincoln, NE 68521	
68	Carysa Sommers	570-4977	2206 SW 14th St Lincoln, NE 68522	
69	Pat Carlson	624-2092	1508 Cntu Rd 11 Mead 68041	
70	Pat Sileo	423-7558	2800 Woods Blvd. #1202 - Lincoln	
71	Florence B Kaslers	423-6764	3100 Sp. 24th St. Lincoln. Ne	
72	Tim Alit	475-0749	2503 Garfield ST Lincoln NE 68502	
73	CHRIS HASSLER	304-8491	2026 S. St. Lincoln, NE 68502	
74	ZELJKA HASSLER	304.8491	2026 South St. Lincoln NE 68502	
75	Patty Herman	438-2565	1901 S. 23d Lincoln 68502	
76	Jim Snowden	474-1507	2525 Wilderness Ridge Cir. Lincoln 68512	

77	Troy Sorenson	(402) 560-2926	3856 Lake St.
78	Marci Green	(308) 279-2417	6125 South 34th
79	Linda Overall	402-470-3456	5030 W. Huntington Ave.
80	Amy McClanahan	402-466-6109	8540 Arrowhead Cr.
81	Marcia Fiska	402-435-0109	3050 Stratford Ave
82	Julie Phillips	402-397-5827	3050 Stratford Ave
83	Shane Freeman	402-438-0483	1718 South 14th
84	Sonia Freeman	402-438-0483	1718 S. 14th St.
85	Susan Garcia	402 423-2314	1851 Pawnee
86	Mary Hasselbalch	402 486 7770	3748 S. 40th
87	Kelly Wiebelhaus	402 438 7157	1808 Sumner st
88	[illegible] Hensen	402-770-5224	2035 Stockwell
89	Danielle Johnson	402-423-3976	2035 Stockwell
90	Meredith Jantzen	(402) 423-7750	1534 S. 23rd St.
91	Victoria Wall	402-438-4412	1234 So 25th St., LNK
92	[illegible]	402-438-4412	1234 S. 25th St.
93	[illegible]	402-438-6767	2004 S. 9th St.
94	LANG W. ANDERSON III	(402) 476-0147	2530 So. 20th St., LNK 68502
95	ANNE W. ANDERSON	(402) 476-0147	2530 So. 20th St., LNK 68502
96	Amber Thomas	(402) 430-1029	703 Folsom Lane #19, E
97	Jacob Messick	(402) 430-4358	8301 Little Salt Rd
98	Bill Dibbert	(402) 484-7393	2710 So. 40th
99	Shirley Orth	(402) 484-7393	2710 So 40th LNK 68506
100	Mary Dickerson	(402) 488 9402	5640 S. 77th Lincoln, 68516
101	Barbara S. Williams	(402) 489-6157	1851 Twinridge Lincoln, 68506
102	Sarah Morrison	(402) 805-0243	1215 Cold Spring Rd. Lincoln, NE 68512
103	[illegible] Mowinny	(402) 314-0616	5932 Fieldcrest Way Lincoln, NE 68512
104	Clifford Warwas	(402) 617-4112	1016 Peach Street, Lincoln, NE 68502

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133	Carlos Garcia Serrano	438-01-12	1721 SW 26th St
134	J. Refugio Aguilera L.	499-64-98	1721 SW 26th St.
135	Amy Monroe	475-7477	2793 Sumner St.
136	Kathryn L Drulner	423-8554	3901 So 27 #14
137	Bethany E. Dida	475-7857	1641 Sumner St Apt #41
138	Theresa Ackman	421-8179	1501 Otoe St
139	Toni Gawrenda	429-3881	4145 Randolph #2 tgawrenda@hotmail.com
140	CHRIS SCHROEDER	770-0544	1625 PAWNEE ST
141	Megan Euler	580-1159	4145 Randolph #1
142	Alicia Chrastil		
143	Rhett McMichen	742-3188	2010 RAVEN OAKS DR. LINCOLN 68527
144	DAN MOORE	785 2377	7901 AGNEW RD CERESCO NE
145	Scott Martin	475-7158	1147 Plum St. Lincoln NE. 68502
146	Connie Dawson	430-8442	234 A St 02
147	Mary Rachael	477-3927	1910 Harrison Ave, Lincoln
148	Anne Geeen	261-4433	1535 Vandorn St. LNK 02
149	~~[illegible]~~ Lesteller		
150	Floyd & PAM BECKMANN + FAMILY	416-5742	1523 S. 16th St. 02
151	Kel & DARBY DUNSTON	435-1095	2487 SW 84th St LINCOLN, NE 68532
152	Ellen & Christopher James	474-3335	2400 S. 18th Lincoln 68502
153		423-9213	3200 W. Pershing RD, Lincoln, NE
154			
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156			

