**** All Correspondence Received this Week Attached to Agenda**

DIRECTORS' MEETING
MONDAY, MAY 1, 2006
COUNTY-CITY BUILDING, ROOM 113

I. MAYOR

* 1. NEWS RELEASE - Mayor Presents March Award of Excellence.
* 2. NEWS ADVISORY - Campaign for Antelope Park Rose Garden.
* 3. NEWS RELEASE - Mayor Announces Campaign to Renovate Rose Garden.
* 4. NEW RELEASE - Mayor Seeks to Ban Concealed Weapons in Lincoln.
* 5. NEWS RELEASE - Celebrate Earth Day at Pioneers Park Nature Center.
6. NEWS RELEASE - Open House on Long Range Transportation Plan Set for May 3.
7. NEWS RELEASE - Open House on Three Southwest Lincoln Projects Set for May 3.
8. NEWS RELEASE - Nature Center Project Receives Major Grant.

II. DIRECTORS

FINANCE/BUDGET

* 1. April Sales Tax Reports for Sales in Lincoln During February: Finance Information; Actual Compared to Projected Sales Tax Collections; Gross Sales Tax Collections; Sales Tax Refunds.

FINANCE/TREASURER

1. Monthly City Cash Report from the Finance Department/City Treasurer.

HEALTH DEPARTMENT

* 1. Lincoln-Lancaster County Health Department Report, March, 2006.

PLANNING COMMISSION

1. Planning Commission Review Edition 2006/2007 - 2011/2012 Capital Improvement Program.
2. Action by Planning Commission.

PLANNING COMMISSION FINAL ACTION

* 1. Special Permit No. 1866B. (Adjustment to the fall zone - 2401 North 48th Street) Resolution No. PC00988.
2. Special Permit No. 06019 - Community Center. (NW 84th Street and State Spur 55M - Malcolm Spur) Resolution No. PC-00989.
3. Special Permit No. 06022 - Garden Center. (South 14th Street and Saltillo Road) Resolution No. PC-00990.

PUBLIC WORKS

* 1. ADVISORY - Coddington Avenue, West "A" Street and Southwest 40th Street Roadway Projects. Project 701903, 701904, and 700132.

URBAN DEVELOPMENT

* 1. Street and Alley Vacation No. 05013, East/West Alley, 12th & 13th Streets, between J and K Streets.
2. QO1214 Downtown Civic Project Amendment to the Lincoln Center Redevelopment Plan.
3. Cost Benefit Analysis of the QO1214 Downtown Civic Project.

WEED CONTROL

* 1. City of Lincoln Weed Program March, 2006 Monthly Report.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. Email from Brad J. Kreifels. In favor of the concealed gun law.
2. Email from John Trumble. In favor of the concealed gun law.
3. Email from Janis Strautkalns. In favor of the concealed gun law.
4. Email from Nancy and Larry Rose regarding concealed gun law.
5. Email from Monte Haeffner. In favor of the concealed gun law.
6. Email from David S. In favor of the concealed gun law.

ROBIN ESCHLIMAN

1. Request to Steve Hubka, Budget Officer - RE: Weeks ago the City had deficit of $6 million-What is it now? - RFI#4 - 04/12/06.

ANNETTE McROY

1. Request to Karl Fredrickson and Ken Smith, Public Works & Utilities Dept. - RE: Parking management study update - RFI#170 - 04/19/06

2. Request to Rick Hoppe, Mayor's Office/Police Chief Casady/Dana Roper, City Attorney - RE: The "Concealed carry" in the State of Nebraska - AMcRoyRFI#171 & PNewmanRFI#38 - 04/24/06. **SEE RESPONSES RECEIVED ON AMCROY RFI #171 AND PN RFI #38 FROM RICK HOPPE, CHIEF CASADY AND DANA ROPER. RECEIVED ON 04-27-06.**

3. Email from Karen Sieckmeyer, Public Works & Utilities, RE: Property at 2121 P Street, currently occupied by Glenn Hillhouse's Body Shop. (Hard copy distributed in Council packets)

PATTE NEWMAN

1. Request to Rick Hoppe, Mayor's Office/Police Chief Casady/Dana Roper, City Attorney - RE: The "Concealed carry" in the State of Nebraska - PNewmanRFI#38 & AMcRoyRFI#171 - 4/24/06. **SEE RESPONSES RECEIVED ON PN RFI #38 AND AMCROY RFI #171 FROM RICK HOPPE, CHIEF CASADY AND DANA ROPER. RECEIVED ON 04-27-06.**

V. MISCELLANEOUS

* 1. Letter from Cornelius Moore, RE: Complaint regarding jail medical treatment. (Hard copy distributed in Council packets)

* 2. Letter from John Bussey RE: Bill LB1086. (Also distributed in Council packets)

<u>Emails/letters in support of relocation of Glenn Hillhouse's CARSTAR</u> business:

*** 3.** Letter received from Frank & Cindy Wimmer.
* **4**. Letter received from Charles H. Gates.
* **5**. Letter from Norbert Zaenglein, Nebraska Autobody Association.
* **6.** Letter from Jeff Munns, Jeff Munns Agency, Inc.
* **7**. Email from Virgil L. Carner, Orchard Park, Inc.
* **8**. Email from Norma E. Wittmaack.
* **9**. Email from Kenneth P. Bradshaw.
* **10**. Email from Jerry and Jean Jordan.)
* **11**. Email from Joan L. Smith.
* **12.** Email from Steven Folsom, President of Nebraska Corvette Association.
* **13.** Email from Larry King.
* **14.** Email from Clay Strombeck.
* **15.** Email from Bruce A. Miller, M.D.
* **16.** Email from Clark A. Wilcox.
* **17.** Letter from Janis Lipins.
* **18.** Letter from Shalla Powell.
* **19.** Letter from I. MacDonald.
* **20.** Letter from Vicki Powell.
* **21.** Letter from Bruce Younglove.
* **22.** Letter from Carole Springer.
* **23.** Letter from Roland Schroeder.
* **24.** Letter from Swanson Russell Associates, Don Henderson.
* **25.** Letter from Laura M. Bell.
* **26.** Letter from Darin Rich.
* **27.** Letter from Jane Rolf.
* **28.** Letter from Dawn Nowka.
* **29.** Letter from Nancy L. Black, Midwest Insurance Group.
* **30.** Letter from Mr. and Mrs. E. Lance Sterns.
* **31.** Priority mail letter from Robert G. Stump.
* **32.** Letter from Buford W. Jones.
* **33.** Letter from Tom Scanlon, Scanlon's Garage.
* **34.** Letter from Bruce Kennedy.
* **35.** Letter from Bob Olson.
* **36.** Email from Richard D. Longacre.
* **37.** Email from Deb Woken.
* **38.** Email from Roy Peter.

* **39.** Email from Jeff Wolgamott, R. E. Enterprise.
* **40.** Letter from Don Henderson, Swanson Russell Associates.
* **41.** Email from Sondra L. Stone.
* **42.** Letter from Jim Petrig.
* **43.** Letter from Ann Willet and Mark Butler.
* **44.** Letter from Susan Kliment, Jim DeFreece Auto Parts.
* **45.** Letter from David J. Florell.
* **46.** Email from Robert Richter, Miracle Mile Motors.
* **47.** Email from Doug and Penney Taylor.
* **48.** Email from Dan Mulder, MJ Marketing.
* **49.** Email and letter from Marge Rudd-Hillhouse, Teacher.

The Following Received the Week of May 1, 2006

50. Letter from Bob and Shirley Whitney.

Miscellaneous Correspondence Continued

* 51. Email from John Watson, RE: Recent ordinance regarding potential landlord liability for tenants - party houses.
* 52. Letter from John Spence, RE: Loud party houses.
* 53. Letter from Speedway, Bill Smith, RE: Thanks for support on the South Street Redevelopment Project.
* 54. Email memo RE: April 2006 publication featuring Lincoln's cross boundary leadership.
* 55. Email from Sidney Staats, RE: In support of concealed weapon law.
* 56. Email from Alan Hersch, Aquila Gas Company, RE: Public hearing on extension of gas franchise.
* 57. Letter to Charlene Gondring, RE: Appointment to the Community Health Endowment Board of Trustees.
* 58. Letter and newspaper articles from Nancy Russell, RE: Receiving bill for property taxes and the Star Ship 9 Theater.
* 59. Letter from Edmund R. Martens, RE: Paramedic at Fire Station # 14; and Sidewalk from Barons Road to the fire station.
* 60. Email from Tyler Vrba, RE: Dirt bike issue.

The Following Received the Week of May 1, 2006

61. Letter from Tom and Betty King, RE: Annexation into City and land along North 14th Street right-of-way.
62. Letter from John Bussey, Capital Rentals, RE: Prostitution issue in South Central Lincoln and Governor Heineman's response. (Letters; Bussy and Heineman)
63. Email from Lynn Darling, RE: Opposed to Starbuck proposed locations on South Street and VanDorn and 10th Streets.
64. Email from Karol Leisy, RE: Opposed to a Super Target store.

Emails/letters in opposition of concealed weapons law as allowed by Nebraska LB 454 (Supporting gun ban)

1. Email from Jean Sanders.
2. Email from Barbara G. Anderson.

Emails/letters in support of concealed weapons law as allowed by Nebraska LB 454 (Opposing gun ban)

1. Email from John Trumble.

2. Email from Paul Kelzer.
3. Email from Jim Veach.
4. Email from Patrick J. Henry.
5. Email from Jim Chambers.
6. Email from Richard Marolf.
7. Email copy from Richard Marolf to Mayor Seng.
8. Article delivered to Council Office from Gerald Spahn. (Hard copy has been distributed to Council members)
9. Email from Bob and Sue Semerena.
10. Email in support of concealed weapons.
11. Letter to Councilwoman Newman from Mike Murphy.
12. Letter to Councilwomen Newman, McRoy, and Eschliman, from Jason L. Fortik and Dawn C. Fortik. (Hard copy has been distributed to Council members)

VI. ADJOURNMENT

***HELD OVER FROM APRIL 24, 2006**

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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: April 26, 2006
FOR MORE INFORMATION: Virendra Singh, Engineering Services, 441-7835
David Cary, Planning Department, 441-7491

OPEN HOUSE ON LONG RANGE TRANSPORTATION PLAN SET FOR MAY 3

Three additional public meetings to be held in May

An open house Wednesday, May 3 on the City's Long Range Transportation Plan (LRTP) is an opportunity to share your thoughts on the future transportation changes you'd like to see. The meeting is from 5 to 6:30 p.m. at 531 Westgate Boulevard, Suite 100, the Engineering Services Office of the City Public Works and Utilities Department. At the open house, participants will be able to view eight transportation plans developed by the City with the associated costs. The Lincoln-Lancaster County Planning Commission will choose one by the end of May based on recommendations and public input.

Three other public meetings on the LRTP are set for May:

- Transit Development Plan open houses are set for Thursday May 11: from 11 a.m. to 1 p.m. at Energy Square, 1111 "O" Street, Room 101, and from 5 to 7 p.m. at the Bennett Martin Public Library, 136 South 14th Street.
- The Planning Commission will have a public forum on the LRTP roadway alternatives at 1 p.m. Wednesday, May 17 in the Council Chambers at the County City Building, 555 South 10th Street.

The LRTP is part of the current Lincoln-Lancaster County Comprehensive Plan adopted in May 2002. The plan is a common vision to guide future development. Federal government requirements created the need to update the plan. Staff from the Public Works and Planning departments are scheduled to finish Lincoln's update by the end of this year.

Estimates are that by the year 2030, Lincoln will see 500,000 more trips on its streets every day. Projections also show that Lincoln's population in 2030 will be 353,000 (an increase of 127,000 since 2000), and Lancaster County's population will be 391,000 (an increase of 141,000 since 2000). Those estimates are based on a population growth rate of 1.5 percent a year

The major transportation areas included in the Comprehensive Plan/LRTP are pedestrian and bicycle facilities; transit; roads and streets; intelligent transportation systems (using technology to improve traffic safety and efficiency); system management or maintenance; railroads; airports; and goods and freight

In addition to attending the public meetings, citizens can share their comments on the Comprehensive Plan and LRTP online through the City Web site at lincoln.ne.gov (keyword: lrtp); through e-mail to plan@lincoln.ne.gov; or by fax at 441-6377. Residents also can be included on a mailing list by calling 441-7491.

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: April 26, 2006
FOR MORE INFORMATION: Kris Humphrey, Engineering Services, 441-7711

OPEN HOUSE ON THREE SOUTHWEST LINCOLN PROJECTS SET FOR MAY 3

The public is invited to an open house on three projects planned for southwest Lincoln from 6 to 7:30 p.m. Wednesday, May 3 at Roper Elementary School, 2323 South Coddington Avenue. Those attending should use the north gym entrance.

The three projects are the South Coddington Avenue roadway design, the West "A" Street roadway design and the Southwest 40th Street viaduct.

At the open house, the current design plans for the two roadway projects will be available. The design work is about 60 percent completed, but efforts are being put on hold until the City obtains funding for right of way acquisition and construction.

Information on the viaduct project also will be available at the open house. Design work on this project is expected to be completed in 2007.

Staff from the City Public Works and Utilities Department and from the consulting engineers will be available during the open house to take comments and answer questions.

For more information on the projects, see the City Web site, lincoln.ne.gov. Keywords are Coddington, WestA, and SW40th.

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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: April 27, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Terry Genrich, Parks and Recreation, 441-7939

NATURE CENTER PROJECT RECEIVES MAJOR GRANT

City's Eastern Saline Wetlands Project funded for second year

Mayor Coleen J. Seng today thanked the Nebraska Environmental Trust (NET) for awarding a $398,000 grant to the City for an addition to the Nature Center Prairie Building in Pioneers Park

"The programs at the Prairie Building have educated thousands of school children and visitors about Nebraska's environment for more than ten years," said Mayor Seng. "This important expansion will provide more classroom and exhibit space to serve future generations."

This project will help add 3,500 square feet to the Prairie Building. The new addition is scheduled to open in the late spring of 2007.

In addition to the NET grant, funding partners for the addition to the building include the Lincoln Cares community donation program, the Lower Platte South Natural Resources District, the Lincoln Public Schools Foundation, the Friends of the Pioneers Park Nature Center, the Lincoln Parks Foundation and the Lincoln Electric System.

Separately, the City also received $250,000 from the NET for the second year of a three-year $800,000 grant for the Eastern Saline Wetlands Project. The project is preserving and protecting the most imperiled natural area in Nebraska, which is located primarily in the Salt Creek watershed in northern Lancaster and southern Saunders counties. The funds are being used for land acquisition, restoration and the purchase of easements in cooperation with willing landowners. The project will provide flood control and water quality protection. The City is partnering in this project with Lancaster County, the Lower Platte South Natural Resources District, the Nebraska Game and Parks Commission, USDA – Natural Resources and Conservation Service, the Home Builders Association of Lincoln, The Nature Conservancy and the Wachiska Audubon Society.

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OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

APRIL 27, 2006

TO: **MAYOR COLEEN SENG & CITY COUNCIL MEMBERS**

FROM: **FINANCE DEPARTMENT / CITY TREASURER**

SUBJECT: **MONTHLY CITY CASH REPORT**

The records of this office show me to be charged with City cash as follows at the close of business March 31, 2006:

Balance Forward	$	$207,304,013.85
Plus Total Debits March 1-31, 2006	$	$22,247,208.38
Less Total Credits March 1-31, 2006	$	($33,541,539.97)
Cash Balance on March 31, 2006	**$**	**$196,009,682.26**

I desire to report that such City cash was held by me as follows which I will deem satisfactory unless advised and further directed in the matter by you.

U. S. Bank Nebraska, N.A.	$	$338,013.37
Wells Fargo Bank	$	($55,977.76)
Wells Fargo Bank Credit Card Account	$	($1,676.24)
Cornhusker Bank	$	$50,533.06
Pinnacle Bank	$	$52,517.49
Union Bank & Trust Company	$	$186,266.68
West Gate Bank	$	$83,601.31
Idle Funds - Short-Term Pool	$	$25,883,330.91
Idle Funds - Medium-Term Pool	$	$168,526,814.49
Cash, Checks and Warrants	$	$946,258.95
Total Cash on Hand March 31, 2006	$	**$196,009,682.26**

The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Departments' notification to the City Treasurer's office of these deposits; therefore, these deposits are not recorded in the City Treasurer's bank account balances at month end.

I also hold as City Treasurer, securities in the amount of $24,928,603.94 representing authorized investments of the City's funds.

ATTEST:

Joan E. Ross, City Clerk

CITY OF LINCOLN · FOUNDED JULY 29, 1867 · SEAL · INCORPORATED APRIL 7, 1869 · LANCASTER COUNTY, NEBRASKA

Melinda Jones, City Treasurer

CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
MARCH 2006

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC FGLMC D67795	3128F7UU6	12/01/2009	$1,191,991.00	$70,135.86	1.05	$73,421.21
FHLMC GOLD POOL B13665	312966CA0	04/01/2019	$10,000,000.00	$8,222,217.30	0.94	$7,689,625.64
FHLMC FGTW C90689	31335HXS7	07/01/2023	$11,150,000.00	$8,598,119.24	0.94	$8,113,659.07
FNMA FNCL 254725	31371K4J7	05/01/2033	$500,000.00	$332,051.24	0.96	$318,078.12
FNMA FNCL 254592	31371KXV8	12/01/2032	$3,100,000.00	$1,761,835.93	0.96	$1,688,023.46
FNMA FNARM 303824	31373UPH4	07/01/2025	$1,600,000.00	$43,533.79	1.02	$44,440.53
FNMA FNCL 538363	31385AB89	04/01/2030	$550,000.00	$29,784.77	1.06	$31,701.29
FNMA FNCI 682970	31400BW77	02/01/2018	$7,100,000.00	$3,886,377.13	0.96	$3,731,346.04
FNMA FNCL 703944	31401CBM4	05/01/2033	$8,365,000.00	$5,220,978.11	0.96	$5,001,273.09
FNMA POOL 725772	31402DJR2	09/01/2034	$8,500,000.00	$6,965,467.72	0.96	$6,664,668.17
FNMA FNARM 764364	31404CFD7	06/01/2034	$9,943,084.00	$8,206,900.73	0.96	$7,881,488.90
FNMA FNARM 768922	31404HG78	06/01/2034	$4,400,000.00	$3,744,114.62	0.96	$3,582,085.81
FNMA FNCL 805211	31406BR85	01/01/2035	$3,520,000.00	$3,279,851.17	0.93	$3,045,195.53
GNMA-2 G2JO 3156	36202DQH7	11/20/2016	$2,550,000.00	$688,300.00	1.00	$689,920.67
GNMA-2 G2JO 3194	36202DRP8	02/20/2017	$4,130,000.00	$1,331,433.16	1.00	$1,333,712.57
USBANK NE		**TOTAL PLEDGED**	**$76,600,075.00**	**$52,381,100.77**		**$49,888,640.10**
FNCL 759855 5.50%	31403WE45	02/01/2034	$1,250,000.00	$843,782.21		$825,277.24
G2SF 3274 6.50%	36202DT76	08/20/2032	$30,800,000.00	$3,377,881.58		$3,466,860.28
GNSF 781210 6.50%	36225BKX5	09/15/2029	$8,700,000.00	$732,456.83		$760,366.67
WELLS FARGO BANK NE		**TOTAL PLEDGED**	**$40,750,000.00**	**$4,954,120.62**		**$5,052,504.19**
FHLB 4.00	3133XAT56	03/10/2008	$250,000.00	$250,000.00		
FHLB 5.375%	3133MEU66	05/15/2006	$100,000.00	$100,000.00		
UNION BANK		**TOTAL PLEDGED**	**$350,000.00**	**$350,000.00**		
FHLB BOND 3.05%	3133X4X63	03/28/2007	$3,000,000.00	$3,000,000.00		
FHLB 3.07%	3133MYND5	02/22/2007	$2,300,000.00	$2,300,000.00		
FHLB 2.665 %	31339YVL3	02/14/2007	$3,000,000.00	$3,000,000.00		
CORNHUSKER BANK		**TOTAL PLEDGED**	**$8,300,000.00**	**$8,300,000.00**		
FHLB STEP UP 2.4%	31339XUE2	01/09/2009	$2,000,000.00			
FHLB STEP-UP 2.125%	31339YDB5	07/23/2009	$2,000,000.00			
WEST GATE BANK		**TOTAL PLEDGED**	**$4,000,000.00**			
FHLBANK TOPEKA LOC	LOC #8862	03/23/2007	$2,000,000.00			
TIER ONE BANK		**TOTAL PLEDGED**	**$2,000,000.00**			

MEMORANDUM

TO: City Council Members

FROM: Sara S. Hartzell, Planning

SUBJECT: Planning Commission Review Edition 2006/07 - 2011/12 CIP

DATE: April 26th

Enclosed please find the Director's Letter and Staff Report for the 2006/07 - 2011/12 Capital Improvement Program. The Draft CIP itself can be viewed at <www.lincoln.ne.us> Keyword: cip. Feel free to copy and distribute these documents to interested staff.

Please contact me at 441-6372 or shartzell@lincoln.ne.gov if you have any questions.

Q:\CIP\06-2012\Planning Commission\Dept memo.wpd

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 Lincoln, NE 68508
Phone: 441-7491 Fax: 441-6377

MEMORANDUM

TO:	Planning Commission
FROM:	Marvin S. Krout, Planning Director MK
SUBJECT:	DRAFT City of Lincoln FY 2006/07-2011/12 Capital Improvement Program
DATE:	April 26, 2006
COPIES:	Mayor Seng, Mayor's Capital Improvement Advisory Committee,
MEMO ONLY:	Lincoln City Council, City Directors, County Budget Office, Media

Attached is the draft 2006/07-2011/12 Capital Improvement Program (CIP) for the City of Lincoln. *(The Planning Commission Review Addition of the 2006/07 - 2011/12 CIP is available online at <http://www.lincoln.ne.gov> Keyword: cip)* The City Charter requires that the Planning Director submit an updated CIP annually to the Planning Commission for your review as to the projects' conformity to the Comprehensive Plan. The Planning Commission hearing on the draft CIP is scheduled for the afternoon of May 24th. City staff will brief the Planning Commission on the CIP over the noon hour prior to your regular meeting on May 10th. After Planning Commission review, the Mayor will submit the CIP, with or without revisions, to the City Council, along with the proposed operating budget for the next year.

The CIP is a multi-year planning instrument that identifies needs and financing sources for public infrastructure and other community facilities to serve the city's anticipated development and redevelopment. Although capital projects are scheduled throughout the 6 year CIP, only those programs scheduled during the first year are formally reviewed and adopted by the City Council as part of the Annual Budget. Projects identified for funding appropriation in subsequent years may be adjusted to reflect changes in priorities or funding constraints. The CIP this year again assumes a 3% annual inflation rate for all capital projects.

For the past three years the CIP has been coordinated with the review of the 2025 Lincoln/Lancaster County Comprehensive Plan and proposed plan amendments. This year, however, the five year update of the Comprehensive Plan and the Long Range Transportation Plan is being conducted in a separate process.

Highlights of the draft CIP include:

- This year's draft CIP is higher in total cost, at $963.9 million, than last year's CIP cost of $865.5 million. The first year (2006/07) program totals $205.15 million, which is more than the $177.8 million program approved for the current year (FY 2005/06) CIP.

- The draft CIP shows a growing need for more General Revenue (GR) funds over the next 6 years compared to recent previous CIPs. The first year calls for $4.0 million in GR funds. However, over the next few months as the Mayor grapples with the needs for GR funds in the operating budget, this amount may need to be reduced further. The remaining years average more than $5.2 million per year.

- Antelope Valley projects in the draft 6 year CIP total over $110 million, which includes a need of over $7 million in GR funds over the 6 year period. However, the draft CIP does not include potential federal

transportation funds that may be earmarked for Antelope Valley. Any such funds would reduce the General Revenue fund contribution and allow General Revenue funds to be used for other priorities.

- Funding for design, right of way acquisition, and limited construction for the South Beltway totals $15.3 million over the 6-year period. This project was originally anticipated to be completed in 2012, but due to lower State revenue projections is now anticipated to be completed in 2014. The draft CIP does not include potential federal transportation funds that may be earmarked for this project, either.

- Other transportation projects in the proposed CIP include reconstruction of the Harris Overpass, completion of 48th and "O" Street improvements, the SW 40th Street viaduct, and the proposed new downtown parking garage at 14th and "Q" Streets. At this time some of the on-going continuing traffic, street, trail, and sidewalk rehabilitation projects (Projects 1 - 11) require additional funding to be fully funded in all 6 years.

- The Public Works and Utilities Department in 2006-07 will enter the third year of an aggressive program of water and sewer improvements that will enable the City to implement its Comprehensive Plan. The past two years have seen an increase in construction costs and operating costs, while the demands for expansion have increased. As a result, the draft 6 year CIP will require continuing water and sewer rate increases over the next several years.

- The draft CIP assumes that voters will approve General Obligation Bonds over the next 6 years, ranging from $1.5 million to $21.8 million. These bonds would finance watershed management projects, recreation and community centers, three new fire stations and improvements to the education, training and fleet campus, renovation projects at Pershing Center (unless a new downtown arena looks to be promising), and a part of the cost to renovate or replace the downtown library. The Mayor will be appointing a committee to look at future City G.O. bond issues and when they should be presented on the ballot. With the passage of new legislation, the committee will also look at the possibility of using lease purchase financing for some projects.

This past year, City staff has struggled with several requests to develop land at the edge of the city that is designated for near-term development but is bordered or bisected by arterial streets that are unpaved or non-existent, and/or which cannot be served with water and sewer soon enough for these developers. In order to maintain an adequate supply of land for continued economic growth, the Administration has developed a policy for "directed impact fees." Under this policy, individual annexation agreements include provisions for a reimbursement of the developers' cost to advance and construct infrastructure improvements by "directing" the fees generated by development of the lots within these development tracts back to the developers.

The Administration and the community continue to search for additional ways to fund transportation improvements in support of the Comprehensive Plan. An additional $1.1 million per year in state gas funds is expected beginning this year, as a result of the recently-approved state budget. The Public Works Director is still considering options for spending those funds, which are not reflected in this draft CIP. However, the gap between transportation needs and funding still remains large.

Preparation of the CIP is a result of considerable efforts from staff in many City departments. Each year, staff attempts to reassess their overall goals and priorities for capital improvements and the means for implementing them. Their commitment to providing accurate and understandable financial information is greatly appreciated.

CAPITAL IMPROVEMENT PROGRAM REVIEW

TO:	Planning Commission
FROM:	Sara Hartzell, Planning Department
SUBJECT:	DRAFT FY 2006/07-2011/12 Capital Improvement Program
DATE:	April 26, 2006
COPIES:	Mayor Seng, Mayor's Capital Improvement Advisory Committee, Kent Morgan
MEMO ONLY:	City Directors, County Budget Office, Media

This memorandum and accompanying document represent the Planning Commission Review Edition of the City of Lincoln's FY 2006/07-2011/12 Capital Improvement Program (CIP). *(The Planning Commission Review Addition of the 2006/07 - 2011/12 CIP is available online at <http://www.lincoln.ne.gov> Keyword: cip)*

This memorandum is divided into the following two major sections: (1) Background and Introduction, including consideration of the City Charter specified tasks of the Planning Commission in review of the draft CIP, and review of other factors regarding the development of the draft CIP; and, (2) Capital Improvements Program Departmental Review, including a department by department examination of projects and Comprehensive Plan conformity.

1. BACKGROUND AND INTRODUCTION

This section of the memorandum considers a range of topics relating to the City's CIP review procedures. These topics are as follows:

A. Planning Commission Review Requirements
B. Conformity Standards and Criteria
C. Capital Improvements Definition
D. Unified CIP and TIP
E. General Obligation (GO) Bonds
F. Project Scheduling

A. Planning Commission Review Requirements

In accordance with Article IX-B, Section 7, of the Lincoln Charter, city departments and agencies have submitted their six-year capital improvement requests to the Planning Director for compilation into the attached draft document. ***The Planning Commission's task is to now review these individual capital requests to determine their conformity with the approved Comprehensive Plan.*** Your comments will then be forwarded to the Mayor's Capital Improvement Advisory Committee (CIAC), and then to the City Council for consideration during their upcoming budget deliberations.

The City Charter's discussion of Comprehensive Plan conformity relative to the capital improvement program is two fold. First, on several occasions the Charter stresses the importance of ensuring that Comprehensive Plan conformity is determined before capital projects are approved by City Council. One entire section of the Charter (i.e., Article IX-B, Section 6) deals exclusively with this issue. It states in part,

> "No ordinance, or resolution, which deals with the acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale or other change relating to any public way, transportation route, ground, open space, building or structure, or other public improvement of a character included in the comprehensive plan, shall be adopted by the council until such ordinance or resolution shall first have been referred to the planning department and that department has reported regarding conformity of the proposed action to the comprehensive plan."

The section goes on to outline procedural steps and time lines for fulfilling this requirement. (Please note that the Charter defines the term "planning department" as including the Commission, Planning Director and staff).

Second, while this directive is echoed throughout various portions of the Charter, it is mitigated by the procedural condition that the Commission's conformity finding is merely advisory. Regardless of the Commission's recommendation, the City Council can approve -- through ordinance or resolution -- any capital improvement, provided that other Charter budgetary requirements and processes are met.

In addition, while the Charter calls for a six year capital improvement program, *the City Council only approves a one year capital budget.* Although it is designed to express the City's longer term capital funding intent, the CIP projects document is never adopted in full. Thus, the impact of the Commission's Comprehensive Plan conformity determination is further narrowed to the first year of the CIP.

This is not, however, to suggest that the Commission's findings on the remaining years of the CIP are not without significance. Concerns raised about projects in the second through sixth year are used by elected officials and staff in the formulation of future CIP's and other departmental level capital programming documents.

Also as discussed later in section 1.D, revised Federal guidelines now require that projects included in the local area Transportation Improvement Program (TIP) be consistent with the area's long range transportation plan. This adds substantial meaning to the Commission's findings of conformity for transportation projects since the CIP projects are included in the local and State TIP. If a project is determined to be "not in conformance," Federal standards will require that it be dropped from the TIP until the project is modified and its status changed to be in conformance, or the Comprehensive Plan is amended to incorporate the project.

B. Conformity Standards and Criteria

The City Charter provides only minimal guidance to the Planning Commission and staff in judging Comprehensive Plan conformity. Specifically, the Charter states that the CIP document "...shall describe the ***character and degree of conformity and nonconformity*** of each project as it relates to the comprehensive plan."

At various places within the Charter this mandated review is asserted, including "special report" provisions when capital projects are brought forth by departments independent of the regular capital improvement

programming process. However, throughout the Charter's discussion on the CIP and its review and approval process, no additional standards or criteria are articulated to assist in concluding Comprehensive Plan conformity.

Historically, the Commission and planning staff have utilized a four tiered system in defining "character and degree of conformity or nonconformity:"

ICWP -	In Conformance With Plan
GCP -	Generally Conforms With Plan
NICP -	Not In Conformance With Plan
NIP -	Not in Plan

The range of factors that are used by staff in formulating a recommendation of conformity or nonconformity generally included:

- ***Explicit Reference and Plan Intent*** - Many of the projects proposed in the CIP are explicitly identified in the Comprehensive Plan, either on a map and/or in the text. In such cases, a finding of Plan conformity -- assuming other criteria are met -- is easily established. An even larger number, however, are not shown, but their desirability, and thus assumed conformity, is implied. For example, the Plan does not get into such detail as the installation of a water fountain or play equipment in a specific City park. The City park may be shown on a map in the Plan and the intent of maintaining such a park is implicit in the Plan's goals and textual descriptions. Thus, at a minimum, a finding of general conformity would be proposed.

- ***Location*** - The vast majority of capital improvements are site specific. Streets, water mains, fire stations, and sewer treatment facilities are all examples of capital projects where an expressed location can be determined. Fire fighting equipment, on the other hand, is mobile and its use cannot as easily be tied to a physical site within the City.

  The importance of location as a criteria has increased as we attempt to be more explicit in how we show public improvements in the Comprehensive Plan. In most cases, it is extremely helpful to have this level of detail for purposes of comparison. Conversely, such detail can become a liability as the exact location and dimensions of many capital improvements are justifiably altered as a project is refined for eventual construction.

  A further element of judgement is then introduced as to the "degree" to which a proposed project may vary from how it is shown or described in the approved Plan. Is the proposed project in the exact location expressed in the Plan? If not, how and why is it different? And is that difference significant enough to render it in "nonconformity" with the Plan? Or was some degree of modification of such a project implied (i.e., accepted) as part of the Plan's approval?

- ***Size, Scale and Scope*** - The Plan's descriptions of capital projects can vary from the very explicit (i.e., four through lane roadway, left turn lanes, raised medians, 100 ft. ROW), to the very general (i.e., a community park within a sector of the city.) Once again, as the Plan becomes more detailed, those charged with the responsibility of recommending findings of Plan conformity will find both benefits and liabilities in the Plan's level of specificity.

- ***Timing*** - With the incorporation of the phasing element (Tiers) into the Plan, the issue of when a public capital improvement is brought forward for development becomes increasingly significant. The availability of public infrastructure (e.g., sewer services, roads, water, fire protection) plays a pivotal role in determining where and when private capital investment might occur. Added to this is the lengthy lead time often needed in planning for and constructing public improvements.

  If a department proposes a project that explicitly varies from a development scheduled outlined in the Plan, then a status of "not in conformance" is implied. Where such information is less explicit (i.e., no detailed schedule is included), then the timing issue must be related to the phasing plan and the project's impact on maintaining the integrity of that element of the Comprehensive Plan.

- ***Project Definition and Description*** - A last factor used in reviewing Plan conformity is the representation that the department makes of the specific project. This is typically done within the CIP in the "Project Summary and Justification" section and the project description presented on Form A. This, in combination with information such as that outlined above, helps the reviewer form a broader understanding the content and context of the proposed capital improvements. This in turn can be used in assessing conformity with the policies and directives contained in the Comprehensive Plan.

C. Capital Improvements Definition

In preparing the CIP, the City Charter defines *"capital improvements"* as consisting of the following:

> "...the acquisition of real property; the acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing of any physical improvement, but not routine maintenance work thereon; and equipment with a *probable useful life of fifteen or more years.*"

This definition has served as the basis for the development of the attached document. The term "Fiscal Year" (FY) as used in this document refers to the City's fiscal year that runs from September 1st through August 31st of the following year.

D. CIP and TIP

Federal regulations require the development of a "transportation improvement program" (TIP) for metropolitan areas such as Lincoln. Similar in character to the City's CIP, the TIP is a multi-year, capital improvement programming document. It is used to help coordinate the implementation of transportation projects within urbanized areas. The Lincoln TIP, for example, includes transportation projects for various levels of government (i.e., Federal, State, County, City), and for various modes of transportation (i.e., streets, airports, transit services.) It also serves as input into the State's TIP (STIP) that is used to coordinate transportation improvements for the entire State of Nebraska.

