CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, SEPTEMBER 27, 2004

I. MAYOR

*1. Washington Report - September 17, 2004.

*2. NEWS RELEASE - RE: City Hall Listening Session Set For Monday, September 27 - (See Release)

*3. NEWS ADVISORY - RE: Mayor Seng will have a news conference at 10:00 a.m. Thursday, September 23rd - Topics to be covered include: - (See Advisory)

*4. NEWS RELEASE - RE: Lincoln And Lancaster County Awarded "Success By 6" License By United Way - (See Release)

*5. NEWS RELEASE - RE: "Lincoln Cares" Donors Provide For Historic Statue Restorations - (See Release)

II. DIRECTORS

FINANCE/BUDGET

*1. Response Letter from Steve Hubka to Ruthann Young - RE: Use of Library bond issue funds - (See Letter)

HEALTH DEPARTMENT

*1. NEWS RELEASE - RE: Clean Up Litter From Shorelines Of Local Lakes - Join volunteers worldwide as part of the International Coastal Cleanup -(See Release)

*2. Response Letter from Bruce Dart to Sandra McNiff - RE: Heard that the passage of a cat leash law for Lincoln is imminent - (See Letter)

LIBRARY

*1. NEWS RELEASE - RE: Read to a Dog @ your library! - (See Release)

PLANNING

PLANNING COMMISSION FINAL ACTION . . . . .

*1. Special Permit No. 04045 (North American Martyrs Catholic Church - N.W. 12th St. & Isaac Drive) Resolution No. PC-00887.

*2. Waiver No. 04009 (Northwest corner of S. 40th Street and Calvert Street) Resolution No. PC-00888.

PUBLIC WORKS & UTILITIES DEPARTMENT

*1. Public Works & Utilities ADVISORY - RE: Alley Paving Project 541005; 27th - 28th; Potter - Fair - (See Advisory)

*2. Public Works & Utilities ADVISORY - RE: CANCELLED - Open house regarding the following roadway projects in the vicinity of South 56th Street to Pine Lake Road: - (See Advisory)

*3. Public Works & Utilities ADVISORY - RE: North 48th Street; Cornhusker-Superior - Project #701753 - (See Release)

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

TERRY WERNER

1. OUTSTANDING Request to **Vince Mejer, Purchasing Agent** - RE: Notice to Bidders #04-110 – Television Equipment (RFI#132 - 6/16/04)

GLENN FRIENDT

1. OUTSTANDING Request to ~~Public Works~~ /**Law** /~~Urban Development~~ - RE: Alley improvements (RFI#38 - 8/16/04). — **1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#38 - 8/23/04.– 2.) SEE RESPONSE FROM JEFF COLE, URBAN DEVELOPMENT DEPARTMENT RECEIVED ON RFI#38 - 8/26/04.**

2. OUTSTANDING Request to **Allan Abbott, Public Works & Utilities Director/Marvin Krout, Planning Director** - RE: Williamsburg Lake Dredging (RFI#39 - 8/17/04).

ANNETTE McROY

1. OUTSTANDING Request to **Public Works & Utilities Department-Traffic** – RE: Roundabout in the Highlands (RFI#157 - 9/10/04)

2. Request to Marc Wullschleger, Urban Development Director - RE: The Letter to provide formal notice that Ed Patterson intends to move his houses (RFI#158 - 9/21/04). — **1.) SEE RESPONSE FROM MARC WULLSCHLEGER, URBAN DEVELOPMENT DIRECTOR RECEIVED ON RFI#158 - 9/23/04.**

JONATHAN COOK

1. Request to Terry Bundy, Lincoln Electric System - RE: LES Budget & rate increase request (RFI#118 - 9/17/04)

JON CAMP

*1. E-Mail from Sid Havekost with response from Jon Camp - RE: Bond Issue - (See E-Mail)

*2. E-Mail from Roger Tracy to Jon Camp - RE: Street Bond Issue - (See E-Mail)

*3. E-Mail from Richard Esquivel to Jon Camp - RE: Bond issue & taxes - (See E-Mail)

*4. E-Mail from Jon Camp to Michaela Hansen, Public Works - RE: Gross Floor Area - (See E-Mail)

B. COUNCIL COMMENTS

V. MISCELLANEOUS

*1. Letter from Wayne Wacker, President, First Lincoln Federal Credit Union - RE: Impoundment Notice - (See Letter)

*2. Letter from Mary Ann Donoghue - RE: Comment about possible funding for the Lincoln infrastructure needs - (See Letter)

*3. Letter from David Wasson - RE: Concerned with this country's dependence on foreign oil and feel we need to do more to encourage people to drive less and use more fuel-efficient forms of transportation - (See Letter)

*4. Letter from Virginia Myers - RE: The Bond Issue - (See Letter)

*5. E-Mail from Ed Schnabel - RE: I was watching the Pre-Council Meeting this morning (9/20/04) and again heard that we citizens do not care if rates are raised - (Council received their copies of this E-Mail on 9/20/04)(See E-Mail)

*6. E-Mail from Roxanne Sullivan - RE: Why I voted "No" on the bond issue - (See E-Mail)

*7. E-Mail from Dave Brady - RE: The Bond Issue - (See E-Mail)

*8. E-Mail from Nancy Vala - RE: Could you please provide an explanation of why completion of this project has been delayed again? - (See E-Mail)

*9. Letter & Material from Terry Bundy, Lincoln Electric System - RE: Your letter dated September 14, 2004 which requested that LES consider including money in our budgets to convert overhead power lines to underground where our current guidelines might not require undergrounding - (Copy of this Material on file in the City Council Office)(See Material)

*10. Article from Mr. Leslie H. Noble - RE: "Wasting tax money" - (See Article)

*11. E-Mail from Tim Hopkins - RE: LES rates - (See E-Mail)

*12. E-Mail from Bob Converse - RE: Special Permit #04035 - (See E-Mail)

*13. E-Mail from Dan Marvin - RE: Water/Sewer Rate Increase - (See E-Mail)

*14. E-Mail from Jan Gauger - RE: Water and Sewer Rates - (See E-Mail)

*15. Letter from Senator DiAnna Schimek & Senator Ray Janssen - RE: Yes on Amendment 3 - on the November ballot to legalize gaming in Nebraska - (See Letter)

*16. Letter from Danny Walker, President, South Salt Creek Community Organization to Roger Figard, City Engineer - RE: 5th Street Complaints - (See Letter)

*17. E-Mail from H. Arnold Wassenberg - RE: The Bond Issue - (See E-Mail)

*18. E-Mail from Ira Stricker - RE: City/County pension funds - (See E-Mail)

*19. E-Mail from John & Laura Weymouth - RE: LES - (See E-Mail)

VI. ADJOURNMENT

***HELD OVER UNTIL OCTOBER 4, 2004.**

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CITY OF LINCOLN

Washington Report

RECEIVED SEP 17 2004 CITY COUNCIL OFFICE

Vol. 10 No. 23
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City of Lincoln -- Washington Office

Senate Making Progress on FY05 Spending

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Homeland Security

Senate clears FY 2005 Homeland Security budget; House-Senate conference committee is next step. The Senate approved the FY 2005 Department of Homeland Security appropriations bill (HR 4567; S 2537) this week, completing several days of debate during which Republicans were able to reject a number of Democratic amendments to increase funding for a number of programs at the agency. If the amendments were approved, the bill would have exceeded the budget caps for FY 2005 spending imposed by the President.

However, the Senate likely angered the White House this week by adding over $2 billion to the bill for emergency drought relief for farmers and ranchers in the Midwest. The issue of drought relief was a contentious issue in the Senate, as Midwestern Senators first floated the idea of adding the additional funds to a FY 2004 supplemental appropriations bill for hurricane assistance to Florida. Republican leaders in the Senate had hoped to attach the supplemental to the DHS spending measure, but changed their minds when it became clear the supplemental would become a "Christmas tree" for additional spending measures such as western wildfire fighting and the drought relief. The supplemental will now be considered in the Senate as a stand-alone bill.

Since legislative efforts to alter DHS formulas in order to direct more of the agency's funds to areas where terror threats are greater have been lagging, appropriators appear to be taking the matter into their own hands. In the Senate bill, the First Responder State Block Grant program at DHS would receive $970 million in FY 2005, a reduction of $730 million from FY 2004 levels. However, the High Threat Urban Areas program would receive $1.3 billion in FY 2005, which is an increase of $575 million from FY 2005. While the first program provides minimum guarantees to all states regardless of threat levels, the latter program, as its name suggests, is more focused. The House, which approved its version of the Homeland Security bill in June, provided $1.25 billion for the First Responder Block Grant and $1 billion for High Threat Urban Areas.

Other Senate recommendations include $750 million for Firefighter Assistance Grants, which is the same level as FY 2005, as well as $100 million for a new program for firefighter hiring. Urban Search and Rescue Task Forces would receive $30 million in the Senate bill, half of what the program received in FY 2004. The House bill is less generous, providing $600 million for FIRE grants, $50 million for the hiring program, and just $7 million for Urban Search and Rescue. Also, the Senate does not recommend any funds in FY 2005 for the Metropolitan Medical Response System while the House would provide $50 million, the same amount as FY 2004.

Thanks to a successful floor amendment that increased committee-approved funding by $150 million, the Senate provides $317 million for transit and rail security. The House bill provides $111 million for the same purposes.

The House approved its version of the FY 2005 Homeland Security appropriations bill in June. Republican leaders are anxious to get the DHS spending bill to the President, and he is eager to sign it into law, so a House-Senate conference committee on the bill is expected to begin as early as next week.

Transportation

Transportation turf battle erupts on the House floor; Senate appropriators clear FY 2005 spending bill. After a standoff on the House floor between transportation appropriators and authorizers, the House leadership has postponed further action on the FY 2005 Transportation Appropriations bill until next Tuesday.

Tensions quickly mounted as House Transportation and Infrastructure Committee members offered points of order to strike several provisions within the spending bill in which they felt House appropriators were legislating through an appropriations bill. House Transportation Appropriations Subcommittee Chairman Ernest Istook (R-OK) quickly returned fire by raising points of order on sections of the spending bill that had not been authorized because of delays in passing the TEA-21 reauthorization bill. One House appropriator commented that only seven of the forty-six individual program funding provisions had been authorized and blamed authorizers for inaction on the six-year surface transportation measure.

By the time the dust had settled, funding for the highway and transit programs, Amtrak and several highway safety programs were removed from the bill. However, Chairman Istook commented that the exercise was mainly symbolic and assured members that the bill would be repaired in conference with Senate appropriators. Aviation programs were left unscathed because their authorization bill was passed in 2003. House leaders have tentatively scheduled debate on the bill to resume early next week, including the consideration of 19 amendments.

Meanwhile, across the Capitol, Senate Appropriators this week unanimously approved their version of FY 2005 Transportation Appropriations bill. The measure provides $35.8 billion for highway programs, well above the $34.6 billion approved by House appropriators and the Administration's $33.6 billion request. The Senate bill also provides $7.75 billion in transit funding, nearly $800 million more than provided by House appropriators and $500 million more than allocated for FY 2004. Included within the transit title was $1.5 billion for the New Starts program, which funds new major transit projects. House appropriators were not as kind to the program by cutting current funding levels by $200 million.

Setting up a potential show down on the Senate floor, appropriators provided $1.217 billion for Amtrak, far above the $900 million requested by the Administration and the amount provided by House appropriators. For the second year in a row, supporters of the beleaguered national rail system have secured additional funding from the Senate Appropriations Committee and will likely face a tough fight to protect this higher funding level. The panel also approved $14 billion for the Federal Aviation Administration, including $102 million for the Essential Air Service program; $3.5 billion for the Airport Improvement Program; and $2.5 billion for the Facilities and Equipment program.

Senate Appropriations Committee Chairman Ted Stevens (R-AK) has indicated that he would like to get all the remaining FY 2005 spending bills to the Senate floor as soon as possible, with Transportation coming up as early as next week.

Meanwhile, behind-the-scenes negotiations over the TEA-21 reauthorization bill continue. Reports are that the White House has agreed to a six-year funding level of $299 billion as proposed by House Ways and Means Committee Chairman Bill Thomas (R-CA). However, staff in both the House and Senate are working through the numbers to ensure that some potential hurdles could be cleared.

The first is the insistence by a number of members -- led by Senator John McCain (R-AZ) and House Majority Leader Tom DeLay (R-TX) -- that their states receive at least a 95 percent return on their contributions to the Highway Trust Fund. For some time, many observers have felt that much more than $299 billion would be necessary to ensure a 95 percent return for each of the six years of the bill.

Another hurdle is the determination of whether members high priority projects, that are expected to be included in any final version, will be considered as a part of a state's highway allocation. If that were to be the case, it would pose significant problems for states that might receive earmarks for projects that are not part of their long-range plans.

Finally, there in concern in the public transportation community that funding for programs at the Federal Transit Administration would not be sufficiently protected under the Thomas proposal.

Human Services

Senate panel uses accounting maneuvers to boost funding for HHS programs in FY 2005. The Senate Appropriations Committee approved the FY 2005 Labor-HHS-Education Departments appropriations bill (HR 5006; S 2810) this week, using some potentially controversial budgetary moves to overcome tight budget caps and provide funding increases for popular programs at HHS. The measure also includes a provision opposed by the White House that would block implementation of new Labor Department rules governing overtime.

Overall, the bill would provide $142.3 billion in discretionary spending, a 2.2 percent increase over FY 2004 levels. However, faced with spiraling costs of mandatory programs coupled with difficult budget caps imposed by the White House, the committee chose to free up FY 2005 funds by shifting $3.2 billion in mandatory Supplemental Social Security payments to FY 2006, in effect delaying the pain of budget cuts for a year. The following are committee recommendations for selected HHS programs, with comparison to FY 2004 levels and House-approved levels in parentheses:

- $6.9 billion for Head Start (+$160 million, same as House)
- $2.1 billion for Ryan White AIDS programs (+$35 million, same as House)
- $2.1 billion for the Child Care Block Grant (same as FY 2004 and House)
- $2.0 billion for low income heating and energy assistance (+$122 million, same as House)

- $1.9 billion for community health centers (+$250 million, same as House)
- $1.8 billion for the Substance Abuse Prevention and Treatment Block Grant (+$53m, +$100 million-House)
- $1.7 billion for the Social Services Block Grant (same as FY 2004 and House)
- $1.4 billion for Aging Administration programs (+$22 million, same as House)
- $735 million for the Maternal and Child Health Care Block Grant (+$5 million, +$5 million-House)
- $650 million for the Community Services Block Grant (same as FY 2004, +22 million-House)
- $473 million for refugee assistance programs (+$25 million, +$18 million-House)
- $290 million for environmental health programs (+$7 million, +100 million-House)
- $105 million for Healthy Start (+$7.3 million, +$7 million-House)
- $95 million for runaway and homeless youth programs (+$4.5 million, +6 million-House)

Sponsors of the measure hope that it will be considered on the House floor in the next few weeks, but with a backup of appropriations bills to debate in the Senate, the measure may end up in a "omnibus" appropriations package. The House approved its version of the FY 2005 Labor-HHS spending bill last week, and while it also contained language to block the Labor Department overtime rules, the threat of a White House veto may result in the language ultimately being removed.

Public Safety

Senate Appropriations Committee slashes law enforcement assistance. The Senate Appropriations Committee this week approved legislation (S 2809) that would allot $39.8 billion in discretionary funding and a total of $40.5 billion to the federal Judiciary and the Departments of Commerce, Justice, and State.

Senate appropriators significantly cut funding for the Local Law Enforcement Block Grant (LLEBG). The Senate allocated $94 million for the program, approximately 29% less than last year.

On a brighter note, the Senate did maintain funding for the LLEBG as a separate program. Unlike the House which conceded to the President's proposal to consolidate the Byrne Grant Program and LLEBG, the Senate kept both programs separate. Congress was asked by the administration to combine the two programs to increase flexibility and mitigate administrative burdens. However, the Senate refused to eliminate the LLEBG, permitting local city governments the ability to control their own funds. In fact, the Senate increased Byrne Formula funding from FY 2004 by $3 million to $500 million. Other highlights of the bill, with comparisons to FY 2004 and to the House bill in parentheses, include:

- $118 million for Byrne Discretionary Grants (-$40 million from FY 2004, +$8 million from House)
- $40 million for Drug Courts (+$2 million from FY 2004, -$10 million from House)
- $62 million for Weed and Seed (+$4 million from FY 2004, +$1 million from House)
- $250 million for the State Criminal Alien Assistance Program (SCAAP) (-$48 million in FY 2004, -$75 million)
- $756 million for Community Oriented Policing Services (COPS) (+$4 million from FY 2004, -$69 million from House)
- $360 million for Juvenile Justice (+$9 million from FY 2004, +$11 million from House)

Given the tight schedule, it is not clear if the Senate will have time to consider the bill before it adjourns in October.

Arts & Recreation

Senate panel clears Interior spending measure, rejects House cuts to land acquisition programs. The Senate Appropriations Committee approved the FY 2005 Department of Interior and Related Agencies Appropriations bill (HR 4658) this week. Senate appropriators rejected the proposal approved by the House earlier this year to provide only $50 million for federal government land purchases for recreation and conservation under the Land and Water Conservation Fund (LWCF). That funding level would not allow for any new land purchases, covering only those that are already planned. House appropriators and the House leadership argue that the federal government needs to focus on taking better care of land it already owns and that new land purchases are not affordable in a time of war and budget deficits.

