

**CORRESPONDENCE  
IN LIEU OF  
DIRECTORS' MEETING  
MONDAY, AUGUST 29, 2005**

**I. MAYOR**

1. **NEWS RELEASE** - City Prepares for State Fair and Husker Fans
2. **NEWS RELEASE** - Safe Walk and Safe Ride to School Set for Thursday

**II. DIRECTORS**

**FINANCE**

1. Monthly City Cash Report and Pledged Collateral Statement for July, 2005

**FINANCE-BUDGET**

1. Four Sales Tax Reports Reflecting Final Collections for 2004-05 Fiscal Year.

**PARKS**

1. Memo to Robin Eschliman RE: Park Teen Center

**PLANNING**

- \*1. Annexation by Ordinance-Ordinance #18579
- \*2. Marvin Krout's response to the Gibsons RE: Letter to Jon Camp on Madonna Rehabilitation Hospital

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

- \*1. Special Permit #1689A (Mulligan's Grill and Pub, 5500 Old Cheney Road) Resolution No. PC-00944.

## **PUBLIC WORKS**

- \*1. Letter from Thomas Schafer to Mr. Hurd RE: 56<sup>th</sup> & Shadow Pines
- \*1. **ADVISORY** - North 56<sup>th</sup> Street & Arbor Road Water Main
- \*2. **ADVISORY** - Paving Unit #139 - Benton Street Paving Proj.#565139

## **WOMEN'S COMMISSION**

- \*1. **NEWS RELEASE** - RE: Women's Commission Elects New Officers For 2005-06 -(See Release)
- \*2. **NEWS RELEASE** - RE: Nominations Open for Awards Program

## **III. CITY CLERK**

- 1. **Letter from City Clerks Office** - Written to Linda Weaver Beacham by Doug Lienemann of Haymarket Development Corporation - RE: Adopting the unphased construction approach for rebuilding the overpass.

## **IV. COUNCIL**

### **A. COUNCIL REQUESTS/CORRESPONDENCE**

#### **JONATHAN COOK**

- 1. Request to Public Works & Utilities Department/ Weed Control Authority - RE: Overgrown weeds SW 25<sup>th</sup> & W Plum - (RFI#126 - 8/12/05). — **1.) SEE RESPONSE FROM RUSS SHULTZ, WEED CONTROL AUTHORITY RECEIVED ON RFI#126 - 8/15/05.**

#### **COUNCIL - RFI'S**

- 1. Council RFI#5 - Council RFI Request to Health and Public Works RE: 4<sup>th</sup> Street Dust Problem concerns from Danny Walker (RFI#5 Sent 08-23-05 - Request from Chair)

## **ROBIN ESCHLIMAN**

1. Request to Mark Bowen, Mayor's Office - RE: Weekly updates to the City Council on the status of ITI - (RFI#1 - 7/07/05). — **1.) SEE RESPONSE FROM MARK BOWEN, MAYOR'S OFFICE RECEIVED ON RFI#1 - 8/04/05.**
2. Letter From Bruce Wright RE: Response to Councilman Cook's resolution supporting parks & trails

## **DAN MARVIN**

1. Request to Finance Department OR Personnel Department - RE: All Tax Funds-Expenditures By Category-1998-99 Through 2005-06 Mayor Recommended Budget - (RFI#1 - 8/15/05)

## **ANNETTE McROY**

1. Request to Karl Fredrickson, Public Works & Utilities Director/Lynn Johnson, Parks & Recreation Director - RE: A Divided City - (RFI#166 - 7/21/05)
2. Request to Public Works & Utilities-Water - RE: Concerned the water pressure provided to the Highlands neighborhood is less than adequate - (RFI#167 - 7/29/05) - **SEE RESPONSE FROM JERRY OBRIST, PW ON RFI#167 RECEIVED ON 08-23-05**
3. Request to Public Works & Utilities-Sidewalks - RE: Construction of a sidewalk on City property along NW 1<sup>st</sup> Street-south of Fire Station 14 - (RFI#168 - 7/29/05) - **SEE RESPONSE FROM HARRY KROOS, PW ON RFI#168 RECEIVED ON 08-23-05**
4. Request to Law Department - RE: What is the reasoning behind the prohibition of not allowing pawn shops to operate on Sunday? - (RFI#169 - 8/12/05)

## **PATTE NEWMAN**

1. Request to Karl Fredrickson, Public Works & Utilities Director/~~Police Chief Tom Casady~~ - RE: Please provide the crash data for the intersection of 44<sup>th</sup> & Cleveland - (RFI#36 - 7/25/05) — **1.) SEE RESPONSE FROM POLICE CHIEF TOM CASADY RECEIVED ON RFI#36 - 7/25/05. SEE RESPONSE FROM SCOTT OPFER, PUBLIC WORKS ON RFI#36 - RECEIVED 7/28/05**

## V. MISCELLANEOUS

- \*1. Letter from Christine Osborn - RE: This letter, too, is a simple form of democracy -(See Letter)
- \*2. Letter from Emmy Thomas RE: Limousine Service market in Lincoln. (See Letter)
- \*3. Two Letters (06-03-05 and 08-22-05) from Vicki Hopkins RE: Opposition to proposed townhouse development in Pine Lake Heights South 7<sup>th</sup> Addition (north of Grainger/south of Diablo Drive/west of 40<sup>th</sup> Street) (See Letters) - Material also received in Council File Folder Materials in 08-25-05 Packet).
- \*2. Letter from Harvey Perlman to Donald W. Linscott RE: Biotechnology Industry Suggestions (See Letter)
- \*3. Letter from Beatty Brasch, Director of Center for People in Need, RE: Thanks for the Support of "Ride for Five" StarTran program. (See Letter)
- \*4. Letter from Big Red Companies RE: Opposing Harris Overpass closure during bridge construction. (See Letter)
- \*5. Letter from Mel Bargas RE: Bill No. 05-129 - allowing construction of a west leg to the South 56<sup>th</sup> & Shadow Pines Drive Intersection which will connect South 56<sup>th</sup> Street to Stephanie Lane. (See Letter)
- \*6. Letter from Lynn and Doris Morrison - RE: Concerns & options/alternatives to the Shadow Pines Extension - Widening of 56<sup>th</sup> Street. (See Letter)
- \*7. Letter from Kenneth Sherwood RE: County-wide wheel tax
- \*8. Letter from Russell J. Wren RE: Opposing the Townhouse Development at Pine Lake Heights South 7<sup>th</sup> Addition (Use Permit #05005)

## VI. ADJOURNMENT

\*HELD OVER UNTIL SEPTEMBER 12, 2005.

da082905/tjg/jvr



# 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:** August 23, 2005

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

Captain Joy Citta, Police Department, 441-7751

Scott Opfer, Public Works and Utilities, 441-7851

### **CITY PREPARED FOR STATE FAIR AND HUSKER FANS**

*Pre-paid parking and Big Red Express are great options for football fans.*

Lincoln Mayor Coleen J. Seng today welcomed visitors to the Capital City for the upcoming Nebraska State Fair and Husker football games at the University of Nebraska - Lincoln. The State Fair runs from August 27 through September 5, and the Huskers' first home game is September 3.

"It's a great time of the year to be in Lincoln, and we don't want anyone to miss out on the fun of the State Fair and Husker football," said Mayor Seng. "The Antelope Valley Project is progressing, and visitors will see big changes occurring near the State Fairgrounds and UNL. Motorists should have no trouble reaching their destinations, but it's always best to plan ahead."

The Mayor offered traffic and parking reminders to help visitors reach their destinations safely and on time.

The new 14th Street entrance to State Fair Park was completed as part of the Antelope Valley Project, and there are about 270 new parking spaces on the west side of the Fairgrounds. Most of the State Fair parking is on the east side of the Fairgrounds, which can be accessed from the 27th Street entrance. More information on the State Fair is available at [www.statefair.org](http://www.statefair.org).

The State Fair parking lots will not be available for football fans to use for the September 3 game.

Because the Interstate 80 exits can be very congested on UNL game days, out-of-town visitors also are encouraged to use Highway 2, Highway 6, Highway 34, West "O" and the West Bypass as alternate routes. Those who use Interstate 80 and plan to park in the lots at Haymarket Park should use the airport exit (exit 399). Those parking in downtown should use the 9th Street/downtown exit (exit 401). Downtown parking meters are enforced from 8 a.m. until 6 p.m. Saturdays.

- more -

**State Fair, Football Traffic**  
**August 23, 2005**  
**Page Two**

The City offers pre-paid, reserved event parking at its nine garages through the City Web site, [lincoln.ne.gov](http://lincoln.ne.gov), and through [parkitdowntown.org](http://parkitdowntown.org). Garage locations and football parking fees are:

- City-County, 10th and "K" streets - \$6
- Carriage Park, 1128 "L" Street; Center Park, 1120 "N" Street; and Cornhusker Square, 1220 "L" Street - \$9
- Haymarket, 9th and "Q" streets; Iron Horse, 7th and "Q" streets; Market Place, 10th and "Q" streets; Que Place, 1111 "Q" Street; and University Square, 101 North 14th - \$11.

It is recommended that fans use the City Web site to reserve and pre-pay parking. However, parking still is available at all City garages for \$10, \$8 and \$5 on a first-come, first-served basis. Maps and other parking information are available at [lincoln.ne.gov](http://lincoln.ne.gov) and by calling the parking office at 402-441-6472.

Parking also is available in the University facility at 17th and "R" streets for \$10. Public parking on the UNL campus is available at 16th and Court streets, just south of the Devaney Sports Center for \$10.

A number of private lots also are available. Rates vary, and some offer season passes.

In addition to its regular routes, StarTran will provide its Big Red Express service on game days starting two hours before kickoff from seven locations:

- Westfield - Gateway, 6100 "O" Street. Buses load in the area north of Penney's, south of Circuit City.
- Home Depot, 27th and Cornhusker, northwest corner of lot
- SouthPointe Pavilions, 27th and Pine Lake Road, west side of Von Maur
- Holmes Lake, 70th and Normal, north side
- Southeast Community College, 8800 "O" Street, south side
- State Department of Roads, 14th and Burnham, north side
- Slumberland, 5240 North 27th Street (27th and Superior)

After the game, buses will leave from the east side of the stadium. The cost is \$4 each way for adults and \$1 each way for children age 12 and under, and passengers will need exact change. Big Red Express season ticket packets, good for round-trip travel for all seven home games, are available for \$40, a savings of \$16. They are available at StarTran, 710 "J" Street; Nebraska Bookstore, 1300 "Q" Street; Big Red Shop, Westfield-Gateway, 6100 "O" Street; and SouthPointe Pavilions office, just east of the south entrance to Barnes & Noble.



# NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

## **PUBLIC WORKS AND UTILITIES DEPARTMENT**

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

**FOR IMMEDIATE RELEASE:** August 23, 2005

**FOR MORE INFORMATION:** Sergeant Dan Schmidt, Police Department, 441-6587

Shane Dostal, Randy Hoskins, Scott Opfer, Public Works, 441-7711

### **SAFE WALK AND SAFE RIDE TO SCHOOL SET FOR THURSDAY**

The City of Lincoln's Public Works and Utilities Department and Police Department and the Lincoln Public Schools will again sponsor the annual "Safe Walk and Safe Ride to School Night" from 6 to 7:30 p.m. Thursday, August 25. All 25 mph school speed zones will be in operation and enforced for this event to remind residents that schools are opening.

Getting children to and from school safely is primarily a parental responsibility, with support and cooperation from drivers, schools and City officials. All drivers are asked to pay special attention to the increased pedestrian traffic around school areas. Pedestrians are encouraged to walk, not run, when crossing streets. Motorists are also encouraged to pay attention to the signage in school areas. A list is attached to this release.

The City has worked with public and parochial schools to develop voluntary one-way pick-up and drop-off driving plans and recommended walking routes. The goal is to keep students safe by establishing an orderly traffic flow around the school and encouraging students to use walking routes with traffic signals and marked crosswalks. Plans are available from school principals or from the City of Lincoln Web site at [lincoln.ne.gov](http://lincoln.ne.gov) (go to Public Works and Utilities, Engineering Services, School Traffic Information). If a plan has not been developed for your school, please contact the principal.

The Lincoln Police Department has a "no tolerance" policy for enforcing the 25 mph school speed zones. About eight years ago, the City Council passed an ordinance that doubled fines for speeding in school speed zones. The fines (not including court costs) for speeding in a 25 mph school speed zone are:

- \$20 for traveling 1 to 5 mph over the speed limit
- \$50 for traveling 6 to 10 mph over the speed limit
- \$150 for traveling 11 to 15 mph over the speed limit
- \$250 for traveling 16 to 20 mph over the speed limit
- \$400 for traveling 21 mph or more over the speed limit

## **SCHOOL AREA SIGNAGE**

### **No Parking 8 a.m. to 4 p.m. School Days Loading Zone**

These signs are installed in areas designated for the pick-up and drop-off of students. Drivers can legally park in these areas for 10 minutes as long as they remain in their vehicles.

### **No Parking 8 a.m. to 4 p.m. School Days Bus Zone**

These signs are installed in areas designated for school bus pick-up and drop-off. Drivers should avoid using these areas when they are picking up or dropping off students.

### **No Stopping Anytime**

These signs are installed in areas for safety reasons, and drivers should not stop in these areas to pick up or drop off students.

### **No Stopping 2 p.m. to 4 p.m. School Days or No Stopping 8 a.m. to 4 p.m. School Days**

These signs are similar to the No Stopping Anytime signs except that they are only in effect during the times stated.

### **Authorized School Crossing**

These signs are installed at locations where drivers should expect to see concentrations of children crossing the street. Crossings adjacent to schools also usually have No Stopping Anytime signs nearby to allow drivers to better see the children approaching or standing at the curb.

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

AUGUST 22, 2005

TO: MAYOR COLEEN SENG & CITY COUNCIL MEMBERS

FROM: FINANCE DEPARTMENT / CITY TREASURER

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business July 31, 2005:

Balance Forward	\$	\$227,497,154.44
Plus Total Debits July 1 - 31, 2005	\$	\$25,107,413.80
Less Total Credits July 1 - 31, 2005	\$	(\$24,597,277.29)
<b>Cash Balance on July 31, 2005</b>	<b>\$</b>	<b>\$228,007,290.95</b>

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

U. S. Bank Nebraska, N.A.	\$	\$74,438.89
Wells Fargo Bank	\$	(\$19,328.58)
Wells Fargo Bank Credit Card Account	\$	\$8,778.95
Cornhusker Bank	\$	\$29,639.23
Pinnacle Bank	\$	\$65,976.13
Union Bank & Trust Company	\$	\$133,183.58
West Gate Bank	\$	\$18,734.07
Idle Funds - Short-Term Pool	\$	\$44,609,246.79
Idle Funds - Medium-Term Pool	\$	\$182,385,924.92
Cash, Checks and Warrants	\$	\$700,696.97
<b>Total Cash on Hand July 31, 2005</b>	<b>\$</b>	<b>\$228,007,290.95</b>

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

I also hold as City Treasurer, securities in the amount of \$33,346,191.18 representing authorized investments of the City's funds.

ATTEST:

*Joan E. Ross*  
Joan E. Ross, City Clerk



*Melinda J. Jones*  
Melinda J. Jones, City Treasurer

**CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT  
JULY 2005**

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC FGLMC D67795	3128F7U06	12/01/09	\$1,191,991.00	\$81,037.84	1.06	\$86,224.38
FHLMC FGTW C90689	31335HXS7	07/01/23	\$11,150,000.00	\$9,367,964.07	0.097	\$9,094,525.38
FNMA FNARM 303824	31373UPH4	07/01/25	\$1,600,000.00	\$52,535.60	1.02	\$53,785.17
FNMA FNCL 538363	31385AB89	04/01/30	\$550,000.00	\$61,613.07	1.07	\$66,212.10
FNMA FNCL 254725	31371K4J7	05/01/33	\$500,000.00	\$371,480.03	0.99	\$367,037.95
FNMA FNCL 682970	31400BW77	02/01/18	\$7,100,000.00	\$4,387,892.16	0.99	\$4,325,619.63
GNMA-2 G2JO 3156	36202DQH7	11/20/16	\$2,550,000.00	\$807,107.10	1.03	\$827,761.14
GNMA-2 G2JO 3194	36202DRP8	02/20/17	\$4,130,000.00	\$1,625,541.86	1.03	\$1,666,402.94
FNMA FNCL 254592	31371KXV8	12/01/32	\$3,100,000.00	\$2,000,020.74	0.99	\$1,977,025.10
FNMA POOL 725772	31402DJR2	09/01/34	\$8,500,000.00	\$7,666,732.08	0.99	\$7,566,115.42
FNMA FNARM 768922	31404HG78	06/01/34	\$4,400,000.00	\$4,022,705.59	0.98	\$3,938,264.17
FHLMC GOLD POOL B13665	312966CA0	04/01/19	\$10,000,000.00	\$9,933,065.80	0.97	\$8,629,797.15
FNMA FNCL 805211	31406BR85	01/01/35	\$3,520,000.00	\$3,449,232.58	0.96	\$3,313,990.24
<b>USBANK NE</b>		<b>TOTAL PLEDGED</b>	<b>\$58,291,991.00</b>	<b>\$42,826,928.52</b>		<b>\$41,912,760.77</b>
FNCL 535771 6.00%	31384WFL9	02/01/31	\$8,200,000.00	\$1,155,618.05		\$1,183,704.71
FNCL 729001 5.50%	31402G3J0	08/01/33	\$2,050,000.00	\$1,485,795.08		\$1,496,018.18
FNCL 759855 5.50%	31403WE45	02/01/34	\$1,250,000.00	\$968,252.84		\$973,872.52
FNCL 773591 5.50%	31404NNG7	07/01/34	\$11,600,000.00	\$9,590,350.81		\$9,643,335.96
FNCL 555285 6.00%	31385W2S7	03/01/33	\$17,005,000.00	\$4,720,609.26		\$4,824,954.98
FNCT 255047 5.5%	31371LHY8	12/01/23	\$350,000.00	\$255,174.57		\$258,381.54
FNCL 725610 5.50%	31402DDP2	06/01/34	\$4,160,000.00	\$3,437,478.64		\$3,456,470.16
FNCL 666295 6.00%	31391GGC4	11/01/32	\$8,650,000.00	\$1,326,184.78		\$1,365,499.15
FNCL 545277 6.00%	31385HXE7	11/01/31	\$5,400,000.00	\$740,103.80		\$757,010.46
FNCL 615057 6.00%	31388UJA9	01/01/32	\$5,000,000.00	\$1,088,015.85		\$1,112,870.08
FNCL 622169 6.00%	31389DFJ1	12/01/31	\$2,200,000.00	\$345,902.94		\$353,804.62
GNSF 781210 6.50%	36225BKX5	09/15/29	\$8,700,000.00	\$931,547.19		\$974,853.92
FNCL 323715 6%	31374TSC4	05/01/29	\$10,500,000.00	\$1,362,284.49		\$1,395,394.07
FNCL 323805 6.50%	31374TNW5	03/01/29	\$2,400,000.00	\$191,897.42		\$199,209.08
G2SF 3274 6.50%	36202DT76	08/20/32	\$30,800,000.00	\$4,634,227.44		\$4,822,964.74
<b>WELLS FARGO BANK NE</b>		<b>TOTAL PLEDGED</b>	<b>\$118,265,000.00</b>	<b>\$32,233,443.16</b>		<b>\$32,808,344.17</b>
FHLB 4.00	3133XAT56	03/10/08	\$250,000.00			
<b>UNION BANK</b>		<b>TOTAL PLEDGED</b>	<b>\$250,000.00</b>			
FHLB BOND 3.05%	3133X4X63	03/28/07	\$3,000,000.00	\$3,000,000.00		
FNMA POOL #253819	31371J4C5	05/01/11	\$1,025,000.00	\$995,861.61		
<b>CORNHUSKER BANK</b>		<b>TOTAL PLEDGED</b>	<b>\$4,025,000.00</b>	<b>\$3,995,861.61</b>		
FHLB STEP UP 2.4%	31339XUE2	01/09/09	\$2,000,000.00			
FHLB STEP-UP 2.125%	31339YDB5	07/23/09	\$2,000,000.00			
FHLB STEP UP 2.25%	31339XM43	06/30/08	\$2,000,000.00			
<b>WEST GATE BANK</b>		<b>TOTAL PLEDGED</b>	<b>\$6,000,000.00</b>			
FHLBANK TOPEKA LOC	LOC #6588	03/24/06	\$2,100,000.00			
FHLBANK TOPEKA LOC	LOC #6583	03/23/06	\$2,000,000.00			
<b>TIER ONE BANK</b>		<b>TOTAL PLEDGED</b>	<b>\$4,100,000.00</b>			

**Actual Compared to  
Projected Sales Tax Collections**

	VARIANCE				
	2004-05 PROJECTED	2004-05 ACTUAL	FROM PROJECTED	\$ CHANGE FR. 03-04	% CHANGE FR. 03-04
SEPTEMBER	\$4,515,734	\$4,512,303	(\$3,431)	\$128,424	2.93%
OCTOBER	\$4,727,381	\$4,541,471	(\$185,910)	(\$18,923)	-0.41%
NOVEMBER	\$4,759,942	\$4,586,261	(\$173,681)	\$279,549	6.49%
DECEMBER	\$4,303,478	\$4,174,828	(\$128,650)	\$251,162	6.40%
JANUARY	\$4,547,686	\$4,043,044	(\$504,642)	(\$233,565)	-5.46%
FEBRUARY	\$5,600,491	\$5,692,517	\$92,026	\$484,330	9.30%
MARCH	\$4,156,954	\$4,059,634	(\$97,320)	\$102,351	2.59%
APRIL	\$3,907,319	\$4,028,088	\$120,769	\$337,718	9.15%
MAY	\$4,536,832	\$4,608,034	\$71,202	\$161,033	3.62%
JUNE	\$4,357,746	\$4,522,924	\$165,178	\$118,273	2.69%
JULY	\$4,477,137	\$4,356,468	(\$120,669)	\$7,297	0.17%
AUGUST	\$4,737,625	\$4,655,637	(\$81,988)	\$294,083	6.74%
<b>TOTAL</b>	<b>\$54,628,325</b>	<b>\$53,781,210</b>	<b>(\$847,115)</b>	<b>\$1,911,734</b>	<b>3.69%</b>

**GROSS SALES TAX COLLECTIONS  
(WITH REFUNDS ADDED BACK IN)  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-2000</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FR. PRIOR YEAR</b>
<b>SEPTEMBER</b>	\$3,592,214	\$3,758,935	\$3,844,150	\$4,239,938	10.30%	\$4,453,875	5.05%	\$4,648,160	4.36%
<b>OCTOBER</b>	\$3,831,639	\$4,273,028	\$4,116,763	\$4,464,191	8.44%	\$4,670,587	4.62%	\$4,706,690	0.77%
<b>NOVEMBER</b>	\$4,067,052	\$4,060,765	\$4,125,824	\$4,407,744	6.83%	\$4,526,166	2.69%	\$4,687,792	3.57%
<b>DECEMBER</b>	\$3,668,154	\$3,824,569	\$3,855,906	\$4,034,958	4.64%	\$4,314,111	6.92%	\$4,500,338	4.32%
<b>JANUARY</b>	\$3,896,477	\$3,968,572	\$4,140,990	\$4,046,633	-2.28%	\$4,335,924	7.15%	\$4,264,010	-1.66%
<b>FEBRUARY</b>	\$4,917,238	\$4,895,886	\$4,982,568	\$5,224,986	4.87%	\$5,531,405	5.86%	\$6,086,841	10.04%
<b>MARCH</b>	\$3,259,926	\$3,731,090	\$3,908,567	\$4,076,943	4.31%	\$3,980,041	-2.38%	\$4,158,874	4.49%
<b>APRIL</b>	\$3,454,776	\$3,126,694	\$3,641,403	\$3,711,803	1.93%	\$3,889,388	4.78%	\$4,097,988	5.36%
<b>MAY</b>	\$4,098,255	\$4,061,857	\$3,949,873	\$4,184,028	5.93%	\$4,602,788	10.01%	\$4,730,317	2.77%
<b>JUNE</b>	\$3,619,721	\$3,741,325	\$3,856,119	\$4,169,550	8.13%	\$4,599,245	10.31%	\$4,557,735	-0.90%
<b>JULY</b>	\$3,948,039	\$3,804,895	\$4,033,350	\$4,105,554	1.79%	\$4,391,257	6.96%	\$4,519,466	2.92%
<b>AUGUST</b>	\$4,062,654	\$4,093,476	\$4,231,174	\$4,402,156	4.04%	\$4,893,438	11.16%	\$4,803,665	-1.83%
<b>TOTAL</b>	\$46,416,145	\$47,341,091	\$48,686,688	\$51,068,484	4.89%	\$54,188,225	6.11%	\$55,761,877	2.90%

Year to date vs.  
previous year

**CITY OF LINCOLN  
SALES TAX REFUNDS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FR. PRIOR YEAR</b>
<b>SEPTEMBER</b>	(107,766)	(\$472,215)	(\$646,545)	(\$48,531)	-92.49%	(\$69,997)	44.23%	(\$135,858)	94.09%
<b>OCTOBER</b>	(375,346)	(\$127,363)	(\$379,290)	(\$64,605)	-82.97%	(\$110,193)	70.56%	(\$165,219)	49.94%
<b>NOVEMBER</b>	(123,176)	(\$448,872)	(\$132,336)	(\$134,088)	1.32%	(\$219,454)	63.66%	(\$101,531)	-53.73%
<b>DECEMBER</b>	(36,049)	(\$193,085)	(\$240,014)	(\$177,459)	-26.06%	(\$390,445)	120.02%	(\$325,510)	-16.63%
<b>JANUARY</b>	(1,145,096)	(\$352,999)	(\$74,082)	(\$306,467)	313.68%	(\$59,315)	-80.65%	(\$220,967)	272.53%
<b>FEBRUARY</b>	(8,072)	(\$115,206)	(\$509,277)	(\$61,404)	-87.94%	(\$323,218)	426.38%	(\$394,324)	22.00%
<b>MARCH</b>	(196,501)	(\$303,779)	(\$428,507)	(\$17,601)	-95.89%	(\$22,759)	29.30%	(\$99,240)	336.05%
<b>APRIL</b>	(219,339)	(\$478,438)	(\$333,878)	(\$281,861)	-15.58%	(\$199,018)	-29.39%	(\$69,900)	-64.88%
<b>MAY</b>	(200,539)	(\$79,461)	(\$176,292)	(\$275,081)	56.04%	(\$155,787)	-43.37%	(\$122,283)	-21.51%
<b>JUNE</b>	(108,185)	(\$47,618)	(\$127,168)	(\$138,914)	9.24%	(\$194,593)	40.08%	(\$34,811)	-82.11%
<b>JULY</b>	(193,310)	(\$235,932)	(\$181,863)	(\$563,339)	209.76%	(\$42,086)	-92.53%	(\$162,998)	287.30%
<b>AUGUST</b>	(155,756)	\$0	(\$63,949)	(\$341,868)	434.60%	(\$531,884)	55.58%	(\$148,028)	-72.17%
<b>TOTAL</b>	(2,869,134)	(\$2,854,968)	(\$3,293,201)	(\$2,411,218)	-26.78%	(\$2,318,751)	-3.83%	(\$1,980,668)	-14.58%

Year to date vs.  
previous year

**CITY OF LINCOLN  
NET SALES TAX COLLECTIONS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FROM PR. YEAR</b>
<b>SEPTEMBER</b>	\$3,484,448	\$3,286,720	\$3,197,606	\$4,191,407	31.08%	\$4,383,878	4.59%	\$4,512,303	2.93%
<b>OCTOBER</b>	\$3,456,293	\$4,145,665	\$3,737,474	\$4,399,587	17.72%	\$4,560,394	3.66%	\$4,541,471	-0.41%
<b>NOVEMBER</b>	\$3,982,687	\$3,611,894	\$3,993,488	\$4,273,655	7.02%	\$4,306,712	0.77%	\$4,586,261	6.49%
<b>DECEMBER</b>	\$3,668,154	\$3,631,485	\$3,615,893	\$3,857,499	6.68%	\$3,923,666	1.72%	\$4,174,828	6.40%
<b>JANUARY</b>	\$2,751,381	\$3,615,574	\$4,066,908	\$3,740,166	-8.03%	\$4,276,609	14.34%	\$4,043,044	-5.46%
<b>FEBRUARY</b>	\$4,909,166	\$4,780,680	\$4,473,291	\$5,163,582	15.43%	\$5,208,187	0.86%	\$5,692,517	9.30%
<b>MARCH</b>	\$3,063,425	\$3,427,311	\$3,480,060	\$4,059,342	16.65%	\$3,957,283	-2.51%	\$4,059,634	2.59%
<b>APRIL</b>	\$3,235,437	\$2,648,256	\$3,307,525	\$3,429,942	3.70%	\$3,690,371	7.59%	\$4,028,088	9.15%
<b>MAY</b>	\$3,897,718	\$3,982,395	\$3,773,581	\$3,908,947	3.59%	\$4,447,001	13.76%	\$4,608,034	3.62%
<b>JUNE</b>	\$3,497,973	\$3,693,707	\$3,728,951	\$4,030,637	8.09%	\$4,404,651	9.28%	\$4,522,924	2.69%
<b>JULY</b>	\$3,948,039	\$3,568,964	\$3,851,488	\$3,542,215	-8.03%	\$4,349,171	22.78%	\$4,356,468	0.17%
<b>AUGUST</b>	\$3,906,898	\$4,093,476	\$4,167,224	\$4,060,288	-2.57%	\$4,361,554	7.42%	\$4,655,637	6.74%
<b>TOTAL</b>	\$43,801,620	\$44,486,126	\$45,393,489	\$48,657,267	7.19%	\$51,869,477	6.60%	\$53,781,209	3.69%

Year to date vs.  
previous year

# MEMORANDUM

**To:** Robin Eschliman, City Council  
**From:** Sandy Myers  
**Date:** August 24, 2005  
**Subject:** ***RFI # Regarding Park Teen Center***  
**cc:** City Council Members  
Mayor Coleen Seng  
Lynn Johnson

Thank you for the opportunity to respond to your questions about Park Teen Center.