In years past, projects from the City's CIP have been incorporated into the Lincoln TIP following adoption of the CIP by the Council. Because of changes in Federal public involvement regulations and the desire

locally to ensure that projects are properly coordinated between the two programming documents, it was decided several years ago that the two processes (i.e., formulation of the CIP and TIP) should be merged.

E. General Obligation (GO) Bonds

A relatively common funding source for City capital projects is the "general obligation (GO) bond." Unlike certain other forms of bonds, the City Council and Mayor cannot unilaterally issue GO bonds. The issuance of GO bonds is dependent upon the prior approval of the electorate of Lincoln. GO bonds have in the past been programmed for only those years having regularly scheduled City elections. For this CIP, the policy has been altered to include any regularly scheduled election – for the purpose of eliminating the City's expense of a special election. The upcoming regularly scheduled elections over the six years of this CIP include the following:

Fiscal Year	Election Date	Election Type
FY 06-07:	Nov. 2006	State/Congressional General
	April 2007	City Primary
	May 2007	City General
FY 07-08:	May 2008	Presidential Primary
FY 08-09:	Nov. 2008	Presidential General
	April 2009	City Primary
	May 2009	City General
FY 09-10:	May 2010	State Primary
FY 10-11:	Nov. 2010	State Congressional General
	April 2011	City Primary
	May 2011	City General
FY 11-12:	May 2012	State/Congressional/Pres. Primary

This schedule effectively means that GO bonds may be shown in any of the six years of the CIP. Additionally, since the process of election, issuance of bonds, and the beginning of a project is likely to take several months, the FY in which the bond election is held may not be the same year that the project is actually begun.

F. Project Scheduling

Maps included in the CIP typically indicate a project number and often an associated fiscal year. The fiscal year designation should not be taken as an automatic indicator of when a particular facility will be finished and opened for public use. In certain cases, large scale capital projects take years to complete. The reader should consult the more detailed information contained on the Forms A and B for a better indication of exactly when a particular capital project is likely to be completed. And even with this, please be aware that other scheduling contingencies may occur that can alter the management and completion of the project.

II. CAPITAL IMPROVEMENTS PROGRAM DEPARTMENTAL REVIEW

The balance of this memorandum presents a department by department review of capital programs for the FY 2006/07-2011/12 time period. This includes a general staff discussion of recommended Comprehensive Plan conformity status for each department. The actual project-by-project recommendations are to be found in Column 9 of the Form B for each department. As with past CIP reviews, the four categories of conformity status mentioned earlier were used in this year's CIP document.

Table 1 displays the total proposed capital funding by departments over the six year programming period. Total dollar amounts by funding source are shown in Table 2. General revenue fund usage is presented in Table 3, while projected General Obligation (GO) bonds are presented in Table 4.

The balance of the memorandum considers the requested six year capital programs of each department. They are presented below in the same order as in the draft CIP document that follows this memorandum.

A. FINANCE DEPARTMENT

The Finance Department's capital improvements program submittal this year targets improvements to Pershing Auditorium and the Communications/911 Center and operations.

1. Pershing Auditorium

Pershing Auditorium's proposed capital improvements program includes funds for the continued refurbishing and renovation of the Auditorium over the six-year period. A series of major capital projects are proposed for consideration in the second year using general obligation (GO) bonds. This $1,267,000 undertaking includes installation of a passenger elevator and electronic entry doors, exterior building work, replacement of the Auditorium's chiller, and an asbestos abatement program. The elevator and electronic entry door projects are being done to meet Federal Americans With Disabilities Act (ADA) requirements. General Revenue funds are requested for continuing refurbishment and renovation of Pershing.

All of the projects included in the Pershing Auditorium's CIP were found to be in general conformance with the Comprehensive Plan.

2. Communications/911 Center

The proposed Communications/911 Center CIP includes eight projects designed to enhance operations over the six-year period. These projects include: (1) remodel of the City radio shop; (2) upgrade of digital communications; (3) remodel of the 911 Communications Center; (4) new Emergency Communication Center; (5) upgrade radio system; (6) public safety responder locating project; (7) Communications Command post to provide support in the field; and (8) Emergency Notification System (reverse 911)

All of the projects included in the Communications/911 Center's CIP were found to be in general conformance with the Comprehensive Plan.

B. FIRE & RESCUE DEPARTMENT

Lincoln Fire and Rescue Department's proposed CIP submittal includes four projects. General obligation (GO) bonds are requested in the first four years of the six year CIP for these projects. These projects involve three new fire stations (located at approximately 7000 N.27th Street, S. 27th and Rokeby Rd., and 56th and Cavvy Road), and improvements to the educational, training and fleet service campus to enhance operations.

All of the projects included in the Fire Department's CIP were found to be in full or general conformity with the Comprehensive Plan.

C. PARKS AND RECREATION

Proposed capital improvements to the City's parks and recreation system are projected to cost around $54.9 million over the six-year period. General obligation (GO) bonds, general revenue, keno funds, transportation enhancement funds, and impact fees account for the majority of the funds programmed for the CIP. A new funding category has been added this year: TA (Tree Assessment). This is a dedicated citywide special assessment to fund the cost of replacing public street trees as they are removed due to damage, structural deficiency or disease, and to replace the current deficit of street trees in the estimated 12,000 "gaps" along

public streets. Funds from private sources are also being shown for a substantial portion of the six year improvement program. Golf capital improvement funds, and athletic fees account for the balance.
A general obligation (GO) "Quality of Life Bond Issue" request amounting to $10.4 million is requested for 2007/08 for recreation center space with schools, renovation of seven existing pools, and replacement and upgrade of the central section of the Billy Wolff Trail (27th to A Streets).

The first year Parks and Recreation program includes $5.5 million in capital projects, including $2.6 million in projects involving "Other Financing." A significant amount of funds in the "Other Financing" category are from private donations and grants. The largest new projects sponsored by the Parks and Recreation Department include the Quality of Life Bond Issues, Cavett Connector Trail, and several new neighborhood parks to serve new development.

All projects included in the Parks and Recreation Department's CIP were found to be in full or general conformity with the Comprehensive Plan.

D. PUBLIC WORKS

The Public Works Department's capital program includes projects for five divisions: (1) StarTran; (2) Parking; (3) Streets and Highways; (4) Watershed Management; and (5) Street Maintenance Operations.

1. StarTran

StarTran's six-year, $11 million proposed capital improvement program is funded largely through Federal transportation money, with the balance coming from City general revenue funds and special reserves. The largest single capital item is the financing of the purchase of 50 full-size buses over the six-year period. Notable first year projects include enhancement of the Automatic Vehicle Locator (AVL) system.

All of the projects in StarTran's CIP were found to be in general conformance with Comprehensive Plan.

2. Business Office Parking

The Business Office Parking section of the Public Works Department's CIP includes on-going renovations and enhancements to existing parking facilities, and the development of a new parking facility to support ongoing parking demand for redevelopment efforts in Antelope Valley or Haymarket for funding in 2008/09. A number of maintenance and improvement projects are included in the 2006/07 fiscal year and through-out the six-year period.

While public parking facilities as individual projects are not explicitly addressed in the Plan, there are numerous references to the desirability of maintaining adequate Downtown parking, including a strategy that states: "Continue and enhance a comprehensive approach to managing and maintaining Downtown parking, encompassing public and private parking facilities, on-street parking, and fines."

All of the projects in the Parking's CIP were found to be in general conformance with the Comprehensive Plan.

3. Streets and Highways

The Streets and Highways capital program proposed by Public Works identifies 34 projects totaling $193.7 million over the six year programming period, a decrease over past CIPs. These projects range from resurfacing projects, pedestrian facilities to the construction of major new roadway facilities.

With the adoption of the 2025 Comprehensive Plan in May 2002, a list and maps of specific street projects were included as part of the Plan. The "Streets and Highways" CIP submittal has been closely coordinated with the 2025 Comprehensive Plan which was used in determining Comprehensive Plan conformity.

A variety of Federal, State and City revenues are utilized to fund the program, including Impact Fees that were adopted in January 2003 and began June 2, 2003. The Streets and Highway program requires new and increased revenues over the six-years to fund all the projects shown.

The notable projects in the first year include continuing the Antelope Valley roadway improvements; 'O' Street, from 42nd to 52nd Streets; 48th and Huntington intersection; Harris Overpass; Southwest 40th Viaduct; preliminary work on the East Beltway Project; Adams and Northwest 12th Street bridge; and the City's contribution to the South Beltway.

All of the projects included in the Streets and Highways' CIP, with the exception of the East Leg of the "Big X" in Antelope Valley which is brought before you today for a Comprehensive Plan Amendment, were found to be in full or general conformity with the Comprehensive Plan.

4. Watershed Management

The proposed Watershed Management CIP contains approximately $46.3 million in improvements over the six year period. The passage of three general obligation (GO) bond issues (in FY 2006/07, FY 2008/09 and FY 2010/11) would constitute the bulk of the funding for these improvements -- currently proposed to be near $37.6 million. The remaining watershed management projects are proposed to be funded through General Revenue funds and Other Financing. These projects include city subsidy to storm drainage construction in paving districts, preliminary planning efforts, miscellaneous storm sewer improvements, implementing best management practice (BMP) projects, and the continued development of a Comprehensive Master Storm Water Management Plan.

All of the proposed projects in Watershed Management's CIP were found to be either in full or general conformity with the Comprehensive Plan.

5. Street Maintenance Operations

The Street Maintenance Operations' proposed CIP involves the upgrade of the facility at 3180 South street to correct drainage issues and in crease salt storage capacity; replacement and upgrade of Gasboy sites; and the replacement of the 32nd and Baldwin facility as part of the Antelope Valley Project and the 901 N. 6th Street facility as part of the future Haymarket Ballpark expansion.

The projects contained in the Maintenance's CIP request was found to be in general conformance with the Comprehensive Plan.

F. PUBLIC UTILITIES

The Public Utilities section is divided into three major areas: (1) Water Production and Distribution; (2) Wastewater; and (3) Landfill. The Water and Wastewater CIP's are based on additional funding over the six-year program, more than could be achieved with the current utility rate. Utility rate increases would be required to implement these CIP's.

1. Water Supply and Distribution

The proposed Lincoln Water System CIP contains approximately $107.8 million in water supply, treatment, storage and distribution improvements over the six-year period. Included in this year's submittal are projects intended to enhance water services to the existing City, while others will serve developing areas of Lincoln. The CIP has been prepared based upon information and recommendations contained in the 2025 Comprehensive Plan and 2002 Lincoln Water System Facilities Master Plan. Funding sources for projects include developer contributions, revenue bonds, utility revenues, and impact fees.

Notable first year capital projects include new storage reservoirs, major transmission lines and selected replacement of mains, and subsidies for new distribution mains in growth areas.

All of the proposed projects of the Lincoln Water's CIP were found to be in general conformance with the Comprehensive Plan.

2. Wastewater

The proposed Lincoln Wastewater CIP contains approximately $78.2 million in projects, encompassing both the Theresa Street and Northeast Treatment Plants, construction of new sanitary sewer mains, and the selective replacement of existing mains over the six-year period. The CIP has been prepared based upon information and recommendations contained in the 2025 Comprehensive Plan and 2003 Lincoln Wastewater Facilities Plan. Funding sources for projects include developer contributions, revenue bonds, utility revenues, and impact fees.

Notable capital projects include the completion of the Salt Valley Basin Relief Sewer, Oak Creek Basin Relief Sewer, the Beals Slough Basin Relief Sewer, West 'O' Street sewer extensions, Stevens Creek Basin trunk sewer, site acquisition for Southwest Wastewater Facility, Theresa Street and Northeast Treatment Plant capacity and upgrade improvements.

All of the projects in the proposed Wastewater's CIP were found to be either in full or general conformance with the Comprehensive Plan.

3. Sanitary Landfill

Proposed capital improvements for the Sanitary Landfill include projects related to the Bluff Road Sanitary Landfill, the North 48th Street Landfill and Transfer Station, and the Solid Waste Management System. The CIP totals approximately $17.9 million over the six-year period.

All of the projects in the proposed Sanitary Landfill's CIP were found to be in general conformance with the Comprehensive Plan.

G. URBAN DEVELOPMENT

The Urban Development Department's Community Development Division proposed CIP includes nineteen projects totaling $19.5 million over the six-year period. The majority of funding for the program consists of Community Improvement Financing (or Tax Increment Financing), Community Development Block Grant, City General Revenue funds, and Other Funding. Federal Aid, Transportation Enhancement funds, Land Sale Proceeds, and Advance Acquisition funds make up the remainder of the funding.

Notable projects include the Downtown Master Plan, Antelope Valley Community Revitalization and Redevelopment Plan, continued North 27th Street Redevelopment, 48th & "O" Street Redevelopment, Havelock and University Place Redevelopment/ Revitalization activities, West "O" Street Revitalization, and other redevelopment activities.

The Urban Development CIP was found to be in full or general conformity with the Comprehensive Plan.

H. LINCOLN ELECTRIC SYSTEM

The Lincoln Electric System's proposed $359.3 million capital program embodies a substantial investment in electrical power supply and distribution for the community over the six-year period. Power supply constitutes almost half of the total amount at $167.7 million, with the major components being LES's investment in the Council Bluffs No. 4, Regional Coal #1 Generating Station, and a new Salt Valley #5 combustion turbine..

The Lincoln Electric System CIP was found to be in full or general conformity with the Comprehensive Plan.

I. LINCOLN CITY LIBRARIES

The Lincoln City Libraries are proposing six projects in the six year CIP. The largest single project of the Department's proposed $51 million capital improvement program is the replacement of the Bennett Martin Library in FY 2011/12. This project is proposed for a general obligation (GO) bond in the sixth year of the CIP. In FY 2006/07 a branch library is proposed in conjunction with the construction of a new Arnold Heights School. This 3.2 million project will be funded using Lease Purchase Financing. All other projects involve maintenance activities utilizing General Revenue funding.

The Lincoln City Libraries' CIP was found to be in general conformance with the Comprehensive Plan.

J. AGING

The Aging Division are proposing two projects in the six years of the CIP programming period. The capital program for the Aging/Community Services Division of the Mayor's Office, totaling approximately $2.8 million for the construction of a new Northeast Community Center, and preliminary work for a new South Senior Center. The Northeast Community Center is programmed for the second and third year of the CIP. The proposed Senior Center in South Lincoln is programmed for the fourth year and involves preliminary design. Funding for the program consists of City General Revenue funds, money from Lancaster County, and Other Funding made up largely of private donations. No funds are requested in FY 2005/06.

The Aging/Community Services Division CIP was found to be in general conformance with the Comprehensive Plan.

K. CITY-COUNTY HEALTH DEPARTMENT

The City-County Health Department did not submit a capital improvement program for 2006/07 to -2011/12.

L. POLICE DEPARTMENT

The proposed capital program for the Police Department involves three projects – relocation of the LPD K9 Training Facility, a study for a new assembly station in south Lincoln and a Master Plan for the Police Garage. The first project is shown in 2006/07 using General Revenue to relocated a structure donated by the Airport Authority to a new location near the existing LPD firearms training facility. The other two projects are shown as studies in fiscal year 2008/09 of the CIP, totaling $80,000.

The Police Department CIP was found to be in general conformance with the Comprehensive Plan.

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*** ACTION BY PLANNING COMMISSION ***

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 26, 2006, at 1:00 p.m. in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, April 26, 2006, in Room 113 of the County/City Building, 555 S. 10th St., Lincoln, Nebraska, from 11:00 - 12:00 noon for a briefing on the Long Range Transportation Program by Public Works and Utilities staff; and from 12:00 noon - 1:00 p.m. for a workshop on proposed text for the 2030 Lincoln-Lancaster County Comprehensive Plan.

<u> PLEASE NOTE:</u> The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council by filing a Notice of Appeal with the City Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, APRIL 26, 2006

[Commissioner Sunderman absent]

Approval of minutes of the regular meeting held April 12, 2006. ****APPROVED, 8-0 (Sunderman absent)****

1. **CONSENT AGENDA:**
(Public Hearing and Action):

CHANGE OF ZONE:

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1.1 Change of Zone No. 06019 amending Title 27 of the Lincoln Municipal Code relating to the Zoning Ordinance by amending Section 27.61.090 relating to Continuation of Nonstandard Uses, and Section 27.63.280 relating to Special Permits; Expansion of Nonconforming Uses, to allow for the enlargement, extension, or reconstruction of buildings and structures located upon a premises, the use of which constitutes a nonstandard use by special permit; and repealing Sections 27.61.090 and 27.63.208 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Sunderman absent).
Public hearing before City Council tentatively scheduled for Monday, May 15, 2006, 1:30 p.m.

PERMITS:

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1.2 Use Permit No. 06004, for approximately 224,000 square feet of commercial floor area, with requests to waive internal yard setbacks and to permit ground signs for the individual buildings to be more than 30' from the building, on property generally located at S. 40th Street and Yankee Hill Road.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Removed from the Consent Agenda and had separate public hearing.
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated April 11, 2006, with the amendments requested by the applicant and agreed upon by staff, 7-1 (Carlson dissenting; Sunderman absent).
Public hearing before City Council tentatively scheduled for Monday, May 15, 2006, 1:30 p.m.

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1.3 County Special Permit No. 06023, to construct a 498 ft. radio tower, on property generally located at S. 54th Street and Pella Road.
Planning staff recommendation: Conditional Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Removed from the Consent Agenda and had separate public hearing.
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated April 11, 2006, 8-0 (Sunderman absent).
Public hearing before County Board being requested.

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1.4 County Special Permit No. 06024, to allow a mobile home as a temporary residence while constructing a permanent residence, on property generally located at N. 176th Street and Branched Oak Road.
Staff recommendation: Conditional Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated April 11, 2006, 8-0 (Sunderman absent).
Public hearing before County Board being requested.

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1.5 Special Permit No. 06025, for the operation of a tree service, on property generally located at S. 68th Street and Bennet Road.
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 12, 2006, 8-0 (Sunderman absent). Resolution No. PC-00991.

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1.6 Special Permit No. 06026, for a 105' tall wireless facility, on property generally located at N. 84th Street and Holdrege Street.
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 10, 2006, 8-0 (Sunderman absent). Resolution No. PC-00992.

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1.7 Special Permit No. 06027, Prairie Crossing Community Unit Plan, for approximately 76 dwelling units, on property generally located at S. 33rd Street and Grainger Parkway. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 12, 2006, 8-0 (Sunderman absent). Resolution No. PC-00993.

MISCELLANEOUS:

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1.8 Comprehensive Plan Conformance No. 06005, to review the proposed acquisition of approximately 14.9 acres as to conformance with the 2025 Lincoln-Lancaster County Comprehensive Plan, generally located at S. 56th Street and Pine Lake Road (6510 S. 56th Street).
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Sara Hartzell, 441-6372, shartzell@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Sunderman absent).
Public hearing before City Council tentatively scheduled for Monday, May 15, 2006, 1:30 p.m.

3. CONTINUED PUBLIC HEARING AND ACTION:

MISCELLANEOUS:

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3.1a Comprehensive Plan Amendment No. 06002, to amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to 1) add land in the general vicinity of 84th Street and Rokeby Road to the Future Service Limit; change the land use designation from Agricultural to Urban Residential; and designate it as Priority A; and 2) change land east of 70th Street, north and south of Rokeby Road, from Priority B to Priority A.
Staff recommendation: Approval of Option A if the property owners agree to fund the sanitary sewer costs associated with adding this additional area, or only Option B if they are the only properties willing to fund the improvements.
Staff Planner: Stephen Henrichsen, 441-6374, shenrichsen@lincoln.ne.gov
Had continued public hearing.
Staff request for two-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 10, 2006, 1:00 p.m.

3.1b Waiver No. 06002, to waive the requirement in the Sanitary Sewer Design Standards, to permit the transfer of wastewater from one watershed to another, generally located at S. 84th Street and Rokeby Road.

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*****FINAL ACTION*****

Staff recommendation: Approval of area included in Comprehensive Plan Amendment 06002 and Developer Agreement to pay for the cost of over sizing the sanitary sewer.

Staff Planner: Stephen Henrichsen, 441-6374, shenrichsen@lincoln.ne.gov

Had continued public hearing.

Staff request for two-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 10, 2006, 1:00 p.m.

CHANGE OF ZONE WITH RELATED ITEMS:

3.2a County Change of Zone No. 06003, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at S. 58th Street and Roca Road.

Page 151

Staff recommendation: Approval

Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

Had continued public hearing.

Applicant's request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 24, 2006, 1:00 p.m.

3.2b County Preliminary Plat No. 06001, The Preserve at Cross Creek 2nd Addition, for 10 lots, with requests to waive street lighting, street trees, sidewalks, landscape screening, and block length, on property generally located at S. 58th Street and Roca Road.

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Planning staff recommendation: Conditional Approval

Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

Had continued public hearing.

Applicant's request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 24, 2006, 1:00 p.m.

4. ACTION ONLY:

4.1 Miscellaneous No. 06001, proposed amendments to the Planning Commission Rules and Procedures

Page 171

ADOPTED as Resolution No. PC-00994, 8-0 (Sunderman absent).

* * * * * * * * * *

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

* * * * * * * * * *

PENDING LIST:

1. ***Change of Zone No. 3321, requested by Michael T. Johnson, on behalf of West Gate, inc., from R-7 Residential District to B-4 Lincoln Center Business District, on property generally located at 1729 "M" Street.***
   (6-13-01: Planning Commission voted 6-0 to place on pending at the request of the applicant.)

2. ***Comprehensive Plan Amendment No. 03009, by the Director of Planning, at the request of Jim Hrouda, Mayor for the City of Hickman, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to adopt the Hickman Horizon Plan as an approved subarea plan and amend the Land Use Plan to reflect commercial and low density residential uses in the vicinity of Hickman.***
   (5-21-03: Planning Commission voted 6-0 to defer until completion of the rural acreage studies called for in the Comprehensive Plan.)

3. ***Street and Alley Vacation No. 04013, to vacate all of the east-west alley in Block 65, Original Lincoln, bounded by 13th, 14th, "M" and "N" Streets, generally located at S. 13th Street & "M" Street.***
   (3-16-05: Planning Commission voted 9-0 to place on pending until completion of the Downtown Master Plan at the request of the applicant.)

4. ~~***Change of Zone No. 05052, Universal Addition Planned Unit Development, on property generally located at S. 14th Street and Pioneers Boulevard; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 370,000 square feet of floor area in the underlying I-2 zoned area.***~~
   ~~***(3-01-06: Planning Commission voted 6-0 to continue public hearing on June 7, 2006, at the request of the applicant.)***~~
   ***** WITHDRAWN BY THE APPLICANT ON APRIL 10, 2006 *****

Planning Dept. staff contacts:

Ray Hill, Development Review Manager ..... 441-6371 . rhill@lincoln.ne.gov
Steve Henrichsen, Special Projects Manager ... 441-6374 . shenrichsen@lincoln.ne.gov
Tom Cajka, Planner ..... 441-5662 . tcajka@lincoln.ne.gov
David Cary, Transportation Planner ..... 441-6364 . dcary@lincoln.ne.gov
Greg Czaplewski, Planner ..... 441-7620 . gczaplewski@lincoln.ne.gov
Mike DeKalb, Planner ..... 441-6370 . mdekalb@lincoln.ne.gov
Brian Will, Planner ..... 441-6362 . bwill@lincoln.ne.gov
Sara Hartzell, Planner ..... 441-6372 . shartzell@lincoln.ne.gov
Joe Rexwinkle, Planner ..... 441-6373 .. jrexwinkle@lincoln.ne.gov
Christy Eichorn, Planner ..... 441-7603 .. ceichorn@lincoln.ne.gov
Ed Zimmer, Historic Preservation Planner 441-6360 . ezimmer@lincoln.ne.gov

* * * * *

The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City-TV, Cable Channel 5.

* * * * *

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : April 20, 2006

RE : **Special Permit No. 06019 - Community Center**
(N.W. 84th Street and State Spur 55M – Malcolm Spur)
Resolution No. PC-00989

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 12, 2006:

> Motion made by Carroll, seconded by Strand, to approve **Special Permit No. 06019,** with conditions, as amended, requested by Larry French, for authority to construct and operate a community center on property generally located at N.W. 84th Street and State Spur 55M (Malcolm Spur).
>
> Motion for conditional approval, as amended to require that the community center be gated, carried 9-0 (Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Taylor, Esseks and Carlson voting 'yes').

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Larry French, 8425 N.W. 84th Street, Malcolm, NE 68402
Steve Schmalken, 8600 W. Highway 34, Malcolm, NE 68402
Gerry Perry, 7700 W. Highway 34, Malcolm, NE 68402
Juli Plooster, 9720 N.W. 105 Street, Malcolm, NE 68402

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RESOLUTION NO. PC-00989

SPECIAL PERMIT NO. 06019

WHEREAS, Larry French has submitted an application designated as Special Permit No. 06019 to construct and operate a community center on property generally located at N.W. 84th Street and State Spur 55M (Malcolm Spur), and legally described as:

> Lots 38 and 39 I.T., in the East Half of Section 27, Township 11 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this community center will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Larry French, hereinafter referred to as "Permittee", to allow a community center on the property described above be and the same is hereby granted under the provisions of Section 27.63.690 of the Lincoln Municipal Code upon condition that construction and occupancy of said community center be in strict compliance with said application, the site plan, the requirements of Section 27.63.690 and the following additional express terms, conditions, and requirements:

1. This approval permits a community center of 6,000 square feet of floor area.

2. This facility shall not be open to the public more than three days a week.

3. The hours of operation shall be limited to 7:00 a.m. to 12:00 a.m.

4. No food or alcohol shall be prepared or sold on the premise, but may be catered in.

5. Any lighting for the parking lots and drives shall meet the design standards for parking lots of the City of Lincoln.

6. All parking for events shall be provided on the site, and shall meet City Standard design standards for parking lots. Parking shall provide 120 spaces and meet ADA requirements.

7. A gate for entrance to the parking lot and community center facility shall be installed. The entrance gate shall be kept closed and locked, except during official functions.

8. Before receiving building permits:

   a. The Permittee shall submit a revised site plan including five copies to the Planning Department for review and approval showing:

      i. Parking for 120 cars.

      ii. All parking shall be located outside of the AG District required yards.

b. The construction plans must comply with the approved plans.

9. Before occupying this community center, all development and construction must comply with the approved plans.

10. Before occupying this community center, the City/County Health Department must approve the water and wastewater systems.

11. All privately-owned improvements, including landscaping and parking must be permanently maintained by the Owner.

12. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

13 This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

14 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 12 day of April, 2006.

ATTEST:

/S/ Original signed by Jon Carlson

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : April 20, 2006

RE : **Special Permit No. 06022 -** Garden Center
(S. 14th Street and Saltillo Road)
Resolution No. PC-00990

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 12, 2006:

> Motion made by Taylor, seconded by Carroll, to approve **Special Permit No. 06022,** with conditions, as amended, requested by Hendricks Investments, LLC, for authority to construct and operate a garden center on property generally located at South 14th Street and Saltillo Road.
>
> Motion for conditional approval, as amended, carried 9-0 (Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Taylor, Esseks and Carlson voting 'yes').

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mark Hunzeker, 1045 Lincoln Mall, Suite 200, 68508
Richard and Byron Vanier, 8240 South Street, 68506

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RESOLUTION NO. PC-00990

SPECIAL PERMIT NO. 06022

WHEREAS, Hendricks Investments, LLC has submitted an application designated as Special Permit No. 06022 to construct and operate a garden center on property generally located at S. 14th Street and Saltillo Road, and legally described as:

> Lot 44 I.T., in the Southeast Quarter of Section 35, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this garden center will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Hendricks Investments, LLC, hereinafter referred to as "Permittee", to allow a garden center on the property described above be and the same is hereby granted under the provisions of Section 27.63.110 the Lincoln Municipal Code upon condition that construction and occupancy of said garden center be in strict compliance with said application, the site plan, the requirements of Section 27.63.110 and the following additional express terms, conditions, and requirements:

1. This approval permits a garden center of up to 6,500 square feet.

2. Before receiving building permit:

   a. The Permittee shall submit a revised site plan including five copies showing a 100 foot setback on all sides for buildings and parking.

   b. The construction plans must comply with the approved plans.

3. Before occupying this nursery, all development and construction must comply with the approved plans.

4. Before occupying this nursery, the City/County Health Department must approve the water and wastewater systems.

5. All privately-owned improvements, including landscaping must be permanently maintained by the Owner.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

8. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however,

said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 12 day of April, 2006.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

Attachment G

MEMO

To: Lincoln City Council Members

From: Marc Wullschleger

Date: April 26, 2006

Subject: QO1214 Downtown Civic Project Amendment to the Lincoln Center Redevelopment Plan

Attached for your review is an amendment to the Lincoln Center Redevelopment Plan to reflect the QO1214 Downtown Civic Project Area. Section 18-2104 of the Community Development Law requires that proposed amendments to the plan be accompanied with a statement that addresses the following areas: 1) Proposed method and costs of acquisition, 2) proposed methods and costs of redevelopment of the project area; 3) estimated proceeds or revenue from disposal to developers; 4) methods proposed for financing projects; and 5) feasible method proposed for relocating families to be displaced by the project.

1. The funding sources for acquisitions related to this project would be tax increment financing generated by the project area, parking enterprise funds and advanced land acquisition funds. Advanced land acquisition funds would be reimbursed following redevelopment of project area by TIF generated by the redevelopment projects.

2 & 3. The total public cost for these projects is estimated to be approximately $14,300,000. Public expenditures will be funded through sale of development rights on the project site, tax increment financing generated by the private developments within the project area and parking enterprise funds ($8.3 million).

4. Following City Council approval of the redevelopment agreements negotiated between the City and project developers, the City will issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to these projects.

5. There will be no relocation of families as a result of the QO1214 Downtown Civic Project Amendment to the Lincoln Center Redevelopment Plan.

In addition, Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

1. The redevelopment project and plan would not be economically feasible without the use of Tax Increment Financing; and
2. The redevelopment project would not occur in the Community Development area without

the use of Tax Increment Financing.

Attachment H consists of a cost benefit analysis of the QO1214 Downtown Civic Project.

The Urban Development Department believes that the public improvements included in this plan amendment would not occur without the Tax Increment Financing generated by the private redevelopment within the project area.

The revitalization of Downtown Lincoln is in the best interest of the entire Lincoln community. The recently approved Downtown Master Plan (September 2005) identified these two redevelopment projects as key catalysts for meeting the community's vision of a vital downtown that will emerge over the next twenty years through systematic activities initiated by both the public and private sectors. The addition of a new public parking garage will address current parking shortfalls and stimulate additional private investment in the core downtown area. The development of a civic plaza will provide our community with an important central gathering place in downtown. Importantly, proposed plaza improvements will also enhance pedestrian flow along the P Street retail corridor. The public investments in infrastructure will, therefore, solidify downtown's attractiveness as a destination for many years to come and will complement future redevelopment efforts.

The Urban Development Department recommends your approval of the QO1214 Downtown Civic Project Amendment to the Lincoln Center Redevelopment Plan.

Exhibit H - Cost Benefit Analysis of the QO1214 Downtown Civic Project

As authorized in Nebraska Community Development Law (Nebr. Res. Stat # 18-2147), the City has analyzed the potential costs and benefits of the proposed QO1214 Downtown Civic Project including:

A. Tax Revenues

1. Property Taxes

The proposed QO1214 Downtown Civic Project site is located on one block, block 38, and a portion of the right of way bounded by the four block redevelopment area. This four block area currently has an assessed value of approximately $46,666,000 and generates annual property tax revenues of approximately $968,000. Property tax revenues in the redevelopment project area for 2005 were divided among the following taxing jurisdictions.

Description	***Percentage***
Lancaster County	13.69
Public Building Comm.	.82
City of Lincoln	14.5
School District 1	63.33
Educational Service Unit 18	.72
Lower Platte South NRD	2.03
Railroad Safety District	1.23
Southeast Community College	3.35
Agriculture Society	.09
Agricultural Society / JPA	.20

The redevelopment project envisions the construction of a mixed use public garage and civic plaza within this project area. The potential increased value of the private development for this project is estimated between to be $25,000,000 - $50,000,000. This would result in an estimated increase in annual property tax collections of between $520,000 – $1,040,000 that would be available for the construction of public improvements related to these projects. The tax increment gained from this redevelopment project area over the ensuing 15 years would not be available for use as City general fund revenues for up to 15 years, but would be used to pay off TIF bonds used to pay for eligible public improvements to enable these projects to be realized.

B. Public Infrastructure and Community Public Service Needs

Public infrastructure in downtown will be enhanced by the QO1214 Downtown Civic Project. The construction of a downtown civic plaza was identified as one of the priority catalyst projects of the recently completed Downtown Master Plan. This project envisions the demolition of the existing Douglas III theater and replacing this structure with a 70' by 112' Civic Plaza bounded on the north (alley) and to the east with a 30ft wide, three-story tall liner buildings. The conceptual plan for the plaza includes the development of an expanded festival space with the incorporation of right of way on 13th Street between O and Q Streets. It is anticipated that this Civic Plaza will serve an important role in downtown's public infrastructure by providing a central "town square" meeting place and venue for downtown events and gatherings. Tax increment financing will be used to fund a portion of the plaza development. Details of the plaza will be specified as part of a joint public – private design process that will culminate in a public – private fundraising campaign for the plaza.

The construction of an up to 600 stall public parking garage would meet a demand for additional downtown parking identified in the 2005 Downtown Parking study. This new public parking structure would support the development of expanded retail opportunities in downtown and would enhance downtown's attractiveness as a location for office space expansion as well as residential development. Tax Increment Financing and Parking Enterprise funds would be used to finance the construction of the garage and related streetscape enhancements.

C. Employment Within the Project Area

The impact of this redevelopment on future employment will depend on the project selected through a competitive Request for Proposals. The impact on employment of the project will be included in the discussion related to a future redevelopment agreement and, as such, would be subject to future Council review. While the projected impact on full time positions created on the site will not be known until a redevelopment agreement is approved and accurate investment levels are identified, the type of mixed-use project being promoted – ground floor retail, and a combination of office, hotel or housing on the upper levels – would more than likely increase the number of full time employees in the redevelopment area.

D. Employment in City Outside the Project Area

Employment in the downtown area is approximately 27,000. The total employment within the Lincoln MSA is 150,222 with a median household income of $ 46,528.

