

**IN LIEU OF  
DIRECTORS' MEETING  
MONDAY, DECEMBER 8, 2008**

**I. MAYOR**

1. NEWS ADVISORY. Mayor Beutler's schedule for Tuesday, December 2, 2008. (Forwarded to Council Members on 12/02/08)
2. NEWS RELEASE. Mayor names Hoke Building and Safety Director.
3. Fiscal Impact Statement from Public Works/Utilities/Water.
4. NEWS ADVISORY. Visitors from North Pole encourage others to "Be The Kind That Gives".
5. NEWS ADVISORY. Mayor Beutler's news conference on Thursday, December 4<sup>th</sup>, at 10:00 a.m. in the Mayor's conference room. (Emailed to Council Members on 12/04/08)
6. NEWS RELEASE. Mayor Beutler says JPA fund should be saved.
7. NEWS RELEASE. Stronger Safer Neighborhoods Mapping Property Conditions. Assessment targets needs in older neighborhoods.
8. NEWS RELEASE. Public invited to Pearl Harbor Remembrance Day ceremony.
9. NEWS RELEASE. Human Rights Commission to present awards.
10. NEWS RELEASE. Separation of grass and leaves ended.
- 11a. Correspondence from Denise Pearce on the organization of public transit in comparable communities.
- 11b. Excerpt from Transit Development Plan adopted last year, addressing public transit organization and financing in peer cities.
12. City of Lincoln snow/traffic condition report.

**II. DIRECTORS**

**PLANNING COMMISSION**

1. Action by Planning Commission, December 3, 2008.

**PLANNING COMMISSION FINAL ACTION**

1. Use permit No. 08002. Office and residential uses, 3333 A Street and 3345 A Street. Resolution No. PC-01149.

**III. CITY CLERK**

**IV. COUNCIL REQUESTS/CORRESPONDENCE**

**ROBIN ESCHLIMAN**

- \*1. Request to Steve Hubka, City Budget Officer/ ~~John Hendry, City Attorney~~- RE: Public notices costs - RFI#17, 12/01/08. **SEE REPLY FROM JOHN HENDRY, CITY ATTORNEY.**
- \*2. Request to ~~John Hendry, City Attorney~~ - RE: Legal requirements to provide minutes - RFI#18, 12/01/08. **SEE REPLY FROM JOHN HENDRY, CITY ATTORNEY.**

## **V. MISCELLANEOUS**

1. InterLinc correspondence from Jeanette Fangmeyer. Parks and Rec has received basketball program fees with no child contacted, and no coach
2. InterLinc correspondence from Patricia Witt. Concerns with round about traffic, landscaping and maintenance of roundabouts. Also concerns on landscaping maintenance at the Highlands pool and the upcoming Lincoln Union Plaza. (Council Members received on 12/01/08 before formal meeting)
- 3a. Email from John Veit with email address of police handgun training.
- 3b. Article from John Veit, "Unsafe at any Distance - The Failure of Police Handgun Training".
- 4a. Email from Eva Sohl, Nebraska League of Conservation Voters, on LES sustainable energy program proposal.
- 4b. Letter from Nebraska League of Conservation Voters, Eva Sohl, Program Coordinator, in support of LES's proposed sustainable energy program in the 2009 budget plan.
- 4c. List of 108 individuals stating they can produce 20% of their electricity from Nebraska's renewable resources by 2020.
5. Email from Paula Welsch. No sand or salt on icy streets. The applied deicer is an ineffectiveness product.
6. Letter from Donald and Elaine Ostdiek in opposition to the round-about proposed for north 14<sup>th</sup> Street, with reasons listed. (Council Members received individual letters on 12/04/08)
7. InterLinc correspondence from Ron Rehtus, Lincoln Citizen and former Building and Safety Employee, in support of retaining Mike Merwick as Director of Building and Safety, not approving Fred Hoke as the new Director.

## **VI. ADJOURNMENT**



# NEWS ADVISORY

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MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

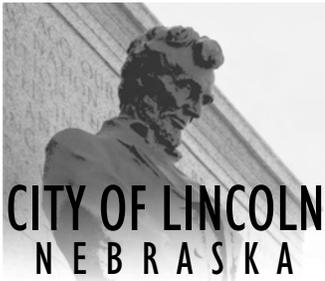
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

**DATE:** December 1, 2008

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

The media are invited to cover two events on Mayor Chris Beutler's schedule for **Tuesday December 2:**

- The Mayor will have a news conference to discuss personnel changes in the Building and Safety Department at 10 a.m. in the **Mayor's Conference Room, 555 S. 10th St.**
- The decorative lighting on the Antelope Valley "O" Street bridge will be turned on for the first time during a **6 p.m.** informal ceremony at the site. The event will take place on the **east end of the bridge on the south side of "O" Street.** Parking is available at 23rd and "O" in the parking lot for the former Old Country Buffet.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 2, 2008

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

### **MAYOR NAMES HOKE BUILDING AND SAFETY DIRECTOR**

Mayor Chris Beutler today named Fred Hoke as Director of the City Building and Safety Department, effective December 15. Hoke is currently the Government Affairs Director for the Home Builders Association of Lincoln (HBAL). He will replace Mike Merwick. Beutler said Hoke will refocus the Department by implementing new performance and customer service standards and will be a leader on the proposed Development Services Center.

“Fred is uniquely qualified to be a change agent in the Department,” Beutler said. “He understands the development industry, business and technology and personnel management. He understands how to educate and motivate. By creating expectations for both the Department and those it serves, I am confident Fred can help achieve our goal of building a cost efficient and effective development services process that promotes job creation and growth.”

Hoke has worked for HBAL since 2006 and helped the organization implement a strategic plan. Before that, he managed accounts for major Midwest banks as part of two companies dealing with information technology security and risk assessment. In the late 1990s, he created and opened the first Manpower Technical/Professional office in Omaha and formed a team of national and international recruiters. He also has experience in the education field in Ohio, West Virginia, Michigan and Nebraska, where he served as Executive Director of the Nebraska Council of School Administrators from 1986 through 1992. He has a master’s degree in educational administration from West Virginia University.

“The Building and Safety Department is a critical component of everyone’s life,” Hoke said. “Not only does the Department insure that all construction meets the breadth of building codes, it also supports, maintains and promotes the safety of all our citizens. Lincoln has a golden opportunity to provide a user-friendly customer-service model that improves our effectiveness and justifies the taxpayer’s ‘requirement’ that we build new efficiency and new economy into our service model.”

Merwick has been Building and Safety Director since 1999 and served as Lincoln Fire Chief for 19 years before that. Mayor Beutler said he has been an outstanding leader and has helped shape the Lincoln we know today.

- more -

“Mike is a great example of how experience and dedication can make a difference to the people we serve,” Beutler said. “He is the very definition of a public servant, and our community owes him our gratitude for his long and distinguished service.”

The Building and Safety Department is responsible for reviewing construction plans, issuing permits and inspecting new construction and existing buildings to determine their compliance with codes and regulations.

The appointment of Hoke will require approval of the City Council.

# FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Public Works/Utilities/Water DATE: 11/13/2008

**NEED**

This is a request to transfer funds from an approved Capital Outlay fund for extractors to an approved Capital Outlay fund for a Gas Chromatograph, both within the Ashland Water Production Section. The additional funds for the GC will be used to purchase a Purge & Trap sample introduction system and a 70 position autosampler. The use of this equipment will result in less extraction/sample prep time, increased automation, improved multi-tasking and improved productivity allowing reduction in staff. It is planned that a currently vacant 1 FTE Environmental Laboratory Specialist position will be replaced with a 1/2 FTE Environmental Laboratory Specialist. The extractor units not being purchased will be requested in future budgets. The use of annual service contracts and preventative maintenance have extended the life of the extractors and allow delaying the replacements.

FUTURE  Ongoing  
 IMPACT:  Limited Projected Completion Date: \_\_\_\_\_

REVENUES GENERATED	LEGISLATIVE CHANGES		
	City	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	County	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	State	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Federal	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

IMPACT	Current Fiscal Year	Next Fiscal Year Annualized
PERSONNEL (full time equivalents)	None	None
PERSONNEL (cost) business unit: object code description	None	None
SUPPLIES business unit: object code description	None	None
OTHER SERVICES & CHARGES business unit: object code description	None	None
EQUIPMENT business unit: object code description	None	None
TOTAL EXPENDITURES		

SOURCE OF REVENUES Water Revenue

*JM*  
 Transfer from 70215.6998.1700.2742 to 70215.6998.1700.2741 capital outlay of \$25,000.

DIRECTOR *[Signature]* DATE 11/25/08

FINANCE DEPARTMENT COMMENTS	Availability of Appropriations: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	BUDGET OFFICER <u>Steve Kubba</u>
	PURCHASING AGENT _____
FINANCE DIRECTOR <u>[Signature]</u>	DATE <u>11/22/08</u>

APPROVED: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MAYOR <u>[Signature]</u>
	DATE <u>12-1-2008</u>

#### WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

#### HOW TO USE FISCAL IMPACT STATEMENT

**NEED:** There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

**FUTURE IMPACT:** One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

**REVENUES GENERATED:** Please note if the request will affect current and future revenues.

**LEGISLATIVE CHANGES:** These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

**PERSONNEL (full time equivalents):** Please note the number of ftes the request involves, if applicable.

**PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT:** All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

**TOTAL EXPENDITURES:** This box should contain the sum of the dollar amounts in the various expenditure categories.

**SOURCE OF REVENUES:** This box should contain the name of the fund the action is required for.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 2, 2008

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Joyce Halvorsen, CBB, 486-9401

### **VISITORS FROM NORTH POLE ENCOURAGE OTHERS TO “BE THE KIND THAT GIVES!”**

Santa and Mrs. Claus have arrived early to prepare for the Star City Holiday Parade coming up Saturday, December 6 in downtown Lincoln. To support the Community Blood Bank (CBB), one of the Parade’s sponsors, they will donate blood at **4 p.m. Wednesday, December 3** at the **CBB facility at 84th and “O” streets**. Santa is a long-time donor, and is nearing the nine-gallon mark.

The 24th annual Star City Holiday Parade is presented by Verizon Wireless and produced by Updowntowners Inc. and the City of Lincoln. More information is available at [www.starcityholidayparade.org](http://www.starcityholidayparade.org).

(This is the 15th year Santa and Mrs. Claus have been portrayed in the Parade by Dave and Becki Barnes of Lincoln.)

**OFFICE OF THE MAYOR**

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

**DATE:** December 3, 2008

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

Mayor Chris Beutler will have a news conference at **10 a.m. Thursday, December 4** in the **Mayor's Conference Room, County-City Building, 555 S. 10th St.** The Mayor will discuss two topics:

- The Joint Public Agency formed to finance the new County jail. He will warn the community about the financial impact of spending money made available by the JPA arrangement.
- A new project of the Stronger Safer Neighborhoods initiative.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 4, 2008

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

### **MAYOR SAYS JPA FUNDS SHOULD BE SAVED**

The creation of a Joint Public Agency (JPA) to finance the new County jail has freed up \$1.4 million in the City budget. Mayor Chris Beutler today called on City leaders to avoid the temptation to spend the funds or reduce the City's tax levy. He said the funds should be saved as a precautionary measure in uncertain times.

"We do not yet know how our sales tax projections will hold up in a difficult national economy," Beutler said. "The first returns from the start of our fiscal year have not been encouraging. With the collapse of the national real estate market, we need to be wary of the revaluation of real property in 2009. If property valuations stagnate or show an overall decline in value, that could mean hundreds of thousands or even millions of dollars in losses to the City's General Fund."

Beutler said other factors to consider are the lack of an agreement with the Firefighters union and the impact of decisions made in the upcoming State Legislative session.

The City and County formed the JPA to provide the best financing terms for the new jail. The property tax bills being issued this month will show levies for two new items: City Joint Public Agency and County Joint Public Agency. "It is important to understand this does not represent a tax increase for City government nor even an indication of higher city spending," the Mayor said.

Under the new arrangement, the City no longer needs to pay \$1.4 million for housing City prisoners in the County jail. "It is tempting to find new uses for that money, and soon many of our City's special interest groups will feel that temptation," Beutler said. "Others will try to argue that the money is a 'windfall' that we can use to reduce our levy. But they won't tell you that their levy reduction will certainly require very undesirable additional budget cuts to cover those reductions in the future."

Beutler said prudent use of the funds will continue the progress made in solving the City budget's structural imbalance. "Unlike many communities during these tough economic times, we can weather the national crisis and leave this community strongly positioned to take quick advantage of the next economic upturn," he said.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 4, 2008

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Jon Carlson, Stronger Safer Neighborhoods, 441-7224

## **STRONGER SAFER NEIGHBORHOODS**

### **MAPPING PROPERTY CONDITIONS**

*Assessment targets needs in older neighborhoods*

Mayor Chris Beutler announced today that the Stronger Safer Neighborhoods initiative has undertaken a grant-funded project to detail the condition of every property in an area south of the Capitol. The 48-block area is from 9th to 17th streets and from "A" to "G" streets.

Jon Carlson, aide to Mayor Beutler, said collecting data on the condition of neighborhood properties is a top priority for the Stronger Safer Neighborhoods program he manages. "It's critical that we focus our resources efficiently and effectively," Carlson said. "It's also important to establish baselines to measure our progress as we work to improve the area."

Mayor Beutler said he was pleased with the progress to date. "Over the past few months, our Stronger Safer Neighborhoods team has energized community residents, increased neighborhood safety and improved properties," he said. "We are getting results in making our neighborhoods better places to live."

"Improving the physical condition of the neighborhood is key to revitalization," said Elizabeth "Betty" McGuire, the AmeriCorps member selected to coordinate the project. "This assessment pinpoints areas of weakness so we can direct the appropriate resources to them."

Carlson said that McGuire is a great addition to a strong community organizing team that includes Pat Anderson and Shawn Ryba from NeighborWorks Lincoln. McGuire is an Environmental Studies major at UNL. She previously interned with the Nebraska Department of Environmental Quality. She is taking classes at Southeast Community College while participating in AmeriCorps, a national program that encourages service to local organizations.

"Betty is another example of the positive partnerships the initiative has created," said Carlson. "Stronger Safer Neighborhoods is a great way to encourage young adults to help revitalize their communities. I'm impressed with Betty's knowledge, willingness to serve and hard work.."

- more -

**Stronger Safer Neighborhoods**

**December 4, 2008**

**Page Two**

McGuire said her experience shows that Stronger Safer Neighborhoods is making a positive difference. “Residents say the neighborhood has really improved in the last nine months,” she said. “Many of our assessment volunteers commented that properties were in better shape than they expected.”

Beutler said he looked forward to the results of the assessment. “These neighborhoods are getting better,” he said. “Jon has really worked to create a coordinated effort between City departments and our partners at the schools and non-profits and in the business community. This mapping project will help us continue to use City resources strategically and wisely to continue improving neighborhoods.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## **OFFICE OF THE MAYOR**

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

**FOR IMMEDIATE RELEASE:** December 4, 2008

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

## **PUBLIC INVITED TO** **PEARL HARBOR REMEMBRANCE DAY CEREMONY**

The Mayor's Advisory Council for the Veterans Memorial Garden invites the public to a Pearl Harbor Remembrance Day ceremony at the enclosed shelter just north of the Garden in Antelope Park on Sunday, December 7. The event will begin at 11:55 a.m. to coincide with the time of the Pearl Harbor attack on December 7, 1941.