As passed by the Senate Appropriations Committee, the bill includes $552 million for LWCF, including $94 million for state grants, the same as last year and $3 million more than recommended by the House. Other highlights of the bill, with comparisons to FY 2004 and to the House bill in parentheses, include:

- $38 million for North American Wetlands Conservation Grants (same as FY 2004 and the House)
- $71 million for the Historic Preservation Fund (-$3 million from FY 2004, -$1 million from House)
- $33 million for Urban & Community Forestry (-$2 million from FY 2004, +$1 million from House)
- $121 million for the National Endowment for the Arts (same as FY 2004, -$10 million House)
- $134 million for the National Endowment for the Humanities (-$2 million from FY 2004, -$8 million House)

It is not clear whether the bill will reach the Senate floor before the target adjournment date of October 15. There are several unsettled and hotly contested debates centered on the bill, including how best to address Western wildfires and how to manage the flow of the Missouri River, that have to be resolved before the Senate can send the bill to a Conference Committee with the House.

Economic Development

Senate panel clears EDA budget. The Senate Appropriations Committee approved the FY 2005 appropriations bill (S 2809) funding the Departments of Commerce, Justice and State and the federal Judiciary, including the Economic Development Administration (EDA).

Under the bill, EDA would receive $315 million, the same it received in FY 2004. Public Works Grants would receive $199 million, $2 million less than FY 2004 and the House-passed version of the bill (HR 4754). The bill would provide $23 million for planning grants, $1 million less than last year and $2 million less than the House bill. Economic adjustment grants would be funded at $46 million, up $5 million from F 2004 and $3 million more than in the House-passed bill.

Though tight budget caps have prevented any major funding increases for EDA, the once-maligned agency targeted for elimination as recently as 1998 now enjoys broad bipartisan support. The full Senate may consider S 2809 before it adjourns on October 15, but the tight schedule will probably delay final consideration of the bill until a lame duck session or next year.

Employment & Training

Senate panel clears FY 2005 Labor Department spending bill. The Senate Appropriations Committee approved legislation (S 2810) that would fund the Departments of Labor, Health and Human Services and Education this week. The behemoth bill, the largest of the domestic discretionary spending appropriations bills, is traditionally a magnet for heated debate on issues ranging from abortion and health care research to education spending. This year has proven no exception: the Senate Appropriations Committee waited until two weeks before the beginning of the fiscal year to consider the bill and it is one of just three of the thirteen annual appropriations bills that the House has not yet passed.

Overall, Senate appropriators treated employment and training programs at the Department of Labor well. Under the bill, the Adult Training Block Grant would receive $898 million, a $3 million increase from FY 2004 but $2 million less then the bill (HR 5006) approved by the House Appropriations Committee. The bill would provide $994 million for the Youth Block Grant, a $1 million increase from FY 2004 and $7 million less then the House.

Funding for dislocated workers would increase $31 million from FY 2004 to $1.479 billion, the same as the House. Job Corps would also see an increase, $36 million, to $1.577 billion on its 40th anniversary, $35 million more then the House bill.

The bill is unlikely to reach the Senate floor before Congress adjourns, meaning that it will likely be considered as part of an omnibus appropriations bill during a lame duck session in November or even the next Congress.

Tax Issues

CBPP issues report critical of House nexus bill. State and local governments got some new ammunition this week in their fight against legislation (HR 3220) that would set strict nexus standards for the collection of business activity taxes. The Center on Budget and Policy Priorities (CBPP) released a report that finds that the legislation would not only rob state and local governments of considerable revenue, it would create such strict nexus rules that many corporations would pay little or no business activity tax to any jurisdiction. The report concludes that a better approach for Congress if it wants to set nexus standards for the collection of business activity taxes would be to create a nexus standard based of income derived, property located or persons employed in a jurisdiction. The report's author, Michael Mazerov, argues that his approach would prevent state and local government from imposing business activity taxes on companies that have a minimal presence in their jurisdiction but allow state and local governments to continue to collect business activity taxes from companies that are clearly doing business there.

In his report, Mazerov outlines the many ways that HR 3220 would allow companies to avoid paying business activity taxes. Primarily, it would provide an exemption from paying business activity taxes if they operate in a jurisdiction fewer than 21 days a year. It goes on to provide several exemptions to its 21-day rule. Companies could engage in several activities for more than 21 days a year without triggering nexus.

Mazerov's report concludes that HR 3220 would seriously erode state and local government tax bases and would create years of litigation to determine what activities trigger nexus for collecting business activity taxes. According to the report, the nexus rules are so strict that, for example, many fast food corporations would be exempt from business activity taxes no matter how many franchises they operate in a given jurisdiction.

Reps. Bob Goodlatte (R-VA) and Rick Boucher (D-VA) introduced HR 3220 last year and the Commercial and Administrative Law Subcommittee of the House Judiciary Committee held a hearing on it last May. Subcommittee Chairman Chris Cannon (R-UT) has told the press that HR 3220 is a priority for him before Congress adjourns in October, though he also acknowledged that the Senate would not pass a similar bill.

A copy of CBPP report can be found at http://www.cbpp.org/9-14-04sfp.pdf.

Liability

Liability protection for fire departments passes the House. Known as the Good Samaritan Volunteer Firefighter Assistance Act of 2004 introduced by Rep. Mike Castle (R-DE), HR 1787 limits the liability of fire departments and companies that donate equipment to volunteer firefighters. The bill, however, does not protect the manufacturer of the equipment or the donor in cases of gross negligence or intentional misconduct. The bill also provides that the Attorney General must submit a report to Congress following the enactment of the bill describing the most effective way for each state to fund firefighter companies, whether first responder funding is sufficient to respond to the Nation's needs, and the best method to ensure that the equipment donated to volunteer firefighter companies is in usable condition.

Supporters contend that, by removing state and federal civil liability barriers resulting from equipment, the bill will encourage fire departments, individuals, and corporations to donate surplus equipment rather than destroying it. In its report, the House Judiciary Committee justified the bill in the context of today's "lawsuit culture," in which "actual lawsuits and fears of liability (both rational and irrational) have increasingly become a deterrent to people who might otherwise have given of their time or resources to better their community and country."

Opponents argue that the bill does not address a real problem, because there are no reported cases of a business refusing to donate equipment or of volunteer firefighters suing donors. They contend that volunteer firefighters could simply waive donor liability. Moreover, opponents suggest that the bill should require certification of equipment, and donors should not be exempt from liability on their equipment.

The bill now heads to the Senate for consideration.

Grant Opportunities

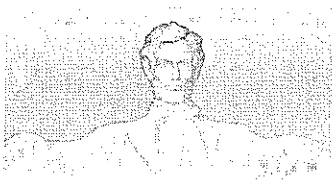
Environmental Protection Agency: The Office of Brownfields Cleanup and Redevelopment is accepting applications for the Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements Program. The EPA estimated that it will have $800,000 available to award two or three grants for a period of one to five years. Applicants may apply for a $300,000 maximum grant over the project period, and no more than $100,000 in the first year. There is no matching or cost-sharing. The deadline for proposals is November 16, 2004. (grants.gov)

Department of Health and Human Services: The Health Resources and Services Administration announced FY 2005 funding for the Healthy Start Initiative- Eliminating Racial/Ethnic Disparities grant. This grant aims to eliminate disparities among Hispanics, American Indians, African Americans, Alaska Natives, Asian/Pacific Islanders, immigrant populations, or differences occurring by education, income, disability, or living in rural or isolated areas by enhancing a community's service system. Any public or private organization is eligible to apply for the estimated 68 grants to be awarded, totaling $73 million. Applications will be available as of September 29, and are due December 28, 2004. (grants.gov)

Department of Labor, September 17: The Employment and Training Administration (ETA) has announced the availability of funding for High-Growth Job Training Initiative Grants for the Healthcare and Biotechnology Industries. Grant funds awarded under the HGJTI should be used to develop and implement innovative solutions to workforce challenges identified by the healthcare and biotechnology industries. There is $10 million available in funding, and the ETA is estimating that individual awards will fall between $750,000 and $1 million. Public, private for-profit and private non-profit organizations including faith-based and community organizations are eligible to apply. Applications are due November 2, 2004. Pages 56082-56097.

Staff Changes

Chaney & Associates recently welcomed Elizabeth Montgomery to our staff as a Legislative Assistant. Elizabeth is a recent graduate of Emory University in Atlanta who found time between her studies to serve as an aide to a member of the Georgia legislature. She is handling a variety of research and grants-related duties at Chaney & Associates, so please do not hesitate to contact her with questions or requests. Elizabeth is replacing Kristen Peterson, who recently moved to Ireland to pursue a graduate degree in journalism.



CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG lincoln.ne.gov

OFFICE OF THE MAYOR
555 S. 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 20, 2004
FOR MORE INFORMATION: Mark Bowen, Mayor's Chief of Staff, 441-7511
Dave Norris, Citizen Information Center, 441-7547

CITY HALL LISTENING SESSION SET FOR MONDAY, SEPTEMBER 27

Mayor Coleen J. Seng announced today that there will be a City Hall Listening Session on Monday, September 27th at the Auld Recreation Center in Antelope Park. The 90 minute meeting will begin at 7:30 p.m. and conclude at 9 p.m.

This Town Hall gathering will focus on listening to public opinion on the recently decided Street and Trail Bond. After the vote, Lincoln residents through the media and correspondence offered a variety of opinions about how to proceed to close the funding gap for the backlog of street and road projects.

"This is a chance for Lincoln residents to have their elected officials and city officials listen to their views and preferences," said Mayor Seng. "Voters said no to the bond on September 14th. Since then, many have offered individual comments about their vote and the needs. I have personally spoken to many residents and think it is important that residents have a forum to give their opinion to City Hall officials and to be heard," she added.

The Mayor will open the evening with brief remarks, introduce City Department Directors and facilitate the listening session. The meeting day and time were selected after consultation with City Council members who are planning to attend following the conclusion of the City Council meeting that evening. City Department Directors will provide factual information and answer questions raised during the discussion. There will be no presentation made by any City department.

5 CITY-TV, the City's government access cable channel 5, will tape the listening session for cable-casting at a future date.

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CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: September 22, 2004
FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

Mayor Coleen Seng will have a news conference at **10 a.m. Thursday, September 23 at City Council Chambers, 555 S. 10th Street.** Topics to be covered include:

- An announcement of an award that will greatly enhance early child care and education in the city and county.
- The upcoming City Hall Street and Trail Bond Issue "Listening Session" on Monday, September 27.
- An update on LES "Lincoln Cares" check-off donations to Parks and Recreation projects.
- The City's 2005 4th of July plans.

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NEWS RELEASE

MAYOR COLEEN J. SENG
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OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 23, 2004
FOR MORE INFORMATION: Sandy Rupp, United Way, 441-7700
Robyn Henderson, CSI Project Manager, 472-0501
Bonnie Coffey, Early Care and Education Coalition, 441-7716
Dave Norris, Citizen Information Center, 441-7547

LINCOLN AND LANCASTER COUNTY AWARDED "SUCCESS BY 6" LICENSE BY UNITED WAY

Mayor Coleen Seng, along with representatives of the Lincoln-Lancaster County United Way and the Community Services Initiative (CSI), today announced the awarding of the "Success by 6" license from United Way of America. This certification will advance and enhance early care and education for young children in Lincoln and Lancaster County.

This effort, endorsed by both Lancaster County and the City of Lincoln, as well as the Early Childhood Coalition of Community Services Initiative, ensures a coordinated effort to improve the quality of life for young children.

"I want to thank the United Way of Lincoln and Lancaster County and everyone involved with the Early Childhood Coalition of Community Services Initiative for all of their diligence and hard work that went in to our city and county receiving this distinction," said Mayor Seng. "Our children are our future and with the help of the United Way, we are doing everything in our power to give them the tools necessary and the system of advocacy they need to be successful in their early years. 'Success by 6®' will create effective solutions that will help all children succeed in our community."

United Way "Success by 6®" is a national, community-based movement of public and private partners that work together to deliver proven solutions that ensure all children, ages zero to six, are healthy, nurtured and ready to succeed.

"This is United Way at its best," said Sandy Rupp, Executive Director for the Lincoln and Lancaster County United Way. "Finding solutions to problems by working with other quality organizations in a collaborative effort is what the United Way is all about."

-more-

The Early Childhood Coalition has an action plan that the "Success by 6®" designation will help bring to fruition. Steps of that action plan include:

- A community education effort to emphasize the importance of early brain development.
- Work to support the professionals who are involved the early care and education.
- Encourage involvement of the business community to understand and support early care and education.
- Work on increasing the numbers of early care and education who achieve national accreditation.
- Plan a community-wide summit on early care and education and youth development.
- Produce a "return on investment" report on the value of early care and education as an industry in our community and the long-term return on investment in quality early care and education.

By attaining the license, the Early Care and Education Coalition of CSI will become "Success by 6®," providing an umbrella for its strategic plan and providing a platform for impacting the public and private environment for leveraged resources and maximum results.

Information on CSI and the Early Care group may be found at www.csip.nebraska.unl or by calling 402-472-2747.

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CITY OF LINCOLN
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NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 23, 2004
FOR MORE INFORMATION: Lynn Johnson, Parks and Recreation, 441-8265
Susan Rodenburg, Lincoln Cares, 421-1401
Dave Norris, Citizen Information Center, 441-7547

"LINCOLN CARES" DONORS PROVIDE FOR HISTORIC STATUE RESTORATIONS

Two Antelope Park monuments being restored through community donation program

Prominent Lincoln monuments "War and Victory" and "Pioneer Woman" are getting a facelift, thanks to voluntary donations collected through the "Lincoln Cares" program that allows LES customers to add one dollar to their bill each month for park improvements.

Perhaps most familiar to Lincolnites is "War and Victory," a 25-foot cast-concrete monument located in Antelope Park just west of Auld Recreation Center. Sculpted in 1936, "War and Victory" was an art project of the Works Progress Administration (WPA), a program initiated during Franklin Roosevelt's presidency to create jobs and stimulate the economy during the Great Depression of the 1930s.

The monument has a six-foot soldier standing on each of the four sides – symbolizing the Revolutionary War, the Civil War, the Spanish American War and World War I – the four major conflicts experienced by the United States up to the 1930s. Looking down from atop the column is a figure representing victory.

The "Pioneer Woman" statue, also cast concrete, is located in the Memory Garden of Antelope Park, and faces east at 33rd and Melrose, just north of Sheridan Boulevard. Erected in 1935 by the Lincoln Women's Club, the statue honors all pioneer women of Nebraska.

"I'm thrilled to be able to watch again as our 'Lincoln Cares' program helps bring another dream to fruition," Mayor Seng said. "The generous donations contributed by 'Lincoln Cares' supporters are going a long way in helping ensure that our country's history will be preserved and cherished by the citizens of Lincoln and the generations to follow."

Nationally known artist Ellis Luis Burman sculpted both monuments. After working for the WPA, Burman settled in California and became best known for his work in the film industry. His studio designed the masks used in "Phantom of the Opera" and "Planet of the Apes." Burman, who died in 1974, also did "Smoke Signal" in Pioneers Park and "Rebecca at the Well," formerly in Sunken Gardens.

-more-

The City contracted with Jensen Conservation Services of Omaha to clean and reset the surface, apply water repellent and masonry strengthener coatings and restore bronze plaques. Total cost for restoring both statues is estimated at $22,500. Jensen Conservation Services other projects have included artwork at Sheldon Art Gallery and the Sower at the State Capitol.

The restoration work, which began September 7 on "Pioneer Woman," is now completed. Restoration will continue on "War and Liberty" until late November or early December, said Lynn Johnson, Director of Parks and Recreation.

"We are very fortunate to have Mayda and Robert Jensen do this work. They are very talented and have done similar projects across the country," Johnson said. "In the past 10 years, there has been much interest in restoring these historic and significant pieces of public art. But it wasn't until 'Lincoln Cares' provided the money that we were able to accomplish it."

"Lincoln Cares," which started in February, 2003, gives LES customers the opportunity to voluntarily add one dollar each month to their LES bill for park improvements. Donations have been allocated to the Sunken Gardens Restoration Project; air conditioning for the Ager Indoor Playground and Bethany Park Shelter and scholarships for low-income youth to participate in park programs.

Beginning this year, LES customers who use automatic bank billing may also participate by calling LES at 475-4211 or accessing the necessary authorization forms on its web site at www.les.com. (click on community programs for the "Lincoln Cares" Program agreement).

For the second consecutive year, Lincoln Cares will receive corporate matching funds from TierOne Bank Foundation and World's Foremost Bank (Cabela's VISA Operation, which provide a 50-cent match for every dollar contributed (up to $30,000 each).

For more information on "Lincoln Cares," contact the Lincoln Parks and Recreation Department at 441-8264 or visit the City web site at lincoln.ne.gov, keyword Cares.

(Digital photos available upon request)

-30-

CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

Finance Department
Don Herz, Director
555 South 10th Street
Suite 103
Lincoln, Nebraska 68508
402-441-7411
fax: 402-441-8325

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CITY COUNCIL
OFFICE

September 22, 2004

Ms. Ruthann Young
2135 Stone Creek South
Lincoln, NE 68512

Dear Ms. Young,

After reading your communication with members of the City Council regarding use of Library bond issue funds, I felt it was appropriate to provide some information regarding the history and use of those funds. Attached is a summary of these funds prepared by Paul Jones, accountant for the Library system.