E. Other Impacts

Initiation of Downtown Master Plan P Street revitalization

One of the key elements of the recently adopted Downtown Master Plan is supporting the development of a more active, pedestrian-oriented P Street retail corridor. Recent redevelopment along P Street suggests the private sector is responding to this vision. The creation of a downtown Civic plaza will enhance the viability of the P Street retail strategy by providing a distinctive pedestrian oriented amenity at a key location on the intersection of P and 13th Streets. The possibility of niche retail in the liner buildings along the edge of the Civic Plaza would further strengthen the development of a vibrant P Street retail corridor, connecting the Antelope Valley district to the Haymarket. The addition of a 600 stall parking garage would support retail expansion by providing shopper friendly parking in the heart of the district.

Support Civic Infrastructure

The development of a plaza will create a central, easily identifiable focal point for civic activities in downtown. At every level, Lincoln has shown a long standing commitment to maintaining and enhancing a vital downtown. Successful downtowns in today's economy are a mix of entertainment, commercial and residential uses that create 24 hour a day activity. This block's strategic location as bridge between UNL and downtown means its redevelopment will strengthen connections between the University and downtown and will enhance the vitality of downtown.

Economic Development

The up to 600 stall parking garage will provide expansion opportunities for existing downtown business and may entice outside business to relocate in Lincoln.

The Civic Plaza is envisioned as a spur for P Street revitalization and will contribute to continued strengthening of downtown's economic development climate.

Residential Growth

Downtown Lincoln, while the city's commercial center, is also a growing residential neighborhood. Two possible projects for this redevelopment include housing and extended stay hotel. A major housing project at this site would directly support the expansion of downtown services that support all downtown residents. The experiences of urban residential revitalization in other mid-sized communities suggest that successful downtown residential projects stimulate a demand for additional residential development. While a hotel is not a traditional residential development, an extended stay hotel would support the expansion of Downtown's residential appeal and increase market demand for additional services, such as a downtown grocery store, that would stimulate further residential growth.

campjon@aol.com
04/21/2006 04:01 PM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: Concealed gun law

For Council.

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

-----Original Message-----
From: Brad & Lori Kreifels <bkreifels2@neb.rr.com>
To: campjon@aol.com
Sent: Fri, 21 Apr 2006 12:26:08 -0500
Subject: Concealed gun law

Dear Mr. Camp, I would like to ask that you carefully evaluate your position on the concealed gun law in Lincoln. I am a former U.S. Marine who served during the Gulf War, corrections employee at the Nebraska Department of Corrections and have had my life, as well as my family's life threatened several times. Fortunately, the five or six times I have seen "former clients" on the street, no problems have developed. I find it strange that the City of Lincoln allows landlords collecting rent the protection of a concealed firearm, (Lincoln Journal 4-21-06) yet, not a correctional employee the same protection. Concealed guns will not turn Lincoln into Dodge City of the old west. Concealed guns, carried by responsible citizens, will in contrast turn Lincoln into a safer place, by method the possibility deterrence. Yes, I could carry a gun openly now, but, if anyone gets upset by it and calls the police, I could get a ticket for disturbing

the peace. Incidentally, I also teach firearms and have taught defensive tactics for the Department of Corrections. People know they assume a certain liability and responsibility when they carry guns, if they fail to do so, then they need to be punished just as they would driving a car irresponsibly. The State Patrol's training session on this matter will entail conflict revolution, along with the safe handling and storing of weapons and ammunition. That should satisfy any safety requirements within the city. Guns serve, as deterrence to would be criminals, who are most likely already carrying a gun illegally. I will not bore you with statistics about crime in states that already allow its citizens to carry concealed firearms. In closing, I would like to say I am not the sole reason for a concealed gun law within the city limits, there are many others with different reasons. Please no not let mayor take this tool from us.
Thank you for your consideration in this matter.

Brad J. Kreifels
880 West Stockwell Street
Lincoln, Nebraska 68522
402-610-5519

campjon@aol.com
04/21/2006 04:07 PM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: Concealed Handgun Permit Act

For Council

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

-----Original Message-----
From: John Trumble <jtrumble@alltel.net>
To: jcamp@lincoln.ne.gov
Sent: Fri, 21 Apr 2006 07:15:20 -0500
Subject: Concealed Handgun Permit Act

Councilman Camp::

I am concerned about the announcement that Mayor Seng will propose a city-wide ban on the carrying of concealed weapons as permitted by the recently signed LB 454.

There are three main problems with such a ban:

1) Apparently, the ban would be based on the personal feelings of those opposed to the legislation. It could NOT be based on any evidence of the harmful effects that the ban would be concerned about, because the experience of the many other states that have affirmed citizens' rights to carry concealed weapons has been that violent crime has actually been reduced in these states (and in the major cities of these states, not just in rural areas). I believe the mayor is already aware of this, which is why I'm concerned that the ban would be based on an emotional reaction and have no basis in fact.

2!) Citizens of the United States have a constitutional right to "keep and bear" arms. Mayor Seng is aware of this as well. Shall it be the responsibility or right of the Mayor of Lincoln to decide which parts of the United State Constitution apply to Lincoln citizens? Might such a ban also violate other constitutional guarantees?

3) The ban that the Mayor is considering sets aside one of our most important constitutional guarantees: the presumption of innocence. Citizens of the United States are to be considered by all branches of the government as "innocent until proven guilty". By proposing that Lincoln citizens be prohibited from exercising their constitutional right to "keep and bear" arms, the ban

would do away with that presumption of innocence. Such a ban would, in effect, say that citizens of Lincoln cannot be trusted NOT to commit crimes--even despite the background checks and safety training required by LB 454 in order for a citizen to receive a ! permit. Such a ban would pre-judge Lincoln citizens as a whole, in dir ect contradiction to the presumption of innocence.

I urge you to reject the proposal to prohibit Lincoln permit holders from carrying concealed weapons as allowed by Nebraska's LB 454.

Sincerely,

John Trumble
4611 Old Cheney Road Apt. 7
Lincoln, NE 68516
402-328-0433

campjon@aol.com
04/21/2006 04:09 PM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: CONCEALED WEAPONS LAW

For Council

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

-----Original Message-----
From: Janis Strautkalns <jstrautkalns@neb.rr.com>
To: jcamp@lincoln.ne.gov
Sent: Fri, 21 Apr 2006 08:54:31 -0500
Subject: CONCEALED WEAPONS LAW

I am writing regarding the new concealed weapons law...

As I am sure you are aware, many state senators, at the urging of people like myself, have struggled for close to two decades to pass a law that allows trained, background-checked, permit-credentialed, law-abiding citizens of this state to legally carry a concealed weapon.

Also, as you may be aware, when we asked our legislators to pass this measure, it was not our intent to have the city council of our state's capital city supercede our efforts by taking advantage of a loophole in state law to thwart our efforts.

If you look acrossed the country you will see that the rhetoric of doomsday theories such that Mayor Seng describes; with increased gun violence due to legal concealed carry, by law abiding citizens, is completely untrue. In fact, the opposite is true. Crime rates have consistently dropped in states that pass legal concealed carry laws. Furthermore, it has become increasingly apparent, that towns, and areas such as parks, special venues, etc. that have restricted legal concealed carry within states that allow concealed carry actually create "defenseless victim zones", whereby criminals know they are the only ones with guns. Do you think those who would do us harm will care if they are violating a concealed weapons ban in Lincoln?

I am writing to ask for your support, and trust that you will not allow Lincoln to pass a law that supercedes the will of the Nebraska legislature, and that of the voters. I will be watching closely, and assure you I am not alone. This is a very important issue. Your help is appreciated, and won't go unnoticed.

Janis Strautkalns
8013 Broadview Dr.
Lincoln NE 68505
(402) 610-5190

campjon@aol.com
04/23/2006 12:05 PM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: conceal carry

For Council.

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

-----Original Message-----
From: Larry &Nancy Rose <laroseequine@inebraska.com>
To: jcamp@lincoln.ne.gov
Sent: Sat, 22 Apr 2006 20:17:00 -0500
Subject: conceal carry

Mr. Camp,

My husband and I would appreciate having a ban on the state conceal carry in Lincoln. I realize many other states have conceal carry laws without any major problems, but I see no need for it. I would feel safer if folks who want to carry guns would simply put them in a holster on their belt, like they did in the really wild west.

Thanks for your service,

nancy and larry rose
8309 Carriage Hill Ct.

campjon@aol.com
04/23/2006 12:04 PM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: Mayor Seng's proposal

For Council.

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

-----Original Message-----
From: Valvoline Instant Oil Change <vi03624@alltel.net>
To: jcamp@lincoln.ne.gov
Sent: Sat, 22 Apr 2006 14:28:29 -0500
Subject: Mayor Seng's proposal

Dear Councilman Camp,
I am emailing you to express my opposition to Mayor Seng's decision to promote a law in Lincolnto counter the passage of the "Right to Carry a Concealed Weapon" law recently enacted by the Nebraska Legislature.
My State Representative voted "yes" to enact this into law as apparently did a majority of other law makers who I assume represented wishes of their constituents. I am sure a number of their constituents live and/or do business in Lincolnas I do, and would appreciate it if the Mayor would not press her preferences over that of the voters.
I am always amazed when a politician decides to substitute their own opinions over that of the voter. Of course it is for our own good as we apparently cannot come up with the appropriate answers on our own.
As one of your constituents I would appreciate it if you would allow the law to stand as it is for the city of Lincoln, and perhaps suggest to the Mayor that there more pressing matters she could and should be spending time and taxpayers dollars on.
I appreciate your time in this matter.
Sincerely
Monte Haeffner

campjon@aol.com
04/25/2006 09:13 AM

To tgrammer@lincoln.ne.gov
cc
bcc
Subject Fwd: Conceal Carry Law

For Council

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

-----Original Message-----
From: David S <fishin1947@yahoo.com>
To: John Camp <jcamp@lincoln.ne.gov>; Ken Svoboda <ksvoboda@lincoln.ne.gov>
Sent: Tue, 25 Apr 2006 06:53:18 -0700 (PDT)
Subject: Conceal Carry Law

I just finished listening to an KLIN interview with Mayor Seng concerning the proposed city ordinance that she is pushing to ban the conceal carry law in Lincoln. She has previously stated that people keep stopping her and asking her to do something about the state law but yet "every" call to her on the show was in favor of the state law and gave reasons that supported it. Her answer was simply to "dismiss" the callers on every argument. It was obvious to me that she absolutely has "NO" idea what she is talking about and just wants to push through a feel good ordinance to make her liberal buddies happy in this town. She needs to spend more time on the real problems in this city like the ambulance problem. We would not have this deficit today if the contract had not been handed to the fire Dept as a political favor by Wesely who I think is "still" acting as M! ayor through Seng. If we don't get these people out of office soon Lincoln will soon become another Boulder, Colorado, God forbid! Thanks for listening.

Yahoo! Mail goes everywhere you do. Get it on your phone.

Chapter 9.36

WEAPONS

Sections:

9.36.010 Discharge of Firearms Unlawful.
9.36.020 Minors Not to be Furnished With Firearms, Ammunition or Weapons.
9.36.025 Firearms Offered for Sale at Retail; Access Restricted.
9.36.030 Report Sale of Firearms.
9.36.040 Unlawful to Sell or Possess Switch-Blade Knife.
9.36.050 Discharge of Weapons and Other Instruments Unlawful.
9.36.060 Toy Guns or Sling Shots That Discharge Dangerous Missiles Not to be Carried.
9.36.070 Minors Not to be Furnished With Toy Guns or Slingshots That Discharge Missiles.
9.36.080 Exemptions.
9.36.090 Transporting Explosives; Port of Entry; Routes; Penalty.
9.36.100 Unlawful Possession of Firearms.
9.36.110 Firearms in Unattended Motor Vehicle; Unlawful.
9.36.120 Firearm; Defined.

9.36.010 Discharge of Firearms Unlawful.

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge any gun or firearm, including any pistol, revolver, shotgun, or rifle, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits. (Ord. 15625 §1; July 9, 1990: P.C. §9.28.010: Ord. 9382 §1; January 22, 1968: prior Ord. 3489 §9-101, as amended by Ord. 6513; December 3, 1956).

9.36.020 Minors Not to be Furnished With Firearms, Ammunition or Weapons.

(a) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, fowling piece, or other firearm, any ammunition or component thereof, or any pocket knife having a blade more than three and one-half inches in length; provided, it shall be lawful to sell, loan, or furnish shotguns or rifles, of a type commonly used for hunting, and any ammunition or component thereof for the same, to persons eighteen years of age or older.

(b) This section shall not apply to delivery or transfer of rifles or shotguns or ammunition or components thereof to a juvenile:

(1) By the juvenile's parent or legal guardian for a legitimate and lawful sporting purpose; or

(2) Who is under direct adult supervision in an appropriate educational or competitive shooting program.(Ord. 17529 § 1; July 19, 1999: prior Ord. 15625 §2; July 9, 1990: P.C. §9.28.020: Ord. 3489 §9-102, as amended by Ord. 6675; November 25, 1957).

9.36.025 Firearms Offered for Sale at Retail; Access Restricted.

It shall be unlawful for any person to display for sale at retail any firearm or firearms, or any ammunition for firearms or reloading components thereof, without such firearm or firearms, or ammunition for firearms or reloading components thereof, being secured so as to cause them to be inaccessible without the assistance of authorized sales personnel of the retailer. (Ord. 16975 §1; April 29, 1996).

9.36.030 Report of Sale of Firearms.

Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon. (Ord. 15625 §3; July 9, 1990: P.C. §9.28.025: Ord. 15443 §1; February 20, 1990: prior Ord. 7936 §1; December 26, 1962).

9.36.040 Unlawful to Sell or Possess Switch-Blade Knife.

It shall be unlawful for any person to sell, give away, or furnish to another person any switch-blade knife; and it shall be unlawful for any person to have in his or her possession, custody, or control any switch-blade knife. (Ord. 15625 §4; July 9, 1990: P.C. §9.28.030: Ord. 3489 §9-101.1, as amended by Ord. 6284; February 20, 1956).

9.36.050 Discharge of Weapons and Other Instruments Unlawful.

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits, any air rifle, toy pistol, toy gun, slingshot, or any other air, gas, or spring operated gun, weapon, apparatus, or instrument for the purpose of throwing or projecting missiles of any kind by any means whatsoever in such a manner as to endanger the safety of persons or property, whether the instrument is called by any name set forth above or by any other name. (Ord. 15625 §5; July 9, 1990: P.C. §9.28.040: Ord. 9382 §2; January 22, 1968: prior Ord. 3489 §9-103; July 6, 1936).

9.36.060 Toy Guns or Slingshots That Discharge Dangerous Missiles Not to be Carried.

It shall be unlawful for any person to carry about his or her person any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of or by which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §6; July 9, 1990: P.C. §9.28.050: Ord. 3489 §9-104; July 6, 1936).

9.36.070 Minors Not to be Furnished With Toy Guns or Slingshots That Discharge Missiles.

It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor, to purchase for or give to any such minor or knowingly to permit any such minor to have any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §7; July 9, 1990: P.C. §9.28.060: Ord. 3489 §9-105; July 6, 1936).

9.36.080 Exemptions.

The provisions of Sections 9.36.010 and 9.36.050 shall not apply to (a) licensed shooting galleries or archeries; (b) any range operated, supervised, and maintained by the United States of America, the State of Nebraska, or any governmental subdivision thereof, when in connection with an educational or training program and upon property owned or leased by the United States of America, the State of Nebraska, or subdivision or agency thereof; (c) a private building within which the instrument is fired, discharged, or operated in the private building in such a manner as to prevent the missile projected from traversing in the space outside of the private building; (d) any law enforcement officer in the performance of such officer's duties; (e) any agent or employee of a political subdivision engaged in controlling the bird or animal population on property owned, leased, or controlled by such political subdivision when authorized by such political subdivision for the protection of the public health, safety, or welfare; and (f) any City recognized homeowner association, located in a flight pattern designated by the Lincoln Airport Authority and in need of bird control, may engage in nonlethal means of controlling the bird population on property owned, leased or controlled by the homeowner association when authorized by the City of Lincoln and while under the supervision of the Nebraska Game & Parks Commission for the protection of the public health, safety, or welfare. The Lincoln Airport Authority must file with the City Clerk a copy of the flight patterns and areas in which control of the bird population is necessary. (Ord. 18110 §1; December 9, 2002: prior Ord. 17377 §1; July 13, 1998: Ord. 15625 §8; July 9, 1990: P.C. §9.28.130: Ord. 9382 §3; January 22, 1968: Ord. 3489 §9-112, as amended by Ord. 4382; March 8, 1943).

9.36.090 Transporting Explosives; Port of Entry; Routes; Penalty.

It shall be unlawful for any person, firm, or corporation to convey, or transport through any street, avenue, alley, or other public place within the city, any dynamite, nitro-glycerine, gunpowder, guncotton, TNT, or any other explosive material, including fireworks of every nature or description, without first having stopped at a port of entry hereinafter designated, and having notified the Police Department of the city of their intention to move said vehicle within or through the city and requesting a police escort. Such vehicle, or vehicles, shall follow such route, or routes, as may be designated to them by such police escort. The City Council shall, by resolution, designate ports of entry at which all such vehicles shall stop. (Ord. 15625 §9; July 9, 1990: P.C. §9.28.150: Ord. 5633 §§ 1,2; October 21, 1953).

9.36.100 Unlawful Possession of Firearms.

It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years: Stalking in violation of *Neb. Rev. Stat.* § 28-311.03 or any other comparable or similar state statute from another state; Violation of a protection order as set forth in *Neb. Rev. Stat.* § 42-924 or Violation of a foreign protection order as set forth in *Neb. Rev. Stat.* § 42-931; False imprisonment in the second degree in violation of *Neb. Rev. Stat.* § 28-315; Sexual assault in the third degree in violation of *Neb. Rev. Stat.* § 28-320; Impersonating a peace officer in violation of *Neb. Rev. Stat.* § 28-610; or, Impersonating police officer in violation of Lincoln Municipal Code § 9.08.060; Debauching a Minor in violation of *Neb. Rev. Stat.* § 28-805; Obstructing government operations in violation of *Neb. Rev. Stat.* § 28-901; Resisting arrest in violation of *Neb. Rev. Stat.* § 28-904; Resisting officer in violation of Lincoln Municipal Code § 9.08.030; Obstructing a peace officer in violation of *Neb. Rev. Stat.* § 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal Code § 9.08.020;

Carrying concealed weapon in violation of *Neb. Rev. Stat.* § 28-1202; Criminal child enticement in violation of *Neb. Rev. Stat.* § 28-311; Implements for escape in violation of *Neb. Rev. Stat.* § 28-913; Unlawful possession of explosives, second degree in violation of *Neb. Rev. Stat.* § 28-1216; Use of explosives without a permit in violation of *Neb. Rev. Stat.* § 28-1218; Concealing the death of another person in violation of *Neb. Rev. Stat.* § 28-1302; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code § 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code 9.36.010; and Criminal attempt (where the crime attempted is a felony or any of the above Nebraska State Statute misdemeanor violations) in violation of *Neb. Rev. Stat.* § 28-201.

The provisions of this section shall not apply to (a) the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (b) a peace officer as defined by *Neb. Rev. Stat.* § 28-109(14). (Ord. 18158 §1; April 7, 2003).

9.36.110 Firearms in Unattended Motor Vehicle; Unlawful.

It shall be unlawful for any person to keep a firearm in an unattended motor vehicle for a period in excess of twenty-four hours.

The provisions of this section shall not apply to members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or peace officers or other duly authorized law enforcement officers, nor shall it apply to vehicles containing firearms that are parked in locked enclosures or buildings, such as garages or other storage facilities. (Ord. 18158 §2; April 7, 2003).

9.36.120 Firearm; Defined.

For purposes of Sections 9.36.100 and 9.36.110 of the Lincoln Municipal Code, “firearm” shall mean any weapon which is designed to or may be readily converted to expel any projectile by action of an explosive or frame or receiver of any such weapon including, but not limited to, any pistol, revolver, shotgun, or rifle. (Ord. 18158 §3; April 7, 2003).

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Myths about Defensive Gun Use and Permissive Gun Carry Laws

Daniel Webster, ScD, MPH
Johns Hopkins University, Baltimore, MD
Jens Ludwig, PhD
Georgetown University, Washington, DC

© 2000
Berkeley Media
Studies Group
2140 Shattuck Ave.
Suite 804
Berkeley, CA 94704
510.204.9700
fax 510.204.9710
bmsg@bmsg.org

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Myths about Defensive Gun Use and Permissive Gun Carry Laws

In 1998, economist John Lott, Jr. published a book with the provocative title *More Guns, Less Crime*[1] in which he presents and interprets data to support his thesis that communities are safer when its residents are free of government restrictions on gun ownership and carrying. The book focuses primarily on two of his studies. The first, conducted with David Mustard, estimates the effects on crime attributable to state laws that allow virtually all eligible gun buyers to obtain a permit to carry a gun in public.[2] The second, conducted with William Landes, examines the effects of permissive gun carrying laws on mass shootings.[3] In each case, the authors conclude that permissive gun carrying laws result in substantial reductions in violent crime.

Another study that examines the benefits of gun ownership and carrying was conducted by Florida State University criminologists Gary Kleck and Marc Gertz,[4] and was designed to estimate the frequency with which would-be-victims of crime in the U.S. use guns to successfully defend themselves. Kleck and Gertz estimate that 2.5 million citizens use guns in self-defense each year in the U.S., a figure that exceeds the annual number of gun crimes committed (around 1 million, according to government victimization surveys).

Lott and Kleck, as well as pro-gun activists, have used these studies to argue that policies that could potentially make guns less available to citizens may cause violent crime to increase by preventing more defensive gun uses than gun crimes. This paper summarizes some of the key problems with these studies and the authors' interpretations of their findings.

Evidence That Permissive Gun Carrying Laws Reduce Violent Crime

Currently, 31 states have laws that require local law enforcement authorities to issue permits to carry concealed handguns to any adult applicant who does not have a felony conviction or a history of serious mental illness. Prior to the implementation of such laws, local police had discretion in issuing such permits. Because most police officers are nervous about the possibility that every traffic stop or drunk-and-disorderly might be armed, law enforcement officials in states that allow police discretion in the issuance of gun carrying permits had typically issued only a limited number of such permits.

The argument by Lott and other proponents of permissive gun-carrying laws is that if more people could legally carry guns in public spaces, the chances that criminal predators encounter well-armed would-be victims will increase. This heightened risk faced by potential attackers will in turn dissuade them from committing violent crimes in the future.

The potential costs of these laws come from the possible misuse of guns by those with concealed-carry permits, and the potential complications that such laws may pose for police efforts to prevent illegal gun carrying. Another cost from these laws comes from the possibility of an "arms race" between criminals and law-abiding citizens. Previous research suggests that this is a plausible concern. Currently, a full 75% of robbers do not use guns to commit their crimes.[5] If more potential victims start carrying handguns, those robbers who continue to perpetrate street muggings may be more likely to use guns to commit their crimes. When they do, these robbers may be more likely to shoot first and ask questions later in an attempt

[1] Lott JR Jr. *More Guns, Less Crime.* Chicago: University of Chicago Press, 1998.

[2] Lott JR Jr, Mustard D. Crime, deterrence and right-to-carry concealed handguns. *Journal of Legal Studies* 1997; 26:1–68.

[3] Lott JR Jr, Landes WM. Multiple-victim public shootings, bombings, and right-to-carry concealed handgun laws. University of Chicago Law School Working Paper, 1997.

[4] Kleck G, Gertz M. Armed resistance to crime: The prevalence and nature of self-defense with a gun. *Journal of Criminal Law and Criminology* 1995 (Fall); 86:150–187.

[5] Rennison CM. Criminal Victimization 1998: Changes 1997–98 with Trends 1993–98. (NCJ 176353) Bureau of Justice Statistics, U.S. Department of Justice, Washington D.C., July 1999.

to preempt an armed victim response. In fact, research by Philip Cook confirms that cities where more robbers use guns to commit their crimes also have higher robbery-murder rates.[6]

Since both positive and negative effects from these laws are in principle possible, what are the net effects on the overall rate of violent crime? The results of John Lott's research (or at least his interpretation of his findings) point one way, made clear by the book's title — *More Guns, Less Crime*. But, as we will demonstrate, the evidence that permissive gun carrying laws lead to substantial reductions in crime is shaky at best.

Much of Lott's book focuses on his and David Mustard's study that was designed to estimate the effects that permissive gun carrying laws had in the first 10 states that adopted them in the U.S. To estimate the impact of these laws, Lott analyzed data on crime trends from 1977 through 1992 for 3,054 counties across the U.S. His research approach was to identify the effects of permissive gun carrying laws by comparing changes in crime rates over time in states that adopted permissive concealed-carry laws with states that did not alter their usually more restrictive laws governing the issuing of permits to carrying concealed guns. These comparisons in trends statistically control for a number of differences across counties that may affect crime; for example, he controls for differences in the age, race, and income levels of populations. Some analyses also control for the presence of laws requiring waiting periods for handgun purchases and laws requiring mandatory minimum sentences for persons convicted of committing a violent crime with a gun.

The methods used in Lott's study are relatively sophisticated and, in some ways, are an improvement on previous evaluations of gun laws. But it is very difficult to derive valid estimates of the effects of 10 state gun laws due to the need to control for other factors that influence crime trends that may also be correlated with the passage of permissive gun carrying laws. The errors made in this study, several inconsistencies in the findings, the implausible estimates that are generated, and subsequent research on the effects of permissive gun carrying laws provide convincing evidence that Lott's methods do not adequately control for these other confounding factors.

We will not describe in detail all of the errors contained in *More Guns, Less Crime*. Readers are referred to the work of Professor Tim Lambert of the University of New South Wales for an extensive review of these errors, and our previous explanation of errors made in the classification of certain states' gun carrying laws.

Errors aside, the fundamental problem with Lott's research can be summarized by the old social science adage "correlation is not causation." Many variables may be related to one another yet not cause one another. For example, there is a significant association between a child's shoe size and the child's writing ability. But this correlation, of course, does not prove that large shoes improve writing ability.[7]

A similar inferential challenge lies at the heart of most policy evaluations, including Lott's study of the effects of permissive concealed-carry laws. If Florida has a lower crime rate than California, and Florida has a permissive concealed-carry law, can we conclude that the difference in crime rates is due to the gun-carrying legislation? In reality Florida and California differ along a number of dimensions, and attributing the difference in crime rates between the

[6] Cook PJ. "The effect of gun availability on robbery and robbery murder: A cross-section study of fifty cities." In *Policy Studies Review Annual, Volume 3*, RH Haveman and GG Zellner (eds.). Beverly Hills, CA: Sage, 1979.

[7] Kuzma JW. *Basic Statistics for the Health Sciences*. Mountain View, CA: Mayfield Publishing Company, 1984, page 159.

two states to any one factor is quite difficult. The obvious concern is that we will mistakenly attribute the difference in crime rates between Florida and California to the presence of a permissive concealed-carry law in the former, when in fact part or all of the difference will be due to other unmeasured differences across states. Lott does control for some differences between states that would explain some of the differences in crime rates. But he does not adequately control for many other factors that are almost surely relevant for a state's crime rate, including poverty, drugs (and in particular crack use and selling, which is widely thought to have been responsible for the dramatic increase in violent crime in America starting in the mid-1980's), gang activity, and police resources or strategies.

Lott tries to overcome this problem by comparing the *changes* in crime rates over time in states with versus without permissive concealed-carry laws. The idea is that unmeasured factors may cause California to have a higher crime rate than Florida, so focusing on the *change* in crime rates in Florida around the time of this state's gun-carrying law with the change observed in California around the same time will not be affected by the fact that California always has higher crime rates than Florida for reasons unrelated to the law. This research strategy assumes that the trend in crime rates in states like California and Florida would have been identical had Florida not enacted a permissive concealed-carry law.

But research by Dan Black at Syracuse University and Dan Nagin at Carnegie-Mellon show that: (1) states with permissive concealed-carry laws have violent crime trends that were different from other states even before the gun-carrying laws are enacted in that violence was increasing more in states the adopted permissive gun carrying laws than in other states in the years leading up to the permissive gun carrying law; and (2) the variables included in Lott's statistical models do a poor job of controlling for these differences in trends. As a result, differences in crime trends between states with and without permissive gun-carrying laws around the time of these laws cannot be attributed to the laws themselves, because all or part of the difference in trends around the time of the laws will be due to the unmeasured factors that caused the trends to be different before the laws went into effect. Crime trends in any particular area tend to be cyclical and regress to some long-term mean (average) after going up or down. Therefore, the reductions in violent crime observed after the introduction of permissive gun carrying laws may actually be simple regression to the mean, rather than the effects of the laws, as Lott suggests.

To his credit, Lott recognizes the potential problem with his crime-trend analysis. He attempts to remedy the problem in some of his analyses by using a more complicated statistical technique for identifying causal effects known as instrumental variables. Instrumental variables analyses are dependent on several crucial assumptions that may or may not hold in the crime data, though Lott presents none of the diagnostic tests that might help readers determine whether these assumptions are met. Instrumental variables require that the analyst identify a variable that is correlated with a state's gun carrying law, but is otherwise uncorrelated with differences across states in crime rates. One such variable that Lott uses is the proportion of a state's population that belongs to the National Rifle Association (NRA). While this variable is correlated with state concealed-carry laws, most people can recognize that

NRA representation within a state is likely to be correlated with crime rates for other reasons as well, since heavy NRA states are more likely than average to be rural and to support many other "tough on crime" measures. Lott uses other instrumental variables as well, though all of them have similar problems. In fact, the statistical problems with many of his instruments were discussed in a report issued on criminal deterrence by the National Academy of Sciences in 1978.[8]

Unlike most of the other findings that Lott describes in his book, he does not translate the results from the instrumental variable analyses into estimates of the percentage reduction in violent crime associated with the adoption of permissive gun carrying laws. When Lott's findings from these analyses are translated in this manner, the estimates suggest that enacting a permissive gun carrying law will, on average, reduce homicides by 67 percent, rapes by 65 percent, and assaults by 73 percent. If true, these results suggest that if every state in the union enacted a permissive gun carrying law, our murder rate would be reduced to levels not seen in this country since 1910, roughly similar to the rate currently observed in Finland. These implausibly large estimates of the laws' effects are strong evidence that Lott's efforts to address the problem with his crime trend comparisons was unsuccessful.

Lott's other study of the effects of permissive gun carrying laws on multiple-victim public shootings uses the same research approach at the study discussed above, and thus suffers from the same inferential problems. This study also produces estimates of the law effects that most would consider implausibly large — an 89% reduction in multiple-victim public shootings. One indicator of the implausibility of these estimates of the effects of permissive carry laws is Gary Kleck's skepticism that permissive gun carrying laws could produce the much more modest reductions in violent crime (usually 2%–8%) that Lott more commonly trumpets. Kleck (generator of implausibly large estimates of the number of successful defensive gun uses in the U.S.) states that Lott's conclusions that permissive gun carrying laws led to substantial reductions in violent crime

> ...could be challenged, in light of how modest the intervention was. The 1.3% of the population in places like Florida who obtained permits would represent at best only a slight increase in the share of potential crime victims who carry guns in public places. And if those who got permits were merely legitimating what they were already doing before the new laws, it would mean that there was no increase at all in carrying or in actual risks to criminals.... More likely, the declines in crime coinciding with relaxation of carry laws were largely attributable to other factors not controlled in the Lott and Mustard analysis.[9]

Indeed, a subsequent survey of new permit holders in North Carolina indicates that most had been taking a gun outside the home, in their vehicles, or on their person prior to obtaining the permit with little or no increased frequency in carrying after obtaining the permit.[10]

The study that Lott references to argue that permit holders are rarely arrested for crimes of violence also indicates that permit holders very rarely successfully use a gun to ward off a criminal attacker. This study examined data collected by the Dade County, Florida police dur-

[8] Blumstein A, Cohen J, Nagin D. Eds. *Deterrence in Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates.* Washington, DC: National Academy Press, 1978.

[9] Kleck G. *Targeting Guns: Firearms and Their Control.* New York: Aldine de Gruyter, 1997.

[10] Robuck-Mangum G. "Concealed Weapon Permit Holders in North Carolina: A Descriptive Study of Handgun Carrying Behaviors." Unpublished Master's Thesis, University of North Carolina — Chapel Hill, School of Public Health, 1997.

ing the first five years after Florida's permissive gun carrying law went into effect. During this period there were only three incidents in which a permit holder successfully used a gun in defense against a criminal attack outside the permit-holder's home.[11] [12] Considering that about 100,000 violent crimes were reported to Dade County police during the five-year study period, it is hard to argue that criminals are likely to have noticed a significant change in their risk of facing a victim armed with a gun.

Another way to assess whether the decreases in violent crime that Lott finds are associated with permissive gun carrying laws are actually attributable to the laws and not to unmeasured confounding factors is to see if the crime reductions are most pronounced for robberies than for other types of crimes because robberies are most likely to be committed against strangers in public places. But Lott's own research indicates that the violent crime category for which permissive gun carrying law effects were weakest (and often nonexistent) was robbery. Because even permissive gun carrying laws do not allow juveniles to legally carry guns, one should see greater reductions for victimizations of adults than of juveniles. Again, Lott's research as well as subsequent research[13] indicates that permissive gun carrying laws were not associated with greater reductions in murders of adults than of murders of juveniles.

The Myth of 2.5 Million Defensive Gun Uses Per Year

Kleck and Gertz's claim of 2.5 million defensive gun uses per year is derived from a telephone survey of 5,000 American adults conducted in 1992. Fifty-six respondents to this survey reported that they had used a gun in self-defense during the past year. Kleck and Gertz multiply the proportion of respondents in their survey who report a defensive gun use (X / 5,000 = Y percent) by the number of adults in the U.S. (around 200 million) and the number of defensive gun uses equals 2.5 million per year. They estimate that in 670,000 of these incidents the would-be victims used guns when they were away from their homes.

Many people are amazed that projections about national phenomena can be made based on a telephone survey of a few thousand adults. While many surveys of this type can provide useful information about national phenomena, in this particular case the public's skepticism is warranted. The primary problem is that, even if the Kleck and Gertz's estimates were accurate, defensive gun use is a relatively rare occurrence in that only 1% of respondents reported a defensive gun use during the previous 12 months. As David Hemenway of Harvard University has pointed out, inaccurate reporting of these events by a relatively small number of respondents could lead to population projections that are orders of magnitude different from the true incidence.[14] For example, if one-half of one percent of the survey respondents incorrectly reported that they had used a gun to defend themselves against a criminal attack during the past year, the estimated number of defensive gun uses would be twice as high the true number.

There are many reasons that respondents' reports of defensive gun use might be exaggerated. In some cases, respondents may have misjudged the level of danger they faced when they drew their gun. Survey researchers are also familiar with two types of response bias, "telescoping" and social desirability bias, that could lead to an overstated incidence of

[11] There were also three incidents in which permit holders unsuccessfully attempted to use a gun in defense against a criminal attack outside the home, including one case in which a robber took the permit holder's gun away.