1. Construction and renovation cost explanation

**City Cash** (Construction)

CIP Transfers	\$38,920
Operating Budget	<u>6,043</u>
	\$44,963

**LPS Cash** (Construction)

CMF Funds	<u>\$31,444</u>
	\$31,444

**Total Cash** **\$76,407**

Grants

Renovation	\$89,893
Staffing	17,800
Furnishings	12,000
Programs	<u>5,000</u>
	<u>\$124,693</u>

**Project Total** **\$201,100**

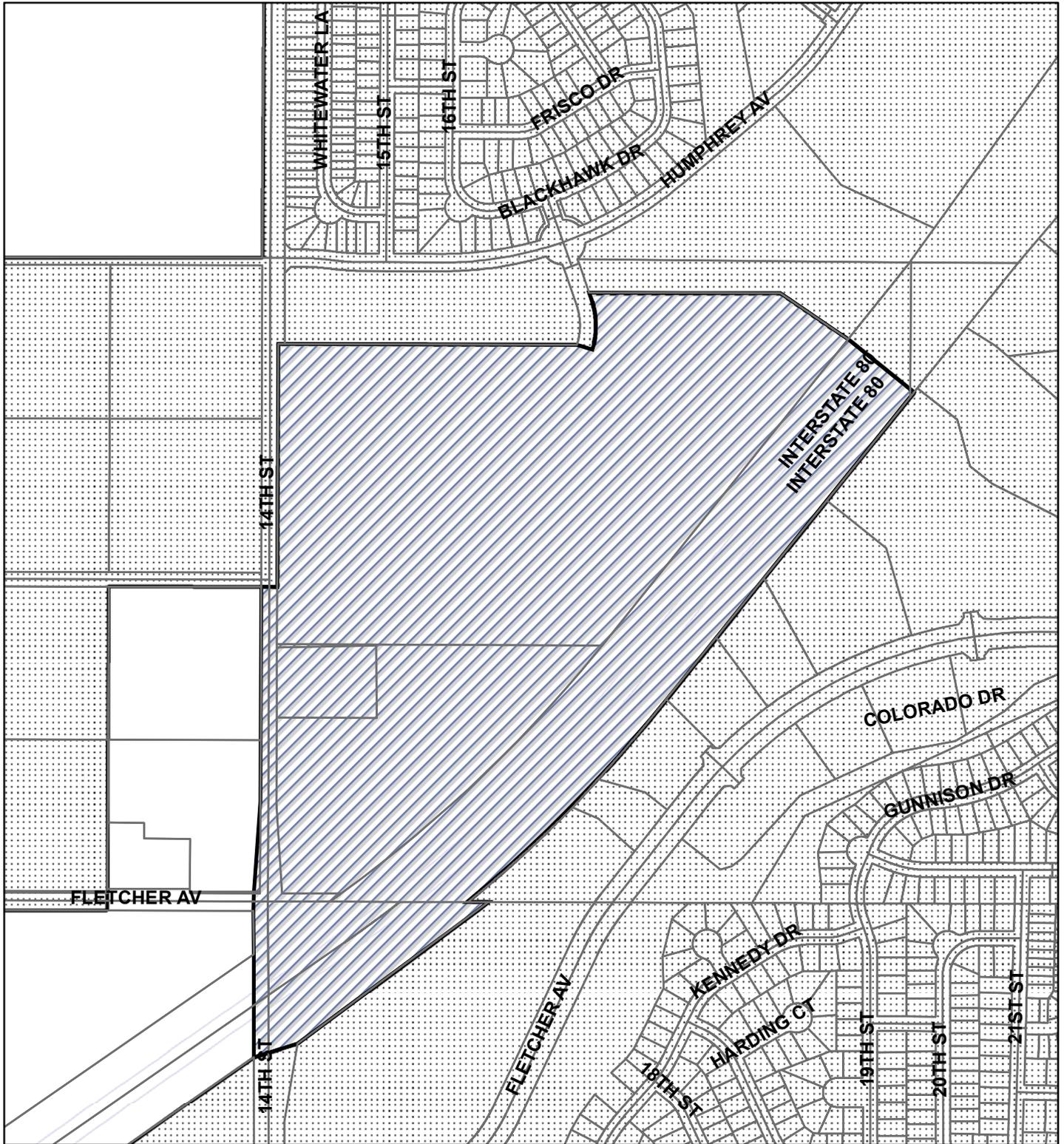
Construction (\$166,300) included:

- Relocate piping for school sprinkler system \*
- Relocate high pressure steam pipes for school HVAC \*
- Engineering cut of external wall for entrance
- Engineering entrance ramp and drainage connections
- Tie into buried sewer/water lines for toilets, sink, fountain
- Rewire interior adding lighting/outlets throughout \*
- Install HVAC system and connect to school's computerized control system\*
- Construct restrooms, office, service counter, computer lab, custodial
- Refinish floor and install partial carpet

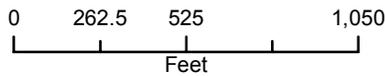
The cost of construction was about \$76 per square foot (\$166,300 for 2,200 square feet). The space was previously unoccupied storage space. Approximately half of the cost involved significant modifications to mechanical systems within the school building to accommodate the new teen center. (Please note items above marked with “\*”). The space is perfectly situated within the school to serve the function it now does, with excellent adjacencies to plan and manage activities.

2. The intent is that the Parks & Recreation Department program the space. The phrase “Predominant Use” indicates agreement that we (the Department) will not program activities during the school day that would be in any way disruptive to school activities. We feel the great strength of the space will be the way it can seamlessly meet the students’ needs through the school day. Our “recreation day” will begin with before school time. We will provide supervised recreation, and will also encourage use of the computer/study lab to get ready for classes that day. Over lunch time that stretches from 11:10 a.m. to 1:00 p.m. we will again provide supervised recreation activities. After school we will have homework help with volunteer tutors, supervised recreation and numerous club and planned activities. During the day we are encouraging teachers to view the space as a potential extension to their school room, if they judge that the day’s planned activity could be better conducted in the more open space of the teen center. We also want to make the computer lab available to classroom teachers who cannot get into the school’s limited computers.

All “reservations” for use of the space are to be made through the Department’s Teen Center Manager. This means teachers as well as neighborhood groups or agencies who need a location in the neighborhood to deliver services are being contacted to let them know the scheduling procedure. We hope to fill the space with an array of services, anchored by the recreation services our professional will deliver throughout the day, evening and weekends.



Annexation by Ordinance  
 Ordinance No. 18579  
 Effective: August 16, 2005  
 110.8 Acres



-  Area of Annexation
-  Current City Limits



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

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County  
Planning Department  
Marvin S. Krout, Director  
Mary F. Bills-Strand, Chair  
City-County Planning Commission

555 South 10th Street  
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

August 22, 2005

Doug and Margaret Gibson  
7216 Carmen Drive  
Lincoln, NE 68516

RE: Madonna Rehabilitation Hospital

Dear Mr. & Mrs. Gibson:

I have received a copy of your letter of August 16, 2005, to Jon Camp expressing opposition to Madonna's apparent intention to file an amendment allowing access to Allen Circle and Norris Lane. Madonna has not filed the amendment described in your letter, and the Planning Department has not had any informal contact from them about this intent.

We will keep your letter on file, and if the application is submitted, Ms. Walker of our staff will notify you of the Planning Commission hearing date, along with any official written notice you may receive. We will also include your letter with the staff report that is prepared for the Planning Commission.

Tom Cajka in the Planning Department (441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)) handled the original request, so he is likely to handle any amendments filed, in case you have any further questions.

Sincerely,

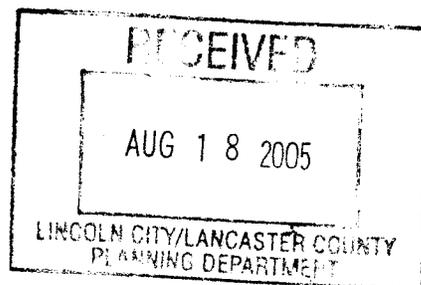
Marvin S. Krout  
Director of Planning

i:\pc\notif\Madonna

cc: Tom Cajka  
Mayor Seng  
City Council

August 16, 2005

The Honorable Jon Camp  
City Councilman  
City of Lincoln  
P.O. Box #82307  
Lincoln, NE 68501-2307



Dear Jon:

We recently learned that Madonna Rehabilitation Hospital intends apply for an amendment to its approved building project on the southwest corner of Stephanie Lane and Pine Lake Road. This amendment includes creating an outlet on the west side of the proposed parking lot onto Allen Circle and Norris Road. We are strongly opposed to this portion of the amendment.

When Madonna presented its proposed development to the Aspen homeowners seeking our support, the neighborhood expressed serious concerns about traffic being routed through these residential areas. As a result, Madonna agreed to remove access to its facility from either Allen Circle or Norris Lane. Based upon that, our neighborhood responded with virtual unanimous support for Madonna's project. As you may recall, approval was granted at the Aug. 16, 2004 City Council Meeting with the amendment that the parking lot outlet on to Norris Road or Allen Circle be removed.

We firmly believe that there have been no changes in circumstances to warrant this change to Madonna's plan, especially since there will be no left turns westbound onto Pine Lake Road from Norris Lane. Patrons and Madonna employees would find themselves wandering or intentionally driving through our quiet neighborhoods looking for a west access to Pine Lake Road. In some cases, they would be using two of the three streets, which are private.

That is exactly the objection that we raised with Madonna in the beginning. We sincerely believe that the City of Lincoln should require Madonna to honor the condition that was placed on its project and not allow the change, which would permit access onto Allen Circle or Norris Road. Otherwise, it would appear that big business can simply agree to reasonable conditions by adjacent landowners to gain their support for a major project and then once it is under construction turn around and manipulate the situation through the City Council amendment process to achieve exactly the results that the neighborhood residents feared from the original project. We don't believe such tactics are fair or reasonable.

We respectfully request that you and your fellow City Council members deny any amendment requested by Madonna to authorize an outlet from its parking lot onto Allen Circle and Norris Lane. Thank you for consideration of our concerns in this important matter.

Sincerely,

  
Doug and Margaret Gibson  
7216 Carmen Drive  
Lincoln, NE 68516

cc: Mayor Coleen Seng; City of Lincoln Planning Dept.; and Building & Safety Dept.

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

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

**FROM :** Jean Walker, Planning 

**DATE :** August 19, 2005

**RE :** **Special Permit No. 1689A**  
(Mulligan's Grill and Pub, 5500 Old Cheney Road)  
**Resolution No. PC-00944**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 17, 2005:

Motion made by Larson, seconded by Taylor, to approve **Special Permit No. 1689A**, with conditions, requested by Mulligan, Inc., for authority to expand the outdoor area for the consumption of alcohol on the premises generally located at Mulligan's Grill and Pub, 5500 Old Cheney Road.

Motion to approve, with conditions, carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'.

The Planning Commission's action on the use permit 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  
Sheila Herr, 7701 San Mateo Lane, 68516  
Mulligan, Inc., 5500 Old Cheney Road, 68516  
Marlyn Schwartz, 5300 Old Cheney Road, 68516  
Colonial Hills Neighborhood Association (2)  
Family Acres Assn. (2)  
Quail Valley Neighborhood Association

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RESOLUTION NO. PC- 00944

SPECIAL PERMIT NO. 1689A

1           WHEREAS, Mulligan, Inc. has submitted an application designated as  
2 Special Permit No. 1689A for authority to expand the outdoor area for the consumption  
3 of alcohol on the premises generally located at Mulligan's Grill and Pub, 5500 Old  
4 Cheney Road, legally described as:

5                   Lot 2, Lincoln Racquet Club Addition, Lincoln, Lancaster  
6                   County, Nebraska;

7           WHEREAS, the real property adjacent to the area included within the site  
8 plan for this expansion of the area to sell alcoholic beverages on the premises will not  
9 be adversely affected; and

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

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

15           That the application of Mulligan, Inc., hereinafter referred to as  
16 "Permittee", to expand the outdoor area to sell alcoholic beverages for consumption on  
17 the premises on property legally described above be and the same is hereby granted

1 under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition  
2 that operation of said licensed premises be in strict compliance with said application, the  
3 site plan, and the following additional express terms, conditions, and requirements:

4 1. This permit approves the sale of alcohol for consumption on the  
5 premises as designated on the site plan.

6 2. Before receiving building permits the construction plans must  
7 conform to the approved plans.

8 3. Before commencing the sale of alcohol for consumption on the  
9 premises in the expanded outdoor area, all development and construction must conform  
10 to the approved plans.

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

14 5. The terms, conditions, and requirements of this resolution shall be  
15 binding and obligatory upon the Permittee, its successors, and assigns. The building  
16 official shall report violations to the City Council which may revoke the special permit or  
17 take such other action as may be necessary to gain compliance.

18 6. The Permittee shall sign and return the City's letter of acceptance  
19 to the City Clerk within 30 days following approval of the special permit, provided,  
20 however, said 30-day period may be extended up to six months by administrative  
21 amendment. The City Clerk shall file a copy of the resolution approving the special  
22 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
23 paid in advance by the Permittee.

1                   7.     the site plan as approved with this resolution voids and supersedes  
2 all previously approved site plans, however all resolutions approving previous permits  
3 remain in force unless specifically amended by this resolution.

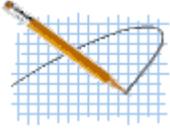
4                   The foregoing Resolution was approved by the Lincoln City-Lancaster  
5 County Planning Commission on this 17 day of August, 2005.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney



Thomas S Shafer/Notes

08/23/2005 01:12 PM

To rhurd@dor.state.ne.us

cc Karen K Sieckmeyer/Notes@Notes, Karl A  
Fredrickson/Notes@Notes, Roger A Figard/Notes@Notes,  
Nicole Tooze/Notes@Notes, Maggie Kellner/Notes@Notes,  
bcc

Subject 56th & Shadow Pines - Council Feedback



Hurd - 56th & Shadow Pines.pdf

Dear Mr. Hurd,

I have been asked to respond to your email regarding the 56th & Shadow Pines Extension. As you may be aware this issue will have public hearing at the August 29th City Council Meeting. I encourage you to take full advantage of that opportunity.

This is an issue that has generated much interest for residents in the Jerrold Heights and Cripple Creek neighborhood area.

The project will widen the existing two-lane roadway to a four lane divided arterial roadway with medians and turn lanes. In the course of design it has been determined that a closed median needs to be constructed on S. 56th Street at the Madalyn Lane intersection. This will allow Madalyn Lane to function as a right-in-right-out access to southbound traffic only. The reasons for this design are:

■  
In order to minimize impacts to properties on the east side of 56th Street the northbound lanes are lower than the southbound lanes. This grade difference will not allow for traffic to cross across the lanes of traffic. This is a major difference between this location and the other locations you mention.

■  
Madalyn Lane is located too close to the Pine Lake Road & S. 56th Street major intersection. The volume of traffic on S. 56th Street will not safely allow traffic on Madalyn to turn from the neighborhood left onto S. 56th Street North-Bound.

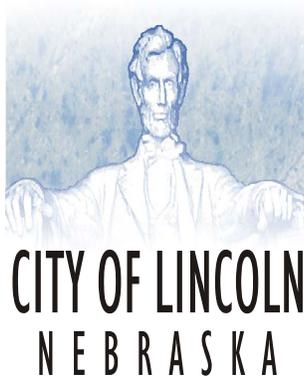
■  
Signalization of Madalyn Lane is not a viable option. The Pine Lake Road & 56th Street major intersection is signalized. A signal at this location would be too close to the major intersection signal and be confusing to approaching drivers. Some drivers see a green light at the second intersection and mistake it for their light when in reality they have a red light.

■  
Traffic flow is significantly impeded when signals are spaced too close together.

■  
The ideal spacing of traffic signals is ½ mile with ¼ mile spacing being the minimal spacing desired. A North Bound left turn onto Madalyn Lane is not desirable because of conflicts with South Bound S. 56th St. traffic and again the proximity to the major Pine Lake Road & S. 56th St. intersection. Vehicles desiring to make this turning movement into the Jerrold Heights Neighborhood can easily take a left from S. 56th Street onto Pine Lake Road at the traffic signal and then a right onto Stephanie Lane

I hope my response has been adequate in addressing your comments.

Thomas S. Shafer, P.E.  
Design/Construction Manager  
441-7837



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

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

August 22, 2005

## **North 56th Water Main - Fletcher Avenue to Arbor Road Project #803301 Arbor Road Water Main - 40th to 56th Project #803302**

The City of Lincoln, Department of Public Works and Kirkham Michael Associates would like to take this opportunity to invite you to an open house regarding the water main construction projects along North 56th Street between Fletcher Avenue and Arbor Road and along Arbor Road between 40th and 56th Streets.

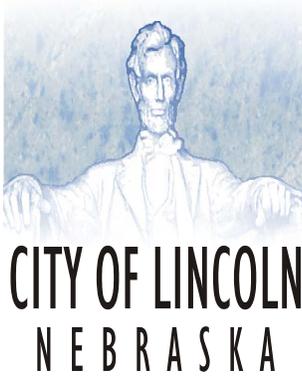
On Thursday, September 1, 2005 from 4:30 to 6:00 p.m. at Esellerate, 5901 North 58th Street, Engineers from the Public Works Department and Kirkham Michael Associates will be available to answer questions about the project that will construct a 24" water main along the west side of North 56th Street between Fletcher Avenue and Arbor Road and a 16" water main along Arbor Road between 40th and 56th Streets. Construction of the 24" main is tentatively scheduled to begin in early 2006. The construction schedule of the 16" main along Arbor Road will be set in the future based upon development demand for the main.

Members of the public may attend anytime it is convenient between the hours of 4:30 p.m. and 6:00 p.m. and will be able to get information and provide input for the projects which are currently in the preliminary design stage.

If you cannot attend the open house and have questions, please contact the project representatives listed below.

Kris Humphrey  
City of Lincoln, Engineering Services  
(402) 441-7711

Rich Robinson  
Kirkham Michael Associates  
(402) 477-4240



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

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

August 24, 2005

## **Paving Unit #139 - Benton Street Paving 1st Street to the West Approximately 600 Feet Project #565139**

As previously notified, work on the above referenced project was begun by Constructors Inc., a local contractor, on August 16, 2005. They were recently notified by this office (City Engineering) to commence their operations in order to complete their work by October 1, 2005, the completion date. Our goal was to complete the work as early in the fall as possible to avoid problems that come with colder/wetter weather. Unfortunately we did not allow enough time for our right-of-way department to acquire the temporary easements necessary to finish the regrading of the abutting properties.

We have advised the Contractor to continue his work, but to confine his activities to the existing City right-of-way. In the meantime, we have scheduled a meeting with you, the residents affected by this construction, on August 24, 2005 at 7:00 p.m. at Contempo's Office at 3601 North 1st Street to discuss some resolution to the easement questions.

Thank you for your patience. If you have questions, please call Warren Wondercheck, Project Manager or Bruce Sweney, Senior Engineer at 441-7711.

Warren Wondercheck, Project Manager  
Engineering Services - City of Lincoln  
(402) 441-7711 or (402) 441-7014

Eric Anderson  
Constructors Inc.  
(402) 434-1711



# NEWS RELEASE



MAYOR COLEEN J. SENG

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

Lincoln-Lancaster Women's Commission 440 S. 8th St., Ste. 100 Lincoln NE 68508-2294 402/441-7716 FAX 402/441-6824

FOR IMMEDIATE RELEASE:  
FOR MORE INFORMATION:

August 19, 2005  
Bonnie Coffey, Director, 441-8695  
Diane Mullins, Public Information Specialist, 441-7717

## WOMEN'S COMMISSION ELECTS NEW OFFICERS FOR 2005-06



The Lincoln-Lancaster Women's Commission (LLWC) announces the following volunteers recently elected as officers to the Advisory Board, pictured from left to right:

Vice President **Danja Pegram Siders** owns and operates, AgInvest, LLC, a property and farm management business. She is a farm and real estate manager. She has worked with many community groups such as United Way, Red Cross, and Pheasants Forever. She graduate of Leadership Lincoln and Winning Women Series, and currently serves as Secretary for the Wyuka Historical Foundation and is a member of Downtown Rotary Club #14.

President **Tami Soper**, former director of the Clyde Malone Community Center, is Legislative Aide for Senator Gwen Howard. She is an active community member and has served on numerous non-profit and city advisory boards, including Lighthouse, Clyde Malone Community Center, Health Partners Initiative, the Lincoln Lancaster County Health Department Quality Improvement Council, and the City of Lincoln Parks and Recreation Advisory Board.

**Connie Schmidt**, member-at-large, is employed as the financial management director for the National Student Loan Program. She has been actively involved in the community, serving on such volunteer boards as the Parent Teacher Student Association, Nebraska Teacher of the Year review committee and the Nebraska Association of Student Financial Aid Administrators.

**Elizabeth "Beth" Rodacker**, member-at-large, is employed at Union College as an associate English professor. She is a board member of PALS, a local nonprofit animal organization; serves on the board of directors for the Lincoln Chapter of the National Organization for Women, and is a co-leader for the Neighborhood Watch program.

All appointments are approved by the Mayor, City Council and County Board of Commissioners. One of the agency's many roles is to advise the City and County on the type of legislation which should be sought to improve any situation when areas of study indicate a need for change. LLWC was formed in 1976 to "work toward eliminating social, economic and legal barriers that prevent women from choosing their present and future roles in the family, the labor force, education and society in general."



# NEWS RELEASE



MAYOR COLEEN J. SENG

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

Lincoln-Lancaster Women's Commission 440 S. 8th St., Ste. 100 Lincoln NE 68508-2294 402/441-7716 FAX 402/441-6824

FOR IMMEDIATE RELEASE:

August 24, 2005

FOR MORE INFORMATION:

Diane Mullins, Public Information Specialist, 441-7717

Bonnie Coffey, Director, 441-8695

## **NOMINATIONS OPEN FOR AWARDS PROGRAM**

*Women's Commission seeks nominations for outstanding individuals for 30<sup>th</sup> annual event*

The Lincoln-Lancaster Women's Commission (LLWC) seeks nominations for its International Women's Day annual awards luncheon, "Weaving Women's Voices," to honor four individuals who have promoted opportunities for women through professional and/or personal efforts and made an impact on women's issues.

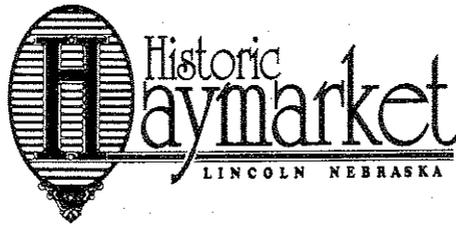
Nominations will be accepted from **Thursday, September 1** through 4 p.m. on **Tuesday, November 15, 2005**. Nomination forms can be mailed upon request, picked up at the LLWC office between 8 a.m. to 4:30 p.m., Monday through Friday, or download from the Women's Commission Web site located at: [www.lincoln.ne.gov/city/mayor/women/index](http://www.lincoln.ne.gov/city/mayor/women/index).

Categories are:

- < The **Alice Paul Award** is presented to a woman whose life's work reflects her dedication to the struggle for equality.
- < The **Woman Artist - Written Word Award**, accompanied by a \$250 stipend, is presented to a woman in Lincoln and Lancaster County to recognize and encourage local women in the arts.
- < The **Erasmus Correll Award** is presented to a man whose efforts in the community have significantly contributed to the welfare and advancement of women, helping in the struggle for equity for all.
- < The **Sojourner Truth Award** (formerly the Young Feminist Award) will be presented to honor younger women and will rotate among women in three categories: high school ages 14-18; college ages 18-24 and women ages 25-40. For 2006, the award will be given to a collegiate woman who, through actions or by example, attempts to enhance the quality of life for girls or women.

