

**DIRECTORS' MEETING  
MONDAY, MAY 8, 2006  
COUNTY-CITY BUILDING, ROOM 113**

**I. MAYOR**

1. NEWS ADVISORY - Mayor Seng News Conference on May 12, 2006.  
(Swimming Pool Safety)
2. NEWS RELEASE - Free Family Safety Event Set for May 12, 2006.
3. NEWS RELEASE - Season Pool Passes Now Available Online.
4. Washington Report 04/28/06.

**II. DIRECTORS**

**FINANCE**

1. EMS Cash Receipts/Expenditure Data.
2. EMS Call Volume Data.

**PLANNING COMMISSION**

1. Transit Open Houses on May 11, 2006.

**PLANNING COMMISSION FINAL ACTION**

1. Special permit No. 06026 - Wireless Facility (Monopole) (8450 Eagle Crest Road) Resolution No. PC-00992.
2. Special Permit No. 06027, Prairie Crossing Community Unit Plan. (So. 33<sup>rd</sup> Street and Yankee Hill Road) Resolution No. PC-00993.

**PUBLIC WORKS /ENGINEERING**

1. Letter from Engineering and Traffic Operations Regarding L-8867.3 - 77<sup>th</sup> Street North and South of Old Cheney Road. Change of Parking.

**III. CITY CLERK**

**IV. COUNCIL REQUESTS/CORRESPONDENCE**

**JONATHAN COOK**

1. Request to Bruce Dart, Health Director - RE: Request for a sign at 31<sup>st</sup> & Calvert about dogs having to be on a leash and cleaning up after them (RFI#129 - 05/04/06)
2. Request to Harry Kroos, Public Works & Utilities Dept.-Sidewalks - RE: Sidewalk Ramps around Milder Manor (RFI#130 - 5/04/06)

**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. **SEE RESPONSE RECEIVED FROM KARL FREDRICKSON ON 05/04/06.**

**PATTE NEWMAN**

1. Letter from Jack Tatro, RE: Solving the problem of runoff water pooling.

**V. MISCELLANEOUS**

**Emails/Letters Opposed to Concealed Carry Ban in Lincoln**

1. Email from Robin L. Hoffman.
2. Email from Gregg Stearns.

**Emails/Letters Opposed to Downtown Development Plan/Including Demolition of Starship Theater and Taste of China Restaurant**

1. Email from Robin L. Hoffman
2. Email from Cindy Elder. (Hard Copy Distributed to Council on Monday, May 1)
3. Email from Mrs. Willa Grange. (Hard Copy Distributed to Council on Monday, May 1)
4. Email from Mrs. Willa Grange. (Hard Copy Distributed to Council on Monday, May 1)
5. Email from Nancy Taylor. (Hard Copy Distributed to Council on Monday, May 1)
6. Letter and Attachments from Kim K. Sturzenegger. (Hard Copy Distributed to Council on Monday, May 1)

**Other Correspondence**

1. Email from Jayne Sebbey RE: Loud Audio Systems in Vehicles.
2. Letter from Nancy Russell, RE: Injustice to Property by Landlords. (Hard Copy Distributed to Council on Monday, May 1)
3. Email from Vicky Valenta, RE: Opposed to Convention Center in Haymarket District.
4. Email from Vicky Valenta, RE: Reaction to Council Members Actions.
5. Letter and attachments from Charles Humble, Erickson & Sederstrom, RE: Bill No. 06-67 (Tree Service Text Amendment). (Hard Copy Distributed to Council on May 4, 2006)

**VI. ADJOURNMENT**



# NEWS ADVISORY

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

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## OFFICE OF THE MAYOR

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

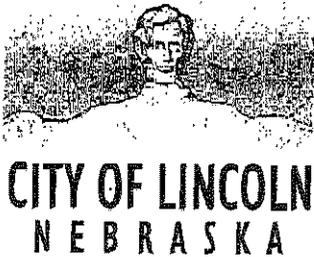
**DATE:** May 3, 2006

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

Mayor Coleen J. Seng will discuss swimming pool safety and plans for the May 12th Ultimate SAFE KIDS Day at a news conference at **10 a.m. Thursday, May 4** in the backyard of the Mark Kunz home, **4020 Jersey Circle**.

The Mayor also will discuss a new service that allows residents to purchase season passes for the public swimming pools online through the City Web site.

In case of rain, the news conference will be in Room 1226 on the first floor of the Lincoln-Lancaster County Health Department building at 3140 "N" Street.



# 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 4, 2006**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Brian Baker, Injury Prevention Program, 441-8046  
Renaë Rief, Environmental Health Educator, 441-4602

### FREE FAMILY SAFETY EVENT SET FOR MAY 12

*Local coalition focusing on pool safety as part of National Safe Kids Week*

With the summer swimming season approaching, Mayor Seng and the Safe Kids Lincoln-Lancaster County organization are promoting pool safety. Preventing water-related injuries and drownings will be the focus of the **Ultimate SAFE KIDS Day** from 5 to 8 p.m. Friday, May 12, at **SouthPointe Pavilions**. Mayor Seng issued a proclamation declaring May 6 through 13 as "Safe Kids Week" in Lincoln with the theme of "Safe Pools for Safe Kids."

"Each year nationally, an average of 300 toddlers accidentally drown in residential swimming pools. One of those tragic deaths occurred here in Lincoln last summer," said Mayor Seng. "I strongly urge those with private swimming pools to make sure they have the required fencing and safety features. This is one of the best ways to prevent drownings and keep children safe."

The City requires that pools deeper than 18 inches be completely surrounded by a fence at least four feet high. Doors and gates must be self-closing and self-latching. Local swimming pool retailers are being asked to display placards and brochures outlining swimming pool safety guidelines and information on Lincoln's ordinance.

Safe Kids Lincoln-Lancaster County and the Lincoln-Lancaster County Health Department (LLCHD) are sponsoring the Ultimate SAFE KIDS Day in conjunction with National Safe Kids Day being observed in more than 350 U.S. communities. The event will feature demonstrations on proper fencing, pool and door alarms and safe pool drainage and drain cover systems.

From 2000 through 2002, 14 children were treated in local emergency rooms for pool-related near-drowning injuries. Every year in the U.S., about 2,400 children ages 14 and under are treated in emergency rooms for pool-related near-drownings. Safe Kids WorldWide reports that the average medical cost for a near-drowning injury is \$75,000, and that as many as 20 percent of near-drowning survivors suffer severe, permanent neurological disabilities.

"The rising popularity of deeper, family pools greatly increases the potential for young children to suffer drowning-related injuries," said Leon Marquart, Environmental Health Specialist at the LLCHD. "The community must be proactive in its effort to prevent these tragedies. The life of a child is a tragic price to pay for neglecting to take reasonable prevention measures."

**Pool Safety**  
**May 4, 2006**  
**Page Two**

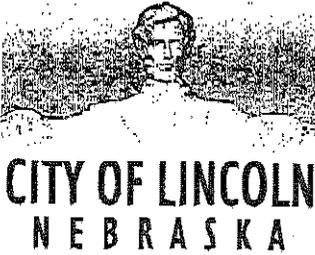
More information on the City ordinance and proper fencing is available on the City Web site, [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: safekids), or by calling the LLCHD at 441-8022.

The Ultimate SAFE KIDS Day also will include activities and information on pedestrian and passenger safety, home safety, fire and burn prevention and bicycle and sports safety. For more information on the event, see the City Web site, [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: safekids), or contact Brian Baker at the LLCHD at 441-8046.

# **DROWNING PREVENTION GUIDELINES**

## *Lincoln-Lancaster County Family Swimming Pool and Hot Tub Safety Task Force*

- Never leave a child unsupervised in or near the pool, even for a minute.
- Any swimming pool, regardless of depth, which is not emptied after each use should be completely enclosed by installing a four-sided fence at least four high with self-closing and self-latching gates.
- Where an above-ground pool has a deck which attaches to the house, pool access should be restricted by a secondary barrier, such as approved fences, alarms and pool covers.
- Never prop open gates.
- Never leave toys in and around the pool.
- Never completely rely on a personal flotation device or swimming lessons to protect a child. Do not let your child use an air-filled swimming aid as a safety device.
- Learn CPR. Keep rescue equipment (such as a shepherd's hook or life preserver) and a telephone with emergency numbers at poolside.
- Never dive into an above-ground pool, and be sure of the water depth in any pool.
- After the children finish swimming, secure the pool (gates closed and locked and pool covered) so they can't get back into it.
- Clean the edge and inside of the pool regularly to prevent slips.
- Hot tubs should be equipped with an anti-entrapment drain cover, cut-off switch or double drain.
- Warn your children about the dangers of drain entrapment, and teach them to stay away from the drain.



# 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 4, 2006

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Holly Lewis, Parks and Recreation, 441-7960

### SEASON POOL PASSES NOW AVAILABLE ONLINE

Mayor Coleen J. Seng today announced that season passes for the City's 11 public swimming pools can now be purchased online through the City Web site, [lincoln.ne.gov](http://lincoln.ne.gov). Star City Shores and University Place Pool will open for Memorial Day weekend, May 27 through 29 from 1 to 5 p.m. All pools open for the 2006 season on June 3.

"Season passes are a convenient and economical way to enjoy summer recreation at any of Lincoln's public pools," said Mayor Seng. "With this new online service, the passes can be purchased from home with no special trip, no waiting and no additional cost."

Those ordering season pool passes online with a credit card will receive the passes in three to five business days. Prices are:

- Star City Shores - \$70 youth, \$95 adult, \$170 family (*Good at all public pools.*)
- Highlands and University Place - \$62 youth, \$87 adult, \$152 family (*Good at all public pools except Star City Shores, which is 25 cents extra per visit.*)
- Neighborhood pools - \$55 youth, \$80 adult, \$135 family (*Good at all neighborhood public pools. Good at Highlands and University Place for 25 cents extra per visit. Good at Star City Shores for 50 cents extra per visit.*)

Season passes also are available at the Aquatics Office at the "F" Street Community Center, 1225 "F" Street from 9 a.m. to 4 p.m. Monday through Friday. Season passes purchased online are non-refundable.

The City's online services are available at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: epay). E-pay services include payments for animal license renewals, parking tickets, criminal histories, event parking, water and wastewater bills and property taxes (fee charged).



**INSIDE:**

CONGRESS.....1  
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**TELECOM BILL APPROVED BY HOUSE COMMITTEE**

**CONGRESS**

Members return to Washington after two-week Spring recess. Both the House and Senate were back in session this week after an extended recess that allowed Members to spend valuable time in their districts during this election year.

Congress will also have one-week breaks in late May and early July, followed by a month-long August recess. Combined with Tuesday through Thursday work weeks, this schedule leaves very few legislative days left before the target adjournment date of October 6. As a result, matters relating to the FY 2007 federal budget are likely to dominate debate over the next several weeks, but the House and Senate will also attempt to address some other high-profile items such as immigration, lobbying reform, telecommunications, and high gasoline prices.

**House**

The House this week spent much of their time working on a package of ethics and lobbying reform initiatives in response to the Jack Abramoff scandal. An internal battle among House Republicans almost derailed the legislation this week, but it appears that House GOP leadership was able to stave off a potential revolt by House Appropriations Committee members by promising to address their concerns in a House-Senate conference committee on the bill. Appropriators were concerned that the earmark reforms (identifying sponsors of an earmark in legislation, for example) would only apply to their panel, and not tax-writing and authorizing committees that also include sizable amounts of “pork” in many of their bills. With virtually all Democrats prepared to vote against a bill they describe as a “trivial” response to the recent scandals, Republicans cannot afford many defections.

House leaders also continue to negotiate floor consideration of a FY 2007 budget resolution. The resolution, which sets broad parameters by which the Appropriations Committee must operate, has been slowed by a stalemate between the conservative and moderate wings of the Republican Party over spending. Neither side appears to be willing to back off, and mass defection by either side would defeat the resolution on the floor. The House Appropriations Committee has chosen to move forward without the direction provided by the budget resolution, and has set an ambitious schedule for its ten FY 2007 spending bills that would allow for their passage on the floor prior to the July 4 recess.

**Senate**

The Senate continued its debate this week of a FY 2006 supplemental appropriations bill that would provide funds primarily for overseas military operations and hurricane recovery. However, the Senate measure stands at \$106.5 billion, significantly more than the \$92.2 billion requested by the President, and as a result, the White House has suggested it would veto the measure. Amendments to trim the pricetag of the bill have been defeated on the Senate floor this week, and Senate Majority Leader Bill Frist (R-TN) has conceded that the bill would have to be trimmed in a House-Senate conference committee. The House version of the bill is more in line with the President’s request, but it does not contain provisions such as the one in the Senate that would add an additional \$1 billion to the \$4.2 billion in CDBG funds that the President requested for hurricane-affected states on the Gulf Coast. Frist is looking to complete action on the bill next week.

Also pending in the Senate is an immigration reform bill that was stalled just prior to the congressional recess. Senate leaders thought

*Washington Report*

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they had an agreement on a modified guest worker program, but the deal fell apart when some Republican Senators announced their intention to introduce amendments to the agreement. Democrats, who wanted the compromise to be voted without changes, blocked further consideration of the bill. The President, who supports a guest worker program, this week urged Senators to continue their negotiations, but still must deal with the House, which passed a much more stringent immigration bill last year that contains no guest worker program.

## TELECOMMUNICATIONS

House panel clears telecom measure after defeating local amendments. The House Energy and Commerce Committee approved, 42-12, legislation designed to ease the entry of the regional bell operating companies into the video services market by allowing them to obtain a national franchise. The final vote came after a full day of spirited debate and rejection of a slew of amendments designed to preserve local government authority and the free flow of information over the Internet.

As cleared by the Committee, the bill would allow companies that want to enter the video services market to obtain a national franchise. It would also allow incumbent cable television providers to immediately abandon their existing franchises and obtain a national franchise as soon as a new provider enters the market. The bill also includes language regarding Internet-based telephone service and a section that would preempt all state laws that prohibit municipalities from offering broadband and video services.

Although the bill includes language affirming local government authority over public rights-of-way, it lacks any serious local enforcement authority and would essentially transform the Federal Communications Commission into the final arbiter of rights-of-way disputes. Similarly, the bill would require video services providers to pay a five percent franchise fee to local governments plus an additional one percent fee to cover the costs of in-kind services and public, educational and governmental (PEG) channels.

However, questions remain about whether the bill gives local governments adequate audit authority and how disputes would be resolved. In addition, local government organizations remain concerned about the bill's weak redlining language and its lack of a build out requirement, which they fear will leave many neighborhoods with inferior service and higher prices.