[12] Data cited in: Cramer CE, Kopel DB. Shall issue: The new wave of concealed handgun permit laws. *Tennessee Law Review*, 1995; 62:679–758.

[13] Ludwig J. Concealed-gun-carrying laws and violent crime — evidence from state panel data. *International Review of Law and Economics*, 1998; 18:239–254.

[14] Hemenway D. Survey research and self-defense gun use: An explanation of extreme overestimates. *Journal of Criminal Law and Criminology* 1998.

reported events such as defensive gun use. Telescoping refers to the tendency of respondents to report that salient events such as a crime victimization or a defensive gun use occurred more recently than was the case. Evidence that the Kleck-Gertz survey respondents are telescoping their recollections of their crime victimizations comes from the estimated number of robbery victimizations it produces that is nearly five times as high as the estimate derived from the National Crime Victimization Survey (NCVS). The NCVS minimizes telescoping by using shorter recall periods and a panel design that re-surveys respondents multiple times over a three-year period.

Social desirability bias refers to the tendency of respondents to over-report their actions they believe others would find admirable such as an heroic act to defend oneself or others against a criminal. There is no way to definitively determine the degree to which social desirability bias may have influenced the Kleck-Gertz estimates of defensive gun use. However, it seems likely that the nearly half of the respondents reporting defensive gun uses who indicated that they believe their defensive gun use saved their life or the life of someone else probably thought of their actions as heroic. Such incidents are regularly reported in *American Rifleman*, a monthly magazine distributed to all members of the National Rifle Association, in a manner that unequivocally portrays the incidents as heroic acts.

Given these possible sources of error, it is not surprising that surveys sometimes produce quite puzzling results. For example, in his discussion of the pitfalls of using the Kleck-Gertz survey to make population projections about the incidence of defensive gun use, David Hemenway of Harvard University cites a 1994 phone survey of 1,500 adults living in the U.S. Six percent of the respondents to this survey reported having had personal contact with aliens from another planet. This six percent could be explained, in part, by the series of questions that led up to question about contact with aliens that set up the respondent to expect that the interviewer was hoping for some alien-contact answers. In addition, some small yet non-negligible percentage of survey respondents could be expected to have mental conditions that impair their perceptions and lead them to report defensive gun incidents that did not actually happen.

Not surprisingly, the combined effects of these problems can produce population estimates that are grossly out of line with other measures of violent crime. For example, the Kleck-Gertz projection for the number of assailants wounded by armed citizens in 1992 is more than twice as high as the estimate from another study of the *total* number of people treated for gunshot wounds in a nationally representative sample of hospitals in 1994. Finally, the Kleck-Gertz survey data suggest that, in serious crimes, the victim was four times more likely than the offender to have and use a gun, a highly implausible finding given the much higher rate of gun carrying among criminals compared with other citizens.

A Re-evaluation of the Science on Guns and Violent Crime is Not Warranted

The idea that the availability of guns increased the lethality of violent crime was first established by a 1968 study of crime in Chicago by Franklin Zimring, currently a law professor at the University of California at Berkeley. Zimring showed that most homicides and other assaults stem from arguments between people, rather than premeditated gangland-style executions. In addition, he found that assaults with a firearm were much more lethal than those in which the attacker uses a knife, even though the circumstances of gun and knife attacks closely resemble each other in most respects.[15] If the number of wounds inflicted is a reflection of the attackers' homicidal intentions, assailants using knives actually demonstrated greater intent to kill their victims than did the assailants who used guns. A similar conclusion was reached when Duke University professor Philip Cook compared gun and non-gun robberies in a series of studies during the '70's and '80's.[6, 16, 17] The implication is that more guns mean more death, and policies that can keep guns from violence-prone individuals should reduce the number of homicides.

In addition to increasing the lethality of violent acts against individuals, guns enhance assailants ability to, within seconds, wound or kill many people, including children and other innocent by-standers. It is no surprise that incidents in which assailants seriously injure or kill many people with weapons other than firearms are quite rare in the U.S. where firearms are so plentiful.

As a result, policy makers and researchers have struggled to identify ways to keep guns away from those who are most likely to misuse them, while preserving access to guns for most law-abiding adults. Among the gun control measures that are designed to reduce the availability of guns to potentially dangerous individuals include regulations that require background checks to screen eligible from ineligible buyers, registration of firearms, licensing of firearm owners, and restrictions on the number of firearms that can be legally purchased. Most of these measures have not be adequately evaluated, however, there is some evidence that background checks requirements for handgun sales have some effect in reducing violent behavior by convicted felons. Policy makers have also sought to regulate gun design with the objective of minimizing public health costs associated with gun misuse. Examples of this approach include bans on guns with fully-automatic firing mechanisms and proposals to require all new handguns to come equipped with devices that prevent unauthorized use. There is also evidence that restrictions on carrying of guns in public places, particularly in high-risk settings and often with stepped-up enforcement, can significantly reduce gun violence.[18, 19]

Although research by John Lott and Gary Kleck has challenged the prevailing view that gun regulations can reduce lethal crimes, the many limitations of Lott's and Kleck's research indicate that there is no reason to move from view of guns and violence backed by research in previous decades. Until proven otherwise, the best science indicates that more guns will lead to more deaths.

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[18] Sherman LW, Shaw JW, Rogan DP. *The Kansas City gun experiment*. National Institute of Justice Research in Brief. Washington, D.C.: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice, January 1995.

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POLICE OFFICER COMPARISON

CITIES IN ORDER OF VIOLENT CRIME PER 100,000 POPULAITON

Populations from 187,000 to 287,000

2004 FBI Uniform Crimes Reports

Rank	City by state	Population	Violent crime	Violent crime per 100,000	Murder	Forcible rape	Robbery	Aggravated assault	Property crime	Property crime per 100,000	Burglary	Larceny-theft	Motor vehicle theft	Arson	Police officers	Police officers per 1,000
1	Orlando, TX	203,764	3,562	1,748	17	174	962	2,409	16,872	8,280	3,601	11,292	1,979	40	667	3.27
2	St. Petersburg, FL	253,111	4,051	1,600	19	128	1,033	2,871	17,274	6,825	3,824	10,839	2,611	101	511	2.02
3	Richmond, VA	196,667	2,700	1,373	93	101	1,343	1,163	13,089	6,655	2,731	7,982	2,376	94	678	3.45
4	Birmingham, AL	238,167	3,261	1,369	59	240	1,369	1,593	19,477	8,178	5,156	11,970	2,351	142	838	3.52
5	Stockton, CA	274,598	3,700	1,347	40	108	1,187	2,365	18,405	6,703	3,067	11,023	4,315	65	381	1.39
6	San Bernardino, CA	197,611	2,635	1,333	50	96	959	1,530	11,299	5,718	2,543	5,508	3,248	91	289	1.46
7	Buffalo, NY	285,567	3,804	1,332	51	212	1,485	2,056	16,252	5,691	3,914	9,929	2,409		807	2.83
8	Jersey City, NJ	240,773	2,894	1,202	23	71	1,418	1,382	8,217	3,413	2,044	4,445	1,728	54	813	3.38
9	Shreveport, LA	199,221	2,178	1,093	33	135	690	1,320	14,615	7,336	3,307	9,862	1,446	169	532	2.67
10	Baton Rouge, LA	226,063	2,444	1,081	47	79	906	1,412	15,420	6,821	4,036	9,822	1,562	179	589	2.61
11	Lubbock, TX	209,949	2,200	1,048	16	96	310	1,778	12,868	6,129	2,678	9,494	696	40	304	1.45
12	Grand Rapids, MI	196,234	2,034	1,037	12	83	562	1,377	9,425	4,803	2,155	6,531	739	107	333	1.70
13	Newark, NJ	279,857	2,867	1,024	84	73	1,345	1,365	13,199	4,716	2,159	5,252	5,788	177	1,282	4.58
14	Tacoma, WA	199,112	2,026	1,018	13	175	724	1,114	16,580	8,327	2,997	10,361	3,222	97	359	1.80
15	St. Paul, MN	282,709	2,408	852	20	219	678	1,491	13,036	4,611	3,210	7,882	1,944	223	543	1.92
16	Rochester, NY	215,507	1,782	827	36	91	934	721	15,458	7,173	2,721	9,551	3,186	269	673	3.12
17	Anchorage, AK	273,714	2,164	791	15	263	331	1,555	9,901	3,617	1,523	7,354	1,024	82	346	1.26
18	Winston-Salem, NC	193,331	1,512	782	21	96	537	858	12,357	6,392	3,546	7,728	1,083	58	463	2.39
19	Durham, NC	201,537	1,561	775	30	91	814	626	12,235	6,071	3,249	8,040	946	51	412	2.04
20	Greensboro, NC	232,761	1,711	735	14	104	802	791	13,754	5,909	3,441	9,232	1,081		528	2.27
21	Reno, NV	201,981	1,480	733	9	112	464	895	10,154	5,027	1,713	6,884	1,557	50	344	1.70
22	Bakersfield, CA	274,162	1,948	711	23	56	527	1,342	15,075	5,499	3,023	9,807	2,245	179	292	1.07
23	Corpus Christi, TX	283,898	1,996	703	25	214	531	1,226	19,940	7,024	3,985	14,893	1,062	124	421	1.48
24	Montgomery, AL	201,432	1,330	660	25	108	623	574	13,757	6,830	3,734	8,777	1,246		482	2.39
25	Riverside, CA	284,762	1,777	624	17	90	563	1,107	12,497	4,389	2,372	7,608	2,517	214	363	1.27
26	Modesto, CA	209,258	1,291	617	19	67	395	810	14,372	6,868	1,857	9,623	2,892	100	262	1.25
27	Spokane, WA	198,944	1,207	607	8	90	310	799	17,961	9,028	3,368	12,763	1,830	57	293	1.47
28	Glendale, AZ	239,640	1,406	587	18	101	446	841	13,595	5,673	2,588	7,240	3,767	58	331	1.38
29	Hialeah, FL	231,431	1,354	585	12	46	385	911	9,834	4,249	1,699	6,314	1,821	36	351	1.52
30	Akron, OH	212,646	1,243	585	13	175	605	450	12,686	5,966	3,248	7,915	1,523	84	477	2.24
31	Norfolk, VA	244,132	1,342	550	35	82	684	541	12,548	5,140	1,474	9,846	1,228	47	769	3.15
32	Laredo, TX	200,805	1,088	542	15	52	220	801	13,397	6,672	2,064	10,304	1,029	100	307	1.53
33	**Lincoln, NE**	**236,667**	**1,236**	**522**	**6**	**131**	**193**	**906**	**13,160**	**5,561**	**1,899**	**10,826**	**435**	**21**	**317**	**1.34**
34	Chesapeake, VA	212,932	1,099	516	12	61	292	734	7,673	3,603	1,288	5,763	622	24	340	1.60
35	Lexington, KY	268,618	1,306	486	24	140	574	568	10,204	3,799	2,224	7,207	773	30	507	1.89
36	Columbus, GA	188,261	904	480	25	30	395	454	12,521	6,651	2,297	8,740	1,484	69	360	1.91
37	Yonkers, NY	197,768	942	476	15	23	457	447	3,732	1,887	713	2,342	677	37	610	3.08
38	Mobile, AL	250,593	1,170	467	27	125	673	345	16,417	6,551	3,844	11,270	1,303	129	536	2.14
39	Chula Vista, CA	201,356	838	416	15	50	296	477	7,214	3,583	1,184	3,987	2,043	39	215	1.07
40	Irving, TX	197,721	815	412	10	52	249	504	10,030	5,073	1,535	7,222	1,273	43	309	1.56
41	Boise, ID	193,864	745	384	0	125	80	540	7,293	3,762	1,232	5,532	529	70	268	1.38
42	Madison, WI	219,898	842	383	3	94	292	453	7,279	3,310	1,450	5,268	561	83	390	1.77

43	Chandler, AZ	217,471	716	329	3	52	135	526	9,562	4,397	1,535	6,490	1,537	44	294	1.35
44	Fort Wayne, IN	220,980	657	297	22	96	305	234	10,863	4,916	2,073	7,989	801	97	412	1.86
45	Plano, TX	246,056	649	264	5	45	141	458	8,603	3,496	1,346	6,716	541	38	314	1.28
46	Garland, TX	221,689	561	253	6	43	217	295	9,282	4,187	2,052	6,463	767	36	311	1.40
47	Fremont, CA	206,884	454	219	5	24	165	260	5,723	2,766	939	3,903	881	21	192	0.93
48	Huntington Beach,	196,489	421	214	6	42	109	264	4,472	2,276	858	3,096	518	45	200	1.02
49	Scottsdale, AZ	224,357	468	209	4	63	132	269	8,998	4,011	2,087	5,593	1,318	32	367	1.64
50	Henderson, NV	223,827	455	203	7	59	128	261	6,476	2,893	1,677	3,423	1,376	82	299	1.34
51	Glendale, CA	202,812	270	133	5	11	133	121	3,817	1,882	737	2,419	661	38	246	1.21
	Average	225,717	1,637	716	22	100	571	945	11,939	5,289	2,431	7,849	1,658	85	442	2

Lawful Concealed Firearms Carry in Lincoln?

Perceptions and Opinions of Lincoln's Police Officers and Citizens

Final Research Project
Soc 807
Spring 2003

Jim Davidsaver

Lawful Concealed Firearms Carry in Lincoln?

Perceptions and Opinions of Lincoln's Police Officers and Citizens

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SOC 807

Final Research Project

Introduction

Within the past 15 years, much attention has been given to a citizen's 2nd Amendment right to possess and bear arms. More specifically and more controversial, the question of a citizen's right to carry a concealed firearm has been raised and addressed by several states and smaller political subdivisions. Currently, thirty-one states have laws permitting lawful concealed carry of firearms and another fourteen states provide local discretion whether to allow concealed carry. (Lott & Mustard. 1997. p. 4). This issue has been considered several times during the past few years by Nebraska's Unicameral. During the current 2003 legislative session, State Senator Gene Tyson introduced a bill, LB 265, to allow lawful carry of concealed firearms in Nebraska. (Legislature of Nebraska, 98th Legislature. 2003). A draft copy is attached as ***Appendix H***.

In 1997, John Lott and David Mustard published the benchmark study regarding lawful concealed carry of firearms. Using cross-sectional time series data for United States counties from 1977 to 1992, the researchers determined that allowing citizens to carry concealed firearms deterred violent crime without increasing accidental deaths. (Lott & Mustard. 1997. p. 1).

Current Nebraska State law [28-1202] prohibits carry of concealed weapons with an affirmative defense option offered to those who are carrying a concealed firearm when "a prudent person" would do so "for the defense of his or her person, property, or family". (Lexis. 2000. p.159).

The researcher in this project is a part-time graduate student working toward a Master's Degree in UNL's College of Architecture's Community and Regional Planning program and has worked as a Lincoln Police officer since September, 1986.

This project used a mixed-method research strategy to target the thoughts and perceptions of Lincoln Police officers and citizens to determine if they think people in Lincoln should be allowed to lawfully carry concealed firearms.

The two key research questions for this study are:

1. Should citizens in Lincoln be allowed to obtain a permit to carry a concealed firearm?
2. Would allowing lawful carry of concealed weapons deter crime in Lincoln?

To answer these questions, data have been collected from several sources. These include quantitative data from survey results of Lincoln police officers, statistics from the FBI's Uniform Crime report for the city of Lincoln for the past ten years (1993-2002) and a list of states allowing lawful concealed firearm carry. The qualitative data was collected from focus groups of experienced Lincoln police officers; Lincoln police recruit officers and Lincoln citizens.

This paper is divided into three sections. The first presents background information on the mixed-method theory and research strategy and explains why the focus group technique was selected to complement the quantitative survey data. The second section outlines the findings of the three focus group discussions. The final section provides analysis of these findings concluding with recommended uses for this information.

Theory and Research Methodology

A mixed-method research strategy is one that combines quantitative and qualitative approaches to carry out the research process (Tashakkori. 1998. p. 19). This strategy is also referred to as triangulation because it deals with information received from more than one point of reference. Gathering information on the same topic from several different vistas allows the researcher to achieve a more comprehensive understanding than is possible with a single method research approach (Gaber & Gaber. 1997. p. 95).

To gather the necessary quantitative data for this project, the survey method was chosen. A properly conducted survey allows the researcher to obtain information from a representative sample of respondents to describe the characteristics of a population of hundreds, thousands or even millions of people (Salant & Dillman. 1994. p. 4).

During the Spring 2001 semester, Lincoln police officers were surveyed for a project in a quantitative research methods class. This survey polled all officers to determine their perceptions of whether or not new laws or increased penalties for existing laws deter future crime in Lincoln. This ten-question survey gathered basic background demographic information on the respondents and used a Likert scale to measure their perceptions. A sample copy is attached as ***Appendix C***. The survey was delivered to 268 commissioned officers. One hundred and seventy-three (173) were completed and returned before the deadline for a 65% response rate. A copy of the survey results is attached as ***Appendix D***.

The two key research questions for this project were incorporated into the quantitative survey. Officers were overwhelmingly against Lincoln citizens being allowed to obtain a permit to carry a concealed firearm in Lincoln. The vast majority of respondents felt allowing lawful concealed carry would not deter future crime in Lincoln.

Survey Questions used as the Key Research Questions.	**SD**	**D**	**A**	**SA**	**NO**
Citizens in Lincoln should be allowed to obtain a permit to carry a concealed weapon.	69.0	15.8	5.3	5.8	4.1
Allowing lawful concealed firearms carry would deter violent crime in Lincoln.	63.4	25.0	7.0	2.3	2.3

Answers are expressed in percentages.
[SD-strongly disagree; D-disagree; A-agree; SA-strongly agree; NO-no opinion]

The goal of this research project is to determine the underlying reasons for the officers' perceptions regarding citizens lawfully carrying concealed firearms in Lincoln and to determine if Lincoln's citizens share these reasons. This goal can best be achieved through a qualitative research method. Quantitative methods reflect a specific measure of rate whereas qualitative methods seek to establish meaning rather than rate. (Reinharz. p. 6. 2002). Choices (objectives) available to achieve this qualitative goal include individual interviews and focus group discussions. While the use of individual interviews could be implemented to try to reach the desired goal, this method potentially suffers from over-involvement of the interviewer. If and when the interview subjects take a more or less passive role, they are less able and less likely to comment on areas they think are most important. (Krueger. 2000. p. 5).

A focus group can be defined as "people who possess certain characteristics and provide qualitative data in a focused discussion to help understand the topic of interest." (Krueger. 2000. p. 10). The dynamic exchange among the members of the group gives focus groups their special characteristic and strength as a research method. "The hallmark of a focus group is the explicit use of the group interaction to produce data and insights that would be less accessible without the interaction found in the groups." (Morrison. 1998. p. 168). Focus groups also foster discussion to assist the group in defining issues or determining a collective stance on a topic. (Cortazzi. p. 387. 2002). For this project, the use of a focus group is a viable choice to determine the perceptions of Lincoln police officers and citizens as well as the underlying reasons for the answers to the key research questions.

Each focus group discussion started with an overview of this project and a brief review of the survey project without mentioning the specific results. The same interview guide (***Appendix***

A) was used for all three focus groups. Each group had access to the same information. This included Lincoln's crime and arrest statistics for the past ten years (1993-2002) (***Appendix B***); a copy of Nebraska's current law prohibiting concealed weapons (***Appendix E***); a list of the thirty-one states that allow lawful concealed firearm carry (***Appendix F***); and the abstract from the Lott and Mustard study (***Appendix G***).

The Focus Groups

Group #1: Experienced Officers

The first focus group discussion was conducted after a monthly Lincoln Police Union meeting. Volunteers were solicited from meeting attendees. They were furnished with Lamar's doughnuts for participating in the group discussion. The six participants were commissioned Lincoln police officers (3-sergeants, 2-patrol officers and 1-investigator) representing four of the city's five patrol areas and the criminal investigations unit. All three shifts (days, evenings and nights) were represented. All participants were white. Four were male and two were female. The six have a combined 78 years of law enforcement experience ranging from a high of 25 years to a low of 4 years.

The discussion was initiated with the general question of whether or not new laws or increased penalties for existing laws deter future criminal activity. The consensus among the group was new laws and/or stiffer penalties do not deter crime. Members described how patrol officers deal with petty criminals on a daily basis. Many of these people belong to Lincoln's "criminal subculture" comprised of repeat offenders with extensive criminal histories and other socioeconomic problems such as lack of formal education, unemployment and substance abuse. Officers know these petty criminals are well acquainted with the criminal justice system and know even if they are arrested and charged, the likelihood of being prosecuted and punished to

the full extent of law for all their crimes is very, very slim. One focus group member commented, “These people aren’t afraid of the law. They know how to use and abuse the system.”

Lincoln criminals who commit more serious and/or violent crimes are not deterred either. They feel the chances of being arrested, charged, convicted and incarcerated are slight. Even if they are caught and punished, they view it as a “cost of doing business” that is worth the risk when they consider the benefits of their crimes. “Doing time” means the criminal can further take advantage of society by having the state pick up the cost for the criminal’s education, job training and substance abuse treatment.

With the appendix information in hand, participants were asked whether citizens in Lincoln should be allowed to lawfully carry a concealed firearm. The discussion centered around two main themes: need and responsibility. Citing personal job experience, group members felt there is little need for citizens to arm themselves. One mentioned Lincoln is consistent with the country as a whole in that serious Part I crimes have decreased over recent years even though the city continues to grow each year both in area and population. Part of the “need” to carry a concealed firearm is dependent on the subjective measure of “fear” in the city. Again citing years of experience policing the streets of Lincoln, participants felt the “average, law-abiding citizen” has little chance being the victim of a violent crime and thus has very little to fear. With little tangible need to carry a gun and a low level of real “fear”, citizens should not be allowed to lawfully carry a concealed firearm.

The other theme participants keyed on was responsibility. Group members questioned whether or not citizens could or would appreciate the full responsibility of carrying a concealed firearm. Commissioned police officers required to maintain proficiency with a handgun know

how much time and effort it takes. They are also intimately aware of the personal and professional liability they face even if a shooting is completely justified. Group members mentioned a law-abiding citizen may fully qualify to carry a concealed firearm but as one member said, “The fact he is carrying a gun adds some danger and liability to everything he does.” Others mentioned that when more guns are readily being carried or otherwise transported, it increases the chance they would fall into unauthorized hands including criminals and children. There is a real chance that during a critical incident, the gun may be used against the lawful gun owner. There is also an increased opportunity for accidental discharges resulting in injury or death to an unintended victim. One participant summarized this portion of the discussion to a “protection versus liability” question. Consensus among the group members was that the liability involved in carrying a concealed firearm greatly outweighs the protection it offers.

As a follow-up to the responsibility issue, participants were asked how their jobs would change if lawful concealed carry was permitted. All agreed police work would be inherently more dangerous. “Rather than one gun, mine, being involved in everything I do, I must now assume there are at least two guns involved,” said one group member. From a more bureaucratic view, if concealed carry were permitted, some agency within the criminal justice system, most likely the police or sheriff, would be responsible for receiving, processing, issuing and administering the concealed carry permits. This added task would burden an already overloaded system and take further resources away from the department’s true mission of fighting crime.

For consideration and comparison, the group participants reviewed the list of states currently allowing concealed firearm carry. One officer’s comment accurately summed up the group’s view. “I’m a cop in Lincoln. The fact that other states allow concealed carry does not effect how I do my job here.”

Another topical issue mentioned during this portion of the discussion was the recent terrorist attacks in America and unrest in the Middle East. Members agreed these horrific and tragic events raised the consciousness level of all Americans. But, it would not be an appropriate response or reaction to these attacks to allow concealed carry in Lincoln.

The second key research question asked participants to consider if lawful concealed carry of firearms in Lincoln would deter future crime. The group's consensus was consistent with their earlier view of the deterrent effect of new laws and stiffer penalties. They felt concealed carry would not deter future crime. Participants said Lincoln's petty criminals make their living by avoiding direct contact with their victims. These crooks only break into cars and houses when they can do so without interruption. One group member mentioned a law-abiding citizen might even increase his chance of being victimized if it is known he owns guns, especially handguns. They are a valuable commodity in Lincoln's "black market" and thus often targeted by thieves. Another participant noted not only would concealed carry not deter criminals, it may cause criminals to arm themselves when they otherwise would not.

When the Nebraska statute for concealed weapons carry [28-1202] was mentioned, all were familiar with it. One group member said, "The current law is adequate." This was echoed by others in the group who felt that those who have a legitimate reason and need to carry a concealed firearm could do so under this law. Another member added there is no state law permitting an off-duty law enforcement officer to carry a concealed firearm. Those who do, do so under 28-1202.

The focus group discussion was concluded with a brief review of the Lott & Mustard study and its major finding that allowing citizens to carry concealed weapons deterred violent crime without increasing the number of accidental deaths. Reaction and discussion was

consistent with the earlier comments surrounding states that currently allow lawful concealed carry. The focus group participants are concerned with policing Lincoln, Nebraska. While the group did not try to refute the study's conclusions, it was hesitant to accept the generalizability of these findings to Lincoln. Drawing on its collective 78 years of experience, the group still maintained lawful concealed firearm carry would not prevent or deter crime.

Focus Group #2: Police Recruits

The second focus group discussion was conducted in the Lincoln Police Department Academy classroom. The participants were the thirteen (13) recruit officers attending the department's academy. They were in the 14th week of the 19-week program. The participants ranged in age from 21 to 30 years old. One had prior experience as a police officer in another Midwestern state. Four others had previous experience as correctional officers. Eight attended college and four of those majored in criminal justice. The group was made up of eight males and five females. Twelve were white and one was African American

This recruit class did not participate in the original survey. The review of this survey did not mention the results to avoid effecting the recruits' perceptions. The discussion was initiated with the general question of whether or not new laws or increased penalties for existing laws deter future criminal activity. The consensus among participants was that new laws and increased penalties do have a deterrent effect on future crime. Group members thought people in general are responsible enough to recognize when the potential penalty for a crime increases and greatly outweighs the potential gain from the criminal act, people shy away from that illegal behavior.

With the available information from the appendices, participants were asked whether citizens in Lincoln should be allowed to lawfully carry concealed firearms. The group was divided on this question. Those in favor of lawful concealed carry claimed most people are

honest law-abiding people responsible enough to trust with this privilege. One member commented, “Law-abiding citizens are not part of the problem.” Citizens who pass all the qualifications and requirements for a concealed carry permit should be allowed to do so.

The other half of the group strongly disagreed with this position. Rather than focusing on individuals’ “responsibility”, this half considered one’s actual “need” to carry a concealed firearm in Lincoln. One supporter of this view commenting on current state statute said, “If I have a good reason, it sounds like state law allows me to carry a gun.” Others echoed this point and bolstered their argument pointing to the UCR statistics for the past ten years, which indicate a decrease in violent crime.

When asked how they thought their jobs as police officers would be affected by lawful concealed carry, the division between group members continued. The supporters believed law-abiding citizens carrying concealed firearms do not pose a threat to officers. One supporter took it a step further saying, "That means help could be that much closer,” referring to the immediate availability of citizen assistance during a lethal force encounter.

The other side balked at this idea and maintained allowing lawful concealed carry would inherently increase the risk and danger of daily police work. One participant mentioned the express purpose of a firearm is to cause harm and destruction. She said, “That means guns are ‘bad things’. As a police officer, I want to limit the number of ‘bad things’ that I have to deal with on the streets.” Another wondered about the negative consequences of having guns readily available when people act irrationally in the “heat of the moment”. More guns in circulation, even in law-abiding hands, mean more danger and risk for police officers.

When asked to review the list of states allowing legal concealed carry, the supporters commented if concealed carry works there, there is no reason to think it would not be successful

in Nebraska. The opposition again focused on need. “Lincoln is not a dangerous place. People don’t need to carry guns.” was the comment made by one opponent and echoed by the others.

Another topical issue mentioned was the September 11th terrorist attacks and potential war in the Middle East. All agreed these tragic events inspired reflection and raised every citizen’s consciousness, but it is a national phenomenon with no direct correlation to the concealed carry issue in Lincoln.

The second key research question asked participants to consider if lawful concealed firearms carry would deter future crime in Lincoln. Supporters said yes. Having more guns in the hands of law-abiding citizens will deter criminals from carrying out their illegal plans. One member summed the situation, “Knowing the ‘good guys’ are carrying guns will keep the ‘bad guys’ away.” Dissenters turned this comment back on the supporters alleging lawful concealed carry could actually turn out to be an aggravating circumstance. One postulated, “Criminals are criminals.” If a criminal thinks he’s likely to encounter an armed victim, he’s more apt to arm himself. This increases the potential danger for citizens and police officers alike.

Discussing the current state law for concealed weapons carry [28-1202]; the entire group agreed this law is adequate. Supporters of concealed carry thought the law is adequate but possibly vague and unclear since it only offers a very generic description of permissible concealed carry. Having a specific statute on lawful concealed carry would clear up any confusion created by the current law. Opponents of concealed carry adopted the “If it ain’t broke, don’t try and fix it” rule and maintained the current law is clearly adequate.

The focus group discussion was concluded with a brief review of the Lott & Mustard study and its major finding that allowing citizens to carry concealed weapons deterred violent crime without increasing the number of accidental deaths. Supporters among the group members

accepted the study results and used them to further their argument that lawful concealed carry in Lincoln would meet with success. Opponents were hesitant to accept the generalizability of the study's finding to Lincoln. While they had no specific grounds to refute the study's results, these members were not comfortable with them.

Focus Group #3: Citizens' Focus Group

The third focus group was held during a meeting of the Lincoln Police Department's Southeast Team Advisory Council meeting. The participants were the 8 citizen attendees at this meeting. The group was comprised of 7 women and 1 man. They represented a cross section of citizens from Southeast Lincoln and included business people, neighborhood association members, representatives from public health, safety and education and an attorney.

During the introduction to this group, the specific results of the survey were not mentioned to avoid impacting the attitudes and perceptions of the citizens. The discussion was initiated with the general question about whether new laws or increasing the penalties for existing laws deters future crime in Lincoln. Most of the group participants nodded yes and one of them commented, "I'd like to think so." Another added, "It depends. Education is the key." She explained that people have to know about the laws and penalties in order to comply with them. One participant mentioned, "Laws are for the criminals, not for law-abiding citizens," concluding that new laws and increased penalties do not have a deterrent effect since "Crooks are crooks."

In response to the first major question, the group was against allowing permits for lawful concealed carry. While most were shaking their heads and saying, "No," others commented "It's not a good idea," and "There's no reason." When asked whether lawful concealed carry would make them feel safer, again the consensus was no. One participant said more guns would most

likely increase danger and decrease safety. Another added there would probably be more firearm-related accidents and more crimes "in the heat of the moment" since more guns would be readily available.

When asked if their opinions were affected by the number of other states that allow lawful concealed carry, the group's reaction can be summed up by one simple comment, "It doesn't matter. What they do doesn't affect life in Lincoln." Along the same line of reasoning, the group did not think the tragic events of September 11th or the specter of war with Iraq had any direct connection to allowing lawful concealed carry. One participant said if America was in a state of emergency due to foreign attacks that would be a reason for citizens to arm themselves. It was a minority opinion. The other group members did not agree with this idea.

In discussing the second major question of lawful concealed carry, the group did not think it would have much of a deterrent effect on future crime. One asked, "We don't have a lot of violent crime now, do we?" Another participant said the decrease in the general citizen's feeling of personal safety would outweigh any deterrent effect. The group also discussed the current Nebraska law on concealed carry. The attorney in the group said concealed weapons charges are usually very difficult to prosecute. On the other hand, most persons charged with carrying a concealed weapon are also facing other criminal charges. The weapons charge is usually a companion charge to other criminal charges because often times the weapons violation is not discovered until the subject in already in custody for those other charges. The common example she mentioned is a person arrested for possession of narcotics who is also carrying a gun.

Under current state law, the group wondered what constituted a "good reason" for carrying a concealed weapon. The attorney explained each case must be reviewed on its own merit and it's the prosecutor's decision whether or not to file charges.

The focus group concluded with a discussion of the Mustard and Lott study. All the group members were skeptical of the study's claim. One commented, "I'd like to see their study" to determine if it is statistically sound. Another member asked who would provide the necessary education to permit holders if LB 265 is adopted. None of the group members liked the fact that the legislative bill as currently drafted did not specify an education or training requirement before receiving a permit to carry a concealed firearm.

Analysis

The quantitative survey data painted a clear and convincing picture of Lincoln police officers' thoughts about the two key research questions. Nearly 85% of the officers disagreed or strongly disagreed with citizens being allowed to obtain permits to carry concealed firearms. More the 88% of officers disagreed or strongly disagreed with the statement that allowing lawful concealed carry would deter future crime in Lincoln.

The focus group discussions succeeded in identifying the underlying reasons for the officers' perceptions. Comparing the qualitative focus group data with the quantitative survey data, the focus groups addressed the survey respondents' majority and minority opinions for the key research questions. The focus groups of experienced officers and citizens and a portion of the recruit officers' group spoke strongly and clearly for the majority opinion that is against concealed carry and doubts lawful concealed carry would deter crime. Citing the tangible need, or lack thereof, to carry a concealed firearm versus the liability and added danger created by concealed carry, the majority felt the potential harm greatly outweighed the potential benefit.

They also saw this potential harm much greater than any positive deterrent offered by lawful concealed carry. These views are significant because they are contrary to the findings of the landmark Lott & Mustard study.

The other portion of the recruit officers' group voiced the minority opinion. The survey results indicate this opinion of allowing lawful concealed carry and its positive deterrent effect is held only by about 10% of the respondents. This minority view saw law-abiding citizens carrying concealed firearms as an asset rather than a threat to police and society. This view also held lawful concealed carry would prevent and deter future crime. The insight gained into the reasons underlying this opinion is valuable. The opportunity is rare simply because these feelings and perceptions are held by a scant minority of the Lincoln officers.

Conclusion

Results of this research project should be of interest to any group, political or otherwise motivated, contesting a law that would allow lawful concealed firearms carry. In recent years such legislation has been introduced in the Nebraska Legislature, but it has never received more than initial introductory discussion. Senator Tyson's LB 265 is still under consideration during the current 2003 legislative session. On the local level, these results send a clear and convincing message to Lincoln's citizens and politicians that the officers of the Lincoln Police Department do not favor permitting lawful concealed carry.

While it would be an inexact science at best to predict the generalizability of these research findings, the study could be easily reproduced with other target populations or in other venues. The 10-question survey can be readily administered to chosen populations and participants. Focus groups can be assembled and held utilizing this project's interview guide. From there, results from these other studies can be compared with the results of this study. An

interesting comparison could pit the police officers' survey results against survey results from Lincoln citizens. This same mixed-method research project could be administered to other police agencies in Nebraska and/or other states depending on the overall scope of the project. A significant follow-up study to the recruit officers' focus group would be to reconvene the same group in five years and hold the same discussion to determine how or if the officers' perceptions have changed after five years of practical police experience.