The Lincoln-Lancaster Women's Commission, along with Friends of the Commission, will host the awards luncheon program on Friday, March 10, 2006 at the Cornhusker Hotel in recognition of International Women's Day. The theme, "Weaving Women's Voices," will feature a special presentation of local artists' original pieces of work and pay tribute to outstanding women and men in the community for their work in the advancement of women's rights.

For more information, contact the Lincoln-Lancaster Women's Commission, 441-7716.



Lincoln Haymarket Development Corporation

335 North 8th, Suite B  
The Hardy Building  
Lincoln, Nebraska 68508  
(402) 435-7496

August 19, 2005

Linda Weaver Beacham  
The Schemmer Associates  
1919 South 40<sup>th</sup>, Suite 302  
Lincoln, NE 68506

RE: Harris Overpass

Dear Ms. Beacham:

The Lincoln Haymarket Development Corporation would like to recommend to the Harris Overpass Advisory Committee that the Committee adopt the unphased construction approach for rebuilding the overpass.

LHDC has had a member of our board, Larry Small, on your advisory committee so we have had periodic updates as to the issues related to the bridge replacement. Additionally LHDC co-sponsored with DLA and Updowntowners a luncheon, which discussed the various options, costs and concerns associated with the overpass replacement.

We believe that to minimize the public and business disruption, reduce the overall costs, and to ensure public safety that the unphased option is the best option and encourage your committee to recommend that approach to the City officials.

If you have any questions or would like further elaboration on this matter please feel free to contact me.

Sincerely,

Douglas E. Lienemann  
President  
Lincoln Haymarket Development Corporation

Cc: Public Works attn: Kris Humphrey, the Mayor's Office, City Council members



**Joan V Ray/Notes**  
08/23/2005 03:25 PM

To Bruce D Dart/Notes@Notes, Karl A  
Fredrickson/Notes@Notes  
cc Elaine Severe/Notes@Notes, Karen K  
Sieckmeyer/Notes@Notes, amcroy@mccrealty.com,  
newman2003@neb.rr.com, ksvoboda@alltel.net,  
bcc

Subject Fw: CD-CouncilRFI#2.pdf

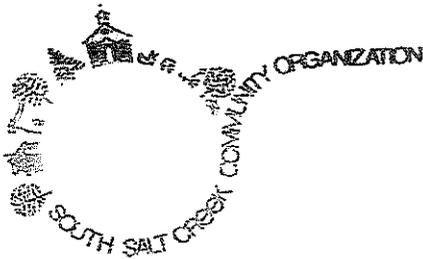
Bruce, Elaine, Karl and Karen: Please respond to Mr. Danny Walker regarding his concerns on the 4th Street Dust Problem with a cc to Council RFIs at Council Packet. - See attached file below. Thanks

Joan V. Ray  
Council Office  
Council RFI #2

----- Forwarded by Joan V Ray/Notes on 08/23/2005 03:12 PM -----



(See attached file: CD-CouncilRFI#2.pdf) CD-CouncilRFI#2.pdf



Danny Walker  
President  
South Salt Creek Community Organization  
427 E Street  
Lincoln, NE 68508-3049

(402) 477-7064

danny\_1953@msn.com

Council  
RFI #2

Mr. Bruce Dart  
Director  
Lincoln/Lancaster County Health Department  
Lincoln, Nebr.  
August 18, 2005

RECEIVED

AUG 23 2005

CITY COUNCIL  
OFFICE

**SUBJECT: 4<sup>th</sup> Street Dust Problem**

Dear Mr. Dart:

Please consider this a formal complaint filed in behalf of the South Salt Creek Community Organization. **WRITTEN RESPONSE REQUESTED**

Reason for complaint being excessive dust created in part by an inferior grade of gravel (which turns into a coarse type of powder) that was used on the 4<sup>th</sup> Street corridor and a very broad ranging type of vehicular traffic ranging from compact cars to Semi movement (some high speed) utilizing 4<sup>th</sup> Street from "A" Street to "J" Street

Said corridor has created a problem for the past year regarding dust created by traffic flow on aforementioned corridor, especially the **118 homes and numerous businesses** located within one block East and West of 4<sup>th</sup> Street from "A" Street to "J" Street. **However**, keep in mind said dust emissions have an adverse effect on the entire neighborhood, which incidentally, includes residential properties and businesses located in the area

Please refer to **Attachment (A)** Environmental Health Perspectives Volume 111, Number 16, December 2003, **DOWN WITH ROAD DUST**

Please refer to **Attachment (B) BOARD OF COMMISSIONERS STAFF MEETING AGENDA** Thursday, October 2, 1997, (2) Additions to Agenda Item (d) **HIGHLIGHTED** referring to **HEALTH DEPARTMENT** concerns regarding dust problems on SW 23<sup>rd</sup> Street

Please refer to **Attachment (C)** Lincoln Journal/Star article dated 6-9-05 titled dust control project to close parts of 98<sup>th</sup> St.

Please refer to **Attachment (D)**, which happens to be photos taken of Dust Treatment Material that was applied to Ogden Road and North 7<sup>th</sup> Street and ending at the Interstate Overpass Bridge on North 7<sup>th</sup> Street on the date of 6-20-05

Please refer to **Attachment (E)** photos taken of dust created by slow moving (which is seldom) smaller vehicles using the 4<sup>th</sup> Street corridor (7-28-05)

Please refer to **Attachment (F)** photos taken of dust created by slow moving (which is seldom) medium sized vehicles using the 4<sup>th</sup> Street corridor. (8-08-05)

**BE ADVISED**, there happens to be a very small amount of homes **NINE (9)** located adjacent to Ogden Road, North 7<sup>th</sup> Street and Pine Tree Lane **NONE** of which are within close proximity to 7<sup>th</sup> Street as the **118 residential homes and numerous business properties** located along 4<sup>th</sup> Street.

In addition, a vast majority of the homes along 4<sup>th</sup> Street are on the average of 80 to 100 years old and were not constructed using the same techniques currently used on newly constructed homes such as vapor wraps and much better sealing windows.

I've been advised that the remark was supposedly made to the effect that the expense would be too high to apply dust treatment to 4<sup>th</sup> Street. **I admit**, those residing along the 4<sup>th</sup> Street corridor very possibly do not have the possible deep pockets of those residing along North 7<sup>th</sup> Street **BUT** there happens to be a **VERY HUGE** difference in the number of humans (young and old) affected by the dust along the 4<sup>th</sup> Street corridor. **KEEP IN MIND**; supposedly, 4<sup>th</sup> Street will not be paved for **5 to 7 years**, which I might add, is entirely too long to live with the current dust problem. Keep in mind; the dust problem not only affects humans but also plant life, gardens, domestic animals etc.

The City of Lincoln should have known with the type of gravel that was applied to 4<sup>th</sup> Street the result would be the creation of major dust problems. If they didn't know, then someone more capable should have been hired to do the job, which incidentally, also should have included the same type of rock, used (**1&1/2 inch**) on other streets **AND**

Alleys thru-out Lincoln

I am in the opinion that there are very possibly other City of Lincoln Departments such as Building and Safety and Public Works and Urban Development responsible for creating this problem and therefore, I request your Office coordinate ALL responses to this formal complaint with aforementioned departments.

Also, the sanitary sewer construction along 4<sup>th</sup> Street resulted in very **POOR** storm water drainage along 4<sup>th</sup> Street, which in turn resulted in standing water along the 4<sup>th</sup> Street corridor. **BE ADVISED**, if anyone happens to doubt this I happen to have numerous pictures of the construction crew pumping out the standing water. I'm sure you are aware of the current **West Nile Virus** cases in Lancaster County and standing water.

Last but not least, the right of way on both sides of 4<sup>th</sup> Street needs to be mowed as the weeds and grass are above the eight (8) inch in height limit.

According to the LJS newspaper dated 8-14-05 (**City Council Agenda**) there will be public hearing on the date of 8-22-05 regarding **DUST** control treatment on South 98<sup>th</sup> Street

In addition, "J" Street from 5<sup>th</sup> to 1<sup>st</sup> Street has had **several** dust treatments applied during the past year **WHY IS THE 4<sup>TH</sup> STREET DUST PROBLEM BEING INTENTIONALLY IGNORED?**

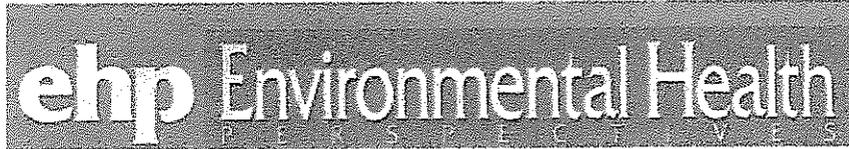
Respectfully,



Danny Walker  
President, SSCCO  
427 "E" St.  
Lincoln, Nebr. 68508

Cc EPA (Kansas City)  
Mayor (City of Lincoln)  
File

ATTACHMENT "A"



<http://ehp.niehs.nih.gov/members/2003/111-16/innovations.html>

## Innovations

Top image credits: Background, tire: Photodisc; truck inset: Julie Reinitz/Iowa Waste Reduction Center



### Down with Road Dust

There are more than 3.9 million miles of roadway in the United States, according to the Federal Highway Administration, and, depending on the area of the country you're in, as much as 70% of that road mileage is unpaved. The 1997 U.S. Environmental Protection Agency (EPA) *National Air Quality and Emissions Trends Report* states that those unpaved roads—which can cover a wide range of compositions, from compacted dirt to shale/slate to gravel—are responsible for more than 10 million tons of particulate matter emissions each year. Economic, logistical, and even aesthetic realities indicate the impossibility of paving every mile of unpaved roadway in America. The goal, then, is to minimize the generation and spread of dust particles.

To help control dust, road builders can either mix something into the roadway as it's built or they can apply something after the fact, but many traditional dust suppressants have serious flaws. One new approach is Dust Stop, a proprietary formulation of natural starches produced by the Canadian firm Cypher International that may prove both healthier and more effective than traditional suppressants.

### The Trouble with Dust

A 1993 U.S. Department of Transportation study by civil engineering professor Thomas Sanders and then-graduate student Jonathan Addo of the Colorado State University cites a 1983 Forest Service estimate that for every vehicle traveling one mile of unpaved roadway once a day, every day for a year, one ton of dust is deposited along a corridor extending 500 feet out on either side of the median. In the 1 December 1999 issue of *Environmental Science & Technology*, Ann Miguel and Glen Cass, environmental engineering professors at the California Institute of Technology, identified at least 20 different human allergens, including molds and pollen, in dust stirred up from paved roads. Miguel says results would be similar, if not worse, on unpaved roads, especially if it's a frequently traveled unpaved road in an agricultural area, where pollens and other plant matter would be prevalent on roadways. Other substances found in lesser amounts include rubber

breakdown particles from tires and asbestos particles from brakes.

"Particles of the roadway itself will be continually ground smaller, until they approach the ten- to fifteen-micron danger size where they can more easily penetrate deep into the lungs," says Miguel. This is also the ideal size range for particles to stay airborne for longer periods of time—larger than this, they tend to settle more quickly and are less of an immediate hazard, although they are still subject to the same grinding/regrinding phenomenon.

Particles larger than 2.5 microns can lodge in the upper respiratory area, where they may cause severe irritation. Effects may be especially pronounced in infants, the elderly, and those with preexisting conditions such as asthma. Particles this size may also be linked to some respiratory cancers.

Particles smaller than 2.5 microns go deeper into the lungs, where they can damage epithelial cells and even pass into the bloodstream. "Small dust particles, some of which may derive from . . . dust as well as combustion sources, have even been found in the heart material of some subject animals," says John Watson, a research professor in the division of atmospheric sciences at Nevada's Desert Research Institute. Dust particles this small can elude all but the most specialized of filters. So those who live near unpaved roads aren't the only people at risk from these particles—vehicle passengers also are exposed, even if they ride with their windows rolled up.

Some studies indicate that human health isn't the only thing that suffers in the dispersion of road dust. Watson points out that near unsurfaced roads, plants are typically dusty, and anecdotal evidence suggests that crop yields can be reduced. According to a 1996 technical report by the U.S. Army titled *Dust Control Material Performance on Unsurfaced Roadways and Tank Trails*, dust on leaf surfaces increases leaf temperatures and water loss, and decreases carbon dioxide uptake. This may make vegetation susceptible to chronic decreases in photosynthesis and growth, eventually leading to accelerated erosion in areas such as roadsides from lack of adequate stabilizing vegetation.

And the dust impacts not only the air, but the water as well, as it settles into nearby streams and rivers. In February 2000, researchers led by biology professor Dennis Murphy of the University of Nevada, Reno, released an assessment of California's Lake Tahoe citing a 30-year decline in clarity from 102 feet to 66 feet. Much of the problem was attributed to increased algal growth triggered by atmospheric deposition of phosphorus compounds associated in part with road dust.



**It's a dusty job, but somebody has to do it.**  
University of Northern Iowa researchers sample the effectiveness of dust suppressants in keeping road runoff from entering nearby water sources.  
image credits: Julie Reinitz/Iowa Waste Reduction Center

Further, as Sanders and Addo point out, "the generation of dust means the loss of [fine aggregate material], which act as road surface binders. This represents a significant material and economic loss." According to their report, Iowa's 99 county secondary road departments spent more than \$32 million for aggregate replacement in 1978 alone. Tim Trumbull, an environmental specialist with the Iowa Waste Reduction Center at the University of Northern Iowa, further points out that dust can cause low visibility on unpaved roads, abrades mechanical equipment, and damages electronic components such as computers.

### **Traditional Dust Suppressants: A Mixed Blessing**

Traditional dust suppressants generally fall into one of six generic categories: surfactants, which are short-term wetting agents requiring frequent application; adhesives such as lignin sulfonate (tree sap), which act as binders to form a seal over the surface; electrochemical stabilizers derived from sulfonated petroleum, which expel water from the soil and increase compaction; petroleum products, which bind fine particles together; chloride salts, which both attract moisture from the atmosphere and retard its evaporation; and miscellaneous other products including microbiological binders and polymers.

But some of these products pose environmental hazards that are worse than the dust itself, and the effects of others are unknown. Thomas Piechota, an assistant professor of civil and environmental engineering at the University of Nevada, Las Vegas, is part of a task force looking at road dust suppressants and their use and regulation. Piechota and

colleagues recently completed a water quality impact study in Clark County, Nevada. The researchers tested 11 different substances (representing the major suppressant categories) by applying them to unpaved roads, then simulating sufficient rainfall to create runoff. Then they analyzed the runoff for organics, inorganics, metals, and other substances.

"The summary of that study indicates that no matter what suppressant was used, you would see some sort of water quality impact," says Piechota. "Some compounds, like the petroleum compounds, contributed more metals, volatile organic compounds, and the like, while others, like magnesium chloride, had a less noticeable environmental impact." Another point that he says doesn't get raised often is the fact that any suppressant is going to create a more or less impervious surface. "So when you do get rainfall," he says, "you'll get increased runoff, which has a hydrologic impact of its own."

Human health effects also are a concern. According to the 2000 handbook *Unsealed Roads Manual: Guidelines to Good Practice*, published by Australia's ARRB Transport Research, "petroleum-based products present the greatest environmental risk with potential hydrocarbon contamination of vegetation, water courses, or groundwater if applied excessively or washed from the roadway before curing."

Aside from the environmental and human health effects, many traditional dust suppressants simply aren't that effective. Trumbull conducted a year-long test in 2000 in which he looked at the effectiveness of a number of dust suppressants. He applied six different suppressants along an unpaved roadway--magnesium chloride, calcium chloride, lignin sulfonate, asphalt millings, new soybean oil, and used fryer oil (which, unlike the other five, is not as commonly used as a dust suppressant).

Trumbull's tests indicated that the lignin sulfonate was effective, yet tended to adhere to passing vehicles and was difficult to remove from painted surfaces. The chlorides worked less well and tended to break down more quickly, while the oils also worked well but lost their effectiveness quickly when the road surface was bladed during maintenance.

"One of the things that strikes me about dust suppressants as a whole," says Watson, "is the lack of detailed studies on their effectiveness and their impact on both the environment and human health. We haven't really looked at how they impact soil and water, and the mechanisms by which they move through soil into subsurface and nearby water supplies." Watson also points out that many suppressants are proprietary materials, so there's not a lot of publicly available information about them. "Most of the statements I've seen don't constitute rigorous proof. There is very little rigorous verification of effectiveness, lack of toxicity, et cetera," he says. "The general position seems to be 'Well, it's not on anyone's toxics list, so it must be okay.'"

### **The Starch Solution**

According to Cypher spokesperson Todd Burns, the need for a new type of dust suppressant was obvious from the logistical and environmental problems rife among traditional suppressants. Then, he says, Cypher discovered starch derivatives as a tackifier for hydroseeding applications--mixing mulch, seed, fertilizer, and water into a slurry that is sprayed on the ground. "The basic ideas are the same: spraying a substance over the top

of a surface and having it stay there for a designated period of time," says Burns. "So we figured if the starch could bond to the soil surface, it should be able to do so on a road surface as well."



**Stopping dust safely.** A sprayer is used to apply the starch-based Dust Stop suppressant to a rural roadway.  
image credit: Cypher International

Burns says Dust Stop can be used on gravel, limestone, dirt, sand, or any other unpaved roadbed. According to Burns, the liquified starch forms a chemical bond with the particles on the surface of the road, and the larger the particle size, the more efficiently the product will function. "Smaller particles will allow Dust Stop to leach a little farther from the surface," he says, "while material with larger particle sizes will help contain Dust Stop closer to the surface and help it form a thicker layer of binding protection on the top."

Dust Stop promotional materials say the product has been designed for high-, moderate-, and low-temperature applications, and that it is available in a citronella scent, which the company claims repels rodents, small animals, and insects, significantly lowering roadkill incidents and deterring disease-carrying insects around treated roads.

Dust Stop is made entirely with natural starches that are completely biodegradable. While the exact composition of Dust Stop (as well as its cost information) is proprietary, the company's material safety data sheet identifies it as a "modified polysaccharide," a "somewhat alkaline" substance (pH 10.8-11.5) that is a mild skin and respiratory irritant. The firm PSC Analytical Services performed the rainbow trout 96-hour pass/fail toxicity test (a test that measures the effect of exposure to a test sample on the survival of young rainbow trout over a 96-hour period) on Dust Stop, and test results showed 0% mortality after 96 hours.

Dust Stop has been tested on unpaved roadways in China, Canada, and other countries, and is currently being tested on a heavily traveled dirt road outside of Prescott, Arizona. While only time will tell if Dust Stop is indeed a viable alternative to traditional dust suppressants, preliminary results suggest that the starch solution may bring about a healthy resolution to the problem of dusty unpaved roads.

ATTACHMENT "B"



BOARD OF COMMISSIONERS

STAFF MEETING AGENDA  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
FOURTH FLOOR CONFERENCE ROOM  
THURSDAY, OCTOBER 2, 1997  
8:30 A.M.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF SEPTEMBER  
25, 1997

2 ADDITIONS TO AGENDA

3 8:30am UPDATE ON PENSION PLAN  
Diane Fite, PEBSO Pension Consultant

4 9:15am USE OF KEYFILE FOR SCANNING VOTER REGISTRATION  
RECORDS  
Patty Hansen, Election Commissioner

5 9:30am LEGISLATIVE AGENDA  
Gordon Kissel, Legislative Consultant

6 10:00am PENDING LITIGATION  
Mike Thew, Chief Deputy County Attorney;  
Doug Cyr, Deputy County Attorney

7 10:15am STREET VACATION NO. 97014, CAPITOL PARKWAY,  
ADJACENT TO  
PIONEER HEIGHTS, NEAR S. 84TH STREET & MANDARIN CIRCLE  
(IN 3-MILE LIMIT)  
Mike DeKalb, Planning Department

8 ACTION ITEMS

a. Consideration of Request from St. Monica's  
for \$2,037  
Grant for Alcohol Treatment

b. Approval of Microcomputer/Technology  
Requests for  
FY98: :  
\$35,589.55 1. C#97258 from the County Assessor for  
for ArcView, Microsoft Window/Works and SunSparc  
Upgrades and Laser Printer

2. C#97259 from the County Attorney for  
\$7,822.10 for 6 Compaq Deskpros, 2 Viewsonic Monitors and  
a Laser Printer

3. C#97261 from the County Clerk for  
\$2,527.06 for  
a Compaq Deskpro, Monitor, Drive and 8 Netscapes

9 CONSENT ITEMS

(1)

of September 25th would be at the Thursday, October 9th County Board meeting.

## 2 ADDITIONS TO AGENDA \*

- a. Request for a Temporary Employee from the Clerk of the District Court
- b. Request to Locate Two Semi-Trailers at Trabert Hall from the Lincoln Action Program (LAP)
- c. Request for Imaging Software from the Public Defender (Action Items)
- d. Dust Problem on SW 23rd Street \*
- e. Region V (Board Member Meetings)
- f. 911/Communication Center

**MOTION:** Hudkins moved and Tussing seconded approval. On call Hudkins, Svoboda, Tussing and Campbell voted aye. Motion carried.

## 3 UPDATE ON PENSION PLAN - Diane Fite, Public Employees Benefit Services Corporation (PEBSCO) Pension Consultant, Pete Daiker, Public Employees Benefit Services Corporation (PEBSCO)

Pete Daiker, Public Employees Benefit Services Corporation (PEBSCO), reviewed the mission statement for PEBSCO, noting that the company was established for the specific purpose of meeting the financial and retirement needs of public employees (Exhibit A).

Campbell requested that Daiker provide information regarding PEBSCO's post-employment health plan to the Personnel Department.

Diane Fite, PEBSCO Pension Consultant, reported that she administers the qualified plan for Lancaster County.

Dave Kroeker, Budget & Fiscal Officer, inquired about dormant retirement accounts.

Fite reported that PEBSCO was working on those accounts and would be returning money to the County that could be used to reduce contributions.

Kerry Eagan, Chief Administrative Officer, reported that a representative of the American Federation of State, County and Municipal Employees (AFSCME), had requested that the County increase the number of funds available.

## 2 ADDITIONS TO AGENDA \*

### d. Dust Problem on SW 23rd Street \*

Campbell reported that the Health Department had expressed concern that the dust problem on SW 23rd Street, caused by traffic diverted by construction work on Coddington Avenue and Van Dorn Boulevard, was becoming a health hazzard to residents of the Green Acres subdivision.

Board consensus to have Campbell and Steinman meet with representatives of the Health Department, County Attorney, County Engineer, County Sheriff and Public Works Department to seek solutions to the problem and report back to the Board.

### f. 911/Communication Center

Hudkins reported that a meeting was held to discuss a proposal from Tom Casady, Lincoln Police Chief, that he assume directorship of the 911/Communication Center. He reported that 87% of the calls received by the Communication Center each year are police related and Cassidy felt the Police Department was better equipped to manage the center. Lancaster County Sheriff Terry Wagner was opposed to Casady's proposal, noting concern regarding the priority level assigned to Sheriff's Department calls.

Hudkins stated that a suggestion was made that a paging system might handle distribution of non-emergency police department calls more effectively.

Hudkins reported that, following discussion, Mayor Johanns requested that Julie Righter, Interim Director, be named Director, with review in four months. He also requested that the Advisory/User Board be reimplemented, with a representative of Mutual Aid serving as a non-voting member.

**6 PENDING LITIGATION** - Mike Thew, Chief Deputy County Attorney;  
Doug Cyr, Deputy County Attorney

**MOTION:** Hudkins moved and Tussing seconded to enter Executive Session

(3)

## ATTACHMENT "C"

### **Dust-control project to close parts of 98th St.**

Lincoln and Lancaster County will begin a dust-control project on 98th Street today, weather permitting.

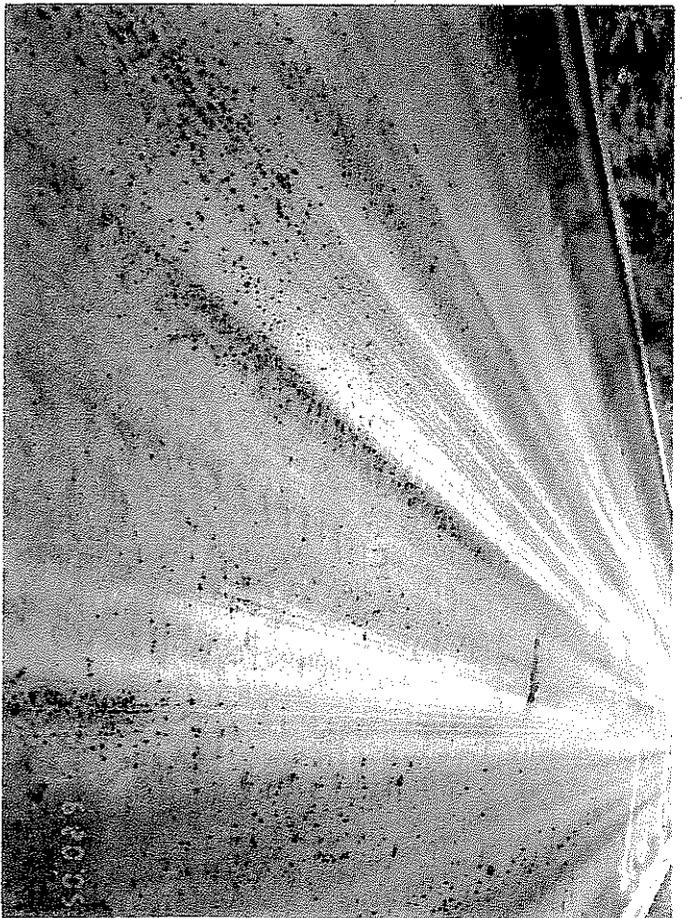
The dust-control material will be applied to the gravel road in one-mile segments beginning at Nebraska 2 and moving north to A Street. Those segments will be closed to drivers during the application process. The project is expected to be completed by the middle of next week. A follow-up application might be necessary later in the year.

The dust control is necessary because many motorists are using 98th Street as a route to avoid the construction on 84th Street.