In November of 1998, Lincoln voters approved the issuance of General Obligation bonds to build two new branch libraries. Bond proceeds and interest on those proceeds can only be used for the project approved by the voters and debt service costs. As illustrated on the attached summary, the project expenditures were $14,493,526, or less than the bond proceeds after issuance costs of $14,924,422 The Library Board and Library staff can take pride in these two branch libraries being constructed well within the project's budget. In addition to the bond proceeds, there was $1,911,501 of interest earned prior to and during construction of the branches. As a result, $500,000 of leftover funds was used for debt service in the 2004-2005 budget. There were also some savings on the project budget for the Parks and Recreation portion of the bond issue passed in 1998 that will be used in future budgets.

In the spring of 2002, during preparation of the 2002-2003 budget, it was apparent the project would come in under budget and the interest earnings would not be needed to complete the project approved by the voters. The only remaining legal use of leftover funds is to pay for principal and interest costs for outstanding general obligation bonds. In the budget resolution adopted in August of 2002, the City Council, upon the recommendation of the administration, created a "2005-2006 Debt Service Fund" and moved $1.8 million of interest income from the Library bond issue into that fund. In addition, $740,000 of similar funds were added from a 1997 Storm Sewer bond issue. The reasons for these actions are explained in the next paragraph.

The City is on a bi-weekly payroll. This means that every 12-13 years, an "extra" pay period falls in the City's September 1 to August 31rst fiscal year. When this happens the City must budget and pay for 27 pay periods instead of 26 pay periods. This occurs in our 2005-2006 fiscal year and is projected to cost an extra $2.8 million dollars to the tax funded portion of the budget. Our hope is that the money transferred into the 2005-2006 Debt Service Fund plus interest earned will cover the cost of this infrequent occurrence. If funds were not in place ahead of time, a 27th pay period would greatly add to whatever other budget pressures were present for that fiscal year.

For the 2005-2006 budget, our plan is to utilize the balances in the 2005-2006 Debt Service Fund to lower the property tax levy necessary to pay general obligation bonds. This lower levy for bond payments will offset the increased levy required for the extra pay period. For the following budget, the debt service levy would be restored and the portion of the levy that was increased to cover the 27th pay period in 2005-2006 would

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The Community of Opportunity

be reduced. The Library system itself will benefit from this planning because their budget will not be unduly pressured because of this occurrence.

I reject the assertion that the Library bond funds are being "misused" in any way, but instead contend that their expected use reflects good planning on the part of the Mayor and City Council. If you have questions please call at 441-7698.

Sincerely,

Steve Hubka
Budget Officer

Copies: Linda Wilson
Dick Herman
City Council members
Mayor's Office

LINCOLN CITY LIBRARIES
Library Bond Issue 1999
Eiseley and Walt Branch Libraries
Summary of Revenues/Expenditures
as of 7/31/04

Budget Surplus			
Total Project Budget			**$ 15,200,000.00**
Expenditures:			
Discount		$ 228,000.00	
Bond Issuance Costs		47,577.63	
Eiseley Branch		7,204,481.59	
Walt Branch		7,013,467.44	
Total Project Expenditures			**(14,493,526.66)**
Total Budget Surplus			**$ 706,473.34**

Cash Surplus			
Revenues:			
Bond Issue	$ 15,200,000.00		
Less: Discount	(228,000.00)		
Net Bond Issue Proceeds		$ 14,972,000.00	
Interest Income		1,911,501.02	
LES Rebate-HVAC System		54,825.00	
Total Project Revenues			**$ 16,938,326.02**
Expenditures:			
Bond Issuance Costs		47,577.63	
Eiseley Branch		7,204,481.59	
Walt Branch		7,013,467.44	
Arbitrage Fee		186,202.77	
Total Project Expenditures			**(14,451,729.43)**
Total Cash Surplus			**$ 2,486,596.59**
Less: Amount Previously Transferred to City for 27th Pay Period in FY 2005-06			(1,800,000.00)
Less: Amount used in FY 2004-05 Budget Proposal			(500,000.00)
Current Cash Surplus			**$ 186,596.59**

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CITY COUNCIL
OFFICE

September 13, 2004

Members of the Lincoln City Council:

I have been watching today the local Patriot Act discussion on TV. Long a fighter for privacy of Library records, I have strong feelings—and misgivings. My privacy to check out "Sex for Seniors" is vital! But if Bin Laden himself came into our library to check out "How to Blow Up Nebraska and Its Capitol, " I'd want to **trust my government officials**. . . .

But, my Lincoln city government officials, I **no longer trust** any of you due to the **mis-use of returned funds from the Library Bonds issued on behalf of the voters.**

As the Library Board president at the time of the bond issue ballot, I and others pledged much. As stewards of No/Frills budgeting (like landscaping-so-needed!), we returned some $2.5 million to the city.

I was invited to the Library Board meeting of August 17, 2004 when a check for $2,486,596.59 was presented to Mayor Seng. Publicity photos and a news release were to follow. I guess I missed that coverage.

Only after that ceremony did I learn you'd already appropriated most of the returned monies to cover your budget.

- $1,800,000 for 27th Pay Period in 2005-6
- $500,000 used in FY 2004-05 Budget proposal

That's how Keno monies sneaked into the Libraries' operational budget years ago; never should have happened; no Library Board members wanted that. The "watchful citizens" of the Library Board never wanted bond monies to be used for salaries or other operational expenses.

Now what.

How are you going to cover your you-know-whats in the future when you don't get the returned 'windfall' from dedicated, scrupulous volunteers like those Library Board members who then served to unknowingly bail you out now???

Shame on you, All. As a nearly 9-year member of the Library Board and as a taxpayer of this city, I feel duped.

Sincerely,
Ruthann Young

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
3140 N Street, Lincoln NE 68510 • Phone: 441-8000
Fax: 441-8323 or 441-6229

www.ci.lincoln.ne.us

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CITY COUNCIL
OFFICE

FOR IMMEDIATE RELEASE: September 20, 2004

FOR MORE INFORMATION: Harry Heafer, 441-8035

CLEAN UP LITTER FROM SHORELINES OF LOCAL LAKES

Join volunteers worldwide as part of the International Coastal Cleanup

Volunteers are needed to help clean litter from shorelines of area lakes for this year's International Coastal Cleanup. Keep Lincoln & Lancaster County Beautiful is recruiting individuals, groups, organizations, clubs and businesses to participate in this effort to help keep the lakes clean of litter, some of which has the potential to harm wildlife.

Over 8.2 million pounds of trash was collected during last year's International Coastal Cleanup, which involved people in 100 countries and all 55 U.S. states and territories. In Lancaster County, 134 volunteers cleaned the shorelines of six area lakes and collected nearly 3,000 pounds of trash.

If your group or organization is interested in conducting a cleanup of an area lake, contact Harry Heafer at the Lincoln-Lancaster County Health Department, 441-8035. Cleanups must be completed by October 19, 2003.

"The shorelines and areas around six Salt Valley lakes were cleaned up last year by several volunteer groups," said Harry Heafer, Keep Lincoln & Lancaster County Beautiful Coordinator. "They did a great job cleaning up all kinds of litter including fishing line, lures, bobbers, old bait containers, small propane canisters and aluminum cans."

Volunteers are provided trash bags and are asked to complete a data card to record the types and amounts of litter collected. Final tallies are sent to The Ocean Conservancy to be included in their annual, international report.

The Keep Lincoln & Lancaster County Beautiful Program is partially funded by a grant from the Litter Reduction and Recycling Fund administered by the Nebraska Department of Environmental Quality.

XXX

CITY OF LINCOLN
NEBRASKA

Animal Control Division
Lincoln-Lancaster County
Health Department
Bruce D. Dart, MS, Health Director
3140 "N" Street
Lincoln, Nebraska 68510-1513

402-441-7900
TDD: 402-441-7825
fax: 402-441-8626
health@ci.lincoln.ne.us
jweverka@ci.lincoln.ne.us

MAYOR COLEEN J. SENG

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LINCOLN
The Community of Opportunity

September 20, 2004

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SEP 21 2004
CITY COUNCIL
OFFICE

Sandra McNiff
2452 Colonial Dr
Lincoln NE 68502

Dear Ms. McNiff,

City Council Person, Annette McRoy, has asked me to respond to your letter dated September 3, 2004. I have read your letter and do thank you for your input. However, I have noted the following:

1. The municipal code currently has an ordinance prohibiting cats from running at large. ***There is no leash law being proposed.*** What has been discussed by the Animal Control Advisory Committee is removing the current exception wording ("unless a valid license tag is attached and said cat is spayed or neutered"). The owner would be required to keep the cat on his/her property.

2. Research on domestic cats shows that they prey on approximately 20 to 30 percent of the birds and 60-70% are small mammals, and the remainder are amphibians, reptiles, and insects. Cats have huge advantages over native predators. Being well-fed, they are not vulnerable to changes in prey populations. Factors that control native populations are diseases, predation, and competition for territory. As a result, cats can out compete native predators for food which they many times do not need, but to only to satisfy their hunting instinct, they then only play with the dead animal.

3. Free roaming cats can spread deadly diseases to wild cats and other wildlife, such as rabies, feline leukemia, and distemper. The free roaming cat is at least 4 times more likely to be killed by a motor vehicle than a dog according to the records of Animal Control. The cat running at large is also more likely to be attacked by wildlife.

4. Currently, cats are the only domestic animal within the city to run at large. This does upset many citizens. Cats do damage their gardens and flower beds. The department receives calls from citizens irate when they find the neighbor's cat has been using their child's sandbox for a litter box. Additionally, it is not the cat paw tracks on their vehicle, but the claw damage to the paint of the vehicle that upsets citizens. They do have legitimate concerns and property damage does occur. The vast majority of citizens do not accept dogs damaging their property or coming on their property. Some citizens feel cat owners are irresponsible due to the lack of respect for others property. Consequently, they get very upset when told Animal Control cannot issue a citation to the cat owner.

5. From a public health perspective, cat bites inflicted on humans are more likely to become infected and require hospitalization. Dog inflicted bites tend to be larger and severity is due to the larger wound. Approximately 1/4 of all reported bites are inflicted by cats. Cats inflicted 120 bites in Fiscal Year 2002, 110 bites in Fiscal Year 2003, and 137 in Fiscal Year 2004.

6. All the national animal welfare and control organizations - the National Animal Control Association, the American Humane Association, the Humane Society of United States, the American Society for Protection of Cruelty to Animals, American Veterinary Medical Association, and others - all have policies that recommend cats be properly confined or be kept inside. These organizations are experts in the field of animal behavior and welfare.

7. There is no documentation that the feral cat population will increase that we are aware of in cities which have cat at large ordinances. There will be not be a mass "trap and destroy" policy by Animal Control. Animal Control officers will continue to respond to complaints as they do now. In Fiscal Year 2003, the number of cats impounded is primarily from citizens confining cats and reporting injured or neglected cats, which is also an indicator of citizen dissatisfaction with cats running at large.

8. Rat populations are rarely controlled by cats. Large rats are very aggressive and thus the mammals killed by cats are those easily killed and which do not fight back. Cats are direct competition with native wildlife which prey on small rodents.

9. There is no leash law requirement being proposed. Cats do not need to be walked or exercised such as dogs, thus they make ideal indoor pets. Many cats are confined to the owners property by using outdoor pens or cages designed for cats. Some Lincoln citizens have obtained dog runs or kennels and by putting a top on them utilized them for cats. No Animal Control staff member allows their cat to run at large as they have seen first hand what happens to an at large cat.

Any changes in the municipal code will be publicized with the times and dates for public input. If you still have concerns, I encourage you to attend the public meetings.

Sincerely,

Bruce Dart

Bruce Dart, M.S.
Health Director

cc: Annette McRoy

BDD/db

September 3, 2004

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SEP 07 2004
CITY COUNCIL OFFICE

When will Be Brought Forward.

Annette McRoy, NW Dist. City Council
City Council Office, Co-City Bldg.
555 So. 10th St.
Lincoln, NE 68508

Dear Ms. McRoy:

I have heard that the passage of a cat leash law for Lincoln is imminent. I sincerely hope that is not the case. You may think this a trivial issue, but it could well be the deciding factor that makes me leave Lincoln.

As a cat owner, I would naturally be opposed to this legislation, since it can only result in the torture of any adult cat that has ever been outdoors. It amounts to the same thing as telling you that you will never be allowed to enjoy nature or breath fresh air again. I say this because very few, if any, adult cats can ever be leash trained, so passage of such a law means they will have to be kept in-doors.

To be fair, I have been doing research on this issue, so I understand most of the arguments in favor: these being protection of the animal from cars and other animals, protection of birds, and elimination of the nuisance factor. I say to the protection advocates, "It should be left to the pet owner to decide if the risk of their pet getting hit by a car or mauled by a dog (which I have experienced) outweighs the pain of depriving a cat of the activities that make it a cat in the first place. Anyone can confine their cat by choice.

However, the issues for the majority of advocates boil down to "birds and poop," to quote one source. Cats do kill some birds, but I'd like to point out that people are far more detrimental to birds just by occupying the same habitat. As an example, my picture windows account for more bird deaths all year round than my cats. Birds fly into them and break their necks. If your intent is to save birds, let's stop further development. I would also like to say to the bird-lovers, that although squirrels don't catch adult birds like cats can, they often destroy all the eggs and entire nests as well which is much more harmful than a cat catching a bird. Cats, on the other hand will catch baby squirrels, which ultimately helps the birds.

The vast majority of people who advocate this law have petty gripes---they don't like cat tracks on their car (but bird poop, though more damaging is OK), cats dug in their flower pots (it was more likely a squirrel), neighborhood cats cause dogs to bark (so do sirens, other dogs, and people walking by). In other words, leashing cats will not eliminate dirty cars, holes in your yards, or barking dogs.

I have not unearthed a single incident where a cat was considered dangerous or proven destructive. <u>Most importantly, I have not found a single good thing that has come about as a result of the passage of this legislation in other cities.</u>

Based on what I have learned, here is what I foresee happening if Lincoln passes this legislation:

1. At first, the number of feral cats will increase. This will happen because people who now have cats as cared-for pets will not be able to live with animals who have been let out on request, but now must be kept indoors because it is unlikely that many adult cats can be leash-trained. Since cats cannot be contained by a fence, the only alternative will be confinement. Desperate cat owners, faced with crying cats who need to be declawed to save the furniture and doors, will stop licensing the animals and let them out to take their chances with Animal Control.

2. The increase in the number of feral cats will lead to a mass "trap and destroy" policy as has occurred in most other cities that have passed such a law. The Humane Society's posted statistic is now 3,500 cats destroyed each year, and some of those are not feral, but have become old or ill and started spraying indoors, so people leave them at the Humane Society. The number of cats destroyed after passage of this law will be many times that and so will the cost of their trapping and destruction. (For this reason alone, I do not understand how the director of the Humane Society can favor this law.)

3. As loose cats are disposed of or kept indoors, there will be a drastic increase in several rodent populations, as cats are their main urban predators. Cats can be a minor nuisance, but rodents can actually be destructive to trees, lawns and gardens, even shingles and lawn furniture, and they carry many diseases.

4. I also predict several kinds of incidents involving leashed cats. A cat on a leash, especially one staked out, has no defense. They can't run, hide, or climb a tree. We have a dog leash law, but it does not keep all dogs on leashes at all times, so cats being walked on leashes or tied out can easily be attacked.

5. Finally, rather than removing the annoyances leash advocates suffer from, there will be even more drastic dissension between people who dislike cats and people who cannot bear to tie them up or keep them indoors. Currently, leash advocates are simply annoyed at about the same intensity that I'm annoyed by rabbits who are eating holes in my lawn and leaving piles of pellets and by squirrels that chew on my shingles, but once a leash law is passed and they have the law on their side, they will become much more aggressive towards loose cats and their owners. I have read several downright frightening comments made by leash advocates.

Since I have been unable to find any proven benefits to weigh against the problems such legislation can create, and, since cats are not dangerous, nor as destructive as rabbits or squirrels, I don't see how a cat leash law can be justified.

Will there be public hearings on this issue? I would like the opportunity to appear.

Sincerely

Sandra McNiff

Sandra McNiff

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NEWS RELEASE

CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG www.ci.lincoln.ne.us

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
Phone: 402-441-8500; Fax: 402-441-8586; Email: library@mail.lcl.lib.ne.us

FOR RELEASE: September 22, 2004
CONTACT: Pat Leach, Library Youth Services Supervisor
PHONE: 402-441-8565
E-MAIL: p.leach@mail.lcl.lib.ne.us

Read to a Dog @ your Library!

Here's a fun kind of story time where kids do the reading aloud, and the audience has four legs!

A program to help children ages 6 to 12 who are experiencing reading difficulties or who just need to practice reading is available at Lincoln City Libraries. Certified therapy dogs and their handlers are partnered with children who polish their skills by reading aloud to a dog. During this six week program a child reads to a dog once a week for 20minutes.

Sessions are available at these locations and times:

- Arnold Heights Branch Library, 3815 NW 54th Street, 441-8580
  Tuesday afternoons, 4:00 to 6:00 p.m., October 5 - November 9

- South Branch Library, 2675 South Street, 441-8570
  Tuesday evenings, 6:30 to 8:30, October 5 - November 9, and
  Sunday afternoons, 2:00 to 4:00, October 10 - November 14.