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Appendix A

SOC 807

Focus Group Discussion Guide

Introduction

Explanation of SOC 807 Research Project
Overview of CRP 840 Spring 2001 Survey Project

Interview Guide Questions

Introductory Discussion Question

Do new laws and increased penalties for existing laws deter future law violations in Lincoln?

Primary Research Questions

1. **Should citizens in Lincoln be allowed to lawfully carry concealed firearms?**

   Would you feel safer in Lincoln if citizens were allowed to lawfully carry concealed weapons?

   Does it matter to you which states allow concealed firearm carry?

   Have the events of September 11th and the pending threat of war with Iraq affected your thinking on this issue of concealed carry?

2. **Would allowing lawful concealed firearm carry deter future violent crime in Lincoln?**

   Consideration: Current Nebraska State Statute [28-1202] on concealed firearms carry.

Prior National Research Findings

Landmark Research Study: Lott and Mustard, 1997
Conclusion: Allowing citizens to carry concealed weapons deterred violent crime without increasing the number of accidental deaths.

What do you think?

Welcome to the Lincoln Police Department

FBI Part I Index Crimes in Lincoln, NE
1993 to 2002

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2001-2002	1993-2002
Murder	3	4	2	4	6	9	9	3	6	6	0.0%	100.0%
Rape	82	110	88	90	102	103	80	100	86	97	12.8%	18.3%
Robbery	122	178	123	140	147	172	161	141	151	177	17.2%	45.1%
Aggravated Assault	892	963	1,084	964	855	871	925	903	1,010	947	-6.2%	6.2%
Burglary	1,964	2,001	1,857	1,856	1,748	1,952	1,835	1,914	1,905	1,964	3.1%	0.0%
Larceny-Theft	9,933	10,258	10,573	10,557	10,580	10,349	9,641	10,260	11,061	11,005	-0.5%	10.8%
Auto Theft	424	520	468	523	542	465	488	483	563	513	-8.9%	21.0%
TOTAL	**13,420**	**14,034**	**14,195**	**14,134**	**13,980**	**13,921**	**13,139**	**13,804**	**14,782**	**14,709**	-0.5%	9.6%

Arrests and Citations by Lincoln Police
1993 to 2002

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2001-2002	1993-2002
Felony Arrests	1,178	1,284	1,519	1,621	1,776	1,909	1,878	2,100	2,317	2,442	5.4%	107.3%
Misdemeanor Arrests	15,703	17,304	18,427	18,124	17,722	19,271	19,384	22,871	23,510	23,241	-1.1%	48.0%
Total Criminal Arrests	16,881	18,588	19,946	19,745	19,498	21,180	21,262	24,971	25,827	25,683	-0.6%	52.1%
MIP Arrests	489	522	646	709	712	1,092	1,126	1,345	1,421	1,470	3.5%	200.6%
DWI Arrests	1,098	1,234	979	1,124	1,140	1,425	1,596	1,387	1,497	1,518	1.4%	38.3%
Official Traffic Citations	34,593	38,876	43,780	45,239	42,663	47,663	44,824	43,467	49,470	52,843	6.8%	52.8%
Warning Traffic Citations	53,064	44,145	36,270	38,947	38,603	40,018	39,467	39,913	44,646	41,741	-6.5%	-21.3%
Total Traffic Citations	87,657	83,021	80,050	84,186	81,266	87,681	84,291	83,380	94,116	94,584	0.5%	7.9%

Data for DWI, misdemeanor, and felony arrests includes those cases in which the offender was lodged in jail, and also those cases in which he or she was released with a citation in lieu of custody.

Last Updated on 2/03/2003 By Tom Casady

Appendix C

***** SAMPLE *****

Sgt. Jim Davidsaver, #714
Southwest Team
March 8, 2001

Officers of the Lincoln Police Department,

This semester, I am taking a research methods class at the University of Nebraska-Lincoln. My assignment is to conduct a survey and analyze the results. This survey will be done solely as a class assignment and not on behalf of the university.

The survey is constructed to gather information about Lincoln police officers' perceptions on whether or not an increase in the penalty for a crime will deter future criminal behavior. The specific questions in the survey pertain to subjects that the Nebraska State legislature has considered during this session. In some cases, new laws have been enacted. In other cases, the penalties for existing laws have been increased. Some of the bills dealing with more controversial topics have not made it past initial discussion. These topics range from surveillance camera traffic enforcement to lawful carry of concealed weapons to capital punishment.

I would greatly appreciate it if you could take a few minutes to complete the information on the bottom of this page and the survey on the back. Please return it to me no later than **1600hrs, Monday, March 19, 2001**. All responses will be kept confidential.

Thank you for cooperation in this matter.

Sincerely,

Sgt. Jim Davidsaver

Please circle the appropriate response

Gender:	M F		
Age:	Less than 25	25-35	Over 35
Years of Experience:	Less than 5	5-10	More than 10
Rank:	Officer	Sergeant	Captain or above
Assignment:	Operations Uniform	Operations Other	Administration Support

Do New Laws and Increased Penalties for Existing Laws Deter Future Law Violations?

Answer each statement based on the scale: **(1-Strongly Disagree, 2–Disagree, 3-Agree, 4-Strongly Agree, NO-No Opinion)**

1. In Lincoln, use of surveillance cameras to enforce minor traffic violations should be allowed.	1	2	3	4	NO
2. Use of surveillance cameras in Lincoln to enforce minor traffic violations would deter such violations.	1	2	3	4	NO
3. Citizens in Lincoln should be allowed to obtain a permit to carry a concealed firearm.	1	2	3	4	NO
4. Allowing lawful concealed weapons carry would deter violent crime in Lincoln.	1	2	3	4	NO
5. Lowering the legal limit of intoxication for driving while intoxicated (DWI) from .10 to .08 will deter people in Lincoln from drinking and driving.	1	2	3	4	NO
6. Making it illegal to use a cellular phone while driving in Lincoln will deter people from using them.	1	2	3	4	NO
7. A penalty including a 6 month suspension of the violator's driver's license for minor in possession of alcohol (MIP) will deter future violations.	1	2	3	4	NO
8. Digitally encoded Nebraska driver's licenses will deter minors in Lincoln from using false identification to obtain alcohol.	1	2	3	4	NO
9. Nebraska's capital punishment law is a deterrent to violent crime in Lincoln.	1	2	3	4	NO
10. Nebraska's use of the electric chair for capital punishment constitutes cruel and unusual punishment.	1	2	3	4	NO

***** Please return completed survey to Sgt. Jim Davidsaver, #714, Southwest Team *****

Deadline: Monday, March 19, 2001, 1600hrs

Do New Laws and Increased Penalties for Existing Laws Deter Future Law Violations?

Answer each statement based on the scale: **(1-Strongly Disagree, 2–Disagree, 3-Agree, 4-Strongly Agree, NO-No Opinion)**

(Scores are expressed in percentages)

	SD	D	A	SA	NO	Total %
1. In Lincoln, use of surveillance cameras to enforce minor traffic violations should be allowed.	**15.6**	**17.9**	**41.6**	**8.6**	**8.6**	(99.9)
	(33.5)		*(50.2)*			
2. Use of surveillance cameras in Lincoln to enforce minor traffic violations would deter such violations.	**6.4**	**30.6**	**39.3**	**19.7**	**4**	(100)
	(37)		*(59)*			
3. Citizens in Lincoln should be allowed to obtain a permit to carry a concealed firearm.	**69**	**15.8**	**5.3**	**5.8**	**4.1**	(100)
	(84.8)		*(11.1)*			
4. Allowing lawful concealed weapons carry would deter violent crime in Lincoln.	**63.4**	**25**	**7**	**2.3**	**2.3**	(100)
	(88.4)		*(9.3)*			
5. Lowering the legal limit of intoxication for driving while intoxicated (DWI) from .10 to .08 will deter people in Lincoln from drinking and driving.	**21.4**	**44.5**	**25.4**	**6.4**	**2.3**	(100)
	(65.9)		*(31.8)*			
6. Making it illegal to use a cellular phone while driving in Lincoln will deter people from using them.	**15.4**	**44.9**	**35.3**	**2.6**	**1.9**	(100.1)
	(60.3)		*(37.9)*			
7. A penalty including a 6 month suspension of the violator's driver's license for minor in possession of alcohol (MIP) will deter future violations.	**7.6**	**29.8**	**48.5**	**12.9**	**1.2**	(100)
	(37.4)		*(61.4)*			
8. Digitally encoded Nebraska driver's licenses will deter minors in Lincoln from using false identification to obtain alcohol.	**3.5**	**16.8**	**54.9**	**22**	**2.9**	(100.1)
	(20.3)		*(76.9)*			
9. Nebraska's capital punishment law is a deterrent to violent crime in Lincoln.	**15.2**	**42.7**	**26.3**	**11.7**	**4.1**	(100)
	(57.9)		*(38)*			
10. Nebraska's use of the electric chair for capital punishment constitutes cruel and unusual punishment.	**51.7**	**29.1**	**8.7**	**4.1**	**6.4**	(100)
	(80.8)		*(12.8)*			

The numbers in *Italics* represent the totals of *strongly disagree & disagree* and *strong agree & agree*.

Appendix D

Nebraska State Statute 28-1202

Carrying concealed weapon; penalty; affirmative defense

(1) Except as provided in subsection (2) of this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon.

(2) It shall be an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family.

(3) Carrying a concealed weapon in a Class I misdemeanor.

(4) In the case of a second or subsequent conviction under this section, carrying a concealed weapon in a Class IV felony.

Appendix F

STATES PERMITTING CONCEALED HANDGUN CARRY

Alabama	North Dakota
Alaska	Oklahoma
Arizona	Oregon
Arkansas	Pennsylvania
Connecticut	South Carolina
Florida	South Dakota
Georgia	Tennessee
Idaho	Texas
Indiana	Utah
Kentucky	Vermont
Louisiana	Virginia
Maine	Washington
Mississippi	West Virginia
Montana	Wyoming
Nevada	New Hampshire
North Carolina	

Appendix G

Crime, Deterrence, and Right-to-Carry Concealed Handguns

Abstract of the Lott & Mustard Study

Using cross-sectional time-series data for U.S counties from 1977 to 1992, we find that allowing citizens to carry concealed weapons deters violent crimes, without increasing accidental deaths. If those states without right-to-carry concealed gun provisions had adopted them in 1992, county- and state-level data indicate that approximately 1,500 murders would have been avoided yearly. Similarly, we predict that rapes would have declined by over 4,000, robbery by over 11,000, and aggravated assaults by over 60,000. We also find criminals substituting into property crimes involving stealth, where the probability of contact between the criminal and victim is minimal. Further, higher arrest and conviction rates consistently reduce crime. The estimated annual gain from all remaining states adopting these laws was at least $5.74 billion in 1992. The annual social benefit from an additional concealed handgun permit is as high as $5,000.

LEGISLATURE OF NEBRASKA

NINETY-EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 265

Introduced by Tyson, 19; Aguilar, 35; Baker, 44; Byars, 30; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; McDonald, 41; Mossey, 3; Dw. Pedersen, 39; D. Pederson, 42; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Synowiecki, 7; Vrtiska, 1; Wehrbein, 2

Read first time January 13, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to concealed weapons; to amend section 28-1202,
2 Reissue Revised Statutes of Nebraska, and section
3 60-4,119, Revised Statutes Supplement, 2002; to adopt the
4 Concealed Handgun Permit Act; to provide penalties; to
5 change and harmonize provisions relating to concealed
6 weapons; to provide for distinct operator's licenses; to
7 repeal the original sections; and to declare an
8 emergency.
9 Be it enacted by the people of the State of Nebraska,

06- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 9.36 of the Lincoln Municipal Code by adding a new section numbered 9.36.130 to prohibit the carrying of concealed weapons and adding a new section numbered 9.36.140 to provide definitions.

WHEREAS, the City of Lincoln, Nebraska is a home rule charter city authorized by Nebraska Constitution Article XI, Section 5; and

WHEREAS, the Charter for the City of Lincoln, Nebraska authorizes the City of Lincoln to make ordinances as may be necessary or expedient for maintaining peace, good government and welfare of the City, preserving order, securing persons or property from violence, danger, and destruction, for protecting public and private property, for promoting the public safety, convenience, comfort and general interest and welfare of the inhabitants of the City and to enforce such ordinances by providing for a fine or imprisonment or both; and

WHEREAS, the Lincoln City Council is empowered by Article I, Section 4 and Article IV, Section 8 of the Charter of the City of Lincoln, Nebraska to pass, amend and repeal any and all ordinances necessary to effect any provisions of the Charter of the City of Lincoln; and

WHEREAS, the City of Lincoln is also empowered by Neb. Rev. Stat. § 15-255 to prevent the use of firearms and prohibit the carrying of concealed weapons; and

WHEREAS, the City Council believes that not allowing the carrying of concealed weapons will further the specific purposes set forth above.

BE IT THEREFORE ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding a new section numbered 9.36.130 to read as follows:

9.36.130 Carry Concealed Weapon; Unlawful; Affirmative Defense.

(a) It shall be unlawful for any person, except an authorized law enforcement officer who is certified and commissioned pursuant to the laws of the State of Nebraska, to purposely or knowingly carry a weapon concealed on or about his person.

(b) It shall be an affirmative defense that any person charged under this section was engaged in any lawful business, employment or calling at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at that time were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family.

(c) As part of the judgment of conviction of any person under this section, confiscation of the weapon shall be ordered by the court.

Section 2. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding a new section numbered 9.36.140 to read as follows:

9.36.140 Concealed Weapon; Definitions.

(a) For the purposes of Section 9.36.130 of the Lincoln Municipal Code, unless the context otherwise requires:

(1) Concealed weapon shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury;

(2) Knife shall mean any dagger, dirk, knife, or stilleto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(3) Stun gun shall mean any handheld electronic device that is powered by an internal power source such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced to the body shall be capable of disrupting a person's central nervous system and rendering the person temporarily incapable of normal functioning, for any period of time whatsoever. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or by one or more electrodes attached to a length of wire or other connection and which upon being fired from a firearm or any other mechanical device, strikes the human body and produces the reaction described herein.

(b) All other terns in Section 9.36.130 not defined in this Section or in Chapter 9.36 of the Lincoln Municipal Code shall be defined in accordance with Chapter 1.04 of the Lincoln Municipal Code.

Section 3. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2006:

_____
Mayor

Memorandum

To: Patte Newman, Annette McCroy

CC: City Council, Mayor Seng

From: Chief Tom Casady

Date: 4-25-2006

Re: PNewmanRFI#38 & AMcRoyRFI#171

I am responding to questions 3, part of 5, 6, 7, 8, and 9. For ease of reference, my responses follow the specific questions, and are in bold italic.

-Tom Casady

Could you please provide the Council with the following information/answer the following questions as soon as possible so all of us have time to review?

1. A complete copy of the Legislative Bill recently signed by Gov. Heineman allowing "concealed carry" in the State of Nebraska.

2. Dana Roper's legal opinion on local jurisdictions' authority on this issue.

3. a. A copy of any relevant City of Lincoln ordinances including sale of firearms (LMC 9.36.030) or unlawful possession of firearms (LMC 9.36.100).

   The relevant municipal code is attached, and is also available online at:

   http://www.lincoln.ne.gov/city/attorn/lmc/ti09/ch936.pdf

   b. Currently, do we have an idea how many guns have been sold in Lincoln or what the yearly average is estimated to be? Are any of these owners allowed to conceal these weapons (law enforcement etc.) and under what circumstances? Is it possible to develop a profile or snapshot of current permitees so that we can get a sense of the number of folks who might apply and types (professions, occupations) of people who might potentially apply under the new state statute?

   Municipal ordinance requires firearms dealers to report the sale of firearms other than hunting rifles and shotguns to the police department. Private sales by individuals who are not dealers are not covered by this ordinance. We have no way of knowing how many of those sales take place, but it is undoubtedly a significant number. In 2005, we received reports of

1,612 handgun sales required by this ordinance.

The Nebraska State Patrol, which is responsible for the administration of the permits, estimates 19,500 applications in the first year. This estimate is based on other States' experiences. If Lincoln residents apply in proportion to population, we would anticipate approximately 2,750 permit applications in the first year from Lincoln. There is no way to create a "profile" of the typical applicant. I have always felt that the cross section of testifiers, letter writers, and emailers would be rather representative of the range.

4. The draft language proposed by the Mayor this week to override the State of Nebraska decision.

5. An opinion from Dana confirming that the Mayor's proposed ordinance would override a conceal carry (CC) permit from another state (or in the future from outstate Nebraska) in Lincoln. Currently, if someone is driving through or temporarily visiting the Capital and that individual has a concealed weapon, what are those individual's rights once they enter city limits? Is the CC permit valid or is this person required to display the weapon for the duration of their visit?

Concealed weapons permits from other States have no meaning or validity inside the State of Nebraska. A citizen traveling with a concealed weapon must abide by the law of each jurisdiction he or she passes through. This is also true when traveling through cities with local restrictions. For instance, it is illegal to possess a firearm in Lincoln if you have been convicted of stalking, impersonating a peace officer, and child enticement—even though you could obtain a concealed weapons permit with such convictions. The burden is on the citizen to be familiar with and to abide by the law in those jurisdictions where he or she carries the gun.

6. Do other states/localities with CC laws have public checkpoints or lockers to leave their weapons outside of forbidden zones (areas where the owner does not allow concealed – or unconcealed -- weapons)?

I believe that there are at least a couple of States (Utah and Arizona) that require public gun lockers at some public facilities. I have never personally seen or heard of businesses that provide gun lockers to their customers, but I imagine there are a few places that do just that.

7. If the owner of a property, public or private, decides to ban weapons,

    a. Must that owner display a sign? (i.e. the State law forbids CC in schools. Are signs required for that to be enforceable?)

No, the law specifies that a person in charge of a place or premises can prohibit permitholders from carrying concealed handguns into or onto the place or premises. This can be done by a conspicuous posting or by actual communication. No sign or communication is required at all if the premise is one of the several types where concealed weapons are explicitly forbidden by the law—such as schools, school sporting events, financial institutions, places of worship, political rallies and fundraisers, court houses, places that derive more than half their income from the sale of alcohol, and so forth.

    b. Is it a criminal offense or a civil matter if a person brings a concealed weapon onto the premises where the owner has forbidden it, by posted sign or otherwise?

Class III misdemeanor for a first offense, class I misdemeanor for a second or subsequent offense.

    c. Does the answer change if the owner is a public entity vis-à-vis a private landowner/business?

No.

d. What if the owner and a lessee disagree about whether weapons are allowed, whose opinion controls?

The law refers to: a person, persons, entity, or entities in control of the property or an employer in control of the property. The decision as to whether the owner of rented property has standing to prohibit concealed weapons would be made by a court if a case of this type was litigated.

8. There are studies that show some violent crime rates go down when states allow conceal carry, but property crime rates go up. Please provide examples of how this might impact Lincoln. (Our understanding is that we have a low violent crime rate but a huge problem with thefts from autos. Obviously, the concern is that handguns left in cars may become targets of opportunity.) If possible, can Chief Casady provide crime rates for several relevant violent crimes (murder, armed assault, forcible rape etc.) and figures for relevant property crime rates including theft from auto? How does Lincoln compare to national averages for these crimes overall? Do we have the data to compare statistics from cities similar in size to Lincoln "before and after" the cities implemented conceal carry laws? (Obviously this is a bit involved, but surely it's possible to get examples from a couple of cities and see how our crimes rates compare to those cities.)

First, regarding the research: I am not familiar with the specific study you are referring to. Without committing to a few months of dissertation-style research, it is impossible for me to competently review the huge body of literature concerning the impact of concealed weapons laws. I have, however, read many studies over the years, and reviewed many abstracts. On balance, I believe an objective student of this literature would find the following:

1 A significant amount of the "research" is funded and/or conducted by proponents and opponents of concealed carry, rather than by neutral, objective researchers who publish their work in peer-reviewed academic journal, and submit their data and their work to the critique of the academic community.

2 The research reports that are published in scholarly journals are basically all over the place. The proponents of concealed carry today normally cite *More Guns, Less Crime* ***by John Lott and David Mustard as their definitive proof that concealed carry reduces crime. This book has been roundly criticized by the opposite side for its allegedly flawed methodology and allegedly incorrect conclusions. The Brady Campaign has a good summary of the point-counterpoint on this issue:***

http://www.bradycampaign.org/facts/research/?page=conctruth&menu=gvr

The Johns Hopkins Center for Gun Policy and Research has a short, readable critique and summary, too. It is attached, and can be found at:

http://www.jhsph.edu/gunpolicy/myths.pdf

A decidedly pro-gun website, guncite.com, maintains a particularly rich and well-balanced set of links to relevant research:

http://www.guncite.com/gun_control_gcdgcon.html

1 Most of the literature lacks the kind of methodological controls needed for rigorous scientific research: multiple time series designs or naturally occurring experiments controlling for all relevant variables. Rather, the "research literature" is primarily composed of before-and-after statistical analyses with little or no control for intervening variables, conducted at a time when crime nationwide had been falling rather precipitously prior to the widespread adoption of concealed carry laws.

2 ***The kinds of crimes that might be <u>committed</u> because of the presence of a concealed weapon or <u>prevented</u> because of the presence of a concealed weapon are so rare (especially in Lincoln) that the direct impact of this law in either direction would be very, very small. A handful of overnight lawn sprinkler thefts would have a greater impact on our Part 1 crime rate than the net effect of concealed carry***

Second, regarding the crime data you requested, I am attaching a spreadsheet that shows all FBI Part I crimes for Lincoln and every city within 50,000 of our population (lower or higher) for the most recent year available, 2004. The shaded columns are the population adjusted rates for violent crimes (murder, rape, robbery and aggravated assault) and property crimes (auto theft, larceny-theft, burglary.) While it is possible for me to perform a multiple time series analysis for a few cities over a span of years pre- and post- concealed weapons, this would require a fair amount of research and effort. I would estimate this to be the equivalent of a college research methods class project, so I will need about a semester to do so. I don't believe the results would be particularly meaningful, since there would be no controls for other factors that may have influenced crime in those cities. Frankly, I'm sure it would be quite possible to pick a few that would show a reduction in crime, and a few that would show an increase in crime—even though the general trend nationwide has been down during the past 15 years.

As you can see from these data, Lincoln ranks 33 of 51 in violent Part 1 crime per capita. We are just slightly above the midpoint for property crime. As you might also note, the property crime rate is affected primarily by larceny-theft—other property crimes are quite low. As for larceny from auto, there is no source of comparable data from city to city for this crime (it is not among the FBI Index Crimes, rather is included in the category of larceny-theft. I have no reason to believe that larceny from auto would stand out in Lincoln in comparison to other cities, other than the fact that we have more total larceny-thefts than average. I suspect this is largely the result of good reporting. In 2004, we had 3,902 larcenies from auto—about 36% of all larceny-theft. Shoplifting and gasoline drive-offs would constitute the next most common forms of larceny theft.

9. Chief Casady mentioned a poll of police officers in Lincoln which showed 85% oppose conceal carry. Can you give us more information on that? Was it an informal questionnaire or scientifically significant poll?

This survey was part of a more comprehensive research project completed by Sgt. Jim Davidsaver in fulfilling the requirements for his master's degree. A copy of his project is attached.

Thanks in advance for a thorough answer.

Patte and Annette

INTER-DEPARTMENT COMMUNICATION

TO	City Council	**DATE**	April 26, 2006
DEPARTMENT		**FROM**	Dana W. Roper
ATTENTION		**DEPARTMENT**	City Law
COPIES TO		**SUBJECT**	Concealed Weapons Ordinance

This is a synopsis of this office's opinion regarding the constitutionality of the proposed City ordinance banning concealed weapons. The City of Lincoln has authority for this ordinance under Neb. Rev. Stat. § 15-255 which allows the City to ". . . prevent use of firearms . . ." and "prohibit carrying of concealed weapons." This statute which has been in existence in one form or another since 1901 was not repealed or amended by LB 454. Omaha has a similar statute and has previously adopted its own concealed weapons ordinance which has been challenged and upheld several times in the Nebraska Supreme Court. It is my understanding that Omaha has not introduced legislation to repeal or amend its ordinance after the passage of LB 454.

It is a common premise of statutory interpretation that the legislators who drafted and passed a statute were familiar with all existing laws applicable to the subject matter and knew the judicial interpretation of those laws. By not addressing the authority given to primary class cities and metropolitan cities, the well established rule of statutory construction leads to the conclusion that the Unicameral intended to allow Lincoln and Omaha to adopt their own regulations on concealed weapons. Supporters of the concealed weapons bill have tried since 1996 to have such a bill passed in the Unicameral. Until 1999 the proposal had language that removed the right of cities to enact such bans. LB 454 obviously does not. Further, several amendments were drafted in the session that would have taken the authority from Lincoln and Omaha but they were never adopted. Lastly, there is no language in LB 454 to suggest the Unicameral was preempting or occupying the field.

In addition, under its Charter, the City has broad legislative authority that independently would uphold this ordinance. The Supreme Court has recognized Lincoln's Home Rule Charter which is a limitation of powers charter which empowers the City to exercise every power connected with the proper and efficient government of the municipality which might be lawfully delegated to it by the Legislature without waiting for such delegation.

Sincerely yours,

Dana W. Roper
City Attorney

DWR/tb

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 454

FINAL READING

Introduced by Combs, 32; Aguilar, 35; Baker, 44; Cornett, 45; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Flood, 19; Friend, 10; Hudkins, 21; Janssen, 15; Jensen, 20; Kremer, 34; Langemeier, 23; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Wehrbein, 2; Engel, 17; Connealy, 16

Read first time January 13, 2005

Committee: Judiciary

A BILL

FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun Permit Act; to provide penalties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 21 of this act shall be known and may be cited as the Concealed Handgun Permit Act.

Sec. 2. An individual may obtain a permit to carry a concealed handgun in accordance with the Concealed Handgun Permit Act.

Sec. 3. For purposes of the Concealed Handgun Permit Act:

(1) Concealed handgun means the handgun is totally hidden from view. If any part of the handgun is capable of being seen, it is not a concealed handgun;

(2) Emergency services personnel means a volunteer or paid firefighter or rescue squad member or a person certified to provide emergency medical services pursuant to the Emergency Medical Services Act;

(3) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;

(4) Peace officer means any town marshal, chief of police or local police officer, sheriff or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, any officer of the Nebraska State Patrol, any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, any Game and Parks Commission conservation officer, and all other persons with similar authority to make arrests;

(5) Permitholder means an individual holding a current

and valid permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act; and

(6) Proof of training means an original document or certified copy of a document, supplied by an applicant, that certifies that he or she either:

(a) Within the previous three years, has successfully completed a handgun training and safety course approved by the Nebraska State Patrol pursuant to section 6 of this act; or

(b) Is a member of the active or reserve armed forces of the United States or a member of the National Guard and has had handgun training within the previous three years which meets the minimum safety and training requirements of section 6 of this act.

Sec. 4. (1) Application for a permit to carry a concealed handgun shall be made in person at any Nebraska State Patrol Troop Headquarters or office provided by the patrol for purposes of accepting such an application. The applicant shall present a current Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card and shall submit two legible sets of fingerprints for a criminal history record information check pursuant to section 5 of this act. The application shall be made on a form prescribed by the Superintendent of Law Enforcement and Public Safety. The application shall state the applicant's full name, social security number, motor vehicle operator's license number or state identification card number, address, and date of birth and

contain the applicant's signature and shall include space for the applicant to affirm that he or she meets each and every one of the requirements set forth in section 7 of this act. The applicant shall attach to the application proof of training and proof of vision as required in subdivision (3) of section 7 of this act.

(2) A person applying for a permit to carry a concealed handgun who gives false information or offers false evidence of his or her identity is guilty of a Class IV felony.

(3) The permit to carry a concealed handgun shall be issued by the Nebraska State Patrol within five business days after completion of the applicant's criminal history record information check, if the applicant has complied with this section and has met all the requirements of section 7 of this act.

(4) An applicant denied a permit to carry a concealed handgun may appeal to the district court of the judicial district of the county in which he or she resides or the county in which he or she applied for the permit pursuant to the Administrative Procedure Act.

Sec. 5. In order to insure an applicant's initial compliance with sections 4 and 7 of this act, the applicant for a permit to carry a concealed handgun shall be fingerprinted by the Nebraska State Patrol and a check made of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. The criminal history record information check under the Concealed Handgun Permit

Act is for initial compliance only.

Sec. 6. (1) The Nebraska State Patrol shall prepare and publish minimum training and safety requirements for and adopt and promulgate rules and regulations governing handgun training and safety courses and handgun training and safety course instructors. Minimum safety and training requirements for a handgun training and safety course shall include, but not be limited to:

(a) Knowledge and safe handling of a handgun;

(b) Knowledge and safe handling of handgun ammunition;

(c) Safe handgun shooting fundamentals;

(d) A demonstration of competency with a handgun with respect to the minimum safety and training requirements;

(e) Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns;

(f) Knowledge of federal, state, and local laws pertaining to the use of a handgun, including, but not limited to, use of a handgun for self-defense and laws relating to justifiable homicide and the various degrees of assault;

(g) Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation; and

(h) Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child.

(2) A person or entity conducting a handgun training

and safety course and the course instructors shall be approved by the patrol before operation. The patrol shall issue a certificate evidencing its approval.

(3) A certificate of completion of a handgun training and safety course shall be issued by the person or entity conducting a handgun training and safety course to persons successfully completing the course. The certificate of completion shall also include certification from the instructor that the person completing the course does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.

(4) Any fee for participation in a handgun training and safety course is the responsibility of the applicant.

Sec. 7. An applicant shall:

(1) Be at least twenty-one years of age;

(2) Not be prohibited from purchasing or possessing a handgun by 18 U.S.C. 922, as such section existed on January 1, 2005;

(3) Possess the same powers of eyesight as required under section 60-4,118 for a Class O operator's license. If an applicant does not possess a current Nebraska motor vehicle operator's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant. If such certified vision reading meets the vision requirements prescribed by section 60-4,118 for a Class

O operator's license, the vision requirements of this subdivision shall have been met;

(4) Not have pled guilty to, not have pled nolo contendere to, or not have been convicted of a felony or a crime of violence under the laws of this state or under the laws of any other jurisdiction;

(5) Not have been found in the previous ten years to be a mentally ill and dangerous person under the Nebraska Mental Health Commitment Act or a similar law of another jurisdiction or not be currently adjudged mentally incompetent;

(6) Have been a resident of this state for at least one hundred eighty days. For purposes of this section, resident does not include an applicant who maintains a residence in another state and claims that residence for voting or tax purposes;

(7) Have had no violations of any law of this state relating to firearms, unlawful use of a weapon, or controlled substances or of any similar laws of another jurisdiction in the ten years preceding the date of application;

(8) Not be on parole, probation, house arrest, or work release;

(9) Be a citizen of the United States; and

(10) Provide proof of training.

Sec. 8. The design and form of the permit to carry a concealed handgun shall be prescribed by the Nebraska State Patrol. The permit shall list the permitholder's name, the permitholder's

address, and the expiration date of the permit and contain a photograph of the permitholder.

Sec. 9. A permitholder shall continue to meet the requirements of section 7 of this act during the time he or she holds the permit. If, during such time, a permitholder does not continue to meet one or more of the requirements, the permitholder shall return his or her permit to the Nebraska State Patrol for revocation. If a permitholder does not return his or her permit, the permitholder is subject to having his or her permit revoked under section 13 of this act.

Sec. 10. (1) A permit to carry a concealed handgun is valid throughout the state for a period of five years after the date of issuance. The fee for issuing a permit is one hundred dollars.

(2) The Nebraska State Patrol shall renew a person's permit to carry a concealed handgun for a renewal period of five years, subject to continuing compliance with the requirements of section 7 of this act. The renewal fee is fifty dollars, and renewal may be applied for up to four months before expiration of a permit to carry a concealed handgun.

(3) The applicant shall submit the fee with the application to the Nebraska State Patrol. The fee shall be remitted to the State Treasurer for credit to the Public Safety Cash Fund.

Sec. 11. A permit to carry a concealed handgun shall be issued to a specific individual only and shall not be transferred

from one person to another.

Sec. 12. The Nebraska State Patrol or any agent, employee, or member thereof is not civilly liable to any injured person or his or her estate for any injury suffered, including any action for wrongful death or property damage suffered, relating to the issuance or revocation of a permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act.

Sec. 13. (1) Any peace officer having probable cause to believe that a permitholder is no longer in compliance with one or more requirements of section 7 of this act shall bring an application for revocation of the permit to be prosecuted as provided in subsection (2) of this section.

(2) It is the duty of the county attorney or his or her deputy of the county in which such permitholder resides to prosecute a case for the revocation of a permit to carry a concealed handgun brought pursuant to subsection (1) of this section. In case the county attorney refuses or is unable to prosecute the case, the duty to prosecute shall be upon the Attorney General or his or her assistant.

(3) The case shall be prosecuted as a civil case, and the permit shall be revoked upon a showing by a preponderance of the evidence that the permitholder does not meet one or more of the requirements of section 7 of this act.

(4) A person who has his or her permit revoked under this section may be fined up to one thousand dollars and shall

be charged with the costs of the prosecution. The money collected under this subsection as an administrative fine shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 14. (1) A permitholder shall carry his or her permit to carry a concealed handgun and his or her Nebraska driver's license, Nebraska-issued state identification card, or military identification card any time he or she carries a concealed handgun. The permitholder shall display both the permit to carry a concealed handgun and his or her Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card when asked to do so by a peace officer or by emergency services personnel.

(2) Whenever a permitholder who is carrying a concealed handgun is contacted by a peace officer or by emergency services personnel, the permitholder shall immediately inform the peace officer or emergency services personnel that the permitholder is carrying a concealed handgun.

(3)(a) During contact with a permitholder, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel. The permitholder shall submit to the order to secure the handgun.

(b)(i) When the peace officer has determined that the permitholder is not a threat to the safety of any person present, including the peace officer, and the permitholder has not committed any other violation that would result in his or her arrest or the suspension or revocation of his or her permit, the peace officer shall return the handgun to the permitholder before releasing the permitholder from the scene and breaking contact.

(ii) When emergency services personnel have determined that the permitholder is not a threat to the safety of any person present, including emergency services personnel, and if the permitholder is physically and mentally capable of possessing the handgun, the emergency services personnel shall return the handgun to the permitholder before releasing the permitholder from the scene and breaking contact. If the permitholder is transported for treatment to another location, the handgun shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the handgun.