The Nebraska Liberty Bell will be rung seven times to open the program. The keynote address will be delivered by Ralph Naslund, State President of the Pearl Harbor Survivors Association. The program also will include recognition of Pearl Harbor veterans, the playing of a recording of President Franklin D. Roosevelt's "Day of Infamy" speech and the playing of "Taps" by Lumir Vajgrt.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 4, 2008

**FOR MORE INFORMATION:** Larry Williams, LCHR Exec. Director, 441-8691, TDD 441-8398

### HUMAN RIGHTS COMMISSION TO PRESENT AWARDS

The recipients of the 2008 Gerald Henderson Human Rights Award and the winners of the 2008 "What Prejudice Means to Me" essay contest will be honored by the Lincoln Commission on Human Rights (LCHR) on Friday, December 12 at a ceremony in room 113 at the County-City Building, 555 South 10th St. The ceremony will be taped for a future "One Lincoln" program on 5 CITY-TV, the government access cable station.

**Leroy and Annie Stokes**, long-time civil rights and community activists, have been selected by the Commission to receive the Gerald Henderson Human Rights Award for 2008. LCHR established the award in 2000 to recognize outstanding achievements in furthering human relations in Lincoln. In 2003, the award was renamed to honor Henderson, the first director of the LCHR and a long-time civil rights activist.

This is the first year of LCHR's elementary and middle school diversity outreach program. Fifth grade students from Eastridge, Morley, Holmes and Riley elementary schools and sixth grade students from Lux and Culler middle schools wrote essays on what prejudice meant to them. Selected to receive awards are **Elizabeth Otto**, Culler sixth-grader; **Lan Portnoy**, Lux sixth-grader; **Jenny Vuong Tran**, Holmes fifth-grader; **Samantha Washington**, Morley fifth-grader; and **Zachary Weaver**, Morley fifth-grader.

A special award also will be presented to **Judi gaiashkibos**, Executive Director of the Nebraska Commission on Indian Affairs.

LCHR is the primary City agency responsible for the resolution of discrimination complaints brought by individuals and serves as the civil rights law enforcement agency for Lincoln. The Commission also provides diversity education, conducts outreach, and offers technical assistance in order to foster more inclusive community relations.

The schedule for 5 CITY-TV is available on the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov).



# NEWS RELEASE

MAYOR CHRIS BEUTLER

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## **PUBLIC WORKS AND UTILITIES DEPARTMENT**

Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043

**FOR IMMEDIATE RELEASE:** December 1, 2008

**FOR MORE INFORMATION:** Gene Hanlon, Recycling Coordinator, 441-7043

Dan Kurtzer, Lincoln Solid Waste Management, 423-3708

### **SEPARATION OF GRASS AND LEAVES ENDED TODAY**

Lincoln and Lancaster County residents are no longer required to separate grass and leaves from their household trash.

The Nebraska Integrated Solid Waste Management Act requires that grass and leaves be separated from household trash from April 1 through November 30 of each year. During these months, the grass and leaves are diverted to the City's compost facility, and local waste haulers charge a separate fee for the yard waste collection.

Residents can place their grass and leaves with their household trash beginning today through March 31, however additional fees may be charged for their regular waste collection based on volume and weight of the leaves and grass collected.

More information on the City's recycling program is available on the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: recycling).



**Deb Engstrom**  
<DEngstrom@lincoln.ne.gov>  
>

12/02/2008 12:36 PM

To CouncilPacket <CouncilPacket@ci.lincoln.ne.us>  
cc Tammy J Grammer <TBogenreif@ci.lincoln.ne.us>  
bcc  
Subject FW: Organization of Public Transit & Financing in Peer Cities

Message from Denise Pearce

Debbie Engstrom  
Executive Assistant/Scheduler to Mayor Chris Beutler  
402-441-6897  
F: 402-441-7120  
555 South 10th Street  
Room 208  
Lincoln, NE 68508  
dengstrom@lincoln.ne.gov

**From:** Denise K. Pearce  
**Sent:** Tuesday, December 02, 2008 8:56 AM  
**To:** Deb Engstrom  
**Subject:** Organization of Public Transit & Financing in Peer Cities

Debbie,

Will you forward the attached, along with the note below, to the City Council?

Thanks,  
Denise

Folks,

At the Legislative Pre-Council last month, a few of you asked about how public transit is organized in other comparable communities. Attached is an excerpt from the Transit Development Plan that was adopted last year. It addresses that issue with respect to five peer cities.

Thanks!  
Denise

**From:** mayorsoffice@lincoln.ne.gov [mailto:mayorsoffice@lincoln.ne.gov]  
**Sent:** Tuesday, December 02, 2008 9:48 AM  
**To:** Denise K. Pearce  
**Subject:** Message from KMBT\_C353

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SKMBT\_C35308120209480.pdf

services under contract, if it was mutually agreeable, but they would need to charge StarTran, which would increase the system’s annual operating costs.

- A major advantage (the ability to levy a property tax to generate local revenue) may be difficult to implement in the current fiscal and political atmosphere relative to public finance. However, if the City lowered its property tax rate by \$0.0386 per 100 dollars of assessed value to account for the current contribution, the proposed city portion of the joint public agency contribution may be more palatable.

**Table 7-4: Evaluation Criteria for a Transit Authority**

<b>Evaluation Criteria</b>	<b>Is it Possible Under this Alternative?</b>
Dedicated revenue stream	Yes. Can levy a property tax.
Bonding	Yes
Governing body focused on transit	Yes
Allows StarTran to serve areas outside of Lincoln	Depends on whether or not the County is part of the authority.
Maximize the use of all available funds	Depends upon whether or not the County is part of the authority. Can continue to provide services under contract to the University.

### ***Organization and Financing in Peer Cities***

While it is beyond the scope of this project to conduct in-depth reviews of how peer agencies are organized and financed, the overall structures and financing mechanisms for five of the peer cities mentioned in *Chapter 3 Peer Group and Trend Analyses* are provided below.

#### **Lansing, Michigan - Capital Area Transportation Authority (CATA)**

Like Lincoln, Lansing is a capital city with a major university presence (Michigan State University). CATA is a larger transit system than StarTran, operating 70 peak fixed route vehicles and 20-25 smaller vehicles for rural services in Ingham County. CATA provides all of Michigan State’s regular route service, after a service merger a few years ago. CATA is organized as a transit authority comprised of the following five jurisdictions: City of Lansing, City of East Lansing, Meridian Township, Lansing Township, and Delhi Township. Michigan State University is located in East Lansing.

The Board is comprised of representatives from the member jurisdictions. There are also two non-voting members of the Board. These members are from Ingham County and Michigan State University. CATA provides contractual services for the County and the University. In addition to the Board of Directors, there is also a Local Advisory Committee that is comprised of human service agency representatives, citizens, and a board liaison.

Local funding is derived through a millage that is in place in each of the member jurisdictions. The millage, in place since 1981, is currently 2.1838 mills, or \$2.1838 dollars for every \$1,000

of assessed value. The millage must go before the voters for renewal every five years. In addition to the millage, CATA also receives contractual revenue from the University and the County. The County has a separate millage of \$0.40 per \$1,000 of assessed value to support transit services. CATA’s total operating expenses and the local revenue amounts are provided in Table 7-5.

**Table 7-5: CATA Local Funding**

<b>FY2005 Total Operating Expenses</b>	\$ 30,422,097
<b>Local Revenue (48% of Total)</b>	\$ 14,490,893
<b>Source of Local Revenue</b>	Millage from each member jurisdiction and contractual funds from the University.

**Tallahassee, Florida - StarMetro**

Tallahassee is also a capital city with a major university presence (Florida State University, Florida A & M University, and Tallahassee Community College). Similar to StarTran, StarMetro is organized as a city department, reports to a City Manager and is part of the city budget. StarMetro provides city bus routes as well as campus shuttles for Florida State University, Florida A & M, and Tallahassee Community College. These are provided on a contractual basis. Local funds come from the city’s general fund and from contractual revenue.

Tallahassee, with help from the Center for Transportation Research (CUTR), recently developed a comprehensive plan to implement changes to the current system to improve and expand service delivery, customer amenities, system design, and community perception. A series of improvements are described, along with the associated costs and desired implementation dates. The plan was titled, “Tallahassee Transit Renaissance,” and included the name change to StarMetro. The system’s total expenses and local revenue amounts are provided in Table 7-6.

**Table 7-6: StarMetro Local Funding**

<b>FY2005 Total Operating Expenses</b>	\$ 10,163,137
<b>Local Revenue (49% of Total)</b>	\$ 4,949,577
<b>Source of Local Revenue</b>	City general revenue funds and contractual revenue.

**Little Rock, Arkansas - Central Arkansas Transit Authority (CAT)**

Little Rock, Arkansas is a capital city with a university presence, though the university (University of Arkansas at Little Rock) is not the main campus and is not as large as the University of Nebraska.

The Central Arkansas Transit Authority provides transit service in the region and was created in 1986 through an interlocal agreement that chartered CAT as a public corporation. There are 13

board members, with the following representation: five members selected by the Little Rock City Council; three members selected by the City of North Little Rock; two members selected by Pulaski County; and one member each from the Villages of Cammack, Maumell, and Sherwood. CAT operates 55 buses, 22 vans, and the River Rail Electric Streetcar. There are 47 peak hour buses in operation. There are no contractual arrangements with the University, though CAT does sell discounted bus passes on campus. Table 7-7 presents the FY2007 operating budget, along with the local funding details.

**Table 7-7: CAT Local Funding**

<b>FY2007 Total Operating Budget</b>	\$ 13,377,596
<b>Local Revenue (65% of Total)</b>	\$ 8,695,437
<b>Source of Local Revenue</b>	General revenue funds from each member jurisdiction. The amount of the contribution required from each local jurisdiction is derived from a mileage-based formula.

**Springfield, Missouri - City Utilities of Springfield Transit Services (The Bus)**

Springfield, Missouri, is similar to Lincoln, Nebraska in both population density and major university population, though the service area for transit is smaller in Springfield. Missouri State University (MSU), with a student population of just under 19,000, students is located in Springfield.

Public transit services in the City are operated by City Utilities of Springfield (CU), which is a community-owned utility serving southwest Missouri with electricity, natural gas, water, telecommunications and transit services. CU is governed by an 11-member Board of Public Utilities, nine who are customers inside the city and two who are customers outside the city. Board members are appointed by the Springfield City Council to serve three-year terms. The Board makes policy decisions for CU and appoints the General Manager, who is the Chief Executive.

The City Utilities Transit Service is unique, as it is one of the few remaining transit systems in the country that is operated by a public utility company. Local funds for transit are derived from the electric and gas rate payers in the service area. Table 7-8 provides these funding details.

**Table 7-8: City Utilities Local Transit Funding**

<b>FY2006 Total Operating Expenses</b>	\$ 7.4 million
<b>Local Revenue (57% of Total)</b>	\$ 4.2 million
<b>Source of Local Revenue</b>	Revenue derived from the electric and gas rate payers.

**Lexington, Kentucky - The Lexington Transit Authority (Lextran)**

While Lexington, Kentucky, is not a capital city, it is home to the University of Kentucky. Lexington’s service area is smaller than Lincoln’s (both in terms of population (11 % fewer people) and square miles (18% fewer square miles)), and the population is more densely concentrated than it is in Lincoln. The University of Kentucky has a student population of 26,682.

Lextran is a transit authority, incorporated under Kentucky law as the Transit Authority of the Lexington-Fayette Urban County Government. The Lextran Board is appointed by the Mayor of Lexington. Lextran operates a fleet of 58 buses, 8 buses on a University of Kentucky campus shuttle service, and contracts a door-to-door paratransit service through Red Cross Wheels. There are ten major routes.

In 2004 a tax referendum was passed to provide a dedicated source of local funds for Lextran. The referendum provides Lextran with \$0.10 per every 100 dollars of assessed property. The local funding details are provided in Table 7-9.

**Table 7-9: Lextran Local Transit Funding**

<b>FY2005 Total Operating Expenses</b>	\$ 9,089,956
<b>Local Revenue (34% of Total)</b>	\$ 3,082,348
<b>Source of Local Revenue</b>	Property tax; \$0.10 per 100 dollars of assessed value.

**Peer Summary**

The five peer systems show the diversity of ways in which transit is organized and financed in similar communities across the country. The examples include transit authorities, city governments, and a utility company. Local funding sources are also varied and include direct tax/millage, general revenue, and utility-generated funds.

**Summary**

This analysis has offered the following organizational alternatives for consideration:

- Status Quo- StarTran remaining as a division within a department of the City;
- StarTran as a Stand-Alone City Department, reporting directly to the Mayor and Council;
- StarTran as a Joint Public Agency- either City/County/University or City/County or City/University; and
- StarTran as a Transit Authority.

The various advantages and disadvantages for each alternative, with a particular emphasis on the

David B Norris/Notes  
12/03/2008 09:31 AM

To CIC Snow Notification  
cc  
bcc  
Subject snow release

## **CITY OF LINCOLN SNOW/TRAFFIC CONDITION REPORT**

**A COMPLETE VOICE REPORT IS AVAILABLE AT 441-7783. THIS NUMBER IS FOR NEWS MEDIA USE ONLY.**

**For more information:  
Public Works Snow Center -- 441-7644  
Citizen Information Center -- 441-7547**

**Date: Wednesday, December 3, 2008  
Time: 9:30 a.m.**

As light snow fell between 3:30 and 5 a.m., City street crews were out spreading material on bridges and intersections throughout the city. With the first accumulation occurring at about 5 a.m., street crews began a full-scale operation with 19 material-spreading units on the roads dispersing salt on all snow emergency routes and major arterial streets.

Crews will continue to monitor and address the snow emergency routes and major arterials over the next few hours, as well as hills and intersections in some residential areas.

Lincoln Police Department (LPD) reports that there have been about 40 accidents reported since 5:30 a.m. LPD reports that early morning driving conditions were hazardous and they urge motorists to drive defensively and allow more time to reach your destination if you need to travel this morning.

StarTran reports that there were significant delays early this morning along the bus routes. As of 9 a.m. this morning, most buses are running on schedule.

Please stay informed on the status of snow operations in Lincoln. Additional information is available on the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov) and on pages 48 and 49 in the blue pages of your Windstream phone directory. If you have questions, you may call the Public Works Snow Center at 441-7644.

-30-

\*\*\*\*\*

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**\*\*\* ACTION BY PLANNING COMMISSION \*\*\***  
**December 3, 2008**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 3, 2008, at 1:00 p.m. in the City-Council Hearing Room, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

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

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

**AGENDA**

**WEDNESDAY, DECEMBER 3, 2008**

[Commissioners Francis and Gaylor Baird absent]

Approval of minutes of the regular meeting held November 19, 2008. \*\*APPROVED, 7-0 (Francis and Gaylor Baird absent)\*\*

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

**CHANGE OF ZONE WITH RELATED ITEMS:**

- Page 01      1.1a      Change of Zone No. 08058, from R-2 Residential District to R-T Residential Transition District, on property generally located southeast of S. 33<sup>rd</sup> Street and A Street.  
**Staff recommendation: Approval**  
**Staff Planner: Christy Eichorn, 441-7603, [ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)**  
**Removed from the Consent Agenda and had public hearing.**  
**Planning Commission recommendation: APPROVAL, 5-2 (Cornelius, Partington, Taylor, Sunderman and Carroll voting 'yes'; Larson and Esseks voting 'no'; Francis and Gaylor Baird absent).**  
**Public Hearing before City Council tentatively scheduled for Monday, January 5, 2009, 1:30 p.m.**

- 1.1b Use Permit No. 08002, to allow for office and residential uses, on property generally located southeast of S. 33<sup>rd</sup> Street and A Street.

