DIRECTORS’ ORGANIZATIONAL MEETING
Monday, December 14, 2020
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES
   1. Approval of Directors’ Minutes from December 7, 2020

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE
   LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
   1. Public Health Update provided by Pat Lopez, Director, Lincoln-Lancaster County Health Department

VI. BOARDS/COMMITTEE/COMMISSION REPORTS
   Suspended until further notice

VII. CONSTITUENT CORRESPONDENCE
   1. Directed Health Measures and Contact Tracing – Stacy Williams
      Staff response provided by Councilwoman Raybould
   2. Citizen Police Advisory Board – Wayne Smith
   3. Bars/Restaurants in Lincoln – Bryce Gillett
      Staff response provided by Pat Lopez, Health Director
   4. Addressing Diversity in Lincoln Public Schools – Dewayne Mays
   5. Mid Con Underground Construction/Casa Property Management – Curvus Valentine
   6. Affordable Housing Action Plan – Carl Sjulin
Good morning Pat. Could you please send Mr. Williams the empirical data on the positivity rates of infection and the results of contact tracing concerning bars?

Thank you.

Jane
From: Stacy Williams [mailto:stacywilliams1964@gmail.com]
Sent: Tuesday, December 08, 2020 9:01 AM
To: Council Packet <CouncilPacket@lincoln.ne.gov>
Subject: Fwd: Directed Health Measures and Contact Tracing

[CAUTION] This email comes from a sender outside your organization.

I am forwarding this email to Tammy Ward. I had previously sent it to Mr. Bowers, as one of my employees told he he thought Mr. Bowers represented the Haymarket area. I had a nice discussion with Angie yesterday, and she informed me that Ms. Ward is actually the proper contact. Please let me know if there is anything that can be done.....I'm days away from going under.

Stacy
Cigarz Lounge

---------- Forwarded message ----------
From: Stacy Williams <stacywilliams1964@gmail.com>
Date: Tue, Dec 1, 2020 at 9:25 AM
Subject: Directed Health Measures and Contact Tracing
To: <jbowers@lincoln.ne.gov>

I'll try to be brief as I know you are busy. I own Cigarz Lounge in the Haymarket and the Directed Health Measures are driving me out of business. I have searched for contact tracing data that would support the recent restrictions, and can find none. Do you have any empirical data that shows that the spike in coronavirus cases are caused by people going to bars? Further, have you considered that no matter what restrictions you put on businesses, people are still going to get together and drink. They will now just do it at home.....where there is no control over distancing or mask wearing. At least at my lounge, I keep my customers distanced, and require masks....and I sanitize each area between customers....are people doing that at home. Meanwhile, you are driving me out of business. I just layed off my staff on Sunday.

If there is actual evidence that businesses like mine are causing this spike, I can understand the DHM. My property is being taken without compensation....essentially by an unelected official.

Stacy Williams
Cigarz Lounge

Virus-free. www.avg.com
There is no need to expand the Citizen Police Advisory Board. The current board is doing the job.

S Wayne Smith
6345 S 35th Ct
Lincoln, NE 68516

Sent from Mail for Windows 10
Hello again- below is the email response you provided yesterday that has no proof or fact or science associated with these more recent restrictions imposed on our local service industry.

Statewide we have had 1288 deaths in 2020 supposedly due to Covid. In my quick search I couldn’t find numbers for anything more current, but in 2017 we had 1224 deaths labeled as “Chronic Lower Respiratory Disease”. And that was only the 3rd leading cause of death and the leading cause of death was THREE TIMES that in NE that year. Just thought that I’d put out some factual evidence in hopes that I can get some in return. There were also 811 deaths attributed to “Accidents” in that same year but no outcry about that either. The only way to be 100% safe is to... well there isn’t a way to do that.

Please reopen Lincoln. Please do not continue to force restrictions on us that are not based on facts or science, but merely speculative hopes that thereby dash the dreams of others.

I look forward to your responses, hopefully this time with facts, evidence, and science.

Thanks!