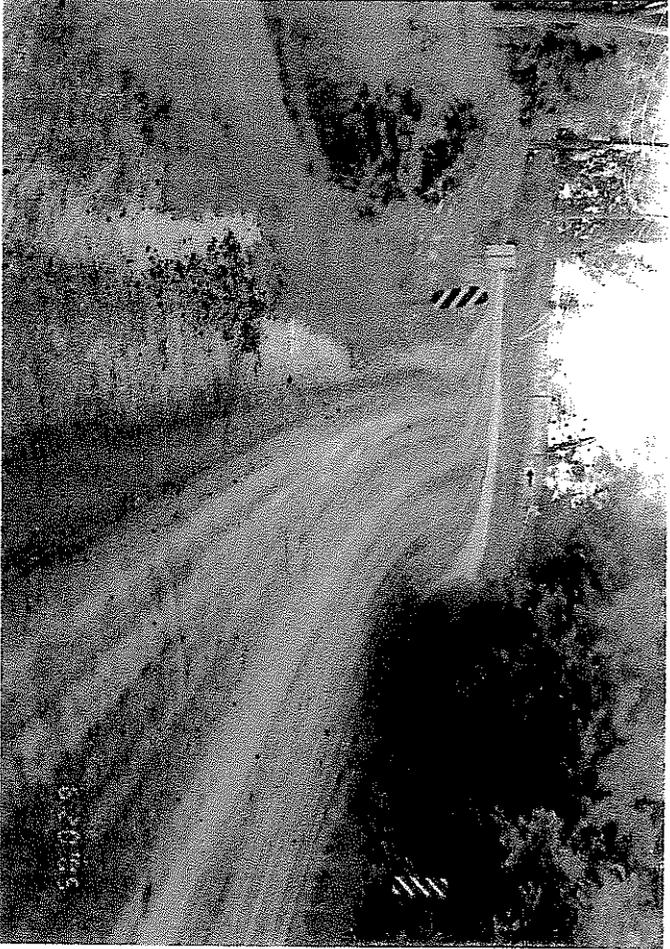
**LIS 6-9-05** — From staff reports

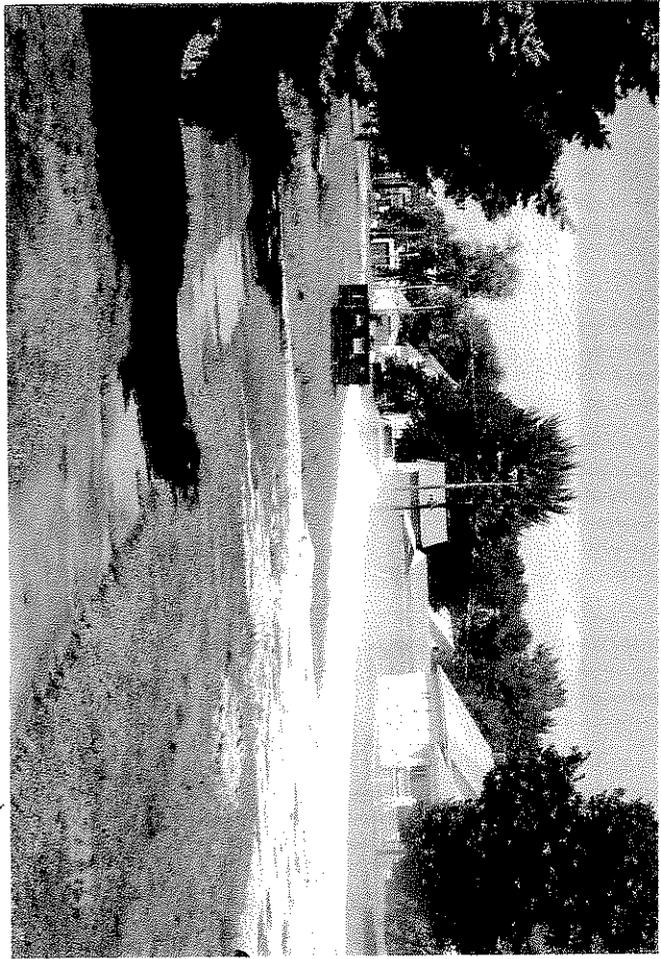


AT ACCIDENT



OGDEN DRIVE TO NORTH 7<sup>TH</sup> ST. DUST TREATMENT !



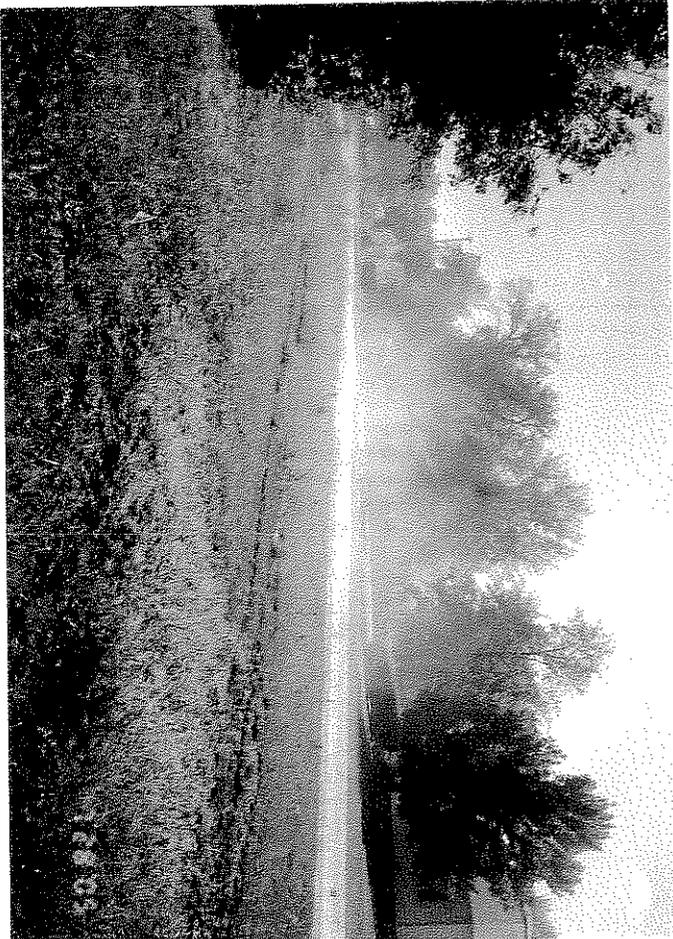


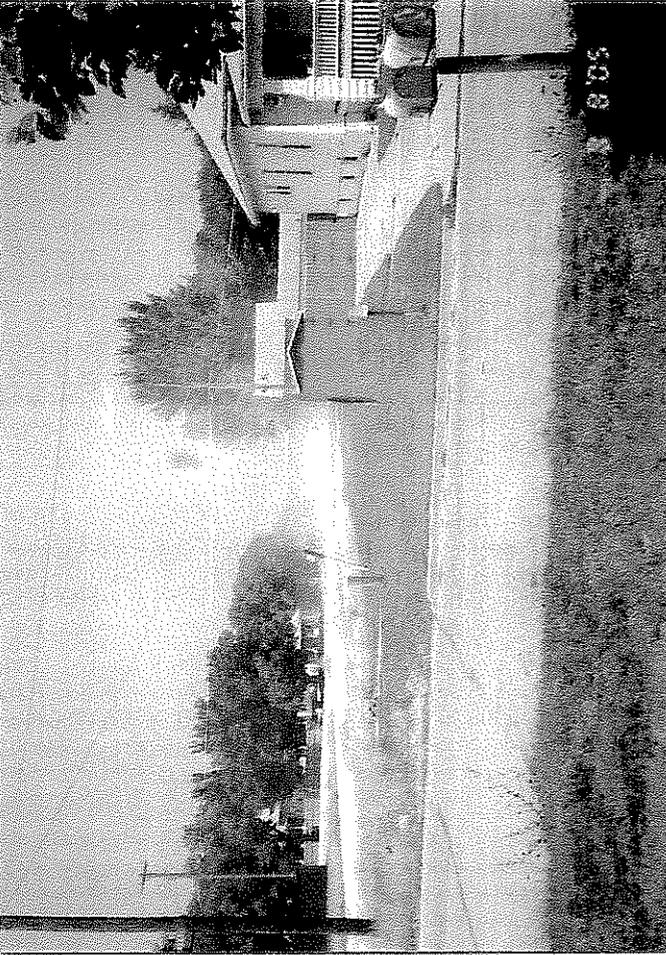
4TH STREET



4TH STREET DUST PROBLEM "E"

7-28-05

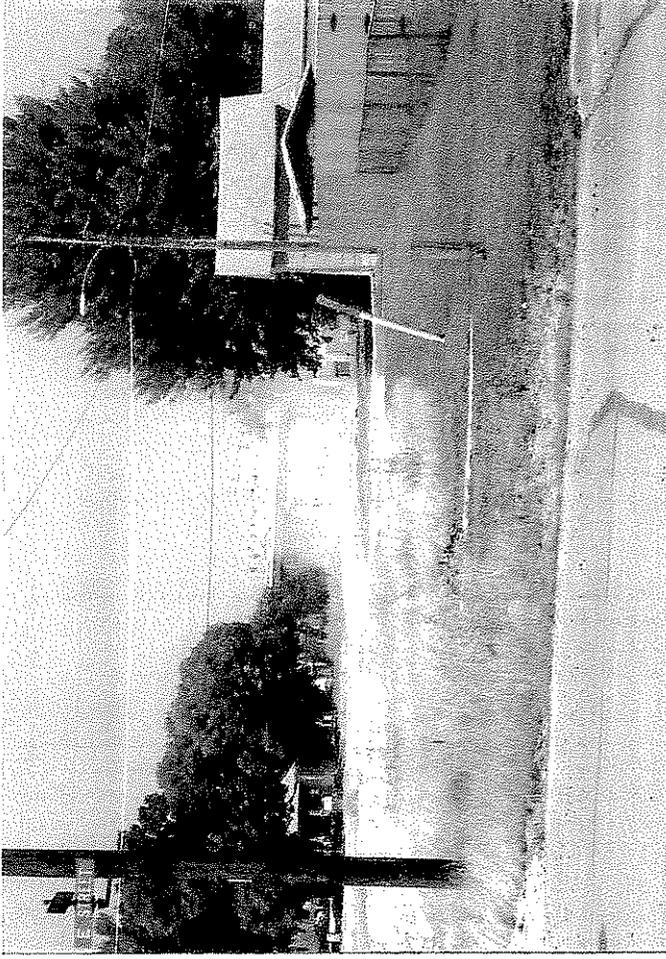




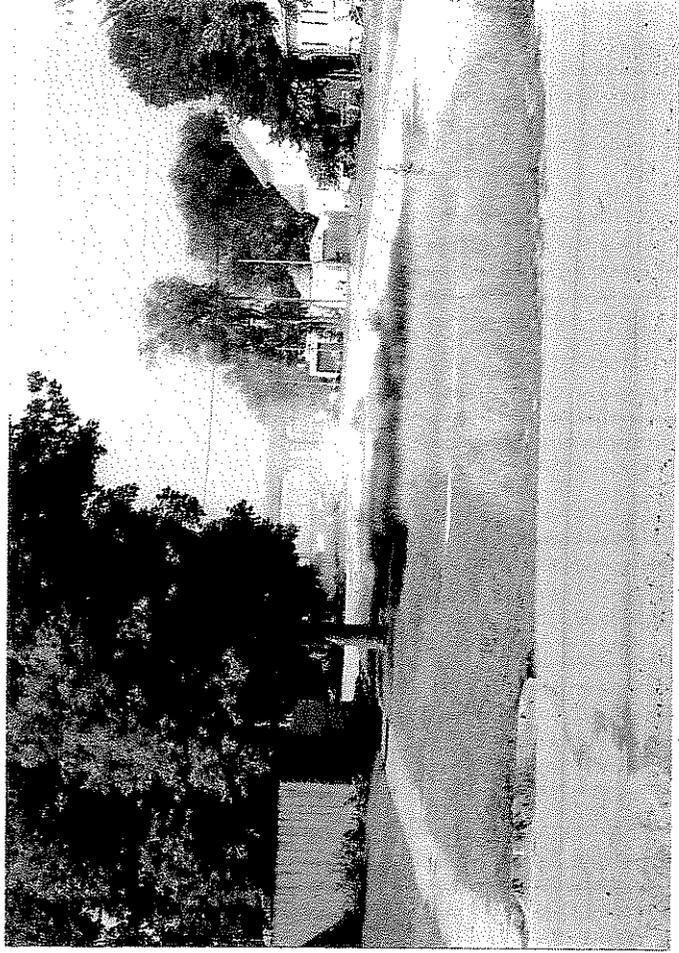
4<sup>th</sup> STREET

DUST

8-8-05



ATTACHMENT "F"



SMALL  
VEHICLES

8-8-05

**L. Bruce Wright**  
233 South 13<sup>th</sup> Street, Suite 1900  
Lincoln, Nebraska 68508  
402/479-7118

August 19, 2005

Robin Eschliman  
NAI/FMA Realty  
238 South 13<sup>th</sup> Street  
Lincoln, NE 68508

Via Hand Delivery

Dear Robin:

Thanks for a copy of the Mayor's memo regarding Councilman Cook's resolution supporting parks and trails.

In my view, governmental priorities should not be set by appointing committees composed of advocates for a particular amenity, having them study the need for the amenity in a vacuum and then make funding recommendations without considering other needs in the community or the source of the funding in question.

Lincoln's parks and trails are wonderful amenities and they are clearly important to the quality of life in this community. As an avid outdoorsman and former Board Member of both the Nature Conservancy and the Nebraska Game and Parks Commission, I fully recognize the need for conservation and good parks. Frankly, absent other needs or given unlimited funding, expenditures on parks and trails should definitely be one of my top priorities. The fundamental problem, of course, is that Lincoln has a number of other very significant needs and as a community we are clearly not blessed with an unlimited budget.

As you know, the Chamber commissioned a poll to determine why the street bond issue failed. Although the first and foremost reason was the fact that the voters did not want higher property taxes, there was also a strong undercurrent indicating that the voters did not trust the City to appropriately spend the proceeds in a way that truly met the needs of the community. The poll also indicated that this theme was exacerbated by the fact that the bond issue included a significant amount of dollars for trails which many of the voters viewed as inappropriate luxuries, given the fact that the City was already facing a

Robin Eschliman  
August 19, 2005  
Page 2

\$135 million shortfall just to fund essential street and road improvements over the next 6 years.

This type of *ad hoc* decision making is exactly why the voters don't trust the City to appropriately prioritize the expenditure of its finite budget. In my view, the use of citizen committees in this fashion simply raises expectations and leaves the participants unrewarded for their efforts. In passing, I would add that our recent conversation regarding the fact that the Department of Public Works is now apparently attempting to spend bond proceeds in order to land bank property adjacent to the existing flood plain only serves to support this view. Given the fact that the community strongly supports economic development and the creation of quality employment opportunities for all our citizens, I think I can guarantee you that the vast majority of the electorate would be appalled to know that money which was supposed to be used for infrastructure in the form of sewers is in fact being used to buy vacant ground and effectively prevent development.

Parks and trails are great, but can they really be a top funding priority when the community is faced with \$135 million shortfall just to meet the needs for street and road construction over the next 6 years? Are they really more important than the development of the infrastructure necessary to accommodate expected growth and maintain arterial streets in established neighborhoods? Should they really take precedence over a new convention center, the development of downtown Lincoln or the redevelopment of 48<sup>th</sup> and O Street or West Cornhusker? In the bigger scheme of things, I think the answer clearly has to be "no."

If you spend money to develop infrastructure and promote economic development, it will, as was clearly demonstrated by the recent study performed by the University of Nebraska Lincoln Bureau of Business Research, enhance sales tax revenues and increase the property tax base, all of which contributes to increased revenue that can be used to support amenities such as parks, trails and libraries. If you use those funds to create jobs and promote economic development, you generate hundreds of thousands of dollars in private sector support for amenities such as parks, the Zoo, the arts, and a wide variety of social services. If, on the other hand, you spend the money on amenities that is necessary to build the needed infrastructure, you essentially kill the goose that lays the golden egg.

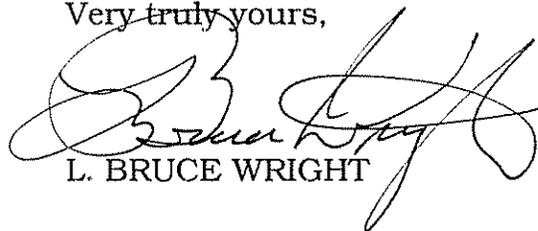
Robin Eschliman  
August 19, 2005  
Page 3

In the final analysis, adopting resolutions which purport to establish funding priorities on a piecemeal basis, particularly when they are put forth by self-interested committees which have made no effort to prioritize their importance in light of other community needs, is short-sighted at best.

Once the task force which is currently studying the need for a convention center and arena complex completes its work, and once the Downtown Lincoln plan is adopted, I think there is definitely a need for this community to attempt to prioritize its needs for the next 10 to 15 years, and ascertain how those needs will be funded. Clearly, parks, trails, police, fire, libraries, etc. all need to be part of that equation. Until that effort is completed, however, and clear priorities are established which address the long-term vision of the community as a whole, I would strongly urge the Council to resist efforts to establish funding priorities on a piecemeal basis.

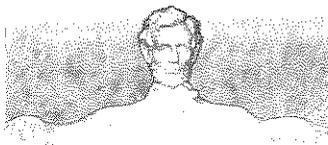
I hope the foregoing adequately conveys my feelings regarding the current initiative by Councilman Cook. If you have any questions or comments, please don't hesitate to give me a call.

Very truly yours,



L. BRUCE WRIGHT

cc: Wendy Birdsall



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

MAYOR COLEEN J. SENG

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

Lincoln Water System  
Public Works and Utilities Department  
Allan Abbott, Director  
2021 North 27th Street  
Lincoln, Nebraska 68503  
402-441-7571  
fax: 402-441-8493

August 18, 2005

Mr. John Ferrin  
1136 N.W. Gary Street  
Lincoln, NE 68521

Dear Mr. Ferrin:

There are two issues raised in your email. The first is regarding the adequacy of the water pressure in the Highland neighborhood. Many areas of the Highlands have good water pressure, and a few areas, especially the west and northwest parts of the neighborhood are less than desired by the many residents. Pressures in these areas that we have measured range between 35 and 45 psi. The design standards at the time this area was developed was 35 psi minimum.

The pressure in a given neighborhood is a function of the pumps that pump into the pressure district, the elevation of the reservoirs where water is stored (for when customer demands exceed the pump capacities), and elevation of the customer. The pressures have not changed in the neighborhood since it was built, and actually should have improved slightly when the new reservoir was constructed on N.W. 12<sup>th</sup> Street in the later 1990's. Pressures to LWS customers vary from 35 psi to 100 psi. These water pressure ranges are a customer service issue, and not a health or safety issue. Even though the pressures in this neighborhood are less than desired by some of our customers, adequate flows are generally available to meet the fire fighting needs of the area. Depending on what pressures a customer has had in the past determines whether they consider the pressures as adequate.

The second issue is that an adequate flow is not available to meet the concurrent use needs of the various plumbing fixtures in your home. The flow in your service is a function of the size of the line and the system pressure. Increasing pressure in our system does not guarantee adequate flow for every customer. Some of the homes being built recently in the Highlands have used a one inch service line and meter, and do not have the same pressure drops that you have experienced.

Because so many of the residents have expressed concerns regarding their water pressure as far back as 10 to 12 years ago, LWS is seeking a solution to this problem. Design began a few months ago on a water main that will link the Northwest Booster District to the Highlands. We expect that the new main will be constructed and placed into service by the summer of 2006. Notifications will be distributed to customers advising when the water pressure district changes are scheduled.

It has yet to be determined exactly which areas within the Highlands will be converted to higher pressures. Currently the entire Highlands is serviced by water mains from 4 different directions. For the area that will be transferred to the Booster Higher Pressure District, the connection will initially be from a single main from the north only, which is where the pump station is located. Damage to that initial single feed pipe could interrupt service to the converted Highlands area where the pressure has been increased from the Northwest Booster.

Each time we make an improvement such as this, there are also customers who call to complain to tell us that the old pressure was just fine, and that they do not like the change. So, you can see how important it is that we carefully evaluate which areas to convert to the new pressure district.

Sincerely,

A handwritten signature in black ink that reads "Jerry Obrist". The signature is written in a cursive, flowing style.

Jerry Obrist  
Utility Coordinator  
Lincoln Water System

cc: Annette McRoy  
Karl Fredrickson  
Steve Masters  
Nick McElvain  
Nicole Tooze



DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>  
07/26/2005 02:02 PM

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

InterLinc: City Council Feedback for  
General Council

Name: John Ferrin  
Address: 1136 NW Gary St.  
City: Lincoln, NE 68521  
  
Phone: 402-438-2488  
Fax:  
Email: john\_ferrin@alltel.net

Comment or Question:

As a Highlands resident, I'm concerned the water pressure provided to the Highlands neighborhood is less than adequate.

Currently I'm not confident in the city's ability to provide enough water pressure to my home and neighborhood. Water pressure performance is seriously degraded if there are multiple faucets/fixtures being used at once. I'm of the belief I should be able to have just two fixtures running at the same time and not see a decline in water pressure, but that is not the case in the Highlands. There are often times when I'm unable to use certain sprinklers in various locations around my property because my home is not provided with enough water pressure. This makes me leery of going to the expense of putting in underground sprinklers because I don't think I'm being provided with enough pressure to make them function properly.

This issue was brought to the city's attention last year during the approval process of the NW13th and Fletcher townhouse project. One of the major concerns of this project was the amount of additional stress these approximately 100 residences would put on an already poor performing system. It is my understanding there is a Belmont pumping station that supplies the water to the Highlands area, yet there is a closer pumping station that could certainly provide better quality water pressure in the Fallbrook development.

Has any progress or plans been made to fix this problem? As a concerned citizen I would appreciate any additional information on this matter.

Thanks for you time and consideration.



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

MAYOR COLEEN J. SENG

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

Engineering Services  
Public Works and Utilities Department

531 Westgate Blvd.  
Suite 100  
Lincoln, Nebraska 68528  
402-441-7711  
fax: 402-441-6576

August 23, 2005

Dan Bare  
5512 W. Chancery Road  
Lincoln, NE 68521

Dear Mr. Bare:

Annette McRoy has forwarded your concerns for my response. The Public Works & Utilities Department has identified the completion of the sidewalk along NW 1st Street as a priority. Unfortunately, we do not have funds allocated for construction of new sidewalk where gaps exist. Adjacent to private properties we make recommendations to order sidewalk construction through City Council action, and require the property owner to construct the sidewalk or pay the assessment for sidewalk constructed through an assessment district. This process is also used in situations where sidewalk gaps exist adjacent to property owned by the City or public agencies. The funds are then allocated when the District is created and paid from the general fund.

When the Highlands area was annexed a number of years ago, the Highlands Coalition was required to complete bike path construction through a extensive area of the Highlands. Unfortunately, this short segment of sidewalk was not included with this requirement. We therefore have to also include this segment in the sidewalk district process. We prepare assessment districts when we have a significant group of sidewalks to complete. This provides an economical price for construction of the sidewalk. We have initiated preparation of a sidewalk district along N. 10th Street and will include this location with this contract. This work is targeted to get underway late this fall or early in the spring.

In the interim, the Engineering Services Construction Division is attempting to include the completion of this sidewalk with some remedial work we have identified for several contractors. If this effort is successful, the sidewalk will be completed this fall.

Your efforts in insuring the completion of this sidewalk is recognized. If you wish to have additional updates this fall, please contact my office at 441-7541 or e-mail [hkroos@lincoln.ne.gov](mailto:hkroos@lincoln.ne.gov).

Sincerely,

Harry Kroos  
Engineering Services

cc: City Council  
Karl Fredrickson  
Roger Figard  
Randy Hoskins  
Scott Opfer  
Karen Sieckmeyer  
Maggie Kellner



Karen K Sieckmeyer/Notes

08/23/2005 11:43 AM

To Thomas S Shafer/Notes@Notes

cc Karl A Fredrickson/Notes@Notes, Roger A  
Figard/Notes@Notes, Nicole Tooze/Notes@Notes, Maggie  
Kellner/Notes@Notes

bcc

Subject 56th & Shadow Pines

Thomas,

Please prepare a response by 8-29-05. Thanks



Hurd - 56th & Shadow Pines.pdf

Karen Sieckmeyer  
Executive Secretary  
Public Works/Utilities  
555 South 10th  
402-441-7566



DO NOT REPLY to this-  
InterLinc  
<none@lincoln.ne.gov>  
07/28/2005 01:42 PM

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

InterLinc: City Council Feedback for  
General Council

Name: Dan Bare  
Address: 5512 W. Chancery Rd.  
City: Lincoln, NE 68521

Phone:  
Fax:  
Email:

Comment or Question:

Please look into the construction of a side walk on city property along NW 1st street south of Fire Station 14. Again this is city property. Now that West Fletcher Street is connected from NW 12th over to NW 27th the traffic is even heavier.

# M e m o r a n d u m

---

**To:** Patte Newman

**From:** Scott Opfer  
Public Works and Utilities

**Subject:** Request for Information #36 - 44<sup>th</sup> & Cleveland Stop Sign

**Date:** July 28, 2005

**cc:** Karl Fredrickson, Chief Tom Casady, Roger Figard, Randy Hoskins, Allen Lee

In response to your request for information regarding first, the evaluation for “Stop” sign control at the intersection of 44<sup>th</sup> & Cleveland Avenue and second, our criteria for determination of “Stop” sign control, we offer the following:

Over the past ten years, the intersection of 44<sup>th</sup> & Cleveland Avenue has experienced one (1) crash per year. This number is slightly below the average we see at similar locations around Lincoln. Typically, intersections of two local streets without any traffic control in Lincoln average around 1.3 crashes per year. So, as you can see, the ten (10) year average is below the annual City average. One of the other things we look at is the average number of crashes we might expect if we were to control the intersection. Again, in Lincoln, intersections of two local streets with either “Stop” or “Yield” control average about 1.5 crashes per year. Again we see that the average which is currently occurring at 44<sup>th</sup> & Cleveland is lower than what we would expect to experience with traffic control. In addition, when we get a request for traffic control, one of the first things we do is go to the location and see if there are any visual obstructions at the intersection which may be contributing to the crashes that are occurring. In the situation of 44<sup>th</sup> & Cleveland, the two corner properties on the south side of Cleveland, have been contacted in the past to trim shrubbery and trees due to sight obstruction complaints. A recent trip to the intersection revealed that the vegetation has again grown to a level where it has become a sight obstruction. We will follow-up with another letter to the two property owners.

As far as the criteria we use to determine if we should install “Stop” or “Yield” control, I’ve already mentioned the primary things we look at. First, we look at the crash history and second, we look to see if there are issues with visibility which can be addressed. The primary reason we desire to leave our intersections uncontrolled is the fact that in most cases, they are safer. I already mentioned the crash averages for Lincoln (“Non-Controlled” - 1.3 crashes/year vs. “Stop”/“Yield” Controlled - 1.5 crashes/year). Also, the more neighborhood streets we control usually means the more the traffic speeds along these residential streets increases. Think about it. In your neighborhood, if you’re driving down Randolph Street east of 56<sup>th</sup>, don’t you tend to drive faster because you know that the side streets have to stop for you vs. when you drive down Eastridge and are approaching Sunrise, you tend to slow down to make sure the intersection is clear before you enter it. This is and has been our philosophy in Lincoln. Omaha does use much more traffic control in their neighborhoods and if you’ve noticed, they are really struggling with “Traffic Calming” issues throughout their City.