- Gere Branch Library, 2400 S. 56th Street, 441-8560
  Sunday afternoons, 2:00 to 4:00, October 3 - November 7.

- Eiseley Branch Library, 1530 Superior Street, 441-4250
  Thursday evenings, 6:30 to 8:30, October 7 - November 18.

Pre-registration is required by calling or stopping by the library where you want to participate. Parental permission is also required.

This program is made possible by "Paws UP! For Reading" and "Reading PUPS."

###

PLANNING COMMISSION FINAL ACTION

NOTIFICATION

RECEIVED
SEP 17 2004
CITY COUNCIL
OFFICE

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : September 16, 2004

RE : **Special Permit No. 04045**
(North American Martyrs Catholic Church - N.W. 12th St. & Isaac Drive)
Resolution No. PC-00887

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 15, 2004:

> Motion made by Marvin, seconded by Krieser, to approve **Special Permit No. 04045**, with conditions, requested by North American Martyrs Catholic Church, for authority to increase the maximum lot coverage of the church from 15% to 20% for construction of a church rectory, on property generally located at N.W. 12th Street and Isaac Drive. Motion for approval, with conditions, carried 7-0: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman and Bills-Strand voting 'yes'; Taylor and Pearson absent.

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Father Panzer, 1101 Isaac Drive, 68521
Kevin Clark, 700 Q Street, 68508
Catholic Bishop of Lincoln, P.O. Box 80328, 68501
Jason Fortik, Highlands N.A., 5461 N.W. Fairway Dr., 68521
Gordon Bjorman, N.W. Highlands N.A., 1133 N.W. Gary, 68521

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RESOLUTION NO. PC- 00887

SPECIAL PERMIT NO. 04045

WHEREAS, North American Martyrs Catholic Church has submitted an application designated as Special Permit No. 04045 for authority to increase the maximum lot coverage of the church from 15% to 20% for construction of a church rectory on property generally located at N.W. 12th Street and Isaac Drive, and legally described to wit:

Lot 1, Block 1, Highland West 1st Addition, located in the Southwest Quarter of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

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

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

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

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

That the application of North American Martyrs Catholic Church, hereinafter referred to as "Permittee", to allow an increase in the maximum lot coverage of the church from 15% to 20% for construction of a church rectory be and the same is hereby granted under the provisions of Section 27.63.520 the Lincoln Municipal Code upon condition that construction of said expansion be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit allows a total lot coverage for a church use not to exceed 20%.

2. The construction plans must conform to the approved plans.

3. Building permits shall not be issued for the rectory until October 26, 2004 or after.

4. Before occupying the buildings, all development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the Permittee.

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

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns.

The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 15th day of September, 2004.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

RECEIVED
SEP 17 2004
CITY COUNCIL
OFFICE

FROM : Jean Walker, Planning

DATE : September 16, 2004

RE : **Waiver No. 04009**
(Northwest corner of S. 40th Street and Calvert Street)
Resolution No. PC-00888

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 15, 2004:

> Motion made by Larson, seconded by Taylor, to approve **Waiver No. 04009,** requested by William E. Olson on behalf of John and LeeAnne Cooper, to waive the minimum lot depth requirement for lots abutting a major street in the J.W. Cooper final plat, on property located at the northwest corner of S. 40th Street and Calvert Street. Motion for approval carried 5-3: Larson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carroll, Marvin and Carlson voting 'no'; Pearson absent.

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
William E. Olson, P.O. Box 81607, 68501
John and LeeAnne Cooper, 3959 S. 40th Street, 68506
Jim and Lauri Brunner, Bishop Park N.A., 3919 S. 31st St. Circle, 68502
Michael and Carol Larkins, 3611 So. 40th Street, 68506
Joyce and Eldon Jameson, 3805 Calvert Street, 68506

Waiver 04009

RESOLUTION NO. PC-00888

WHEREAS, the final plat of J W Cooper was previously submitted for acceptance and approval by the Planning Director, on property generally located at the northwest corner of S. 40th and Calvert Streets; and

WHEREAS, Lincoln Municipal Code § 26.23.140 requires lots to have a minimum lot depth of 120 feet for lots abutting a major street; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code to allow the two lots in J W Cooper Addition to have a depth of 72.5 feet and 76.8 feet; and

WHEREAS, the Planning Director has recommended approval of the requested modification to § 26.23.140 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the provisions of Section 26.23.140 of the Lincoln Municipal Code which provide that residential lots have a lot depth of 120 feet for lots abutting a major street is hereby waived.

All other Planning Director conditions for approval of the final plat of J W Cooper Addition shall remain in full force and effect.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 15 day of September, 2004.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

SEPTEMBER 17, 2004

ALLEY PAVING PROJECT 541005
27TH - 28TH; POTTER - FAIR

THE CITY OF LINCOLN PUBLIC WORKS ENGINEERING SERVICES WOULD LIKE TO TAKE THIS OPPORTUNITY TO UPDATE YOU ON AN UPCOMING ALLEY PAVING PROJECT IN YOUR AREA. DOBSON BROTHERS CONSTRUCTION COMPANY FROM LINCOLN, NEBRASKA HAS BEEN AWARDED THIS CONTRACT.

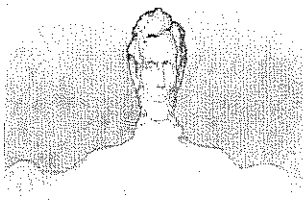
THE FIRST PHASE WORK OF THIS PROJECT WILL BE GRADING, STORM SEWER CONSTRUCTION, AND PAVING OF THE **NORTH HALF OF THE ALLEY BEGINNING ON MONDAY, SEPTEMBER 27, 2004.** THE SECOND PHASE WILL BE THE GRADING AND PAVING OF THE SOUTH HALF. EACH PHASE SHOULD BE COMPLETED IN APPROXIMATELY SEVEN DAYS DEPENDING ON THE WEATHER.

DURING THE CONSTRUCTION WORK ON EACH PHASE, ACCESS TO DRIVEWAYS AND PARKING IN THE PHASE AREA WILL BE CLOSED.

IF YOU HAVE ANY QUESTIONS ABOUT THIS PROJECT, PLEASE CALL ME AT 441-7711.

LARRY G. DUENSING
CITY OF LINCOLN
ENGINEERING SERVICES

RECEIVED
SEP 21 2004
CITY COUNCIL
OFFICE



CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

CANCELLED

The City of Lincoln, Department of Public Works would like to take this opportunity to invite you to an open house regarding the following roadway projects in the vicinity of South 56th Street and Pine Lake Road:

RECEIVED
SEP 21 2004
CITY COUNCIL
OFFICE

Pine Lake Road; 40th Street - 61st Street
Project 700014

South 56th Street; Old Cheney Road - Shadow Pines Drive
Project 701763

South 56th Street; Thompson Creek Boulevard - Yankee Hill Road
Project 701764

Pine Lake Road; 61st Street - Highway 2
Project 701765

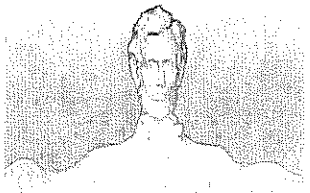
On Wednesday, September 22, 2004 from 6:00 to 8:00 p.m. at Humann Elementary School, 6720 Rockwood Lane, Engineers from the Public Works Department, E & A Consulting Engineers, The Schemmer Associates, and HWS Consulting Group will be available to answer questions about the proposed projects. A brief description of the work is:

- Reconstruction of the existing roadways to urban standards to include curb and gutter and storm drainage systems.

If you cannot attend and have questions, please feel free to call.

Amber Topping
Public Information Contact
E & A Consulting Group
(402) 420-7217

Kris Humphrey
Project Manager
City of Lincoln, Engineering Services
(402) 441-7592



CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES
ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

North 48th Street; Cornhusker - Superior
Project #701753
September 9, 2004

Dobson Brothers will be starting the work on 48th Street the week of September 13, 2004. During this week, the work will be done under lane closures and between the rush hour times of 8:30 a.m. and 3:30 p.m. The week of September 20, 2004, the street will be under total closure to mill the existing asphalt surface and lay the new asphalt.

If you have any questions or concerns, please call the City Project Manager Steve Faust at 441-7711 or Dobson Brothers Project Manager Dave Olson at 474-5115.

Thank you for your cooperation.

RECEIVED
SEP 21 2004
CITY COUNCIL
OFFICE

Response to RFI #158

RECEIVED
SEP 23 2004
CITY COUNCIL
OFFICE

Date: September 23, 2004

To: City Council

From: Marc Wullschleger, Urban Development Director

Re: All correspondence in response to Ed Patterson's letter dated October 12, 2003

Mr. Patterson's letter dated October 12, 2003 signed by Ed Patterson, Barbara Morley and Mike Morosin was a formal response by the three individuals indicating they intend to work with Urban Development to move their five homes.

The letter was in response to the "House Preservation & Infill Program" developed by the City's Urban Development Department and adopted by the joint Antelope Valley Authority. This program is an extra planning effort to assist interested residential owners in possibly moving their residential structure to a new site. This program can be viewed online at www.ci.lincoln.ne.us.

The program is being administered by the City's Urban Development Department through Neighborhoods Inc, a not for profit community development corporation. Page 11 of the plan says the Urban Development Department will "work closely with property owners interested in moving their structures in determining location site and economic characteristics important to their new housing sites". Page 17 says "If the property owner wants to move his or her house then the property owner could be responsible for acquiring the new building site.....government would offer assistance along the way". Property owners can find their own lot or chose from a small inventory that the City and Neighborhoods Inc. has.

We have not responded to the October 12, 2003 letter in writing; however, under our direction, Neighborhoods Inc. has met with Mr. Patterson to discuss moving his and Barbara Morley's houses on the following dates:

April 20, 2004
July 27, 2004
August 24, 2004
September 7, 2004
September 14, 2004
September 28, 2004 (scheduled)

In addition Neighborhoods Inc. has met with Mr. Morosin on April 20, 2004.

Note: Above does not include meetings or correspondence from Urban Development or its agent on acquisition and relocation of the properties which is separate and distinct.

CAMPJON@aol.com
09/18/2004 01:06 PM

To: jray@ci.lincoln.ne.us
cc: dpodany@ci.lincoln.ne.us
Subject: Fwd: Re: Bond Issue

Please include for the Council packets.

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

----- Message from CAMP JON on Sat, 18 Sep 2004 14:06:16 -0400 -----

To: shavekost@vosslighting.com

Subject: Re: Bond Issue

Sid:

Thank you for your email regarding the Bond Issue.

I concur with much of what you wrote. In fact, you may recall that I voted AGAINST the City's budget the last THREE years, specifically because the Mayor and the City Council have not been prioritizing nor has the City been offering a truly balanced budget.

I am listening to the citizens and I hear three recurring themes/demands:

1. Fiscal responsibility
2. Accountability, and
3. Prioritization.

I will be encouraging Mayor Seng and my colleagues on the City Council to focus on our basic city responsibilities. Issues that are becoming substantial include (1) accountability of government--we need an independent internal auditor who will conduct "performance audits" of various departments to achieve operational savings and make the City accountable to the citizens, (2) the $23 million decrease in funding levels of the Police and Firefighters Pension during the last 6 years, (3) the transfer from our general operating budget to other funds (like street construction) of over $1.7 million of expenses that will reduce the amount available for street construction, and (4) spending down our surplus reserves by $3-4 million per year without a concurrent decrease in spending.

Lincoln is a wonderful city and has great amenities, but we need to focus to ensure economic opportunities are available in the coming years for our citizens and our children.

Please participate in the dialogue and help us.

Jon

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

--

Subj: Bond Issue
Date: 9/17/2004 9:06:17 AM Eastern Daylight Time
From: "Sid Havekost" <shavekost@vosslighting.com>
To: <campjon@aol.com>
Sent from the Internet (Details)

I hope that the city council realizes, by the defeat of the bond issue, that the people of Lincoln are sick and tired of government always coming at us with another tax increase. I believe Lincolnites are getting to the point, as Peter Finch's character in the movie "Network" said, "We're mad as h***, and we're not going to take it anymore."

The city council has definitely lost creditability in my eyes. When I read that a July poll had showed 58 percent of the people were against the bond but the city went ahead anyway leaves me wondering?

I now understand why you tried a special election, when there's a national election in just two month. You were counting on the traditional low turnout so you could "tip the election" with 13,000 voters. That reeks!

GET THE PICTURE. YOU CAN NOT JUST KEEPING RAISING TAXES TO FUND EVERY PROJECT YOU WANT TO DO!
PRIORITIZE! START SAYING NO! FIGURE OUT WHAT REALLY NEEDS TO BE DONE AND WHAT IS FLUFF! (Do we really need 2.5 million for trails?) LEARN TO LIVE WITHIN THE REVENUE YOU'RE PROVIDED.

I fear that unless the council develops some backbone and starts really representing the people the distrust of city government will only deepen and become more virulent..

Sincerely,

Sid Havekost
7849 Barrington Place
Lincoln, Ne

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

CAMPJON@aol.com
09/18/2004 01:11 PM

To: jray@ci.lincoln.ne.us (City Council)
cc:
Subject: Fwd: Street Bond Issue

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

Joan--for Council packets

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

----- Message from "Roger Tracy" <rtracy@alltel.net> on Wed, 15 Sep 2004 08:00:34 -0500 -----

To: <jcamp@ci.lincoln.ne.us>

Subject: Street Bond Issue

Councilman Camp,

Well, the street bond issue went down to defeat as well it should have. This was
not popular as presented. I voted against it. A discussion with several people
outside the polling place after voting revealed they did too. The feeling of everyone I've talked to was it was a huge amount of money without addressing the traffic frustrations we experience. Also putting this out as a special election
wasted tax payer funds when it could have been placed on the November ballot.

I can't understand why city government dances around this traffic issue and doesn't address the real issues of getting through the center of the city.
Between 10th St and 84th St there are NO other streets that are 4 lanes border to border. Why in the world would we get into this position while allowing all the retail and residential development on our north and south edges?

I see some things that should be at the TOP of the list:

1. Hire a traffic engineer that truly understand traffic flow to maximize the movement through our intersections. We spend huge amounts of time sitting at major intersections to then see only 4 or 5 cars allowed through.

2. 27th St and 48th St need to be 4 lanes plus a turn lane from border to border. Why has this never been taken care of as we grow? Because of it having to acquire property in the Country Club neighborhood? We just need to do what needs to be done to make this happen.

3. We may even want to consider one north/south freeway to handle the through traffic.

The lack of planning and courage to do what needs to be done has created one of the worst traffic nightmares I've seen anywhere. We can't just turn our heads. Had this bond issue contained a plan to address these things it would have passed. Almost everyone I've talked to felt they didn't

want to pay for a bunch of projects on the perimeter of town that failed to address the real problems. And I think we all feel betrayed by the attempt to shove this lousy plan down our throats. With all the taxes we already pay and the high cost of operating a vehicle in Lincoln and Nebraska taxpayers fail to understand why we're facing what we are.

Please don't give up on this. Instead work to come up with an aggressive plan to really address the top issues with our driving frustrations.

Thank you.

Roger Tracy
3920 Locust Street
Lincoln

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

CAMPJON@aol.com
09/22/2004 01:08 PM

To: jray@ci.lincoln.ne.us (City Council)
cc:
Subject: Fwd: Bond issue & taxes

Please distribute.

Jon

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

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

----- Message from "Rich" <resquivel1@neb.rr.com> on Sun, 19 Sep 2004 16:57:33 -0500 -----

To: <jcamp@ci.lincoln.ne.us>

Subject Bond issue & taxes

Mayor Seng & City Council
<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />
<?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarttags" />September 19, 2004

The bond vote last Tuesday was very decisive. Lincolnites voted to stop the drain of money from their pockets to support street and trail development. It was extremely disturbing to hear news accounts about additional wheel tax or sales tax. WE DO NOT WANT TO PAY ADDITIONAL TAXES.

I appeared in front of the city council this past spring. I proposed additional taxes with credits given to Lincoln residents. The additional taxes would be neutral to Lincolnites. The taxes would increase the revenue for the city. The revenues could be used for streets and trails; and to LOWER PROPERTY TAXES! This is a WIN/WIN for the city of Lincoln.

The revenue from the first tax would be used for roads and trails. People come into the city and use our streets and infrastructure on a daily basis. These people do not live in the city limits and do not contribute to the maintenance and upkeep of these services.

The first proposed tax is a $10 a semester or $5 a quarter wheel tax for all university students which do not license their vehicles in Lincoln. The University could be mandated to collect this tax; give a sticker for the student to display in his/her vehicle. The sticker is not transferable between vehicles. A fine would be levied against any student which did not pay the fee.

The second tax would be assessed to all persons employed within the city, with their vehicles licensed outside the city. The employer would be responsible to collect the fee and remit to the city. The annual fee should be between $30 and $40. The fee would be payable in the month the individual began working within the city.

The second tax would be expense neutral for persons residing within the city of Lincoln. A ½% to 1% city earnings tax for everyone working within the city limits. Lincolnites would be able to offset dollar for dollar any taxes assessed through this tax against personal property or property taxes. Earned income only includes earnings from a job or a business.