Bryce Gillett, Outside Sales
TriMark Hockenbergs | Lincoln NE & surrounding area
P 402-339-8900 | C 402-310-9340 | E bryce.gillett@trimarkusa.com | hockenbergs.com

****Please note- my email address has changed****
From: Pat D. Lopez  
Sent: Monday, December 7, 2020 4:51 PM  
To: Gillett, Bryce <bryce.gillett@trimarkusa.com>; Mayor <mayor@lincoln.ne.gov>  
Subject: RE: Bars/Restaurants in Lincoln

Bryce, The recent Directed Health Measures are intended to reduce the spread of COVID-19 in our community and bars are one source of spread that is consistently identified as a high risk by public health experts. Our local experience with COVID-19 is that we have had several large outbreaks and clusters of illness associated with bars. This is the same experience that other communities in Nebraska and across the country have had. Simply put, bars have been repeatedly identified as sources of community spread. We worked for months with bars, providing assistance and education, conducting inspections and attempting to minimize the risks posed. Unfortunately, as the surge came in November, we had to take fairly broad actions that would reduce the spread of COVID-19. We realize that the broad actions can seem unfair, but please know that we take these actions as a last resort.

We hope the community can rally together and reduce the spread of COVID-19 so that all businesses can once again be open.

Pat
From: Gillett, Bryce <bryce.gillett@trimarkusa.com>
Sent: Monday, December 7, 2020 11:17 AM
To: Mayor <mayor@lincoln.ne.gov>; Pat D. Lopez <PatDLopez@lincoln.ne.gov>
Subject: Bars/Restaurants in Lincoln

Good morning, I’m writing in regard to the DHM’s that were placed on restaurants and bars a few weeks ago, around the same time that Youth Sports (tennis excluded of course) were postponed. It seems that in both cases there seemingly isn’t any backing to support punishing the food service industry or the youth sports world for an increase in cases. What factual evidence is being used in determining that bars should be closed and that restaurants can only stay open until 9pm and only at 25% capacity? What information is available to show that bars and restaurants have actually had any negative impact on Covid? The decision was thankfully made to “allow” our kids to return to playing sports, but to my knowledge no other decision has been made to “allow” business owners to return to being able to operate as they see fit.

It’s becoming quite ridiculous to see this nationwide. I’m not sure what’s worse, watching other states make insane demands and then disregard those demands themselves (ex. Tennis Tourney or stay at home orders being given while in Cabo, etc.) or if it’s worse to be in a state where all around us in Lancaster Co. other counties and cities are handling this more reasonably, yet the two of you seem to think that shutting down bars and limiting restaurant potential is doing any good. People are wearing the stupid masks. People are staying away from each other. People are respecting each other’s space. People are also being forced to submit to authority that is making baseless decisions to hamper people’s ability to work and provide for themselves. In your conference on Friday you joyfully mentioned how this season is about giving, and how during this time we need to remember to support our local businesses. I’m asking you to do the same thing. Please! Please, support ours and your local businesses by allowing them to operate and function. It’s statements like yours from Friday that infuriate me and others. “Support local business”- but only the ones that I have deemed okay to be open. After you closed down bars and told restaurants they had to close by 9pm, I visited a local boutique/shop with my wife. Although the owner was practicing “safe” distancing and only allowing 3-4 masked people in the store at a time, it’s stupidly ironic that the entire time I was in this store, I was closer to strangers outside of my household for a longer period of time than at any point in a restaurant or even bar.

Everyone says follow the science- right?! Then please show me the science involved in this decision.

Foodservice equipment and supplies provider to the struggling foodservice operations in Lincoln.
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Attached is a letter that is meant to provide initial information about the needs of students of color in Lincoln Public Schools. We hope you will find time to discuss these needs with us and allow us to share more information from our group. Thank you for your service to the city of Lincoln.