Patte Newman  
Page 2  
August 24, 2005

In my opinion this is due to vehicle speeds and is directly related to the fact that most of their intersections are controlled.

In summary, we don't believe that the intersection of 44<sup>th</sup> & Cleveland warrants the installation of traffic control. We believe that adding "Yield" or "Stop" signs will have an overall negative impact on traffic in the neighborhood, potentially increasing vehicle speeds and with Huntington Elementary and Upco Park within two blocks of this intersection, we have many children walking in this area. We will contact the two property owners again, to have their vegetation trimmed back to provide for adequate sight distance.

Finally, we take great pride in the fact that over the past 12 years our overall number of traffic crashes in Lincoln have remained relatively constant, while the number of vehicles on our streets has dramatically increased. We believe that this consistent reduction in the crash rate is directly related to our policies and practices, such as our philosophy on traffic control along residential streets. A secondary benefit is that with budgets as tight as they are, the limited use of "Stop" and "Yield" signs helps to keep our costs down.

Patte, let me know if you need additional information or if I can be of further assistance in this matter.

Thanks,

Scott Opfer

Lincoln City Council Office  
555 S 10<sup>th</sup> St  
Lincoln, NE 68508

RECEIVED  
AUG 19 2005  
CITY COUNCIL  
OFFICE

Dear City Council Members,

The ability to speak has, since the rise and fall of the Roman empire to the start of the technological revolution, given the Politician, the Prophet, the Poet and all others a tool to motivate and provoke thought. Certainly discussion, the cornerstone to democracy, is a product of speaking, while speaking is often a product of discussion itself. What this generation has failed to grasp is the power of speech. The internet, television, most technologies and the speed at which we live have shoved a simple democratic right on the back-burner. Without discussion, we have no democracy.

This letter, too, is a simple form of democracy that has long been forgotten. My request will hopefully assist in proving my point.

For the past five years, or since my sophomore year of high school, I've devoted myself to Forensics competition, both in speech and debate. My freshman year here at the University of Nebraska, I joined the Forensics team and was delighted to be a part of its long tradition of success, some of which includes: four national champions in the past five years, placing among the top twenty teams for the past ten years in a row, and national champions in all individual events in the past twenty years. This last year we placed 8<sup>th</sup> as a team (out of about 130 teams), the national champion Persuade, and eight out-round events all-together. On a smaller scale, we're the top team in the state and in our district.

Despite our consistent success, we receive very little attention from the University. In fact, we had to solicit attention from the Daily Nebraskan to receive any attention about our national success. Last year, we took sixteen competitors to the AFA-NIET national tournament in Manhattan, Kansas and barely had the funds to make the trip. The Communications department could do very little to help our on-going financial dilemma. This year the national tournament will be held in Florida, and potentially not being able to bring several qualified competitors for financial reasons will greatly hinder the team success and take away from the experience for younger competitors.

Decreased emphasis on Forensics among educational institutions is largely hypocritical, but something competitors have become adjusted to. However, as I mentioned earlier, I'd like to use the skills I've gained through Forensics to strive for a change to this norm. With more financial devotion from the University and attention from the student body itself, the reintroduction of democracy through public-speaking will help our country to better articulate life itself.

Sincerely,



Christine Osborn



"Thomas, Emmy L [CC]"  
<Emmy.L.Thomas@sprint.com>

08/22/2005 10:10 AM

To <council@lincoln.ne.gov>

cc

bcc

Subject: limousine service monopoly complaint

I am writing to condemn the current state of the limousine service market in Lincoln, which as it stands is a monopoly. VIP Limo, by buying every other independent Lincoln limousine company as I understand it, is now able to charge exorbitant rates, cheating customers out of the benefits of a free market economy with healthy competition. My suggestion to correct this problem would be to allow Luxury Limo out of Syracuse to resume operations in Lancaster County and the city of Lincoln, so that competition can once again benefit the city's residents and tourists. I live in Kansas City and have found the average cost of limousine services for special occasions, a night out, etc. to be no more than \$100 per hour, with no minimum, on weekend nights. So I was shocked to find that my only option for limousine service in Lincoln would cost more than \$200 per hour, with a 3-hour minimum – in other words, more than \$600 just to have limousine service for an evening (in fact, we were quoted over \$700)! This is deplorable. As a frequent traveler to Lincoln, it would be nice to have an option for limo transportation to and from events at the Lied Center, which we often attend. Having worked with Luxury Limo before, I can say they are an excellent company and charge fair prices for their services, so I was quite disappointed to learn they have for some reason been prohibited from operating in the Lancaster County/Lincoln area. Please do the right thing for your residents and visitors and allow Luxury Limo to operate in Lincoln so fair limousine prices can once again be available in Lincoln.

Thank you.

**Emmy Thomas**

Sprint, Media Relations

Office: (913)794-3467

Wireless: (913)707-0618

Fax (913)794-3467

Emmy.L.Thomas@sprint.com



vhopkins@nsp.state.ne.us  
08/23/2005 12:43 PM

:pnewman@lincoln.ne.gov>  
np@lincoln.ne.gov>  
yy@lincoln.ne.gov"  
lincoln.ne.gov>  
tgrammer@lincoln.ne.gov>

rmit #05006

Please see the attached letters  
Meeting agenda item on the Grai

ity Council  
#05006.

(See attached file: Aug 22 2005  
attached file: June 3 2005 Lett  
Council.doc)

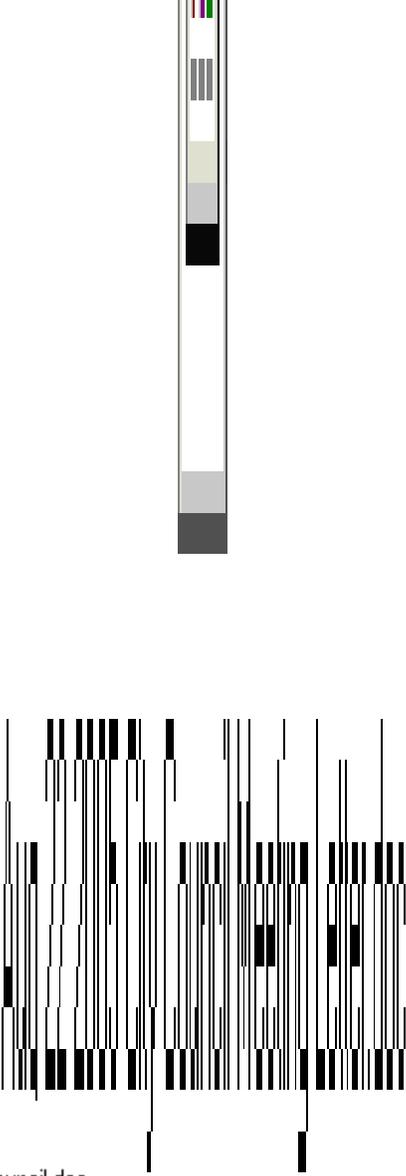
er.doc)(See  
to City

Thank You!

~~~~~  
Vicki Hopkins  
3801 Diablo Dr.  
Lincoln, NE 68516  
~~~~~



June 3 2005 Letter on Grainger Townhouses to City Council.doc



June 3, 2005

Lincoln City Council Members  
Lincoln City Council Office  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

This letter is being sent to you to express my opposition to the proposed townhouse development in the area of "Outlot G", Pine Lake Heights South 7<sup>th</sup> Addition. (north of Grainger/south of Diablo Dr./west of 40<sup>th</sup> St.)

My opposition lies in two main areas: safety and equity.

1. This area was always intended to be an office park. As such, there is only one residential connection, 38<sup>th</sup> street, for the north, east and west boundaries of the area. Office park patrons would not have the familiarity to utilize the neighborhood streets and would therefore utilize the main roads (Grainger/ 40<sup>th</sup>). The one residential street connection could handle the small amount of traffic that would utilize it.

With the townhouse proposal of 130 units (>200 vehicles), these residents will have ONE way they will go to north – 38<sup>th</sup> St. 38<sup>th</sup> St. is a short street that ends in a T-intersection at Diablo Dr. Vehicles would have to either take four very short turns in a distance of less than 200 yards to get out to 40<sup>th</sup> street or take Diablo to 36<sup>th</sup> and around Cavett Elementary School. The traffic back up in the mornings will be horrendous and personally, I will not be able to get out of my driveway which faces 38<sup>th</sup> St.

The main problem is the intensity of the traffic in this small area. The Cavett School traffic plan for the **700+** students enrolled that has been approved by Lincoln Police Department, the City Traffic Engineer's Office, and the Public School's Safety Consultant routes all outgoing traffic down Diablo along with all incoming traffic from the east. Diablo Dr. is NOT a "Collector Street". It is narrower than San Mateo (one block to the north) and always has numerous calls parked along it. Cavett evening events that go on all year long create an abundance of on-street parking along Diablo, 36<sup>th</sup> and Scottsdale Ln. The speeds along these streets are often excessive and there is a dangerous blind spot as you round the corner from 32nd to Scottsdale Lane. Adding 200 more cars going these routes is a dangerous situation for the hundreds of children/families in this area and goes against the City's Comprehensive Plan of locating schools and streets in such a way that children can get to and from school in a safe manner.

While townhouse development may be a "permitted use" included in the O-3 zoning, it is

NOT AN APPROPRIATE ONE in this instance. If the intent was to allow for residential housing (of any kind) there should have been other ways to get out through the adjoining neighborhoods. I have nothing against townhouses. I have lived in them numerous times and think it is a nice option for people; however, there are too many being put in this area considering the limited street options.

2. My second point of opposition lies in the immense disparity between the setback of my neighbors and the setback behind my house. I live on the corner of 38<sup>th</sup> and Diablo Dr. The proposal intends to place a two story townhouse, on the same level as my back yard, 15 feet from my property line. My neighbors all the way around the development (except for one – which has the same issue as I do) have a 40 foot setback and the units will be 6-10 feet lower than their yards. This is an issue of privacy and safety for my family. I am told that the reason is because it is a “side yard” (the townhouse is to sit sideways). It may be a side yard for them, but it is still a “rear yard” for me. We will spend a majority of our time in the back yard. The unit also has second story windows. All I ask is for equality.

In addition, this is a different type of housing at a different cost to buyers. There should be a gradual transition from the single family homes to these units. Forty feet of green space, behind my yard would be equal with my neighbors and would allow for some nice landscaping and a maybe a sign for “Grainger Heights”.

In conclusion, I ask that for the safety of our neighborhood families that you deny this townhouse proposal, or at the very least, significantly reduce the numbers of units that can be built here and maintain the equality of the setbacks FOR ALL OF US!

Thank you for your time.

**Vicki Hopkins**

Vicki Hopkins  
3801 Diablo Dr  
Lincoln, NE 68516

Aug. 22, 2005

Lincoln City Council Members  
Lincoln City Council Office  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

In June of this year, I and several of my neighbors sent you all letters expressing opposition to the proposed townhouse development in the area of "Outlot G", Pine Lake Heights South 7<sup>th</sup> Addition. (North of Grainger/south of Diablo Dr./west of 40<sup>th</sup> St.) This is described as Use Permit #05006 on the Aug. 29<sup>th</sup> City Council Agenda.

Many of us appeared before the Planning Commission in an attempt to discourage approval of the development, based on the terrible traffic situation it will inevitably cause. Unfortunately our message was not clear, as was evident from the comments made by the Commission prior to their recommended approval of the use permit.

After this meeting, I personally spoke with the developer's attorney, DaNay Kalkowski on numerous occasions. I explained our serious concerns about the traffic coming up 38<sup>th</sup> street and onto Diablo Dr. They appeared to be interested in working with the neighbors and developed an alternate plan to propose to the City Council that included a walkway connection at 38<sup>th</sup> St., as opposed to a street connection. The developer, the builder and the neighbors on Diablo Dr. and nearby streets all felt this would be an acceptable compromise. It allowed the development of the townhouses, while better dispersing the traffic to several streets as well as out to the main 40<sup>th</sup> street.

However, Ms. Kalkowski and others later met with the Planning Department and were told they would have to apply for a "block length waiver" and "neighborhood connection" waiver if they were going to pursue closing 38<sup>th</sup> St. We were told they did not want to pursue this because of the extra time it would take.

It is extremely disturbing to me that safety is an issue for them only if it fits into their timetable. We have a petition of over 200 nearby homeowners who are concerned about the traffic that will be funneled onto Diablo Dr. and around Cavett elementary. As you may reference in my original letter of June 3, 2005, a large amount of traffic is already intentionally routed down Diablo Dr. The additional 400+ vehicle trips per day (from Randy Hoskins – Traffic Engineer) from the townhouses would be unreasonable and dangerous given this particular location.

We have heard from Ms. Kalkowski that we are exaggerating the impact that 130 townhouses would have on the neighborhoods to the north. We have been told that the

majority of the townhouse residents will “go south to Grainger and out to 40<sup>th</sup>”. Then I ask, “Why not close off 38<sup>th</sup> St. and ensure the safety of the residents on Diablo Dr. and the surrounding streets, as well as the hundreds and hundreds of families that will drive down Diablo Dr. on a daily basis going and coming from Cavett?” This is not a unique situation. Just to the north, Elk Ridge Rd comes to a dead-end at the Security Financial Life Insurance Co. This was an example of the neighbors concerned about traffic and the developer (same as the Grainger townhouses) addressing those concerns.

I ask you to take this letter, those of my other concerned neighbors and the testimony of the neighbors at the Aug. 29<sup>th</sup> City Council Meeting into consideration and take action that would show those that wish to develop in our city that they need to do so responsibly and take the extra steps to ensure that their projects will not affect the safety of the children in the surrounding neighborhoods.

In conclusion, I ask that for the safety of our neighborhood families that you postpone approval of this use permit, and recommend the developers apply for the two waivers that would close 38<sup>th</sup> St. and keep the adjoining neighborhood safe from excessive traffic.

Thank you for your time.

**Vicki Hopkins**

Vicki Hopkins  
3801 Diablo Dr  
Lincoln, NE 68516

August 17, 2005

Donald W. Linscott  
CB Richard Ellis/MEGA  
300 North 44<sup>th</sup> St., Suite 100  
Lincoln, NE 68503

Dear Mr. Linscott:

Thank you for your letter regarding the joint effort of city, state, and university in Madison, Wisconsin, to generate a biotechnology industry. Your suggestion for us to replicate that effort in Lincoln is, in fact, consistent with our continuing efforts. The Antelope Valley project is essential to free sufficient land from the flood plain to permit such a development to occur and, indeed, is planned as part of the redevelopment efforts. The Beadle Center you mentioned is far beyond its capacity already so this enterprise will require additional investments by the State in physical facilities at the University to permit our current efforts in biotechnology to continue. These are matters that the University is pursuing and we are working hard to expand our research capacity in the life sciences subject to the physical restraints we face. I appreciate your thoughtful communication.

Sincerely,



Harvey Perlman  
Chancellor and Harvey & Susan Perlman Alumni  
Professor of Law

cc: The Honorable Dave Heineman  
Mayor Coleen Seng  
Senator Chris Beutler  
Wendy Birdsall, Lincoln Chamber of Commerce  
Robin Eschlman, City Council  
✓ Ken Svoboda, City Council  
Dr. F. Fred Choobineh, P.E., Director, Nebraska EPSCOR  
J.B. Milliken, President Central Administration  
Prem Paul, Vice Chancellor for Research



Center  
for  
People  
in  
Need

RECEIVED  
AUG 22 2005  
CITY COUNCIL  
OFFICE

August 19, 2005

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

Dear Dan:

Thank you for your support of the StarTran "Ride for Five" program for low-income people. I understand that the budget was tight, and I appreciate your keeping the rates for the "Ride for Five" program unchanged.

This program is important to low-income riders because frequently the bus is their only source of transportation. As you know, recent survey results report that low-income people regularly use the bus to get to work and to medical appointments. This program is not only good for low-income riders, but also for the economy. Additionally, in times of high gas prices, it is important that public transportation is supported so that more people can develop patterns which are more environmentally and economically sustainable.

I appreciate your commitment as well as that of the rest of the City Council members in keeping this program unchanged.

Sincerely,

Beatty Brasch  
Executive Director  
Center for People in Need



11248 John Galt Boulevard • Omaha, NE 68137

Phone (402) 339-1200 • Fax (402) 339-7382

August 19, 2005

The Honorable Colleen J. Seng, Mayor  
City of Lincoln  
555 S. 10<sup>th</sup> St.  
Lincoln NE 68508

RECEIVED

AUG 22 2005

CITY COUNCIL  
OFFICE

RE: Harris Overpass

Dear Mayor Seng:

As you know, we operate the main location for the City's keno lottery at 955 West "O" Street. Due to our heavy reliance on "O" Street for all of the traffic to our building, we have been closely watching and listening to the debate over the Harris Overpass. We have been particularly interested in the issue of whether the bridge should be closed completely during construction, or left open to one lane of traffic in each direction. We support leaving the bridge open.

We understand that leaving the bridge open will potentially lengthen the construction schedule to two years. Many businesses in the Haymarket have expressed a concern with the inconvenience of having the construction go on for that long. But regardless of how long construction lasts, it is clear that most of the people who frequent the Haymarket live and work east of the bridge, and will have no trouble getting to the Haymarket during construction.

For our customers, getting to our location will be difficult. We believe most of our customers will simply quit coming to our main location if the bridge is closed. And we fear that it would take a long while for them to come back after the bridge re-opens.

We believe that the keno revenue loss that would be caused by bridge closure will also extend to our satellite locations, even those east of the bridge. Satellite players must go to the main location to redeem large prizes. We believe the difficulty of getting to our location if the bridge is closed, will deter satellite play.

Unfortunately, this construction project comes at the most difficult time our company has experienced in Lincoln. Keno revenue in the satellites is down 16% year-to-date, and revenue at our main location on West "O" is down 27%. Revenues in our Omaha and Fremont markets are up for the same period. The only difference between the cities appears to be Lincoln's city-wide smoking ban which went into effect this year. Keno revenues in Denton and Waverly, which allow smoking, have increased dramatically.

The Honorable Colleen Seng  
August 19, 2005  
Page Two

The loss of revenue has caused us to reduce our staff significantly, and has also impacted our ability to generate revenue for Lincoln Parks through pickle card sales. So far, we have seen no signs that the situation is getting any better.

Before 2005, we had managed to increase keno revenues in Lincoln every year since we opened in 1993. Even the year casinos opened in Council Bluffs, and the year our main location burned to the ground.

Mayor Seng, we understand that there are many factors which must be weighed in determining whether or not the Harris Overpass will be closed during construction. The potential damage to our business and the impact on City keno revenue are only two of the many issues the City must balance in making this decision. We felt, as the City's keno operator, that we had to make you aware of our concerns in this matter.

Please feel free to call me, or our General Counsel Bill Harvey at 339-7776, if you wish to discuss this matter further.

Very truly yours,



Daniel G. Pankow

C: City Council  
Public Works  
Finance Department  
Harris Overpass Advisory Committee

August 24, 2005

RECEIVED

AUG 24 2005

CITY COUNCIL  
OFFICE

Chairman Svoboda and City Council Members,

I am writing to express my concern regarding the City Council Bill No. 05-129, amending Ordinance No. 17381 to allow for construction of a west leg to the South 56<sup>th</sup> and Shadow Pines Drive intersection which will connect South 56<sup>th</sup> Street to Stephanie Lane.

For the record, my wife, Victoria Schwab, and I are adamantly opposed to this proposal. Our house is located on a dead end at 6730 Stephanie Lane, which is immediately adjacent to the south of the proposed extension of Shadow Pines. In addition to the potential negative impact it will have on our property value, we are also concerned about safety issues, as many young children live on Stephanie Lane and the increased traffic will be a safety factor. Additionally, traffic flow will definitely be a problem on Stephanie Lane as the street is very narrow and will not easily accommodate two way traffic as well as on street parking.

Aside from these personal, safety and traffic flow problems, I am dismayed and disillusioned by the process the city has taken to deal with this matter. For your information, we had at least four meetings with HWS and /or city staff to discuss the plans for the West segment of the 56<sup>th</sup> and Pine Lake construction. In January 2005 we were issued a check from the city of Lincoln as compensation for a temporary easement. It was my assumption at that time that a decision had been made not to construct the west leg of Shadow Pines. In fact, the [www.56pinelake.com](http://www.56pinelake.com) web site newsletter dated February 2005 specifically states that the Data Collection/Preliminary Design and Final Design of the West Project were complete and that the construction date was contingent upon funding. (See attachment #1). Based on that information, I, and many others, made the natural assumption that the plan was finalized and that completion of the project was contingent upon funding!

Another reason, I assumed that the project plan had been finalized and that no further construction on Shadow Pines was being considered, is that the city recently tore down a large barricade at the dead end in front of my house in July 2005 and installed a new barricade. If they knew they were planning on opening Stephanie Lane, why did they waste taxpayer money, knowing that they would soon be tearing down the new barricades?

It has come to my attention that the staff of Urology P.C. at 56<sup>th</sup> and Pine Lake was opposed to making a U-turn at 56<sup>th</sup> and Pine Lake to travel north on 56<sup>th</sup> street and they preferred a connecting leg to 56<sup>th</sup> Street at the north end of Stephanie Lane. Thus, this issue has resurfaced. Perhaps you are not aware that HWS conducted a survey in Jerrold Heights of neighbors "most affected by the proposal," and my neighbors overwhelmingly opposed having an additional street at the proposed site on Shadow Pines. (See attached survey).

The only other alternative we were given was to turn right on Madalyn Road and go south to the intersection of 56<sup>th</sup> and Pine Lake to make a U-turn to go north. This is what our neighbors supported, however, most preferred to still be able to turn left on

Madalyn Road as we currently do, with or without streetlights at that intersection. We were told that the City would not even consider that option, and thus we were not given the option to vote on it.

Another alternative, and the one favored by my wife and me, as well as my neighbor, Ron Steeves at 6400 Cumberland Drive, who owns the acreage whose property you plan to turn into a road, would be to open Cumberland Drive to the south by removing the barricade that is currently there. The road has already been constructed, a precedent has been set by opening Concord Road to the west into the Lee's Ridge neighborhood, and most importantly, it would equalize the access to exit Jerrold Heights onto Cumberland Road, as it is centrally located at the north end of Jerrold Heights. Also, you would address a safety issue by enhancing police, fire and ambulance services by providing more direct access to the Jerrold Heights neighborhood. The cost for adding a one-block extension to Shadow Pines has been estimated at \$71,000 for planning and construction. I would imagine that opening Cumberland Road to Jerrold Heights could be done for a few hundred dollars! To my knowledge there are only three or four houses along Cumberland road, thus the traffic flow and safety issues could be minimized by opening Cumberland Road to allow Jerrold Heights residents to turn north onto 56<sup>th</sup> street, as Lee's Ridge residents currently do.

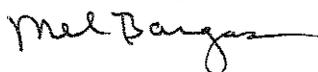
The last point I want to make is that I was neither notified by the City or HWS that this bill was being introduced at the City Council meeting on August 22, 2005. In addition, none of my neighbors being directly affected by this amendment to the ordinance, were contacted by HWS or any city representative. This action gives the appearance that the city is trying to bypass citizen input on this important issue by not notifying any of us. I feel that we were denied the courtesy of being notified that the city was changing its' position on a previously approved plan, for whatever reason, and I only hope that it is not typical of how the Public Works and Utilities Department operates.

Thank-you for the opportunity to provide input on this very important manner. I am only sorry that most of my neighbors were unable to respond to this action by the City Council due to the lack of notification of this proposed action.

I know that each of you will make the decision that you feel is best for the city of Lincoln, and I respect you for that. I just want you to be able to make an informed decision based on input from individuals most directly impacted by your actions, and not just by information provided by city staff who have their jobs to do and whose recommended solutions are not always in the best interests of your constituents.

If you would like to discuss any of these matters with me, I would be glad to hear from you.

Thank-you for your consideration.



Mel Bargas  
6730 Stephanie Lane  
Lincoln, NE 68516

Home Phone: 402-423-6743  
Cell Phone: 402-440-5289  
Email Address: [schwabbargas@earthlink.net](mailto:schwabbargas@earthlink.net)

Attachments: (2)

# GENERAL PROJECT DESCRIPTIONS:

## DESIGN OVERVIEW

Roadways will be designed to urban standards:

- Four through-lanes with turn lanes at designated locations
- Raised medians in designated areas
- Curbs, storm sewers, and sidewalks
- Traffic Signal Upgrades
- Roadway lighting will be installed
- Pedestrian/bike under-crossings
- U-turns will be permitted where signed

## DESIGN STAGE

 **WEST** – final design complete

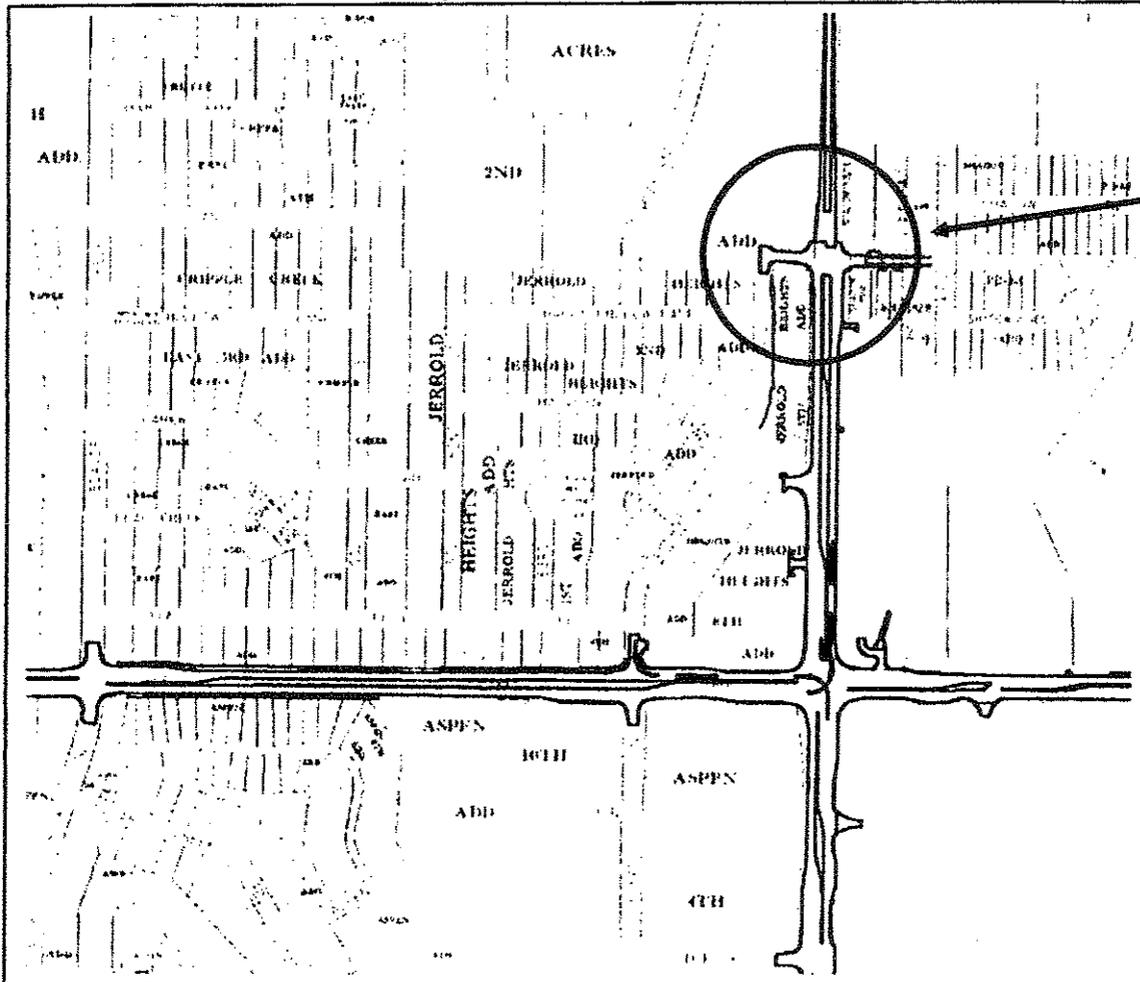
**NORTH, EAST and SOUTH** – are in the preliminary design stage.  
Final design to be complete between February and August 2005.