The Committee approved a manager's amendment that addressed some local government concerns, including language clarifying that all video services providers are covered by the bill, regardless of technology or platform. Language in earlier versions of the bill was vague enough that some argued that it would create a loophole that would allow AT&T and other providers to avoid franchise payments and circumvent local rights-of-way authority through a technicality. In addition, the manager's amendment includes language tightening the definition of "local franchise area" so that providers would not be able to identify a single street or block as a "local franchise area." The manager's amendment also included stronger rights-of-way language. However, it still lacks enforcement authority and would continue to make the FCC the final arbiter of disputes.

The Committee rejected a series of amendments supported by local government organizations that would have strengthened local authority over rights-of way and provided more stringent consumer protections.

Rep. Michael Burgess (R-TX) engaged Barton in a colloquy in which he asked whether the changes made to the bill at the Subcommittee and Committee level addressed the concerns of local governments in his district. In response to Burgess's questions, Barton said:

- The bill gives local governments audit authority to ensure full payment of the five percent franchise fees and that it includes penalties for excessive or purposeful underpayments;

- The bill does not affect local government rights-of-way management authority, and
- Although the FCC has final authority to address consumer protection standards, local governments can bring complaints to the FCC and the FCC must address them within 120 days and that an amendment offered by Rep. Albert Wynn (D-MD) would "beef up" the bill's consumer protection language.

Although the colloquy does not change the bill's language, and local governments do not entirely share Barton's interpretation of the bill language, it serves as part of the bill's legislative history and may prove useful to local governments in a House-Senate conference committee and/or any court challenges that arise from the bill should it become law.

In addition, the issue of net neutrality has begun to spark grass roots interest in the bill that may complicate House consideration. Callers have begun contacting Capitol Hill offices about the issue, spurred on by Internet content providers such as Yahoo!, Google, Microsoft and Amazon who fear that the bill will allow broadband providers to provide preferential treatment to their own content.

The bill now heads to the House floor, possibly as soon as next week. Local government organizations are formally opposing the measure in its current form, and further amendments supporting the local position may not be ruled in order on the House floor. We will provide additional information about specific amendments as it becomes available.

In the Senate, the Commerce Committee continues to draft its version of the bill that observers say will be more comprehensive. They also say that it will strongly reflect the concerns about rural issues and universal service of Senator Ted Stevens (R-AK), the Committee's Chairman. Commerce Committee staff expects to unveil a draft bill early next month.

## TRANSPORTATION

Senate Republicans offer Gas Price Relief and Rebate Act of 2006. Senate Republicans unveiled a package of measures on Thursday in an attempt to give consumers relief from increasing gas prices and increase congressional approval ratings. The highlight of the package is a proposed \$100 taxpayer rebate that would cost the U.S. Treasury at least \$1 billion, according to the Senate Finance Committee.

Also included in the "Gas Price Relief and Rebate Act of 2006:"

- a provision that would open the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling and exploration;
- a \$100 tax rebate check for single filers making less than \$145,950 a year and couples who earn less than \$218,950;
- a summer suspension of the 18.4-cent-per-gallon federal retail gasoline tax, to be paid for by ending some tax breaks for the oil industry;
- a suspension of deposits to the Strategic Petroleum Reserve for six months;
- increased incentives for the deployment and purchase of hybrid fuel vehicles;
- authorize the Federal Trade Commission to investigate price gauging, but only for retail pricing and not wholesale distribution, and
- authorize the Department of Transportation to increase fuel efficiency standards.

A number of the provisions of the bill, most notably the ANWR drilling language and tighter fuel efficiency standards, have been debated and rejected by the Senate in the past. The gas tax suspension proposal was quickly rejected by groups such as the American Road and Transportation Builders' Association (ARTBA), which says suspending the gas tax would jeopardize much needed highway funding.

House Speaker Dennis Hastert (R-IL) said House Republicans are working on nearly a dozen proposals that focus on everything from incentives for refineries and price gouging to oil exploration in Alaska and the Gulf of Mexico.

Neither Senate nor House proposals appear to have much chance of becoming law, but with rising gas prices at the pump and November elections nearing, each party hopes to direct public anger toward the opposition.

## GRANT OPPORTUNITIES

### Environmental Protection Agency:

The EPA is seeking nominations for brownfields redevelopment projects to honor through its *Phoenix Award* program. One project will be selected from each of the EPA's ten regions along with several special categories to be recognized at the annual Brownfields conference November 13-15, 2006 in Boston. The deadline is June 30, 2006, and details can be found at: <http://www.phoenixawards.org/>.

### Department of Housing and Urban Development:

Program-specific information on HOPE VI Revitalization Grants has been published to supplement the general information in the January SuperNOFA. In FY 2006, \$71.9 million is available for four grants of up to \$20 million to improve severely distressed public housing projects. Applications are due July 10, 2006, and the NOFA can be found in the Federal Register, 18496-18560.

**National Endowment for the Arts:** The NEA is seeking applications for the FY 2006 *Summer School in the Arts*. The program is designed to promote summer educational programs for children that promote life-long interest in the arts. The NEA expects to award fifty grants of between \$15,000 and \$35,000, and a 100 percent match is required. Statements of interest are due May 22, 2006. For more information, see:

<http://www.arts.gov/grants/apply/SummerSchools.html>.

**National League of Cities:** The NLC is accepting nominations for *Awards for Municipal Excellence*. Awards recognize cities that exemplify

excellence in city governance, best practices in municipal policy, and models to follow to improve the lives of their citizens. Packets are due June 21, 2006. Nomination materials can be found at:

[http://www.nlc.org/resources\\_for\\_cities/awards\\_recognition/7760.cfm](http://www.nlc.org/resources_for_cities/awards_recognition/7760.cfm).

### Department of Health and Human Services:

The Office of the Secretary is accepting nominations for the *2006 Secretary's Innovation in Prevention Awards Initiative*. The award recognizes organizations that implemented innovative and creative chronic disease prevention and health promotion programs. Nominations are due June 15, 2006, and guidance can be found in the Federal Register, 20107.

### Department of Agriculture:

The Food and Nutrition Service is accepting applications to improve accessibility and awareness of the Food Stamp Program in low-income households through *Food Stamp Program Participation* grants. There is \$5.0 million available in FY 2006. Proposals are due June 7, 2006. For detailed information, see: <http://www.fns.usda.gov/fsp/>.

### Department of Agriculture:

Local governments interested in the *Summer Food Service Program* to provide meals to low-income children during summer vacation should be in conversation with their state nutrition agency. A directory of state agencies and their summer deadlines can be found at: <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>.

### Department of Veterans Affairs:

The Department is accepting applications for the *VA Homeless Providers Grant and Per Diem* program. Funds are available to construct and maintain housing facilities and support services for homeless veterans. The aim is to help veterans achieve residential stability, increase their skill levels and income and obtain greater self-determination. There is \$10 million available with a required match of at least 35 percent. The deadline to apply is June 14, 2006, and for more information, see: <http://www1.va.gov/homeless/page.cfm?pg=3>.

**City of Lincoln  
EMS Cash Receipts/Expenditure Data  
FY 2005-06**

**04/30/06**

**Emergency:**

Month	Total Month Receipts	Total Month Expenditures	Net Receipts (Expenditures)	Cumulative Receipts	Cumulative Expenditures	Cumulative Net
FY 2004-05 Balance Forward				14,753,913	15,653,293	(899,380)
September	194,915	320,591	(125,676)	14,948,828	15,973,884	(1,025,056)
October	271,703	339,577	(67,874)	15,220,531	16,313,461	(1,092,930)
November	288,590	226,268	62,322	15,509,121	16,539,729	(1,030,608)
December	287,140	310,908	(23,768)	15,796,261	16,850,637	(1,054,376)
January	252,365	437,869	(185,504)	16,048,626	17,288,506	(1,239,880)
February	268,621	245,355	23,266	16,317,247	17,533,861	(1,216,614)
March	348,357	421,991	(73,634)	16,665,604	17,955,852	(1,290,248)
April	407,065	323,713	83,352	17,072,669	18,279,565	(1,206,896)
May						
June						
July						
August						

**Non-Emergency:**

Month	Total Receipts	Total Expenditures	Net Receipts (Expenditures)	Cumulative Receipts	Cumulative Expenditures	Cumulative Net
FY 2004-05 Balance Forward				1,500,232	1,992,811	(492,579)
September	242	37	205	1,500,474	1,992,848	(492,374)
October	314	8	306	1,500,788	1,992,856	(492,068)
November	1,284	3	1,281	1,502,072	1,992,859	(490,787)
December	2,056	4	2,052	1,504,128	1,992,863	(488,735)
January	283	143	140	1,504,411	1,993,006	(488,595)
February	-	5	(5)	1,504,411	1,993,011	(488,600)
March	663	-	663	1,505,074	1,993,011	(487,937)
April	697	109	588	1,505,771	1,993,120	(487,349)
May						
June						
July						
August						

**Total**

Month	Total Receipts	Total Expenditures	Net Receipts (Expenditures)	Cumulative Receipts	Cumulative Expenditures	Cumulative Net
FY 2004-05 Balance Forward				16,254,145	17,646,104	(1,391,959)
September	195,157	320,628	(125,471)	16,449,302	17,966,732	(1,517,430)
October	272,017	339,585	(67,568)	16,721,319	18,306,317	(1,584,998)
November	289,874	226,271	63,603	17,011,193	18,532,588	(1,521,395)
December	289,196	310,912	(21,716)	17,300,389	18,843,500	(1,543,111)
January	252,648	438,012	(185,364)	17,553,037	19,281,512	(1,728,475)
February	268,621	245,360	23,261	17,821,658	19,526,872	(1,705,214)
March	349,020	421,991	(72,971)	18,170,678	19,948,863	(1,778,185)
April	407,762	323,822	83,940	18,578,440	20,272,685	(1,694,245)
May						
June						
July						
August						

**SOURCE:** Finance Department General Ledger

**NOTE:** Amount Pending in JDE: \$0

**NOTE:** Amount Received in Lock Box not posted: \$0

City of Lincoln  
EMS Call Volume Data  
FY 2000-06

Note: Activity is through April 30, 2006

Emergency:												
Month	Total Bills	Amount Billed	Contractual Reductions	Collectable Amount	Amount Collected	Collection % of Gross	Collection % of Net	Write Offs	Remaining Accounts Rec	Percent Remaining	Collection Agency Accounts	Collection Agency Payments
<b>FY2000-01 Total</b>	6,570	3,475,230	590,113	2,885,117	2,337,731	67.27%	81.03%	547,386	-	0.00%		
<b>FY2001-02 Total</b>	9,858	5,179,834	967,560	4,212,274	3,410,835	65.85%	80.97%	801,439	-	0.00%		
<b>FY 2002-03</b>												
September	838	424,805	83,276	341,529	276,798	65.16%	81.05%	64,731	-	0.00%		
October	844	425,929	79,976	345,953	278,059	65.28%	80.37%	67,894	-	0.00%		
November	822	428,926	86,826	342,100	276,829	64.54%	80.92%	65,271	-	0.00%		
December	830	428,831	85,385	343,446	289,455	67.50%	84.28%	53,991	-	0.00%		
January	789	407,270	92,113	315,157	264,263	64.89%	83.85%	50,894	-	0.00%		
February	797	414,155	88,432	325,723	272,570	65.81%	83.68%	53,153	-	0.00%		
March	848	430,166	92,573	337,593	275,663	64.08%	81.66%	61,930	-	0.00%		
April	851	431,818	85,796	346,022	273,675	63.38%	79.09%	72,347	-	0.00%		
May	882	443,385	87,365	356,020	276,554	62.37%	77.68%	79,466	-	0.00%		
June	781	385,596	79,051	306,546	243,431	63.13%	79.41%	62,568	546	0.14%	58,575	1,713
July	822	417,088	89,209	327,879	249,515	59.82%	76.10%	77,403	961	0.23%	70,061	2,914
August	910	468,964	99,940	369,024	300,684	64.12%	81.48%	65,758	2,582	0.55%	62,015	3,401
<b>FY2002-03 Total</b>	10,014	5,106,933	1,049,942	4,056,991	3,277,495	64.18%	80.79%	775,407	4,089	0.08%	190,651	8,028
<b>FY 2003-04</b>												
September	792	399,190	84,060	315,130	257,586	64.53%	81.74%	56,724	820	0.21%	50,392	4,270
October	898	452,964	94,732	358,232	294,648	65.05%	82.25%	62,357	1,228	0.27%	57,764	4,283
November	860	436,197	95,111	341,086	277,974	63.73%	81.50%	61,354	1,758	0.40%	54,758	2,652
December	936	473,764	108,114	365,650	301,375	63.61%	82.42%	62,500	1,775	0.37%	56,493	2,861
January	873	455,362	111,441	343,921	277,939	61.04%	80.81%	63,102	2,880	0.63%	54,818	1,566
February	832	439,696	114,882	324,814	267,074	60.74%	82.22%	55,664	2,076	0.47%	49,085	3,334
March	716	386,466	96,830	289,636	239,052	61.86%	82.54%	48,941	1,643	0.43%	44,101	2,992
April	757	398,475	97,566	300,910	243,886	61.20%	81.05%	52,441	4,583	1.15%	49,307	2,880
May	847	442,566	102,759	339,807	264,447	59.75%	77.82%	70,706	4,654	1.05%	66,443	1,169
June	857	455,891	110,500	345,391	274,908	60.30%	79.59%	66,113	4,370	0.96%	61,647	1,387
July	898	477,111	105,468	371,643	290,488	60.88%	78.16%	77,627	3,528	0.74%	68,317	3,547
August	870	466,970	106,059	360,911	273,539	58.58%	75.79%	82,878	4,494	0.96%	76,088	706
<b>FY2003-04 Total</b>	10,136	5,284,652	1,227,523	4,057,129	3,262,915	61.74%	80.42%	760,407	33,807	0.64%	689,213	31,648
<b>FY 2004-05</b>												
September	901	498,957	120,542	378,415	291,033	58.33%	76.91%	84,028	3,354	0.67%	76,962	3,147
October	845	458,671	115,911	342,760	269,849	58.83%	78.73%	68,553	4,358	0.95%	65,739	3,971
November	775	428,019	100,439	327,580	250,685	58.57%	76.53%	70,945	5,950	1.39%	66,221	1,066
December	806	446,238	113,658	332,580	263,119	58.96%	79.11%	66,019	3,442	0.77%	62,132	4,140
January	931	523,701	142,513	381,188	306,273	58.48%	80.35%	67,907	7,008	1.34%	61,396	2,769
February	833	468,584	120,887	347,697	271,147	57.87%	77.98%	68,768	7,782	1.66%	67,562	1,425
March	885	499,323	123,693	375,630	288,816	57.84%	76.89%	73,736	13,078	2.62%	72,783	2,383
April	850	471,558	123,528	348,030	266,361	56.49%	76.53%	64,360	17,309	3.67%	64,156	932
May	942	521,580	124,627	396,953	308,926	59.23%	77.82%	84,139	23,888	4.58%	61,393	2,117
June	893	481,254	105,425	375,829	260,444	54.12%	69.30%	78,101	37,284	7.75%	73,684	-
July	944	520,989	123,467	397,522	288,787	55.43%	72.65%	67,692	41,043	7.88%	61,889	101
August	847	462,764	111,151	351,613	256,619	55.45%	72.98%	55,301	39,693	8.58%	53,312	-
<b>FY2004-05 Total</b>	10,452	5,781,636	1,425,841	4,355,795	3,322,059	57.46%	76.27%	829,549	204,187	3.53%	787,229	22,050
<b>FY 2005-06</b>												
September	903	490,718	117,266	373,452	270,503	55.12%	72.43%	49,612	53,337	10.87%	46,468	-
October	846	461,136	105,472	355,664	240,089	52.06%	67.50%	41,997	73,578	15.96%	40,830	-
November	810	443,288	108,979	334,309	215,293	48.57%	64.40%	18,480	100,536	22.68%	17,243	-
December	823	455,241	111,752	343,489	208,604	45.82%	60.73%	11,953	122,932	27.00%	10,805	-
January	864	480,731	111,362	369,369	188,623	39.24%	51.07%	12,847	167,899	-	12,572	-
February	816	449,853	109,697	340,156	148,055	32.91%	43.53%	5,729	186,372	-	5,729	-
March	884	481,615	100,223	381,392	46,371	-	-	1,195	333,826	-	1,079	-
April	194	107,999	20,707	87,292	1,726	-	-	275	85,291	-	-	-
May	-	-	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
<b>FY2005-06 Total</b>	6,140	3,370,581	785,458	2,585,123	1,319,264	39.14%	51.03%	142,088	1,123,771	33.34%	134,726	0