**\*\*\* FINAL ACTION \*\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Christy Eichorn, 441-7603, [ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)**

**Removed from the Consent Agenda and had public hearing.**

**Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 20, 2008, 5-2 (Cornelius, Partington, Taylor, Sunderman and Carroll voting 'yes'; Larson and Esseks voting 'no'; Francis and Gaylor Baird absent).**

**Resolution No. PC-01149.**

**2. REQUESTS FOR DEFERRAL: None**

**4. PUBLIC HEARING AND ACTION:**

**CHANGE OF ZONE:**

- 4.1 Change of Zone No. 08057, University Place Planned Unit Development, for 1) a change of zone from B-3 Commercial to B-3 Commercial PUD for a Planned Unit Development District designation which proposes to modify the standards of the underlying zoning district, subdivision ordinance and design standards, and 2) for a change of zone from B-3 Commercial District to P Public Use District on property generally located at N. 48<sup>th</sup> Street from Colby to Adams Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: Brandon Garrett, 441-6373, [bgarrett@lincoln.ne.gov](mailto:bgarrett@lincoln.ne.gov)**

**Had public hearing.**

**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated November 24, 2008, 7-0 (Cornelius, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Francis and Gaylor Baird absent).**

**Public Hearing before City Council tentatively scheduled for Monday, January 5, 2009, 1:30 p.m.**

- 4.2 Special Permit No. 384F, an amendment for a health care facility to add an approximately 63-person assisted living facility, and to expand the campus to provide an additional 65 parking spaces, with requests to waive setbacks and height, on property generally located at South 48<sup>th</sup> Street and Randolph Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

**Had public hearing.**

**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated November 19, 2008, with amendment deleting Condition #1.2, 7-0 (Cornelius, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Francis and Gaylor Baird absent).**

**Public Hearing before City Council tentatively scheduled for Monday, January 5, 2009, 1:30 p.m.**

\* \* \* \* \*

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

\* \* \* \* \*

**PENDING LIST:**

1. *Street and Alley Vacation No. 04013, to vacate all of the east-west alley in Block 65, Original Lincoln, bounded by 13th, 14th, "M" and "N" Streets, generally located at S. 13th Street & "M" Street. (\*\*Expires 01/28/09\*\*)*  
**(3-16-05: Planning Commission voted 9-0 to place on pending until completion of the Downtown Master Plan at the request of the applicant.)**

2. *Special Permit No. 08034A, Whispering Meadows Community Unit Plan, an amendment to show the layout of 155 attached single-family lots, with waiver requests to allow sanitary sewer to flow against the grade; to allow 20' wide private roadways; to allow adjustments to heights and area requirements; and to waive the required sidewalks and street trees on both sides of all streets, on property generally located at SW 27<sup>th</sup> Street and West A Street. \*\*\* FINAL ACTION \*\*\* (11-19-08: Planning Commission voted 9-0 to continued public hearing on December 17, 2008 at the request of the applicant.)*

**Planning Dept. staff contacts:**

Steve Henrichsen, Development Review Manager	441-6374	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Mike Brienzo, Transportation Planner	441-6369	<a href="mailto:mbrienzo@lincoln.ne.gov">mbrienzo@lincoln.ne.gov</a>
Tom Cajka, Planner	441-5662	<a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>
David Cary, Long Range Planner	441-6364	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Mike DeKalb, Planner	441-6370	<a href="mailto:mdekalb@lincoln.ne.gov">mdekalb@lincoln.ne.gov</a>
Christy Eichorn, Planner	441-7603	<a href="mailto:ceichorn@lincoln.ne.gov">ceichorn@lincoln.ne.gov</a>
Brandon Garrett, Planner	441-6373	<a href="mailto:bgarrett@lincoln.ne.gov">bgarrett@lincoln.ne.gov</a>
Brian Will, Planner	441-6362	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>
Ed Zimmer, Historic Preservation Planner	441-6360	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

\* \* \* \* \*

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

\* \* \* \* \*

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

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Preister, Planning 

**DATE :** December 3, 2008

**RE :** **Use Permit No. 08002**  
(Office and residential uses - 3333 A Street and 3345 A Street)  
**Resolution No. PC-01149**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 3, 2008:

Motion made by Sunderman, seconded by Cornelius, to approve **Use Permit No. 08002**, with conditions, requested by Brian and Debra Marshall and Earl Visser, to allow office and residential uses as permitted uses, on property located at 3333 A Street and 3345 A Street.

Motion for conditional approval carried 5-2: Cornelius, Partington, Taylor, Sunderman and Carroll voting 'yes'; Larson and Esseks voting 'no'; Francis and Gaylor Baird absent.

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

The Letter of Acceptance will be mailed to the permittee by the City Clerk at the end of the 14-day appeal period.

Please Note: On December 3, 2008, the Planning Commission also voted 5-2 to recommend approval of the associated Change of Zone No. 08058, from R-2 Residential District to R-T Residential Transition District, which is tentatively scheduled for public hearing before the City Council on **Monday, January 5, 2009, at 1:30 p.m.**

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Brian and Debra Marshall, 3333 A Street, 68510  
Earl Visser, 3646 N. 48<sup>th</sup> Street, Suite A, 68504  
Larry Baus, MAG8 Properties, LLC, 3308 A Street, 68510  
Tracy Corr, 40<sup>th</sup> & A Neighborhood Assn., 1001 S. 37<sup>th</sup> Street, 68510  
Ray Gobber, 40<sup>th</sup> & A Neighborhood Assn., 1436 Sunburst Lane, 68506  
Woods Park Neighborhood Association (6 contacts)  
Michael Duweling, 3342 Washington Street, 68507  
Linda Witfoth, 3336 Washington Street, 68506

---

RESOLUTION NO. PC- 01149

USE PERMIT NO. 08002

1           WHEREAS, Brian and Debra Marshall and Earl Visser have submitted an  
2 application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as  
3 Use Permit No. 08002 to allow office and residential uses as permitted uses on property  
4 generally located at 3333 A Street and 3345 A Street, and legally described as:

5                       Lots 7 and 8, Block 4, Marydell, Lincoln, Lancaster County,  
6                       Nebraska;

7           WHEREAS, the real property adjacent to the area included within the site plan for  
8 this office and residential use as a permitted use in the R-T zoning will not be adversely affected;  
9 and

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

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

15           That the application of Brian and Debra Marshall and Earl Visser, hereinafter  
16 collectively referred to as "Permittee", for a use permit to allow office and residential uses as  
17 permitted uses be and the same is hereby granted under the provisions of Section 27.28.090 of  
18 the Lincoln Municipal Code upon condition that construction and operation of said office and

1 residential uses be in substantial compliance with said application, the site plan, and the  
2 following additional express terms, conditions, and requirements:

3 1. Before receiving building permits, the Permittee shall:

4 a. Cause to be prepared and submitted to the Planning Department a  
5 revised and reproducible full-sized final site plan including 5 copies with all  
6 required revisions as listed below:

7 i. Revise the site plan to show both properties on one site plan.

8 ii. Show the shared commercial driveway and note that there is a  
9 common access easement on the driveway.

10 iii. Add to the General Notes, "Signs need not be shown on this site  
11 plan, but need to be in compliance with Chapter 27.69 of the  
12 Lincoln Zoning Ordinance, and must be approved by Building &  
13 Safety Department prior to installation."

14 iv. Show the required screening along the rear lot line per Chapter 3.5  
15 of the Design Standards.

16 b. Provide the Planning Department with documentation that the required  
17 driveway easement as shown on the site plan is recorded with the  
18 Register of Deeds.

19 2. Before receiving building permits the construction plans shall substantially comply  
20 with the approved plans.

21 3. Before occupying the dwelling units/buildings, all development and construction is  
22 to substantially comply with the approved plans.

23 4. All privately-owned improvements shall be permanently maintained by the  
24 Permittee.

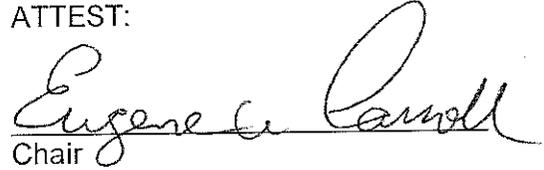
25 5. The physical location of all setbacks and yards, buildings, parking and circulation  
26 elements, and similar matters must be in substantial compliance with the location of said items  
27 as shown on the approved site plan.

28 6. The terms, conditions, and requirements of this resolution shall run with the land  
29 and be binding upon the Permittee, their successors and assigns.

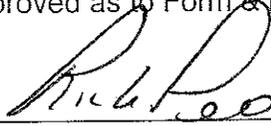
1           7.       The Permittee shall sign and return the letter of acceptance to the City Clerk  
2 within 60 days following the approval of the use permit, provided, however, said 60-day period  
3 may be extended up to six months by administrative amendment. The clerk shall file a copy of  
4 the resolution approving the use permit and the letter of acceptance with the Register of Deeds,  
5 filling fees therefor to be paid in advance by the Permittee.

*DATED: December 31, 2008.*

ATTEST:

  
Chair

Approved as to Form & Legality:

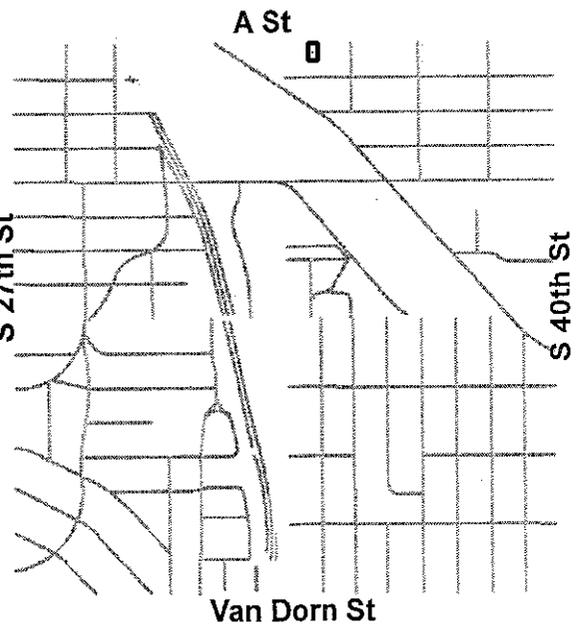
  
\_\_\_\_\_  
Chief Assistant City Attorney



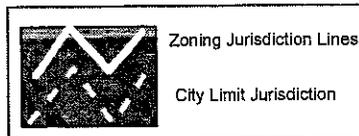
**Change of Zone #08058 &  
Use Permit #08002  
S. 33rd & A Street  
Zoning:**

2007 aerial

One Square Mile  
Sec. 31 T10N R07E



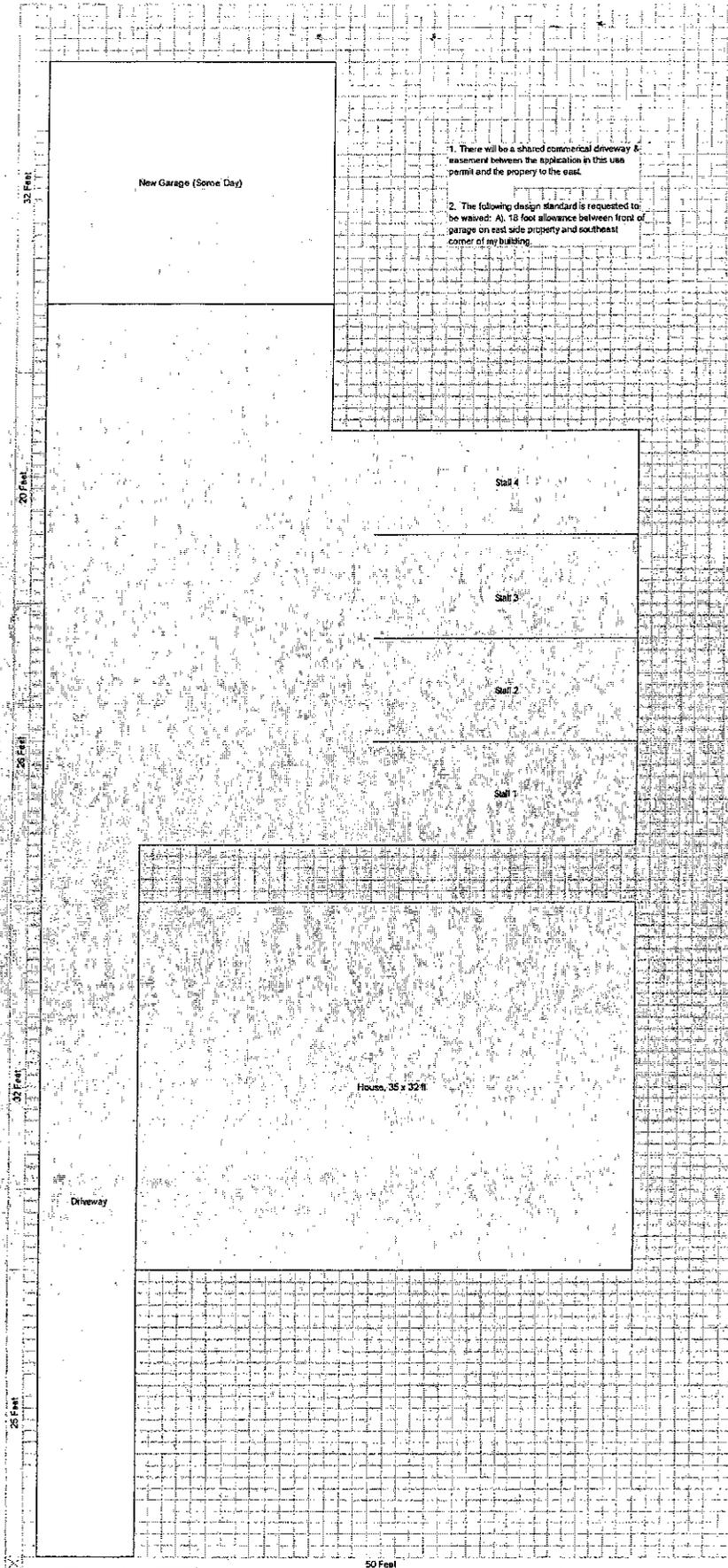
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



3333 A STREET

SITE MAP  
3333 A Street, Lincoln NE 68510  
Property ID: 17-31-224-002-000  
Legal Description: Maryland, Block 4, Lot 8