## PROJECT SCHEDULES

Project Location	Data Collection/ Preliminary Design	Final Design	Right-of-way Negotiations	Construction Date
<b>North:</b> S. 56th St. from Old Cheney Rd. to Shadow Pines Dr.	February 2005	Fall 2005	Contingent upon funding	Contingent upon funding
<b>East:</b> Pine Lake Rd. from S. 61st St. to Highway 2	February 2005	Fall 2005	Contingent upon funding	Contingent upon funding
<b>South:</b> S. 56th Street from Thompson Creek Blvd. through Yankee Hill Rd.	February 2005	Fall 2005	Contingent upon funding	Contingent upon funding
 <b>West:</b> Pine Lake Rd. from S. 40th to 61st St. and S. 56th St. from Shadow Pines Dr. through Thompson Creek Blvd.	 Complete	 Complete	In progress	Contingent upon funding

These were the only options we were given to vote on, and my neighbor voted overwhelmingly to support option one (1). There was no option for a left turn from Madalyn Road.

McBarron



**Option 2  
Add this  
intersection**

**Option 1 Do Nothing on Shadow Pines Drive. Closed Median at Madalyn Road.**

Traffic from neighborhood wanting to travel north on 56<sup>th</sup> Street will need to turn right from Madalyn Rd onto southbound 56<sup>th</sup> St. and make a U-turn to northbound 56<sup>th</sup> Street. Or turn east from Beaver Creek Ln onto Pine Lake Rd and then turn north on 56<sup>th</sup> St.

**Pros:** No increased traffic on Happy Hollow or Stephanie Lane

**Cons:** Increased traffic on Beaver Creek; Traffic will have to make U-turn at 56<sup>th</sup> and Pine Lake to travel north.

**Option 2 Construct Shadow Pine Intersection & 56th Street on west side to connect to Stephanie Lane**

Traffic from Neighborhood wanting to travel north on 56th street can utilize newly constructed shadow pines. Or turn right from Madalyn Rd onto southbound 56<sup>th</sup> St. and make a U-turn to northbound 56<sup>th</sup> Street. Or turn east from Beaver Creek Ln onto Pine Lake Rd and then turn north on 56<sup>th</sup> St.

**Pros:** Ability to turn north onto 56<sup>th</sup> St. (There will be no traffic light at this intersection); additional access point for neighborhood.

**Cons:** Increase traffic on 52<sup>nd</sup> St, Happy Hollow and Stephanie Lane; No traffic light will be installed at the new intersection; Increased safety hazard for children on 52<sup>nd</sup> St, Happy Hollow Ln and Stephanie Ln.

for city council  
meeting - August 29, 2005

RECEIVED

AUG 24 2005

CITY COUNCIL  
OFFICE

August 22, 2005

Lynn and Doris Morrison  
6740 Stephanie Lane  
Lincoln, NE 68516

Lincoln City Council

**RE: SHADOW PINES EXTENSION, WIDENING 56TH STREET**

We are directly affected residents of the proposed Shadow Pines extension street. We wish to voice our concerns and offer suggestions, options and alternatives.

**We are concerned that the Shadow Pines extension will have negative effects by:**

1. **Devaluing properties** due to the amount of traffic directly in front of, behind, and to the north, essentially placing properties on a peninsula surrounded on three sides by traffic, noise and other pollution.
2. **Losing on-street parking directly in front of properties;** this is the type of housing development that requires on-street parking, and the property tax assessments also reflect that privilege. We believe it will be hard to find people who would be willing to live in this type of neighborhood and housing with no on-street parking allowed in front of the house.
3. Difficulty exiting homes, due to the amount of traffic during peak times.
4. No stop light on 56th Street and Shadow Pines, thus causing traffic jams that could block driveways.
5. Being a cumbersome access for emergency vehicles, due to its only connection with Jerrold Heights by a sharp, 90-degree turn onto Stephanie Lane.

**These are some options and alternatives we would prefer:**

1. **Allow left-turn access from Madalyn onto 56th** as originally planned and developed. This would be to best interest for those in the established community of Jerrold Heights. This would obviously also benefit Urology, PC the most, as their patients would not have to wander through an unfamiliar neighborhood to exit after procedures, etc. We realize the city engineers do not consider this an option, but left-turns onto 27th Street and 70th are allowed as close or closer to major intersections (27th and Pine Lake and 70th and Old Cheney).
2. **Not build the Shadow Pines extension** and just allow U turns on the 56th and Pine Lake intersection for north-bound access to 56th street from Jerrold Heights, as proposed and agreed upon.
3. **Opening Cumberland Drive as the permanent left-turn access to 56th Street for the Jerrolds Heights division instead of building the Shadow Pines extension.** This would have many benefits as it would:
  - A. Allow smoother access to and from Jerrold Heights because it would make one less 90-degree turn for access (by not having the same sharp, 90-degree turn for

Lynn & Doris Morrison  
6740 Stephanie Lane  
RE: Shadow Pines Extension and 56th Street widening

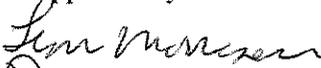
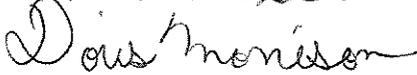
everyone between Shadow Pines and Stephanie Lane very close, only five or six car lengths, to the 56th Street intersection).

- B. Allow smoother access to and from 56th for more people.
- C. Allow better emergency vehicle access to more locations in Jerrold Heights.
- D. Not cause several properties to be placed on a peninsula surrounded by traffic, noise, and other pollution.
- E. Allow more options for future development in the acreage areas north of Jerrold Heights and Shadow Pines with better access to 56th Street.

**Here are some suggestions that could help make the end results safer and more equitable:**

1. **If the Shadow Pines extension is built, also open Cumberland Drive permanently to relieve some of the traffic off the narrow Stephanie Lane around the sharp 90-degree turn onto the Shadow Pines extension.**
2. **If the Shadow Pines extension is built, please allow us to have on-street parking directly in front of our homes.**
3. **Make the Shadow Pines extension one lane wider, or make it a one-way street, only an exit from Jerrold Heights for better traffic flow.**
4. **Place one sidewalk along 56th Street between Madalyn and Shadow Pines on the east side of 56th and not on the west side, as planned, as there already is a sidewalk mostly parallel to 56th Street just a little over 100 feet west of 56th on Stephanie Lane.**
5. **Lower the speed limit to 40 miles per hour on 56th Street north of Pine Lake for safety purposes, due to its proximity to many dwellings.**
6. **If Shadow Pines is built, put in a stop light at its intersection with 56th Street immediately for safety purposes and to relieve traffic. The visibility from Shadow Pines would not be the best due to trees and structures.**

We appreciate your careful consideration of these concerns and suggestions.

Lynn and Doris Morrison

AUG 25 2005

CITY COUNCIL  
OFFICE

The article "Cities Gear up to Fight tax" in July 17<sup>th</sup> Journal Star caught my attention and prompted this letter. Normally I don't voice my opinion about what happens in Lincoln, but this proposed tax affects me, so I feel compelled to write.

Generally, elected officials make decisions concerning what's in the best interest of the community. However, sometimes poor information or misrepresented facts affect their decisions. Is there a need for such a tax? I doubt it; for the following reasons:

1. In my opinion, the city squanders their road construction funds on elaborate unnecessary construction in some areas. Are the street improvements being made really necessary to move traffic or are they more politically motivated?
2. Most of the county roads in the Lincoln area have been improved and in most cases have 100 feet of right of way, either acquired as part of a project or dedicated in subdivisions. For years most of the county road improvement projects have been in the Lincoln area.
3. The present Corridor Protection mechanism has been in place for years and has been effective in preventing development in the proposed route area. Why is it necessary to protect the east beltway and not the south beltway, and how do the county-city officials intend to do this? My understanding is that purchasing land now for some future potential project (land banking) is not allowed. I think the city's Northeast Radial acquisitions should be an indication of why this should not be done. It is also my understanding that the Department of Roads usually makes the acquisition of right of way for these types of beltway projects.

It is my opinion that the city, through poor management, has exhausted their options for revenue and want to "suck" the county into an agreement to expand their tax base instead of spending the monies they have more wisely.

The City of Lincoln, area size, is only a small portion of Lancaster County, which consists of many other incorporated towns. Why would such a revenue sharing agreement not include the other communities? Surely it can't be because the populace of the county (voters) reside within the City of Lincoln.

One thing proposed, that I do agree with, is that there needs to be more communications and coordination of road improvements not only with the City of Lincoln but also with the other communities within the county. Two good examples are the county's paving of So. 27<sup>th</sup> and So. 40<sup>th</sup> streets that left a gap of gravel between the county's paving and the city's paving. I believe that there can be cooperation and coordination concerning road improvements, which can minimize the cities or towns costs when they annex a roadway. This is not a new concept. In the early 1970's when I designed No. 27<sup>th</sup> Street north from Superior Street to Arbor Road, for the county, I contacted the City Engineers' office and the grade I designed was to city specifications wherever possible. There may be many ways to make projects adjacent to the city or the towns more cost effective.

Concerning the wheel tax and the need to raise revenue for street improvements, I offer the following:

My recollection is that the city's wheel tax was intended to help the city "catch up" on the needed street repairs and was supposed to be a temporary tax in the amount of 50 cents per wheel. The voters in the City of Lincoln approved this

tax. How did the wheel tax evolve into the "Monster" that it is today? I'm not aware of anyone who favors this tax, but instead of organizing and doing something about it, the citizens would rather grumble and criticize those who drive on the streets without paying the tax. For years I lived outside Lincoln and drove on the city streets to work and to purchase items in the city. I was confronted and criticized by many people who paid the tax because I drove on the streets. Their displeasure was well placed, but I felt exonerated by the implementation of the city sales tax. Now, I was contributing money to the city through my purchases, which I'm sure amounted to more than the wheel tax. I don't know where that tax money goes, but in my case I'm not aware of any benefit from it. I felt this was taxation without representation, but I also considered it my contribution for driving on city streets.

Who drives on city streets, who should pay, and how should they pay? People who drive on city streets who don't pay the wheel tax include, but are not limited to travelers who pass through Lincoln and Lancaster County on their way to the "Good Life", shoppers, professional people, students, employees and retirees. The end result is that people are coming to Lincoln to spend money. Even though they drive on the streets, they contribute to Lincoln's economy.

Extending the wheel tax into the county may breed contempt between rural residents of the county and the City of Lincoln. Who knows where that may go?

In my opinion the most equitable way to ensure everyone pays their fair share is to eliminate the city wheel tax and amend the city sales tax to provide for a portion to be applied to street maintenance and improvement. The percentage of sales tax for street improvements could be larger for luxury items and non-essentials.

A county wheel tax will not include many people who work in Lincoln, because they live outside the county. Neither will an employment tax because not all people who travel the streets are employed in Lincoln. However, almost everyone spends money.

I think we don't need a big hassle over this thing. Let an informed decision be made that creates a win-win situation for everyone involved.

Kenneth W. Sherwood  
2011 W. Rokeby Rd.  
Lincoln, NE 68523  
(402) -423-8675  
Lancaster County Employee for 36 years  
Retired as Right of Way manager in 1999  
Republican Candidate for County Commissioner,  
District 1- 2002

Aug. 25, 2005

Lincoln City Council Members  
Lincoln City Council Office  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

RECEIVED  
AUG 25 2005  
CITY COUNCIL  
OFFICE

In June of this year, several of my neighbors sent you all letters expressing opposition to the proposed townhouse development in the area of "Outlot G", Pine Lake Heights South 7<sup>th</sup> Addition. (North of Grainger/south of Diablo Dr./west of 40<sup>th</sup> St.) This is described as Use Permit #05006 on the Aug. 29<sup>th</sup> City Council Agenda.

Many of us appeared before the Planning Commission in an attempt to discourage approval of the development, based on the poor traffic situation the planned development will inevitably cause. Unfortunately our message was not clear, as was evident from the comments made by the Commission prior to their recommended approval of the use permit.

After the Planning Commission meeting, a neighbor of mine, Vicki Hopkins personally spoke with the developer's attorney, DaNay Kalkowski on numerous occasions to discuss our serious concerns about the traffic coming up 38<sup>th</sup> street and onto Diablo Dr. Ms. Kalkowski appeared to be interested in working with the neighbors on behalf of the developer and developed an alternate plan to propose to the City Council that included a walkway connection at 38<sup>th</sup> St., as opposed to a street connection. **The developer, the builder and the neighbors on Diablo Dr. and nearby streets all felt this would be an acceptable compromise and were in support of this alternative plan.** The revised plan allowed for the development of the townhouses, while better dispersing the traffic to several streets as well as out to the main 40<sup>th</sup> street.

Ms. Kalkowski and others met later with the Planning Department and were told they would have to apply for a "block length waiver" and "neighborhood connection" waiver if they were going to pursue closing 38<sup>th</sup> St. According to Vicki Hopkins, my neighbor she was told they did not want to pursue this because of the extra time it would take.

I am in agreement with my neighbors that it is extremely disturbing that safety is an issue for them only if it fits into their timetable. A petition was signed by over 200 nearby homeowners surrounding the development, who are concerned about the traffic that will be funneled onto Diablo Dr. and around Cavett elementary. A large amount of traffic is already intentionally routed down Diablo Dr. due to the exit of Cavett Elementary opening up to Diablo Drive. On school mornings in particular Diablo Drive is a parade of daycare busses, minivans, and other assorted vehicles heading to So. 39<sup>th</sup> Street for a left turn. This presents two problems with South 38<sup>th</sup> Street. The additional 400+ vehicles (from Randy Hoskins – Traffic Engineer) that could potentially be traversing north on South 38<sup>th</sup> Street to Diablo Drive will either have to turn left into this oncoming traffic, or right THEN an immediate left on 39<sup>th</sup> Street which is not a "true" block length resulting in a right then a quick left turn.

These vehicles would be much better served by being directed to Grainger Parkway to the south of the development, then to South 40<sup>th</sup> Street. Additionally, consider children walking to school and the fact that Diablo Drive is not meant to be a feeder street such as San Mateo, a block to the north.

We have heard from Ms. Kalkowski that we are exaggerating the impact that 130 townhouses would have on the neighborhoods to the north. We have been told that the majority of the townhouse residents will "go south to Grainger and out to 40<sup>th</sup>". I for one use the neighborhoods frequently to get to Southpoint Pavilions and other stores located in the 27<sup>th</sup> and Pine Lake area, why would these additional residents not do the same.

When we moved to the corner of 38<sup>th</sup> and Diablo Drive we were told by the developer that the area behind our home would be some sort of commercial development and we were ok with this situation. It was also stated that Diablo Drive would not be going through. I understand that plans can change however in my neighbors' attempts at working with the developer a solution may be possible, but a short delay to revise the plan is unacceptable. It's interesting that a short project delay to apply for a waiver is of paramount importance for a project that will be ongoing for at least the next five-years.

Finally, want to add that at the planning meeting I attended regarding this issue, the question came up of why the 38<sup>th</sup> Street dead end south of Diablo Drive was even planned/built. The city representative answering the question did not have an answer for the commission as there was no "institutional memory" of why that plan was approved.

The Neighbors of Pine Lake Heights and existing neighborhoods to the west of this planned development have worked in good faith with the developer, and some adjustments have been made in landscaping and setbacks with prompting from the planning commission. The developer's lack of interest in revising it's plan for a change that will have this much of an impact on a neighborhood is not acceptable.

In conclusion, I ask that for the safety of our neighborhood families that you postpone approval of this use permit, and recommend the developers apply for the two waivers that would close 38<sup>th</sup> St. and keep the adjoining neighborhood safe from excessive traffic. This action will bring both the developer and neighborhood together in supporting this development that is a win/win situation for all.

Thank you for your service and attention to this matter.

Sincerely,



Russell J. Wren  
3729 Diablo Drive  
Lincoln, NE 68516  
402-420-9275  
wrenrj1@aol.com

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, AUGUST 29, 2005**

**I. MAYOR**

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of August 27 through September 2, 2005 -Schedule subject to change -(See Advisory)
2. NEWS RELEASE - RE: Mayor Announces Plans For "Patriot Day-Lincoln Remembers"-Congressman Osborne to speak; AVI8ORS singing group to perform -(See Release)

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

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

**B. DIRECTORS AND DEPARTMENT HEADS**

**PLANNING**

1. Memo & Material from Jean Walker - RE: Letters in Opposition to Use Permit #05006-Bill #05R-207: Public Hearing 8/29/05 -(Copy of Material on file in the City Council Office.)

**C. MISCELLANEOUS**

1. Faxed Material from An outraged citizen - RE: Steve McFadden, the man mentioned in the enclosed article has a liquor license in your City - (See Material)
2. Letter from Dennis & Sally Bodtke - RE: Opposed to Use Permit #05006, which is the townhouse development at South 40<sup>th</sup> Street & Grainger Parkway -(See Letter)

3. Letter from Todd Beam & Family - RE: In Support for the town house development at 40<sup>th</sup> & Grainger Parkway - Use Permit #05006 -(See Letter)
4. E-Mail from Melinda Wulf - RE: NO more Wal-Mart Stores PLEASE!! - (See E-Mail)
5. E-Mail from Liz Wunderlich - RE: August 29<sup>th</sup> Agenda Item #16 - 05-130 modification of SE fringe ord. #18214 - (See E-Mail)



# NEWS ADVISORY

MAYOR COLEEN J. SENG

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

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Date: August 26, 2005

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

**Mayor Seng's Public Schedule**  
**Week of August 27- September 2, 2005**  
*Schedule subject to change*

Saturday, August 27

- Volunteer at Food Share - 7:30 a.m., 4th Presbyterian Church, 5200 Francis

Wednesday, August 31

- Celebrate Business luncheon, remarks - noon, Cornhusker Hotel, 333 South 13th 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:** August 26, 2005

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Keith Fickenscher, Veterans Memorial Garden, 486-8570

### **MAYOR ANNOUNCES PLANS FOR** **“PATRIOT DAY – LINCOLN REMEMBERS”**

*Congressman Osborne to speak; AVI8ORS singing group to perform*

Mayor Coleen J. Seng today invited Lincoln area residents to observe the fourth anniversary of the terrorist attacks on America by attending “Patriot Day – Lincoln Remembers,” a free community memorial ceremony at 2 p.m. Sunday, September 11 at the Veterans Memorial Garden in Antelope Park. This year’s event will feature a keynote address by U.S. Representative Tom Osborne and a concert by the AVI8ORS ensemble, an eight-person group which presents a USO-style show featuring songs of the World War II era.

“In designating September 11 as ‘Patriot Day,’ the U.S. Congress asked local governments to observe the day with appropriate programs,” said Mayor Seng. “It is important that we continue to observe this date so that we never forget the victims and heroes of that day. The Veterans Memorial Garden is a beautiful setting to also honor those who serve and have served in the military.”

The program is being organized by the City of Lincoln and the Mayor’s Advisory Council for the Veterans Memorial Garden. The public is encouraged to arrive early to tour the Garden and its memorials. Other speakers include Mayor Seng; Keith Fickenscher, Chairman of the Mayor’s Advisory Council for the Veterans Memorial Garden; and a representative of the families who lost loved ones in the 9-11 attacks. The National Anthem and Amazing Grace will be sung by Zuri. The AVI8ORS concert begins at 2:30 p.m.

Bench seating will be available, but those attending are encouraged to bring lawn chairs. Parking is available north and south of the Auld Recreation Center. Handicapped parking is available south of Auld. In case of rain the event will move inside the Auld Recreation Center.

More information on the AVI8ORS is available at [avi8ors.com](http://avi8ors.com). For more information on the Patriot Day observance, contact the Mayor’s Office at 441-7511 or see the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov).

- 30

***MEDIA NOTE: The AVI8ORS Web site includes high resolution photos.  
A Patriot Day logo is available from Rick Koepping, CIC, at 441-7317.***

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# MEMORANDUM

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**TO:** City Council

**FROM:** Jean Walker, Planning 

**SUBJECT:** Use Permit No. 05006 (Bill #05R-207)  
Public Hearing: August 29, 2005

**DATE:** August 26, 2005

cc : Mayor Coleen Seng  
DaNay Kalkowski  
Vicki Hopkins

Attached please find 14 additional letters in opposition to the proposed Grainger Heights Use Permit No. 05006 located northwest of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road, which were inadvertently omitted from the Factsheet. This application is scheduled for public hearing on Monday, August 29, 2005. I apologize for this oversight.

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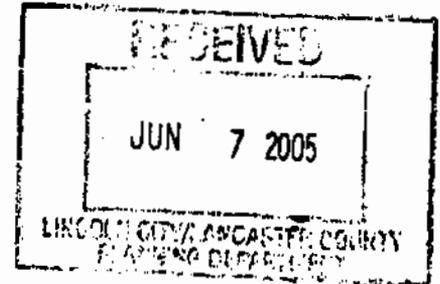
OPPOSITIONITEM NO. 3.2: USE PERMIT NO. 05006  
(p.99 - Public Hearing - 6/22/05)

RECEIVED JUN 17 2005

June 3, 2005

Marvin Krout, Director  
Lincoln/Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

**COPY FOR YOUR  
INFORMATION**



Mr. Krout,

This letter is being sent to you to express my opposition to the proposed townhouse development in the area of "Outlot G", Pine Lake Heights South 7<sup>th</sup> Addition. (north of Grainger/south of Diablo Dr./west of 40<sup>th</sup> St.)

My opposition lies in two main areas: safety and equity.

1. This area was always intended to be an office park. As such, there is only one residential connection, 38<sup>th</sup> street, for the north, east and west boundaries of the area. Office park patrons would not have the familiarity to utilize the neighborhood streets and would therefore utilize the main roads (Grainger/ 40<sup>th</sup>). The one residential street connection could handle the small amount of traffic that would utilize it.

With the townhouse proposal of 130 units (>200 vehicles), these residents will have ONE way they will go to north - 38<sup>th</sup> St. 38<sup>th</sup> St. is a short street that ends in a T-intersection at Diablo Dr. Vehicles would have to either take four very short turns in a distance of less than 200 yards to get out to 40<sup>th</sup> street or take Diablo to 36<sup>th</sup> and around Cavett Elementary School. The traffic back up in the mornings will be horrendous and personally, I will not be able to get out of my driveway which faces 38<sup>th</sup> St.

The main problem is the intensity of the traffic in this small area. The Cavett School traffic plan for the 700+ students enrolled that has been approved by Lincoln Police Department, the City Traffic Engineer's Office, and the Public School's Safety Consultant routes all outgoing traffic down Diablo along with all incoming traffic from the east. Diablo Dr. is NOT a "Collector Street". It is narrower than San Mateo (one block to the north) and always has numerous calls parked along it. Cavett evening events that go on all year long create an abundance of on-street parking along Diablo, 36<sup>th</sup> and Scottsdale Ln. The speeds along these streets are often excessive and there is a dangerous blind spot as you round the corner from 32nd to Scottsdale Lane. Adding 200 more cars going these routes is a dangerous situation for the hundreds of children/families in this area and goes against the City's Comprehensive Plan of

locating schools and streets in such a way that children can get to and from school in a safe manner.

While townhouse development may be a "permitted use" included in the O-3 zoning, it is NOT AN APPROPRIATE ONE in this instance. If the intent was to allow for residential housing (of any kind) there should have been other ways to get out through the adjoining neighborhoods. I have nothing against townhouses. I have lived in them numerous times and think it is a nice option for people; however, there are too many being built in this area considering the limited street options.

2. My second point of opposition lies in the immense disparity between the setback of my neighbors and the setback behind my house. I live on the corner of 38<sup>th</sup> and Diablo Dr. The proposal intends to place a two story townhouse, on the same level as my back yard, 15 feet from my property line. My neighbors all the way around the development (except for one - which has the same issue as I do) have a 40 foot setback and the units will be 6-10 feet lower than their yards. This is an issue of privacy and safety for my family. I am told that the reason is because it is a "side yard" (the townhouse is to sit sideways). It may be a side yard for them, but it is still a "rear yard" for me. We will spend a majority of our time in the back yard. The unit also has second story windows. All I ask is for equality.

In addition, this is a different type of housing at a different cost to buyers. There should be a gradual transition from the single family homes to these units. Forty foot of green space, behind my yard would be equal with my neighbors and would allow for some nice landscaping and a maybe a sign for "Grainger Heights".

In conclusion, I ask that for the safety of our neighborhood families that you deny this townhouse proposal, or at the very least, significantly reduce the numbers of units that can be built here and maintain the equality of the setbacks FOR ALL OF US!

Thank you for your time.