**Non-Emergency:**

Month	Total Bills	Amount Billed	Contractual Reductions	Collectable Amount	Amount Collected	Collection % of Gross	Collection % of Net	Write Offs	Remaining Accounts Rec	Percent Remaining	Collection Agency Accounts	Collection Agency Payments
<b>FY2000-01 Total</b>	1,633	750,531	279,174	471,357	383,802	51.14%	81.42%	87,555	-	0.00%		
<b>FY2001-02 Total</b>	2,189	1,065,522	402,525	662,997	565,995	53.12%	85.37%	97,002	-	0.00%		
<b>FY 2002-03</b>												
September	140	56,319	16,747	39,572	36,110	64.12%	91.25%	3,462	-	0.00%		-
October	199	85,725	28,758	56,967	47,540	55.46%	83.45%	9,427	-	0.00%		-
November	171	77,898	22,824	55,074	46,290	59.42%	84.05%	8,784	-	0.00%		-
December	200	81,937	24,932	57,005	51,231	62.52%	89.87%	5,774	-	0.00%		-
January	209	86,852	28,485	58,367	50,140	57.73%	85.90%	8,227	-	0.00%		-
February	167	63,981	20,286	43,695	37,396	58.45%	85.58%	6,299	-	0.00%		-
March	198	79,128	26,134	52,994	46,164	58.34%	87.11%	6,830	-	0.00%		-
April	145	59,819	13,373	46,446	35,782	59.82%	77.04%	10,664	-	0.00%		-
May	129	54,812	14,360	40,452	31,999	58.38%	79.10%	8,453	-	0.00%		-
June	131	57,300	17,333	39,967	38,309	66.86%	95.85%	1,657	0	0.00%	1,657	-
July	145	60,831	17,307	43,524	40,507	66.59%	93.07%	3,016	-	0.00%	1,997	-
August	126	50,964	16,743	34,221	30,303	59.46%	88.55%	3,575	343	0.67%	2,943	-
<b>FY2002-03 Total</b>	1,960	815,566	247,282	568,284	491,772	60.30%	86.54%	76,169	343	0.04%	6,598	0
<b>FY 2003-04</b>												
September	139	58,362	19,983	38,379	36,282	62.17%	94.54%	1,754	343	0.59%	1,754	-
October	126	51,691	16,142	35,549	30,825	59.63%	86.71%	4,724	0	0.00%	3,507	-
November	99	42,922	12,705	30,217	28,508	66.42%	94.34%	1,709	0	0.00%	343	-
December	118	49,024	12,805	36,219	31,888	65.05%	88.04%	4,331	0	0.00%	2,381	-
January	101	41,919	15,368	26,551	23,558	56.20%	88.73%	2,087	906	2.16%	1,679	-
February	7	3,774	1,069	2,704	2,704	71.66%	100.00%	-	-	0.00%	-	-
March	6	2,126	162	1,964	1,615	75.98%	82.25%	349	-	0.00%	349	-
April	5	1,761	445	1,316	1,316	74.73%	100.00%	-	-	0.00%	-	-
May	5	1,315	108	1,207	1,207	91.78%	100.00%	-	-	0.00%	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
<b>FY2003-04 Total</b>	606	252,893	78,788	174,106	157,903	62.44%	90.69%	14,953	1,250	0.49%	10,013	0

Month	Total Bills	Amount Billed	Contractual Reductions	Collectable Amount	Amount Collected	Collection % of Gross	Collection % of Net	Write Offs	Remaining Accounts Rec	Percent Remaining	Collection Agency Accounts	Collection Agency Payments
<b>FY2000-01 Total</b>	8,203	4,225,761	869,287	3,356,474	2,721,533	64.40%	81.08%	634,941	-	0.00%	-	-
<b>FY2001-02 Total</b>	12,047	6,245,356	1,370,085	4,875,271	3,976,830	63.68%	81.57%	898,441	-	0.00%	-	-
<b>FY 2002-03</b>												
September	978	481,124	100,023	381,101	312,908	65.04%	82.11%	68,193	-	0.00%	-	-
October	1,043	511,654	108,734	402,920	325,599	63.64%	80.81%	77,321	-	0.00%	-	-
November	993	506,824	109,650	397,174	323,119	63.75%	81.35%	74,055	-	0.00%	-	-
December	1,030	510,768	110,317	400,451	340,686	66.70%	85.08%	59,765	-	0.00%	-	-
January	998	494,122	120,598	373,524	314,403	63.63%	84.17%	59,121	-	0.00%	-	-
February	964	478,136	108,718	369,418	309,966	64.83%	83.91%	59,452	-	0.00%	-	-
March	1,046	509,294	118,707	390,587	321,827	63.19%	82.40%	68,760	-	0.00%	-	-
April	996	491,637	99,169	392,468	309,457	62.94%	78.85%	83,011	-	0.00%	-	-
May	1,011	498,197	101,725	396,472	308,553	61.93%	77.82%	87,919	-	0.00%	-	-
June	912	442,896	96,384	346,512	281,740	63.61%	81.31%	64,226	546	0.12%	60,232	1,713
July	967	477,919	106,517	371,402	290,022	60.68%	78.09%	80,420	961	0.20%	72,058	2,914
August	1,036	519,928	116,683	403,245	330,987	63.66%	82.08%	69,333	2,925	0.56%	64,958	3,401
<b>FY2002-03 Total</b>	11,974	5,922,499	1,297,224	4,625,275	3,769,268	63.64%	81.49%	851,575	4,432	0.07%	197,249	8,028
<b>FY 2003-04</b>												
September	931	457,552	104,043	353,509	293,867	64.23%	83.13%	58,478	1,163	0.25%	52,146	4,270
October	1,024	504,655	110,874	393,781	325,473	64.49%	82.65%	67,081	1,228	0.24%	61,271	4,283
November	959	479,119	107,816	371,303	306,482	63.97%	82.54%	63,063	1,758	0.37%	55,101	2,652
December	1,054	522,788	120,919	401,869	333,263	63.75%	82.93%	66,831	1,775	0.34%	58,874	2,861
January	974	497,281	126,809	370,472	301,497	60.63%	81.38%	65,189	3,786	0.76%	56,497	1,566
February	839	443,470	115,951	327,518	269,778	60.83%	82.37%	55,664	2,076	0.47%	49,085	3,334
March	722	388,592	96,992	291,600	240,667	61.93%	82.53%	49,290	1,643	0.42%	44,450	2,992
April	762	400,236	98,010	302,225	245,202	61.26%	81.13%	52,441	4,583	1.14%	49,307	2,880
May	852	443,881	102,867	341,014	265,654	59.85%	77.90%	70,706	4,654	1.05%	66,443	1,169
June	857	455,891	110,500	345,391	274,908	60.30%	79.59%	66,113	4,370	0.96%	61,647	1,387
July	898	477,111	105,468	371,643	290,488	60.88%	78.16%	77,627	3,528	0.74%	68,317	3,547
August	870	466,970	106,059	360,911	273,539	58.58%	75.79%	82,878	4,494	0.96%	76,088	706
<b>FY2003-04 Total</b>	10,742	5,537,545	1,306,310	4,231,235	3,420,818	61.77%	80.85%	775,360	35,057	0.63%	699,226	31,648
<b>FY 2004-05</b>												
September	901	498,957	120,542	378,415	291,033	58.33%	76.91%	84,028	3,354	0.67%	76,962	3,147
October	845	458,671	115,911	342,760	269,849	58.83%	78.73%	68,553	4,358	0.95%	65,739	3,971
November	775	428,019	100,439	327,580	250,685	58.57%	76.53%	70,945	5,950	1.39%	66,221	1,066
December	806	446,238	113,658	332,580	263,119	58.96%	79.11%	66,019	3,442	0.77%	62,132	4,140
January	931	523,701	142,513	381,188	306,273	58.48%	80.35%	67,907	7,008	1.34%	61,396	2,769
February	833	468,584	120,887	347,697	271,147	57.87%	77.98%	68,768	7,782	1.66%	67,562	1,425
March	885	499,323	123,693	375,630	288,816	57.84%	76.89%	73,736	13,078	2.62%	72,783	2,383
April	850	471,558	123,528	348,030	266,361	56.49%	76.53%	64,360	17,309	3.67%	64,156	932
May	942	521,580	124,627	396,953	308,926	59.23%	77.82%	64,139	23,888	4.58%	61,393	2,117
June	893	481,254	105,425	375,829	260,444	54.12%	69.30%	78,101	37,284	7.75%	73,684	-
July	944	520,989	123,467	397,522	288,787	55.43%	72.65%	67,692	41,043	7.88%	61,889	101
August	847	462,764	111,151	351,613	256,619	55.45%	72.98%	55,301	39,693	8.58%	53,312	-
<b>FY2004-05 Total</b>	10,452	5,781,636	1,425,841	4,355,795	3,322,059	57.46%	76.27%	829,549	204,187	3.53%	787,229	22,050
<b>FY 2005-06</b>												
September	903	490,718	117,266	373,452	270,503	55.12%	72.43%	49,612	53,337	10.87%	46,468	-
October	846	461,136	105,472	355,664	240,089	52.06%	67.50%	41,997	73,578	15.96%	40,830	-
November	810	443,288	108,979	334,309	215,293	48.57%	64.40%	18,480	100,536	22.68%	17,243	-
December	823	455,241	111,752	343,489	208,604	45.82%	60.73%	11,953	122,932	27.00%	10,805	-
January	864	480,731	111,362	369,369	188,623	39.24%	51.07%	12,847	167,899	34.93%	12,572	-
February	816	449,853	109,697	340,156	148,055	32.91%	43.53%	5,729	186,372	41.43%	5,729	-
March	884	481,615	100,223	381,392	46,371	9.63%	12.16%	1,195	333,826	69.31%	1,079	-
April	194	107,999	20,707	87,292	1,726	1.60%	1.98%	275	85,291	78.97%	-	-
May	-	-	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
<b>FY2005-06 Total</b>	6,140	3,370,581	785,458	2,585,123	1,319,264	39.14%	51.03%	142,088	1,123,771	33.34%	134,726	0

Note: The Amount collected for the first twenty months (1-1-2001 to 8-31-2002) does not reflect a reduction of the \$100,000 refunded to Medicare as result of the compliance audit. If that amount were included, the net collections will approximate 63.5% for the first twenty months.

<b>Grand Totals</b>	<b>59,558</b>	<b>31,083,378</b>	<b>7,054,206</b>	<b>24,029,173</b>	<b>18,529,772</b>	<b>59.61%</b>	<b>77.11%</b>	<b>4,131,954</b>	<b>1,367,447</b>	<b>4.40%</b>	<b>1,818,430</b>	<b>61,725</b>
<b>AccuMed Totals</b>	<b>30,249</b>	<b>16,130,505</b>	<b>3,837,193</b>	<b>12,293,313</b>	<b>8,964,891</b>	<b>55.58%</b>	<b>72.92%</b>	<b>1,960,975</b>	<b>1,367,447</b>	<b>8.48%</b>	<b>1,818,430</b>	<b>61,725</b>



Michele M Abendroth/Notes

05/02/2006 01:14 PM

To

cc

bcc

Subject Transit Open Houses - May 11th

History:

 This message has been replied to.

The Lincoln-Lancaster County Planning Department in conjunction with StarTran is holding two Transit Study Open Houses on Thursday, May 11 regarding the ongoing Transit Development Plan. The first Open House is from 11 a.m. to 1 p.m. at the Energy Square Building, 1111 O Street, Room 101. The second is from 5 to 7 p.m. at the Bennett Martin Library Auditorium, 136 S. 14 Street.

The Open Houses will include brief remarks and a presentation by staff on the Transit Development Plan Study. Staff will be available to answer questions. We are also requesting public comment on transit issues.

For more information, you may visit the Transit Development Plan study website at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: transit) or contact David Cary at 441-6364.

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

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** May 1, 2006

**RE :** **Special Permit No. 06026** - wireless facility (monopole)  
(8450 Eagle Crest Road)  
**Resolution No. PC-00992**

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. 06026**, with conditions, requested by Dolan Realty Advisors on behalf of Verizon Wireless, for authority to construct a 105' tall monopole wireless facility capable of accommodating the antennae of four carriers, on property located at 8450 Eagle Crest Road (84<sup>th</sup> & Holdrege).

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.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Trena Vunesky, Dolan Realty Advisors, 7718 Forsyth Blvd., Clayton, MO 63105  
Verizon Wireless, 10740 Nall Avenue, Suite 400, Overland Park, KS 66211  
Southeast Rural Fire District, 8450 Eagle Crest Road, 68505  
Tom Soukup, Meadowlane Neighborhood, 645 Trail Ridge Road, 68505  
Betty Meyers, Meadowlane Neighborhood, 6801 Joyce Avenue, 68505  
Don Uerling, Meadowlane Area Residents Assn., 8024 East Avon Lane, 68505

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RESOLUTION NO. PC- 00992

SPECIAL PERMIT NO. 06026

1           WHEREAS, Verizon Wireless has submitted an application designated as  
2 Special Permit No. 06026 for authority to construct a 105' tall monopole wireless facility capable  
3 of accommodating the antennas of four carriers on property generally located at 8450 Eagle  
4 Crest Road, and legally described as:

5                     Lot 2, Eagle Crest 3rd Addition, Lincoln, Lancaster County,  
6                     Nebraska;

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

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

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

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

18           That the application of Verizon Wireless, hereinafter referred to as "Permittee", to  
19 construct a 105' tall monopole wireless facility capable of accommodating the antennas of four

1 carriers be and the same is hereby granted under the provisions of Section 27.68.030 the  
2 Lincoln Municipal Code upon condition that construction of said tower be in strict compliance  
3 with said application, the site plan, and the following additional express terms, conditions, and  
4 requirements:

5 1. This approval permits a 105' tall monopole for wireless facilities capable  
6 of accommodating the antennas of four carriers.