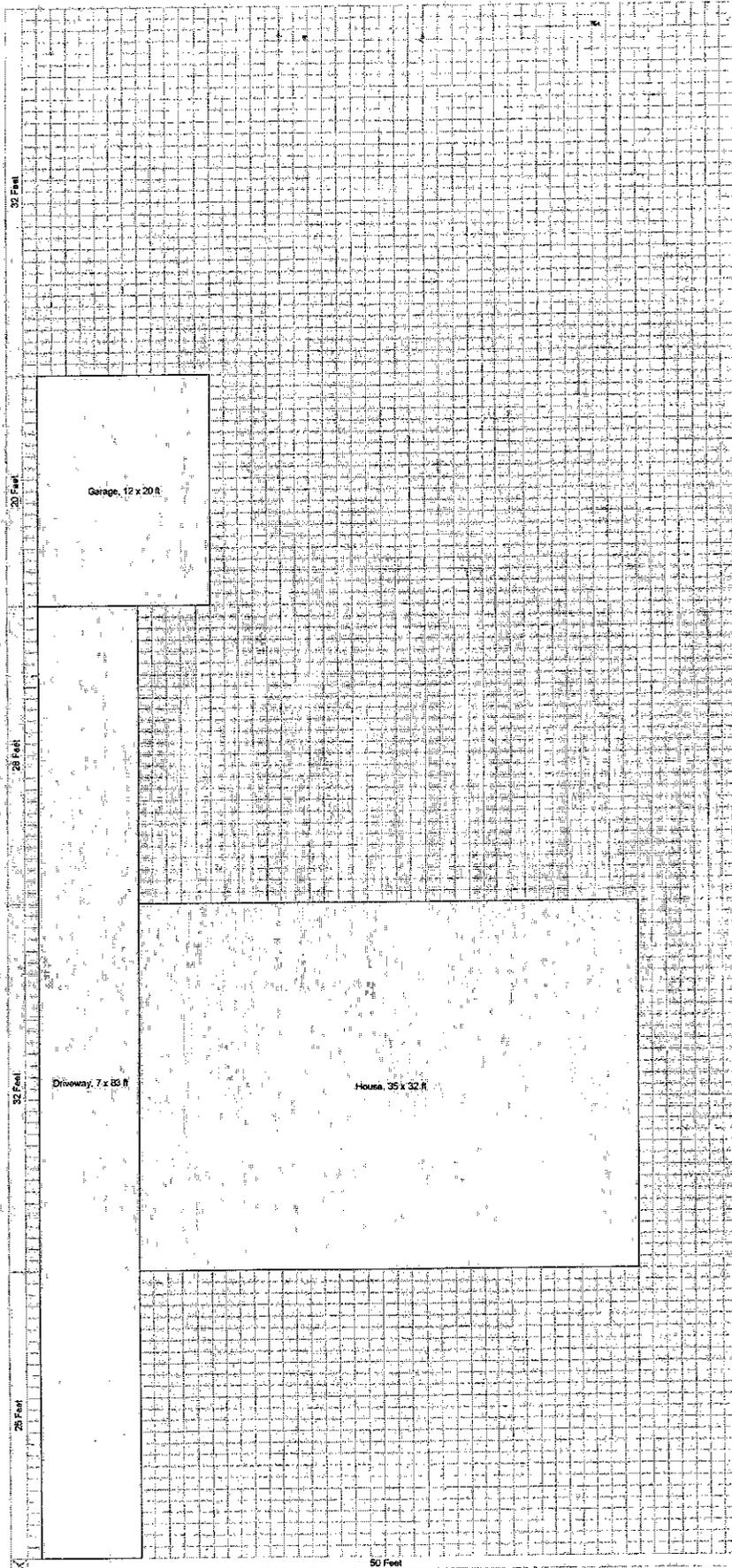
PROPOSED



A STREET

SITE MAP  
3333 A Street, Lincoln NE 68510  
Property ID: 17-31-224-022-000  
Legal Description: Marydel, Block 4, Lot 8

EXISTING CONDITIONS



**John V Hendry/Notes**

12/03/2008 02:57 PM

To councilpacket@lincoln.ne.gov

cc Rick Hoppe/Notes@Notes, Steve D Hubka/Notes@Notes,  
Denise K Pearce/Notes@Notes, Trish A  
Owen/Notes@Notes, Joan E Ross/Notes@Notes

bcc

Subject REschlimanRFI#17

In response to your 12/01/08 e-mail, I have attached a PDF document that contains a total of 18 state statutes which require published notice for various city activities. I would "suspect" from your standpoint, the two most significant would be 84-1411 dealing with public meetings and 15-403 dealing with ordinances.

I do not warrant that I have captured EVERY state statute. I tried my best however to do so but frankly, I may have missed one or two given the number of statutes involved and the breath of your request.

In addition, I did not search the Lincoln Municipal Code or the Home Rule Charter which contain additional publication requirements. I felt this was beyond the scope of your request and, in a number of instances, our publication requirements are based on state statute directives. I apologize for not getting this to you sooner, but it took a while to research every Nebraska statute.



Statutes.PDF

\*\*\*\*\*

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Westlaw

NE ST § 84-1411  
Neb.Rev.St. § 84-1411

Page 1

C

NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 84. STATE OFFICERS  
ARTICLE 14. PUBLIC MEETINGS**§ 84-1411 Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be

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used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(a) The territory represented by the member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(g) The telephone conference call lasts no more than one hour; and

(h) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other non-members of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public

body to appear before the public body by means of video or telecommunications equipment.

**Source:** Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9.

#### CROSS REFERENCES

**Intergovernmental Risk Management Act**, see section 44-4301.

**Interlocal Cooperation Act**, see section 13-801.

**Joint Public Agency Act**, see section 13-2501.

**Municipal Cooperative Financing Act**, see section 18-2401.

An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).

An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).

When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).

Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).

An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

Neb. Rev. St. § 84-1411, NE ST § 84-1411

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**C**  
NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 10. BONDS  
ARTICLE 4 INTERNAL IMPROVEMENT BONDS**§ 10-404 County and city bonds; publication required; resubmission limited.**

Upon a majority of the votes cast being in favor of the proposition submitted, the county board, in the case of a county, and the **city** council, in the case of a **city**, shall cause the proposition and the result of the vote to be entered upon the records of said county or **city**, and a notice of its adoption to be **published** for two successive weeks in any newspaper in said county or **city**, if there be one, and if not, then without such publication; and shall thereupon issue said bonds, which shall be and continue a subsisting debt against such county or **city** until they are paid and discharged; PROVIDED, that the question of bond issues in such county or **city**, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of said election.

**Source:** Laws 1869, § 4, p. 92; R.S.1913, § 408; C.S.1922, § 325; Laws 1923, c. 69, § 1, p. 206; C.S.1929, § 11-404; R.S.1943, § 10-404; Laws 1971, LB 534, § 2.

## NOTES OF DECISIONS

Section is specifically limited to counties and cities. Lang v. Sanitary District, 160 Neb. 754, 71 N.W.2d 608 (1955).

If notice is not published, bonds are void. Wilbur v. Wyatt, 63 Neb. 261, 88 N.W. 499 (1901).

Neb. Rev. St. § 10-404, NE ST § 10-404

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NEBRASKA REVISED STATUTES OF 1943  
 CHAPTER 13. CITIES, COUNTIES, AND OTHER POLITICAL SUBDIVISIONS  
 ARTICLE 11 INDUSTRIAL DEVELOPMENT  
 (A) INDUSTRIAL DEVELOPMENT BONDS

**§ 13-1105 Leasing or financing of project; governing body; powers and duties; hearing.**

(1) Prior to the leasing or financing of any project, the governing body must determine and find the following: The amount necessary to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid into any reserve funds which the governing body may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project including taxes; and, with respect to leases, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured.

(2) The determinations and findings of the governing body, required to be made by subsection (1) of this section, shall be set forth in the proceedings under which the proposed bonds are to be issued. Prior to the issuance of the bonds authorized by sections 13-1101 to 13-1110, the municipality or county shall (a) lease the project to a lessee or lessees under an agreement conditioned upon completion of the project and providing for payment to the municipality or county of such rentals as, upon the basis of such determinations and findings, will be sufficient (i) to pay the principal of and interest on the bonds issued to finance the project, (ii) to pay the taxes on the project, (iii) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (iv) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the project, to pay the costs of maintaining the project in good repair and keeping it properly insured or (b) enter into a financing agreement pursuant to subdivision (3) of section 13-1102. Subject to the limitations of sections 13-1101 to 13-1110, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties, and notwithstanding any other provisions of law relating to the sale of property owned by municipalities and counties, such lease may contain an option for the lessees to purchase the project on such terms and conditions as may be mutually acceptable to the parties.

(3) At a public hearing or at the adjournment of such hearing, the governing body of the **city** in which the proposed project is located shall determine whether the location of the proposed project is within a blighted area and whether the proposed project is within the development plan or plans for the area. Notice of the time and place of the hearing shall be **published** at least two times not less than seven days prior to the hearing in a legal newspaper having a general circulation within the boundaries of the **city**. Upon a favorable resolution by the governing body of the **city** where the proposed project is located, the governing body of the **city** or county may proceed to issue bonds.

**Source:** Laws 1961, c. 54, § 5, p. 204; Laws 1983, LB 451, § 4; R.S.1943, (1983), § 18-1618.

Neb. Rev. St. § 13-1105, NE ST § 13-1105

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**C**NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 15. CITIES OF THE PRIMARY CLASS  
ARTICLE 4 COUNCIL AND PROCEEDINGS**§ 15-403 Ordinances; form; publication; when operative.**

The style of ordinances shall be: Be it ordained by the **city** council of the **city** of ..... . All ordinances shall be **published** within fifteen days after passage thereof, such publication to be sufficient if **published** in one issue of a daily or weekly newspaper of general circulation in the **city**, or posted on the official bulletin board of the **city** at the **city** hall, or in book or pamphlet form, as may be provided by ordinance, to be distributed or sold in the **city**. Ordinances fixing a penalty or forfeiture for the violation thereof shall not take effect until fifteen days after passage, and in no case before one week after the publication thereof in the manner above prescribed; **PROVIDED**, in case of riots, infectious or contagious diseases or other impending danger or other emergency requiring immediate operation of the ordinance, the same shall take effect immediately upon the publication thereof as above prescribed. All ordinances, except as hereinabove prescribed, shall take effect fifteen days after passage.

**Source:** Laws 1901, c. 16, § 128, p. 126; R.S.1913, § 4512; C.S.1922, § 3898; C.S.1929, § 15-403; R.S.1943, § 15-403; Laws 1963, c. 56, § 3, p. 236.

Neb. Rev. St. § 15-403, NE ST § 15-403

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NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 15. CITIES OF THE PRIMARY CLASS  
ARTICLE 7 PUBLIC IMPROVEMENTS

**§ 15-725 Public improvements; special tax assessments.**

Special tax assessments to pay cost of local improvements, except special assessments for sidewalk purposes or as herein otherwise provided, shall be made in the manner following: (1) Assessment shall be made on the district by resolution of the council at any meeting, stating cost of the improvement and benefit accruing to the property in the district to be taxed, which, with the vote by yeas and nays, shall be recorded in the minutes. Therewith shall be submitted a proposed distribution of the tax on each separate property to be taxed subject to action of the board of equalization as prescribed therein; and (2) notice of time of assessment shall be **published** in some newspaper **published** and of general circulation in the **city** ten days before the assessment, and that the council will sit as a board of equalization to distribute the tax at a time in such notice fixed, not less than five days after such assessment, and the proper distribution of such special tax shall be open to examination of all persons interested. Property shall not be specially taxed for more than the total cost of the improvement nor more than the special benefit accruing thereto by the improvement. If the aggregate tax be less than the cost of improvement the excess shall be paid from the general fund. Special taxes may be assessed as the improvement progresses and as soon as completed in front of or along property taxed, or when the whole is complete, as the council shall determine. Special assessments for local benefits shall be a lien on all property so specially benefited superior and prior to all other liens save general taxes or other special assessments and equal therewith. If any special assessment be declared void, or doubt of its validity exist, the mayor and council, to pay the cost of improvement, may make a reassessment thereof on the original estate within the district, and any sums paid on the original assessment shall be credited to the property on which it was paid and any excess refunded to the owner paying it, with lawful interest. Taxes reassessed and not paid shall be enforced and collected as other special taxes. No special tax or assessment which the mayor and council acquire jurisdiction to make shall be void for any irregularity, defect, error or informality in procedure, in levy or equalization thereof.

**Source:** Laws 1901, c. 16, § 102, p. 109; R.S.1913, § 4535; C.S.1922, § 3921; C.S.1929, § 15-714.

NOTES OF DECISIONS

Reassessment of benefits is provided for when original assessment is invalid. *Shanahan v. Johnson*, 170 Neb. 399, 102 N.W.2d 858 (1960).

Blanket notice of sitting of council as board of equalization is sufficient. *Price v. City of Lincoln*, 103 Neb. 366, 171 N.W. 921 (1919).

When lots are subdivided, assessment for paving is made on equitable basis. *Lansing v. City of Lincoln*, 32 Neb. 457, 49 N.W. 650 (1891).

Neb. Rev. St. § 15-725, NE ST § 15-725

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**C**NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 15. CITIES OF THE PRIMARY CLASS  
ARTICLE 7 PUBLIC IMPROVEMENTS**§ 15-734 Sidewalks; construction; repair; duty of landowner; power of city in case of default; cost; assessment.**

The owner of property abutting on public streets is hereby primarily charged with the duty of keeping and maintaining the sidewalks thereon in a safe and sound condition, and free from snow, ice, and other obstructions; and in default thereof, upon notice to such abutting property owner as hereinafter provided, such abutting property owner shall be liable for injuries or damages sustained by reason thereof. The city is given general charge, control, and supervision of the streets and sidewalks thereof, and is required to cause to be maintained or maintain the same in a reasonably safe condition. It is given full power to require owners of abutting property to keep and maintain the sidewalks thereof in a safe and sound condition and free from snow, ice, and other obstructions, and to require such abutting property owners to construct and maintain the sidewalks of such material and of such dimensions and upon such grade as may be determined by the council. In case such abutting property owner refuses or neglects, after five days' notice by publication, or in place thereof, personal service of such notice, to so construct or maintain such sidewalk, the city through the proper officers may construct or repair such sidewalk or cause the same to be constructed or repaired, and report the cost thereof to the council, whereupon the council shall assess the same against such abutting property. The council may receive bids for constructing or repairing any or all such walks, and may let contracts to the lowest responsible bidders for constructing or repairing the same. The contractor or contractors shall be paid therefor from special assessments against the abutting property. The cost of constructing, replacing, repairing, or grading thereof shall be assessed at a regular council meeting by resolution, fixing the cost along abutting property as a special assessment against such property; and the amount charged or the cost thereof, with the vote by yeas and nays, shall be spread upon the minutes. Notice of the time of such meeting of the council and its purpose shall be **published** once in a newspaper **published** and of general circulation in the city at least five days before the meeting of the council is to be held, or, in place thereof, personal notice may be given such abutting property owners. Such special assessment shall be known as special sidewalk assessments, and together with the cost of notice, shall be levied and collected as special taxes in addition to the general revenue taxes, and shall be subject to the same penalties and shall draw interest at a rate not to exceed the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date of the levy thereof until satisfied.

**Source:** Laws 1901, c. 16, § 107, p. 113; R.S.1913, § 4540; C.S.1922, § 3926; C.S.1929, § 15-719; R.S.1943, § 15-734; Laws 1980, LB 933, § 7; Laws 1981, LB 167, § 8.

## NOTES OF DECISIONS

Giving of statutory notice is condition precedent to action based on injury from failure to remove snow and ice. *Stump v. Stransky*, 168 Neb. 414, 95 N.W.2d 691 (1959).

City is not an insurer of safety of pedestrians using sidewalks, but is required only to keep them in a reasonably safe condition for travel. *Anthony v. City of Lincoln*, 152 Neb. 320, 41 N.W.2d 147 (1950).

When city contracted for construction of sidewalk but neglected to collect assessment and agreed to release

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owner, it was liable to contractor. *Ward v. City of Lincoln*, 87 Neb. 661, 128 N.W. 24 (1910).

In action by city against owner for damages paid for injuries from defective walk, statute of limitations began to run when final judgment was rendered against city. *City of Lincoln v. First Nat. Bank of Lincoln*, 67 Neb. 401, 93 N.W. 698 (1903).

Not liable unless city, through proper officers, knew of defect or same had existed so long as to constitute notice. *Nothdurft v. City of Lincoln*, 66 Neb. 430, 92 N.W. 628 (1902), rehearing denied 66 Neb. 434, 96 N.W. 163 (1903).