I believe these taxes are fair to everyone which works or benefits from colleges within our city. These people use the streets as much as residence which pay property taxes. In addition, these people use our emergency services, and infrastructure. The taxes would be neutral for Lincolnites. The additional revenue may be used for roads, trails, and any infrastructure expense.

Richard Esquivel
733 W Cuming St
Lincoln NE 68521-4334
402/477-4734

CAMPJON@aol.com

09/23/2004 02:10 PM

To: MHansen@ci.lincoln.ne.us, jray@ci.lincoln.ne.us (City Council members), Mayor@ci.lincoln.ne.us
cc: MRemmenga@ci.lincoln.ne.us, aabbott@ci.lincoln.ne.us, AHarrell@ci.lincoln.ne.us, MBowen@ci.lincoln.ne.us
Subject: Re: Gross Floor Area

Michaela:

I am confused. Are you saying that the gross floor area definition is "identical" for both permits and for impact fees? Please relate this to the testimony of Larry Albers at our Council public hearing.

Jon

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

RECEIVED
SEP 23 2004
CITY COUNCIL
OFFICE

FIRST LINCOLN
Federal Credit Union

58th & "R" (402) 466-4040

P.O. Box 5872, Lincoln, NE 68505

FAX (402) 466-5405

September 16, 2004

RECEIVED
SEP 17 2004
CITY COUNCIL OFFICE

Lincoln City Council Office
555 S 10th
Lincoln NE 68508

RE: Impoundment Notice

Lincoln City Council:

I don't know if this matter has been brought to your attention in the past although I am very aware that this practice has been going on for many years. I believe the City currently contracts with LincolnLand Towing who recently sent us the enclosed notice. We had a lien-holder interest in this vehicle--not the owner as indicated, but only now getting notice of its whereabouts even though it was impounded on April 1st of this year—5 and half months later.

A quick calculation will tell you that a minimum of $1,200 for towing and storage is probably owed against this vehicle if we wanted to redeem this collateral otherwise it will be sold. Either way the towing company has purposely put itself in an unscrupulously position to gain which does not reflect well on the City and its policies. I would think the towing contract would stipulate a reasonable time to give interested parties notice when a vehicle is picked up and if so, it is not being followed. (I receive notice from the Texas border patrol that a member's car was impounded trying to cross into Mexico within 5 days)

Thank you for your attention to this matter. Please feel free to contact me with any questions.

Yours truly,

Wayne Wacker

Wayne Wacker, President
First Lincoln Federal Credit Union

Enclosure

RECEIVED
SEP 17 2004
CITY COUNCIL OFFICE

LINCOLNLAND TOWING

410 West P Street
Lincoln, NE 68528
Phone (402) 474-1900
FAX (402) 441-4580

SEP 14 2004

Date: 9-6-04

Invoice# 41799

Description of Vehicle

Make Mercury Model Tracer

Year 1989 Color white

V.I.N. 2MEPM36X3KBL49350

Owner's Information

Owners Name First Lincoln Fed Credit Union

Address P.O. Box 5872

City Lincoln

State NE *Zip Code* 68505

To Whom It May Concern: The vehicle described above is in storage at: 410 West "P" Street
Reason: Notice (52-601.040 and 960-2410) Nebraska

Held by Lincolnland Towing Inc. Impounded on: 04-01-04

Vehicle towed from: 1432 N St

If you don not claim this vehicle within 31 days from the date of this letter, the vehicle will be sold at auction to be held at 410 West P Street, Lincoln, NE 68528. This Auction will be held after the 32nd day from the date of the letter as announced by public notice in the Lincoln Journal Star.

You are herewith notified that the sum owing against the vehicle is not paid within thirty-one (31) days from the date of this notice, the under signed will proceed to sell the vehicle as provided by law to satisfy the debt as the last person to legally register this vehicle in the state of Nebraska. You may be held liable for the difference between what is owed against the vehicle and what it sells for.

- *Note – If you do not intend to claim this vehicle, you may sign the following statement within 7 days and return it with a clear Title to the vehicle.*

BILL OF SALE

As the legal owner of the above-described vehicle, I hereby acknowledge that the charges against the same, as of this date, exceed the fair market value of the vehicle. I hereby sell to the above mentioned company the said vehicle mentioned above as of the date for the amount of the towing and storage charges. I delivered the title properly signed and dated with this notice.

_____ Signed Owner

_____ Witness

Date: _____ Invoice#: _____

September 16, 2004

RECEIVED
SEP 17 2004
CITY COUNCIL
OFFICE

Terry Werner
City Council
555 So. 10 St.
Lincoln, Nebraska 68508

Dear Terry:

I want to comment about possible funding for the Lincoln infrastructure needs.

For years many people, often two per household, have worked in Lincoln but lived in other towns, perhaps 30-40 miles away. While these people may buy their lunch in Lincoln, and possibly gas and groceries (?) they help "wear out" our streets while paying little into the Lincoln coffers. A worker tax seems to be the thing to get needed money from these people.

In one instance I know of, both full-time City workers in Lincoln with very good salaries lived in Seward where they were home owners. It seems that people like this should be helping with the financial needs of our city. Lincoln employers are probably the only ones who really know of the hundreds (thousands?) of workers who reside in other towns.

As a retiree I voted "no" (enough already) on the recent bond election which I don't think we needed to spend $75,000 on.

Tell Mary W. "hi" for me!

Sincerely,

Mary ann Donoghue

MARY ANN DONOGHUE
4301 Normal Blvd. #24
Lincoln, Nebraska 68506

also, Renters who work in Lincoln could be paying a token "fee" into the tax system with a worker tax.

City Council Office
Attn: Terry Werner
County-City Building
555 S 10th St.
Lincoln, NE 68508

Thursday, September 9th, 2004

RECEIVED
SEP 17 2004
CITY COUNCIL
OFFICE

Dear Council Chair Werner:

I'm concerned with this country's dependence on foreign oil and feel we need to do more to encourage people to drive less and use more fuel-efficient forms of transportation. One logical way of reducing oil consumption would be to switch to a tax system in which more road maintenance and construction is paid for with gas taxes. I encourage you to work towards raising gasoline taxes while decreasing property taxes by an equivalent amount. This would be a much more fair way to pay for our roads since it would come closest to taxing those who use our roads the most. It will also provide people with more of an incentive to drive less, drive more fuel-efficient vehicles, bike, and use public transportation. Do you support a local 3-cent or 5-cent Local Occupation Tax on gasoline in Lancaster County and/or Lincoln?

Please send a written reply explaining your position.
I look forward to your response. Thank you.

Sincerely,

David C Wasson

David Wasson
1100 Rosewood Dr
Lincoln, NE 68510

3350 Orchard St
Lincoln, NE 68502

Sept 17, 2004

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

City Council: -

You shouldn't be surprised at the outcome of the streets + trails Bond issue!

The Council has become an act of clowns - on again, off again about several things - apparently trying to keep special interest groups happy.

Why not try deciding things by principle for a while. You may regain some confidence.

Tuesday's election would have been well spent if it had been voting for Council People.

Virginia E. Myers

Business + Real Estate people are not the only ones living here - Also law owners

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

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

09/20/2004 12:05 PM

InterLinc: City Council Feedback for
General Council

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

Name: Ed Schnabel
Address: 7317 South Wedgewood Drive
City: Lincoln, NE 68510

Phone: 488-0814
Fax:
Email: eds19495@aol.com

Comment or Question:
LES Rate Increase

To members of Council,

I was watching the pre-council meeting this morning and again heard that we citizens do not care if rates are raised.

Yes we do, we just to not all have the time to take off from work to attend the meetings in person.

Why attend anyway, the Council does not listen to the citizens. Like Cook said this morning, "We had a hearing and do not get any negative feed back, well we must have missed what the citizens were saying."

Most people do not attend due to the way they are treated when they do attend. You will not answer questions with correct facts; do not answer them in a timely, etc.

More and more I see city staff persons answer, "I am unable to give you an answer to your question." I would hope that each department head would have a full knowledge of what is going on in his/her department. They should have the data on any and all items listed on that day's meeting to be ready for any questions from the council.

Back to the LES rates increase. Is the same old story. Was a cool summer, thus we did not sell as much power as we would have hoped, thus need to raise rates to recoup our lost rev.

Year end and year out they (Power and Gas company) keeps asking homes/industries to cut back to save. Well, when we do they come back for a rate increase to cover the monies lost due to cut backs in use. We are hit with higher cost either way so why complain.

One area that should be cut first is the money paid to the director of LES and his heads office staff. If they over bought power for this summer, then they should be the ones to cover the cost of it do to bad or poor planning.

If they need to raise rates 20% then they should first cut the pay to the top management 20% first in a show of good faith they the have cut costs first and asked for a rate increase to only meet the cost of power, not salaries.

Last Items,

Again, I would hope you and the Mayor begin to LISTEN to the citizens of Lincoln, not the big banker, etc, who you keep appointing to your committees and boards.

ED Schnabel

Joan V Ray

09/20/2004 08:47 AM

To: "Roxanne Sullivan" <RSULLIVAN@neb.rr.com>
cc: <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>
Subject: Re: Why I voted "No" on the bond issue.

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

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

"Roxanne Sullivan" <RSULLIVAN@neb.rr.com>

"Roxanne Sullivan" <RSULLIVAN@neb.rr.com>

09/17/2004 09:44 AM

To: <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>
cc:
Subject: Why I voted "No" on the bond issue.

Dear Mayor and Council Members:

After reading the comments in this week's papers regarding the vote on the bond issue, I decided to write to you and clarify the various reasons for my "No" vote on this bond. First, let me say that based on my discussions with friends and coworkers, citizens do not understand nor care about the "different" city funds. It's all viewed as city money; period. Don't be discussing raises and buying property for millions of dollars at the same time you're asking citizens for another tax increase. It's all about perception.

1) First, many say the Antelope Valley Project should have been put to a vote of the citizens. This would have made the community a part of the project and helped alleviate some of the mistrust that has been alluded to in the papers recently. Many I spoke to felt this bond issue was just a way to get more money for this project.

2) Next, if the city does not have the funding to take care of the streets and infrastructures we already have, QUIT ANNEXING outlying areas. This city doesn't need any more strip malls, banks, fast food restaurants, and cheaply built homes. Because interest rates are low, developers are being allowed to tear up every inch of green space we have in this town. Is there really any question why home owners are moving out of town to avoid this congestion and stress? After being a Lincoln resident for 27 years, I'm seriously thinking about moving myself.

3) If you wanted this bond issue to pass, the discussion on the blighted area at 48th and O Street should have been put off a while. Citizens are not going to agree to higher taxes when you're on television talking about spending millions of dollars to buy out the property owners at 48th & O. I believe the Mayor stated in the paper that there appears to be "mistrust". I watched the discussion on this on Channel 5 and heard the representatives of the property owners tell you that they had interested tenants. I also watched the woman from Urban Development squirm when asked if it was true that "unknown developers" were already showing around design plans for the blighted area even before the council had declared it blighted! Based on many comments I've heard, citizens are tired of favoritism being shown to developers in this town and they are not going to pay for it.

4) Would someone please tell Marvin Krout that employees in Lincoln are driving from much further places than area acreage? We've had office discussions on this and we confidently estimate that about 50% of our parking lot is filled with other county's license plates. We have many employees from Gretna, Ashland, Schyler, David City, Crete, Beatrice, Pickrell, Seward, Syracuse, Nebraska City, Wahoo, Ceresco, Geneva, etc, none of whom are interested in EVER living in Lincoln because of the taxes. Personally, many of us think Carol Brown is right on the money with a proposed "worker tax". The Planning Department should quit spending so much time proposing annexation and perform an Origin & Destination Study immediately to determine exactly who is using Lincoln's streets. At least make the effort and study the results.

5) The recent media campaign in favor of the bond issue was not very well thought out. Many I spoke to viewed these ads as VERY self-serving. It does not move the public to see endorsements for new streets coming from construction companies, home builders, and real estate companies. I'd specifically like to note that many of these same business owners DO NOT even live in Lincoln themselves but live on rural acreages so they don't have to pay Lincoln's taxes either! Next time you run a media blitz, you might want to ask these folks to remove their names from the endorsements.

6) As most of you are aware, my parents and I were in opposition to the recent Yankee Hill annexation. I, being a city resident, felt no demographics appeared to have done on this area before this annexation was proposed. The city was annexing an area that contained no lots to build on and was mostly comprised of senior citizens in older homes who receive homestead exemptions and have one car. So how is the wheel tax that would be collected on one maybe two cars going to pay for city services out there at a time when the city acknowledges they don't have the funds to take care of what's already in the city? Throughout the annexation discussions, the neighborhood felt there was more to this than met the eye and guess what, we finally discovered that a developer had recently purchased nearly 200 acres just down the road on Folsom Street. So, if you want to build trust with the public, tell them the truth instead of pushing through secret deals for the developers.

7) Last fall I had a discussion with a friend of mine, Karl Fredrickson, the Assistant City Engineer, regarding the proposed improvements at the intersection of 27th & Highway 2. The city was proposing new dual turn lanes for traffic to turn west onto Highway 2. After using this intersection for the last 20 years about 4 times daily, I explained to Karl that the problem was not the turn lane, but the through lane moving north across Highway 2. Well, over the summer the city has done the improvements to the intersection and although there are now 2 nice new turning lanes, traffic is still backed up as far as Nottingham Court. As always, traffic sits back on 27th Street watching these dual turn lanes sit empty at the green light while we wait for traffic to move north into the city on one through lane. I cannot emphasize enough; 27th Street north of Highway 2 must be widened. In my humble opinion, if you can figure out a way to buy Misle's property at 48th & O through eminent domain, you ought to be able to find a way to widen 27th Street through the Country Club!

8) If you would have proposed widening of 27th, 40th, 48th, or 56th Streets, your bond issue would have passed. Put it to a vote of the people; they'll support you.

9) Lastly, on July 1, I received my annual 2% pay raise. By the end of that same day, I received a notice in the mail that my mortgage payment was going up $25 on August 1 due mostly to the recent increase in property taxes. This does not encourage me to vote for a bond issue just two months later.

And one final comment. The bond issue "victory celebration" that was planned by the city staff and shown on television the night of the election was a very bad idea. Although, I did not see the television coverage myself, it was the talk of the office the next day. People were outraged that the city staff would be celebrating and having a party right after raising the citizen's taxes. Who in the world came up with this idea? As I stated early in this email, it's all about perception and I believe why your bond issue didn't pass.

Sincerely,
Roxanne Sullivan

Joan V Ray

09/20/2004 09:11 AM

To: "mdbrady" <mdbrady@inebraska.com>
cc: <Mayor@ci.lincoln.ne.us>, <council@ci.lincoln.ne.us>
Subject: Re: Bond Issue

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

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"mdbrady" <mdbrady@inebraska.com>

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

"mdbrady" <mdbrady@inebraska.com>

06/21/2004 01:07 PM

To: <Mayor@ci.lincoln.ne.us>
cc: <council@ci.lincoln.ne.us>
Subject: Re: Bond Issue

Dear Mayor Seng:

I don't quite understand why nobody has figured out why the bond issue was defeated. I can tell you for a fact what was published in the paper for street improvement was the deciding factor. Not the money, not the taxes (in a small part related to what streets were to be improved) and not the leadership. I have talked to many people and they figured out early on why should they pay for street improvements when the MAJORITY of them were located at the edge of the city! Several of my friends even took it upon themselves to drive these routes to see where the proposed improvements were located.

I personally think a bolder step should have been taken to target the streets that carry the most traffic and let it be known this is what was needed (the core of the city) regardless of the so-called comprehensive plan. You would have raised the bar a notch and gotten much more support. The election would have been much closer.

You are doing a good job Mayor.

Since the council is getting a copy of this, how about you people start dealing with local issues instead of this garbage about the Patriot act (no thankyou J Cook). What purpose does it serve THIS community that you would waste valuable tax dollars on time spent on this instead of working on something productive such as why you want growth on south 27th corridor (flood plain) instead of east Lincoln. Or why money is WASTED on health department issues and increasing funding for them, when this money (and time) could have legitmately been used for addressing street improvement issues. Or why you would NOT WANT any explaination from the LFD for not paying back the money they owe the city. DO YOU HAVE ANY IDEA HOW this could affect street improvement? How many blocks of neighborhood streets can you mill and overlay with a million dollars?????

Regardless of my party affiliation, you can shrug this off. However, if

pressing needs of the citizens of this community are not met, then a change will definitely occur irregardless of who is in "running" the council and what their agenda really is!

I will continue to pray that someone in city government has some common sense and they will surely wake up some day and see the light.

Now, lets get busy doing what you were elected to do.