7 2. Before receiving building permits:

8 a. The Permittee shall complete the following instructions and submit  
9 to the Planning Department for review and approval a revised site  
10 plan including five copies showing the following revisions:

- 11 i. Add a note stating that the monopole will have a  
12 galvanized finish.
- 13 ii. Remove the notes relating to setbacks for the B-1 district.
- 14 iii. A signed surveyor's certificate.
- 15 iv. Revise the note on the landscape plan indicating the  
16 height of the trees at time of planting be will 4' to 5' high.
- 17 v. Revise the landscape plan to show screening for the  
18 wireless facility and proposed equipment shelter in  
19 compliance with the City of Lincoln Design Standards.
- 20 vi. Add the following notes:
  - 21 A. The monopole will not be lighted.
  - 22 B. All antennas shall be flush-mounted arrays.
  - 23 C. All ground equipment to be screened per City  
24 of Lincoln Design Standards at time of building  
25 permits.

26 vii. Show adequately-sized lease areas for ground equipment  
27 for all three additional carriers.

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

29 c. Submit a surety adequate to guarantee removal of the wireless  
30 facility subject to approval by the City.

31 3. Before use of the facility all development and construction shall have  
32 been completed in compliance with the approved plans.  
33  
34  
35  
36

1                   4.       All privately-owned improvements shall be permanently maintained by the  
2 owner.

3                   5.       The site plan accompanying this permit shall be the basis for all  
4 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
5 elements, and similar matters.

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

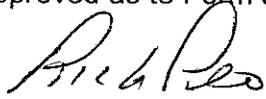
8                   7.       The applicant shall sign and return the letter of acceptance to the City  
9 Clerk within 30 days following the approval of the special permit, provided, however, said 30-  
10 day period may be extended up to six months by administrative amendment. The clerk shall file 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

13                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
14 Planning Commission on this 26 day of April, 2004

ATTEST:

  
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 :** May 1, 2006

**RE :** **Special Permit No. 06027, Prairie Crossing Community Unit Plan**  
(S. 33<sup>rd</sup> Street and Yankee Hill Road)  
**Resolution No. PC-00993**

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. 06027, Prairie Crossing Community Unit Plan**, with conditions, requested by the Lincoln Housing Authority, for authority to develop 56 multiple-family units and 20 townhouse units, on property generally located northeast of the intersection of South 33<sup>rd</sup> Street and Yankee Hill 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.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Tim Gergen, Olsson Associates, 1111 Lincoln Mall, 68508  
Lincoln Housing Authority, 5700 R Street, 68506  
Todd Nelson, Porter Ridge Neighborhood Assn., 7525 Brummond Drive, 68516  
Bob Ludwig, Porter Ridge Neighborhood Assn., 7120 S. 31<sup>st</sup> Place, 68516

---

RESOLUTION NO. PC-00993

SPECIAL PERMIT NO. 06027

1           WHEREAS, Lincoln Housing Authority has submitted an application designated  
2 as Special Permit No. 06027 for authority to develop Prairie Crossing Community Unit Plan for  
3 56 multiple-family units and 20 townhouse units, on property generally located northeast of the  
4 intersection of South 33rd Street and Yankee Hill Road, and legally described as:

5           Lot 1, Block 2, Pine Lake Heights South 11th Addition, Lincoln,  
6           Lancaster County, Nebraska,

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

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

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

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

18           That the application of Lincoln Housing Authority, hereinafter referred to as  
19 "Permittee", to develop Prairie Crossing Community Unit Plan for 56 multiple-family units and 20

1 townhouse units be and the same is hereby granted under the provisions of Section 27.63.320  
2 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said  
3 dwelling units be in strict compliance with said application, the site plan, and the following  
4 additional express terms, conditions, and requirements:

- 5 1. This permit approves a community unit plan for 76 dwelling units.
- 6 2. Before receiving building permits:
  - 7 a. The Permittee shall submit to the Planning Department office for review  
8 and approval a revised site plan including five copies showing the  
9 following revisions:
    - 10 i. A 20'-wide trail easement along the east property line to the  
11 satisfaction of the Parks and Recreation Department.
    - 12 ii. The trail easement along Yankee Hill Road sited to the  
13 satisfaction of the Parks and Recreation Department and the  
14 Lincoln Electric System.
    - 15 iii. A recreation plan approved by the Parks and Recreation  
16 Department.
    - 17 iv. General Site Note #16 revised to state "THE RECREATIONAL  
18 FACILITY SHALL BE A ½ BASKETBALL COURT AND TWO TOT  
19 LOTS IN COMPLIANCE WITH THE NATIONAL CONSUMER  
20 SAFETY GUIDELINES."
    - 21 v. A note added to the site plan that states "ALL REQUIRED  
22 LANDSCAPING TO BE PROVIDED IN COMPLIANCE WITH CITY  
23 OF LINCOLN DESIGN STANDARDS. REQUIRED  
24 LANDSCAPING AND SCREENING TO BE REVIEWED AT TIME  
25 OF BUILDING PERMITS. STREET TREES TO BE INSTALLED  
26 AS REQUIRED BY THE APPROVED FINAL PLAT."
    - 27 vi. The driveway onto South 33<sup>rd</sup> Street located to the satisfaction of  
28 Public Works and Utilities.
    - 29 vii. All internal street names deleted from the site plan.
    - 30 viii. Show the location of the high-pressure gas line.

1 ix. Combine General Site Notes #12, #13 and #14 to state "THE  
2 DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE  
3 WITHIN THE BUILDABLE LOT IN COMPLIANCE WITH THE  
4 SETBACKS AND ALLOWED EXCEPTIONS FOR THE R-4  
5 ZONING DISTRICT PER LINCOLN MUNICIPAL CODE TITLE  
6 27."

7 x. Revise General Site Note #19 to state "ACCESSORY BUILDINGS  
8 ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE  
9 CONSTRUCTED IF THEY ARE 25' BY 25' OR SMALLER AND  
10 ARE CONSTRUCTED OUTSIDE THE SETBACKS, SIGHT  
11 TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM  
12 PARKING AND ARE IN CONFORMANCE WITH ALL OTHER  
13 APPLICABLE REQUIREMENTS."

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

15 3. Before occupying the dwelling units all development and construction is to  
16 comply with the approved plans.

17 4. All privately-owned improvements, including landscaping and recreational  
18 facilities, are to be permanently maintained by the owner or an appropriately established  
19 homeowners association approved by the City.

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

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

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

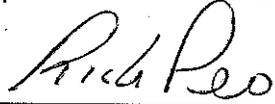
1           The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning  
2 Commission on this 26 day of April, 2006.

ATTEST:

  
\_\_\_\_\_

Chair

Approved as to Form & Legality:

  
\_\_\_\_\_

Chief Assistant City Attorney



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

**MAYOR COLEEN J. SENG**

lincoln.ne.gov

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

May 2, 2006

RECEIVED  
MAY 03 2006  
CITY COUNCIL  
OFFICE

Steven Radcliff  
5648 South 77th Street  
Lincoln, NE 68516

RE: L-8867.3 - 77th Street North and South of Old Cheney Road  
Change of Parking

Dear Mr. Radcliff:

As Lincoln continues to grow, traffic volumes along our street system also increase. In order to accommodate the increasing volumes of vehicles within the developed areas of Lincoln and still provide for the growing community, we do our best to utilize the existing roadway. The City plans to install left turn lanes on South 77th Street from Old Cheney Road south to Kennelley Drive and from Old Cheney Road north to Red Oak Road. This should reduce congestion and improve safety in this area.

In order to implement these changes, it will be necessary to prohibit parking on the west side of South 77th Street between the above areas. We recognize that this change may have some impact on you as an adjacent property owner, resident or potential user of the on-street parking. We anticipate the implementation of this sometime during the week of June 5, 2006.

If you have any questions or comments regarding the forthcoming parking prohibition, please do not hesitate to contact me at 441-7452.

Sincerely,

Doug Schwartz  
Engineering and Traffic Operations

cc: Jon Camp  
Anne Harrell  
City Council Office  
Nicole Fleck-Tooze  
Karl Fredrickson  
Roger Figard  
Randy Hoskins  
Scott Opfer  
Allen Lee  
Jim Tompsett

**LETTERS SENT TO:**

---

Steven Radcliff  
7648 South 77th Street  
Lincoln, NE 68516

Francis and Mary Dickerson  
5640 South 77th Street  
Lincoln, NE 68516

Gary and Karen Kornell  
7635 Red Oak Road  
Lincoln, NE 68516

Rex and Marianne Hendrickson  
7656 Kennelley Drive  
Lincoln, NE 68516

Scott Oorlog and Eric Muff  
5700 South 77th Street  
Lincoln, NE 68516

Charles and Kay Moore  
5720 South 77th Street  
Lincoln, NE 68516

Steve Nickel, Neighborhood Association President  
7941 Portsche Lane  
Lincoln, NE 68516

# M e m o r a n d u m

---

**To:** Annette McRoy  
City Council Member

**From:** Karl Fredrickson, P.E.  
Director of Public Works & Utilities

**Subject:** RFI #170 Parking Management Study Update

**Date:** May 4, 2006

**cc:** Margaret Remmenga, Ken Smith, Christine Jackson

I have been in contact with Christine Jackson, Vice Chancellor for Business and Finance with UNL, regarding participating with the City in an interlocal agreement that would create a “management authority”. I am scheduled to meet with Christine next week to discuss this agreement and plan for subsequent steps (DLA, stakeholder, and public input meetings, etc.) prior to bringing the agreement to City Council for approval.

As you may recall there are two methods for creation of a parking authority. The first, and desired choice, is through the interlocal agreement (similar to Pershing). The second is to place it on the ballot for vote (similar to Lincoln Airport Authority).

Business interests will weigh heavily in the detail of the agreement. We met last fall with DLA representatives, Polly McMullen, Drew Stange, and their attorney Kent Seacrest where we received their comments on the draft agreement. Since that meeting our priority has been the catalyst downtown parking/tower project outlined in the Downtown Master Plan. We need to discuss their ideas in more detail with them and with other stakeholders. However, the City’s partner UNL needs to be satisfied with the concepts in the draft agreement and willing to go further into final details the agreement.

Should the current draft agreement be close in language, and UNL’s interests satisfied, subsequent interaction with stakeholders taken and agreement reached, then I would anticipate the agreement coming before City Council sometime this summer.

May 4, 2006  
Public Works Dept., City of Lincoln  
Mayor Coleen Seng  
✓ City Council Person: Patte Newman

RECEIVED  
MAY 04 2006  
CITY COUNCIL  
OFFICE

I read with amusing interest a recent article in the Lincoln Journal entitled "Pothole Patrol" available for Lincoln residents. In that article, residents were asked to report potholes and other street problems to the Hotline number at 441-7646.

Let me relate to you my story. Some 30 years ago, I reported a defect in the curbing at 531 Redwood Drive. The curb had broken up and sunk. Run off water en route to the storm sewer was pooling and standing for days and/or weeks where it became stagnant and infested with mosquitoes. This created an unhealthy environment.

The person I talked with at Public Works said they would inspect it and get a message back to me in a few days. No messages from them. I called back several times with the same information. We still had no repairs made. After 30 years, they did come out and repair the curb. However, this did not solve the problem of runoff water pooling. I called again about two years ago. The curb needs to be cut out and repoured to a level condition. I was told that I would hear from them...no response yet...the water is still standing just south of our driveway. If this takes another 30 years, we won't have to worry. It will not happen in our lifetime!

We would really like some suggestion or help on getting this problem solved.

Sincerely,



Jack G. Tatro  
531 Redwood Drive  
Lincoln, NE 68510  
Phone: 488-3737

JACK G. TATRO  
531 REDWOOD DRIVE  
LINCOLN, NE 68510



"Robin L. Hoffman"  
<rlhoffman@alltel.net>

04/30/2006 06:33 AM

To council@lincoln.ne.gov

cc

bcc

Subject Concealed Carry Ban in Lincoln

Council Members:

I keep hearing and reading that Mayor Seng is pushing for an ordinance banning the carry of concealed weapons in Lincoln, NE. I urge the City Council to delay any action on implementing an ordinance to ban the carry of concealed weapons in Lincoln until at least 2008 or later. The state law does not go into effect until January, 2007. I urge the Council to take a "wait and see" approach and determine what impact the new state law has on the citizens in Lincoln during 2007. The Council can then make an informed decision based on actual experience instead of acting on everyone's emotioanl opinion regarding the new state law.

Robin L. Hoffman  
801 West Chadderton Drive  
Lincoln, NE 68521

402-476-0980  
rlhoffman@alltel.net



"Gregg Stearns"  
<malkore@gmail.com>  
05/01/2006 02:26 PM

To council@lincoln.ne.gov  
cc  
bcc  
Subject Lincoln's carry conceal weapon ordinance

I invite you to read this brief article: <http://www.timesleader.com/mld/timesleader/14449026.htm>

synopsis: Man breaks into home with crowbar, grabs Japanese sword off wall, and attempts to rob 2 men and 1 woman. The 2 men flee. The woman, who legally owns a handgun, and can legally carry the handgun, fires upon her attacker, wounding him, so she can escape.

Legal gun.  
Legal permit.

Justifiable shoot.

This is why Lincoln should NOT try to second guess the state senators, and NOT try to ban legal permit holders from carrying in approved areas inside Lincoln. All your ban/ordinance will do, is prevent law-abiding citizens from carrying a weapon.

Criminals break laws. Do you honestly think for one second that they would abide by this ordinance?

We've had two home invasions in April, barely a week apart. In one case, the owner shot his attackers, and the county prosecutor won't press charges, because it was a good shoot. In the other case, the home owner was beaten and robbed, unable to defend himself against multiple attackers.

According to your proposed ordinance, I should only be allowed to feel safe...to protect myself and my family...only within the confines of my own home? That out on the streets, I'm simply 'fair game' to thieves and car-jackers? You have heard about Omaha's recent car-jackings, haven't you?

Just because this is Nebraska, doesn't mean we don't have crime. We are the 48th state to realize that lawful concealed carry is a right law-abiding citizens, who met designated criteria, should be allowed.

I hope you will make the right decision, and allow us to keep the rights allowed in the 2nd ammendment, and granted by the recent passing of LB454.