Owner need not repair until notified by city. *City of Lincoln v. Janesch*, 63 Neb. 707, 89 N.W. 280 (1902).

The fact that the duty of maintaining sidewalks in repair is imposed upon owner does not relieve city from such duty and consequent liability. *City of Lincoln v. Pirner*, 59 Neb. 634, 81 N.W. 846 (1900); *City of Lincoln v. O'Brien*, 56 Neb. 761, 77 N.W. 76 (1898).

Traveler has right to presume walk is safe; city liable for unguarded excavations in street and sidewalks. *City of Lincoln v. Walker*, 18 Neb. 250, 25 N.W. 66 (1885).

Neb. Rev. St. § 15-734, NE ST § 15-734

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CHAPTER 15. CITIES OF THE PRIMARY CLASS  
ARTICLE 8 FISCAL MANAGEMENT, REVENUE, AND FINANCES  
**§ 15-808 Board of equalization; hearings; duties.**

The city council sitting as a board of equalization shall hold a session of not less than three or more than thirty days annually commencing on the first Tuesday after the third Monday in June and shall have power:

- (1) To assess any taxable property, real and personal, not assessed;
- (2) To review assessments made and correct the same as appears to be just. The board shall not increase the assessment of any person, partnership, limited liability company, or corporation until such person, partnership, limited liability company, or corporation has been notified by the board to appear and show cause, if any, why the assessment should not be increased. If personal service of such notice cannot be made in the city, notice may be given by publication and it shall be sufficient if such notice is **published** in one issue of a daily paper of general circulation within the city; and
- (3) To equalize the assessments of all taxable property in the city and to correct any errors in the listing or value thereof. The city council sitting as a board of equalization shall be authorized and empowered to meet at any time for the purpose of equalizing assessment of any omitted or undervalued property and to add to the assessment rolls any taxable property not included.

**Source:** Laws 1901, c. 16, § 78, p. 99; Laws 1907, c. 9, § 7, p. 79; R.S.1913, § 4548; C.S.1922, § 3935; C.S.1929, § 15-806; R.S.1943, § 15-808; Laws 1961, c. 39, § 1, p. 167; Laws 1992, LB 1063, § 7; Laws 1992, Second Spec. Sess., LB 1, § 7; Laws 1993, LB 121, § 132.

NOTES OF DECISIONS

Owner of tax exempt real estate is entitled to enjoin collection of taxes thereon even though statute provides a remedy, inasmuch as tax is absolutely void. East Lincoln Lodge No. 210, A.F. & A.M. v. City of Lincoln, 131 Neb. 379, 268 N.W. 91 (1936).

Upon notice, board may assess property omitted from list. White v. City of Lincoln, 79 Neb. 153, 112 N.W. 369 (1907).

Neb. Rev. St. § 15-808, NE ST § 15-808

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CHAPTER 15. CITIES OF THE PRIMARY CLASS  
ARTICLE 8 FISCAL MANAGEMENT, REVENUE, AND FINANCES  
**§ 15-822 Special assessments; reassessment; procedure.**

The council shall have power in all cases where special assessments for any purpose have or may be declared void or invalid for want of jurisdiction in making or levying such special assessments, or on account of any defect or irregularity in the manner of levying the same, or for any cause whatever, to reassess and relevel a new assessment equal to the special benefits or not to exceed the cost of the improvement for which the assessment was made upon the property originally assessed, and such assessment so made shall constitute a lien upon the property prior and superior to all other liens except liens for taxes or other special assessments; PROVIDED, in all cases under the provisions of this section the council before making any such reassessment or relevel of special taxes or assessments shall give five days' notice in a newspaper **published** and of general circulation in the **city** of the time when the council will meet to determine the matter of reassessing or releveling all such special assessments.

**Source:** Laws 1901, c. 16, § 93, p. 104; R.S.1913, § 4566; C.S.1922, § 3953; C.S.1929, § 15-825.

NOTES OF DECISIONS

Reassessment of benefits is provided for when original assessment is invalid. *Shanahan v. Johnson*, 170 Neb. 399, 102 N.W.2d 858 (1960).

Neb. Rev. St. § 15-822, NE ST § 15-822

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**C**NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 18. CITIES AND VILLAGES; LAWS APPLICABLE TO ALL  
ARTICLE 5. SEWER SYSTEMS**§ 18-506.01 Revenue bonds; general obligation bonds; issuance; conditions.**

Revenue bonds, authorized by section 18-502, may be issued by ordinance duly passed by the mayor and city council of any city or the board of trustees of any village without any other authority. General obligation bonds, authorized by section 18-506, may be issued only after the question of their issuance shall have been submitted to the electors of the city or village at a general or special election, of which three weeks' notice thereof has been published in a legal newspaper published in or of general circulation in such city or village, and more than a majority of the electors voting at the election have voted in favor of the issuance of the bonds.

**Source:** Laws 1951, c. 19, § 3, p. 100; Laws 1967, c. 83, § 1, p. 259.

## NOTES OF DECISIONS

Sewer bonds can be issued only after more than sixty percent of the electors voting at the election vote in favor of issuance of bonds. State ex rel. City of Grand Island v. Johnson, 175 Neb. 498, 122 N.W.2d 240 (1963).

Neb. Rev. St. § 18-506.01, NE ST § 18-506.01

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NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 18. CITIES AND VILLAGES; LAWS APPLICABLE TO ALL  
ARTICLE 5. SEWER SYSTEMS**§ 18-507 Installation, improvement, or extension; plans and specifications; bidding requirements.**

Whenever the governing body of any city or village shall have ordered the installation of a sewerage system and sewage disposal plant or the improvement or extension of an existing system, the fact that such order was issued shall be recited in the official minutes of the governing body. The said body shall thereupon require that plans and specifications be prepared of such sewerage system and sewage disposal plant, or such improvement or extension. Upon approval of such plans, the governing body shall thereupon advertise for sealed bids for the construction of said improvements once a week for three weeks in a legal paper **published** in or of general circulation within said municipality, and the contract shall be awarded to the lowest responsible bidder.

**Source:** Laws 1933, c. 146, § 7, p. 563; C.S.Supp., 1941, § 18-1407.

## NOTES OF DECISIONS

A public body has discretion to award the contract to one other than the lowest of the responsible bidders whenever a submitted bid contains a relevant advantage. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

By mandating that contracts be awarded to the lowest responsible bidder, the Nebraska Legislature is seeking to protect taxpayers, prevent favoritism and fraud, and increase competition in the bidding process by placing bidders on equal footing. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

Determining the lowest responsible bidder is a two-step process. The first step is for the public body to determine which bidders are responsible to perform the contract. The second step focuses on which of the responsible bidders has submitted the lowest bid. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

Determining the responsibility of bidders is a job for elected officials, and a court's only role is to review those decisions to make sure the public officials did not act arbitrarily, or from favoritism, ill will, or fraud. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

In addition to a bidder's pecuniary ability, responsibility pertains to a bidder's ability and capacity to carry on the work, the bidder's equipment and facilities, the bidder's promptness, the quality of work previously done by him or her, the bidder's suitability to the particular task, and such other qualities as are found necessary to consider in order to determine whether or not, if awarded the contract, he or she could perform it strictly in accordance with its terms. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

Public bodies do not act ministerially only, but exercise an official discretion when passing upon the question of the responsibility of bidders. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

When responsible bidders submit identical bids, the public body must award the contract to the lowest of the responsible bidders. *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004).

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City council may, in specifications for municipal sewage treatment plant, permit bidders to propose and fix time for completion of proposed works, and may reserve right to omit any or all of separate items from contract for which separate price proposals are asked after bids are opened and before contract awarded, without rendering bidding unlawful. *Best v. City of Omaha*, 138 Neb. 325, 293 N.W. 116 (1940).

Neb. Rev. St. § 18-507, NE ST § 18-507

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**C**NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 18. CITIES AND VILLAGES; LAWS APPLICABLE TO ALL  
ARTICLE 6. SUBWAYS AND VIADUCTS**§ 18-604 Private property; condemnation; ordinance; requirements.**

When it shall become necessary to appropriate or damage any private property for the construction of such viaduct or subway, such appropriation shall be made by ordinance. Said ordinance to be headed Viaduct Ordinance shall be **published** once each week for three issues in a daily or weekly newspaper **published** in such city or village and of general circulation therein. Said publication shall be sufficient notice to the owners, occupants, and parties interested, and all parties having equitable interests therein.

**Source:** Laws 1935, Spec. Sess., c. 34, § 4, p. 197; C.S.Supp.,1941, § 18- 1904.

Neb. Rev. St. § 18-604, NE ST § 18-604

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CHAPTER 19. CITIES AND VILLAGES; LAWS APPLICABLE TO MORE THAN ONE AND LESS THAN  
ALL CLASSES  
ARTICLE 5. CHARTER CONVENTION (APPLICABLE TO CITIES OVER 5,000 POPULATION.)  
**§ 19-501 Charter convention; charter; amendments; election.**

Whenever, in any **city** having a population of more than five thousand inhabitants, a charter convention shall have prepared and proposed any charter for the government of said **city** or any amendments to the charter previously in force, it shall be the duty of the **city** clerk to also **publish** and submit, at the same time and in the same manner as in the case of the submission of said proposed charter, any additional or alternative articles or sections, to the qualified voters of said **city** for their approval, which shall be proposed by the petition of at least ten percent of the qualified electors of said **city** voting for the gubernatorial candidates at the next preceding general election; PROVIDED, said petition must be filed within thirty days after the work of said charter convention shall have been completed.

**Source:** Laws 1913, c. 192, § 1, p. 569; R.S.1913, § 5312; C.S.1922, § 4535; C.S.1929, § 19-501.

Neb. Rev. St. § 19-501, NE ST § 19-501

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CHAPTER 19. CITIES AND VILLAGES; LAWS APPLICABLE TO MORE THAN ONE AND LESS THAN  
ALL CLASSES  
ARTICLE 33. OFFSTREET PARKING (APPLICABLE TO CITIES OF THE PRIMARY, FIRST, OR  
SECOND CLASS.)  
(A) OFFSTREET PARKING DISTRICT ACT  
§ 19-3312 Proposed districts; boundaries; notice; objections; hearing.

The mayor and city council may fix and establish by resolution pursuant to the provisions of sections 19-3301 to 19-3326 the boundaries of a proposed district, which boundaries shall include all the land in the district which in the opinion of the mayor and city council will be specially benefited thereby. Notice of the time and place of a hearing before the city council on the creation of such district and of protests and objections to the creation of the district as set forth in the notice shall be given by publication one time each week for not less than three weeks in a daily or weekly newspaper of general circulation published in the city. The notice shall set forth in addition the proposed boundaries of the district and the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of the offstreet parking facility. Not later than the hour set for the hearing any owner or any person interested in any real estate within the proposed district may severally or with other owners file with the city clerk written objections to the thing proposed to be done, the extent of the proposed district, or both, and every person so interested shall have a right to protest on any grounds and to object to his real estate being included in the district, and at such hearing all objections and protests shall be heard and passed upon by the mayor and city council.

**Source:** Laws 1967, c. 60, § 12, p. 201; R.S.Supp., 1967, § 16-823; Laws 1969, c. 88, § 12, p. 441.

Neb. Rev. St. § 19-3312, NE ST § 19-3312

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NE ST § 19-3314  
Neb.Rev.St. § 19-3314

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NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 19. CITIES AND VILLAGES; LAWS APPLICABLE TO MORE THAN ONE AND LESS THAN ALL CLASSES  
ARTICLE 33. OFFSTREET PARKING (APPLICABLE TO CITIES OF THE PRIMARY, FIRST, OR SECOND CLASS.)  
(A) OFFSTREET PARKING DISTRICT ACT  
§ 19-3314 Costs; special assessment; notice; contents; appeal.

In the ordinance creating the district, the mayor and city council shall provide that in addition to the levy of taxes and pledge of revenue all or a portion of the cost of acquisition, including construction, maintenance, repair, and reconstruction of any offstreet parking facility may be paid for by special assessment against the real estate located in such district in proportion to the special benefit of each parcel of real estate. The amounts of such special assessments shall be determined by the mayor and city council sitting as a board of equalization. Notice of a hearing on any special assessments to be levied under section 19-3315 shall be given to the landowners in such district by publication of the description of the land, the amount proposed to be assessed, and the general purpose for which such assessment is to be made one time each week for three weeks in a daily or weekly newspaper of general circulation **published** in the city. The notice shall provide the date, time, and place of hearing to determine any objection or protest by landowners in the district as to the amount of assessment made against their land. An appeal by writ of error or direct appeal to the district court of the county in which such city is located may be taken from the decision of the city council in the same manner and under like terms and conditions as appeals may be taken from the amount of special assessments levied in street improvement districts of such city as now provided by law.

**Source:** Laws 1967, c. 60, § 14, p. 203; R.S.Supp., 1967, § 16-825; Laws 1969, c. 88, § 14, p. 443; Laws 1972, LB 1430, § 2; Laws 1973, LB 540, § 1.

Neb. Rev. St. § 19-3314, NE ST § 19-3314

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NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 53. LIQUORS  
ARTICLE I NEBRASKA LIQUOR CONTROL ACT  
(D) LICENSES; ISSUANCE AND REVOCATION

**§ 53-134 Retail, craft brewery, and microdistillery licenses; city and village governing bodies; county boards; powers, functions, and duties.**

The local governing body of any city or village with respect to licenses within its corporate limits and the local governing body of any county with respect to licenses not within the corporate limits of any city or village but within the county shall have the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

- (1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission;
- (2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the local governing body has been or is being violated and at such time examine the premises of such licensee in connection with such determination;
- (3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act;
- (4) To receive retail license fees, craft brewery license fees, and microdistillery license fees as provided in section 53-124 and pay the same, after the license has been delivered to the applicant, to the city, village, or county treasurer;
- (5) To examine or cause to be examined any applicant or any retail licensee, craft brewery licensee, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the local governing body may authorize its agent or attorney to act on its behalf;
- (6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section 53-134.04, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within thirty days after the date of the order by filing a notice of appeal with the commission. The commission shall handle the appeal in the manner provided for hearing on an application in section 53-133; and
- (7) Upon receipt from the commission of the notice and copy of application as provided in section 53-131, to fix

a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be **published** in a legal newspaper in or of general circulation in such **city**, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission, and after such hearing the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such **city**, village, or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the **published** notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

**Source:** Laws 1935, c. 116, § 85, p. 421; C.S.Supp., 1941, § 53-385; R.S. 1943, § 53-134; Laws 1949, c. 169, § 1(1), p. 447; Laws 1959, c. 249, § 9, p. 868; Laws 1967, c. 332, § 9, p. 888; Laws 1983, LB 213, § 14; Laws 1984, LB 947, § 4; Laws 1986, LB 911, § 6; Laws 1988, LB 550, § 3; Laws 1988, LB 352, § 92; Laws 1988, LB 1089, § 15; Laws 1989, LB 781, § 12; Laws 1989, LB 780, § 10; Laws 1991, LB 344, § 37; Laws 1993, LB 183, § 14; Laws 1999, LB 267, § 11; Laws 2001, LB 278, § 8; Laws 2004, LB 485, § 23; Laws 2007, LB 549, § 14.

#### NOTES OF DECISIONS

The plain language of this section does not allow a county to revoke a liquor license based upon a resolution. *DLH, Inc. v. Lancaster Cty. Bd. of Comrs.*, 264 Neb. 358, 648 N.W.2d 277 (2002).