Thanks
Dave Brady
7912 Yellow Knife Dr.
Lincoln, NE 68501
466-1534

----- Original Message -----
From: <Mayor@ci.lincoln.ne.us>
To: "mdbrady" <mdbrady@inebraska.com>
Sent: Thursday, September 02, 2004 4:59 PM
Subject: Re: Bond Issue

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

>
> September 2, 2004
>
> Dave Brady
> mdbrady@inebraska.com
> 7912 Yellow Knife Dr.
> Lincoln, NE 68505
>
> Dear Mr. Brady:
>
> Mayor Seng received your request asking to be considered for the at-large
> position of the Citizen Street and Trail Bond Audit Review Committee. I
am
> pleased to report that many residents responded to the Mayor's invitation
> to be considered.
>
> The application deadline was September 1, 2004. Your application arrived
> before the deadline and will be reviewed along with all others who have
> expressed an interest. The Committee only will be finalized and convened
> if the proposed $75 million bond issue is approved by the voters on
> September 14, 2004. Since the bond projects are intended to be under
> construction by 2007, those selected to serve on the committee will be
> asked to make a 3-year commitment. We do not anticipate finalizing the
> Committee membership until after the voters have decided the bond
proposal.
>
> The Comprehensive Plan has included the widening and improvement of O
> Street for at least ten years. To clarify, the City has requested State
> funding for the widening of O Street from 52nd to 42nd Streets. The City
> contends O Street is eligible for state funding. Each year the Nebr. Dept
> of Roads (NDOR) holds meeting across the state to determine needed
> improvements on the State road system. The City has presented this need
> and others at those meetings and several other times each year. The State
> has not included funds for the improvement of that portion of O Street.
> The City has and will continue to seek state funding. You should contact
> the NDOR for an explanation of how the state selects its priorities for
the
> State road system.

>
> Sincerely,
> Mark Bowen
> Chief of Staff to Mayor Coleen J. Seng
> City of Lincoln
>
>
> "mdbrady"
> <mdbrady@inebrask To:
<Mayor@ci.lincoln.ne.us>
> a.com> cc:
<council@ci.lincoln.ne.us>
> Subject: Re: Bond Issue
> 06/20/2004 10:57
> PM
>
>
>
>
> Dear Mark:
>
> I am responding to your comments that the city will not re-do certain
> streets because of the local neighbors objections. Well, did the
> comprehensive plan address 27th St south of Capital Parkway when it was
> widened. This couldn't have come out of the comprehensive plan. That
area
> is a depressing sight and the city could have done a much better job by
> purchasing homes on one side of the street, removing them, using what land
> they needed to widen the street and donating the rest to the adjacent
> property owners. This not only would have been practical, but would have
> completely preserved the neighborhoods (and their values) on both sides of
> the street.
>
> I really think that since most of the streets you suggested were not on
the
> comprehesive plan because of local objections, you should consider the
FACT
> that these streets are MAJOR artials designed for 1950 traffic patterns.
I
> would think that you need to address these streets for the good of the
> whole instead of a special few. Many of these homes that are located
along
> these streets were purchased with the knowledge that someday their street
> would be widened.
>
> If the comprehesive plan puts a hold on all these streets for widening, or
> even one-way traffic, many locals will use other streets (especially side
> streets) to get to their destination and nobody will want to come to
> Lincoln and spend their money if the traffic is too congested. I find
> myself on many occasions taking side streets because the congestion at
stop
> lights is rediculous (70th & Holdrege, 66th & Cotner, 27th & Vine, 48th &
> A, 27th & "O", etc). As it is right now with the University back in
> session, it is much worse. Isn't their anything better than the
> comprehesive plan? It is
> already archaic.
>
> As for the widening of "O" Street, poor planning on the city's part is the
> reason the Dept of Roads has no money for it(in the short term). The Dept
> has a one and 5 year plan. Some of their schedules go much further out
> (some 20 years). This is a US highway, so, "O" St is eligble! It all

> comes back to this so-called comprehensive plan. Did it include widening
> this section of "O" St long ago? Did it include asking the State for the
> money or Dist. 1 congressman Bereuter? It didn't sound like it.
>
> As for these people that were involved with deciding the bond issue, who
> cares who decided it. It was wanted and endorsed by the Mayor and the
> Council. The Mayor is carrying the ball and she is the one campaigning
for
> it.
>
> I realize this is an accumulation of a generation of passing the buck to
> balance the budget and not raise taxes. I realize that the city is
funding
> many more social programs than in the past. I realize that this fiscal
> mismanagement has come to roost on Mayor Seng. I commend her for trying
> this approach. I just can't see how it will pass. There are too many
> people who are scaping by who cannot afford this much of a property tax
> increase all at once. At this point and juncture, a determination will
> have to be made on the true priorities of the citizens of Lincoln. We
> cannot have
> everything, but I think with prudent judgements, I would suggest instead
> that you increase the budget incrementally and plan accordingly. It is
> always much better to pay as you go. To borrow for the future is suicide.
>
> With the current approach, we will always be asking for money and it may
> not always turn out the way it needs too and we will never catch up. With
> my suggestion above, in 10 to 15 years we just might.
>
> If by chance this bond issue does pass, I would like to volunteer to be on
> the Mayors task force on what streets should be taken care of. I remember
> listening to her on KFOR at lunch time where she asked for volunteers. I
> would like to be one.
>
> Thanks for the response. It was much appreciated.
>
> Dave Brady
> 7912 Yellow Knife Dr.
> Lincoln, NE 68505
> 466-1534
>
>
>
>

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

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

09/20/2004 10:13 AM

RECEIVED
SEP 20 2004
CITY COUNCIL OFFICE

InterLinc: City Council Feedback for
General Council

Name: Nancy L Vala
Address: 2824 O'Hanlon Dr
City: Lincoln, NE 68516

Phone: 402-328-7135
Fax:
Email: nvala@allstate.com

Comment or Question:
Could you please provide an explanation of why completion of this project has been delayed again? The length of time for this project has been excessive. It has inconvenienced a number of people for a very long time. The published detour is virtually unusable because of the amount of traffic that has been dumped into a very small area, with no adjustment of the traffic signals. It pushed the detoured traffic into the middle school traffic, and has essentially brought everything to a halt. Now we are using the neighborhood to circumvent the detour, and immediately the city of Lincoln sets up a speed trap. This is unacceptable. We have had very good weather for construction, but this project set untouched for most of July, when we had the longest days. Is there any monetary penalty to the construction company for not meeting the original completion date? I believe the original completion date was August 30th, so they are now 6 weeks behind schedule. Why isn't the construction company working 24 hours a day, 7 days a week? They weren't even at work this morning at 7:50 am. They are continuing to waste time, and this time is very valuable, both monetarily and inconvenience.

Please respond with my this is happening, and what is being done about it.

LINCOLN ELECTRIC SYSTEM

September 17, 2004

RECEIVED
SEP 20 2004
CITY COUNCIL
OFFICE

Jonathan Cook
City Council Member
County-City Building
555 South 10th Street
Lincoln, NE 68508

Dear Jonathan:

I received your letter dated September 14, 2004 which requested that Lincoln Electric System (LES) consider including money in our budgets to convert overhead power lines to underground where our current guidelines might not require undergrounding. (Copy attached.)

The overhead line conversion topic was also raised at a meeting of the Lincoln-Lancaster County Planning Commission. The LES Board had an initial discussion of our underground policy at its meeting on Friday, September 17th. LES staff provided the LES Board a background paper on the subject of placing facilities underground.

It was noted that LES currently budgets about $6 million per year for underground facilities, of which about $2 million to $2.5 million goes to convert overhead lines to underground. The result is the conversion of 2 – 3 miles of line and about 400 customers per year. In new areas, developers pay the difference between the cost of overhead and underground facilities as an aid to construction. Sometimes the lines going to the new areas are overhead and sometimes underground depending on a number of circumstances.

The question of whether LES should change its current approach to overhead conversions to add a million dollars a year to convert additional lines where the benefit is primarily aesthetic, was referred to the Board's Budget and Rates Committee for further review as part of development of the 2005 budget for LES.

The LES Board asked that I let the City Council, Mayor and Planning Commission know that this issue was being addressed and that I include a copy of the background paper (attached) which was provided to the Board.

Sincerely,

Terry L. Bundy
Administrator and CEO

Enclosures
cc: LES Board
Lincoln City Council
Mayor Coleen Seng
Lincoln-Lancaster County Planning Commission

1040 O Street P.O. Box 80869 Lincoln, NE 68501-0869 402.475.4211 Fax 402.475.0446 www.les.com

CITY COUNCIL OF LINCOLN NEBRASKA

555 South 10th Street · Lincoln, NE 68508 · 402-441-7515
FAX: 402-441-6533 · E-MAIL: council@ci.lincoln.ne.us

JONATHAN COOK
City Council Member
Southwest District

RECEIVED
SEP 16 2004

Sept 14, 2004

Terry Bundy
Lincoln Electric System
1040 "O" Street
Lincoln, NE 68508

Terry,

Thank you for meeting with me, Dan Marvin and Jon Carlson regarding the LES budget and the burying of power lines.

The 2025 Lincoln/Lancaster County Comprehensive Plan, page F82, states "Within the City of Lincoln, wherever feasible and affordable, implement a phased program to relocate overhead utility lines underground."

This letter is to more formally request that the LES Administration and the LES Board include money in the 2005 and subsequent budgets, perhaps $1 million per year, for the burying of power lines along arterial streets where opportunities exists, such as during street rehabilitation projects, but where current guidelines might not require it.

The fact that all ratepayers subsidize the undergrounding of power lines along arterials in new areas makes the inclusion of this money to help improve older areas that received no such subsidy all the more important.

I believe we have missed many opportunities in recent years to put lines underground while streets were opened up for construction at lower cost and with less disruption to the public than at any other time. Instead, often lines were left in place even when poles were directly behind the curb, even in cases where such poles had shown themselves to be a traffic hazard.

Including money in the budget to take advantage of opportunities to bury lines as part of a phased program will help LES fulfill its obligation to be in conformance with the Comprehensive Plan.

Thank you for your attention to this matter.

Sincerely,

Jonathan Cook

Jonathan Cook

LINCOLN ELECTRIC SYSTEM
www.les.com

Undergrounding Electric Service

Lincoln Electric System (LES) maintains an electric transmission and distribution system that consists of both overhead and underground lines. LES currently maintains 1,728 miles of distribution within its service area. Of this amount, 725 miles are overhead and 1,003 miles are underground. LES also has 230 miles of transmission lines in the area.

Periodically there are discussions about more aggressively moving to convert existing overhead lines to underground. The purpose of this document is to provide a thorough understanding of the issues, advantages, disadvantages, and costs related to undergrounding as a basis for a policy discussion of the issue.

Definitions

To be sure there is a common understanding of terms used in this paper, following are definitions for some of the key terms.

- **Transmission lines** – These are the larger, very high voltage lines around Lincoln. They operate at voltages of 115,000 volts to 345,000 volts. They may be on various types of wood or steel structures. They are characterized by insulator strings (that hold the wire to the structure) which are in excess of three feet long.

- **Distribution lines** – These are lines that operate at 12,000 volts or 35,000 volts. Distribution lines can be above or below ground.

- **Service line** – The low voltage 120 volt – 480 volt lines that go from a neighborhood transformer to a customer service entrance.

- **Customer service entrance** – The point at which LES' service lines attach to the customer equipment, typically a meter socket for residential customers. The customer owns the service entrance which is the customer's responsibility to maintain. This piece of equipment must be changed when an overhead service is converted to underground.

Attachment A provides a photographic illustration of some of these lines.

Current Practice

LES has been placing new electric distribution lines underground to various degrees since the early 1960s. In new residential areas, distribution facilities are placed underground. Historically, LES did not charge developers to extend overhead lines to serve new customers. Recognizing that underground facilities are more expensive to install, LES charges developers in new areas the difference between the overhead and underground costs.

In 1972 about 8% of LES customers were served by underground facilities and today that number is about 70%. Most of the increase is due to new construction being served by underground facilities with a smaller amount due to conversion of existing customers from overhead to underground. (See chart in Attachment B.)

The Lincoln-Lancaster County Comprehensive Plan includes a provision to "within the City of Lincoln, wherever feasible and affordable, implement a phased program to relocate overhead utility lines underground."

LES' approach focuses on the economics of various undergrounding situations in order to keep electric rates low. (The current LES policy on underground facilities is in Attachment C.) The higher the voltage, the more expensive it is to place underground. Economic considerations rule out placing the high voltage transmission lines underground, so the rest of this paper will focus on placing distribution facilities underground. In the distribution area, the economics sometimes favor undergrounding if there is a triggering event such as the following:

- **Arterial Street Widening** – The line is generally placed underground if the utility poles would have to be moved. These projects are closely coordinated with City Public Works and utilities.

- **Private Requests** – Customers requesting conversion of overhead facilities to underground or relocation of facilities are charged the non-betterment cost of burying the facilities, generally meaning the non-depreciated value of the facilities.

- **Rewire Services** – Where feasible, LES will convert a service line to underground at no charge if the customer provides a clear path or conduit and a service entrance is designed to accept underground service.

In recent years, LES has been investing between $1 million and $1.5 million annually to convert 2 to 3 miles of existing overhead distribution lines to underground. In addition, about $400,000 per year is spent converting about 500 service lines to underground. More than $4 million per year is needed to extend underground facilities to new residential and commercial customers.

Rural arterial roads – New, rebuilt, and relocated lines along rural arterial roads will be placed overhead, primarily because overhead lines can be moved rather easily, sometimes reusing the existing materials. Underground installation will be considered if the area is developed, is at final grade, and the facilities can be buried in an easement area 60 to 75 feet from the street center line. This prevents LES from having to relocate underground facilities repeatedly at a cost that can be 2 to 5 times higher than relocating overhead lines.

Reliability Issues

The long term reliability of electric service is not significantly improved with underground facilities. What we find is that the types of outages on overhead and underground facilities are very different.

Outages of overhead facilities often occur during storms and are related to lightning, squirrels, wind and ice. Underground facilities generally escape direct damage due to storms, but they are prone to other failures. The most common underground failures are due to "dig-ins," splice failures and cable deterioration. Dig-ins, as the name implies, are due to contractors or building owners striking an underground line while constructing another building or a fence. As they age, splices in underground cables fail, and sometimes the cable itself fails. These outages are more difficult to locate and often more time-consuming and costly to repair because they require digging up the cable, making the repair, and re-burying the cable. These outages occur on a more random basis than the storm related outages of overhead lines. The life of an underground cable is at least 10 years shorter than an overhead line. An increasing number of underground cables are passing 30 years in service and the number of underground outages has been increasing in the past few years.

Aesthetics

The clear benefit of underground lines is aesthetics due to the elimination of poles, wires and the associated tree trimming.

Challenges of placing facilities underground

- Cost – The cost to install and rebuild underground lines is typically 2 to 5 times higher than overhead lines.

- Outage response – The process to find, dig up and repair an outage on underground facilities is more time-consuming than overhead lines.

- Existing obstacles – Undergrounding in many areas may require excavating near or around a number of obstacles. Typical obstacles that could be encountered include:

Concrete alleys	Gardens, flowers	Swimming pools
Parking lots	Railroad rights-of-way	Fences
Streets and sidewalks	Driveways	Buildings
Tree roots and shrubs	Retaining walls	Other UG utilities

- Equipment boxes – In some cases, pole mounted electrical equipment will have to be relocated to ground level boxes when overhead lines are converted to underground.

Types and Costs of Conversion

The cost of burying overhead lines is significant and can vary depending on the type of line and its location. The following table provides a general overview of the cost of burying LES overhead distribution facilities within the urban area.

Type of Line	No. of Miles	Cost per Mile	Cost Estimate
• 12kV Without load-serving transformers along streets	132	$450,000	$60 million
• 12kV With load-serving transformers along streets	90	$800,000	$72 million
• 12kV With load-serving transformers along alleys	221	$800,000	$177 million
• 35kV distribution	35	$500,000	$18 million
• Service lines for 40,000 customers			$50 million
Total:	478		$377 million

There would be additional direct costs for customers along lines with load serving transformers. There are approximately 40,000 customers served from overhead facilities who would also be responsible for retaining an electrician to change their individual service entrance to be able to accommodate underground lines from LES. For residential customers, this cost would be about $250 - $500 per customer.

If overhead lines along the street also support street lights, then a new street lighting system would also have to be installed at a cost of approximately $150,000 - $180,000 per mile.

Finally, it should also be noted that these estimates only reflect costs to LES and its customers. Not taken into account are any costs associated with converting any overhead telephone or cable television facilities.

In addition, there are about 248 miles of line outside of the city limits that would generally not be practical to convert until urbanization occurs.

Examples

See Attachment D for examples that include photos showing situations that are encountered when converting overhead facilities to underground.

Policy Issues

As noted, LES currently spends about $1 million to $1.5 million per year converting overhead distribution lines to underground. The key policy issue that arises from this discussion is whether the aesthetic benefits of placing facilities underground justifies the cost of a more aggressive conversion program. This policy discussion rests with the LES Administrative Board and the Lincoln City Council which approve LES' budget and rates.

If it is determined that a more aggressive undergrounding program should be implemented, the next step is to quantify the goal and determine how the projects should be funded. The math is simple, but the numbers are large. From the table above, there could be over $300 million of LES facilities eligible for conversion. (This number excludes the costs to the city for related street light systems and the costs to customers to modify service entrances.) A 1% increase in electric rates generates about $1.6 million. With a permanent 10% rate increase it would take nearly 20 years to accomplish a complete conversion of the urban system.