Regards,

--

Gregg Stearns  
705 N. 31st  
Lincoln, NE 68503



**DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>**  
04/30/2006 06:45 AM

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

InterLinc: City Council Feedback for  
General Council

Name: Robin L. Hoffman  
Address: 801 West Chadderton Drive  
City: Lincoln, NE 68521  
  
Phone: 402-476-0980  
Fax:  
Email: rlhoffman@alltel.net

Comment or Question:

I am dismayed that Mayor Seng is seeking Council approval to purchase the Starship Nine Theater to make way for more economic development in downtown Lincoln. I am the parent of a special needs adult who lives on a fixed income and a tight budget. He enjoys going to a movie with his other special needs friends for entertainment. They can view a movie at the Starship for \$2.00 as compared to \$8.00 at the Grand and still have money for a soda or popcorn. If the Starship Nine is demolished for the sake of economic development, then you have just taken away his entertainment and a way for him to stretch his limited dollars. I urge the Council to vote against Mayor Seng's plan and to save the Starship Nine. Your thoughts would be appreciated. Thanks!



"Cindy Elder"  
<cindyelder@gmail.com>  
05/01/2006 10:19 AM

To council@lincoln.ne.gov  
cc mayor@lincoln.ne.gov  
bcc  
Subject Downtown development

Hello,

I wanted to voice my disapproval of the Mayor's plan for the 13th and Q downtown block and request you do not request proposals from developer's for this plan. I appreciate the Mayor's desire to revitalize downtown as I have worked at Nelnet for 3 years and live at 17th and F; I consider the downtown area my home neighborhood, so I am supportive of the Mayor's desire to build up downtown, but her planned is greatly flawed.

First, there are surface parking lots downtown that could be developed into parking garages (14th street by M and N streets). It is illogical to spend massive amounts of the City's money to buy buildings from Douglas Theatres (and other business owners) just to tear them down and build a garage that could go elsewhere for less cost. Also, the idea of adding a high-rise building, especially if it included office space, doesn't make sense. There is already a great amount of office space not utilized downtown, so there doesn't need to be more. If the high-rise would include a hotel, it will be utilized fully only on Football Saturdays--this will not benefit the City at-large.

I've loved the downtown neighborhood since I was young and have wanted to work and live here for a long time, so to be able to say I do now is a dream come true. I bought a condo near downtown, because I love the area. I want to see downtown stay active, but the money would be better spent in another way. I don't believe the 13th and Q component of the Mayor's plan makes sense.

Thank you,

Cindy Elder  
831 S 17th St Unit 5, 68508  
phone: 402.304.7883  
email: [cindyelder@gmail.com](mailto:cindyelder@gmail.com)



**DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>  
05/01/2006 10:44 AM**

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

InterLinc: City Council Feedback for  
General Council

Name: Mrs. Willa Grange  
Address: 848 Moraine Drive  
City: Lincoln, NE 68510  
  
Phone:  
Fax:  
Email: willagrango@alltel.net

Comment or Question:  
May 1, 2006  
Dear Mayor and City Council,

I am writing as a City of Lincoln citizen/voter to encourage you to vote NO to the parking garage that would remove Star Ship 9 and the Taste of China restaurant from downtown. If this is not possible for you, at least vote YES to building around the Taste of China restaurant.

Thank you for your time.

Sincerely,  
Mrs. Willa Grange  
substitute teacher, LPS  
848 Moraine Drive  
Lincoln 68510  
city district 1



"Willa Grange"  
<willagrang@alltel.net>  
05/01/2006 10:44 AM

To <council@lincoln.ne.gov>  
cc  
bcc  
Subject: Taste of China restaurant

May 1, 2006

Dear Mayor and City Council,

I am writing as a City of Lincoln citizen/voter to encourage you to vote **NO** to the parking garage that would remove Star Ship 9 and the Taste of China restaurant from downtown. If this is not possible for you, at least vote **YES** to building around the Taste of China restaurant.

Thank you for your time.

Sincerely,

Mrs. Willa Grange

substitute teacher, LPS

848 Moraine Drive

Lincoln 68510

city district 1



**DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>  
05/01/2006 12:09 PM**

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

InterLinc: City Council Feedback for  
General Council

Name: Nancy Taylor  
Address: 6801 Sumner St  
City: Lincoln, NE 68506

Phone:  
Fax:  
Email: moose@neb.rr.com

**Comment or Question:**

I just finished reading the Journal Star article about Mr. Chan and his Taste of China restaurant. I'm stunned that our city government could be so utterly heartless. If you're going to buy him out then I feel that you are duty bound to make him a FAIR and EQUITABLE offer - so that he can restart his business - if you're not going to do that, you might as do what the soldiers in Cambodia did and just ask if you can "borrow" his restaurant.

sheesh

test of article:

Owner fights to hold onto business

By DEENA WINTER / Lincoln Journal Star  
Monday, May 01, 2006 - 10:01:53 am CDT

Chan Hua's grandparents lost a hog and farm operation to Communist China. His parents lost a construction company in Cambodia to the Khmer Rouge. And now, Hua fears he's about to lose his Chinese restaurant to the city of Lincoln.

The city wants to demolish his family's Taste of China Chinese Restaurant in downtown Lincoln — a spartan hole in the wall at 14th and Q streets where you can get lunch, soup, rice and an egg roll for about \$5.

His restaurant is in the way of Mayor Coleen Seng's plan to build a six-story parking garage topped by a high-rise that she hopes will invigorate the area. The city has already reached an agreement to buy the Japanese restaurant just south of him and the Star Ship 9 discount theater to the west.

Businesses on the other end of the block would be left alone. So now only Hua stands in the way.

The Urban Development Department has been negotiating with Hua for about six months, but the two sides are at a stalemate. Hua doesn't want to move, but if he must, he wants the city to find him a suitable replacement building. Since that hasn't happened yet, he says it proves there is nothing in the price range they're offering him for his building.

The city has offered \$240,000 for his building and its fixtures. Hua says he

paid almost \$290,000 for the building two years ago, when his landlord gave him a good deal after he rented the place for 13 years.

Hua's real estate agent, Steve Guittar, said the city's offer is "absurdly low" and that they've looked at everything on the market between \$200,000 and \$600,000, to no avail. The city sent a list of possible properties, most of which cost a half million dollars, Hua said. He'd have to close his business at that price, he said.

The very thought of closing leaves him speechless as he chokes off tears.

The Taste of China isn't just a business to him and his family. He and his brother, San, co-own the building, and the business is owned by the family. Five family members work in the restaurant, and he fears what would happen if he had to close it: Not just the disintegration of a business, but perhaps a family.

It's not about money, he said. The restaurant doesn't make much; it's something his family built together and it's a tie that binds them.

Hua and his brothers started out working on the lowest rungs of another Chinese restaurant in Lincoln and eventually saved enough to open their own place.

His brother San manages the restaurant six days a week, putting in 11-hour days. Chan lives and works in Omaha as a software engineer and drives to Lincoln on weekends to give his brother a break.

His wife sometimes asks why he makes the trek to Lincoln every weekend. It's hard to explain.

The restaurant means a lot to Hua's mother, and his mother means a lot to Hua. They bonded when his family was separated in Cambodia and only he was allowed to stay with his parents.

He said his family was among Phnom Penh's 2 million residents forced at gunpoint to evacuate the city on foot into the country, where they were forced into slave labor in Pol Pot's "killing fields."

There, an estimated one-quarter of Cambodia's population was worked to death, starved or executed during Pol Pot's attempt to form a Communist peasant farming society from 1975 to 1979. Hua said his father died of starvation in 1977.

Hua was just a boy during the genocide, but he has vivid memories of nearly starving, being forced to bury children, foraging for anything edible, catching fish with his bare hands, translating for refugees in a mental hospital, subsisting on two tablespoons of rice per day.

After the Vietnamese invaded Cambodia in 1978, the family was reunited and began a small business. They saved everything they had to pay someone to help escape to Thailand.

From there, they made their way to the United States on Nov. 29, 1985, and started over in Lincoln.

Every generation has lost something precious to the government, he said.

"I feel I create this thing," he said. "You don't want to give up something you have. ... This is the only thing we owned in all life."

It reminds him of the soldiers who, if they spotted anything of value on a peasant, would ask if they could borrow it.

"And you knew, it will never return," Hua says. "It's not much different now, except they have to pay."

Hua said he's never lost more sleep than in the past six months.

"This thing, to me, to my family, it's been hell," he said. "It's almost like you're being hunted."

Hua hoped he could persuade the mayor to spare his business during a December meeting, but he walked away disappointed, even though he told her she'd have to put a gun to his head to get him to give up the business.

"She said, 'We will progress with our plan,' " Hua said. "I'll never forget that." He also sent the mayor a letter detailing his family's history and his attachment to the business. He said she never replied.

Urban Development officials are sympathetic to Hua but resolute.

"Chan's a very impressive individual," said Jeff Cole of the Urban Development Department. "We have nothing but the highest regard for Chan and all that he's been through and ... we look forward to continuing to work with him."

However, city officials seem more determined to buy out Hua's restaurant than when the project was announced in February. Back then, officials said, demolishing Hua's restaurant wasn't crucial but was preferable.

Now Cole says they need the entire northeast corner of the block if they're going to build anything above the parking garage.

"It's a very important piece," Cole said. The city could "drop some kind of pier into the right-of-way and build above it," he said, but that would be expensive.

Urban Development Director Marc Wullschleger said some of the developers interested in building above the parking garage would prefer that the city buy out the whole northeast corner, including Hua.

"I think the city has some specific developers who are pushing this development," said Hua's real estate agent, Guittar.

Cole said negotiations with Hua aren't over; the Urban Development Department is looking at paying him in the range of a previous offer of \$330,000, which expired.

"It's been a lot of work," he said. "We feel like that work has not come to an end yet."

Aside from whatever the city would pay Hua for his building, he can get up to \$10,000 in "re-establishment" expenses for new signs and stationery, for example; \$2,500 in search expenses and an uncapped amount for moving expenses.

The two sides have also discussed building around the restaurant (an expensive option that the city's not too interested in), temporarily relocating Hua during construction and then rebuilding in the same location. None of those talks have gone far.

The elephant in the negotiating room is the city's power to use eminent domain, or condemnation, to take Hua's property if they can't reach an agreement. The area was already previously declared blighted, opening the door to condemnation.

Asked whether the city would resort to that, Wullschleger said, "We don't see that happening. That's up to the City Council. I don't think the council has an appetite to use eminent domain. I'm not sure."

Without condemnation, the city can't force Hua to move.

Hua and Guittar will plead his case before the City Council today, when it holds a public hearing on redeveloping the downtown block. They will ask that Hua's corner be spared from the wrecking ball.

Reach Deena Winter at 473-2642 or [dwinter@journalstar.com](mailto:dwinter@journalstar.com).

What's going on?

What's happening? The owner of the downtown Taste of China restaurant is fighting the city's attempt to buy his property to make way for a parking garage topped by a high-rise in downtown Lincoln. Owners of the neighboring Wasabi! Japanese restaurant and Star Ship 9 discount theater have agreed to sell their property to the city.

What's happening today? City Council members will hold a public hearing Monday on whether to solicit developers' proposals to build housing, offices or a hotel above the parking garage at 14th and Q. The city would also tear down the Douglas 3 theater and build a civic plaza at 13th and P.

Today's council meeting begins at 1:30 p.m.

What does it mean? The council may have to grapple again with whether to use its condemnation power to take the restaurant if negotiations fail.

What's next? If the council gives the go-ahead, proposals will be sought by developers and after a few months, the best proposal will be brought back to the council for final approval and possibly a request to use eminent domain.

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128 N. 13<sup>th</sup> Street, #909  
Lincoln, NE 68508  
Phone: 402-474-1590 (eves)  
402-475-3865 (days)  
FAX: 402-475-2326  
e-mail: ksturzenegger@boucherlawfirm.com

April 27, 2006

Mayor Colleen Seng  
Mayor's Office  
City County Building  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Lincoln City Council Members  
City Council Office  
City County Building  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear City Leaders:

I am taking this opportunity to express my **opposition** to the 20 story tower the City is contemplating granting permission to be built at the southwest corner of 14<sup>th</sup> and Q Street where the Starship Theatre currently sits.

I am a lifelong Lincoln resident who has either lived and/or worked in downtown Lincoln for the past 20 years. I am very concerned about the future of downtown Lincoln.

I attended with great interest and enthusiasm the public meetings held during the Master Plan Development process. Crandall Arambula did an excellent job outlining a vision for future downtown development.

I have enclosed sections from the Design Guidelines recommended by Crandall Arambula, P.C. which clearly indicate that building a monolith 20 story tower on the corner of 14<sup>th</sup> and Q Streets is a very poor idea. I encourage you to apply the guidelines to the development the City is proposing at 14<sup>th</sup> and Q Streets.

The Design Guidelines state, "[I]t is appropriate that the mid-rise buildings of today's downtown are significant not as single structures but rather as a collection of well-constructed buildings that give prominence to a signature building, the monumental state capitol." *See enclosed.*

The 20 story monster at 14<sup>th</sup> and Q Streets would block the view of the state capitol building from north Lincoln, including Interstate 80, the main entrance into the City. The building would be a single structure that detracts from the most significant building in the City, if not the state. According to the Design Guidelines, "Signature buildings that visually compete with the capitol or other Lincoln landmarks" are **Inappropriate**. *See enclosed.*

Additionally, the Design Guidelines state, "Buildings should 'fit' with their architectural

surroundings - relating to nearby buildings rather than calling attention to themselves through disruptive design excesses or novel variations." The "scale, form, silhouette, height, rhythm and proportion all influence a structure's compatibility with its surroundings." No other building in the 14<sup>th</sup> and Q Street intersection area is built on a similar "scale, form, silhouette, height, rhythm and proportion" to the 20 story tower the City wants to build on the intersection. All the other buildings in the vicinity are only one to three stories tall. A 20 story building is completely out of scale, form, silhouette, height, rhythm and proportion to the all the other buildings and is "Inappropriate" under the Design Guidelines. *See enclosed.*

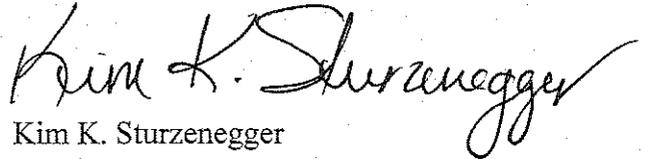
Not only does a 20 story tower on the 14<sup>th</sup> and Q Street location violate the principles of good design outlined by our experts, it would dwarf the Civic Square the City is proposing for the 13<sup>th</sup> and P Street northeast corner. I do not imagine people will want to spend much time in a Civic Square which sits in the shadow of a 20 story tower. It would feel like sitting in a basement or cave with a large tower looming overhead. Nothing about a 20 story tower would enhance a public "open space."