The provisions of this section give a local governing board the authority to cancel or to revoke a liquor license, providing that a multistep process is followed. Any cancellation or revocation is subject to appeal to the Nebraska Liquor Control Commission. *Luet, Inc. v. City of Omaha*, 247 Neb. 831, 530 N.W.2d 633 (1995).

This section, as amended by L.B. 781, is unconstitutionally vague and unconstitutionally delegates legislative power. *Kwik Shop v. City of Lincoln*, 243 Neb. 178, 498 N.W.2d 102 (1993).

The portion of this section amended by 1986 Neb. Laws, L.B. 911, is declared unconstitutional. *Bosselman, Inc. v. State*, 230 Neb. 471, 432 N.W.2d 226 (1988).

The action of five members of the city council, in recommending denial of a liquor license, must be considered a nullity and, therefore, not a denial when a city ordinance requires a quorum of six before business may be transacted. *Bond v. Nebraska Liquor Control Comm.*, 210 Neb. 663, 316 N.W.2d 600 (1982).

This section authorized ordinance which provides that any liquor licensee who voluntarily closed his licensed premises for ten days without permission shall have elected to discontinue business under such license. *Bali Hai, Inc. v. Nebraska Liquor Control Commission*, 195 Neb. 1, 236 N.W.2d 614 (1975).

To be valid, a resolution recommending issuance or refusal of liquor license must be adopted by a majority of all elected members of city council. *Hadlock v. Nebraska Liquor Control Commission*, 193 Neb. 721, 228 N.W.2d 887 (1975).

**C**  
NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 53. LIQUORS  
ARTICLE I NEBRASKA LIQUOR CONTROL ACT  
(D) LICENSES; ISSUANCE AND REVOCATION  
§ 53-135.01 Retail licenses; renewal; notice.

The city, village, or county clerk shall cause to be **published** in a legal newspaper in or of general circulation in such city, village, or county, one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license, except that notice of the right of automatic renewal of Class C licenses shall be **published** between the dates of July 10 and July 30 of each year within such city, village, or county, in substantially the following form: NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE Notice is hereby given pursuant to section 53-135.01 that a liquor license may be automatically renewed for one year from May 1, 20...., or November 1, 20...., for the following retail liquor licensee:

(Name of Licensee) (Address of licensed premises) Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the city (village or county) on or before February 10, 20...., or August 10, 20...., in the office of the city (village or county) clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

(Name) City (village or county) Clerk Upon the conclusion of any hearing required by this section, the local governing body may request a licensee to submit an application as provided in section 53-135.

**Source:** Laws 1959, c. 249, § 11, p. 870; Laws 1961, c. 260, § 2, p. 779; Laws 1974, LB 681, § 6; Laws 1979, LB 224, § 3; Laws 1983, LB 213, § 16; Laws 1991, LB 344, § 41; Laws 2004, LB 813, § 23.

Neb. Rev. St. § 53-135.01, NE ST § 53-135.01

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**C**  
NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 80. SOLDIERS AND SAILORS  
ARTICLE 2. MEMORIALS**§ 80-202 Monuments; erection; plans; publication; tax authorized; limitation.**

The board of supervisors or commissioners of any county, the electors of any township at the annual or special township meeting, or the commissioners, council, or trustees of any city or village may by proper resolution, motion, or ordinance decide to erect or aid in the erection of any such statue, monument, or other memorial. Such resolution, motion, or ordinance shall specify the general features and plan of such statue, monument, or other memorial, the proposed location, the probable cost, and the amount thereof to be paid by such county, township, city, or village. The resolution, motion, or ordinance shall thereafter be **published** once in the official paper of the county, city, or village, and twenty days after the publication date of the publication, the proper authorities may levy a tax, in addition to the taxes otherwise authorized to be levied upon the taxable property of such county, township, city, or village, to pay the amount so to be paid by such county, township, city, or village, in like manner as general taxes are levied, or to pay such amount from the general fund. The levy shall be subject to sections 77-3442 and 77-3443.

**Source:** Laws 1919, c. 254, § 2, p. 1031; C.S.1922, § 6813; C.S.1929, § 80-202; R.S.1943, § 80-202; Laws 1996, LB 1114, § 68; Laws 1997, LB 269, § 63; Laws 1998, LB 306, § 45.

Neb. Rev. St. § 80-202, NE ST § 80-202

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NE ST § 81-1521.17  
Neb.Rev.St. § 81-1521.17

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NEBRASKA REVISED STATUTES OF 1943  
CHAPTER 81. STATE ADMINISTRATIVE DEPARTMENTS  
ARTICLE 15. ENVIRONMENTAL PROTECTION  
(A) ENVIRONMENTAL PROTECTION ACT**§ 81-1521.17 Commercial hazardous waste management facility; notice of hearing; decision by local governing body.**

Before the county board, city council, or board of trustees approves or disapproves a proposed commercial hazardous waste management facility, notice shall be given once at least thirty days but not more than forty days before the hearing and a second time at least ten days before the hearing. Such notice shall be given by publication of a notice in a newspaper either **published** in or having general circulation in the county, city, or village where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit, and the exact location of the proposed facility. In deciding whether to approve or disapprove such facility, the county board, city council, or board of trustees shall determine if such facility will be in compliance with its zoning laws or violate any local ordinances or resolutions. The local governing body shall make its decision within one hundred eighty days of receipt of a copy of the application from the director and shall notify the department and the applicant of its action. If the local governing body disapproves the application, it shall specify its reasons for disapproval. If the local governing body disapproves the application, the department may not take further action on the application unless the disapproval is reversed by court order. For purposes of appeal, the decision of the local governing body to disapprove the application shall be deemed a final order.

**Source:** Laws 1980, LB 853, § 9; R.S.1943, (1981), § 81-1521.02; Laws 1987, LB 114, § 11; Laws 1987, LB 152, § 8.

Neb. Rev. St. § 81-1521.17, NE ST § 81-1521.17

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**John V Hendry/Notes**

12/02/2008 02:46 PM

To Councilpacket@lincoln.ne.gov

cc Rick Hoppe/Notes@Notes, Trish A Owen/Notes@Notes,  
Denise K Pearce/Notes@Notes

bcc

Subject REschlimanRFI#18

Attached is Section 84-1413. I would draw your attention to subsections (1) and (5). Subsection (5) is the most specific regarding your inquiry. Subsection (1) requires that minutes be kept, while subsection (5) requires that such minutes "shall be written..."

----- Forwarded by John V Hendry/Notes on 12/02/2008 02:32 PM -----

**John V Hendry/Notes**

Sent by: Cheryl L Eno

12/02/2008 02:29 PM

To John V Hendry/Notes@Notes

cc

Subject



84-1413.pdf

\*\*\*\*\*

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## Nebraska Legislature - Nebraska State Statute Section 84-1413

**84-1413 Meetings; minutes; roll call vote; secret ballot; when.** (1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the city council or village board to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

### Source

Laws 1975, LB 325, § 6;  
Laws 1978, LB 609, § 3;  
Laws 1979, LB 86, § 9;  
Laws 1987, LB 663, § 26;  
Laws 2005, LB 501, § 1.

### Annotations

If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).

Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).

Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. State ex rel. Schuler v. Dunbar, 208 Neb. 69, 302 N.W.2d 674 (1981).



WebForm  
<none@lincoln.ne.gov>  
11/27/2008 01:27 PM

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

InterLinc: City Council Feedback for  
General Council

Name: Jeanette Fangmeyer  
Address: 5401 Wilkins Cr  
City: Lincoln, NE 68524

Phone:  
Fax:  
Email: jako@inebraska.com

Comment or Question:  
Reply requested from all.

In early October a \$50 fee was paid to Parks and Rec for the basketball program for a 9year old. Today, Nov 26, after a parent called to find out why she had not been contacted about the schedule it was revealed by staff that the first game is Dec 6. No one has been in contact with this parent or the 9 others who have also paid \$50 each for the program. The city has a total of \$500.00 from these families. Staff said that the volunteer coach has not picked up the packet. This team is called the Hornets and has children from Belmont, McPhee, Brownell, West Lincoln to name a few schools. Is this typical of all the teams participating to have this number of schools represented on each team or is it just these kids, 7 of which are in female headed homes. The staff of Parks and Rec assigned these kids to these teams. Just as the city is honoring even one other child's participation fee you must provide the same level of service for fee to these kids in providing a viable coach even if a staff member must step in until a volunteer coach is found. Remember your staff assigned these kids to this team. Now is the time to honor your contract with each of them or cancel all participation contracts for this program with all kids. I am a Lincoln tax payer and a registered voter.



WebForm  
<none@lincoln.ne.gov>  
12/01/2008 09:20 AM

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

InterLinc: City Council Feedback for  
General Council

Name: Patricia Witt  
Address: 6136 NW 12th Street  
City: Lincoln, NE 68521  
  
Phone: 476-6535  
Fax:  
Email: JeffandPat@neb.rr.com

Comment or Question:

I would like for you to consider this while you are making your decision on the round about for the Cornhusker Highway/14th Streets entrance/exit.

I know that safety is the priority concern for this change, and I applaud this effort. My worry is being a resident of the Highlands/Fallbrook areas, these round a bouts are rarely maintained and esthetically are a sore spot for these communities. Surprisingly, I have even noticed this problem at the round about at the South Wal-Mart location.

Being a victim of a drunk driver going the wrong way on a road here in the Highlands, I now tend to look in advance, of a driver going the wrong way. When the grassy areas of these round a bouts are not kept cut short, it is impossible to see oncoming traffic and any other dangers that might be looming in this circle.

You will find this concern at the time when the Kawasaki Plant changes shifts (especially around the 3:00 hour), and the employees are using the round about to have fun with their coworkers by playing dangerous car driving games in the round about.

If the round a bouts are safer conclusions to intersections merging, then please find a way to have these areas maintenance free to save the taxpayers money, or if you find yourselves having to have landscaping in these round a bouts, please put it in the budget to keep these areas maintained more frequently. I also share this concern with the landscaping at the Highlands Pool in-between the parking stalls and to the upcoming Lincoln Union Plaza. Even though it will be a beautiful park, will it be maintained on a regular basis? Or will it take concerned citizens calling in on over grown weeds?

Thank you for letting me share my concerns.

Patricia Witt



<OKJOE@aol.com>  
12/01/2008 12:44 PM

To <council@lincoln.ne.gov>  
cc  
bcc  
Subject Article: UNSAFE AT ANY DISTANCE - THE FAILURE OF  
POLICE HANDGUN TRAINING

Article: UNSAFE AT ANY DISTANCE - THE FAILURE OF POLICE HANDGUN TRAINING

Hi,

Directly below is a link to an article that you may find worth discussing with your Police. A copy of the article is attached as well. It is based on a 2007 RAND Corp. study of the NYPD.

<http://www.pointshooting.com/rand1.rtf>

Best wishes for the holiday season,

John Veit

[www.pointshooting.com](http://www.pointshooting.com)  
[okjoe@aol.com](mailto:okjoe@aol.com)

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Life should be easier. So should your homepage. [Try the NEW AOL.com.](#)



- 1rand1.rtf

## **UNSAFE AT ANY DISTANCE - THE FAILURE OF POLICE HANDGUN TRAINING**

The The New York Police Department (NYPD), and other Police Agencies large and small, issue handguns to Officers for use in protecting the Officers and the public. And each year millions of tax dollars are spent on Agency firearm facilities, firearms, and firearms training.

The Officers are trained to shoot, but not how to shoot effectively in life threat situations, which is closely akin to sending soldiers into battle with guns but no bullets. And beyond the cost in dollars spent, is the greater cost of Officers injured or killed and the damage done to their families, plus the added costs of: collateral damages, disability pensions, replacements, legal actions, and etc. that flow from this state of affairs.

### **BACKGROUND**

In January 2007, the NYPD paid the RAND Corporation to examine the firearm-training program of its force of about 37,000 Officers. The examination resulted in a 2008 report which details a variety of training issues, and gives recommendations for improvement.

One issue identified, is the clear disconnect between shooting effectiveness when in training and when on the job. And that issue, which can have life or death consequences, is not addressed specifically with a recommendation.

The following focuses on the disconnect as detailed in the report. Also included is information on practical shooting methods, which are said to be equally effective both on the range and on the street. And they can be taught within the time and range constraints placed on students and instructors,

### **WHAT'S THE PROBLEM?**

**Firearm incidents get major play in the press. However, what does not get publicity, is that those incidents are relatively rare. Per the RAND report, it is statistically unlikely that an Officer will discharge his or her weapon during his or her entire career on the police force.**

**For example: during 2006, only 156 Officers out of the force of some 37,000, were involved in a firearm-discharge incident. And fewer than half of those incidents involved an Officer shooting at a human being. Most involved Officers shooting at dogs.**

Also, according to the Department of Justice (DOJ): "of the 43.5 million persons who had contact with police in 2005, an estimated 1.6% had force used or threatened against them, a rate that was nearly the same as in 2002 (1.5%)."

The rarity of incidents might be a reason for not doing much if anything about them administratively. However, for the participants, they are deadly serious and personal. And if one goes badly, it can become a public relations nightmare for an Agency.

Per the report, firearms training has increased dramatically over the past 100 years, as has the quality of weapons carried. **But on average, there appears to have been very little improvement in the ability of Officers to hit their targets during the rare firearms incident.**

**The average hit rate for NYPD Officers involved in a gunfight between 1998 and 2006 was 18 percent. For every five shots, four bullets missed the intended target and went somewhere else. And that hit rate is consistent with the "normal" hit rate in armed encounters which hasn't changed much for years and years.**

The average hit rate for Officers who shot at subjects who did not return fire, was 30 percent. Officers hit their targets 37 percent of the time at distances of seven yards or less. And hit rates fell off sharply to 23 percent at longer ranges.

Also, Officers in gunfights fired 7.6 rounds on average, compared with an average of 3.5 rounds for Officers who fired against subjects who did not return fire. **And most Officers have firearms with a capacity of well over 7 rounds, plus extra magazines.**

FBI statistics show that life threat incidents happen at very close ranges. Between 1989 and 1998, of the 682 local, state, and federal law-enforcement Officers in the United States who died because of criminal action, **nearly 75 percent (509) received fatal wounds while within 10 feet of their assailants.**

Now, if you are wondering about the hit rates, and why they are so low, you need to understand that there is a "twilight zone" of sorts in the world of the gun, where reality can get intertwined with tales like The Emperor's New Clothes.

Where else would you find job performance scores of 18, 23, 30, and 37 percent in life or death matters, to not result in a 911 call for all the King's horses and all the King's men.

The disconnect between on the range performance and on the street performance, is the long standing elephant in the room, and about which nothing much has been done, other than recognize its existence. For years, the very low hit rate was attributed to error on the part of Officers.

## **THE TRAINING LOAD**

**The NYPD Police Academy trains, approximately 4,000 recruits each year in two classes of about 2,000 recruits each.** Included are two weeks of firearm and tactical training that includes handgun qualification. **A minimum of 78 percent hits** on a number of stationary targets from fixed firing positions **is required to qualify.**

**There also are semiannual firearm qualifications** which include a two-part lecture, practice fire of 45 rounds of ammunition at stationary targets at 7-, 15-, and 25-yard distances, **un-scored** practice on a tactical pistol course, and **qualification** firing of 50 rounds at stationary targets at 7-, 15-, and 25-yard distances. **A minimum of 39 hits is required to qualify (78 percent).**

**A comparison of the qualification requirement with on the street hit rates, clearly shows a disconnect between them.**

**Per the report, the firearm-qualification program is less about making sure Officers can effectively use their pistols in real-life situations, than it is about meeting legal requirements and professional standards.**

**And while the qualification course meets the standards required by the state of New York, and it is consistent with national norms, shooting at paper targets on a known-distance range is basically just target practice.**

**Also, the handgun qualification process implies that qualifying Officers are proficient, but a consensus among police firearms trainers, is that the training does not substantially enhance officer or community safety.**

Steps have been taken to make shooting training more realistic, including firing at moving targets, firing from cover and crouched positions, moving to different firing positions and distances plus firing from each, firing in pairs, and firing after exertion. However, it is impractical time and resource wise, to provide that training to all Officers. **And those exercises are not scored.**

## **A SOLUTION**

Hopefully, the time is near when tax dollars and employee time will no longer be frittered away on training and qualifying that has little relationship to on the job incidents.