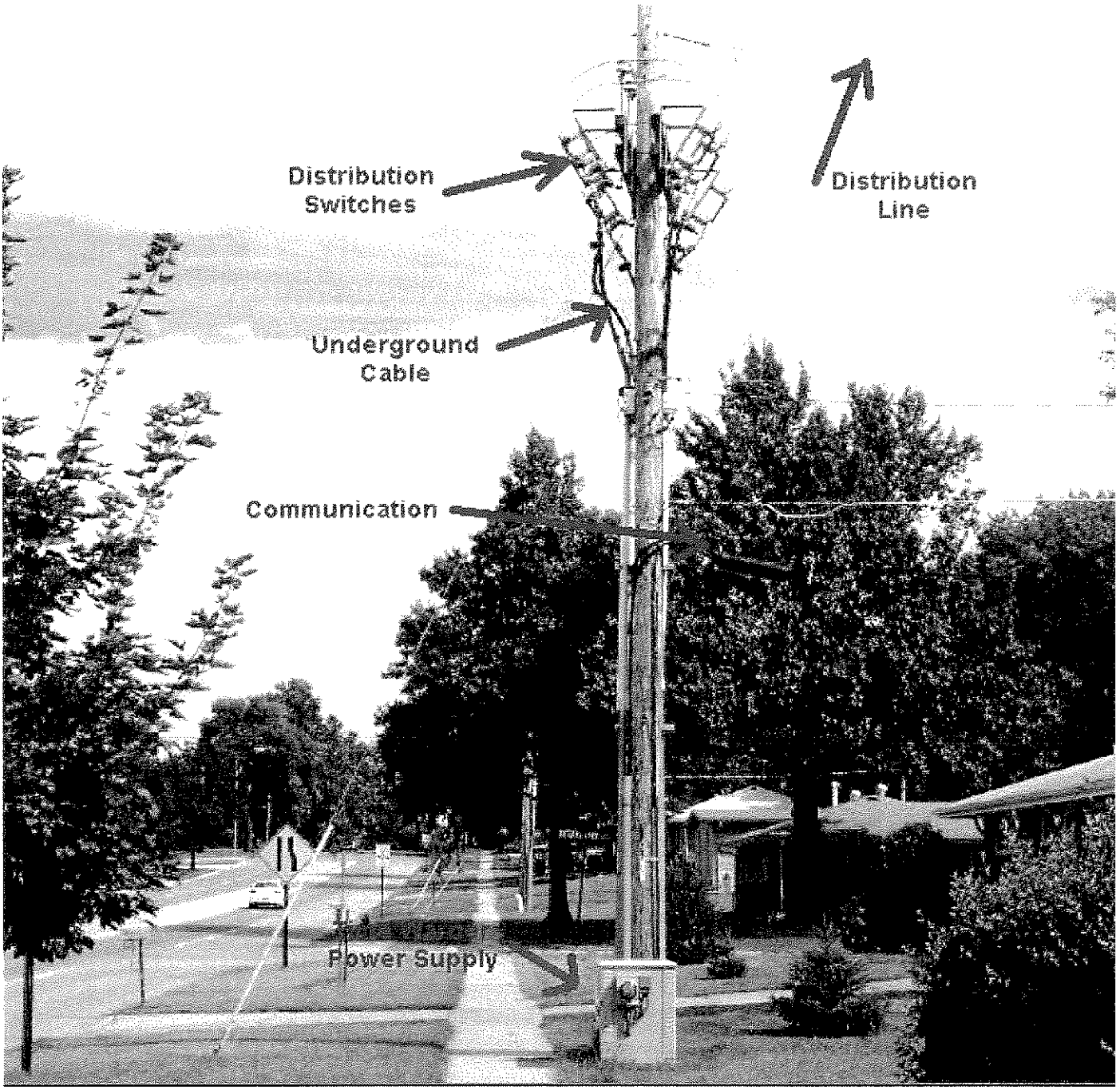
It may be appropriate to consider other funding mechanisms rather than using the same percentage increase for all customers. The benefits of the aesthetic improvements are probably not proportionate to electricity use. A flat percentage increase would place a proportionately higher burden on industrial customers while the benefits would largely occur in residential areas.

It is possible to use bonds to some extent to leverage quicker conversion, however bonds do not reduce the ultimate cost to customers, they just extend the payment period.

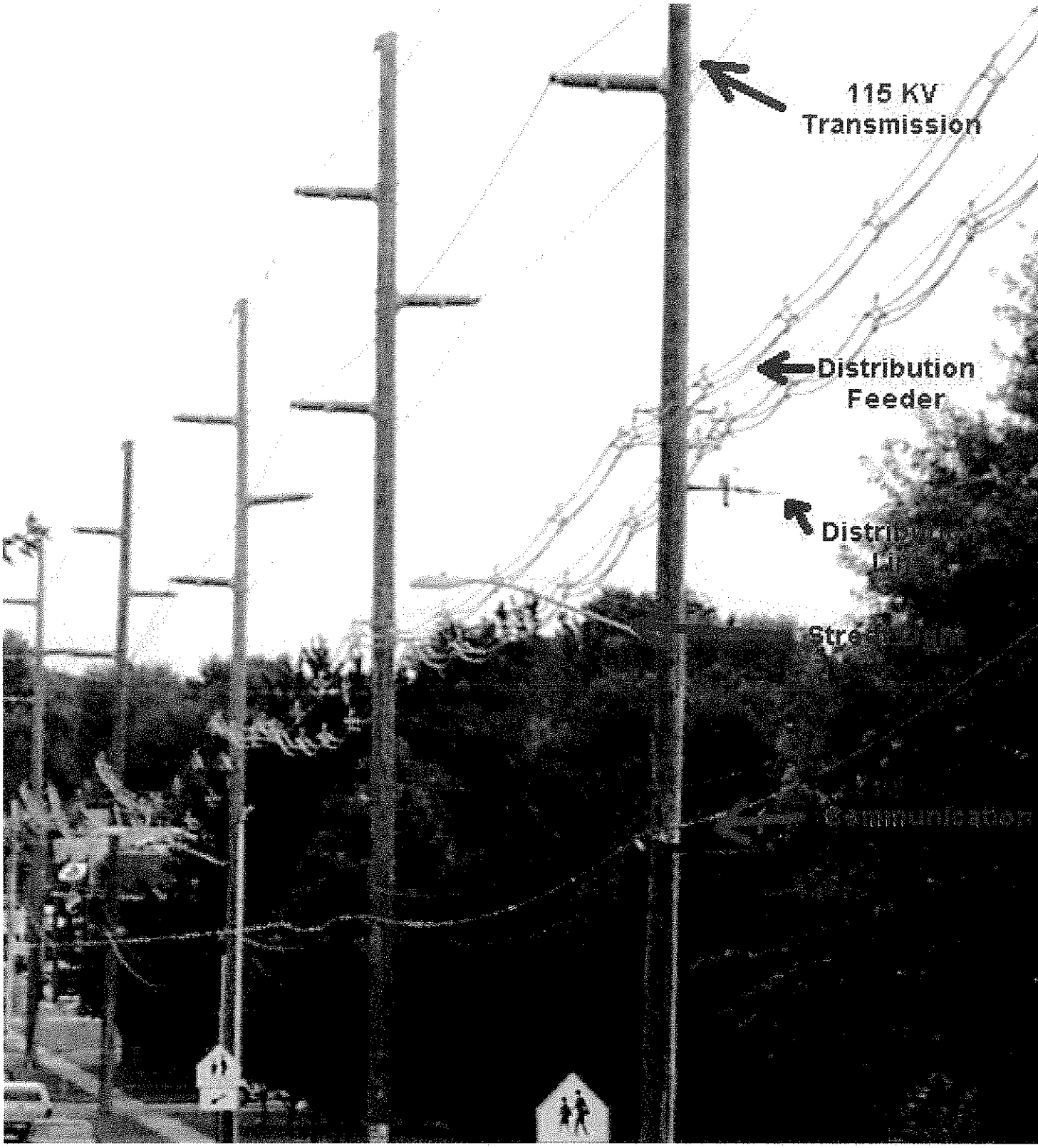
Summary

While LES is comfortable with the current conversion program, there is no clear right or wrong approach to the underground conversion issue. It is a matter of balancing the public benefits of the aesthetic improvements with the economic impact of rate increases that will be needed to expand the annual number of miles converted.

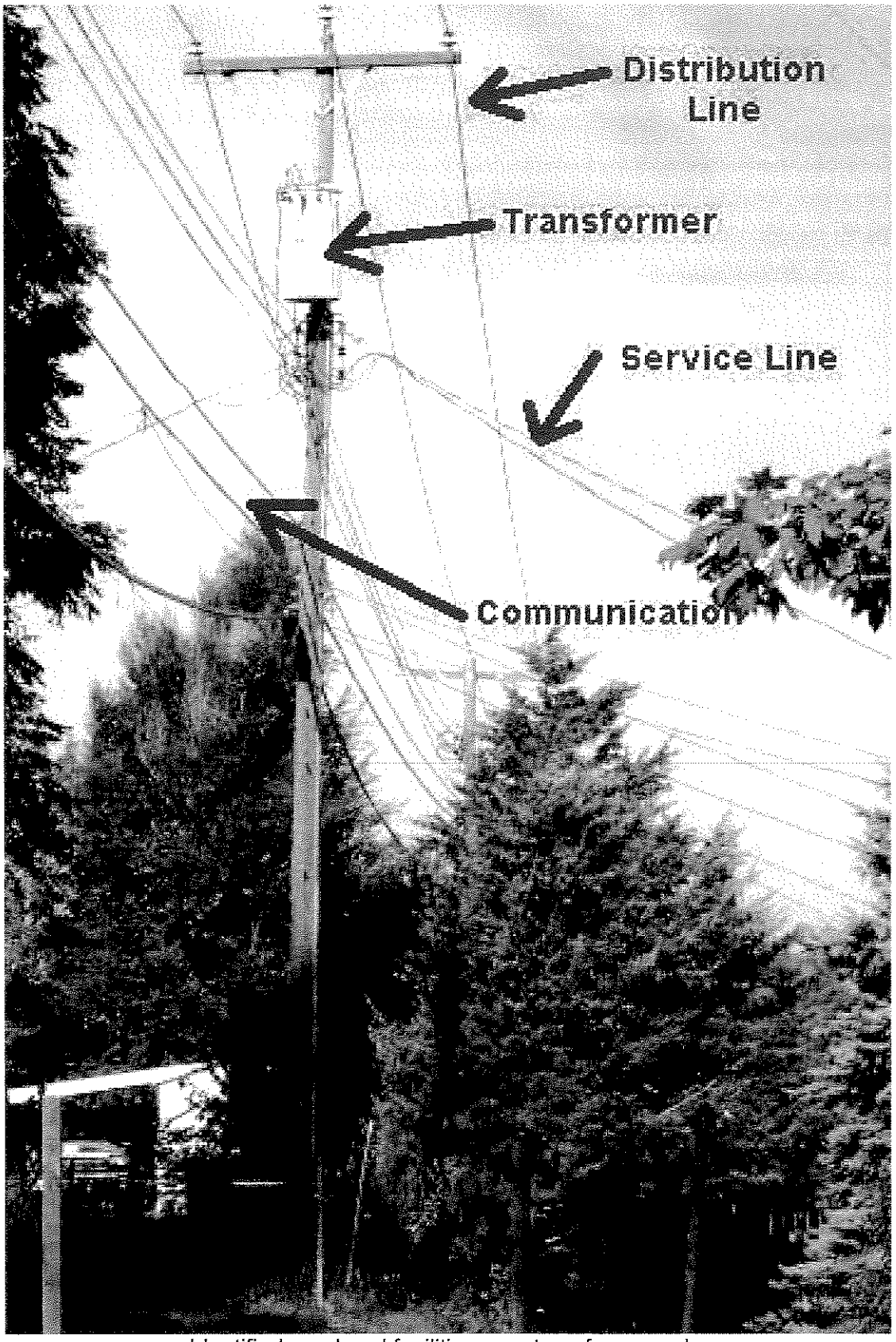
Attachment A



Identified facilities on an overhead to underground transition pole.



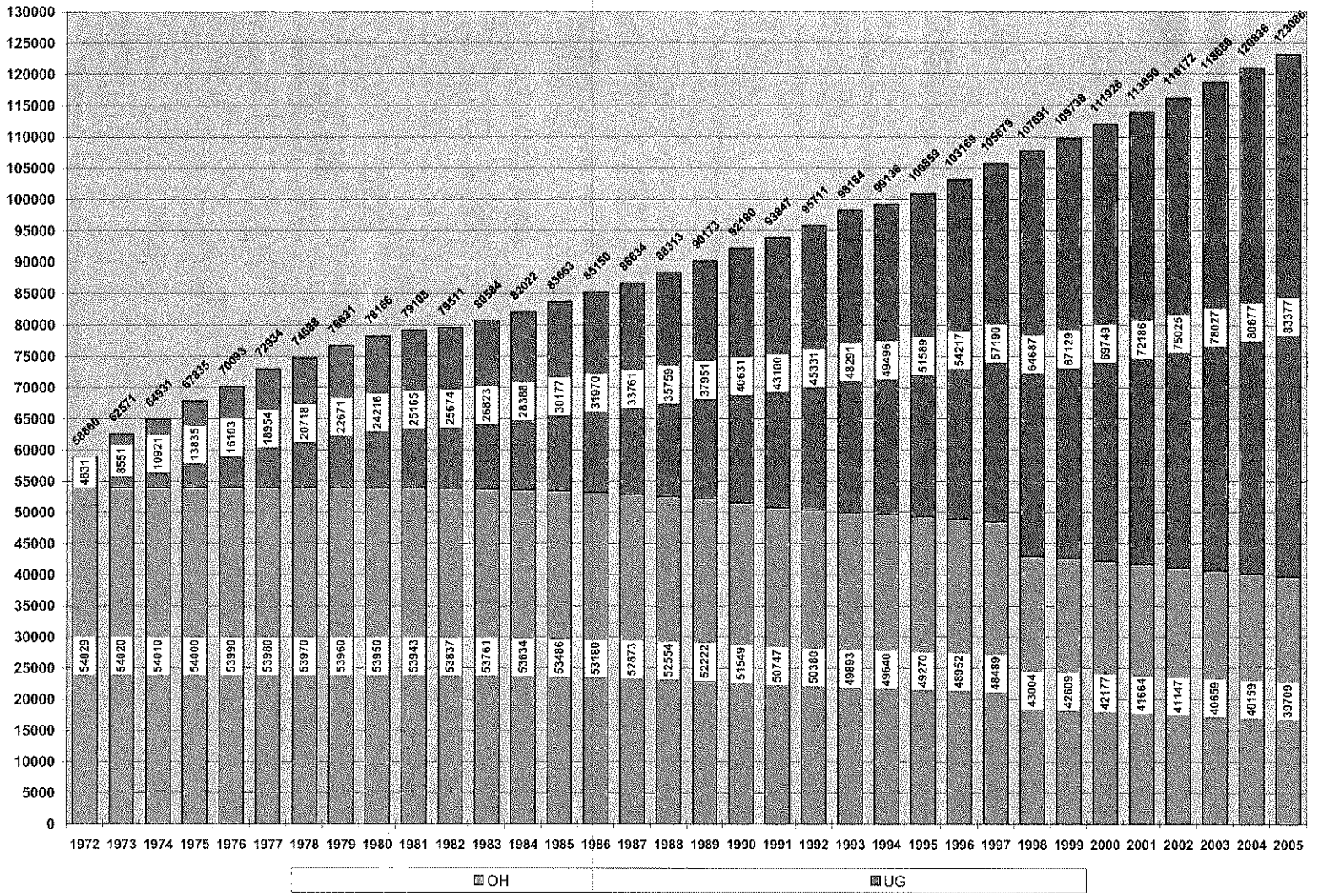
Identified overhead facilities on transmission poles.



Identified overhead facilities on a transformer pole.

Attachment B

Overhead/Underground Customer Counts



Attachment C

LINCOLN ELECTRIC SYSTEM

UNDERGROUND AND RELOCATION POLICY

It shall be the policy of Lincoln Electric System (LES) to actively encourage the installation of its electric facilities underground. Major new construction of primary and secondary systems will be installed underground if determined to be feasible by the Engineering Division.

1. Arterial Street Widenings

LES will install the distribution circuit underground if the existing pole line must be removed or if the poles will be less than a reasonable distance from the back of the curb after the arterial is widened. The Engineering Division will be responsible for determining a reasonable distance from the back of the curb.

2. New Primary Distribution Systems

LES, when determined by the Engineering Division to be feasible, will install all new feeders underground where there is not an existing pole line. If there is an existing pole line the Engineering Division will be responsible for determining the feasibility of installing the feeder underground, using a base factor such that the cost of underground is not more than 2 times the cost of installing the feeder overhead.

3. Underground Service in New Residential Areas (Single-Family Dwellings, Townhouses, Duplexes with a Meter Center, and Mobile Homes)

LES will own, install, operate, and maintain an adequate underground distribution system including the service wires to the meter socket on the outside of the house or structure.

a. In subdivisions the customer or developer will contribute an aid-to-construction of $150.00 per lot for lots with rear lot lines 100 feet in width or less and $1.50 per rear lot foot for lots with rear lot lines greater than 100 feet in width. The aid-to-construction under this subsection shall not exceed $300.00 per lot.

b. In mobile home parks the customer or developer will contribute an aid-to-construction of $35.00 per lot for an adequate underground distribution system and will also own, install and maintain the meter pedestal.

c. In either (a) or (b) above, 100% aid-to-construction payment (or a 20% payment of the aid-to-construction cost and an acceptable payment bond or escrow account for the 80% balance) will be required 30 calendar days before the beginning date of LES' construction. The remaining 80% will be due, if applicable, upon completion of the project, project phase, or that portion of the project or project phase completed to date and is delinquent if not paid in 10 calendar days following billing by LES.