(4) For purposes of this section, contact with a peace officer means any time a peace officer personally stops, detains, questions, or addresses a permitholder for an official purpose or in the course of his or her official duties, and contact with emergency services personnel means any time emergency services personnel provide treatment to a permitholder in the course of their official duties.

Sec. 15. (1)(a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional, semiprofessional, or collegiate athletic event; school, school grounds, school-owned vehicle, or school-sponsored activity or athletic event; place of worship; emergency room or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by law or rule or regulation.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act

and possesses a permit to carry a concealed handgun issued pursuant to the act.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises. A permitholder carrying a concealed handgun in a vehicle into or onto any place or premises does not violate this section so long as the handgun is not removed from the vehicle while the vehicle is in or on the place or premises. An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

(3) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was

lawfully obtained and was taken in therapeutically prescribed amounts.

Sec. 16. Any time the discharge of a handgun carried by a permitholder pursuant to the Concealed Handgun Permit Act results in injury to a person or damage to property, the permitholder shall make a report of such incident to the Nebraska State Patrol on a form designed and distributed by the Nebraska State Patrol. The information from the report shall be maintained as provided in section 18 of this act.

Sec. 17. (1) A permitholder who violates subsection (1) or (2) of section 14 of this act or section 15 or 16 of this act is guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for any second or subsequent violation.

(2) A permitholder who violates subsection (3) of section 14 of this act is guilty of a Class I misdemeanor.

(3) A permitholder who violates this section shall also be subject to revocation of his or her permit under section 13 of this act.

Sec. 18. The Nebraska State Patrol shall maintain a listing of all applicants and permitholders and any pertinent information regarding such applicants and permitholders. The information shall be available upon request to all federal, state, and local law enforcement agencies. Information relating to an applicant or to a permitholder received or maintained pursuant to the Concealed Handgun Permit Act by the Nebraska State Patrol or

any other law enforcement agency is confidential and shall not be considered a public record within the meaning of sections 84-712 to 84-712.09.

Sec. 19. Nothing in the Concealed Handgun Permit Act prevents a person from carrying a concealed weapon as permitted under section 28-1202.

Sec. 20. The Nebraska State Patrol may adopt and promulgate rules and regulations to carry out the Concealed Handgun Permit Act.

Sec. 21. (1) The Department of Motor Vehicles shall modify the existing system of the department to allow the status of a permit to carry a concealed handgun and the dates of issuance and expiration of such permit to be recorded on the permitholder's record provided for in section 60-483. The Nebraska State Patrol shall use the system to record the issuance or renewal of a permit to carry a concealed handgun. The transmission of notice of the issuance or renewal of such permit shall include the applicant's name, the applicant's motor vehicle operator's license number or state identification card number, and the dates of issuance and expiration of the permit to carry a concealed handgun.

(2) An abstract of a court record of every case in which a person's permit to carry a concealed handgun is revoked shall be transmitted to the Department of Motor Vehicles using the abstracting system provided for in section 60-497.01. Such abstract shall contain the name of the revoked permitholder, his or her

motor vehicle operator's license number or state identification card number, and the date of revocation of the permit to carry a concealed handgun.

Sec. 22. Section 28-1202, Reissue Revised Statutes of Nebraska, is amended to read:

28-1202 (1)(a) Except as otherwise provided in ~~subsection (2) of~~ this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon.

~~(2)~~ (b) It ~~shall be~~ is an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family.

(2) This section does not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon the defendant is carrying is a handgun as defined in section 3 of this act.

(3) Carrying a concealed weapon is a Class I misdemeanor.

(4) In the case of a second or subsequent conviction under this section, carrying a concealed weapon is a Class IV felony.

Sec. 23. This act becomes operative on January 1, 2007.

Sec. 24. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 25. Original section 28-1202, Reissue Revised Statutes of Nebraska, is repealed.

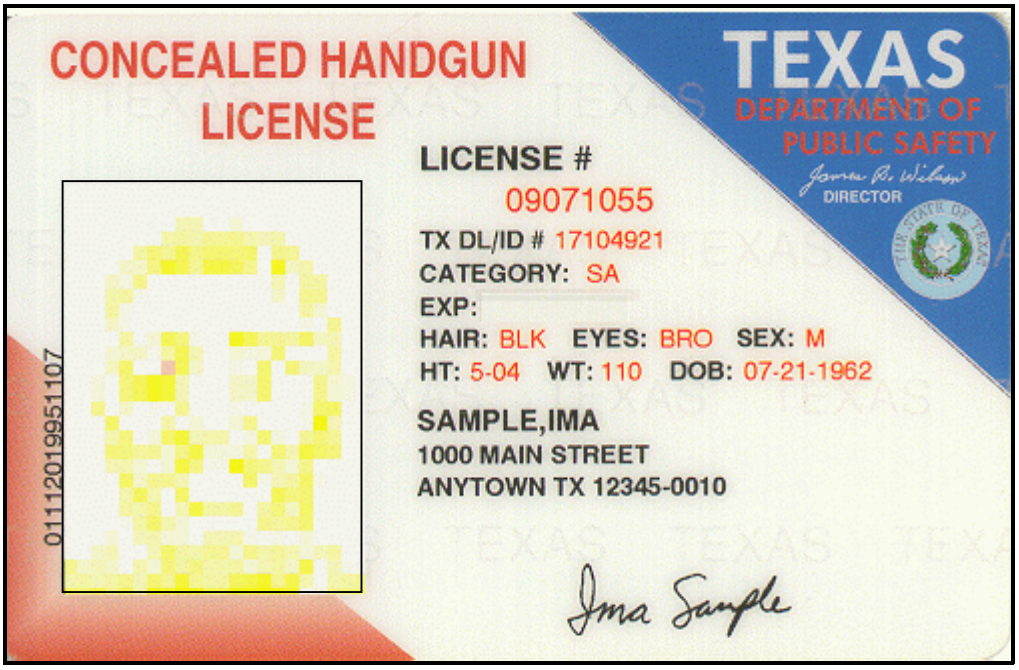
Violence Policy Center

1140 19th Street, NW
Suite 600
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

License to Kill IV

More Guns, More Crime



June 2002

The Violence Policy Center is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, grassroots advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury.

This report was authored by VPC Health Policy Analyst Karen Brock, MPH, and VPC Policy Analyst Marty Langley. Research assistance was provided by VPC Staff Assistant Meghan Scott.

This report was funded with the support of The David Bohnett Foundation, The George Gund Foundation, The Joyce Foundation, and The John D. and Catherine T. MacArthur Foundation. Past studies released by the Violence Policy Center include:

- *American Roulette: The Untold Story of Murder-Suicide in the United States* (April 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry's Claim that Osama Bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *John Ashcroft: Year One* (January 2002)
- *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Firearms Training for Jihad in America* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *When Men Murder Women: An Analysis of 1999 Homicide Data* (October 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Shot Full of Holes: Deconstructing John Ashcroft's Second Amendment* (July 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Poisonous Pastime: The Health Risks of Target Ranges and Lead to Children, Families, and the Environment* (May 2001)
- *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *Every Handgun Is Aimed at You: The Case for Banning Handguns* (March 2001)
- *License to Kill III: The Texas Concealed Handgun Law's Legacy of Crime and Violence* (August 2000)
- *Where Did You Get That Statistic?—A Bibliography and Resource Guide For Advocates Working To Reduce Gun Death and Injury* (January 2000)
- *Cashing in on the New Millennium: How the Firearms Industry Exploits Y2K Fears to Sell More Guns* (December 1999)
- *Making a Killing: The Business of Guns in America* (January 1999)
- *Joe Camel with Feathers: How the NRA with Gun and Tobacco Industry Dollars Uses Its Eddie Eagle Program to Market Guns to Kids* (November 1997)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

Violence Policy Center
1140 19th Street, NW
Suite 600
Washington, DC 20036

202-822-8200 phone
202-822-8205 fax
www.vpc.org web

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Introduction

In 1995 the Texas legislature passed a "shall issue" concealed handgun law—creating a non-discretionary system under which state authorities *must* provide a concealed handgun license to any applicant who meets specific, objective criteria. Licenses issued under the new law became effective in January 1996.

To receive the standard four-year license, applicants must submit an application—with proficiency certificate, fingerprints, photographs, proof of age and residency, and a $140 fee—to the Texas Department of Public Safety (DPS). An additional fee is required for the mandatory 10 hours of firearms proficiency training. The DPS then has 60 days in which to conduct a background check on the applicant. At the end of the 60 days, the agency must either grant or deny the license. (The law stipulates, however, that the DPS may suspend the 60-day "mandatory issuance" period for up to 180 days if an additional background investigation is warranted.)

Unlike "shall issue" laws passed by other states, the Texas law is unique in that it requires law enforcement agencies to report certain incidents involving license holders to the Department of Public Safety. Under the law, such reports are required to be made only when a violation regarding illegal carrying or discharge of a firearm has occurred and only when the license holder has been arrested. In practice, a majority of arrests appear to be reported by law enforcement agencies to the licensing authority. Information about these incidents is limited however, because of broad confidentiality provisions contained in the law.[1]

As of September 1, 2001, public information about the arrests of Texas concealed handgun license holders became more limited than ever when a new state law took effect that redefined the record-keeping rules of the Texas Department of

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[1] The Texas law's broad confidentiality provision severely limits the Department of Public Safety's ability to disclose virtually any information about concealed handgun license holders to the public. The law stipulates that the department may only identify whether an individual currently possesses a license. No information is provided about prior criminal histories, reasons for denial, suspension, or revocation—including crimes committed after licensure. The department does provide a list of arrest incidents involving license holders, but the only identifiers provided by the department are each licensee's date of birth, sex, race, zip code of residence, incident date, arrest text description, and whether the incident involved family violence. The department may not disclose the name of the arrested licensee. Occasionally, news articles covering high-profile incidents will note whether the suspect has a concealed handgun license, but otherwise the public is not alerted to alleged crimes involving license holders. The law's confidentiality provision—which in effect makes concealed handgun license holders a protected, privileged class—makes it extremely difficult to identify flaws in the law and the threat posed by license holders.

Public Safety. This new law authorized the DPS to "maintain statistics related to responses by law enforcement agencies on its website only in incidents in which persons licensed to carry concealed handguns are convicted of certain serious offenses."[2]

Despite reporting obstacles and limitations, research conducted by the Violence Policy Center (VPC) reveals that many Texas license holders have been arrested for a wide range of crimes. Arrest data is regularly accepted as a valid measure of crime, reflecting law enforcement response to criminal activity. For example, arrest counts are used as a valid and reliable measure of law enforcement response to crime by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program. Regardless of whether or not an arrest involving a concealed handgun license holder results in a dismissal or conviction in court, each arrest reflects time and resources spent by law enforcement. In addition, arrest data for the general population of Texas aged 21 years and older is also made available by the Department of Public Safety, allowing for comparison of weapon-related arrests of concealed handgun license holders to the general population of Texas aged 21 years and older.

According to the Texas Department of Public Safety,[3] Texas concealed handgun license holders[4] were arrested for a total of 5,314 crimes from January 1, 1996, to August 31, 2001. Crimes for which license holders were arrested include: murder/attempted murder (including attempted murder of police officer), kidnapping, rape/sexual assault, assault, weapon-related offenses, drug-related offenses, burglary, and theft. Non-arrest information, which includes delinquent child support, protective orders, non-payment of taxes, medical/mental diagnoses, and suicide, was available for the VPC's first three *License to Kill* studies. However, non-arrest information for this current time period was not available from Texas DPS in a timely or complete manner, and is not included in this edition.

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[2] "HBA-JEK H.B. 2784 77(R) BILL ANALYSIS," Office of House Bill Analysis (Texas Legislature Online), downloaded April 5, 2002, from www.capitol.state.tx.us/capitol.html; INTERNET. Original in files of Violence Policy Center.

[3] The Department of Public Safety (DPS) is responsible for administering and reviewing concealed handgun license applications, providing statistical data on concealed handgun license holders, and directing the application and training process for the certified handgun instructors.

[4] As of December 3, 2001, there were 218,661 individuals with active concealed handgun licenses—1.6 percent of the state's 2000 adult population aged 21 and older (13,586,575 according to the U.S. Census Bureau in 2000, the most recent year available).

This study is the fourth version of *License to Kill.* In January 1998 the Violence Policy Center released its first study: *License to Kill: Arrests Involving Texas Concealed Handgun License Holders*. That study analyzed the DPS's concealed handgun license holder arrest data between January 1, 1996, and October 9, 1997, and found that concealed handgun license holders had been arrested for 946 crimes subsequent to licensure. In March 1999, a follow-up study, *License to Kill, and Kidnap, and Rape, and Drive Drunk…* analyzed arrest data between January 1, 1996, and December 31, 1998, and found that concealed handgun license holders had been arrested for more than 1,000 new crimes, for a total of 2,080 arrests. In August 2000, *License to Kill III: The Texas Concealed Handgun Law's Legacy of Crime and Violence* analyzed the data between January 1, 1996, and April 30, 2000, and found that Texas concealed handgun license holders had been arrested for nearly 1,300 additional crimes, for a total of 3,370 arrests. This edition is an update of the August 2000 report.

Supporters of "shall issue" concealed carry laws maintain that only "law-abiding citizens" apply for and receive concealed handgun licenses. At an April 18, 1996, press conference in Dallas, then-National Rifle Association (NRA) chief lobbyist Tanya Metaksa asserted, "As we get more information about right-to-carry, our point is made again and again….People who get permits in states which have fair right-to-carry laws are law-abiding, upstanding community leaders who merely seek to exercise their right to self-defense." Clearly this is not the case. As shown in news articles and in the VPC's *License to Kill* studies, concealed handgun license holders are arrested for a multitude of offenses, including violent crimes such as murder, kidnapping, and sexual assault. Most concealed carry states keep information on the crimes committed by their concealed carry license holders hidden. This does not mean that crimes do not occur. As illustrated by the few states that have "shall issue" concealed carry and have had their concealed carry programs (however briefly) examined, concealed carry license holders are not the "upstanding community leaders" that pro-gun advocates promised. Allowing the public access to the information necessary to evaluate a concealed carry program is the minimum that a state should do when overseeing a program that involves the use of lethal force.

The NRA has made repeated statements to the press that its current Congressional agenda includes a national concealed carry law similar to the one in Texas. As conservative activist, NRA Board member, and NRA Life Member Grover Norquist explained in *Rolling Stone* magazine last year:

> Over the next five to ten years, gun activists will press for a federal law allowing people to carry concealed weapons across state lines. Already, several dozen states have enacted concealed carry laws, but a nationwide law would be something else. 'If we get that, we've won,' says Norquist. 'It's over.'[5]

More recently, at its annual meeting in April 2002, the NRA claimed that its efforts to expand concealed carry laws across the United States are on target. In a speech to members, NRA Executive Vice President Wayne LaPierre promised to capitalize on "increased momentum since Sept. 11"[6] for such laws.

Currently, there are 33 "shall issue" states and 11 "may issue" states.[7] Additionally, there are six states which have no, or very limited, concealed carry: Illinois, Kansas, Missouri, Nebraska, Ohio, and Wisconsin. In recent years, the Midwest states have been a battleground for the concealed carry issue. In a decisive defeat of NRA money, Missouri voters rejected concealed carry in a statewide referendum in 1998.

This study[8] details 5,314 arrests of these "law-abiding" concealed handgun license holders subsequent to licensure, as reported to the Texas DPS. Incidents involving concealed handgun license holders include: 41 arrests for murder or attempted murder, 14 arrests for kidnapping/false imprisonment, 79 arrests for rape/sexual assault, 279 arrests for alleged assault/aggravated assault with a deadly weapon, 1,315 arrests for driving while intoxicated, 60 arrests for indecency with children, 404 drug-related arrests, 134 individual arrests for sexual misconduct, 19 arrests for impersonating a police officer or public servant, and eight arrests for arson.

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[5] Robert Dreyfuss, "Bush's Concealed Weapon," *Rolling Stone*, March 29, 2001, p. 36.

[6] Steven Friess, "NRA counts on 9/11 momentum at convention,"*USA Today*, April 25, 2002.

[7] The "may issue" states are California, Colorado, Delaware, Hawaii, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New York, and Rhode Island.

[8] In November 2001, the Violence Policy Center acquired a list of arrest incidents involving Texas concealed handgun license holders from the DPS. These records list incidents from January 1, 1996, to August 31, 2001.

VPC analysis of the DPS information reveals that—

- Texas concealed handgun license holders have been arrested for *two and one-half crimes a day* since the law went into effect.

- Texas concealed handgun license holders have been arrested for *more than two serious violent crimes per month* since the law went into effect,
  including: murder/attempted murder, manslaughter/negligent homicide, kidnapping,[9] rape, and sexual assault.

- Texas concealed handgun license holders have been arrested for *more than two crimes against children per month* since the law went into effect, including: sexual assault/aggravated sexual assault on a child, injury to a child, indecency with a child, abandon/endanger a child, solicitation of a minor, and possession or promotion of child pornography.

- Texas concealed handgun license holders have been arrested for *more than four drunk driving offenses per week* since the law went into effect.
- Family violence was identified in *one in 23 incidents* involving concealed handgun license holders.[10]

- Texas concealed handgun license holders have been arrested for *more than one weapon-related offense every other day* since the law went into effect.

- From 1996 to 2000, Texas concealed handgun license holders were arrested for weapon-related offenses[11] *at a rate 81 percent higher than that of the general population of Texas, aged 21 and older.* These weapon-related offenses include arrests for 279 assaults or aggravated

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[9] Includes two arrests for false imprisonment, two arrests for harboring a runaway child, and one arrest for unlawful restraint.

[10] There were 1,099 arrest incidents involving concealed handgun license holders in which DPS could not identify whether or not family violence occurred.

[11] Arrest data does not specifically separate gun-related arrests from weapon-related arrests. Thus, this category includes crimes with ALL types of weapons, not just firearms.

assaults with a deadly weapon, 671 unlawfully carrying a weapon, and 172 deadly conduct/discharge firearm.[12]

This report consists of three sections—

- *Section One: Arrests of Concealed Handgun License Holders in Texas* lists all arrests of concealed handgun license holders from January 1, 1996, to August 31, 2001.

- *Section Two: Details of Specific Arrest Incidents Involving Concealed Handgun License Holders* offers detailed information gathered through Violence Policy Center research on 11 arrests of concealed handgun license holders—10 for murder or attempted murder and one for aggravated kidnapping. For the entire study period, there were 41 arrests for murder or attempted murder, but these 10 are the only ones for which the VPC could find definitive information after extensive research. Of these 41 arrests, there was no final data on 13 (32 percent) of them.

- *Section Three: Conclusion* offers a brief summary of the study's findings and policy recommendations for states that have passed or are considering "shall issue" concealed carry laws.

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[12] From 1996 to 2000 (the latest year for which DPS UCR data is available), according to the DPS' Crime Records/Crime Information Bureau/UCR, 38,830 persons aged 21 and older were arrested for weapon-related offenses (illegal carrying, possession, etc.) in Texas. According to the U.S. Census, in 2000 there were an estimated 13,586,575 adults aged 21 and older in Texas. The weapon-related arrest rate among all Texans aged 21 and older from 1996 to 2000 was 285.8 per 100,000. Arrest records from the DPS list 1,131 weapon-related arrests among concealed handgun license holders from 1996 to 2000. The weapon-related arrest rate among Texas concealed handgun license holders from 1996 to 2000 was 417.2 per 100,000.

Section One: Arrests of Concealed Handgun License Holders in Texas
January 1, 1996, to August 31, 2001

Charge	Number of Arrests
Murder/Attempted Murder	**41**
Kidnapping/False Imprisonment	**14**
Rape/Sexual Assault	**79**
Rape	1
Sexual Assault/Aggravated/Attempted	28
Sexual Assault/Aggravated on a Child	39
Sexual Assault on a Child	11
Manslaughter/Negligent Homicide	**6**
Manslaughter	2
Intoxicated Manslaughter with a Vehicle	3
Criminal Negligent Homicide	1
Assault	**833**
Assault/Aggravated Assault, Causing Bodily Injury or Involving Family Violence	695
Assault/Aggravated on a Public Servant	19
Intoxicated Assault w/Vehicle	9
Injury to a Child/Elder/Disabled Person	41
Terroristic Threat	60
Retaliation	9
Weapon-Related Offenses	**1,272**
Assault/Aggravated Assault w/Deadly Weapon	279
Unlawfully Carrying a Weapon	671
Deadly Conduct/Discharge Firearm	172
Discharge Firearm	19
Disorderly Conduct/Discharge or Display Firearm	31
Criminal Trespassing with Deadly Weapon	3
Weapons Law Violation	4
Disposing Firearm to Felon	1
Failure or Refusal to Display Handgun License	62
Theft of a Firearm	8
Unlawful Possession of Prohibited Weapon	20
Possession of Stolen Weapon	1
Making a Firearm Accessible to a Child	1

Automobile-Related Offenses	**1,427**
Driving While Intoxicated	1,315
Driving While License Invalid/Suspended	56
Failure to Stop & Give Information/Render Aid	17
Failure to Give Notice for Striking Unattended Vehicle/Highway Fixture/Landscaping	6
Reckless Driving	23
Unauthorized Use of a Vehicle	8
Obstructing Highway Passage	2
Arson/Aggravated Arson	**8**
Indecency with a Child/Expose/Sexual Contact	**60**
Child Custody Offenses	**9**
Abandon/Endanger Child	8
Interfere with Custody	1
Drug-Related Offense	**404**
Dangerous Drugs	12
Delivery of Marijuana	10
Manufacture/Deliver Controlled Substance	41
Possession of Marijuana	199
Possession of Controlled Substance	135
Possession of Drug Paraphernalia	4
Trafficking in Drugs	1
Violation of Controlled Substances	2
Impersonating a Police Officer/Public Servant	**19**

Conduct-Related Offenses	**143**
Aggravated Perjury	2
Abuse of Official Capacity	3
Interfere with Duties of a Public Servant	15
False Report to Police Officer	10
Contempt of Court	3
Cruelty to Animals	19
Disorderly Conduct/Family Violence	9
Stalking	3
Harassment	49
Intimidation	2
Reckless Conduct	2
Tampering w/Witness or Government Records	22
Official Oppression	3
Improper Influence	1
Sexual Misconduct	**134**
Prostitution	64
Promotion of Prostitution	2
Indecent Exposure	36
Lewd/Public Lewdness	20
Solicitation of Minor	1
Illegally Operating Sexually-Oriented Business	2
Possession or Promotion of Child Pornography	5
Sex Offender Registration	4
Robbery/Burglary/Theft/Larceny	**332**
Aggravated Robbery	7
Robbery	3
Burglary	25
Grand Larceny	1
Theft/Swindle	296
Organized Crime	**21**
Criminal Mischief	**72**

Forgery/Fraud	**93**
Credit Card Abuse	4
Make/Possess/Display Fictitious Inspection Certificate	10
False Tax Returns	1
Use/Alter/Transfer Food Stamps	3
Forgery	16
Fraud/Mail Fraud	37
Misappropriate Fiduciary/Trust	9
Money Launder	3
Insufficient Funds/Check	9
Pyramid Schemes	1
Violation of Protective Order	**17**
Trespassing/Criminal Trespassing	**47**
Alcohol-Related Offenses	**64**
Boating While Intoxicated	10
Importing Beer w/o License	1
Permit Intoxicated on License Premises	3
Public Intoxication	2
Selling Alcoholic Beverages to a Minor	33
Selling Alcoholic Beverages in a Dry Area	2
Serving Alcoholic Beverages to Intoxicated or Insane	1
Selling Alcoholic Beverages w/o a License	3
Violation of Alcohol and Beverage	9
Arrest-Related Offenses	**86**
Evading Arrest	48
Fleeing/Fleeing Police Officer/Escape	7
Resisting Arrest	27
Hinder Apprehension/Prosecution	4
Other[13]	**133**
Total Number of Offenses	**5,314**

[13] Other includes: alien smuggling; arrest data not received; aids/calls meetings; bribery; civil rights violations; discharge waste; failure to appear/identify fugitive from justice; federal charges; felony failure to file income tax; graffiti; hunting with artificial light; manufacture/distribute decoding device; warrant offenses; possession of gambling device; and, unknown offenses.

Section Two: Details of Specific Arrest Incidents Involving Concealed Handgun License Holders

Using outside resources, such as newspaper accounts, law enforcement reports, and public data on criminal records, the Violence Policy Center was able to obtain additional information on 11 of the 5,314 arrests reported by the DPS—10 for murder or attempted murder and one for aggravated kidnapping.

Murder

Murder—Kirby, Texas

- On April 20, 2001, a fight broke out between graveyard shift employees of two food distribution companies. As the fight was ending, concealed handgun license holder Farhad George, 29, realized that his younger brother had been slashed in the face with a knife. The attacker was identified by someone in the crowd as Victor Casanova. George reached for his 40 caliber Glock pistol and began approaching the Chevy Camaro that Casanova and Glen Grantham had just gotten into. Grantham was shot in the chest and died in the driver's seat. Casanova ran for several hundred yards before the pursuing George shot him twice. He died four days later. During the trial, the defense claimed that George was trying to bring Casanova in on a citizen's arrest and that Grantham was killed inadvertently. George was found guilty of murder in February 2002 and sentenced to a 30-year prison term.

Attempted Murder of a Police Officer—Houston, Texas

- On April 8, 2001, a friend of concealed handgun license holder Alberto Ruiz Fabila, 37, and another man were arguing outside a nightclub at closing time. Houston Police Department Officer D.A. Gamboa was working an extra job at the club and attempted to intervene. Fabila pulled a 45 caliber pistol from his waistband and pointed it at the officer. When Officer Gamboa grabbed the gun, Fabila fired once striking the officer's hand and then fled on foot. Fabila was caught by Officer Gamboa a few blocks away. The officer was then taken to the hospital for the injuries. In February 2002, Fabila was found guilty of aggravated assault on a public servant and sentenced to six years in prison.

Capital Murder—Austin, Texas

- On October 21, 2000, cab driver and concealed handgun license holder Wayne Franklin Lambert, Jr. was driving home two passengers, Lance Hughes and Kevin MacDonald. During the drive, Lambert pulled over and at some point shot both passengers with his stainless steel Para-Ordance 45 caliber pistol. Hughes, shot three times in the back, died at the scene, while MacDonald died in surgery hours later. According to the *Austin American-Statesman*, Lambert told one passerby at the scene that the two men had tried to rob him, he then told two other passersby that the two men had tried to jump him, and he told a cab driver who later appeared at the scene that the two men had tried to flee his cab without paying the fare. At a press conference six weeks after his arrest, Lambert told reporters that he shot the "rich kids" in self-defense, that they were drunk, possibly drugged, attackers. According to the *Austin American-Statesman*, before he went into surgery, MacDonald stated that although Lambert and Hughes had argued, Hughes didn't try and hit Lambert. MacDonald claimed that Lambert was offended by something they had said, challenged them to a fight, and threatened to call the police to accuse the two passengers of trying to rob him. On April 9, 2001, Lambert died in jail while awaiting trial.

Murder—Del Rio, Texas

- Concealed handgun license holder Patrick Glenn Bordelon was arrested and charged with the June 29, 1999, attempted murder of 16-year-old Ivan Misael Mendez Sepulveda. Sepulveda claimed that he was rounding up his dogs in the river when he was shot in the back three times, but Bordelon claimed that a Mexican man was standing on the American side of the river, outside his (Bordelon's) chain-link fence and that "he knew his intentions." At the trial Bordelon stated that the youth was clearly trespassing and testified that "I certainly didn't have a sign outside that said, 'Free tacos.'" In December 2001, Bordelon was cleared of the attempted murder charge but the jury found him guilty of two counts of aggravated assault with a deadly weapon, saying that Bordelon shot Sepulveda in the back and the ankle with two blasts of a shotgun, according to the *San Antonio Express-News*. Bordelon was sentenced to three and one-half years in jail.

  Additionally, in May 2002, Bordelon pled guilty to shooting and killing a Mexican youth in November 1999. Bordelon was charged with murder for shooting 16-

year-old Luis Armando Chavez Vaquera. He plead down to manslaughter and was sentenced to seven years in prison. According to Chavez Vaquera's friends, they crossed the Rio Grande to burglarize Bordelon's home. Before they could break in, Bordelon arrived home, got a gun, and began shooting. According to the *San Antonio Express-News,* even after he pled guilty, Bordelon claimed, "I did not shoot anyone, and that's all I've got to say." Under terms of the plea agreement, Bordelon's seven-year manslaughter term will run concurrent with the aggravated assault conviction. He will be eligible for parole in three and a half years.

Murder/Suicide—Houston, Texas

- On August 23, 1998, concealed handgun license holder Gene Hanson shot and killed his ex-girlfriend's new boyfriend, Tim Twain Gooch, and then himself. According to the *Houston Chronicle*, a neighbor reported that Hanson staked out his ex-girlfriend's home around 11:30 a.m. Another neighbor reported that about five hours later Hanson pulled his car behind his ex-girlfriend and her boyfriend as their car pulled into the driveway. Hanson reportedly got out of his car, said a few words, and then opened fire. He did not shoot his ex-girlfriend, but killed Gooch and then himself. Both Gooch and Hanson died in the woman's driveway. According to the Houston Police Department, Hanson had been harassing his girlfriend the month before the shooting.

Murder—Richardson, Texas

- On April 1, 1999, concealed handgun license holder Randy Phil Allen II was arrested and charged with the 1988 murder of Alan Wayne Brunken. According to the *Dallas Morning News*, police believe that Allen and Brunken met for the first time the evening of February 28, 1988, at White Rock Lake, and the two men then went to Brunken's home. There, Brunken was shot with a handgun and stabbed several times, allegedly by Allen. The police believe that overtones of the crime suggest it was sexual in nature. Brunken's body was discovered on March 2, 1988, after he failed to show up for work.

Murder—Dallas, Texas

- On June 5, 1998, concealed handgun license holder Jack Reynolds was charged with murder after he shot and killed his next-door neighbor, Julian Rioz. The Dallas Police reported that Rioz and several other people were at a party at Reynolds' home when a fight broke out over a woman. Police said Reynolds retrieved his handgun from his pocket and as Rioz was walking home shot his pistol in the air. Rioz taunted the man and told him if he was going to shoot him he should come closer and do it. Reynolds crossed the yard and at point-blank range shot his neighbor once in the chest. According to the Dallas Police Department, Reynolds had spent his pension check on beer and drugs for the party, and was drunk at the time of the shooting. Witnesses related that Reynolds was known for shooting his weapon into the air for no reason. At the time of the trial, Reynolds told the jury that he was too drunk and drugged to remember what happened. Reynolds was convicted of murder in January 1999 and sentenced to 10 years probation.

Attempted Murder—Midlothian, Texas

- On July 9, 1997, the Midlothian Police Department arrested concealed handgun license holder Stephen Ray Harrelson for attempted murder. According to an article in *Midlothian Today*, Harrelson allegedly entered his estranged wife's home and forced her into a back room. There, he allegedly stuck a pistol to her head. The woman alerted her children in front of the home and they were able to summon the police by calling 911. A struggle broke out and the woman was able to get Harrelson to leave. A police pursuit of Harrelson—who still had his gun—ensued. According to police, when Harrelson was located he threatened to kill himself. He eventually laid down his handgun and surrendered. Harrelson was sentenced to 10 years probation.

Murder—Pinehurst, Texas

- On May 19, 1997, concealed handgun license holder Daniel Meehan of Pinehurst, Texas, was arrested for the shooting death of Selma Pieruccini, who had been living with him. According to reports in the *Orange Leader*, Pieruccini was found dead in her home from a 9mm gunshot wound. According to the *Beaumont Enterprise,* Meehan originally reported the shooting as a suicide, but autopsy

reports showed Pieruccini had been shot in the back from a range of less than two feet. Meehan had reportedly consumed approximately 16 beers the night of the murder. Meehan was convicted of murder in February 1998 and was sentenced to 99 years in prison.

Attempted Capital Murder—Houston, Texas

- On May 15, 1996, concealed handgun license holder Francisco Santos-Rojo was arrested for attempted capital murder in connection with the robbery-slaying of diamond broker Janos Szuc in Szuc's southwest Houston office on January 24, 1996. Houston police report that Santos-Rojo allegedly paid off a cleaning woman for security access into Szuc's office building and waited outside in a getaway car during the incident. According to the *Houston Chronicle*, brothers Alberto and Reinaldo Dennes allegedly shot and wounded a security guard in Szuc's building with a 9mm pistol fitted with a silencer, shot and killed Szuc, and then stole $3.6 million in diamonds from Szuc's office safe before driving off with Santos-Rojo. The Dennes brothers were arrested and charged with capital murder in late February 1996, and Santos-Rojo was arrested in May. According to the Texas DPS, Santos-Rojo was indicted for capital murder, his charge was subsequently reduced, he was convicted of robbery, and sentenced to 10 years in prison.

Kidnapping

Aggravated Kidnapping—Seguin, Texas

- On April 28, 1997, concealed handgun license holder Diane James was arrested by Seguin, Texas, police in the aggravated kidnapping of a young woman. According to the *San Antonio Express-News*, Diane James and her husband, David, abducted a San Antonio woman in her 30s off the street as she walked home. According to police reports, the woman was assaulted with a stun gun, pulled into the James' van, and then taken to their home, where she was kept naked and in chains. The woman reportedly told police that David James told her she was going to be "trained" as a sex slave. The woman escaped the next morning and ran to a neighbor's home. David James—armed with a Colt AR-15 assault rifle—followed the woman to the neighbor's home. When the police arrived at the scene a shootout ensued in which David James was killed. Diane James was convicted of aggravated kidnapping on November 21, 1997, and was sentenced to 15 years in the Texas Department of Criminal Justice Penitentiary.

Section Three: Conclusion

While advocates of relaxed concealed carry laws promise the public protection from crime, Texas Department of Public Safety data details the day-to-day, real-world effect of such laws: they arm criminals and threaten public safety. All too often, concealed carry license holders don't stop crimes, but commit them.

Yet, exactly how many and what types of crimes are being committed is becoming harder to ascertain. Texas, which allows information about the arrests of the concealed handgun license holders to be analyzed by the public, has taken the first step toward restricting information with the enactment of legislation, which took effect September 2001, restricting information posted on the Department of Public Safety's web site. Other states do not provide any information *at all* about the number and types of crimes committed by their concealed carry licensees. Allowing the public full access to this information on concealed carry holders is essential to a fair examination of the concealed carry licensing system.

In light of the findings of this study, and previous studies conducted by the Violence Policy Center of the Texas as well as Florida concealed carry laws, the VPC strongly recommends against the adoption of concealed carry licensing in any additional states and urges states that have passed such laws to repeal them.