Vicki Hopkins  
3801 Diablo Dr  
Lincoln, NE 68516

June 7, 2005

Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Counsel Members Ken Svoboda, Jon Camp and Robin Eschliman  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Dear Chairperson Bills-Strand and Commissioners:

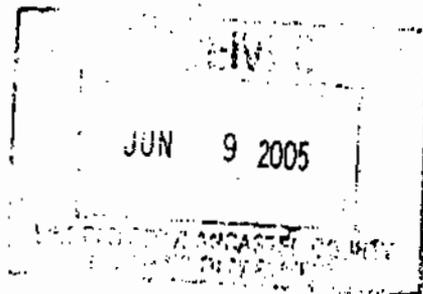
We are writing you about the townhouse development proposed for the property at the northwest corner of South 40<sup>th</sup> St. and Grainger Parkway. Our family lives on Diablo Circle about two blocks from Cavett School and just north of the area. It's a good neighborhood but we are very concerned about the proposed development. This area was supposed to have offices rather than 130 townhouses. The only way the developer can get 130 townhouses into this area is by packing them in every 28 feet, have as little yard space as possible and make the streets narrow private streets. This is going too far and will impact the value of our house, our family and the neighborhood.

Cavett School already has too many students and has to use portable classrooms. There have just been 70 some townhouses added near Granger to the southwest of us. Adding 130 more townhouses to the area will overload Cavett School where we would like to see our youngest daughter go to school. Also, with the housing market as it is and this proposal being crowded, many of these new units will become investment properties and rentals, which won't be good for our neighborhood either.

We are really concerned about the safety of our youngest two daughters. This will put a lot more cars in our neighborhood, down the same streets they walk on and ride their bikes. The people in this development will come north on 38<sup>th</sup> Street through our neighborhood to get onto 40<sup>th</sup> Street to go north. This will also put them driving right through the LPS traffic pattern for Cavett School. The streets in the area are not designed to support 130 new residential units and this plan s going to get some child hurt or killed because it will overload the residential streets.

The proposal also doesn't blend with our neighborhood. It puts 130 units into a small area that ought to have about half that many. Instead of getting a residential neighborhood to the south of us, we would see row after row of with houses packed in every 28 feet and with no barrier between our neighborhood and the development. The plan calls for 24 foot roads to get this many units into the area and if there was an emergency, fire trucks or ambulances would have a tough time getting through the narrow streets and parked cars. With 130 units, the space on the streets would be packed with parked cars wherever there isn't a driveway.

This proposal is not good for our neighborhood or the quality of life for our family. It's just a bad idea and should not be approved. I know the developer needs to make



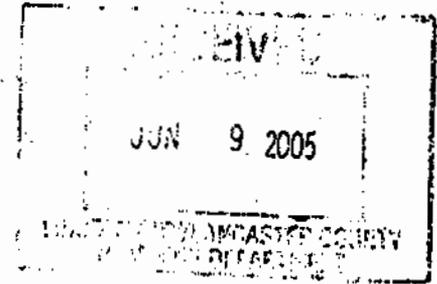
money but the families in Pine Lake Heights should not be affected like this. Please oppose the proposal. The original plan called for offices and that fits with the existing roads. I would really appreciate any help you can give us to stop this plan. I know the area will be developed and the developer will make a bunch of money but this is a bad plan.

Respectfully,

A handwritten signature in black ink that reads "Robert and Colleen Dunn". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert and Colleen Dunn  
3945 Diablo Cr.  
Lincoln, NE 68516

June 7, 2005



Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Re: Townhouse development proposal for the O-3 zoned property at the Northwest corner of South 40<sup>th</sup> St. and Grainger Parkway.

Dear Chairperson Bills-Strand and Commissioners:

I built a home in south Lincoln in 2000 because of the quality of life here and in doing so, I relied on the city plan, which showed that the area above was to become office space. The proposal before the Planning Commission, to build 130 townhouses in this area, is an alarming change from the city plan.

Part of my concern is that the streets are not sufficient to support 130 additional residences that will add over 200 cars. This area is on the south edge of Lincoln, so most of these residents will be driving north to other locations in Lincoln. The shortest route will be north on 38<sup>th</sup> Street through Pine Lake Heights, rather than driving south to Grainger and then turning north. This will mean many residents will be driving through Pine Lake Heights which has lots of children, and they will also be driving through the Lincoln Public Schools traffic pattern for Cavett School that runs down Diablo Drive. The Cavett school traffic puts a large number of cars in the neighborhood twice a day. The additional traffic will create a danger for children who live in the neighborhood and for those who cross 40<sup>th</sup> street to walk to Cavett School. The proposal sets the stage for a tragedy. The road network and traffic flow would be fine for offices as set out in the city plan, but it is clearly inadequate to support the proposed change.

The proposed development also clashes with the surrounding neighborhoods. Of the 130 units in the proposal, 105 are in five-plexus and the remaining 25 units are in 3 and 4-plexus. The lots are one-third the size of those in the surrounding neighborhoods. The proposal is really to put in row houses, with minimal space between the buildings, narrow private roads, no green space for children and no buffer between it and the surrounding neighborhood. It is a very bad plan from the point of view of protecting and promoting the quality of life in Lincoln. Such a proposal is typical of metropolitan areas such as Los Angeles, with a low quality of life. Lincoln enjoys its high quality of life to a great degree because the Planning Commission and City Counsel have balanced the interests of its citizens and the city against the wishes of developers to maximize their own profits. This is just such a situation. I respect the fact that the developer wants to maximize his profits for his investment, but he should not be able to do so at the expense of the middle class families living in the adjacent neighborhoods. Our largest investment is our homes. A large number of modestly priced row houses packed together in one area is a recipe for

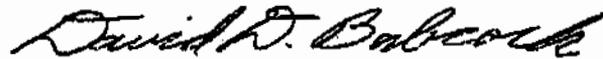
a "project" area, as commonly seen in large cities. Such areas tend to become undesirable places to live in or near.

The proposal of low-end high-density residential units would also create a higher than usual need for emergency services. However, the narrow streets would make access by large emergency vehicles, such as ambulances and fire trucks, difficult. In case of a fire, this puts more people and homes at risk, including my own, which will be immediately north of the proposed development.

There are already 71 new townhouses along Grainger Parkway, 130 additional units will saturate the area with similar townhouses, to our detriment. With the current soft market for housing and the price range of these units, many will become investments and rental properties further impacting the value of the surrounding homes and the quality of life in our neighborhood.

Two of the purposes of zoning restrictions are to preserve the quality of life and to prevent individuals from unfairly harming surrounding property owners. As I recall from the neighborhood meeting, the developer does not live near the area or even within the city of Lincoln. We are only asking to stick to the original city plan. This proposal is a poor one that will make money for the developer and leave the neighborhood and the city dealing with the problems for years to come. I urge you and each of the Commission members to vote against the plan. Thank you in advance for your consideration.

Sincerely,



David D. Babcock  
3901 Diablo Cr.  
Lincoln, NE 68516

June 7, 2005

Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Chairperson Ken Svoboda  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Counsel Member Jon Camp  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Counsel Member Robin Eschliman  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

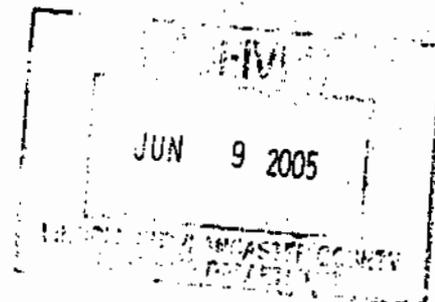
Regarding: The townhouse development proposal for the O-3 zoned property at the Northwest corner of South 40<sup>th</sup> St. and Grainger Parkway.

Dear Chairperson Bills-Strand and Commissioners:

My wife Mindy and I live on Diablo Circle in south Lincoln with our 18 month old son Ashton. We like the neighborhood but we are very concerned about the proposed development that will go in immediately south of our house. We understood that the city plan called for this area to be offices, rather than a large number of townhouses as in the proposal. This will change the neighborhood and impact Cavett School where we hope Ashton will go to school. Cavett already has too many students, which means they have to use portable classrooms and another 130 modestly priced homes will overload the school with more children. Recently there have been about 70 townhouses added just to the southwest of us just off Granger, adding another 130 townhouses is too many for the neighborhood. Many of these units will become rentals and be cared for as rentals instead of homes owned by the people who live there.

Mindy and I are also concerned about the safety of children going to Cavett School. The proposal would put a lot more cars into our neighborhood as residents of this new area try to go north. They'll be driving right through the traffic pattern for Cavett School and driving down streets that young children cross to get to Cavett. The streets in the plan do not support 130 new residential units and it is going to put children in our neighborhood at risk, including Ashton.

This proposal also does not blend into the surrounding neighborhood. It jams 130 units into an area that ought to have about half that number. There will be five units directly



south of our home because the lots are about one-third the size of the lots in Pine Lake Heights. Instead of getting a residential neighborhood to the south of us, we'll see row after row of houses pack as tight as possible with no barrier between our home and the development. The plan calls for row houses every 28 feet with no space between the buildings. It looks more like a trailer park than a residential neighborhood in south Lincoln, the roads are too narrow and there is no green space for children. The area will be congested and the problems will overflow into our neighborhood.

Please consider the impact on the quality of life for persons who would live in the development as well as our family and the surrounding neighborhood. It's a bad proposal for our family and the city. We know this area will be developed, but this is the wrong plan for this area. We should not have to suffer for the developer to make money, there can be a balance. Please vote against the proposal. The city should stick to the original plan to have offices in this area since that can be supported by the roads in the area, will not overload Cavett School and will not impact the surrounding neighborhood in a negative way. Thank you.

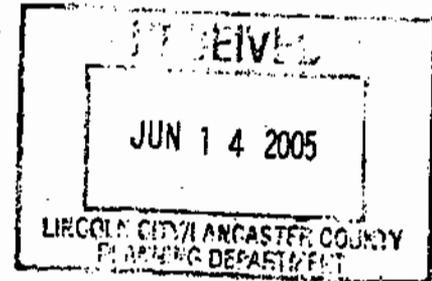
Sincerely,



Andy and Mindy Wright  
3921 Diablo Cr.  
Lincoln, NE 68516

June 13, 2005

Lincoln Planning Commission  
555 S 10<sup>th</sup> St  
Ste 213  
Lincoln Ne 68516



RE: USE PERMIT NO. 05006  
S.40<sup>TH</sup> Street & Grainger Parkway

This letter will serve as my opposition to the building of townhome units in Sec 19 T9N R7E.

This is my back yard. When building last year I questioned this area and was told, this was zoned for Office Park, example given to me was medical or banking, with hours that wouldn't have excessive traffic.

Townhomes would cause excess traffic, and dangerous to the students attending Cavett School, decrease property values.

Right now this is a quiet area with moderate traffic, but if townhomes are built Traffic and safety to the children will become a high risk. Build them somewhere else.

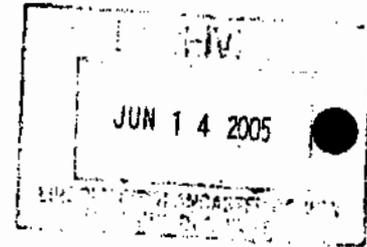
I'm saying NO TO GRAINGER HEIGHTS TOWNHOUSES.

Thank You

Home Owner  
Kathleen L. Clinton  
7916 S 37<sup>th</sup> St  
Lincoln Ne 68516

June 13, 2005

Planning Commission  
Lincoln/Lancaster Planning Department  
555 So. 10<sup>th</sup> Suite 213  
Lincoln, NE 68508



Re: Townhouse Development Proposal for the O-3 Zoned Property at the Northwest Corner of South 40<sup>th</sup> St. and Grainger Parkway

Dear Commissioners:

We live at 3715 Diablo Drive and this letter is written in opposition to a proposal scheduled to be on the June 22<sup>nd</sup> Planning Commission Agenda. This proposal would allow the building of 130 townhouses as proposed by Ridge Development Company and Southview, Inc. This townhouse development would be right behind our house. Listed below are the issues that will unfavorably impact our neighborhood:

1. **Street and Traffic.** 130 townhouses will produce approximately 200 vehicles. The plans call for three entrances and/or exits to the townhouse development. The three entrances are Grainger Parkway, a new private roadway that will only be right in/right out onto 40<sup>th</sup> that only allows traffic to go south on 40<sup>th</sup> Street, and the opening of 38<sup>th</sup> Street that is currently a dead end. The 38<sup>th</sup> Street entrance is the one that will affect our neighborhood the most. To go north from the townhouse development, most people will take the shortest route, which will be 38<sup>th</sup> Street. Our neighborhood streets were not built for 200 more vehicles to use each day. 38<sup>th</sup> Street will not go directly to San Mateo which intersects with 40<sup>th</sup> Street. Traffic will need to make a right turn on Diablo Dr. and then a quick left turn on 39<sup>th</sup> Street. I know that many corners will be cut with these two quick turns. Cavett Elementary School parents are instructed to use Diablo Dr. for incoming and outgoing drop off of children. This townhouse development would greatly impact traffic on Diablo Dr. which is already very congested during work and school times. Adding additional traffic flow will surely increase the chances of car accidents—not to think what might happen with the children walking and crossing the roads.
2. **Schools.** What school would children that might live in the new proposed area attend? Cavett, the current elementary neighborhood school, is full and overcrowded at this point. Even people who live directly south of Cavett cannot send their children there. They are bused to other schools. Adding busses to pickup children from the proposed development will only worsen the traffic problem. Lincoln Public Schools may have plans for additional schools; these plans could take several years before any construction will begin.

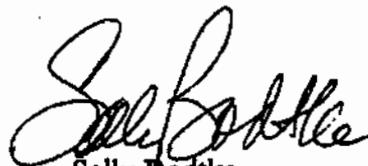
3. **Original City Plan.** Homes were purchased in reliance of the City plan that indicated that this area was to become one-story upscale office buildings with large buffer zones and green space.
4. **Value.** The building of the townhouses will affect the quality of neighborhood life and the value of the present homes in this area. This plan does not go with the scheme of this area, or any other area in Lincoln. The transition from the single family homes to the townhouses should be a gradual one with buffer zones of trees and green space. These townhouses are proposed to sell in the \$130 to \$140k range, while the values of the surrounding homes are all valued in the \$200 to 250k range. While it is the intent of the builder that these units are bought by retirees and other families to live in, it is inevitable that a large number of these units will be used as investment rental properties with people coming and going. They will not have the same respect for the area as the present homeowners. Our homes are our largest investment. It is unfair to devalue what we work so hard for everyday and pay taxes on.
5. **Easements.** The current proposal has 40 ft. easements everywhere except behind the two houses on the southwest and southeast corners of 38<sup>th</sup> St. and Diablo Dr. The minimum 40 ft. easement should apply for these two houses as well and not be treated as a "side yard". A 40 ft. uniform easement would create a much more appealing look and no one wants a two story townhouse 15 feet away from their property. This is an issue of privacy and safety.

The way the proposal is presently set out would significantly benefit the seller/builder while it would greatly impose serious harmful side effects and impact the surrounding neighborhoods. This plan has serious flaws that need to be considered. Please oppose the easements for the two corner homes, oppose the plan and urge your fellow commissioners to do the same. Thank you in advance for your consideration on behalf of our neighborhood families.

Sincerely,



Dennis Bodtke  
3715 Diablo Dr. 68516



Sally Bodtke  
3715 Diablo Dr. 68516

June 13, 2005

Lincoln Planning Commission  
555 S. 10th Street - Suite 213  
Lincoln NE 68508

This letter is in opposition to the proposed townhouse development know as S. 40th Street & Grainger Parkway or USE PERMIT NO. 05006.

Our concern is for the traffic impact to Diablo Drive by opening 38th street to the north. No traffic study has been done regarding the impact to the surrounding neighborhood. The area was designed with low traffic business application in mind not high volume residential traffic. Because of the design of this project for business to now convert it to high density residential development is impractical and unsound planning. 38th street would be the ONLY north bound access to the entire area for 130 plus townhomes. The only other way to get in or out of the area is all the way to the south end of the development going east or west. We believe a high percentage of residents in the new development would not use the south access because it would be very inconvenient. Neighborhoods need to be designed with sound traffic flow for vehicles as well as pedestrians and this plan does not allow for either.

Diablo Drive is already a very busy street because Cavett School has designated it as an exit route away from the school. With before school, after school and evening use of the building the traffic is already busy. Adding 130 more townhomes and the accompanying traffic will be a serious detriment to the neighborhood and a safety issue.

Diablo is also a residential street with parking on both sides that ends in a culdesac. The 38th street connection to Diablo turns to 39th street to get you to San Mateo which brings you to an intersection with 40th. As you will see when you look at a map of the area this would not be sound traffic movement. Narrow streets in and out of a high density neighborhood with several corners to maneuver is not sound planning. In addition, routine traffic along Diablo east and west to the retail center at 32nd and Pine Lake would be another safety issue and a detriment to the neighborhood.

Please deny residential use.

We favor the office park setting the property is designed for now.

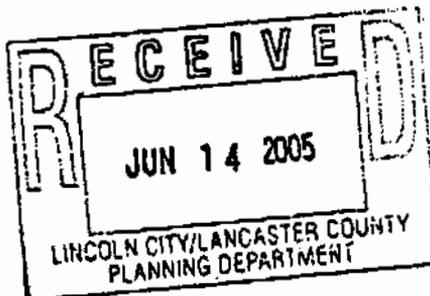
Best Regards,

*Gary Ashmore*  
*Jaci Ashmore*

Gary and Jaci Ashmore  
3701 Diablo Drive  
Lincoln NE 68516

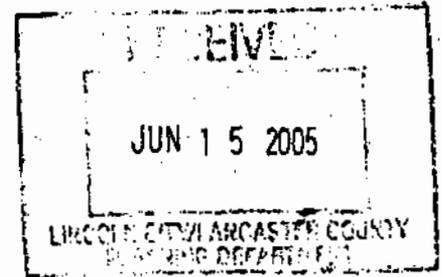
Home 421-1719

Cell 770-2299



June 14, 2005

David and Mindi Rasmussen  
7908 S 37<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 483-6355



Lincoln-Lancaster County  
Planning Commission  
Attn: Mr. Brian Will  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

**Re: Use Permit No. 05006 – S 40<sup>th</sup> Street & Grainger Parkway**

Dear Mr. Will:

My wife and I are owners of real property that will be directly affected by the proposed application for Use Permit No. 05006 for approximately 130 townhome units on the property legally described as Outlot G, Pine Lake Heights South 7<sup>th</sup> Addition, located in the SE ¼ of Section 19-9-7 of Lancaster County. As you can see by our address, the proposed townhome development would be directly in our backyard to the east.

We stand in opposition to the Use Permit as it currently is written. First of all, we are not against the construction of the townhome units on the property described above as it is our opinion that if the property is zoned for that use then that is something that a potential developer should be able to place freely on the property within the restrictions and parameters established by the City. Instead, our objection to the development is based on the proposed reduction in internal yard setbacks for the development.

As you know, Title 27 Chapter 27 of the Lincoln Municipal Code is the law regarding O-3 Office Park Districts in the City of Lincoln. Regulation 27.27.070 states the required height and area requirements for different types of uses within an O-3 District. Accordingly, the Table associated with Regulation 27.27.070 sets the required rear yard for Townhouses in an O-3 District to be 40 feet. At the informational meeting held on May 23, 2005 we were informed that the builder will seek a variance limiting the rear yard setback to 22 feet.

As a potential homeowner, the only information we had to review to see what type of use the area behind our house would be was that the Lincoln Municipal Code Zoning Regulations describing an O-3 Office Park District. As stated above, those regulations required a minimum rear yard of 40 feet. We find it hard to believe that now a potential builder can unilaterally propose to reduce that 40 foot distance by almost half to accommodate his townhome development. Had we known that this regulation could be so easily modified and/or disregarded by a potential builder my wife and I would have considered a different location to build our home for our family.

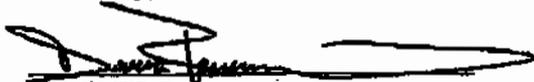
June 14, 2005  
Use Permit No. 05006  
Page 2

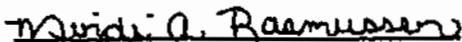
We don't have a problem with a 40 foot rear yard setback as long as there is proper screening, as that is what we thought the regulations mandated, but we have a serious objection to this proposed 22 foot setback. If that is approved by the Planning Commission, our neighbor's townhome to the east of us will literally be built right in our backyard and they will be able look directly into the windows of our home. The builder has promised screening to block a direct view into our property, but with only 22 feet to work with we find it hard to believe that there will be much of anything done here.

We understand that a person's right to build whatever he or she requires on his or her property is important, but we cannot accept this 22 foot rear yard setback proposal because it is so contrary to what we were led to believe in the Zoning Regulations. We only ask that the Planning Commission consider this factor when it reviews this Application on June 22, 2005 and hopefully you can see our concern with this issue.

We do plan to attend the public hearing on this matter, but we wanted to express our concerns in writing to you prior to that time. For your information, we are also sending our concerns by separate letter to Kent Seacrest, the applicant and attorney for Ridge Development Company and Southview, Inc. Thank you for your attention to this matter.

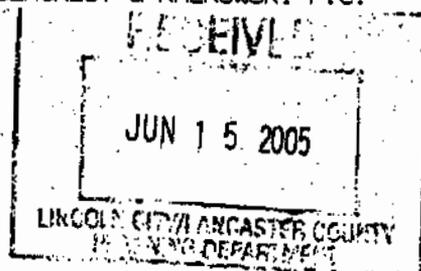
Sincerely,

  
David W. Rasmussen

  
Mindi A. Rasmussen

pc - Kent Seacrest

June 10, 2005



Mark Fleharty  
3624 Diablo Drive  
Lincoln, NE 68516

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 So. 27<sup>th</sup> St.  
Lincoln, NE 68502

**Reference:** Request for use permit on Outlot G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc. (Grainger Heights).

To Whom It May Concern:

I am writing to you to express my concern and opposition to the proposed development at the corner of South 40<sup>th</sup> Street and Grainger Parkway. The plan calls for 130 town home units. As a resident who lives on Diablo Drive, the street immediately north of this development, I am concerned about this for several reasons.

I believe the current plans do not provide a sufficient infrastructure to allow for a safe community. The first street south of Diablo Drive in this development is Fitzpatrick Lane. The current plans show that vehicles wishing to go north bound from this development will not be allowed to turn north on to 40<sup>th</sup> street from Fitzpatrick lane. It would be easy to argue that at least 1/2 of the people who reside in this development would then choose to go north through the neighborhood to San Mateo Lane and exit onto 40<sup>th</sup> street from there. In addition, one could argue that it would be preferred for many of these people to travel through the neighborhood, as I do, to get to many of the businesses located in the 27<sup>th</sup> and Pine Lake area. Recent developments south of Cavett Elementary have already caused a noticeable increase in traffic in my neighborhood. It has also been brought to my attention that Cavett Elementary parents are encouraged to use Diablo Drive when arriving and leaving the school area. Also consider the possibility of what might develop south of Grainger Parkway. Regardless of what is built here, it will only contribute to an already worsening traffic situation.

With an increase in traffic, also comes a concern over child safety. Many small children live on my block and I have watched many nights as they ride their bikes up and down the streets. As a kid, I remember the number of near accidents that I had riding my bike near busy intersections. I also remember the number of times drivers would get upset with me as my balls would stray into the path of oncoming vehicles. An increase in traffic would only increase the possibility of more accidents.

Continuing with the topic of children, consider schools. Cavett Elementary is already over-crowded. It's a relatively new school and yet I hear of people who live in the neighborhood and have to bus their kids to another part of town. I've also got family members who have looked at moving to Lincoln. They often find a house they like and then hear that they wouldn't get to send their kids to the school two blocks away, but instead have to bus or drive the kid to a school a mile or more away. I realize some of my arguments here should be taken up with the school board, but a densely populated subdivision like the Grainger Heights subdivision would only cause more over crowding and more safety concerns before and after school. Also, I know that when I become a parent, many of these concerns may dictate where I live in the coming years.

Another concern of mine is the size of the streets in the Grainger Heights subdivision. It is my understanding that the roadways will be only 24 feet wide. As with any residence, people will come to visit their family and/or friends and will need to have a place to park their vehicle. Also, many people own more than one car. Undoubtedly people will resort to parking them on the street. With such a narrow roadway, I'm concerned about traffic within the subdivision. Not only concerned about those in the subdivision, but those people who are just passing through as they go to neighboring businesses. Consider kids on bicycles and scooters, garbage trucks, fire and rescue vehicles and any other situations that may arise in daily traffic.

Finally, with the lack of a natural barrier between this proposed development and my neighborhood, I'm concerned over the property values of all the homes in the area. When I moved into the area, it was my understanding that this land was going to be used for an office park with a natural barrier of trees and green space. Although I'm unsure of the effects of an office park versus a town home development on my property value, I assure you that without some sort of barrier or gradual transition my neighborhood is going to become less inviting to the types of families I would like to see in my neighborhood.

Respectfully,

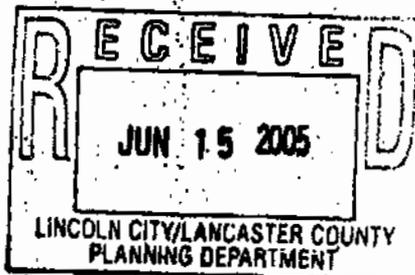
  
\_\_\_\_\_  
Mark Fleharty

cc: Marvin Krout, Director, Lincoln/Lancaster Planning Department  
Brian Will, Planner, Lincoln/Lancaster Planning Department

June 14, 2005

Jeff and Jennifer Miller  
7900 S 37<sup>th</sup> Street  
Lincoln, NE 68516  
402-421-9250

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 S 27<sup>th</sup> Street  
Lincoln, NE 68502



Reference: Request for use permit on Outlet G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc (Grainger Heights).

Dear Ms. Bills-Strand

My wife and I are writing to express our concern and opposition to the proposed development of row housing at the corner of South 40<sup>th</sup> Street and Grainger Parkway. Our lot is directly to the west of the proposed development.

Here is a short list of our concerns:

1. The proposed development will add significant strain to the surrounding neighborhood infrastructure. There is substantial traffic in this area, which would be compounded with the development, and there is only one proposed roadway north (38<sup>th</sup> Street). At least half, if not more of the development would use 38<sup>th</sup> Street as there access to the north where many businesses such as Super Saver and Southpoint are located.
2. Cavett Elementary School, located three blocks away from my home is at maximum enrollment capacity. Additionally, Cavett Elementary has five temporary classrooms on site to handle the overflow of students living in the neighborhood. Some children living on streets bordering Cavett are now bussed to other schools due to lack of classroom space. Page F-18 of the Lincoln City-Lancaster County Comprehensive Plan states "Elementary and middle schools should be sized and located to enable children to walk or bicycle to them..." This is simply not the case for several children currently residing in the neighborhood. The addition of 130 housing units will further exaoerbate this situation and ultimately cost taxpayers/LPS more in additional busing/transportation costs.
3. We are very concerned about the look of the row housing being planned. There is very minimal green space and recreational areas for the development. The only recreational facility being planned is directly behind our backyard and is being put there to cram as much into this little space as possible. The plan should have more green space between the existing neighborhood and the recreation facility should be centered in the development to make it more easily accessible to the residents and get it out of our backyard.