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CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
lincoln.ne.gov

Engineering Services
Public Works and Utilities Department
Karl Fredrickson, Director
531 Westgate Blvd.
Suite 100
Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

July 6, 2006

To: City Council

Re: 7-10-2006 City Council Meeting
Removal of Agenda Item 19 – Proposed Resolution 06R-124

Council Members:

This letter is to request the removal of the following item from the agenda for the City Council meeting on Monday, July 10, 2006:

19) 06R-124 Approving an Agreement between the City and State Dept. of Roads for reimbursement with federal funds for the construction costs on the Pioneers Blvd., Antelope Creek to Pagoda Lane Widening Project.

After further review with the Department of Roads, it has been determined that the Pioneers Blvd., Antelope Creek to Pagoda Lane Widening Project (700019), is not eligible for federal reimbursement dollars. Therefore, it is not necessary for the City of Lincoln to execute the proposed agreement with the State Department of Roads for reimbursement with federal funds.

Sincerely,

Erika Nunes

Erika Nunes, P.E.
Associate Engineer

cc: Project File, T. Shafer

LINCOLN
The Community of Opportunity

"Holly Ostergard"
<haostergard@hotmail.com>
07/10/2006 09:57 AM

To council@lincoln.ne.gov
cc
bcc
Subject Agenda item 06R-123 for July 10 Council meeting

To the Lincoln CIty Council Members,

My name is Holly Ostergard, I reside at 7001 Stevens Ridge Rd. I am a residence of Edenton South subdivision and have sat on the Edenton South Homeowner Association Board for 10 years.

I appeared in front of you at the June 26 council meeting to ask you to NOT to include the south side of Stevens Ridge Rd adjacent to out lot A and Lot 1 Block 1 of Edenton South addition, in the resolution to order construction of a sidewalk.

I would just like to reiterate the reasons this segment should not be included in 06R-123

#1) This is not an arterial street.

#2) The final plat agreed upon by the city and the developer clearly states: SIDEWALK ONLY ON THE NORTH SIDE OF STEVENS RIDGE RD.

#3) This is the main entrance to our subdivision. We have beautifully landscaped the commons on both side of our entrance and presently have a sidewalk on the NORTH side of Stevens Ridge RD, which more than adequately serves the needs of our homeowners.

#4) At our Homeowners annual meeting held the end of June more than 100 homeowners attend our meeting and no one spoken in support of duplicating the side walk on the south side. It should be noted that our attendance at our annual meeting excluding board officers usually is only 12-20 homeowners.

#5) As shown to you by my pictures the the strip of land on the south side is not only very narrow when it reaches 70th, but we are also dealing with a man hole cover and a drop of 30 inches of grade between the area where the side walk would be built and the street.

#6) This sidewalk is NOT a valid expense that our Homeowner's Association wants to take on. The city indicates that is will cost our association about $6,000 to put this sidewalk in. I believe it will cost our association twice that if not more, because of the need to move the underground sprinkler system, remove new landscaping that was refurbished and installed in both 2005 and 2006 and because of the 30 inches of drop in grade to the street, it will force us to build some kind of retaining wall to preserve the landscaping bed in front of our brick entrance wall.

#7) The above cost doesn't take in to account also the yearly maintenance on the up keep for snow removal and mowing and edging the sidewalk.

I would ask all of you to consider strongly the words of your fellow council members. Council woman Eshliman questioned the cost of building so many new sidewalks ($400,000) when the city is not able to adequately repair and take care of the ones we presently have. Council man Camp questioned why with a no thrills budget just introduced by the Mayor that the homeowners of

Lincoln should be force to take on this added expense.

It is silly and wasteful to make our association duplicate and cut up our commons just for the sake of uniformity.

I along with, I believe it was Council woman Eshliman would like to see documentation of any complaints the city has received asking for these sidewalks to be built.

I strongly support the construction of sidewalks along any street that now presently has a cattle trail, to me that is documentation alone. Also any sidewalks that might lead to a school, but to force tax payers to duplicate sidewalks where there is no evidence of need is again silly and wasteful.

Thanks you for your service and commitment to the city of Lincoln. I appreciated you delaying the vote till today so that you could more adequately study this resolution.

Sincerely, Holly Ostergard (489-0071)