April 26, 2006

TO: **Lincoln City Council**

FROM: **Rick Hoppe**
Aide to Mayor Seng

RE: **Research on Concealed Carry**

As part of an RFP submitted by Ms. McRoy and Ms. Newman I am submitting research on a study of the Texas concealed carry law.

The Texas study is unique in that for a five year period from 1996 to 2001, the law required law enforcement to report incidents involving concealed carry license holders.

The results were disturbing and undermine the claim that only law abiding citizens take advantage of the concealed carry law. The report found that over 5,300 crimes were committed by permit holders during the period, including an attempted murder of a police officer.

Karen K Sieckmeyer/Notes
04/26/2006 03:35 PM

To CouncilPacket/Notes@Notes
cc Karl A Fredrickson/Notes@Notes, W. Wayne Teten/Notes@Notes, Nicole Tooze/Notes@Notes
bcc
Subject Fw: City Council Inquiry Regarding Property at 2121 P Street.

Karen K Sieckmeyer/Notes

The following is in response to Annette McRoy's questions about the schedule of events planned for the property located at 2121 P Street, which is currently occupied by Glenn Hillhouse's Body Shop.

The building at 2121 P Street needs to be demolished to accommodate the detour for the P Street portion of the P & Q Street Bridge project. There is some utility work that must be performed before the detour can be built and the detour must be done this fall for the bridge to be completed by next fall (when the O Street Bridge project is scheduled to begin).

Please note that the deadline for demolition is earlier than the date conveyed to the Council on Monday.

- May 10, 2006, Advertize for demolition of properties in block bounded by 21st, 22nd, O & P Streets.
- May 24, 2006, Bid opening for demolitions.
- June 8, 2006, Expected approval of demolition contract by JAVA Board.
- July 1, 2006, Anticipated latest date demolition may begin to be completed by letting date for P & Q Street Bridge project.
- July 26, 2006, Letting date for the P & Q Street Bridge project.
- August 8, 2006, Anticipated date that JAVA Board approves P & Q Street Bridge contract.
- August 14, 2006, Anticipated date City Council approves 2007 budget.
- August 21, 2006, Date contractor can begin work.

If there are any other questions, please let me know.

Wayne Teten

April 20, 2006

Reference # CZ #05082

RECEIVED
APR 25 2006
CITY COUNCIL
OFFICE

To whom it may Concern:
at Planning Department
555 So 10th
Lincoln, Ne. 68508

This letter is Concerning Glenn's Body Shop to change the zoning on property he purchased at 21st & K St.

His body Shop currently at 2121 P St.
We have known Glenn Hillhouse as long as he has been in body shop business. He is well known throughout the Community as an honest, reputable business owner. He has always maintained an excellent shop and is a pillar to the Community. I recommend a change of zone for Glenn Hillhouse at Glenn's Body Shop

Yours truly,
Bob & Shirley Whitney
Z 4906 0425-2

RECEIVED
APR 25 2006
CITY COUNCIL
OFFICE

April 23, 2005

Lincoln City Counsel
555 S.10 Suite 213
Lincoln, Nebraska 68508

RE: Annexation of 6007 N. 14st

Dear City Counsel:

I am writing in regards to getting annexed into the city limits. We are in full agreement of the offer to be annexed into the city except we are not willing to donate land for right-of-way along N.14 st. When we bought this place we paid more then it's worth, because of the beauty of the land south of the house. We are just a family living in this home. We are not making a profit off this land like the other land around us is doing. We made a reasonable counter offer of donating the land if we were to subdivide our land. At that point we would be making a profit not just living here. In time the way it sounds we will already be losing part of our land because the city wants to make 14th street four lanes with an island, sidewalks, and a bike path. All we are asking is to get city water; because our well water is to high in iron we cannot cook with it or even drink it. I don't understand why we, as just home owners that are being in convent because of progress of the City of Lincoln we have to sacrifice our land just to receive city water. I mean if we get annexation into the city we will pay the impact fee to tap into the water and pay higher taxes. Why would we have to hand over our land? Please reconsider your decision. All we want is to just keep our land and receive water that we could drink.

Please feel free to contact me at 430-5350 if you have any questions.

Thank you for your consideration of this matter.

Sincerely,

Tom and Betty King

2506 0425-2

Capital Rentals
Apartments • Homes • Duplexes
PO BOX 22080 • LINCOLN, NE 68542 • PHONE (402) 435-2552

RECEIVED
APR 25 2006
CITY COUNCIL
OFFICE

Mr. Ken Svoboda
555 S. 10th Street
Lincoln, NE 68508

Dear Mr. Svoboda,

Here is the response from Governor Heineman as to his stand on LB1086. He obviously does not understand that getting the prostitutes and associated drug dealers off the street is not done to benefit the prostitutes, but the neighborhood residents, businesses, property owners, and their lenders. Apparently school children going home from school in the middle of the day walking by working prostitutes is not a statewide concern! It certainly is in South Central Lincoln!

How about a little help! Can the City pass laws increasing the penalty for this type of illegal behavior? Some of these women have been arrested dozens of times, do their 15 days, and are out again.

Are you going to allow these people to take over South Central Lincoln? The police are powerless; can you not give them some tools? The problem is bad and growing worse. I cannot stand on the corners continually harassing prostitutes to move on, although I do it every day!

We are drowning down here. Please address the issue before we go down for the third time. Chief Cassidy, I am sure, might have some suggestions. I can be contacted at 435-2552 to answer questions anyone may have. Thank you for your time and consideration on this matter and I await your response.

Sincerely,

John Bussey
Capital Rentals

Cc: Police Chief Cassidy
Health Partners Initiative

Dave Heineman
Governor

STATE OF NEBRASKA
OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: (402) 471-2244 • gov.heineman@gov.ne.gov

April 17, 2006

Mr. John Bussey
Capital Rentals
P.O. Box 22080
Lincoln, NE 68542

Dear Mr. Bussey:

Thank you for your recent correspondence regarding LB 1086 the Nebraska Prostitution Intervention and Treatment Fund Act. I signed the bill into law on April 11, 2006. I vetoed the funding from the program.

I object to the provisions of the bill that create a new state-financed benefit program for individuals who participate in prostitution-related activities as defined by LB 1086. Creating a program financed with state General Funds to benefit a population that is engaged in illegal activity is objectionable public policy and certainly should not be a spending priority for our state. In the next legislative session, I will request that legislation be introduced to eliminate this program.

Thank you, again, for writing and sharing your views with me.

Sincerely,

Dave Heineman

Dave Heineman
Governor

DH/KD:hp

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"Lynn Darling"
<waterLynn@msn.com>
04/26/2006 09:17 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject pending starbucks

The 2 proposed locations on South street and Van Dorn & 10 th street for the new Starbuck coffee shops are totally unacceptable because of the traffic at each location and the Meadow Lark coffee shop on South st. The franchise companies do NOT give one whit about whether they cause a problem in communities or put local businesses out of business. We all know for a fact franchises sent their profits back to the home office and owners. "ONLY!!" hometown businesses keep the profits in town. Mr. Svoboda, you of all people, know this better than anyone. We desperately need to encourage hometown businesses. Both locations will make an already traffic problem worse and more unsafe. The builder/developer cartel that controls most of Lincoln have not had Lincolns small businesses on their support/promotion list. WHY?????? IF any of you support either or both sights will have a LOT of explaining to give to Lincoln "local" small businesses and tax payers. Let's work on making Lincoln unique by growing with local businesses. Enough of corporate America.

Lynn Darling
2601 SW 23
Lincoln, Ne. 68522

Lynn

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>

04/27/2006 10:30 AM

To General Council <council@lincoln.ne.gov>

cc

bcc

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Karol Leisy
Address: 5601 L Street
City: Lincoln, NE 68510

Phone: 402-890-2951
Fax:
Email:

Comment or Question:
Super Target??? Why do you think Target is any better than Super Walmart? Target does not support our Military! Target does not allow Salvation Army Bell Ringers! Target does not allow "Merry Christmas." I have not shopped at Target for over a year and continue to drive by each day. I am not a great fan of Walmart either, but will drive there and pass Target due to what I believe in. GOD BLESS OUR MILITARY and the protection they provide.

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>

04/21/2006 08:04 AM

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:
Dear Council Members:

I am adamantly opposed to the new state law allowing the carrying of concealed weapons.

Please don’t let this happen in Lincoln. Please ban carrying concealed weapons in Lincoln.

Jean Sanders

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>
04/25/2006 03:45 PM

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

InterLinc: City Council Feedback for
General Council

Name: Barbara G. Anderson
Address: 1010 "N" Street
City: Lincoln, NE 68508

Phone: 402-488-0028
Fax:
Email: banderson@ci.lincoln.ne.us

Comment or Question:
Council Members,

It's my understanding that you asked for feedback concerning the concealed weapons law. As a city employee, who works at the One Stop Career Center (10th and "N" Sts.),I have grave concerns about people being allowed into a public office packing a weapon.

Daily, countless people come into our offices, thinking that the Unemployment Office is still here. (Instead, their staff is behind locked doors on the fourth floor.) NOT infrequently, we get people who are upset and angry that they have not received their unemployment checks. There have been incidents where police have had to be called to escort these people out because they refuse to listen and understand that there is nothing our staff can do to help them---other than show them the phone where they can call unemployment.

It will take just one time for an angry, unemployed, desperate person to come in here, upset that we can't do anything---for a weapon to be pulled out and used. It isn't just unemployment check issues that upset people. Unemployed people are frustrated, bitter and short on money and many times staff end up being the venting posts for citizens. Today's society is an angry, hostile one. I fear for the safety of myself, my co-workers and other clients here at the One Stop. Allowing people to conceal weapons is a recipe for unfortunate circumstances to occur. Please, for the safety of our citizens, institute laws that make it harder for people to commit these kinds of crimes.

Barbara G. Anderson

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>

04/21/2006 07:19 AM

To General Council <council@lincoln.ne.gov>

cc

bcc

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: John Trumble
Address: 4611 Old Cheney Road, Apt. 7
City: Lincoln, NE 68516

Phone: 402-328-0433
Fax:
Email: jtrumble@alltel.net

Comment or Question:
Dear Councilmembers:

I am concerned about the announcement that Mayor Seng will propose a city-wide ban on the carrying of concealed weapons as permitted by the recently signed LB 454.

There are three main problems with such a ban:

1) Apparently, the ban would be based on the personal feelings of those opposed to the legislation. It could NOT be based on any evidence of the harmful effects that the ban would be concerned about, because the experience of the many other states that have affirmed citizens' rights to carry concealed weapons has been that violent crime has actually been reduced in these states (and in the major cities of these states, not just in rural areas). I believe the mayor is already aware of this, which is why I'm concerned that the ban would be based on an emotional reaction and have no basis in fact.

2) Citizens of the United States have a constitutional right to "keep and bear" arms. Mayor Seng is aware of this as well. Shall it be the responsibility or right of the Mayor of Lincoln to decide which parts of the United State Constitution apply to Lincoln citizens? Might such a ban also violate other constitutional guarantees?

3) The ban that the Mayor is considering sets aside one of our most important constitutional guarantees: the presumption of innocence. Citizens of the United States are to be considered by all branches of the government as "innocent until proven guilty". By proposing that Lincoln citizens be prohibited from exercising their constitutional right to "keep and bear" arms, the ban would do away with that presumption of innocence. Such a ban would, in effect, say that citizens of Lincoln cannot be trusted NOT to commit crimes--even despite the background checks and safety training required by LB 454 in order for a citizen to receive a permit. Such a ban would pre-judge Lincoln citizens as a whole, in direct contradiction to the presumption of innocence.

I urge you to reject the proposal to prohibit Lincoln permit holders from carrying concealed weapons as allowed by Nebraska's LB 454.

Sincerely,

John Trumble
4611 Old Cheney Road Apt. 7
Lincoln, NE 68516
402-328-0433

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>
04/20/2006 07:15 PM

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

InterLinc: City Council Feedback for
General Council

Name: Paul Kelzer
Address: 935 West Burt Drive
City: Lincoln, NE 68521

Phone: 742-5637
Fax:
Email: pkkskelzer@yahoo.com

Comment or Question:
Dear Councilmembers
Please vote AGAINEST the Mayor on the Conceal Carry of Weapons (CCW) ban of Lincoln. The Mayor is WRONG! I moved here from Nampa,Idaho 2 + years ago, we had liberal CCW laws in that state, and for the 9 years I lived there I had a CCW permit. The crime rate was FLAT and I felt safe in knowing that if something ever happen to me that I HAD A 50/50 CHANCE... instead of WAITING for 911.
Again, Please allow for the CCW in Lincoln. I will be listening and watching the City Council on this issue.
Thank you for your time.
Paul Kelzer
P.S. Remember New Orleans!

DO NOT REPLY to this - InterLinc <none@lincoln.ne.gov>

04/21/2006 01:00 PM

To General Council <council@lincoln.ne.gov>

cc

bcc

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Jim Veach
Address: 7430 s 18 st
City: Lincoln NE

Phone: 420 5207
Fax:
Email: jdveachster@yahoo.com

Comment or Question:
Please do not let the mayor or police chief ban the right to carry conceled in the city of Lincoln.It will not put the citizens of Lincoln in any danger.I,in fact have been around guns most of my life and have never indangered anyone with any of them.All I want is to be able to defend myself and family.As I read the final draft of the law I will have to be fingerprinted,background checked and my handgun will have to be registered,in addition to more training.I will gladly fullfill these if I am allowed to carry.It seems law enforcement would be better off in almost any situation. When contacted by an officer,simply give them a copy of permit and they can secure handgun as needed.Sometimes I think i am being punished for living/working in Lincoln.Thanks for the time.Jim Veach

"pathenry"
<phenry@neb.rr.com>
04/21/2006 02:24 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject Concealed carry law.

I have no intention of running down and applying for a permit at the first opportunity, but I do look forward to having the right to do so. I am opposed to the Mayor's proposal to outlaw this possibility in Lincoln.

First, I am concerned that cities across the state would be developing a hodge-podge of laws in this area, leading to confusion among the people and probable inconsistent enforcement.

I am also concerned about the number of people who now carry in Lincoln without the background check and the required training continuing to do so. State law appears to be rather ambiguous in the description of who can carry now. I am not a lawyer, but am told the law as currently in effect is difficult to enforce in court. This produces little concern on the part of many regarding the penalty they would face if caught.

Would it not be better to work with the State to strive to obtain some consistency across the State, to have better laws to allow concealed carry which would still allow it for people who have a legitimate need, but strongly discourage others through penalties. If a person has a need, why not allow him or her to pass a background check a take the training, and not just stick the gun in his belt because he might be collecting rent today? Increase the penalties and the ease of prosecution.

The law recently passed by the Senate requires a permit with a background check at a cost of $100.00 and a training course the cost of which has been estimated at between $200.00 and $600.00. I believe this cost will be enough to keep the vas majority of those who might want to take advantage of this law for somewhat nefarious purposes from doing so, and that the number of guns on the street will not increase dramatically, and may even decrease.

The people of Lincoln do not need any laws developed just because of opportunities some might see as politically expedient. Please take some time on this matter and look seriously at the many aspects of it. You know that it is an issue that has developed a considerable amount of passion without enough deep, considerate, and calm, open minded thought. Let us not join that group and take some time prior to putting it on the agenda.

Thanks for your consideration.

Patrick J. Henry
1460 Buckingham Dr.
Lincoln, NE 685065

"Chambers, Jim \(RBC Dain\)" <Jim.L.Chambers@rbcdain.com>

04/21/2006 03:18 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject Gun ban

The mayor indicated in the paper this morning that she "can't go anywhere in Lincoln these days without being approached by people asking what she's going to do about the concealed-weapons law". Well, that may be a reflection on "where she is going" and the mindset of the people who are willing to "approach her".

Because I work and live in Lincoln, but also operate a farm in the county, I choose to carry a weapon in my automobile, not only for varmint control, but also because I have more than once come face to face with less than desirable individuals, often at night, on the farm. The advent of concealed carry will allow me to keep a weapon under the seat of my vehicle, out of sight. Currently that is a felony. I have no intent to carry a weapon under my shirt, but I do think it is counterproductive to force me to place a weapon in plain sight on the dash or seat of my car or pickup, especially when the vehicle is parked somewhere in town on days that I will travel to the farm.

Individual law enforcement officers have advised me, in the past, that they use "discretion" when they discover a weapon under the seat. That makes me nervous, because discretion depends more upon the mood of the officer than the circumstances. I would much prefer a black and white concealed carry law that legalizes my activity. If you ban concealed carry in the city, we are back to square one, if not a more restrictive environment. Is the intent to disarm us? If so, vote for a ban. If the intent is to enforce laws on the criminal population, and to allow the law abiding to operate freely, then ignore Mayor Seng's misinformed cry for security and mirror the laws of the State.

Sincerely,

Jim Chambers
Senior Vice President-
Financial Consultant
RBC Dain Rauscher
6940 O Street, Suite 400
Lincoln, NE 68510
Phone: (402) 465-3806
Fax: (402) 465-3870
Toll Free: (800) 288-3246
jim.l.chambers@rbcdain.com

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"Richard Marolf"
<rjmaro@comcast.net>
04/22/2006 12:56 PM

To <mayor@lincoln.ne.gov>
cc <campjon@aol.com>, <amcroy@lincoln.ne.gov>, <council@lincoln.ne.gov>
bcc
Subject Documentation: Please read throughly

Gun Laws, Culture, Justice & Crime In Foreign Countries

Do other countries all have more restrictive gun laws and lower violent crime rates than the U.S.? How do U.S. And other countries` crime trends compare? What societal factors affect crime rates?

- **A recent report for Congress notes, "All countries have some form of firearms regulation, ranging from the very strictly regulated countries like Germany, Great Britain, Japan, Malaysia, Singapore and Sweden to the less stringently controlled uses in the jurisdictions of Mexico and Switzerland, where the right to bear arms continues as a part of the national heritage up to the present time." However, "From available statistics, among (the 27) countries surveyed, it is difficult to find a correlation between the existence of strict firearms regulations and a lower incidence of gun-related crimes. . . . (I)n Canada a dramatic increase in the percentage of handguns used in all homicides was reported during a period in which handguns were most strictly regulated. And in strictly regulated Germany, gun-related crime is much higher than in countries such as Switzerland and Israel, that have simpler and/or less restrictive legislation." (Library of Congress, "Firearms Regulations in Various Foreign Countries, May 1998.")**
-
- **Many foreign countries have less restrictive firearms laws, and lower crime rates, than parts of the U.S. That have more restrictions. And many have low crime rates, despite having very different firearms laws. Switzerland and Japan "stand out as intriguing models. . . . (T)hey have crime rates that are among the lowest in the industrialized world, and yet they have diametrically opposite gun policies." (Nicholas D. Kristof, "One Nation Bars, The Other Requires," *New York Times* , 3/10/96.) Swiss citizens are issued fully-automatic rifles to keep at home for national defense purposes, yet "abuse of military weapons is rare." The Swiss own two million firearms, including handguns and semi-automatic rifles, they shoot about 60 million rounds of ammunition per year, and "the rate of violent gun abuse is low." (Stephen P. Halbrook, *Target Switzerland;* Library of Congress, PP. 183-184.) In Japan, rifles and handguns are prohibited; shotguns are very strictly regulated. Japan`S Olympic shooters have had to practice out of the country because of their country`S gun laws. Yet, crime has been rising for about the last 15 years and the number of shooting crimes more than doubled between 1997-1998. Organized crime is on the rise and 12 people were killed and 5,500**

injured in a nerve gas attack in a Japanese subway system in 1995. (Kristof, "Family and Peer Pressure Help Keep Crime Levels down in Japan," *New York Times* , 5/14/95.) Mostly without firearms, Japan`S suicide rate is at a record high, about 90 per day. (Stephanie Strom, "In Japan, Mired in Recession, Suicides Soar," *New York Times* , p. 1, 7/15/99.)

- **U.S. Crime trends have been better than those in countries with restrictive firearms laws. Since 1991, with what HCI calls "weak gun laws" (Sarah Brady, "Our Country`S Claim to Shame," 5/5/97), the number of privately owned firearms has risen by perhaps 50 million. Americans bought 37 million new firearms in the 1993-1999 time frame alone. (BATF, *Crime Gun Trace Reports, 1999, National Report* , 11/00.) Meanwhile, America`S violent crime rate has decreased every year and is now at a 23- year low (FBI). In addition to Japan, other restrictive countries have experienced increases in crime:**

England -- Licenses have been required for rifles and handguns since 1920, and for shotguns since 1967. A decade ago semi-automatic and pump-action center-fire rifles, and all handguns except single- shot .22s, were prohibited. The .22s were banned in 1997. Shotguns must be registered and semi-automatic shotguns that can hold more than two shells must be licensed. Despite a near ban on private ownership of firearms, "English crime rates as measured in both victim surveys and police statistics have all risen since 1981. . . . In 1995 the English robbery rate was 1.4 times higher than America`S. . . . The English assault rate was more than double America`S." All told, "Whether measured by surveys of crime victims or by police statistics, serious crime rates are not generally higher in the United States than England." (Bureau of Justice Statistics, "Crime and Justice in the United States and in England and in Wales, 1981-1996," 10/98.) An English doctor is suspected of murdering more than 200 people, many times the number killed in the gun-related crimes used to justify the most recent restrictions.

"A June 2000 *CBS News* report proclaimed Great Britain `one of the most violent urban societies in the Western world.` Declared Dan Rather: `This summer, thousands of Americans will travel to Britain expecting a civilized island free from crime and ugliness. . . (But now) the U.K. has a crime problem . . . worse than ours.`" (David Kopel, Paul Gallant, and Joanne Eisen, "Britain: From Bad to Worse," *America`s First Freedom* , 3/01, p. 26.) Street crime increased 47% between 1999 and 2000 (John Steele, "Crime on streets of London doubles," *London Daily Telegraph* , Feb. 29, 2000.) See also www.2ndlawlib.org/journals/okslip.html, www.nationalreview.com/comment/comment071800c.html, and www.nraila.org/research/19990716-BillofRightsCivilRights-030.html.

Australia -- Licensing of gun owners was imposed in 1973, each handgun requires a separate license, and self-defense is not considered a legitimate reason to have a firearm. Registration of firearms was imposed in 1985. In May 1996 semi-automatic center-fire rifles and many semi-automatic and pump-action shotguns were prohibited. As of Oct. 2000, about 660,000 privately owned firearms had been

confiscated and destroyed. However, according to the Australian Institute of Criminology, between 1996-1998 assaults rose 16 percent, armed robberies rose 73 percent, and unlawful entries rose eight percent. Murders increased slightly in 1997 and decreased slightly in 1998. (Jacob Sullum, "Guns down under," *Reason* , Australia, p. 10, 10/1/00) For more information on Australian crime trends, see www.nraila.org/research/20000329-BanningGuns-001.shtml.

Canada -- A 1934 law required registration of handguns. A 1977 law (Bill C-51) required a "Firearms Acquisition Certificate" for acquiring a firearm, eliminated protection of property as a reason for acquiring a handgun, and required registration of "restricted weapons," defined to include semi- automatic rifles legislatively attacked in this country under the slang and confusing misnomer, "assault weapon." The 1995 Canadian Firearms Act (C-68) prohibited compact handguns and all handguns in .32 or .25 caliber -- half of privately owned handguns. It required all gun owners to be licensed by Jan. 1, 2000, and to register all rifles and shotguns by Jan. 1, 2003. C-68 broadened the police powers of "search and seizure" and allowed the police to enter homes without search warrants, to "inspect" gun storage and look for unregistered guns. Canada has no American "Fifth Amendment;" C-68 requires suspected gun owners to testify against themselves. Because armed self-defense is considered inappropriate by the government, "Prohibited Weapons Orders" have prohibited private possession and use of Mace and similar, non-firearm means of protection. (For more information, see www.cfc- ccaf.gc.ca and www.nraila.org/research/20010215-InternationalGunControl-001.shtml.

From 1978 to 1988, Canada`s burglary rate increased 25%, surpassing the U.S. rate. Half of burglaries in Canada are of occupied homes, compared to only 10% in the U.S. From 1976 to 1980, ethnically and economically similar areas of the U.S. and Canada had virtually identical homicide rates, despite significantly different firearm laws. See also www.nationalreview.com/kopel/kopel120700.shtml

Germany -- Described in the Library of Congress report as "among the most stringent in Europe," Germany`s laws are almost as restrictive as those which HCI wants imposed in the U.S. Licenses are required to buy or own a firearm, and to get a license a German must prove his or her "need" and pass a government test. Different licenses are required for hunters, recreational shooters, and collectors. As is the case in Washington, D.C., it is illegal to have a gun ready for defensive use in your own home. Before being allowed to have a firearm for protection, a German must again prove "need." Yet the annual number of firearm-related murders in Germany rose 76% between 1992-1995. (Library of Congress, p. 69.) It should be noted, HCI goes further than the Germans, believing "there is no constitutional right to self-defense" (HCI Chair Sarah Brady, quoted in Tom Jackson, "Keeping the Battle Alive," *Tampa Tribune* , 10/21/93) and "the only reason for guns in civilian hands is sporting purposes" (HCI`s Center to Prevent Handgun Violence Director, Dennis Henigan, quoted in *USA Today* , 11/20/91).

Italy -- There are limits on the number of firearms and the quantity of ammunition a

person may own. To be issued a permit to carry a firearm, a person must prove an established need, such as a dangerous occupation. Firearms which use the same ammunition as firearms used by the military -- which in America would include countless millions of rifles, shotguns, and handguns -- and ammunition for them are prohibited. Yet, "Italy`s gun law, `the most restrictive in Europe,` had left her southern provinces alone with a thousand firearm murders a year, thirty times Switzerland`s total." (Richard A. I. Munday, *Most Armed & Most Free?* , Brightlingsea, Essex: Piedmont Publishing, 1996.)

Foreign Country Cultures, Law Enforcement Policies, and Criminal Justice Systems

While America is quite different from certain countries in terms of firearms laws, we are just as different from those countries in other respects which have a much greater influence on crime rates. Attorney David Kopel explains, "There is little evidence that foreign gun statutes, with at best a mixed record in their own countries, would succeed in the United States. Contrary to the claims of the American gun-control movement, gun control does not deserve credit for the low crime rates in Britain, Japan, or other nations. Despite strict and sometimes draconian gun controls in other nations, guns remain readily available on the criminal black market. . . . The experiences of (England, Japan, Canada, and the United States) point to social control as far more important than gun control. Gun control (in foreign countries) validates other authoritarian features of the society. Exaltation of the police and submission to authority are values, which, when internally adopted by the citizenry, keep people out of trouble with the law. The most important effect of gun control in Japan and the Commonwealth is that it reinforces the message that citizens must be obedient to the government." (*The Samurai, The Mountie, and The Cowboy: Should America adopt the gun controls of other democracies?* , Buffalo, N.Y.: Prometheus Books, 1992, pp. 431.)

Kopel notes that crime is also suppressed in some foreign countries by law enforcement and criminal justice policies that would run afoul of civil rights protections in the U.S. Constitution and which the American people would not accept. "Foreign gun control comes along with searches and seizures, and with many other restrictions on civil liberties too intrusive for America," Kopel observes. "Foreign gun control . . . postulates an authoritarian philosophy of government and society fundamentally at odds with the individualist and egalitarian American ethos. In the United States, the people give the law to government, not, as in almost every other country, the other way around." Following are details for two countries which anti-gun activists often compare to the U.S.:

Britain -- Parliament increasingly has given the police power to stop and search vehicles as well as pedestrians. Police may arrest any person they "reasonably" suspect supports an illegal organization. The grand jury, an ancient common law institution, was abolished in 1933. Civil jury trials have been abolished in all cases except libel, and criminal jury trials are rare. . . . While America has the *Miranda* rules, Britain allows police to interrogate suspects who have asked that interrogation stop, and allows the police to keep defense lawyers away from suspects under

interrogation for limited periods. Britain allows evidence which has been derived from a coerced confession to be used in court. Wiretaps do not need judicial approval and it is unlawful in a British court to point out the fact that a police wiretap was illegal." (Kopel, 1992, pp. 101-102.)

Recently, London law enforcement authorities began installing cameras overlooking selected intersections in the city`s business district, to observe passers-by on the sidewalks. The British Home Office has introduced "`Anti-Social Behaviour Orders` -- special court orders intended to deal with people who cannot be proven to have committed a crime, but whom the police want to restrict anyway. Behaviour Orders can, among other things, prohibit a person from visiting a particular street or premises, set a curfew or lead to a person`s eviction from his home. Violation of a Behaviour Order can carry a prison sentence of up to five years. Prime Minister Tony Blair is now proposing that the government be allowed to confine people proactively, based on fears of their potential danger to society." (Kopel, et al., 2001, p. 27.)

"The British government frequently bans books on national security grounds. In addition, England`s libel laws tend to favor those who bring suit against a free press. Prior restraint of speech in the United States is allowed only in the most urgent of circumstances. In England, the government may apply for a prior restraint of speech *ex parte* , asking a court to censor a newspaper without the newspaper even having notice or the opportunity to present an argument. . . . Free speech in Great Britain is also constrained by the Official Secrets Act, which outlaws the unauthorized receipt of information from any government agency, and allows the government to forbid publication of any `secret` it pleases. . . . The act was expanded in 1920 and again in 1989 -- times when gun controls were also expanded." (Kopel, 1991, pp. 99-102.)

Japan -- Citizens have fewer protections of the right to privacy, and fewer rights for criminal suspects, than in America. Every person is the subject of a police dossier. Japanese police routinely search citizens at will and twice a year pay "home visits" to citizens` residences. Suspect confession rate is 95% and trial conviction rate is more than 99.9%. The Tokyo Bar Assn. has said that the Japanese police routinely engage in torture or illegal treatment. Even in cases where suspects claimed to have been tortured and their bodies bore the physical traces to back their claims, courts have still accepted their confessions. Amnesty International calls Japan`s police custody system "a flagrant violation of United Nations human rights principles." Suspects can be held and interrogated for 28 days without being brought before a judge, compared with no more than two days in many other nations. They aren`t allowed legal counsel during interrogation, when in custody may be visited by only criminal defense lawyers, are not allowed to read confessions before they sign them, and have no right to trial by jury. (Kopel, 1991, pp. 23-26.)

Richard Marolf
1228 Teakwood Dr.
Fort Collins CO. 80525
(970)416-5972 Res.
(970)988-0048 Cell.

"Richard Marolf"
<rjmaro@comcast.net>
04/22/2006 12:59 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject Letter to Chief Casady cc Mayor Seng

From: Richard Marolf
Date: 04/22/06 08:32:38
To: mayor@lincoln.ne.gov
Subject: Concealed carry

Dear Mayor Seng,
I hope you will consider the information that I shared here with Chief Casady.
I don't know where you folks get your information but the facts remain that wherever honest citizens have concealed carry rights the crime rate, especially violent crime, always goes down. Conversely, the cities with the strictest gun bans, San Francisco, Washington D.C. Boston, to name a few, have the highest rate of violent crime against its citizens. Part of the reason being that the knowledge, in the criminal's mind tells him that he may meet with armed opposition. This serves as a real deterrent. Do you want prospective muggers, car jackers and their ilk to know the safest place in Nebraska for them to do business is her capitol city? I doubt that!

For what it's worth, KLIN radio did an on-line survey indicated that 98% of the participants are against your proposed ban.

I hope you will get all the facts, not just left wing rhetoric, as you consider this matter. It baffles me How so many public servants, such as yourself, Have been duped into believing that "more guns = more crime." Statistics from all over the nation prove the opposite is true. I will, in another e-mail supply some of those statistics.

Very respectfully,

Richard Marolf
1228 Teakwood Dr.
Fort Collins CO. 80525
(970)416-5972 Res.
(970)988-0048 Cell.

Dear Chief Casady,
First of all allow me to thank you for your years of faithful service and your very best intentions in serving the citizens of Lincoln & Lancaster co.

As a former Lincolnite and a concealed carry licensee I must call into question your statements regarding Concealed carry laws being banned in Lincoln.

The truth is that, nation wide, armed citizens have foiled crime in the U.S. More than 2 million times annually. Not to mention the many more that have been avoided because the always armed criminals knowledge that citizens may also be armed. It is a statistical fact that every where there has been a concealed carry law has been enacted violent crime has gone down. Transversally, where strict gun bans that effect honest citizens have been enacted violent crime always goes up. In areas where citizens are prevented from even keeping guns in the home as self defense crime against them is off the charts.

I am including a number of accounts of my stated information quoted from Nebraska news papers. These are only " the tip of the iceberg."

I hope you will honestly consider these facts in making further comment and recommendations concerning the concealed carry issue.

With the utmost respect and appreciation.
Your continuing supporter.

Richard Marolf
1228 Teakwood Dr.
Fort Collins CO. 80525
(970)416-5972 Res.
(970)988-0048 Cell.

[IMAGE] **World-Herald, Omaha, NE, 10/23/02**

State: NE

American Rifleman Issue: 1/1/2003

A couple was sleeping in an Omaha, Neb., apartment when three people broke in about 4:30 in the morning. The intruders began beating the male resident and he and the woman staying with him each grabbed a handgun and fired on the trio, shooting two of the suspects.

[IMAGE]

Lincoln Journal Star, Lincoln, NE, 5/16/02

State: NE

American Rifleman Issue: 8/1/2002

A man who broke into a North Platte, Neb., woman's home fled when she picked up a pistol and fired a shot at him, but was later apprehended by police when he returned to conduct a panty raid. The woman told police she woke up about 4:30 a.m. When she heard someone climbing through her window. She grabbed her pistol and fired at the intruder when he advanced on her. The suspect ran out of the house, and the woman ran to a neighbor's house to call 9-1-1. When police arrived they discovered the suspect just leaving the home a second time, he had apparently returned to stuff his pockets with the woman's underwear.

[IMAGE]

Columbus Telegram, Columbus, Neb., 10/29/99

State: NE

American Rifleman Issue: 5/1/2000

When a man who had done some work for a Columbus, Neb., woman showed up at her home one Saturday, she

turned him away saying she was too busy to talk. He soon returned to ask the woman for water to cool his overheated van. After sending him around the side of the house to draw it, she went back to her business. The next thing she knew, the man had followed her back into the house with a rifle and began aiming it at her and pulling the trigger. The terrified resident had the presence of mind to go for her handgun, killing the intruder.

[IMAGE] **Omaha World-Herald, Omaha, NE, 1/28/99**

State: NE

American Rifleman Issue: 4/1/1999

South Omaha resident Gregory W. Webster was in his basement late one evening when three men wearing ski masks and brandishing guns broke in. "A short scuffle ensued," said police Sgt. Joe Mackevicius. "The people breaking in drew guns and possibly fired shots." Webster, who was wounded in the left shoulder, fought back, firing shots from his own gun. Not confident that his efforts were effective, he reportedly told police that his shots had struck only one assailant. Minutes later, however, police apprehended one wounded man in a vehicle fitting witness descriptions, and another wounded man turned himself in at a local hospital emergency room.