Dewayne Mays, Lincoln Branch NAACP
William Arfraam, Lincoln chapter Nebraskans for Peace
Paul Olson, Lincoln chapter, Nebraskans for Peace
Dear Mayor Gaylor Baird and Members of the Lincoln City Council,

We are writing to give you information about an effort that we are making with the Lincoln Public schools. With your leadership, we would hope to see this truth and reconciliation work extended to other areas such as housing, employment, policing, and the like.

About five years ago Nebraskans for Peace and the NAACP in Lincoln began truth and reconciliation discussions concerning the history of racism in Lincoln. Eventually our focus turned to education and to the need to treat the history of racism in the curriculum of the Lincoln Public schools and to hire an equitable number of teachers of color and administrators of color for the public schools. Presently, 33 percent of our students in Lincoln Public Schools are students of color but only 6.3 percent of the teachers and administrators. We believe that we ought to have a teaching staff and administrative staff that look like our student body. We – – together with a diverse group of about Faith Leaders – – are in dialogue with the Lincoln Public Schools Board Members and superintendent - - as to what could be done to create a more even situation. We believe that we can change things.

We are also beginning a project to write a history of racism in eastern Nebraska that gives teachers and school systems the tools that they need to explain why things, in the present, are as they are here and what has happened in our region in the past – – not a polemical history but a carefully documented one. We are now in the process of choosing a researcher or researchers to do that history, and we hope that it will impact the curriculum in Lincoln and in other places in eastern Nebraska.

We know that the Lincoln city government has done several things to encourage a more diverse and open culture, but our perception is that we have a lot to do. We believe that we also need to know what our problems have been and are so that we can set about solving those. We would appreciate extending the efforts we are making to other areas of city life and initiating discussions and research programs so that we can really understand ourselves, both our strengths and weaknesses.

We would be happy to work with you, as officials of city government, in any way that seems feasible to assist you to develop policies that will serve to make the city a fairer and more livable place.

Sincerely,

Dewayne Mays, Lincoln Branch NAACP
William Arfmann, Lincoln chapter, Nebraskans for Peace
Paul Olson, Lincoln chapter, Nebraskans for Peace
Hello Ms. Littrell,
This email is in response to the City of Lincoln letter that is attached. I’m working on behalf of United Fire and Casualty to resolve this claim. Charges in the amount of $42,211.77 were received from contractor “SkiToTee LLC” for damages relating to the sewer line that was hit on the date of loss. I’ve attached the dig tickets where the City of Lincoln cleared the area for no sewer utilities present at the location of dig. Also below are comments from the attached MidCon letter where Mr. Lance Loschen from the City of Lincoln Sewer Dept admitted failure to mark the city sewer main line that was hit.

“2/25/2020 – The following morning after further investigation, Lance Loschen from the City of Lincoln Sewer Dept., had the main camered. At this time, it was discovered that the City of Lincoln Sewer Dept. had failed to mark the city sewer main and Midcon Underground had drilled through the main just below the Tap of the sewer line for the apartment unit at 630 Capitol Avenue. This main on the west side of South 21st Street had not been located during all other locates pertaining to the one call. At this time Lance Loschen accepted responsibility verbally for the damage.”

Please reconsider your decision regarding this matter and hold liability for charges by releasing the United Fire & Casualty insured, MidCon Underground Construction of liability. See the attached document. Complete as needed and forward to me at your earliest convenience. Feel free to contact me to discuss if needed.

Curvus Valentine, IICRC HCRI-R
Claims Adjuster
Damage Claim Services, LLC
Office: 844-566-7697 Ext 117
CurvusValentine@damageclaimservices.com
www.damageclaimservices.com

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July 22, 2020

Ron Tucker
SkiToTee LLC
1331 S. 33rd Street
Lincoln, NE 68510

RE: Claim Against the City of Lincoln

Dear Mr. Tucker:

This is in response to claim received in the City Attorney’s Office on June 26, 2020, for damages incurred as the result of sewer back-up at 630 Capitol Avenue on or about February 23, 2020.