4. We are concerned about two of the waivers requested. The first is to reduce internal yard setbacks within the development. Lincoln is a city of trees and green spaces. Additional variances that reduce setbacks within the development will limit the amount of green space and trees that could be planted to enhance the aesthetics of the development.

The second waiver of concern is for the reduction of the width of the "private" roadways within the development from 27 feet to 24 feet. We are always concerned (and especially concerned with the density of this development) for the ability of fire and emergency equipment to navigate the narrow streets.

5. This development could greatly hurt the value our home and our neighbor's homes. Please consider how your decisions will affect many people who have a large investment in their home.

We moved into this neighborhood so we could have a safe place to raise our family. We are not against townhomes that have yards, room for trees and that respect the current neighborhood. We are against the current proposed development of new housing which does not have adequate roads to support the area and is trying to cram as much into this little space as possible. We hope you will consider our concerns and the concerns of our neighbors to deny or at least significantly change the planned development.

Sincerely,

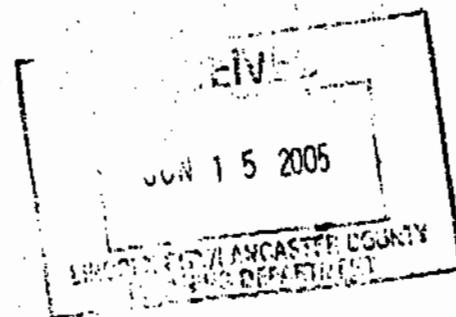
*Jeff Miller*      *Jennifer Miller*

Jeff and Jennifer Miller

cc: Patte Newman, Lincoln City Council  
Jon Camp, Lincoln City Council  
Robin Eschliman, Lincoln City Council  
Ken Svoda, Lincoln City Council  
Dan Marvia, Lincoln City Council  
Jonathan Cook, Lincoln City Council  
Annette McRoy, Lincoln City Council

June 13, 2005

Lincoln-Lancaster Planning Department  
c/o Brian Will, Planner  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68502



Dear Mr. Will:

This letter is regarding the proposed townhome development plan for the O-3 zoned property located at the northwest corner of South 40<sup>th</sup> Street and Grainger Parkway.

As residents of Lincoln, members of the neighborhood abutting the proposed development and parents of two small children, there are several concerns that the developer's plan raises, as currently proposed, that we would like to bring to the attention of our elected and appointed officials in hopes that our voices may be heard.

The first and foremost concern is that of the safety of the residents in the affected area, which includes a high density of small children. As we are all aware, the city has a duty to maintain safe streets for all. In the near vicinity of an elementary school, this duty may be heightened. The current layout of the proposed plan will place an undue burden on the already heavily traveled Diablo Drive, 32<sup>nd</sup> Street/Scottsdale Lane compromising the safety of the residents in the following ways:

- The Cavett Elementary School traffic flow plan calls for parents to enter and exit Cavett using Diablo Drive. With over 700 children attending Cavett, the traffic is quite great when school is in session. This corresponds closely with the times that individuals are leaving their homes to go to work or take smaller children to daycare. The addition of 130 families into the small proposed location will put an additional burden on the already highly traveled roads surrounding Cavett. Not only does this make travel more difficult, but it also compromises the safety of those traveling, either by foot, bike or car, in this area.
- 32<sup>nd</sup> Street/Scottsdale Lane is the main access that drivers use to travel to the South Pointe Mall, Super Saver and all other business that has been located in the Pine Lake Road area to the west of the proposed location. The design of the roads by the city encourages persons to travel through neighborhoods to access these businesses. Several of the intersections along this path are blind intersections. The city would be knowingly increasing the traffic flow on these residential streets by allowing such a high volume of units to be constructed as is proposed.
- Coupled with the high traffic volume is the added risk of dangerous road conditions. If the persons living in the townhouse units are to exit to the north, the only way to exit is to go north on 38<sup>th</sup> Street and turn right on Diablo Drive. Within approximately 100 feet, the driver is to make a left hand turn, in conjunction with the traffic headed southbound on 39<sup>th</sup> Street. Currently, drivers

making the left hand turn do not allow for traffic traveling to the south and cut this corner dangerously short. With this additional influx of traffic, this will only heighten the problem. This street design poses a great risk not only for those making a left hand turn against the traffic on Diablo Drive coming from the west, but also for those traveling east and west down Diablo Drive after taking their children to or from school.

Currently, the overburdened school capacity in Lincoln is of great concern. As it stands today, those families who live within several feet of Cavett Elementary School are not all allowed to attend their neighborhood school. This leads to more children being transported away from their homes to be taken to other overburdened schools.

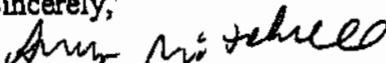
- Placing a development at this location will only add to the capacity problem at Cavett Elementary in that there will be a great deal more children not being able to attend an elementary school that they can see from their window.
- The heavy traffic on the residential streets surrounding Cavett will be increased with more children being transported to other locations for their education. This places them at risk with the increase in traffic as well as placing the children traveling to Cavett at risk as well.

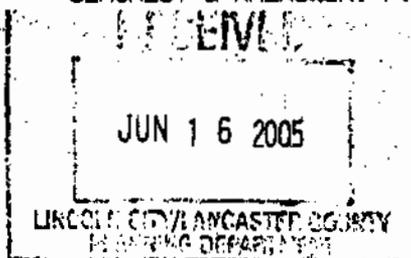
Another concern is that of the aesthetic qualities that we all can agree Lincoln has to offer to its residents. This would include the wonderful green spaces and trees that we can all enjoy. The overall plan of Lincoln should be to blend the city together in such a way to create neighborhoods that are pleasing to the eye. This will help bring more families and perchance the owners of businesses to feel compelled to call Lincoln their home.

- The developer has asked for a variance for the internal setbacks between the units. This will decrease the green space in the area and create a complex instead of a neighborhood that does not blend with the surrounding areas.
- The developer has asked for variances for the width of the streets to go through the townhouse units. This poses a problem for both safety (fire and rescue departments having to deal with too narrow of streets to respond to emergency situations) and visual qualities, ie more units compressed into a small area.

We would ask that these concerns regarding the safety and well being of Lincoln residents be addressed. There must be a way that the developer can use their land that benefits both themselves and surrounding communities so that we can all make Lincoln a better place to live.

Sincerely,

  
Steve and Amy Mitchell  
3724 Diablo Drive  
Lincoln, Nebraska 68516



**Brad Hartman**  
3718 Diablo Drive  
Lincoln, NE 68516  
402-421-2706

June 14, 2005

Mary F. Bills-Strand, Chair  
City-County Planning Commission  
555 South 10<sup>th</sup> Street  
Suite 213  
Lincoln, NE 68508

Re: Use Permit Number 05006, S 40<sup>th</sup> Street and Grainger Parkway

Dear Ms Bills-Strand and all Commission members:

As a homeowner adjacent to the property with this application pending your review, I am expressing reservations about the applicant's plan as submitted. I have three specific concerns:

- 1) **Setbacks/greenspace:** The applicant is hoping to reduce the internal yard setbacks to maximize the number of townhome units on the property. I would suggest a greenspace "buffer" would be in order to separate this development from the single-family homes in the area – just as is customary with most other townhome developments like this – rather than erecting these units immediately abutting existing homes. Plus, adhering to the zoned internal yard setbacks would be desirable.
- 2) **Density/Traffic:** The applicant is hoping to reduce the required private roadway width among other things in an effort to place an unreasonably high number of townhome units in this location. The density seems excessive for the area, and will further burden roadways leading into the development. As you examine projected traffic patterns, you will see a natural tendency for disproportionate traffic to flow northbound on S 38<sup>th</sup> Street, requiring traffic to wind through Diablo Drive and other streets which are far too narrow to support a development of this size.
- 3) **Home value:** The proposed townhomes are planned to be of disappointingly low value for the area. This concerns me as an adjacent homeowner, of course, and I would hope the commission would recommend improvements in the plan which would bring values more in line with its surroundings.

To address these concerns while still allowing the development, I would suggest the applicant plan on constructing fewer units with larger set-backs and more green space. Additionally, any design changes which would upgrade the value of these units would be welcomed and more in keeping with surrounding neighborhood.

Respectfully,

Brad Hartman

June 15, 2005

TO: Lincoln City/Lancaster County Planning Commission  
From: Bob Dunn, Property Owner, 3945 Diablo Circle  
RE: USE PERMIT NO. 05006

Dear Commission;

I want to express my opposition to the proposed use permit no. 05006. I cannot believe that Kent Seacrest could even consider such an absurd proposal. Cramming 130 townhomes in this location with requests to waive internal yard setbacks, and allow sanitary sewer mains to flow opposite of the street grades will cause many problems. Please consider my following reasons:

- 1 130 townhomes – will decrease property values
  1. Will cause extreme traffic congestion
  2. Will cause over crowding of an (ALREADY) over crowded Cavett elementary school
  3. Will be a safety hazard for fire & rescue on over-crowded streets w/parked cars
- 2 Waive internal yard setbacks & decrease minimum lot area.
  1. Easy – I do not want these “future” slums anywhere close to my property. This type of action would not be allowed anywhere else in this city!
  2. Reduce the number of townhomes

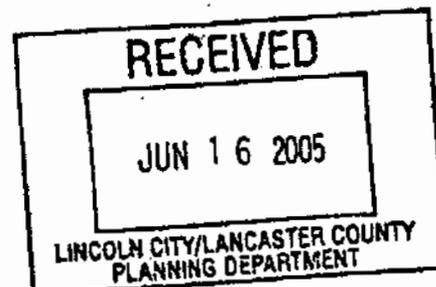
\*\*\* Allowing Sanitary Sewer mains to flow opposite street grades

1. Have you ever heard the saying “shit don’t flow uphill?” It don’t

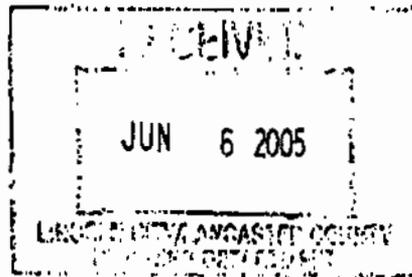
In summary, the school over crowding and extreme traffic should be enough grounds to not approve this permit request but make sure you understand us as property owners are very concerned about property values, because of Lincoln’s over tax mentality and the fact that these townhomes will be crammed into our neighborhood that will cause many problems to occur such as neighborhood quality, safety, etc. This should be labeled as the “10 year” Lincoln projects. Backed up sewers and conditions of these cheaply built projects should be dis-approved by all board members.

Respectfully,

Robert Dunn  
Home owner / Tax payer



June 3, 2005



Russell J. Wren  
3729 Diablo Drive  
Lincoln, NE 68516  
wrenrj1@aol.com

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 So. 27<sup>th</sup> St.  
Lincoln, NE 68502

**COPY**

**Reference:** Request for use permit on Outlot G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc. (Grainger Heights).

Dear Ms. Bills-Strand:

I am writing to you to express my concern and opposition to the proposed development at the corner of South 40<sup>th</sup> Street and Grainger Parkway. The plan calls for 130 town home units in groups of 3, 4, and 5 attached units. As a resident who lives on the north border with my back yard overlooking these "units" I am very concerned about this development for the following reasons.

First, the density of this development will cause strain on the surrounding neighborhood infrastructure. I live on the corner of 38<sup>th</sup> and Diablo Drive. This street, which is currently a dead end will be one of the primary modes of entry into and out of the development to reach surrounding businesses such as Super Saver and Southpoint Mall. You can estimate that this development could potentially add as many as 260 vehicles in the neighborhood. I am concerned about the additional traffic and the safety of children residing in the Pine lake Heights neighborhood.

Second, Caveat Elementary School, located three blocks away from my home is at maximum enrollment capacity. Additionally, Cavett Elementary has five temporary classrooms on site to handle the overflow of students living in the neighborhood. Some children living on streets *bordering* Cavett are now bussed to other schools due to lack of classroom space. Page F-18 of the Lincoln City-Lancaster County Comprehensive Plan states "Elementary and middle schools should be sized and located to enable children to walk or bicycle to them..." This is simply not the case for several children currently residing in the neighborhood. The addition of 130 housing units will further exacerbate this situation and ultimately cost taxpayers/LPS more in additional busing/transportation costs.

Third, the lack of green space and screening between this development and surrounding neighborhoods is minimal. The set back, while within standards is not adequate

considering the number of attached units. There is no real buffer between this development and surrounding neighborhoods. My lot (Lot 9 at the corner of 38<sup>th</sup> and Diablo) shows the side of a three-plex butting up within 15 feet from my lot line, not the forty-feet for rear yards that the rest of the development calls for. There is simply no buffer between my home (and my neighbor's to the east) and the planned three-plexes behind. There should be more than 15 feet of transition between neighborhoods.

Fourth, I am concerned about two of the waivers requested. The first is to reduce internal yard setbacks within the development. Lincoln is a city of trees and green spaces. Additional variances that reduce setbacks within the development will limit the amount of green space and trees that could be planted to enhance the aesthetics of the development.

The second waiver of concern is for the reduction of the width of the "private" roadways within the development from 27 feet to 24 feet. I am always concerned (and especially concerned with the density of this development) for the ability of fire and emergency equipment to navigate the narrow streets.

Finally, the price range of these units is far below the prices of surrounding homes. Myself and many of my neighbors are very concerned about the value of our homes decreasing with the construction of this "complex" directly behind our homes again, with no real buffer. Units of this price range also have the potential of becoming rental units that may or may not be kept up depending on the landlord.

When we first built and moved into our home we were told by the developer that the land in question would be developed into an office type complex, much like that of the Williamsburg area surrounding HY Vee. While the developer has the right to change plans within the restrictions of zoning, the proposed development is not appropriate for this area for the reasons I've mentioned above. I hope you will consider my concerns and those of my neighbors and deny this use permit.

Respectfully,



Russell J. Wren

cc: **Marvin Kross**, Director, Lincoln/Lancaster Planning Department  
**Brian Will**, Planner, Lincoln/Lancaster Planning Department

**ATTENTION:  
CITY  
MANAGER**

August 26, 2005

To Whom It May Concern:

It has recently been brought to my attention that Steve McFadden, the man mentioned in the enclosed article has a Liquor License in your city. He has on more than one occasion been suspected of this activity, and now is actually charged. I am relaying this information from Des Moines, Iowa where he was arrested yesterday. I just would like you to take this into consideration when allowing him to operate an establishment where Alcohol or gaming takes place. He owns and manages a franchise in your city named Mickey's Irish Pub. Hopefully this will allow you to better protect your residents from the dubious actions that this man takes in operating his business and avoid any unwanted publicity to your municipality. For more info and related articles you can access the Des Moines Register website, KCCI( a CBS affiliate) website or the IowaChannel.com.

Thank you

An outraged citizen

# Man accused of raffle theft

Police say the pub owner also did not have a license for the diabetes fundraiser.

By MELISSA WALKER  
RESIDENT STAFF WRITER

The owner of Mickey's Irish Pub in Elva and Walnut was arrested Thursday on charges that he kept \$27,000 raised in a raffle that was supposed to benefit the Juvenile Diabetes Research Foundation.

The Dallas County Sheriff's Department charged Steven Lee McFadden, 33, of West Des Moines with first-degree theft and a gaming violation. Authorities said the raffle was illegal because McFadden did not have a license for the event.

Chief Deputy Kevin Frederick said authorities received an anonymous tip that a raffle McFadden held in August 2004 at the Mickey's location in Walnut to raise money for juvenile diabetes was not legitimate.

"It really was our understanding that the raffle went

bust and that there weren't any proceeds from it," said Paul Bishop, executive director of the foundation.

After a year-long investigation, authorities learned from bank records that ticket sales had raised \$27,000. Authorities said McFadden had



schemed with another person to win the raffle if the person bought \$9,000 worth of raffle tickets.

That person, McFadden whose name was not released, did not receive the \$25,000 prize that was to be offered to the raffle winner, Frederick said.

McFadden said he has proof he did nothing wrong.

"I'm 100 percent sure this is going to be taken care of," he said.

Bishop said McFadden had raised money for juvenile diabetes in past fundraisers. "Tax charges like these are troubling."

Reporter Amanda O'Toole contributed to this article.

# TheIowaChannel.com

## WDM Man Faces Charges in Illegal Raffle Scheme

### Police Say Foundation Never Received Proceeds

POSTED: 1:55 pm CDT August 25, 2005  
 UPDATED: 6:27 pm CDT August 25, 2005

**DES MOINES, Iowa** — A West Des Moines man has been charged with running an illegal raffle after a yearlong investigation by the Iowa Department of Criminal Investigation and the Dallas County Sheriff's Office.

Mickey's Irish Pub Owner Steven Lee McFadden, 35, of West Des Moines, was arrested Thursday and is accused of holding an illegal raffle on Aug. 24, 2004, at Mickey's Irish Pub and Grill in Waukee, according to police.

A \$35,000 custom motorcycle was being raffled at Mickey's Pub in Waukee and ticket proceeds were to go to the Juvenile Diabetes Research Foundation International in Johnston, according to police.

More than \$27,000 was raised from raffle ticket sales. Prior to the drawing, McFadden worked with another person to buy \$9,000 worth of raffle tickets, which resulted in that person winning the contest, according to the news release.

"Someone used a good source, [the] Juvenile Diabetes, to go out and fraud other people for what we believe are personal profits," said Brian Gilbert, of Dallas County Sheriff's Office.

Police said the Juvenile Diabetes Research Foundation did not receive proceeds from the raffle ticket sales and no one received the motorcycle.

McFadden was charged with first-degree theft, gaming violations and miscellaneous prohibitions.

Paul Bishop, the foundation's director, said McFadden himself has type 1 diabetes.

McFadden was released on \$26,000 bond.

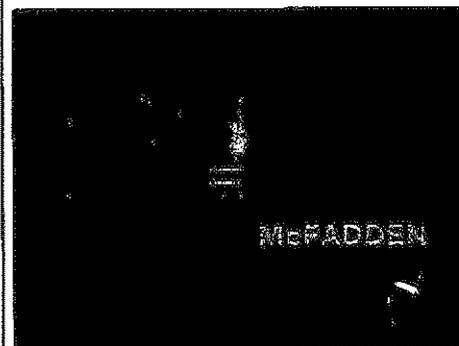
McFadden's attorney released a statement that the allegations are unfounded and will be vigorously contested.

"Mr. McFadden looks forward to the opportunity to obtain vindication and defend his good name in future court proceedings," the statement said.

McFadden told NewsChannel 8 on the phone that he has canceled checks proving that he did, in fact, donate money to the Juvenile Diabetes Research Fund and that he is "not worried" about it.

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#### Related To Story



**Video: Police: Mickey's Owner Charged In Connection With Illegal Raffle**

August 24, 2005

Lincoln City Council Members  
Lincoln City Council Office  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

RECEIVED  
AUG 26 2005  
CITY COUNCIL  
OFFICE

Dear Council Members:

We live at 3715 Diablo Drive and this letter is written in opposition to a proposal scheduled to be on the August 29<sup>th</sup> City Council Agenda. The proposal is described as Use Permit #05006, which is the townhouse development at South 40<sup>th</sup> Street and Grainger Parkway. This townhouse development will be right behind our house and we are not thrilled to have 130 townhouses in our backyard. This proposal has been approved by the Planning Commission and we realize it is a long shot to expect the proposal to be denied but we are asking that they not be allowed to open 38<sup>th</sup> Street to the development.

One hundred and thirty townhouses will produce approximately 200 vehicles. The plans call for three entrances and/or exits to the townhouse development. The three entrances are Grainger Parkway, a new private roadway that will only be right in/right out onto 40<sup>th</sup> that only allows traffic to go south on 40<sup>th</sup> Street, and the opening of 38<sup>th</sup> Street that is currently a dead end. The 38<sup>th</sup> Street entrance is the one that will affect our neighborhood the most. To go north from the townhouse development, most people will take the shortest route, which will be 38<sup>th</sup> Street. Our neighborhood streets were not built for 200 more vehicles to use each day. 38<sup>th</sup> Street will not go directly to San Mateo which intersects with 40<sup>th</sup> Street. Traffic will need to make a right turn on Diablo Dr. and then a quick left turn on 39<sup>th</sup> Street. Many corners will be cut with these two quick turns. Cavett Elementary School parents are instructed to use Diablo Dr. for incoming and outgoing drop off of children. This townhouse development would greatly impact traffic on Diablo Dr. which is already very congested during work and school times. Adding additional traffic flow will surely increase the chances of car accidents—not to think what might happen with the children walking and crossing the roads.

We were told that to keep 38<sup>th</sup> Street closed; the developer would have to apply for a “block length waiver” and “neighborhood connection waiver”. Filing these waivers may take time and money but how much is safety worth? I think keeping 38<sup>th</sup> Street closed could prevent accidents including a vehicle/child accident. Please do not open 38<sup>th</sup> Street to this development!

In closing, we ask that you postpone the approval of this use permit and recommend the developers apply for the two waivers. The safety of our neighborhood may depend upon your decision.

Sincerely,

  
Dennis Bodtke  
3715 Diablo Dr. 68516

  
Sally Bodtke  
3715 Diablo Dr. 68516



**Joan V Ray/Notes**  
08/29/2005 09:18 AM

To "T.Beam" <contact692@earthlink.net>  
cc  
bcc  
Subject Re: Use Permit 05006

Dear Mr. Beam: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray  
City Council Office  
555 South 10th Street  
Lincoln, NE - 68508  
Phone: 402-441-6866  
Fax: 402-441-6533  
e-mail: jray@lincoln.ne.gov

"T.Beam" <contact692@earthlink.net>



**"T.Beam"**  
**<contact692@earthlink.net>**  
08/28/2005 07:35 PM

Please respond to  
"T.Beam"  
<contact692@earthlink.net>

To <council@lincoln.ne.gov>  
cc  
Subject Use Permit 05006

Please forward the attached letter to the Council.

Thank you,

Todd Beam  
7925 S. 36th



Lincoln, NE 68516 City Council Letter 8272005.doc

August 27, 2005

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

RECEIVED  
AUG 29 2005  
CITY COUNCIL  
OFFICE

Dear Council Person,

My family and I reside at 7925 S.36<sup>th</sup> Street. I am writing to voice my support for the town house development at 40<sup>th</sup> and Grainger Pkwy, which is scheduled to come before the Council August 29<sup>th</sup> as Use Permit 05006.

In 2003 prior to purchasing the lot my house was constructed on, I researched the surrounding undeveloped areas. The area where this project is planned was clearly designated as O-3 Office Park. I then downloaded and read the O-3 Ordinance from the InterLinc website which details the *range of possibilities* that could be constructed on this land, including townhouses. I also weighed the close proximity of Cavett Elementary School in my decision to ultimately build my home. All of this information was easily located.

As the process of this proposed development moved forward I had the opportunity to attend an informational meeting at which the developer listened to our concerns. As a result of this dialogue several compromises have been adopted that make this development more palatable to the neighborhood including:

- Uniform 40' setback on the perimeter of the townhouses.
- An agreement to build the townhouses with exterior finish details consistent with what was required in the construction of the surrounding homes.
- Detailed landscaping plan.

Further I have had the opportunity to watch the June 22 Planning Commission meeting that dealt with this project and I have read the Planning Department Staff Report.

I am aware that there have been two other options that have been discussed with the Planning Department, the first being the elimination of the connection to S. 38<sup>th</sup> Street, and finally a "right in-right out" connection to S. 40<sup>th</sup> Street. I am *adamantly opposed* to the deletion of the 38<sup>th</sup> Street connection and would urge that you not support this. If this path is deleted the result will be an unbalanced situation where all of the traffic from the townhouses will be forced to flow to the south. This will occur even if a direct town house connection to 40<sup>th</sup> Street is provided which will only allow outbound traffic to flow south (right out). Some of that traffic seeking to ultimately travel north will then flow back through my neighborhood where with a 38<sup>th</sup> Street connection on the north it would not.

I understand that this development will result in traffic through my neighborhood; the issue is balance and fairness to both neighborhoods, Pine Lake Heights to the north and Grainger O'Shea to the south and west, as well as those who will live in the townhouses. The 38<sup>th</sup> Street connection from O-3 area where the townhouses are proposed has always been there, part of a planning process that requires alternate routes and diffusion of traffic. Closing it now makes no sense. If a direct connection to 40<sup>th</sup> Street can be *safely* designed as an additional route to the townhouses, it could merit further consideration.

Thank you for your consideration of this matter and I would urge you to approve this project as was recommended by the Planning Commission.

Best regards,

A handwritten signature in black ink, appearing to read 'T. Beam', written over the 'Best regards,' text.

Todd Beam and family  
7925 S. 36<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 441-6012

cc Brian Will, Planning Department



**Joan V Ray/Notes**  
08/26/05 02:12 PM

To CouncilPacket/Notes@Notes  
cc  
bcc  
Subject 08-29-05 DirAddendum (Or 09-05-05 Dir)

----- Forwarded by Joan V Ray/Notes on 08/26/2005 02:13 PM -----



**"Melinda Wulf"**  
<melinda@brstores.com>  
08/26/2005 11:17 AM

To <council@lincoln.ne.gov>  
cc  
Subject

As an associate for B&R Stores, no more Wal-Mart stores PLEASE! Isn't two too many?

If Wal-Mart drives my employer out of business, who is going to pay for my retirement? Not Wal-Mart.

Please vote no for another Wal-Mart.

Thank you.

Melinda Wulf



**Joan V Ray/Notes**  
08/29/2005 09:25 AM

To Lizwun@aol.com  
cc  
bcc  
Subject Re: August 29 Agenda item 16 05-130 modification of SE  
fringe ord. #18214 

Dear Ms. Wunderlich: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray  
City Council Office  
555 South 10th Street  
Lincoln, NE - 68508  
Phone: 402-441-6866  
Fax: 402-441-6533  
e-mail: jray@lincoln.ne.gov  
Lizwun@aol.com



**Lizwun@aol.com**  
08/28/2005 08:59 PM

To council@lincoln.ne.gov  
cc  
Subject August 29 Agenda item 16 05-130 modification of SE  
fringe ord. #18214

I support the construction of a median on Pioneers Blvd instead of a center turn lane. Children from our neighborhood walk or ride their bikes to Lux middle school. This year our child will be walking down 84th street and crossing Pioneers at 84th. The crosswalk at this location does not have a median refuge and is over 6 lanes of traffic. The pedestrian signals are barely long enough to walk across at a normal pace. The controller box blocks the view of the oncoming traffic to the pedestrian wishing to cross from the northwest corner to the south.

I would support the median as it gives pedestrians a safer place to rest if they cannot cross the street quickly. I would prefer pedestrian crossings at a mid block location as it is usually a shorter distance to travel across.

Anything that City council can do to make Lincoln more pedestrian friendly is appreciated.

Liz Wunderlich