I agree that the 14<sup>th</sup> and Q intersection needs improving and I am in favor of sensible development of the area. But to comply with the Design Guidelines, the building to be built at the location should be of compatible scale and proportion to the other buildings in the 14<sup>th</sup> and Q Street vicinity. The building should not in any way detract from the City's most significant architectural treasure, the State Capitol.

If the City feels that the Design Guidelines prepared by our hired consultant are worthless, I recommend the City demand that Crandall Arambula reimburse taxpayers for the consulting fees taxpayers paid for the project. Taxpayers have no desire to pay for Master Development Plans or Design Guidelines that are not applied or followed when building projects are under consideration.

Please see to it that the City and developers follow the Design Guidelines we invested our time and money to prepare.

Sincerely,



Kim K. Sturzenegger

## Promote Architectural Compatibility

### Guideline

*New buildings should be "good neighbors" and contribute to the quality and character of their architectural context.*

### Description

Buildings should "fit" with their architectural surroundings – relating to nearby buildings rather than calling attention to themselves through disruptive design excesses or novel variations. Material, color, texture, scale, form, silhouette, height, rhythm and proportion all influence a structure's compatibility with its surroundings. Architectural elements should enhance not detract from the area's overall character.

### Appropriate

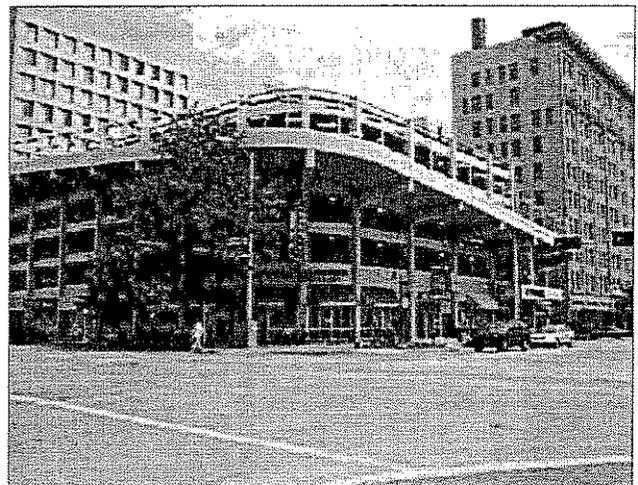
- Traditional architectural elements (for example, classical cornice) used at a scale and level of detailing proportionate to the size of the building.
- Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

### Inappropriate

- Out-of-scale, over-simplified, cartoon-like cornices or other traditional architectural elements applied without regard to size or use of the element.
- Building elements that do not respect the scale, materials, proportions and heights of adjacent historic or significantly high-quality buildings.



*Appropriate*



*Inappropriate*

## Reinforce Lincoln's Sense of Place

### Guideline

*Strengthen the qualities and characteristics that reflect downtown Lincoln's history, geography, climate and people.*

### Description

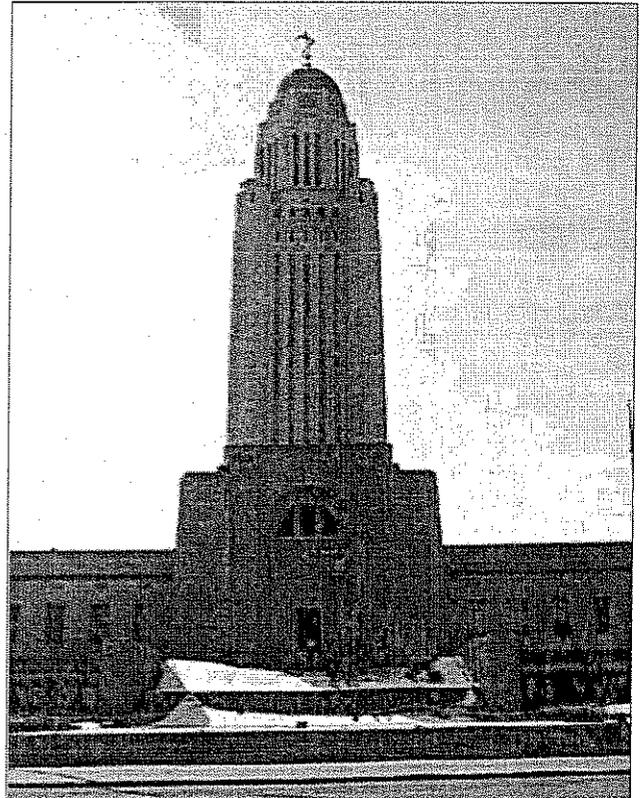
Downtown Lincoln has long been the heart of the southeastern Nebraska region and embraced its role as the area's most desirable destination in which to work, live, study and play.

The street grid of the original town plat, dating from the 1860s, emphasized the prominence of downtown Lincoln as state capitol and center of the Salt Basin. And it is appropriate that the mid-rise buildings of today's downtown are significant not as single structures but rather as a collection of well-constructed buildings that give prominence to a signature building, the monumental state capitol.

The original plat of Lincoln also laid out a minimum 100-foot-wide right-of-way for the typical downtown street, providing ample room for activities and landscaping. These wide streets invite into the downtown urban grid the lush colors and textures of the surrounding neighborhoods, farmlands, and university campus.

### Appropriate

- Background buildings whose identity comes from contributing positively to the downtown as a whole.
- Quality, long-lasting, durable materials appropriate to Lincoln's climate.
- Development of downtown cultural facilities celebrating Lincoln's history.
- Preservation and renovation of buildings and sites significant to Lincoln's heritage.



Appropriate

### Inappropriate

- Historic "theme-park" development not authentic or specific to downtown Lincoln's heritage.
- Design that is corporate-brand-inspired.
- Generic development that could be anywhere – such as what one might see at a typical shopping center.
- Signature buildings that visually compete with the capitol or other Lincoln landmarks.



**DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>  
05/02/2006 11:00 AM**

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

InterLinc: City Council Feedback for  
General Council

Name: Jayne Sebby  
Address: 320 S. 29th St.  
City: Lincoln, NE 68510  
  
Phone: 474-3059  
Fax:  
Email: jsebby@cornhusker.net

Comment or Question:

I would very much appreciate it if the Council would address the problem of overly loud audio systems in vehicles. While these motorists may have a First Amendment right to listen to whatever music they choose, I also have a First Amendment right not to have to listen to their music. The problem arises when I am in my home and someone drives by with their speakers turned up so loud that my windows rattle and I can hear the moise throughout my house and even in my backyard. As I live on a moderately busy residential street this happens several times a day and throughout the night.

If this problem is addressed via the First Amendment, a governmental body can restrict the time, place, and manner of the speach in public forums such as city streets. This would also avoid the requirment that a citizen report the problem to the police as a "public disturbance". The police would be able to make contact with any motorist whose music could be heard within a certain distance from the vehicle.

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Apr. 27-06

Dear City Council:

While walking neighborhoods recently my eyes were opened to the grave injustice some landlords inflict upon property values in our older neighborhoods. Take a trip along 16th + Washington or any areas therein. Beautiful old houses have been divided + left to neglect.

One can see a stately home with manicured lawn + flowers in close proximity to a house with a porch holding 4 large discarded appliances and derelict cars up + down the street. The houses are bringing in rents from 3-4 families, so you know someone is making money. Even if homes are divided there should be stiff fines for those who rob property value from their neighbors by neglecting upkeep.

Sincerely, you can help.

Nancy Russell

P.S. Would appreciate an answer to this letter. I'm not sure who my rep. is. (Not widely publicized I guess).



"Jim & Vicky"  
<jandv@inebraska.com>  
05/03/2006 02:36 PM

To "Dick Campbell" <rbc@campbellsnursery.com>, "Coleen Seng" <cseng@lincoln.ne.gov>, "City Council" <Council@lincoln.ne.gov>, "LIBA" <coby@liba.org>, "Wendy"  
cc  
bcc  
Subject Robin's survey

Regarding the arena-

Do you people "get it" yet? There is NO ROOM for this in the Haymarket! We already have a GLUT of hotel rooms downtown, terrible traffic flow problems in the Haymarket already, and no tax money to pay for all of this. Ms. Seng told me the traffic flow in the Haymarket will be solved by building lots of new roads. (Going "where" I wonder?) Who are you kidding? We can't fix the roads we already have, and are millions in the hole for this already. Leave the post office alone! (Judging from these comments, apparently I am not the only smart person in Lincoln.) You are pushing everyone out of this town- retirees, college grads, businesses, etc. with your dumb ideas/ high taxes. You will be left with an arena which is losing money, and nobody left to pay for it. No one is excited about the prospect of all those new jobs making beds at your new hotel, serving banquets at your new convention center, nor sweeping the floors at your new arena, while you force 250 postal jobs out of Lincoln, not to mention the hundreds of jobs that may be lost if we lose our mail Processing and Distribution Center in Lincoln. The big bulk mailers will not stay! Maybe you should speak with them also? You would all do well to consider the quality of the jobs you are bringing into Lincoln as opposed to the quality of jobs you are pushing out. Go take a look at the main post office. It is perfectly functional and quite attractive. To tear this building down would be the ultimate WASTE of our tax dollars.

Your little chat with a few clerks at the post office recently was a joke. Besides the fact that you lied to them about BNSF's intentions, and your empty promises to "save their jobs" (not even YOU have the power to do this), you didn't even speak with the folks who will be impacted by this. You do need to go back and speak with the mail handlers, maintenance and custodial staff who will never find comparable work in this town. Most of the clerks you spoke with will be absorbed into the various stations here, and will not be forced to relocate. This wasn't even a close sampling of the folks who will be most affected.

Driving around Lincoln and seeing all of the vacant businesses, it is not difficult to imagine Lincoln, the ghost town, as this appears to be where we are headed.

Oh, by the way- has the city fixed one single sidewalk since we voted to make it your job? Maybe this would be a good thing to do FIRST? Just a thought.

And please do keep in mind, that not all of Lincoln is wealthy. We are at our absolute limit when it comes to high taxes and out of control city spending. Have some compassion for the little guy just once instead of constantly thinking up new ways to shaft us???

Thank you for your time,

Vicky Valenta

Please pay special attention to the comments below-

## **5. BUILDING A CONVENTION CENTER AND ARENA IN THE DOWNTOWN AREA**

Most of the items that fell into the middle of this survey were scored a variety of ways. However, when tabulating these surveys, it became apparent that it wasn't moderate scores that placed this item in the middle of the rankings—it was polarized scores with many very high or very low numbers. It also elicited as many comments as the #1 item.

### *COMMENTS FROM THE PUBLIC:*

- 1. Should be a 22,000 arena*
- 2. The convention center will create the jobs and revitalize Downtown.*
- 3. Poor use of funds.*
- 4. Why would we tear down the post office when a convention center could be built somewhere else—like State Fairgrounds property.*
- 5. I support an arena in downtown but not a convention center/hotel. I support the arena if it is in conjunction with the University. Lincoln cannot support more convention space and hotel rooms. The market is already saturated.*
- 6. Stupid idea*
- 7. Everything is going on at the Qwest Center in Omaha. We need to put something here in Lincoln.*
- 8. Utilize Devaney.*
- 9. Why try to copy Omaha? Be original—go for co-op with Event Center—a place with access!*
- 10. Arena should be built but not Downtown.*
- 11. Not Downtown. Enough about Downtown already.*
- 12. Not Downtown.*
- 13. At State Fair Park*
- 14. Absolutely not in the Downtown area*
- 15. If you want to build a convention center, what about east of town towards Omaha. Plus, I'd like to see a nice hotel on the east/southeast side of the City.*

*16. Big deal.*

*17. Build it at State Fair Park or Devaney Ctr. Move State Fair to Lancaster Events Center. Do not overwhelm Downtown, Haymarket and parking with a convention center. State Fair Park as a convention site will still support downtown, UNL and economic growth.*

*18. Not quite understanding why we need an arena! We need schools, not sports.*

*19. Would rank higher only if Recruiting Businesses That Provide Jobs would take place*

*20. This is next to the dumbest idea.*

*21. Continue to work on getting Events Center State park and this concept coordinated.*

*22. Desirable, not essential.*



"Jim & Vicky"  
<jandv@inebraska.com>  
05/04/2006 09:33 AM

To "City Council" <Council@lincoln.ne.gov>  
cc  
bcc  
Subject bravo to a few

Dear City Council members,

I have wanted to write for some time to commend a couple of you specifically on a few issues. First, Ms. Newman- regarding the eminent domain issue and Taste of China, I was nearly reduced to tears when I read your comment that no citizen of this city should have to live in fear of their government. What an amazing statement! I don't doubt for a moment that this mayor would use eminent domain to force this poor man off his property. I commend all of you for voting unanimously against this. Bravo!

I commend Ms. Newman and Mr. Cook for their profound comments and thoughtful insight in voting against the K Street fiasco. How refreshing that at least two of you could see this issue for the shady deal it was. Good for you!

To Mr. Camp- Thank you for standing up to this mayor and at least attempting to keep her in line. It's not an easy job, I know. And it does appear that you consider our tax burden and the plight of your constituents at least half the time when you vote. You have my deepest respect for being the only council member, that I have heard from, who deems tearing down the main post office a waste of taxpayer's money. Bravo!

To Mr. Marvin- I can only say that your lofty goal of being a Seng-wanna-be is the fastest way to commit political suicide I have ever witnessed. Your "gotta have it- tear it down- build it- build it- quick quick quick" mentality is going to drive even more Lincolnites right out of town. Slow down for heaven's sake. I will remind you since you so want to be just like Ms. Seng, that even her own party does not want her to seek reelection. Does that not tell you something?

So, Patte, Jonathan and Jon, thank you for fighting the good fight and keep it up! It is wonderful to see flashes of compassion coming from the Council chambers on occasion!!! How refreshing!