[IMAGE] **The Journal, Lincoln, NE, 3/29/96**

State: NE

American Rifleman Issue: 8/1/1996

Awakened by his wife who said there was an intruder in

their home, a Lincoln, Nebraska, man grabbed his .380 and went to investigate, finding not one, but three intruders in their house. One was unplugging a computer, one disconnected a stereo and the third had just entered the house from the garage with the family's car keys in hand, when the armed homeowner yelled at them. Frightened, the three men dropped everything and fled, escaping in a nearby vehicle.

[IMAGE] **The World-Herald, Omaha, NE, 12/9/93**

State: NE

American Rifleman Issue: 5/1/1993

A slow afternoon suddenly turned exciting for Omaha, Nebr., bar owner Maurice Howard when a masked man entered and announced a robbery. Howard initially complied with the man's demands for money, but when the crook's attention was diverted, Howard went for his gun. Neither was hit in the ensuing exchange of shots, but the robber fled empty handed.

[IMAGE] **The Star, Lincoln, NE, 11/22/89**

State: NE

American Rifleman Issue: 2/1/1990

Two men stopped at Steve and Babe Martin's Mullen, Nebr., ranch and asked for food. Then one of them pulled a gun and demanded a vehicle. The rancher wrested the gun from the man, but the stranger's accomplice began stabbing Martin. The attack ended when Mrs. Martin came out of the house with a rifle. Martin was able to hold his assailant for

authorities; the other man fled but was later captured on a train by police.

[IMAGE]

The World-Herald, Omaha, NE, 2/13/89

State: NE

American Rifleman Issue: 5/1/1989

Sheila Wagner was in her Omaho, Nebr., home when a man broke in through a bedroom window. The intruder lunged at her and yelled, "She's in here," to another man climbing through the window. The 41-year-old social worker picked up her registered handgun when the first man grabbed her by the neck and began firing. Wounded, the attacker was helped back out of the house by his accomplice; both were later arrested by police.

[IMAGE]

The Journal, Lincoln, NE, 9/18/86

State: NE

American Rifleman Issue: 12/1/1986

A Lincoln, Nebr., woman awoke to find a man standing at the foot of her bed. As she tried to get up, he pushed her back, saying he wanted her money. While the intruder gagged the woman, her 15-year-old daughter entered and the man chased the girl. The mother freed herself, grabbed a .22 rifle, forcing the would-be robber to flee the house.

[IM

The World-Herald, Omaha, NE, 12/28/85

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State: NE

American Rifleman Issue: 3/1/1986

Thomas Winston had his Omaha, Nebr., home's door bolted and barred because of earlier burglaries, but that didn't stop the most recent pair of unfortunate intruders. They smashed through the front door with a concrete block, only to draw a blast from Winston's 12-ga. shotgun. One was wounded; both were arrested.

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The World Herald, Omaha, NE, 7/16/85

State: NE

American Rifleman Issue: 10/1/1985

Hearing screams from his neighbor's Omaha, Nebr., front yard, Ken Pierson grabbed a pistol and rushed to the scene. He found his neighbor on the ground being kicked and beaten by two men. When Pierson ordered them to stop, one of the assailants grabbed for Pierson's pistol and was fatally wounded in a struggle.

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The World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 6/1/1985

Margarita Washington was working in her Omaha,

Nebr., store when a masked man entered, pulled a gun and demanded money. Washington retrieved a pistol, and the man ordered her to drop it. Instead, she fired a shot that sent him fleeing. "If I had let him get away with it, I might as well close up," she said later.

[IMAGE]

The World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 4/1/1983

An intruder bashed through the door of David Gerken's home near Elwood, Nebr., struck Gerken with a sawed-off shotgun, then bound him and his wife. The gunman threatened to kill the couple if they moved while he left the house, but Gerken, 74, slipped his bonds, readied a shotgun and warned the man against re-entry. When answered by a shotgun blast, Gerken returned fire, and the intruder fell back through the door. The gunman managed to drive away, but collapsed shortly thereafter in a nearby restaurant.

[IMAGE]

The Journal, Lincoln, NE, 6/2/81

State: NE

American Rifleman Issue: 8/1/1981

Awakened by noises coming over the intercom burglary system he rigged up between his house and his Murray, Nebr., service station, Jim Gruber picked up a shotgun and ran to investigate. Two burglars fleeing from the store were brought to bay by warning

shots from Gruber's 12-Ga.

[IMAGE]

The World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 9/1/1978

When Susan Watson of Omaha, Nebr., discovered a burglar in the living room, the man dropped his loot and dashed for the door as she ran and woke her husband. David Watson grabbed his gun in time to fire one shot at the door of the car backing out his driveway, causing the burglar to lose control and crash into a fence. Watson then apprehended the thief and held him for the police.

[IMAGE]

The Omaha World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 6/1/1975

NRA Life Member Robert Marcotte, awakened by his daughter's screams in their Omaha, Nebr., home, grabbed an automatic pistol and ran from his bedroom to find a man at the top of the stairs. When the intruder ran, Marcotte gave chase and caught and held him at gunpoint. The man escaped when Marcotte's attention was diverted but was arrested moments later.

[I

World-Herald, Omaha, NE

[IMAGE]

State: NE

American Rifleman Issue: 6/1/1970

A man walked into Donald Hoberman's jewelry store in Omaha, Nebr., and asked to see some rings. When Hoberman opened a display case, the man grabbed a rack containing several rings and ran out the door. Hoberman got into his car and chased the man, stopping and holding him at gunpoint until officers arrived.

[IMAGE]

World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 3/1/1969

When Mrs. Paul Jaksich heard glass breaking at 4:45 A.M. At the service station next to her Omaha, Neb., home she roused her husband and 18-year-old son. The men armed themselves and held at gunpoint two thieves they caught coming out of the station. One of the intruders was armed with a starter pistol.

[IMAGE]

World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 7/1/1961

A lone bandit victimized Omaha service station attendant Les W. Carper on 2 occasions. The first time he pistol-whipped Carper and took $225. Two weeks later he returned and badly damaged the attendant's eye when he kicked him as he fled the station. For the third time in 6 weeks the thug came again and Carper met him with a cal. .22 pistol. In the ensuing gunfire Carper suffered 2 flesh wounds; the bandit fell with shots in the shoulder and chest but scrambled to his feet and fled out the door. Carper pursued, firing his pistol at his tormentor. The bandit ran some distance, collapsed in a vacant lot, and was taken by police.

[IMAGE]

World-Herald, Omaha, NE

State: NE

American Rifleman Issue: 1/1/1961

Harry Shrago stood just outside the door of his Omaha grocery and heard daughter Florence shriek from inside the store when two men leveled guns at her. Shrago, who carries a gun as closing time approaches, dashed inside, was grabbed by the hair by one of the bandits, broke free, and pulled out his revolver. "The guy lunged at me," said Shrago, "and I fired at him." The bandit, a long-time felon, dropped with a cal. .32 bullet between his eyes and the accomplice fled amid a hail of shots.

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Concealed-carry law a Texas success story

Jerry Patterson
Texas Land Commissioner

When the Texas Concealed Handgun Law took effect in 1996, pundits and naysayers predicted anarchy. Any minute, there would surely be mass violence as armed Texas citizens began roving the streets settling arguments with gunfire. Certainly, several proclaimed, within a year there would be blood in the streets as Texas returned to the days of the Wild West.

Ten years later, the facts paint a different picture. Texas under the Concealed Handgun Law isn't the Wild West, but the Mild West. No recurrent shootouts at four-way stops, no blood in the streets. Quite the contrary, Texans are safer than before.

But why are we safer? Why did the fears of the naysayers fail to materialize?

One of the reasons I authored Senate Bill 60, the Concealed Handgun Law, was because I trust my fellow Texans. Contrary to opinions expressed on almost every editorial page across the state, I knew that when law-abiding Texans' constitutional right to keep and bear arms was restored with the passage of SB 60, they would exercise good judgment and behave responsibly.

Ten years later, and the statistics continue to prove the point.

Since the passage of the Concealed Handgun Law, the FBI Uniform Crime Report shows an 18 percent drop in handgun murders, down from 838 in 1995 to 688 in 2004, and a 13 percent drop in handgun murders per 100,000 population, down from 4.5 murders per 100,000 Texans in 1995 to 3.95 per 100,000 in 2004.

In 2000, on the fifth anniversary of the Concealed Handgun Law, the National Center for Policy Analysis issued a report that indicated Texans with concealed-carry permits are far less likely to commit a serious crime than the average citizen.

According to the report, the more than 200,000 Texans licensed to carry a concealed firearm are much more law-abiding than the average person.

The report illustrated that Texans who exercise their right to carry firearms are 5.7 times less likely to be arrested for a violent offense. They are 14 times less likely to be arrested for a non-violent offense. And they are 1.4 times less likely to be arrested for murder.

H. Sterling Burnett, a senior policy analyst at the NCPA and the author of the report, concluded:

"Many predicted that minor incidents would escalate into bloody shootouts if Texas passed a concealed-carry law. That prediction was dead wrong," Burnett said.

With 247,345 concealed-handgun licenses active in Texas as of December 2005, the number of law-abiding licensees has had a positive effect on the crime rate.

Texas Department of Public Safety Uniform Crime Report indicates the overall crime rate in Texas has continued to drop during the past 10 years. In 1997, DPS reported 5,478 crimes per 100,000 Texans, based on a population of 19,355,427 Texans. In 2004, with almost 3 million more Texans, the crime rate is 5,032 per 100,000.

The effect of the Concealed Handgun Law has been so positive, it has converted some of its most outspoken initial critics.

John Holmes, former Harris County district attorney, wrote to me several years after the passage of the law.

"As you know, I was very outspoken in my opposition to the passage of the Concealed Handgun Act. I did not feel that such legislation was in the public interest and presented a clear and present danger to law-abiding citizens by placing more handguns on our streets," Holmes wrote. "Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my initial fears absolutely groundless."

Glenn White, president of the Dallas Police Association, shared this view. "I lobbied against the law in 1993 and 1995 because I thought it would lead to wholesale armed conflict. That hasn't happened," White told the Dallas Morning News. "All the horror stories I thought would come to pass didn't happen. No bogeyman. I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert."

To the supporters of individual liberty and the constitutional right to keep and bear arms, this outcome is no surprise. However, the Concealed Handgun Law isn't just about personal safety. Perhaps even deeper than its roots in constitutional freedom, the Concealed Handgun Law is about trust.

And after 10 years, the Concealed Handgun Law is a shining example of what happens when elected officials have faith in their fellow Texans.

The legacy of Senate Bill 60 is grounded in the concept that our government should place its trust in us, not the other way around.

Patterson is the Texas land commissioner and author of Senate Bill 60, the Concealed Handgun Law.

RECEIVED
APR 24 2006
CITY COUNCIL OFFICE

2

GERALD SPAHN
477-2687

"Bob Semerena"
<rsemerena@neb.rr.com>

04/24/2006 11:42 PM

Please respond to
"Bob Semerena"
<rsemerena@neb.rr.com>

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

This email is to ask you to vote against any concealed weapons ordinance that would limit permit holders beyond what is limited by Nebraska state statute. No doubt by now each of you have heard dozens of pros and cons to an ordinance, many or perhaps most of them based on emotion.

The evidence is that in states that have enacted concealed carry statutes, the "bloodbaths" predicted by many have simply not happened. In fact there is evidence from other states to show that they have experienced decreases in crimes against persons.

Evidence also shows that law enforcement officers, who approach every stop or intervention as if the subjects are armed as a matter of procedure, have not been subjected to increased violence from permit holders. And, although the deterrent effect of concealed carry on persons seeking to commit crimes against persons cannot be quantified, it makes sense to think that concealed carry statutes contribute to deterrence.

Unfortunately you are likely to have to consider an ordinance even before our Nebraska statute has been implemented. We appreciate the work that you will put in before your vote and are confident that your decision will be evidence based.

Thank you in advance, and no response is requested.

Bob and Sue Semerena

ch <chr714@comcast.net>
04/25/2006 02:10 AM

To <tgrammer@lincoln.ne.gov>
cc
bcc
Subject The Seng Gun Ban Proposal

Ms. Seng and someone who thinks banning legal citizens from carrying a concealed firearms are living in a fantasy that guns are the reason there is crime or that an inanimate object is inherently bad. A gun can not commit a crime. Only a person can commit a crime. The only person who can stop a crime or defend themselves and others is a person who is armed with a firearm. The police can never be everywhere, for the criminal looks to find areas where police are not present, before victimizing, terrorizing or murdering an unarmed man or woman. If want Lincoln City to be safe and safer, the more legal good common sense people (most of us) who are armed, then the safer we will all be. Tell our representatives we want to be safe, we want to be armed! Protect yourself and your family: Own a gun. Know how to use it. Carry it wherever you go. Defend yourself and others. Thank you.

Keep Lincoln Safe. Keep Firearms on you.

6928 Ballard Ave.
Lincoln, NE 68507
April 24, 2006

RECEIVED
APR 25 2006
CITY COUNCIL
OFFICE

Ms. Patte Newman
City Council
555 S. 10th Street
Lincoln, NE 68508

Dear Ms. Patte Newman:

Please do not ban concealed weapons in the city of Lincoln.

Sincerely,

Mike Murphy

Mike Murphy

Z 2106425 Mur

April 26, 2006

Ms. Patte Newman
555 South 10th Street
Lincoln, NE 68508

RECEIVED
APR 27 2006
CITY COUNCIL
OFFICE

Dear Ms. Newman:

I am concerned with the opposition our City government and public officials are presenting to the recent recognition our State government has given to the fundamental right that an individual has to self-defense. In support of Right to Carry (RTC) legislation, I ask you to please consider the following items:

- RTC laws respect the right to self defense by allowing citizens to carry firearms for protection. This right to self defense is recognized by the U.S. constitution, the constitution of forty four states, and the laws of all fifty states. National crime data[1] indicates that robbery and assault victims that used a firearm to resist were less likely to be attacked or to suffer an injury than those that used other methods of self-defense or those that did not resist at all.

- Historical and statistical data[2,6] indicates that areas that have enacted RTC laws have lower total violent crime rates than areas that do not allow the RTC. This data refutes the claim that allowing law abiding citizens the RTC will result in more violence.

- Historical and statistical data[3] indicates that RTC permit holders tend to be more law abiding than the general population. This also refutes the claim that the RTC will result in more violence and disputes the notion that RTC permit holders will create more crime by allowing minor incidents to escalate into serious altercations.

- Historical and statistical data[4] indicates that an increased presence of concealed handguns does not raise the number of accidental deaths or suicides from handguns.

- Data[4] also suggests that the RTC is one of the most cost effective ways to reduce crime. It is not reasonable or realistic to expect that law enforcement officials will be available at every location prior to a crime being committed. The RTC reduces the number of attempted crimes because criminals can't tell which potential victims can defend themselves.[5,7]

We are fortunate to live in a community that enjoys a relatively low amount of violent crime. Statistics indicate that allowing the law abiding citizens of Lincoln the RTC will only serve to further reduce the number of crimes committed in our community. As you research this issue to become more informed, I request that you consider a quote from Thomas Jefferson's "Commonplace Book":

> *"Laws that forbid the carrying of arms. . . disarm only those who are neither inclined nor determined to commit crimes. . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."* [8]

Sincerely,

Jason L. Fortik
Dawn C. Fortik

Jason L. Fortik
Dawn C. Fortik
1200 Hawkfly Road
Lincoln, NE 68521
476-7479

1. *Targeting Guns*, Aldine de Gruyter, 1997.

2. BJS (http://bjsdata.ojp.usdoj.gov/dataonline/) and FBI (http://www.fbi.gov/ucr/cius_04/).

3. H. Sterling Burnett , "Texas Concealed Handgun Carriers Are Law-Abiding... ," *American Rifleman*, August 2000.

4. John R. Lott, Jr., *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (Chicago: University of Chicago Press, 1997), pp. 50-96.

5. H. Sterling Burnett, "Concealed Handgun Laws Help Fight Crime," *Human Events*, June 30, 2000, p. 15.

6. FBI.

7. J. Wright and P. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, 1986, p. 155.

8. Thomas Jefferson`s "Commonplace Book," 1774-1776, quoting from On Crimes and Punishment, by criminologist Cesare Beccaria, 1764

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, MAY 1, 2006

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of April 29 through May 5, 2006 -Schedule subject to change -(See Advisory)

2. NEWS ADVISORY - RE: Mayor Seng will discuss high-risk sex offender residency restrictions at the conclusion of the Lincoln Police Department/Lancaster County Sheriff daily media briefing at 9:00 a.m. Monday, May 1st in the Hall of Justice Law Enforcement media room, 575 S. 10th Street - (See Advisory)

3. NEWS RELEASE - RE: Sunday Traffic Interruptions Expected As "Triplets" Relocate -(See Release)

4. NEWS RELEASE - RE: Mayor Advances Sex Offender Residency Restrictions - (See Release)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

PLANNING COMMISSION FINAL ACTION . . . . .

1. Special Permit #06025- Tree Service (S. 68th Street and Bennet Road) Resolution No. PC-00991.

C. MISCELLANEOUS -

1. E-Mail from Steve Sim - RE: Against Starship closing.

2. E-Mail from Kitty Fynbu, President of Irvingdale Neighborhood Association - RE: B&J development at Van Dorn.

3. E-Mail from Alene Swinehart, Issues Chair, Irvingdale Neighborhood Association - RE: B&J development at Van Dorn.

4. E-Mail from Becky Van de Bogart, Director, Third Chair Chamber Players - RE: Strong Support-Catalyst 1 Redevelopment Plan hearing.

5. E-Mail from Kathy Dunning - RE: Mr. Hau-Taste of China Buy-out.

6. Letter from Polly McMullen, President, Downtown Lincoln Association - RE: The DLA Board of Directors fully supports the Downtown Master Plan Catalyst Project proposed for the block bounded by P and Q and 13th and 14th Streets.

daadd050106/tjg

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: April 28, 2006
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng's Public Schedule
Week of April 29 through May 5, 2006
Schedule subject to change

Saturday, April 29

- Vietnamese First King's birthday commemoration and 31st anniversary of the fall of South Vietnam, remarks - 4 p.m., O'Asian Garden, 2535 "O" Street

Sunday, April 30

- Volunteer Partners volunteer recognition reception, remarks and proclamation - 2:30 p.m., Lancaster County Extension Office, 444 Cherrycreek Road
- Newman United Methodist Church 114th anniversary recognition - 3:30 p.m., Newman United Methodist Church, 2242 "R" Street

Monday, May 1

- News conference (topic: sex offender residency restrictions) - 9 a.m., Hall of Justice law enforcement media room, 575 S. 10th St.

Tuesday, May 2

- City-County Common Meeting - 9 a.m., County-City Building, Room 113, 555 South 10th Street
- Frank Shoemaker Marsh Wetland Restoration Project open house - 5 p.m., Lower Platte South NRD, 3125 Portia St.

Wednesday, May 3

- Lincoln Public Schools Foundation, Gold Star Salute, remarks and Key to the City to Major General Galen Jackman - 6 p.m., Pershing Center, 226 Centennial Mall South

Thursday, May 4

- Mayor's Prayer Breakfast, remarks - 7:30 a.m., Cornhusker Marriott, 333 South 13th Street
- News conference - 10 a.m., topic and location to be determined
- Nebraska Innovation Zone Commission meeting - 7:30 p.m., Red Oak and Cedar rooms, second level, Mahoney State Park

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: April 28, 2006
FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

Mayor Coleen J. Seng will discuss high-risk sex offender residency restrictions at the conclusion of the Lincoln Police Department/Lancaster County Sheriff daily media briefing at **9 a.m. Monday, May 1** in the **Hall of Justice law enforcement media room, 575 S. 10th St.**

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: April 28, 2006
FOR MORE INFORMATION: Greg Topil, Public Works and Utilities, 441-7711
Marc Wullschleger, Urban Development, 441-7606

SUNDAY TRAFFIC INTERRUPTIONS EXPECTED AS "TRIPLETS" RELOCATE

Motorists are advised to expect some temporary traffic delays beginning at 8 a.m. Sunday, April 30 as the City relocates the three old houses known as the "Triplets." Traffic will be temporarily stopped at intersections and parking will be banned along the route. No street closures are scheduled.

The route begins at 22nd Street between "O" and "P" streets. The route proceeds north on 22nd Street to "Q" Street; west on "Q" from 22nd to 19th Street; north on 19th Street from "Q" to Vine Street; west on Vine from 19th to 17th Street; north on 17th from Vine to "X" Street; west on "X" from 17th to 16th Street; south on 16th to "W" Street; west on "W" to 14th Street; north on 14th from "W" to Claremont; then one block east on Claremont to the vacant City-owned land at 15th and Claremont streets in the North Bottoms neighborhood.

The relocation is expected to take about five hours.

The environmental impact statement from the Federal Highway Administration for the Antelope Valley project deemed the three houses, built in 1906, to be historically significant. The houses must be moved due to the Antelope Valley construction project. They are currently located on what will be the slope of the flood channel's bank. The houses will be relocated to the historic North Bottoms neighborhood, where they will be rehabilitated and sold for single-family occupancy.

-30-

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: May 1, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Chief Tom Casady, Lincoln Police Department, 441-7237

MAYOR ADVANCES SEX OFFENDER RESIDENCY RESTRICTIONS

Mayor Seng today asked the City Council to advance a revised sex offender residency restriction ordinance currently on the pending file.

Earlier this year, the Mayor asked the City Council to place the issue on pending until the outcome of the Nebraska Legislature's 2006 session. Mayor Seng lobbied the Legislature extensively, including having Lincoln Police Chief Tom Casady address the Legislature on two occasions. Mayor Seng encouraged the Legislature to adopt a uniform statewide law regarding sex offender residency restrictions. The Mayor's stance was motivated by a wave of restrictive sex offender residency laws in Iowa and other cities that had the potential to drive more sex offenders into Lincoln.

"Today, I'm asking the City Council to help make Lincoln a safer community," said Seng. "I'm pleased to say that the Legislature agreed with our position and acted to provide a uniform standard that stops the ability of one community to force its sex offenders into another. It is a reasonable response to the challenge of protecting children from high-risk sex offenders."

Based on the Legislature's action, the Mayor plans to alter the proposed ordinance in two ways. The Mayor's initial proposal was based on a 1,000-foot restriction around schools. State law now requires that restriction be no greater than 500 feet. The new 500-foot zone led to the second change in the Mayor's proposal.

Because many children walk to school, the initial version covered only elementary and middle schools to ensure that sex offenders in Lincoln wouldn't be forced into only a few neighborhoods. The 500-foot standard helped alleviate that concern and, after conferring with Chief Casady, the Mayor decided to include Lincoln's high schools in the ordinance.

"This new proposal is a victory for the City of Lincoln," said Seng. "It will put the safety of our children first. It simply is not in the best interests of our community to have dangerous sex offenders living within close proximity to schools. I urge the City Council to move forward on this proposal without delay."

- 30 -

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : May 1, 2006

RE : **Special Permit No. 06025 -** Tree Service
(S. 68th Street and Bennet Road)
Resolution No. PC-00991

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 26, 2006:

> Motion made by Larson, seconded by Strand, to approve **Special Permit No. 06025,** with conditions, requested by Charles D. Humble on behalf of Mike and Lynn Price, for authority to construct and operate a tree service on property generally located at South 68th Street and Bennet Road.
>
> Motion for conditional approval carried 8-0 (Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Please Note: One of the conditions of approval requires that the associated text amendment, Change of Zone No. 06018, be approved by the City Council. This text amendment is scheduled for second reading at City Council on May 1, 2006, with third reading scheduled for May 8, 2006.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Charles D. Humble, 301 S. 13th Street, Suite 400, 68508
Mike and Lynn Price, 24056 S. 148th Street, Filley, NE 68357
R & R Partners, 6700 Bennet Road, Roca, NE 68430

i:\shared\wp\jlu\2006 ccnotice.sp\SP.06025

RESOLUTION NO. PC-00991

SPECIAL PERMIT NO. 06025

WHEREAS, Mike and Lynn Price have submitted an application designated as Special Permit No. 06025 to construct and operate a tree service on property generally located at S. 68th Street and Bennet Road, and legally described as:

> Lot 6 I.T., in the Southeast Quarter of Section 4, Township 8 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this tree service will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Mike and Lynn Price, hereinafter referred to as "Permittee", to allow a tree service on the property described above be and the same is hereby granted under the provisions of Section 27.63.110 the Lincoln Municipal Code upon condition that construction and occupancy of said tree service be in strict compliance with said application, the site plan, the requirements of Section 27.63.110 and the following additional express terms, conditions, and requirements:

1. This approval permits a tree service operation, subject to the approval of the enabling text amendment, CZ 06018.

2. Before receiving building permits:

   a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval:

      i. Revise the site plan to show the area where the tree grinding will occur.

      ii. Five copies of the approved site plan.

   b. The construction plans comply with the approved plans.

3. Before occupying this Tree Service operation, all development and construction is to comply with the approved plans.

4. Before occupying this tree service, City/County Health Department is to approve the water and waste water systems.

5. All privately-owned improvements, including landscaping are to be permanently maintained by the owner.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

8. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 26 day of April, 2006.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

Steve Sim
<sesim13@yahoo.com>
04/27/2006 09:25 PM

To council@ci.lincoln.ne.us
cc
bcc
Subject starship closing

To:Lincoln City Council

Over 5 years ago downtown development received about $2oo,ooo dollars to build the Lincoln Threatre. The Lincoln Threatre was torn down to build the Grand Threater after closing all of the other movie threatres in downtown Lincoln. Now the Starship is being torn down and sold for a 25 story building that Lincoln doesn't need. The Starship brings about 6000 people monthly downtown to Lincoln. I work with disabled people and movies have become so high for them. We need the Starship and not a civic center downtown. Many of my friends want a civic center built on the outside of downtown Lincoln so there is adequate parking (free) for civic events. If the Starship is torn down many of my friends will probably boycott the Grand and drive it out of business. Since everything is getting higher it is nice to have a reasonable place to go like the Starship. It is a symbol; for families and the unfortunate who cannot afford th high price of the other movie threatres. I hope all of you city council people vote against the Mayors decision to tear down the Starship or maybe the people of Lincoln should vote and change for a new city council.

From: Steve Sim
Concerned city citizen

email:sesim13@yahoo.com

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

Alene Swinehart
<swinehart@alltel.net>
04/29/2006 11:23 AM

To City Council Council <council@ci.lincoln.ne.us>
cc
bcc
Subject B&J development at Van Dorn

Members of the City Council-

Regarding change of zone request for the block bounded by 9th, 10th, Van Dorn and Hill streets we respectfully request consideration of the long-term view for the good of the city.

This intersection constitutes a junction of two highways and also serves as an entrance to our city. People who use this intersection are going somewhere, usually in a hurry;. Should this really be a destination for any amount of people?

Long ago traffic patterns were changed here, and many homes were removed to allow for traffic flow. Van Dorn Park was created and now the mature trees make an attractive entrance to the city on the south side of the street. A lot facing Van Dorn on the north was zoned for commercial use. I believe it was a cottage and a group of greenhouses. It was small, isolated and didn't have that much adverse impact on the neighborhood. As the cottage fell into disrepair and the traffic increased the opportunity starts to glimmer. The houses come up for sale and get snatched up by the man with the plan He leaves them to be inhabited by those who have no stake in his plan, or the plans of their neighbors, who plant gardens and raise children in their simple and affordable houses. The plan has been in motion for more than a decade, and it is to convert this piece of property by eroding the quality of life on this block. Where will the erosion end, and how does this fit into your long-range plans for this sector of the city?

This change of zone will allow commercial development all the way to Hill Street, creating an intrusion into the residential area to the north and more detrimentally cuts off the area to the west even more that it is already. Is the long-range to line all of Highway 77 with commercial development? How wide will this development seep into the adjacent neighborhoods? What is the plan for the isolated pockets of residential that are formed by these developments?

Sometimes it makes sense to line major roads with commercial zoning, but I urge you to consider making this junction a greenspace buffer zone for the residents of this area and a greenspace entryway to the city for all of Lincoln. This might take some real negotiation, but I think it is worth exploring in the interest of responsible development and quality of life for Lincoln's residents and visitors.

Excluding the location itself, we would like to commend Speedway development on some aspects of its design plan. They have been very considerate of light spill, landscaping and the types of businesses they will consider locating in this area -- with the exception of " drive through business that too greatly impact the neighborhood and the already overtaxed traffic situation. If there must be commercial development on this property, we feel that Speedway will find ways to be good commercial neighbors. We would just rather have some families, or a park, thank you very much.

Respectfully,
Kitty Fynbu, President
Irvingdale Neighborhood Association

Alene Swinehart
<swinehart@alltel.net>
04/29/2006 11:27 AM

To City Council Council <council@ci.lincoln.ne.us>
cc
bcc
Subject B&J development at Van Dorn

To the members of the City Council

Irvingdale Neighborhood was very pleased that the Speedway development folks agreed to a postponement of the Planning Commission hearing until we could meet with them to go over their plans for the Van Dorn project. The inevability of development on this parcel has been of concern to the neighborhood association for many years.

When we asked for a delay we had some major concerns. Some of them were satisfactorily addressed at that meeting. However, we do need to say that it is still our opinion that the "highest and best" use of this parcel would be as a wooded green space entrance to the city that would buffer the neighborhoods to the north from commercial encroachment and preserve the affordable housing that now exists (mostly in good condition) along 9th and 10th Streets as well as Van Dorn. As you enter this area and proceed east down Van Dorn, there is a drastic change in character from the highway. You are now in a residential neighborhood with all that that entails, including children at play, cars parked along the street, people doing things in their yards. As yet there are no signs of commercial development visible from Van Dorn Park until you reach 17th Street where there are a few neighborhood scaled, neighborhood compatible businesses and public services.

A further concern is with traffic, pedestrian and bicycle safety in this complicated and often confusing array of streets and signals. Residents have been witness to innumerable accidents, back-ups of traffic, people driving the wrong way down streets, near misses with vehicles, pedestrians and bicycles,etc. The huge "semis" that frequent these streets cause many problems. Adding "drive through" business to this already complex mix can only make things worse – especially for the folks who live on Hill Street where the entrance to the development would be located.

All that being said, we were actually impressed with Speedway's proposal in terms of aesthetics, landscaping, burming, signage,, lighting, choice of building material etc. We were also impressed with their willingness to continue to work with the neighbors and the neighborhood association as stated in the letter they sent the association April 12. If commercial has to go in this location, this is a good plan in some ways. But we still have a huge concern with the "drive through" businesses proposed. We feel, and our discussions with many neighbors strengthen the conviction, that these drive throughs will cause an erosion of quality of life for those residents on Hill Street and close by due to the extra traffic and the temptation for people to use the ally north of Hill Street as a roadway. Trash from food oriented businesses is also as problem. We feel that the area would be more suited to businesses such as offices that do not have such a high turn over and wouldn't involve trash generation.

We do like the planting of trees, shrub and grasses on a burm as a buffer along Van Dorn. We would like to see, also as a buffer, some kind of housing facing Hill Street or perhaps small businesses (facing south) with apartments above that, with proper design and landscaping could signal that this is the end of the commercial area.

Speedway has said repeatedly that they want to create "a nice addition to our neighborhood" and we certainly have a chance to do just that if we continue to work together and make compromises. We appreciate that opportunity and look forward to our next meeting with them.

Respectfully,
Alene Swinehart, Issues Chair, Irvingdale Neighborhood Association

"Third Chair Chamber Players" <info@tccp.us>
04/30/2006 11:47 AM

To <council@lincoln.ne.gov>
cc
bcc
Subject Catalyst 1 Redevelopment Plan hearing

Dear Council Members,

I am unable to be at the meeting tomorrow but wanted to voice my strong support for this redevelopment project. The private match for each public dollar spent on projects lit this is so incredible and the synergy in produces is equally as valuable. As they say in Pilates the strength of the core determines the health and power of the overall structure.

Sincerely, Becky Van de Bogart

Third Chair Chamber Players

Rebecca L. Van de Bogart, Director

100 N. 12th Street Suite 500

Lincoln, NE68508

402. 429.8227

www.tccp.usor visit our home at www.loftatthemill.org

"Dave Dunning"
<dd11537@alltel.net>
05/01/2006 08:19 AM

To <Council@lincoln.ne.gov>
cc
bcc
Subject Taste of China Buy-out

After reading this morning's news article about how the City Council is treating Mr.Hau, I am compelled to write to all of you. I hope you will have my concerns read at this afternoon's meeting.

I am appalled at the council's treatment of Mr. Hau and ashamed of our Mayor! If the city is going to forcibly take a man's private property, as any world dictator claims his right to do, at least find him a comparable substitute and PAY HIM whatever it costs to make that transition. These "developers" who are concerned about how much money that, or other alternatives to his leaving will cost them, are the same developers whose only interest is to MAKE MONEY (and live in a much more lucrative lifestyle than Mr. Hua will ever see). Let's call "eminent domain" what it really is: greed.

Shame on you!

Kathy Dunning
Lincoln, NE

Downtown Lincoln Association

RECEIVED
APR 28 2006
CITY COUNCIL OFFICE

April 28, 2006

Lincoln City Council
555 South 10th St.
Lincoln, NE 68508

Dear City Council Members,

I regret that out-of-town commitments prevent me or DLA board leaders from appearing at the May 1st public hearing on Downtown Master Plan Catalyst Project proposed for the block bounded by P and Q and 13th and 14th Streets. The DLA Board of Directors fully supports the proposals for this block, which we view as the centerpiece of the recently-adopted Downtown Master Plan.

This catalyst project is a unique opportunity to attract significant new private investment, jobs and a wonderful mix of uses on a key block in downtown Lincoln. The proposed project will also provide much-needed hourly and monthly parking to an underserved area, allowing in successful local companies such as National Research Corporation to grow and expand in downtown.

DLA is aware of a number of developers, both local and regional, who are keenly interested in this opportunity. The proposed Civic Square at 13th and P is especially attractive to these prospective developers and will pave the way for more events and activities in downtown, which in turn will bring more visitors to the area. DLA looks forward to working with the city on planning, design and fundraising for the Civic Square.

As you consider this project, we urge city government to do all you can to assist the Taste of China restaurant owner in finding a suitable alternative location. We have been in communication with his representative and also have encouraged several private developers to offer alternative solutions.

We urge your support of the amendment to the Lincoln Center Redevelopment Plan which will allow this proposed project to proceed towards implementation.

Sincerely,

Polly McMullen

Polly McMullen, President
Downtown Lincoln Association

cc: Board of Directors

1200 N Street, Suite 101
Lincoln, NE 68508
(402) 434-6900
FAX (402) 434-6907
www.downtownlincoln.org