In order for this type of claim to be authorized for payment from public funds of the City of Lincoln it must be shown that the City of Lincoln or its employees failed to act or acted in a negligent manner. An investigation of this claim has revealed that the back-up was caused by a contractor for Lincoln Electric System that had bored through the sewer main. It does not appear that the City of Lincoln or its employees were responsible for the back-up. Accordingly, this office is referring this matter to Lincoln Electric System for further action, and your claim against the City of Lincoln will be referred to the Lincoln City Council with a recommendation that the claim against the City of Lincoln be denied.

The Lincoln City Council will consider the claim against the City of Lincoln at its regularly scheduled meeting on August 17, 2020, at 3:00 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. If you do intend to appear at the City Council meeting in person, please advise this office prior to August 17, 2020, by phone at 402-441-7281.

Sincerely,

/s/ Abigail F. Litrell
Assistant City Attorney

c: Bryan Willnerd, Lincoln Electric System
Giao Nguyen, Lincoln Electric System
Ticket Number: 200550715
Location: 655 S 21ST ST LINCOLN, NE

As of 2/24/20 16:15 CST, participating facility owners have responded to Ticket Check as follows:

**Utility**                                    **Status**                          
ALLO COMMUNICATIONS LLC                        Clear/No conflict Sewer damage      
BLACK HILLS ENERGY                            Clear/No conflict                    
CITY OF LINCOLN - WATER                        Clear/No conflict                    
CITY OF LINCOLN - WASTE WATER                 Clear/No conflict                    
CITY OF LINCOLN - STORM                        Clear/No conflict                    
CITY OF LINCOLN - TRAFFIC                     Clear/No conflict                    
TIME WARNER CABLE                              Clear/No conflict                    
LINCOLN ELECTRIC SYSTEMS                      Not yet responded                    
LINCOLN ELECTRIC SYSTEMS                      Clear/No conflict                    
NEBRASKALINK HOLDING LLC                      Clear/No conflict                    
WINDSTREAM COMMUNICATIONS                     Marked                               

Please call 811 and report any utility that fails to respond to this request, or respond incorrectly/inaccurately, so we may take action to prevent excavator downtime.

To review this ticket in its entirety, click here.
Ticket Number: 200550715
Location: 655 S 21ST ST LINCOLN, NE

As of 2/25/20 6:27 CST, participating facility owners have responded to Ticket Check as follows:

<table>
<thead>
<tr>
<th>Utility</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALLO COMMUNICATIONS LLC</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>BLACK HILLS ENERGY</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>CITY OF LINCOLN - WATER</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td><strong>CITY OF LINCOLN - WASTE WATER</strong></td>
<td><strong>Clear/No conflict</strong></td>
</tr>
<tr>
<td>CITY OF LINCOLN - STORM</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>CITY OF LINCOLN - TRAFFIC</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>TIME WARNER CABLE</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>LINCOLN ELECTRIC SYSTEMS</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>LINCOLN ELECTRIC SYSTEMS</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>NEBRASKALINK HOLDING LLC</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>WINDSTREAM COMMUNICATIONS</td>
<td>Marked</td>
</tr>
</tbody>
</table>

Please call 811 and report any utility that fails to respond to this request, or respond incorrectly/inaccurately, so we may take action to prevent excavator downtime.

To review this ticket in its entirety, click here.
Ticket Number: 200340503
Location: S 21ST ST LINCOLN, NE

As of 2/10/20 8:12 CST, participating facility owners have responded to Ticket Check as follows:

<table>
<thead>
<tr>
<th>Utility</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALLO COMMUNICATIONS LLC</td>
<td>Marked - Standby Requested Located MST and distribution through rear easement of properties through dig area. Please call 402 440 1498 for standby if digging near Allo fiber.</td>
</tr>
<tr>
<td>BLACK HILLS ENERGY</td>
<td>Locator could not gain access to property</td>
</tr>
<tr>
<td>CITY OF LINCOLN - WATER</td>
<td>Marked</td>
</tr>
<tr>
<td>CITY OF LINCOLN - STORM</td>
<td>Clear/No conflict</td>
</tr>
<tr>
<td>CITY OF LINCOLN - TRAFFIC</td>
<td>Locator could not gain access to property</td>
</tr>
<tr>
<td>TIME WARNER CABLE</td>
<td>Marked - Standby Requested Distribution Marked Service/Secondary</td>
</tr>
<tr>
<td>LINCOLN ELECTRIC SYSTEMS</td>
<td>Marked</td>
</tr>
<tr>
<td>LINCOLN ELECTRIC SYSTEMS</td>
<td>Marked</td>
</tr>
<tr>
<td>NEBRASKALINK HOLDING LLC</td>
<td>Marked</td>
</tr>
<tr>
<td>WINDSTREAM COMMUNICATIONS</td>
<td>Marked</td>
</tr>
</tbody>
</table>

Please call 811 and report any utility that fails to respond to this request, or respond incorrectly/inaccurately, so we may take action to prevent excavator downtime.

To review this ticket in its entirety, click here.
August 24, 2020

Clyde Wilberger

630 Capitol Avenue – Sewer Damage Timeline

2/24/2020 – Matt with John Henry’s Plumbing notified Dave DeBoer about some damage to a private sewer line. After investigation it was found that Midcon Underground had clipped the top of a private unmarked sewer line for the apartment unit at 630 Capitol Avenue. John Henry’s dug up the pipe and it was still flowing at that time. They excavated a hole large enough to keep it from flooding the apartments.

2/25/2020 – The following morning after further investigation, Lance Loschen from the City of Lincoln Sewer Dept., had the main camered. At this time, it was discovered that the City of Lincoln Sewer Dept. had failed to mark the city sewer main and Midcon Underground had drilled through the main just below the Tap of the sewer line for the apartment unit at 630 Capitol Avenue. This main on the west side of South 21st Street had not been located during all other locates pertaining to the one call. At this time Lance Loschen accepted responsibility verbally for the damage.

See Attached Pictures, Locates, Information & invoices

Witnesses:
Dave DeBoer
Todd Yardley
Matt (W/ John Henry’s)

Please Let me know if you have any questions.

Sincerely,

Sean Hall, Vice President
MidCon Underground Construction, Inc.
Sean@MidConUnderground.com
402-797-2033
Members of the Lincoln City Council:

I want to voice West Gate Bank’s support for approval of Lincoln’s Affordable Housing Action Plan. Lincoln needs a proactive plan to address affordable housing. Since the great recession, there have been natural roadblocks preventing the private sector from keeping pace with the growing need for affordable housing in Lincoln. To make meaningful inroads into the current shortage of affordable housing (not to mention the additional units needed due to Lincoln’s growth), it is going to take a collaborative effort between government, business and philanthropy.

Lincoln is a successful community in so many ways, and all of us want to keep it that way. The benefits are many if we proactively focus on increasing the supply of affordable housing stock (new construction) and maintain the quality of our existing affordable housing stock through needed rehab investment. These benefits include the following:

- Lincolnites have a better chance to reach their full potential when they are not over-burdened with housing costs
- Employees are more productive at work when not over-burdened with housing costs
- Children do better at school when their family isn’t experiencing a housing cost burden
- Crime rates go down
- Economic activity increases throughout our community

While approving the plan is Step #1, the implementation and execution of the necessary action steps is even more important.

One of the pillars at West Gate Bank is to support affordable housing. We have done this through philanthropic channels as well as education, construction financing, mortgage financing and direct investment. We have seen how affordable housing serves as a rising tide that lifts all boats, and we urge you to approve the Affordable Housing Action Plan. Together we can get the flywheel started.

Carl J. Sjulin
Chairman, President and CEO
West Gate Bank
6003 Old Cheney Road
P.O. Box 82603
Lincoln, NE 68501-2603
(402) 434-3456
(402) 434-3450 (direct)
NMLS #902320
Integrity. Strength. Trust. West Gate Bank is committed to providing a strong foundation to build relationships that empower our customers and employees to achieve their dreams.

Our institution is rated 5-Stars by Bauer. Learn more at bauerfinancial.com.

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