Bill Burroughs, in his paper of several years ago: Components and Considerations for Combat Shooting, said that "Shooters miss at close ranges because of faulty, incomplete and, yes, negligent training."

**He also said that combat shooting is actually quite simple and anyone can learn it.**

**In a span of less than two hours and with shooting fewer than 100 rounds of ammunition, an Officer can be taught The Applegate System method and reproduce it during periods of stress. And marksmanship levels are high inside the distances where the method was designed to be used - close quarters.**

**Bruce K. Siddle, in his 2000 paper: The Science of Combat Point Shooting, said that Barron and Beasley had trained more than 500 students in the Applegate System of Point Shooting. And that scores increased to 95% and higher, from 90-95% on the static firing line.**

**More importantly, students maintained the simple Point Shooting system when they participated in stress induced dynamic training exercises. Barron attributed the improvement to the simplicity of the Applegate System.**

Now, just because something appears to be very simple, practical and doable, and just because it holds the promise of improving the safety of Officers and the public, and providing tangible returns for millions of tax dollars now being spent, does not mean it will happen.

In the topsy-turvy world of the gun, such things are easily trumped by professional standards, legal requirements, and tradition.

**The powers that be do things in traditional ways. And they defend them with the zeal of the true believer or religious zealot.**

The issue of traditional Sight Shooting Vs other shooting methods, has been cussed and discussed as far back as the early 1800's.

Then, pistols were used for self defense against highway robbers and housebreakers, and for dueling. They were closed at the back, and some had sights on them.

And in a highway robbery or housebreakin: 1. there usually would be no time to use the sights, or 2. bad light would prevent them from being seen and properly aligned, or 3. one's focus could be transfixed on the threat.

**So to aim and shoot fast, the index finger was placed along the side of the pistol and pointed at a target. That automatically and accurately aimed the pistol. And the middle finger was used to shoot.** (See Lt. Col. Baron De Berenger's 1835 book: Helps And Hints - How To - Protect Life And Property, With Instructions In Rifle And Pistol Shooting.)

Also, Sight Shooting still could be employed if there was time, good lighting, and one had the presence of mind to use the sights.

With the adoption of the 1911, the optional use of the index finger method was squelched.

Due to a minor design fault in the slide stop of the 1911, if the slide stop pin is depressed when the gun is fired, the gun can jam. As such, the US Military publication - Description Of The Automatic Pistol, Caliber .45, Model Of 1911, specifically cautioned against using it.

More than likely, the result was the instinctive-but-un-aimed fire that is known today as spray and pray.

Another matter that affects shooting accuracy negatively, is the slow but relentless lock-step march towards larger caliber and higher capacity firearms. The march continues, even though there is no widely known and accepted scientific data supporting the use of larger caliber or increased capacity handguns.

A high caliber gun with its bigger kick, and in particular, one with a large and bulky grip to accommodate more bullets, is difficult to hold and shoot accurately by those with small to average size hands. Bigger guns are also heavier to carry, and their ammunition is more expensive to buy and shoot than the common 9 mm.

## **RECOMMENDATIONS**

The RAND report recommended a number changes and actions to improve training, including the trial use of Tasers, lasers and gun mounted lights.

There are minuses which come tied to the use of lasers and lights. Both require user training, batteries, and continued maintenance to insure they will be in operable condition, for their "rare" use. So, a good return on the costs of purchase, user training, and maintenance, is dubious.

**Finally, if the safety and protection of Officers and members of the public is of prime importance, then Officers should be trained in simple and practical COMBAT shooting:**

- 1. which can be learned in less than two hours, and with shooting fewer than 100 rounds of ammunition, and**
- 2. which can be reproduced in periods of stress and with high marksmanship levels at close quarters distances.**

**Implementation should be immediate!**

The URL for the RAND Corporation report in PDF form is  
[http://www.rand.org/pubs/monographs/2008/RAND\\_MG717.pdf](http://www.rand.org/pubs/monographs/2008/RAND_MG717.pdf).

More information on self defense, Point Shooting, and closely related subjects,  
plus bio info on the author, can be found at [www.pointshooting.com](http://www.pointshooting.com).



Eva Sohl <esohl@nlcv.org>  
12/01/2008 03:16 PM

To <council@lincoln.ne.gov>  
cc  
bcc  
Subject Comments to City Council Re: LES sustainable energy  
program proposal

To whom it may concern:

Please accept the attached documents as public testimony to members of the Lincoln City Council regarding the LES Sustainable Energy Program proposal.

Thank you.

Sincerely,

Eva Sohl

Program Coordinator

Nebraska League of Conservation Voters

215 Centennial Mall South, Ste. 519

Lincoln, NE 68508

esohl@nlcv.org

402-438-9341



- CityCouncilLetterDec1.pdf



- PetitionLincoln12.1.pdf

N E B R A S K A  
LEAGUE of CONSERVATION VOTERS



December 1, 2008

Lincoln City Council  
555 South 10 Street  
Lincoln, Nebraska 68508

Dear Chair Eschliman and Members of the Lincoln City Council,

On behalf of the Nebraska League of Conservation Voters, I want to express our support for LES's proposed Sustainable Energy Program in the 2009 Budget Plan. We think that it is essential to the city of Lincoln that the City Council adopt the proposed measure and encourage the enhancement of energy efficiency programs in the future.

Throughout the last year we have seen the price of electricity increase, and as we anticipate further increases in the near future, the benefits of efficiency programs become more valuable.

The Nebraska League of Conservation Voters believes that Nebraskans care most about keeping their *total energy bill low*, rather than the relative cost of a kilowatt hour. Low rates are fine, but low monthly bills are truly meaningful. For this reason, we encourage the Lincoln City Council to approve programs utilizing energy efficiency as power supply. The Northwest Power and Conservation Council has achieved a cumulative savings of 3,700 average-megawatts since the 1980 Power Act created the NWPPC and made conservation a *resource equal to power generation*. The average cost of this conservation was less than 3 cents per kilowatt-hour kWh, which compares quite favorably with the costs of current electrical generation in Nebraska. Recent estimates developed by NPPD place the cost of future coal powered plants between \$74 and \$97/MW, without carbon capture technologies in place making energy efficiency programs cost competitive during the capital recovery period, and free following that time.

The NLCV especially encourages efficiency programs in low-income housing where efficiency is often at its worst and where high fuel costs are most regressive in the budget of the family.

Over the last month, the Nebraska League of Conservation Voters Education Fund has engaged citizens across the state through a program called Power Up Nebraska. During the short period since the program began, we have received 332 signatures from Nebraskans ( 108 those from Lincoln) asking that *Nebraska utilities rank in the top 10% in America in energy efficiency investments*, as well as calling for increased investments in renewable energy generation.

We feel that the investments proposed by LES are a significant starting point in efficiency programs, which we hope will grow incrementally over the next few years. We strongly encourage your active support of this effort.

Sincerely,

Eva Sohl  
Program Coordinator  
Nebraska League of Conservation Voters



The undersigned support the following position:

*We can produce 20% of our electricity from Nebraska’s renewable resources by 2020  
 We want Nebraska utilities to rank in the top 10% in America in energy efficiency investments.*

	<b>First Name</b>	<b>Last Name</b>	<b>City</b>	<b>Zip Code</b>
1.	Samantha	Fankhauser	Lincoln	68507
2.	Suzy	Landreth	Lincoln	68506
3.	Andrea	Davis	Lincoln	68502
4.	Susan	Alleman	Lincoln	68506
5.	Nanne	Olds	Lincoln	68502
6.	Jackie	Langan	Lincoln	68502
7.	Kathy	Wolfe	Lincoln	68504
8.	Cynthia	Brundage	Lincoln	68506
9.	Laura	Franzluebbers	Lincoln	68521
10.	Andrew	Cunningham	Lincoln	68502
11.	David	Tysdal	Lincoln	68502
12.	David	Keyzer	Lincoln	68503
13.	Greg	Tunink	Lincoln	68510
14.	Laura	McCallister	Lincoln	68503
15.	Anne	Brown	Lincoln	68503
16.	Christopher	McCammon	Lincoln	68510
17.	Logan	Seacrest	Lincoln	68508
18.	Daniel B.	Lutz	Lincoln	68503
19.	Chase	Beyer	Lincoln	68510
20.	Patricia	Boehner	Lincoln	68505
21.	Kenny	Seidel	Lincoln	68502
22.	Daniel	King	Lincoln	68506
23.	Eric	Hunt	Lincoln	68505
24.	Donna	Woudenberg	Lincoln	68506
25.	William	Baker	Lincoln	68510
26.	Aaron	Fisher-Erickson	Lincoln	68521
27.	Steve	Larrick	Lincoln	68508
28.	John	Lenters	Lincoln	68512
29.	Cindy	Rutan	Lincoln	68502
30.	Jason	Smith	Lincoln	68521
31.	Michelle	Michalski	Lincoln	68516

32.	Kathleen	Danek	Lincoln	68504
33.	Doug	Durham	Lincoln	68520
34.	Joyce	Petry	Lincoln	68522
35.	David	Peters	Lincoln	68506
36.	Audrey	Greve	Lincoln	68501
37.	Marjorie	Manglitz	Lincoln	68505
38.	Ron	Kriha	Lincoln	68503
39.	Paula	Shafer	Lincoln	68502
40.	Cynthia	Brundage	Lincoln	68506
41.	Chuck	Friesen	Lincoln	68506
42.	Patricia	Friesen	Lincoln	68506
43.	Marilyn	McNabb	Lincoln	68522
44.	Corinne	Kolm	Lincoln	68508
45.	Nicholas	Swiercek	Lincoln	68508
46.	Richard	Hoover	Lincoln	68528-1337
47.	Ingrid	Kirst	Lincoln	68502
48.	Barbara	DiBernrd	Lincoln	68503
49.	Amanda	Griffiths	Lincoln	68502
50.	Mary	Clark	Lincoln	68516
51.	Jay	Schmidt	Lincoln	68510
52.	Paul	Olson	Lincoln	68510
53.	John	Williams	Lincoln	68516
54.	Brett	Bogenrief	Lincoln	68508
55.	Brad	Kindler	Lincoln	68502
56.	Marian	Langan	Lincoln	68339
57.	Rob	Barnhardt	Lincoln	68502
58.	Eva	Sohl	Lincoln	68508
59.	Marcy	Bauer	Lincoln	68516
60.	Carol	Smith	Lincoln	68502
61.	Patricia	Stear	Lincoln	68503
62.	Aris	Holz	Lincoln	68516
63.	Eric	Hunt	Lincoln	68510
64.	Shannon	Parry	Lincoln	68510
65.	Mary	Brown	Lincoln	68516
66.	Amy	Brt	Lincoln	68502
67.	Katherine	Janda	Lincoln	68516
68.	Susan	Samson	Lincoln	68502
69.	Barbara	van den Berg	Lincoln	68506-3636
70.	Joyce	Coppinger	Lincoln	68506

71.	John	Zimmer	Lincoln	68506
72.	Lyle	Vannier	Lincoln	68506
73.	Tim	Johnson	Lincoln	68510
74.	Amy	Birky	Lincoln	68506
75.	Lauren	Thompson	Lincoln	68516
76.	Margaret	Aldrich	Lincoln	68523
77.	Kevin	Haake	Lincoln	68521
78.	Linda	Maslowski	Lincoln	68506
79.	Jessica	Greenwald	Lincoln	68502
80.	Jeff	Greenwald	Lincoln	68502
81.	Wilbur	Dasenbrock	Lincoln	68505
82.	Mj	Berry	Lincoln	68510
83.	Laura	Uridil	Lincoln	68502
84.	Jo	Lowe	Lincoln	68502
85.	Michelle	Garcia	Lincoln	68506
86.	Derek	Hester	Lincoln	68508
87.	Sandra Day	Cranny	Lincoln	68512
88.	Monica	Asher	Lincoln	68527
89.	Molly	Spadt	Lincoln	68506
90.	Nina	Graziano	Lincoln	68503
91.	Seth	Morris	Lincoln	68506
92.	Lyndsey	Markert	Lincoln	68504
93.	Carol	Smith	Lincoln	
94.	Eric	Reimnitz	Lincoln	
95.	Scott	Bendler	Lincoln	
96.	Jeramie	Beahm	Lincoln	
97.	Kathy	Burkman	Lincoln	
98.	Judy	Thompson	Lincoln	
99.	Monica	Janssen	Lincoln	
100.	Matthew	Gregory	Lincoln	
101.	Sam	Packard	Lincoln	
102.	Tim	Smith	Lincoln	
103.	Mark	Hoefler	Lincoln	
104.	Evan	Anderson	Lincoln	
105.	Rita	Crouse	Lincoln	
106.	R.	Covert	Lincoln	68506
107.	Daniel	Lutz	Lincoln	68503
108.	Linda	Emery	Lincoln	68505



<pwelsch@lps.org>  
12/03/2008 09:11 AM

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

I am not satisfied with where my tax dollars are going at all. I think this city needs to reevaluate where you are designating that taxes go to. I was driving to work today (Southeast High School) and I slid down Normal going 25 miles an hour. Can you tell me why I am paying money to this city and you can't even get people to lay down any sand or salt on the streets. I already called the man in charge of laying the the de-icer, which by the way is a waste of money, and complained about the ineffectiveness of that product. I come from Omaha where they actually take care of their streets. I am very close to leaving this city and finding something better in Omaha.

Sincerely,  
Paula Welsch  
German Teacher  
Lincoln Southeast High School  
(402)-436-1304

RECEIVED

December 3, 2008

DEC 04 2008

CITY COUNCIL  
OFFICE

Dear Councilperson,

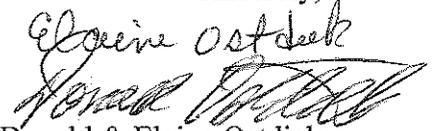
This letter is being written to express opposition to the round-about proposed for north 14<sup>th</sup> street, south of Cornhusker highway. Reasons for my opposition are listed below.