Thank you for your time,  
Vicky Valenta  
Lincoln

CHARLES THONE  
DONALD H. ERICKSON  
WM. E. MORROW, JR.  
DANIEL B. KINNAMON  
THOMAS J. GUILFOYLE  
VIRGIL K. JOHNSON  
CHARLES V. SEDERSTROM  
CHARLES D. HUMBLE  
ALAN M. WOOD  
WILLIAM F. AUSTIN  
JOHN C. BROWNRIGG  
THOMAS J. CULHANE  
RICHARD J. GILLOON  
SAMUEL E. CLARK  
GARY L. HOFFMAN  
MARK M. SCHORR  
JERALD L. RAUTERKUS  
WILLIAM T. FOLEY  
PATRICK R. GUINAN

LAW OFFICES  
**ERICKSON & SEDERSTROM, P.C.**

A LIMITED LIABILITY ORGANIZATION

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301 SOUTH 13<sup>TH</sup> STREET  
LINCOLN, NEBRASKA 68508-2571  
TELEPHONE (402) 476-1000  
FACSIMILE (402) 476-6167

WRITER'S INTERNET ADDRESS

[humble@eslaw.com](mailto:humble@eslaw.com)

May 4, 2006

JOHN B. MORROW  
MICHELLE B. MILLER  
TIERNAN T. SIEMS  
JASON R. YUNGTM  
PAUL D. HEIMANN  
MATTHEW V. RUSCH  
KRISTINE J. GATES  
ANGELA PROBASCO  
TRENT J. MARTINET  
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OMAHA OFFICE  
10330 REGENCY PARKWAY  
DRIVE, SUITE 100  
OMAHA, NEBRASKA 68114  
(402) 397-2200

**HAND DELIVERED**

Lincoln City Council  
555 South 10<sup>th</sup> Street, Suite 111  
Lincoln, NE 68508

Re: Bill No. 06-67 (Tree Service Text Amendment)  
Our File No.: 24829.49712

Dear Council Members:

As you will recall, during my presentation to the Council on Monday, I agreed to attempt to address the concerns raised by Councilpersons Dan Marvin and Jonathan Cook by offering a Motion to Amend the Bill to allow the tree service special permit on not only undersized lots (less than 20 acres) but on lots which meet the minimum lot requirement in the AG District (20 acres or more) and better define and broaden the special permit uses which would precede the granting of a special permit for a tree service.

On the attached Motion to Amend I have attempted to accomplish both of these objectives, although, as I told the staff when I e-mailed the Motion to the staff members which are also copied on this letter on Tuesday, that I have no pride of authorship and am certainly open to suggestions if there be better language.

When I first drafted the Motion on Tuesday and circulated it to staff, I included 27.07.040(f) (veterinary facilities), (i) (sale barns), and (j) (garden centers). On Wednesday I received additional input and added (h) (mining), (k) (facilities for fertilizer storage), and (r) (limited landfills), and removed (f) (veterinary facilities).

By way of historical perspective, Planning staff and the Planning Commission, on April 12, recommended approval of the original text, which was submitted to Council. Also keep in mind that on April 26, the Planning Commission, unanimously and without opposition, approved my client's application for a Special Permit at 68<sup>th</sup> and Bennet Road subject to the City Council's approval of a text amendment. While the special permit is not before Council because

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Lincoln City Council

Page 2

May 4, 2006

the Planning Commission's action is final on that subject, we want to reassure Council that we are not creating a problem with our neighbors should Council see fit to approve a text amendment. I have included an aerial photo showing the 11-acre tract, which is mostly surrounded by farms and agriculture uses, with the four circles showing the adjacent neighbors. I have enclosed copies of letters from those neighbors, all of which are in support of the granted special permit.

Thank you for consideration of either the original text amendment or the text amendment with the Motion to Amend. We will attend the Council meeting on Monday should you want to ask for our input since there is no scheduled public hearing.

Very truly yours,



Charles D. Humble

CDH:rjj

Enclosures

c: Mike and Lynn Price  
Marvin Krout  
Dana Roper  
Ray Hill  
Mike DeKalb

MOTION TO AMEND

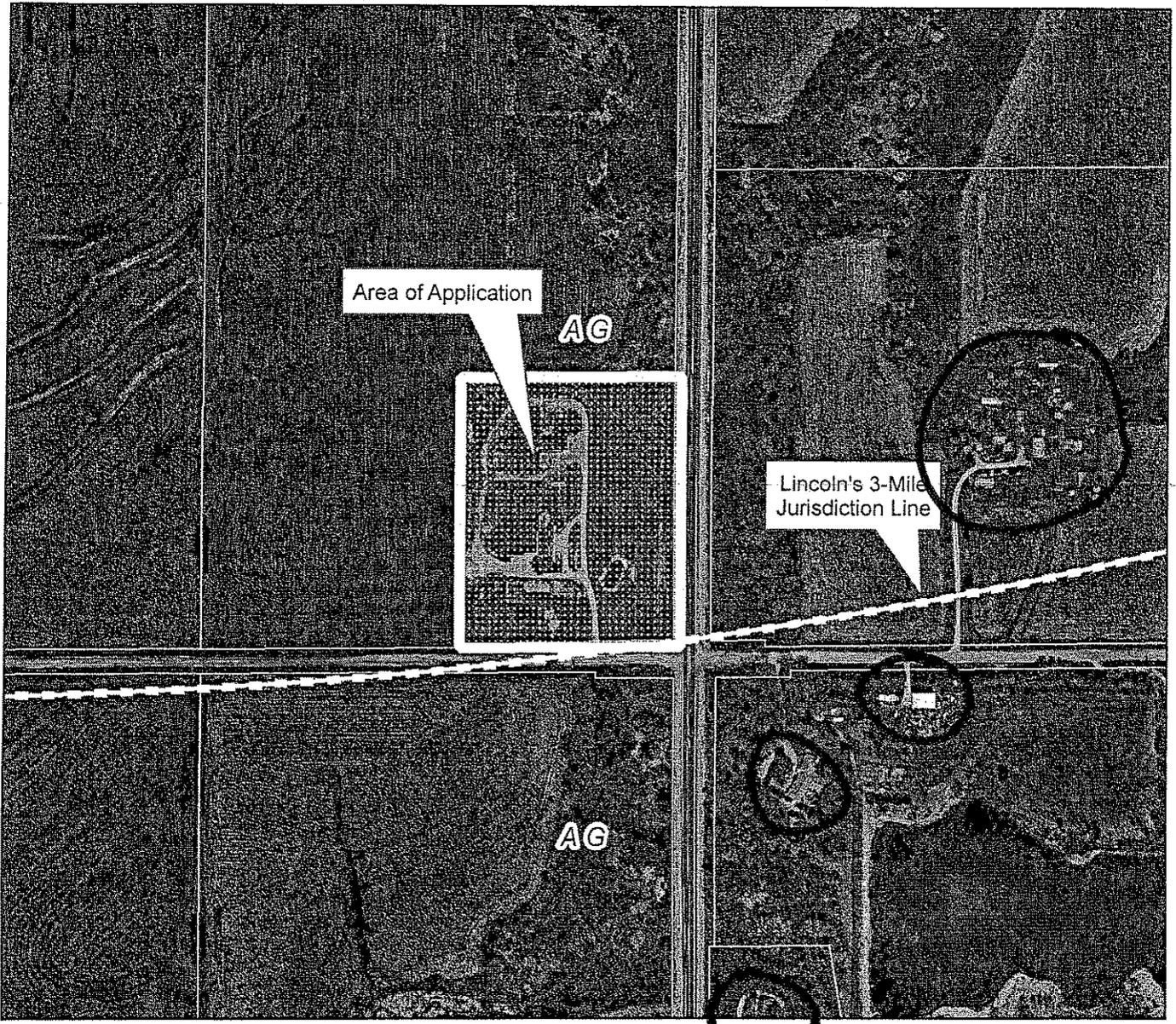
I hereby move to amend Bill No. 06-67 as follows:

- (a) Strike 27.63.770(b) as written and in its place insert the following:
  - (b) On lots, including undersized lots, where a prior special permit has been issued for the special uses set out in Sections 27.07.040(h), (i), (j), (k) and (r).

Introduced by: \_\_\_\_\_

Approved as to form & legality:

\_\_\_\_\_  
City Attorney



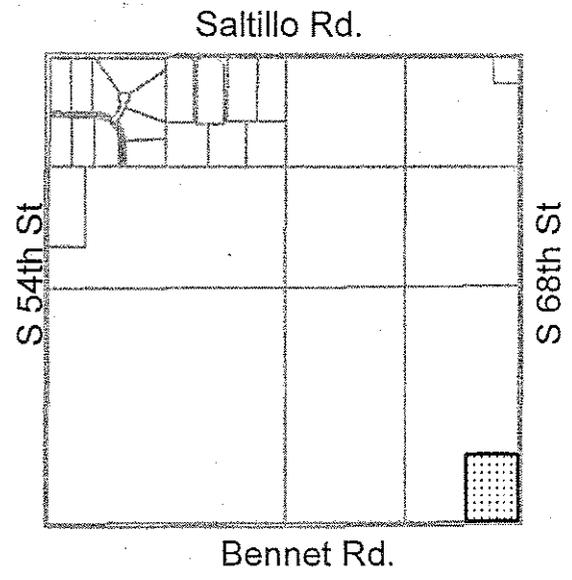
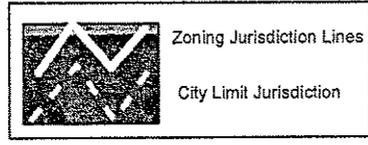
2005 aerial

**Special Permit #06025  
S 68th St & Bennet Rd**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 4 T08N R07E



April 24, 2006

City of Lincoln  
Jean Walber  
Administrative Officer

Re: Special Permit No. 06025  
S. 68<sup>th</sup> & Bennet Road

I would recommend granting them permission to operate a tree service.

We really need someone to have this service in this area, and the City of Hiibmon is expanding in size - building quite a few new homes and business. In the coming years, in case of disaster, we would need people to be able to take care of downed trees, etc.

It would be especially helpful to me, a 91 year old retired lady living alone.

Thank you  
Cora H. Edmund  
6980 Bennet Road  
Roca, Nebraska 68430

Date: April 24, 2005

To: Lincoln/Lancaster County Planning Commission  
City County Building  
555 South 10<sup>th</sup> Street  
Lincoln, Ne 68508

~~From:~~ Ron Smith  
13200 South 68<sup>th</sup> Road  
Roca, Ne 68430

Mike Price, the owner of Tri-Point Tree & Landscaping stopped to visit with me tonight. He explained that he is interested in purchasing property at 6700 Bennet Road, Roca, Nebraska. This property is currently occupied by 2K Outdoor Living Inc., a garden center, and has been listed for sale. I live just slightly east and south of the current 2K Outdoor Living business.

Mike Price explained to me the nature of his business and what I might expect to see going on at this location, if he were to locate his business here. I expressed no concerns with Tri-Point Tree & Landscaping being at this location.

Sincerely,



Ron Smith

April 25, 2006

To the City Council,

We were recently contacted by Mr. Price regarding his his plan to purchase property at 68<sup>TH</sup> and Bennet Rd. to use for Tri-Point Tree and Landscaping. We have no objection to the property being used for this purpose, and feel this business will not be inconsistent with the current agricultural zoning.

Sincerely

Mike and Janet Dugan  
*Mike & Janet Dugan*

7001 Bennet Rd  
Roca Ne 68430

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, MAY 8, 2006**

**I. MAYOR -**

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of May 6 through May 12, 2006 -Schedule subject to change -(See Advisory)
2. NEWS RELEASE - RE: Traffic To Shift Back To North 14<sup>th</sup> Monday -(See Release)

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS/CORRESPONDENCE - NONE**

**B. DIRECTORS AND DEPARTMENT HEADS -**

**PARKS & RECREATION**

1. E-Mail from Lynn Johnson - RE: Parks Board Recommendation-Delay Action - Agenda Items 06R-86 and 06-65, zoning and development of property owned by B&J Partnership for property located generally north of 9<sup>th</sup>, 10<sup>th</sup> and Van Dorn Streets.

**PUBLIC WORKS & UTILITIES**

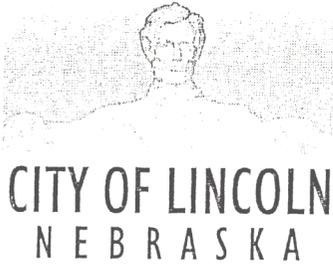
1. Response Letters from Randy Hoskins & Mayor Coleen Seng to Mary Susan Orester, President, American Council of the Blind of Nebraska - RE: The construction work at the intersection of 48<sup>th</sup> & 'O' Street was referred to me for consideration.

**C. MISCELLANEOUS -**

1. E-Mail from Maggie Stroup - RE: Opposed-Change of Zone #06012-9<sup>th</sup> Street & Van Dorn Proposal.

2. E-Mail from Zemis Sedriks - RE: Opposed-Change of Zone #06012-9th Street & Van Dorn Proposal.
3. E-Mail from Pamela Grieser - RE: Why do you think you need the block the Starship 9 is on?
4. E-Mail from Kitty Fynbu, President, Irvingdale Neighborhood Association & Alene Swinehart, Issues Chair - RE: B&J Partnership project at 9<sup>th</sup> & 10<sup>th</sup> at Van Dorn.

daadd050806/tjg



# NEWS ADVISORY

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

Date: May 5, 2006

Contact: Diane Gonzolas, Citizen Information Center, 441-7831

## Mayor Seng's Public Schedule Week of May 6 through May 12, 2006 *Schedule subject to change*

### Saturday, May 6

- Mayor's Run, remarks and art awards presentations - 7:30 a.m., State Capitol (south side)
- Bethany Parade - 10:30 a.m., parade starts at Bethany Park, 65th and Vine streets
- Nebraska Colorado Danish Sisterhood/Brotherhood Celebration, remarks - 1:30 p.m., Grace Lutheran Church, 2225 Washington St.

### Sunday, May 7

- Lincoln Marathon, remarks/Honorary Race Starter - 6:45 a.m., 14th and Vine streets (UNL "horseshoe")
- NCAA Division III Men's Golf Championship, remarks - 7:30 p.m., Cornhusker Marriott, 333 S. 13th St.

### Monday, May 8

- Blood donation - 7:30 a.m., Community Blood Bank, 84th and "O" streets
- Mayor's Award of Excellence - 1:30 p.m., Council Chambers, 555 S. 10th St.

### Tuesday, May 9

- Multicultural Advisory Committee - 3:30 p.m., Mayor's Conference Room
- Grand Chapter of Nebraska Order of the Easter Star, remarks and proclamation presentation - 6:30 p.m., Pershing Center

### Wednesday, May 10

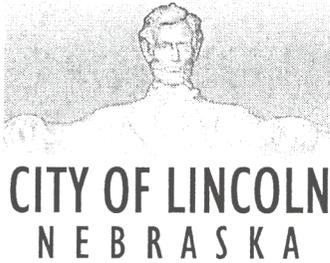
- Face the Chamber with LPD Chief Tom Casady - noon, Country Club of Lincoln

### Thursday, May 11

- International Visitor from Belgium - 4 p.m., Mayor's Office
- Neighborhood Roundtable - 4:30 p.m., County-City Building, Room 113

### Friday, May 12

- First Annual Chief Standing Bear Breakfast, remarks and proclamation presentation - 7:30 a.m., Embassy Suites, 1040 "P" St.
- Nebraska Nurses Association, proclamation presentation - 11:30 a.m.
- Lincoln Area Agency on Aging Senior Companion annual recognition brunch, remarks - noon, The Knolls, 2201 Old Cheney Road
- Quilt Museum ground-breaking, remarks - 3 p.m., 33rd and Holdrege streets
- Lincoln City Libraries annual spring fund-raiser - 6:30 p.m., Embassy Suites, 1040 "P" St.



# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

## PUBLIC WORKS AND UTILITIES DEPARTMENT

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

**FOR IMMEDIATE RELEASE:** May 5, 2006

**FOR MORE INFORMATION:** Kelly Sieckmeyer, Traffic Engineering, 441-7454

### TRAFFIC TO SHIFT BACK TO NORTH 14TH MONDAY

Traffic now using a temporary asphalt road just east of 14th Street between Court Street and Military Avenue will be shifted back to 14th Street beginning at 9 a.m. Monday, May 8. The shift is necessary to allow for paving the asphalt road, which will become part of the Antelope Valley Project's Big "T" elevated roadway southwest of the Devaney Center. The new road is scheduled to be open by August 1.

A short detour is necessary with the shift. Northbound traffic on 14th will turn west at Bessie Street which curves north to Military. Traffic will then head back east on Military to 14th Street.

For more information on the Antelope Valley Project, see the City Web site, [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: antelope).

**Tammy J Grammer/Notes**  
05/05/2006 04:04 PM

To campjon@aol.com, jcookcc@aol.com, robine@neb.rr.com,  
amcroy@mccrealty.com, newman2003@neb.rr.com,  
ksvoboda@alltel.net, dmarvin@neb.rr.com

cc

bcc

Subject Fw: Parks Board Recommendation

Council,

I will also list this on the Directors' Addendum for May 8th! Thanks.

Tammy Grammer  
City Council Office  
441-6867

----- Forwarded by Tammy J Grammer/Notes on 05/05/2006 04:02 PM -----



**Jeanne Bowling**  
<jbowling@lincoln.ne.gov>  
05/05/2006 12:37 PM

To Council@lincoln.ne.gov, Karen Hand <khand@lps.org>,  
Judge Hastings <HWCHastings@aol.com>, Jonathan Cook  
<council@lincoln.ne.gov>, Susan Rodenburg  
<rodenburgr@aol.com>, Bob Ripley  
<bripley@notes.state.ne.us>, Mary Arth  
<marth@neb.rr.com>, Sue Quambusch  
<squam@atozprint.com>, Dennis Scheer  
<dscheer@clarkensers.com>, Jolanda Junge  
<jojunge@aol.com>, Sandra Washington  
<sandra\_washington@nps.gov>, Georgia Glass  
<georgia.glass@nelnet.net>, Peter Woolman  
<pedrowoolmano14@hotmail.com>, commish  
<commish@co.lancaster.ne.us>, MNNCTB1  
<MNNCTB1@aolcom>

cc rhoskins@lincoln.ne.gov, kfredrickson@lincoln.ne.gov,  
mkrout@lincoln.ne.gov, rhill@lincoln.ne.gov, aharrell  
<aharrell@lincoln.ne.gov>

Subject Parks Board Recommendation

Tammy: Please forward this e-mail to the City Council Members.

Dear City Council Members:

During their regular meeting of May 4, 2006, the Parks and Recreation Advisory discussed the proposed roadway safety project at 9th/10th and Van Dorn Streets. The safety project includes construction of two new traffic lanes accomodation left turn movements from So. 10th Street to Van Dorn Street. The proposed alignment of the new lanes divides and existing landscape island. The Parks and Recreation Advisory Board expressed concern regarding:

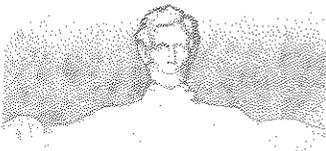
- the configuration of the roadway and associated loss of green space;
- east/west and north/south pedestrian and bicyclists access to Van Dorn Park and the Bison Trail; and
- development of an overall streetscape plan for the area around the intersection of 9th/10th and Van Dorn

Streets as a "gateway within the community. As know, development has been proposed for the area located immediately north of 9th/10th and Van Dorn Streets. The Parks and Recreation Advisory Board feels that potential solutions to the pedestrian/bicycle access and streetscape may involve this site.

The Parks and Recreation Advisory Board is recommending that the City Council delay action on Agenda Items 06R-86 and 06-65 regarding zoning and development of propoerty owned by B&J Partnership for property located generally north of 9th, 10th and Van Dorn Streets until a meeting can be convened to address the concerns outlined above.

I anticipate that this meeting could be convened within the next two weeks, and solutions developed. Please phone me at 441-8265 if you have questions.

Lynn Johnson, Director  
Parks and Recreation Department  
2740 'A' Street  
Lincoln, NE 68502  
402/441-8265



# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG  
lincoln.ne.gov

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

May 5, 2006

Mary Susan Orester, President  
American Council of the Blind of Nebraska  
P.O. Box 9495  
Lincoln, NE 68509

Ms. Orester:

Your letter to Mayor Seng regarding the construction work at the intersection of 48<sup>th</sup> & 'O' Street was referred to me for consideration.

You note that while the City has begun installing truncated domes to notify pedestrians of the locations of ramps, the City "appears to be dragging its feet as far as the installation of audible pedestrian signals". The City of Lincoln does not oppose the installation of audible pedestrian signals (APS), but to date we have not been contacted by any groups or individuals expressing a need or desire for the installation of APS. In fact, our contacts with Mr. Jeff Altman have, as you note, indicated that there is a desire not to use these types of accommodations.

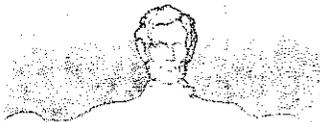
Based on the request in your letter, we will install APS at the intersection of 48<sup>th</sup> & 'O' with the project. We will also install vibro-tactile pushbuttons, as originally planned.

We are willing to work with you and your group or other individuals in order to arrive at acceptable solutions to assist the visually handicapped with safely crossing other streets. If you would like to have further discussions on issues of interest in this area, please contact Scott Opfer or myself at 441-7711.

Sincerely,

Randy Hoskins, P.E.  
City Traffic Engineer

cc: Mayor Seng  
City Council  
Karl Fredrickson  
Karen Sieckmeyer  
Maggie Keller  
Scott Opfer  
Holly Lionberger



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

MAYOR COLEEN J. SENG  
lincoln.ne.gov

Office of the Mayor  
555 South 10th Street  
Suite 208  
Lincoln, Nebraska 68508  
402-441-7511  
fax: 402-441-7120  
mayor@lincoln.ne.gov

April 7, 2006

Mary Susan Orester  
President  
American Council of the Blind of Nebraska  
P.O. Box 94953  
Lincoln, NE 68509

Dear Susan:

Thank you for your March 27, 2006 letter commenting on the letter the City received from Jeffrey Altman. I appreciate having the additional information you provided. I am forwarding a copy of your letter to Mr. Karl Fredrickson, Director, City Public Works Department. Mr. Fredrickson will respond to your suggestions regarding detectible warnings and audible pedestrian signals.

Thank you again for writing.

Sincerely,

Coleen J. Seng  
Mayor of Lincoln

cc: City Council  
Karl Fredrickson, Director, City Public Works & Utilities Dept.

F:\FILES\MAYOR\2006,MayorSeng,Letters,Speeches,Memos\Orester,Susan,04-07-2006,PedCrossings.wpd

KS

# American Council of the Blind of Nebraska

P.O. Box 94953  
Lincoln, NE 68509

March 27, 2006

Hon. Colleen Seng, Mayor  
City/County Building  
555 S 10<sup>th</sup> St  
Lincoln, NE 68508

RECEIVED  
MAR 28 2006  
CITY COUNCIL  
OFFICE

RE: 48<sup>th</sup> and O Street Construction

Dear Mayor Seng:

We are taking this opportunity to respond to the letter from Jeffrey Altman to the mayor's office under date of February 27, pertaining to the street widening project at 48<sup>th</sup> and O Streets.

At the outset, please take notice of the fact that Mr. Altman, as its vice-President, may be authorized to speak on behalf of the members of the National Federation of the Blind of Nebraska (NFB-N), but is not authorized to speak on behalf of the membership of the American Council of the Blind of Nebraska (ACBN) or the great majority of blind and visually impaired residents of Lincoln, who are not affiliated with any blind consumers organization.

For your further information, the ACB is a nationwide consumer organization consisting of approximately seventy state and professional affiliates dedicated to promoting the social, vocational, educational and economic betterment of the visually impaired. This includes, but is not limited to, securing the installation of detectable warnings (truncated domes) and appropriate accessible audible pedestrian signals (APS) at potentially hazardous intersections.

We read Mr. Altman's letter with both amusement and amazement due to the fact that, since becoming a Nebraska resident approximately 15 years ago, he has fought against the installation of safety equipment at dangerous intersections on the ground that a blind person using a long white cane is competent to cross any intersection without difficulty. As recently as the meetings at the Cornhusker Hotel relative to the planning for the downtown redevelopment, a representative of the ACBN suggested that the plans should include installation of Audible Pedestrian Signals. Mr. Altman stated, unequivocally, that the blind do not need such safety devices. Now, however, he suggests that the city construct a tunnel or bridge for the safety of blind persons attempting to cross the 48<sup>th</sup>

and O Street area. We submit that such construction would be very expensive and unnecessary.

We respectfully submit that the installation of detectable warnings (truncated domes) at curb cuts and accessible audible signals at dangerous intersections such as 48<sup>th</sup> and O will be very effective in enabling blind and visually impaired residents to travel the city's streets and intersections with safety and self confidence.

The city has begun to install detectable warnings at curb cuts as decreed by the federal court in *Barden v. Sacramento*, Ninth Circuit Court, (2002), but appears to be dragging its feet as far as the installation of audible pedestrian signals is concerned; although such installation is prescribed by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act passed by Congress and signed into law by President Bush in 1990.

You will recall that, approximately ten years ago while you were a member of the City Council, the ACBN, with the assistance of the Telephone Pioneers organization, secured the installation of an audible pedestrian signal at the intersection of 11<sup>th</sup> and O Streets. It was eventually removed by order of Mayor Johanns on the alleged grounds that it was too noisy and that the NFB did not want it. Since then, audible signals have been greatly improved in that they are functional only during the period of time a blind person is passing through the intersection and only then if he/she activates the signal. Obviously, NFB members are free to or not to use the signal as they see fit. The NFB cannot, however, dictate the installation or non- installation of such signals since they are mandated by the federal Americans with Disabilities Act.

It goes without saying that the installation of audible pedestrian signals will involve some expense to the city (which could possibly be covered, in part, by a grant from the Federal Highway Administration), but would not be as expensive as the erection of a bridge or tunnel as suggested by Mr. Altman and the NFB. Neither would it be as expensive as the payment of a judgement should a blind or visually impaired person be killed while attempting to cross at an unmarked intersection left unprotected by the negligence of the city.

Enclosed herewith for your review are documents pertaining to the need for installation of detectable warnings and audible pedestrian signals:

“Pedestrian Safety Fact Sheet”, Charles Crawford, Executive Director Retired, American Council of the Blind, Washington, D.C.

“Audible Pedestrian Signals Required By Section 504 of the Rehabilitation Act and the “Americans With Disabilities Act”, Charles Crawford, Executive Director Retired, American Council of the Blind, Washington, D.C.

“Detectable Warnings (Truncated domes)”, *Barden v. Sacramento*, Ninth Circuit Court (2002);

"The Navigator" one of many styles available in the United States), produced and distributed by Polara Engineering;

"Accessible Pedestrian Signals, Accessible Design for the Blind", Billie Bentzen, Ph.D., Lee S. Tabor, Berlin, Massachusetts contracted with the US Access Board.

Various styles of audible pedestrian signals and detectable warnings at curb cuts and other devices for the purpose of assisting the blind in independent travel have been used for many years in such nations as Austria, Austrailia, Japan, New Zealand, Spain, Sweden and many cities throughout the United States with great success. The ACBN hopes the mayor and the members of the City Council will recognize their responsibility under the ADA, to authorize the installation of audible pedestrian signals and detectable warnings at obviously dangerous intersections throughout the city.

Thank you for your attention to this letter, and we will be looking forward to hearing from each of you in the very near future.

Yours truly,

ACB of Nebraska

Mary Susan Orester  
President

Cc: John Camp  
Jonathan Cook  
Robin Eshlemann  
Dan Marvin  
Annette McCroy  
Pat Newman  
Ken Svoboda



maggie stroup  
<maggiemaestroup21@yahoo  
.com>

05/07/2006 09:53 PM

To council@lincoln.ne.gov

cc

bcc

Subject 9th Street and Van Dorn Purposal

City Council Members,

I appreciated the opportunity to listen and speak at your hearing regarding the 9th street and Van Dorn street purposal. I sincerely hope you turn this purposal down. This block is lovely, and I consider it my home. You have planted a new locust tree in my front yard and I have planted this year's garden. Again, I ask you to consider turning down this purposal. I believe that 9th and Van Dorn could be a city block that everyone enjoys driving by or walking through.

Sincerely,

Maggie Stroup  
2727 So. 10th  
Lincoln, NE. 68506  
402-261-4392

---

Blab-away for as little as 1¢/min. Make [PC-to-Phone Calls](#) using Yahoo! Messenger with Voice.



"Zemis Sedriks"  
<zemiss@hotmail.com>

05/07/2006 10:04 PM

To council@lincoln.ne.gov, mayor@lincoln.ne.gov

cc

bcc

Subject change of zone #06012

Dear City Council & Mayor,

I appreciated speaking at the City Council meeting on 5-1-06 opposing the change of zone #06012 generally located at 9<sup>th</sup> and Van Dorn. I again urge the Council to vote down the redevelopment plan as it currently stands. This would allow for other possibilities to be considered that would be pro-neighborhood. Thank you for your time considering this matter.

Sincerely,

Zemis Sedriks

2643 S. 10th St.

Lincoln, NE 68502

(402)202-5289



**DO NOT REPLY to this-  
InterLinc**  
<none@lincoln.ne.gov>  
05/04/2006 09:00 PM

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

InterLinc: City Council Feedback for  
General Council

Name: Pamela Grieser  
Address: 925 South 6th Street  
City: Lincoln, NE 68508  
  
Phone: 474-5958  
Fax:  
Email: radWBba@juno.com

Comment or Question:

Why do you think you need the block the Starship 9 is on? There is a block  
the old police station is on, what about that one? Or the block where Trump  
Memorials use to be? What is wrong with those blocks?



**Alene Swinehart**  
<swinehart@alltel.net>  
05/08/2006 08:50 AM

To: City Council Council <council@ci.lincoln.ne.us>  
cc  
bcc  
Subject: 9th and 10th at Van Dorn

---

Dear City Council,

The Irvingdale Neighborhood Association is very supportive of allowing for more time for discussion between all parties concerned with the B&J Partnership project at 9th and 10 at Van Dorn. It is our understanding that all stakeholders have a genuine interest in finding a resolution that is of benefit to all. Please delay your ruling on this matter so that this compromising process can happen.

Thank you for your consideration,

Kitty Fynbu, President  
Irvingdale Neighborhood Association

Alene Swinehart, Issues Chair  
Irvingdale Neighborhood Association

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