- ◆ The increasing traffic when the Antelope Valley roadway is completed to the south and will be much more than it is at present and there is no way to measure that future traffic count. Therefore it is difficult to predict how well a round about will handle that level of traffic.
- ◆ The 42 accidents at eastbound entrance to Cornhusker off of 14<sup>th</sup> Street is not in the top 20 accident sites in Lincoln.
- ◆ With the round-about, northbound 14<sup>th</sup> street drivers who wish to enter Cornhusker highway going east will have two hazards instead of the current one of entering Cornhusker highway. (They will have to proceed left across 14<sup>th</sup> street traffic in a round-about in order to go right and enter Cornhusker highway.)
- ◆ This complication and confusion likely will cause some drivers to continue northbound on north 14<sup>th</sup> which according to the comprehensive plan is slated to continue to be a two lane street for the immediate future. This will create increased traffic on north 14<sup>th</sup> in conflict with the Antelope Valley roadway plan which was to direct northbound traffic off 14<sup>th</sup> onto Cornhusker highway.
- ◆ Large vehicles have a difficult time maneuvering a round-about and we have observed a number of trucks observed traveling on north 14<sup>th</sup>. (Since Cornhusker highway is an industrial area, many businesses with trucks are located in close proximity to the proposed round-about and will have difficulty maneuvering the round-about. Their rear wheels will cross over a portion of the round-about)
- ◆ The location of the round-about just over the 14<sup>th</sup> street bridge will be dangerous for northbound traffic. The traffic from the north may not be aware of the round-about until they are upon the traffic backed up to enter it, which will be a hazard for rear-end accidents on the 35 mph street.
- ◆ Other options to lessen the hazard of entering Cornhusker highway eastbound off of north 14<sup>th</sup> should be explored in more detail.
- ◆ One option would be to explore the use of the frontage road that is immediately north of the Tack Room.
- ◆ The building that is immediately west of the Tack Room and east of the current entrance may be able to be acquired to improve the current entrance to eastbound Cornhusker.

- ◆ A metering of the current entrance by synchronizing it with the 11<sup>th</sup> and Cornhusker light would be another option.
- ◆ Being able to access 95% of the funds from sources other than city funds is not a reason to build a round-about, as all funds whether federal or state should be spent carefully. (Remember the bridge to nowhere? This would be a round-about to disaster.)

Please consider these points and vote in opposition to the round-about on Monday, December 8<sup>th</sup>.

Sincerely,



Donald & Elaine Ostdiek

33210 N. 13<sup>th</sup>

Lincoln, Nebraska 68521

[eostdiek@earthlink.net](mailto:eostdiek@earthlink.net)

or

402-430-0777



WebForm  
<none@lincoln.ne.gov>  
12/04/2008 01:39 PM

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

InterLinc: City Council Feedback for  
General Council

Name: Ron Rehtus  
Address: 3426 Laura Avenue  
City: Lincoln, NE 68510  
  
Phone: 435-3031 or 617-5042  
Fax:  
Email:

Comment or Question:  
Dear Council Members,

I would like to ask you to please show your support of Mike Merwick as the Director of Building and Safety, by not approving Chris Beutler's appointment of Fred Hoke as the new Director. It is obvious that this is nothing more than a "good ol' boy" appointment, as we are all aware that HBAL has been "bending the ear" of Mr. Beutler ever since his campaign to be Mayor. The safety of the citizens of Lincoln is at stake if you approve this appointment! I have met Fred Hoke before and he is a very nice man, but he has NO experience in fire, life-safety, and building code enforcement. You need to send a loud message to Mr. Beutler on behalf of the citizens of Lincoln and Lancaster County that you will not put the safety of the citizens at risk with the RIDICULOUS appointment of a HBAL "lobbyist", replacing a man with years of experience within city government and in particular the area of life-safety code enforcement! The citizens have entrusted you to safe-guard their interests. If you allow this appointment it will not only be a slap in the face of a man who has tirelessly given of himself to the betterment and protection of the citizens of Lincoln, but it will also be a flagrant disregard for the safety of the citizens themselves! The expediting of building permits SHOULD NOT take precedence over the protection of the citizens of Lincoln. The Building and Safety Department is a LAW ENFORCEMENT agency and it should not be turned into another political wing of the Mayor's Office. Please do the right thing and DO NOT APPROVE this appointment and instead insist that Mike Merwick be retained as the Director of Building and Safety.

Thank you,

Ron Rehtus  
Citizen of Lincoln  
Former Building and Safety Employee (2001-2007)  
Architect  
International Code Council Certified Plans Examiner

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, DECEMBER 8, 2008**

**I. MAYOR -**

1. NEWS RELEASE - RE: Preview Night Kicks Off Parade Festivities - Don't forget your SPAM! (Forward to Council on 12/05/08).
2. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule Week of December 6 through 12, 2008-Schedule subject to change (Forward to Council on 12/05/08).

**II. CITY CLERK - None**

**III. CORRESPONDENCE -**

**A. COUNCIL REQUESTS/CORRESPONDENCE -**

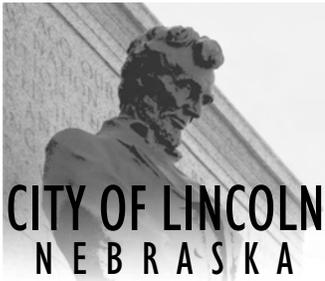
**ROBIN ESCHLIMAN -**

1. Response to RFI#17 from Steve Hubka, City Budget Officer - RE: Public notices costs - 12/05/08.

**B. DIRECTORS AND DEPARTMENT HEADS - None**

**C. MISCELLANEOUS -**

1. Letter from Jared Tideman, Government Liaison Committee, Association of Students of the University of Nebraska (ASUN) - RE: Public Transportation.
2. E-Mail from Rodger Harris - RE: NO to Country Club Historic District.



# NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** December 4, 2008

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Deb Johnson, Parade Executive Director, 434-6901

### **PREVIEW NIGHT KICKS OFF PARADE FESTIVITIES**

*Don't forget your SPAM!*

Mayor Chris Beutler today encouraged residents to attend the Star City Holiday Parade's first Preview Night from 6 to 8 p.m. Friday, December 5 at Pershing Center. The walking units that will be in the parade Saturday will perform outside Pershing and will be judged by a panel of children at that time. Inside Pershing, the event will feature entertainment, concessions for sale and pictures with Santa.

The parade floats will arrive in downtown Lincoln Friday afternoon and will be lined up on 11th Street between "M" and "N" streets. The Major Drummond float will travel to Pershing for display on Preview Night.

The 24th annual Star City Holiday Parade Saturday is presented by Verizon Wireless and produced by Updowntowners, Inc. and the City of Lincoln. This year's parade will take a different route – it will begin at 14th and "M," go east to Centennial Mall, north to "O," and west to 10th. Pre-parade entertainment begins at 10 a.m. Saturday along the route, and the parade kicks off at 11 a.m. (The parade line-up follows this release.)

Children are encouraged to bring their letters to Santa with a return address to either Preview Night or the Parade. U.S. Postal Service employees will collect the letters, and Santa will write back to them before the holidays.

The Mayor's SPAM® Challenge also will be part of parade festivities this year. To encourage holiday giving to non-profit agencies, Mayor Chris Beutler has pledged to match every can of SPAM donated to the Food Bank of Lincoln through December 15, up to 200 cans. Santa and Mrs. Claus stopped by the Mayor's office to deliver their SPAM donation this morning. Collection barrels will be located at Pershing Friday evening and Saturday morning. SPAM also can be dropped off at any City office, including the Mayor's Office, the "F" Street Recreation Center and all City Libraries.

- more -

## Star City Holiday Parade

December 4, 2008

Page Two

The Lincoln Convention and Visitors Bureau is offering a "Preview, Pillow, Parade" package that includes Friday's Preview Night festivities, lodging at the Cornhusker Marriott and VIP seating for the Parade Saturday. The package prices is \$79 (plus tax, double occupancy). More information is available at [lincoln.org](http://lincoln.org).

The Parade will again be televised live statewide by KOLN-KGIN-TV and will be re-aired at noon Dec. 7 on My TV, Time Warner Cable channel 110. Marcus Theatres is offering free holiday movies at 9:30 a.m. and 1 p.m. on a first-come, first-served basis. The City is offering free parking for the Parade in its lots and garages, those marked with the green "Park It" signs, for those all entering the garages before 1 p.m.

More information on the Star City Parade is available on the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov) and at [www.starcityholidayparade.org](http://www.starcityholidayparade.org).

- 30 -

### 2008 STAR CITY HOLIDAY PARADE LINE-UP

- Major Drummond Float, sponsored by Verizon Wireless
- Lincoln Police Department Honor Guard
- 43rd Army Band
- Title Star Float, sponsored by BKD LLP
- Mayor's Carriage, sponsored by Cornhusker Marriott
- Lincoln Southeast Band
- Governor's Carriage
- Alma High Band
- Executive Clowns
- Lincoln Police Department
- Tri-County Public Schools Band
- Cookie Monster Balloon, sponsored by the *Lincoln Journal Star*
- Lincoln Northeast Band
- Moose Lodge Float
- Whitehead Oil Vehicle
- Lincoln North Star Band
- Star City Sweets
- Weego
- Clown Fish Balloon, sponsored by Ameritas
- Lincoln High Band
- Lady Zorro and Lacey

- more -

## **Parade Line-up Continued**

- Lincoln Saltdogs Vehicle
- Beatrice High Band
- Asian Community and Cultural Center
- Jackson-Hewitt Tax Service Vehicle
- Bancroft-Rosalie Band
- Rudolph and Bugle, sponsored by Verizon Wireless
- Costumed Characters, St. Elizabeth Regional Medical Center, Cornhusker Bank, Marcus theatres, US Property and Runza Restaurants
- Papillion-LaVista South Band
- Wells Fargo Stagecoach
- Two Men and a Truck
- Calliope Clown Alley
- Deshler High Band
- Duncan Aviation
- Pius X Band
- Club Kicks
- Polar Bear Float, sponsored by Farmer's Mutual
- Costumed Characters, Verizon Wireless
- Elmo Balloon, sponsored by Union Bank & Trust
- Lincoln East Band
- Greater Lincoln Obedience Club and Golden Retriever Rescue
- Kawasaki Motors Manufacturing Corp. U.S.A. Vehicle
- Lawrence/Nelson Jr. Sr. High Band
- Lincoln Fire and Rescue
- Lincoln Southwest Band
- Sowers Club of Lincoln Vehicle
- Indian Center Float
- Cornhusker Marching Band
- U.S. Postal Service
- Santa Float, sponsored by Community Blood Bank



# NEWS ADVISORY

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MAYOR CHRIS BEUTLER

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

**DATE:** December 5, 2008

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

**Mayor Beutler's Public Schedule**  
**Week of December 6 through December 12, 2008**  
*Schedule subject to change*

Saturday, December 6

- Star City Holiday Parade, ride in horse-drawn carriage - 11 a.m., downtown Lincoln

Tuesday, December 9

- "Global Classroom" (live video link to students in Turkey) - 8 a.m. (If interested in covering, call Diane for location.)

Wednesday, December 10

- Boy Scouts Pack 78, earning citizenship badge - 4 p.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.

Thursday, December 11

- KFOR - 7:45 a.m.
- KLIN Morning Show - 8:10 a.m., Broadcast House, 4343 "O" St.
- Mayor's Neighborhood Roundtable - 5:30 p.m., Mayor's Conference Room

**Steve D Hubka/Notes**  
12/05/2008 08:31 AM

To Tammy J Grammer/Notes@Notes,  
CouncilPacket/Notes@Notes  
cc campjon@aol.com, Denise.Pearce@email.ci.lincoln.ne.us,  
dmarvin@neb.rr.com, dougemerypm@aol.com,  
jcookcc@aol.com, John V Hendry/Notes@Notes,  
bcc  
Subject Re: REschlimanRFI#17 

The expenditures made to the Journal during the last two fiscal years are as follows:

FY 06-07	\$218,506
FY 07-08	\$178,166

The report that was run to get these costs was by the vendor. There might some things in their other than legal notices such as the Parks and Rec. insert and other things I'm not thinking of.

Tammy J Grammer/Notes

**Tammy J Grammer/Notes**  
12/01/08 03:19 PM

To Steve D Hubka/Notes@Notes, John V Hendry/Notes@Notes  
cc Mayor/Notes@Notes, Rick.Hoppe@email.ci.lincoln.ne.us,  
Trish.Owen@email.ci.lincoln.ne.us,  
Denise.Pearce@email.ci.lincoln.ne.us,  
Linda.Quenzer@email.ci.lincoln.ne.us, campjon@aol.com,  
jcookcc@aol.com, robine@neb.rr.com, ksvoboda@alltel.net,  
dmarvin@neb.rr.com, dougemerypm@aol.com,  
jspatz@johnspatz.com, jspatz@nasbonline.org  
Subject REschlimanRFI#17

From: Robin Eschliman - RFI#17  
To: Steve Hubka, City Budget Officer  
John Hendry, City Attorney  
RE: Public notices costs

How much money does the City spend publishing public notices in the newspaper annually? Are there various types of public notices that we are required to publish? If so, what are the different kinds? I would like to receive a copy of the state law that requires us to publish public notices in newspapers.

If you will send your response to the Council Office at Councilpacket@lincoln.ne.gov, in a pdf format, I will distribute your response in the usual manner on the Directors' Agenda. The Subject line need only read REschlimanRFI#17. Thank-you.

Tammy Grammer  
City Council Secretary

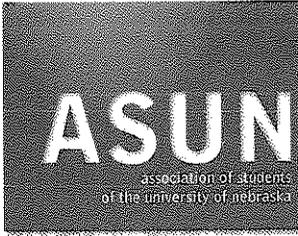
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RECEIVED

DEC 05 2008

CITY COUNCIL  
OFFICE

University of Nebraska–Lincoln Student Government

December 5, 2008

Dear Council Member Robin Eschliman,

I am writing in my capacity as a member of the Government Liaison Committee of the student government (ASUN) at UNL. Part of my job is to communicate to students the happenings in government and to public officials the needs of students. I am engaging in that in this letter, with regard to public transportation.

As college students, we value public transportation. Public transportation, such as the StarTran bus system, provides students with a more cost-effective and environmentally friendly alternative to driving. The downtown shuttle also provides students with the opportunity to travel downtown without having to worry about parking. The StarTran system is also valuable to many students who do not bring a car with them to college.

This year, ASUN will be encouraging students to take advantage of public transportation routes like the StarTran bus services and the downtown shuttle. We will be using posters and route maps to inform students about the availability of the StarTran system and encourage its usage, and integrating information into our yearly Big Red Welcome event for freshmen. We feel that this encouragement will increase the popularity of these routes and make students more aware of their existence.

I understand that in recent years the StarTran budget has been cut significantly. Because public transportation in Lincoln can play a vital role in the lives of students as well as other individuals throughout the city, I am encouraging you to support funding for StarTran as well as other public transportation networks. I also encourage you to avoid making cuts to the services offered by StarTran, as its effectiveness is in the best interest of not only the UNL, but also to the city of Lincoln as a whole.

We would love to offer our input on future discussions related to public transportation in the city of Lincoln and we hope to play a role in future decisions made regarding the StarTran budget.

Sincerely,

Jared Tideman  
Government Liaison Committee – ASUN  
[jaredtidemann@gmail.com](mailto:jaredtidemann@gmail.com)  
(605) 695-7353



Rodge or Scarlet  
<springmeadow@inebraska.com>

12/08/2008 09:55 AM

To <council@lincoln.ne.gov>

cc

bcc

Subject: NO to Country Club Historic District

City Council should do whatever they can to not allow or to modify Historic designation for the Country Club area. Consider the following:

- The stated purpose to make widening of South 27<sup>th</sup> Street more difficult is a blatant misuse of preservation tools.
- Why should the entire city suffer from poor north-south transportation facilities to benefit the relative few Country Club residents?
- It is doubtful if any of the South 27<sup>th</sup> Street corridor residents have lived there for 56 years, since the 1952 Comprehensive Plan designated South 27<sup>th</sup> Street improvements. Claims by residents that street widening was not part of the deal when they purchased property are simply not valid.

To test the validity of the above conclusions, simply propose a historic designation that **OMITS** a South 27<sup>th</sup> Street corridor from the designation.

Rodger Harris