4. Conversion of Existing Overhead Facilities to Underground and Relocation of Existing Overhead and Underground Facilities

Public and private groups or individuals requesting existing overhead facilities to be installed underground or requesting the relocation of existing overhead or underground facilities will be required to pay the aid-to-construction cost of doing this work. The Engineering Division will be responsible for determining the aid-to-construction cost and feasibility of such conversions or relocations.

5. Underground Service in Existing Residential Areas for New Construction (Single-Family Dwellings, Townhouses, an Duplexes with a Meter Center)

LES will own, install, operate and maintain the underground service wires to the customer-owned meter socket wherever direct burial access is feasible. LES will be responsible for determining the feasibility of the installation.

6. Underground Service to Newly Constructed Multi-Family Dwellings, Condominiums, and Commercial Buildings (Excluding Duplexes with a Meter Center)

a. LES will own, install, operate and maintain the primary and secondary conductors to the point of termination of the customer's switchgear, bus duct, or metering point.

b. The customer will supply, install and maintain the secondary conduit(s), bus duct and transformer pad or vault, subject to LES' specifications and approval. Service from transformer vaults is not standard and may require an aid-to-construction. In cases where LES does not require a transformer pad or vault, the customer will supply and install the secondary conduit(s) to a point designated by and subject to LES' specifications and approval.

7. Grade Changes and Erosion

The property owner shall be liable to LES for all costs incurred in the relocation and repair of LES overhead and underground facilities necessitated by grade changes and erosion on the property.

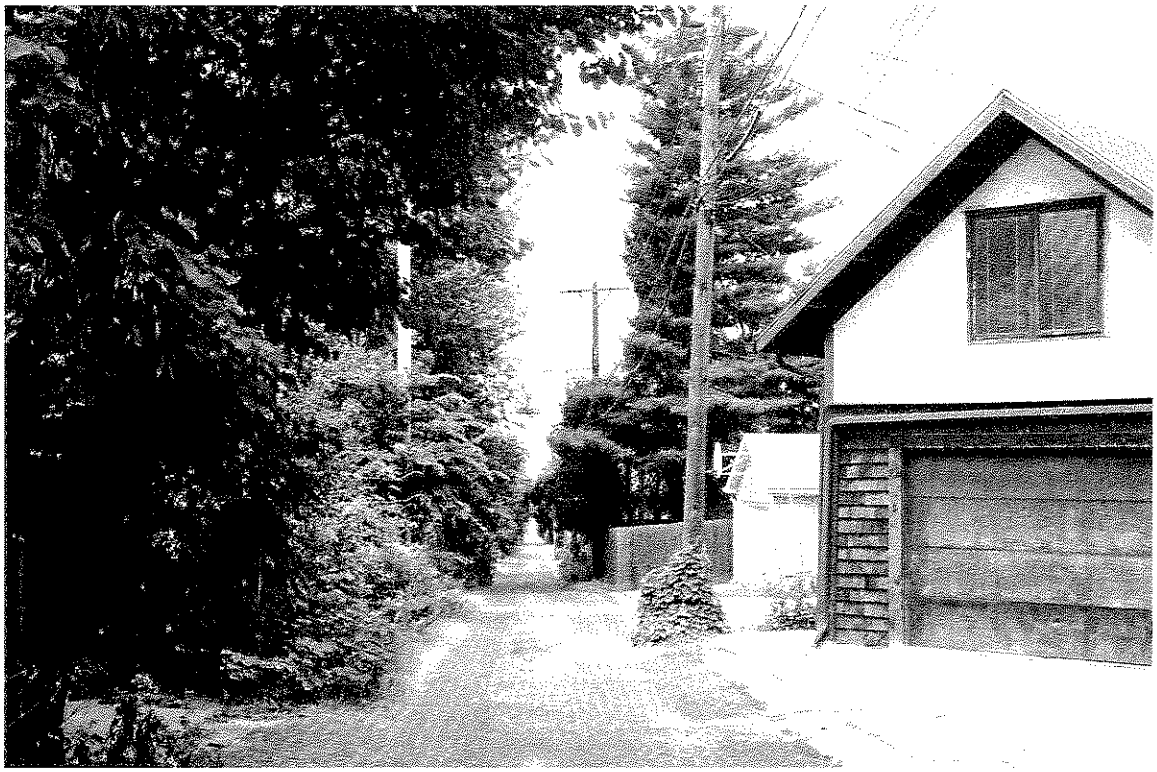
Attachment D

Overhead facilities along an arterial street in a commercial area.

Overhead facilities along an arterial street in a residential area.

Overhead facilities along a residential alley.

Overhead facilities along residential back lot lines.



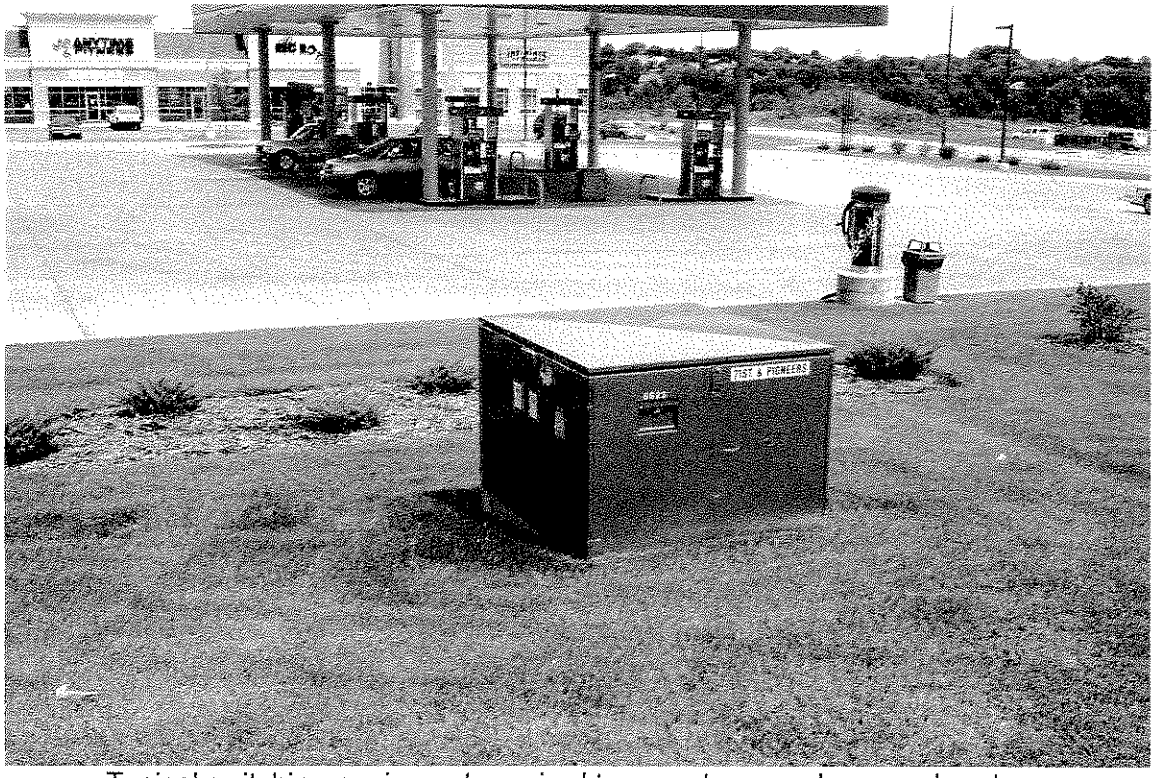
Overhead facilities along a paved residential alley.

115kV transmission line and overhead distribution facilities along an arterial street.

Overhead facilities along an arterial street.

Underground facilities serving a commercial customer with an overhead service line. (Customer chose not to convert their equipment.

Underground facilities serving commercial customer with an overhead service line..



Typical switching equipment required to operate an underground system.

Arterial intersection with underground facilities, (Note switchgear on left in photo).

Typical switching equipment required to operate an underground system.
Plus traffic control and communication equipments

Overhead facilities in a congested alley serving commercial customers.

Equipment for underground distribution system.

Wasting tax money

Hurray for four members of the City Council. By their courageous vote on the USA Patriot Act, they have wasted their time, which is my tax money.

Their vote purports to "bind me" as being obligated to their point of view. Now I have to write my own members of Congress to explain that their vote in no way really "binds me." They should have been courageous enough to have written their own letter with their own personal opinion, and not be so arrogant as to make it look like their opinion is also mine.

So what's next?

How about the NU Board of Regents taking a stand on the federal requirements for airline pilots? Or the Lincoln School Board issuing a proclamation about the fairness of laws that govern water flow on the Platte? At least those two bodies know why they were elected, and what business is theirs to attend to.

Clearly some members of our City Council don't know what their function is. And that is a waste of my tax money.

I'm just a dumb taxpayer; so what do I know?

Ken Kirschenmann, Lincoln

N ALUMNI
Mr. Leslie H. Noble
5540 S 80th St
Lincoln NE 68516-6345

LINCOLN, NE 685
PM
20 SEP
2004

2¢ USA

RECEIVED
SEP 21 2004
CITY COUNCIL
OFFICE

LINCOLN CITY COUNCIL
555 S. 10TH STREET
LINCOLN, NE 68508

6850&+2810

Joan V Ray

09/22/2004 08:43 AM

To: "optima2400" <optima2400@alltel.net>
cc: <Council@ci.Lincoln.ne.us>
Subject: Re: LES rates

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

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

"optima2400" <optima2400@alltel.net>

"optima2400" <optima2400@alltel.net>

09/20/2004 09:15 PM

To: <Council@ci.Lincoln.ne.us>
cc:
Subject: LES rates

Dear council:

Could you please tell me the purpose of your non support of LES? I am ashamed of you all and you should be as well. Unlike the council LES is FINANCIALLY responsible and forward thinking. We should all be proud of the leadership shown. They also have a high quality system and run it professional and sound and at the lowest possible rate and provide a reliable service. The council SHOULD also run in the same manner. But not in the direction we have moved today. I have requested LES shut out your lights until you all come to your senses and get along together like adults should. Until then I hope you have a flashlight handy.

Tim Hopkins

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

Joan V Ray

09/22/2004 08:53 AM

To: Rgconverse@aol.com
cc:
Subject: Re: Special Permit #04035

Dear Mr. Converse, Yes, the Council Members received your correspondence in their Directors Addendum for September 20th, which they receive at the 11:00 a.m. Directors' Meeting.
Thank you for your concern for our community. Your input is appreciated.

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

Rgconverse@aol.com

Rgconverse@aol.com

09/21/2004 07:37 AM

To: JRay@ci.lincoln.ne.us
cc:
Subject: Re: Special Permit #04035

Thank you for getting my letter to the members. Do you know if they had my letter before the meeting last night and would they have had time to read it? They are faced with a tough job and it is extremely important that they have all of the facts so the can make proper decisions.

Bob Converse

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

Joan V Ray

09/22/2004 09:04 AM

To: "Dan Marvin" <dmarvin@neb.rr.com>
cc: <council@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, "Glen Friendt" <GFriendt@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>
Subject: Re: Water / Sewer Rate Increase

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

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

"Dan Marvin" <dmarvin@neb.rr.com>

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

"Dan Marvin" <dmarvin@neb.rr.com>

09/21/2004 02:51 PM

To: <council@ci.lincoln.ne.us>
cc: <pnewman@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, "Glen Friendt" <GFriendt@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>
Subject: Water / Sewer Rate Increase

Dear City Council Member,

As a member of several infrastructure task forces I urge you to vote in favor of the proposed Water / Sewer rate increases. These rate increases are necessary to expand infrastructure into new areas of the city and to add capacity.

Two projects that are desperately needed are the extension of the new sewer trunk line south of O Street and the expansion of Water / Sewer services into the Stevens Creek Water Shed.

The 72-inch trunk line south of O Street is needed to relieve pressure on the existing trunk sewer line. Delay leaves the city with two choices. Either continue building housing south of Pine Lake Road, which will overwhelm the existing sewer line, causing flooding in the basements of older neighborhoods. Or the city, wishing to avoid flooding, can stop all development south of Pine Lake Road until financing of this second line is made available.

Neither of these are acceptable options. This project has been bid at a cost of 4 million dollars under its original cost. Delay could jeopardize that bid forcing taxpayers to shoulder a much higher cost when the system is eventually bid.

The second project that is critically needed is the expansion of Water / Sewer lines into Stevens Creek. Failure to begin to provide service will cause irreparable harm and cause years of delay in opening up services to this area of town. Many of you voted to support the comprehensive plan and you must now show your support by providing services to that area of town.

Some may argue that the failed street bond vote is license to vote "no" on the Water / Sewer rate increase. I believe there are great differences. A failed street bond vote does not stop housing construction South of Pine Lake, or cause flooding of basements. A failed bond vote does not shut down the Stevens Creek Water Shed. A failed Water / Sewer rate increase does both.

Please consider your vote carefully.

Thank you

Dan Marvin
402 421-2024
2523 Woods Blvd
Lincoln NE 68502

Joan V Ray

09/22/2004 09:40 AM

To: janomt@juno.com
cc: council@ci.lincoln.ne.us
Subject: Re: Water and Sewer Rates

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

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

janomt@juno.com

janomt@juno.com

09/21/2004 09:57 PM

To: council@ci.lincoln.ne.us
cc:
Subject: Water and Sewer Rates

Dear Council members: I was dismayed by the 4-3 vote against the proposed electric rates, and I am even more concerned about your upcoming votes on water and sewer rate increases. A positive vote is absolutely essential if we are to have any chance of implementing the growth outlined in the Lincoln Comprehensive Plan. Please give this your serious consideration and vote for Lincoln's continued healthy economy.
Jan Gauger

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OFFICE

YES on Amendment 3

September 20, 2004

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

555 South 10th St.
Lincoln 68508

Dear Mr. Terry Werner:

As you know, the Nebraska Legislature voted to place a constitutional amendment on the November ballot to legalize gaming in Nebraska. This measure will appear on the ballot as Amendment 3.

Amendment 3 is the result of years of debate and listening to our constituents' views on the issue. Amendment 3 would accomplish the following:

1. It allows Nebraska to keep $300 million currently wagered by Nebraskans at Iowa casinos in our state;
2. Amendment 3 requires a vote of the people in a county before a casino is allowed in their community;
3. Amendment 3 encourages economic investment in our state which would create over 2,000 construction jobs and 1,200 new, permanent tourism jobs once casinos are operating;
4. Amendment 3 provides the best opportunity to bring a destination resort-casino to Nebraska, which a study shows is the best way to maximize gambling tax revenue;
5. Amendment 3 provides oversight by the Legislature;
6. Amendment 3 keeps casinos limited to no more than two locations.
7. New gaming tax revenue could be used for local property tax relief through aid to local governments, state aid for schools, economic development, capital improvement grants or other ways.

Voters, of course, will have two options to consider when voting on this issue in November. We feel strongly that Amendment 3 provides the best structure for a tightly regulated and limited gaming environment that will not only keep Nebraska money in Nebraska, but will also create the kind of investment that will bring tourism and entertainment dollars to our state to maximize benefits.

We want to keep you informed on this very important issue and welcome any questions or concerns you may have. A representative of the Amendment 3 campaign may be contacting you in the future to discuss this issue further and to ask for your possible support.

Sincerely,

DiAnna

Senator DiAnna Schimek

Ray Janssen

Senator Ray Janssen

P.O. Box 83303 • Lincoln, Nebraska 68501 • 402.434.3332 • 402.434.3339 FAX • www.yesonamendment3.com

Paid for by Yes on Amendment 3

RECEIVED
SEP 22 2004
CITY COUNCIL
OFFICE

Roger Figard
City Engineer
531 Westgate Blvd., Suite 100
Lincoln, NE. 68528
September 21, 2004

RE: 5th Street Complaints

Dear Mr. Figard:

Consider this my response to your letter dated September 1, 2004, concerning poor workmanship during grading of 5th Street from "F" Street to "A" Street and damage to **numerous crosswalks** during said grading project.

Please be advised of the following. Your letter leaves one with the impression that only two (2) sections of pedestrian crosswalks were damaged during the grading process. Be advised, several pedestrian crosswalk sections located along the 5th Street corridor were actually damaged during the grading process. Several neighborhood **residents observed** the grading process and the damage being done to said crosswalks and decided to notify me.

Your letter goes on to state that within a **few days** the sections were placed back where they came from. I assume by this response that for a **few days** it was fine with you and your staff that pedestrians **(SOME HANDICAPPED)** were left with no choice but to use the street to cross the tracks. **TOTALLY RIDICULOUS.** . Be advised, as of the date of this letter **REPAIRS** have **NOT** been made to the damaged crosswalks. **EXAMPLE**: the crosswalk located at 5th and "E" Street is broken in several places and is very uneven thus creating a **dangerous situation**. Keep in mind, this area experiences constant use by neighborhood residents and school children.

You go on to state that placement of the concrete and asphalt section that were moved by the grader serve their intent My advise to you Mr. Figard is try crossing with a **WHEEL CHAIR, SOMEONE** on **CRUTCHES** or **SOMEONE** carrying a **HANDICAPPED CHILD**. Perhaps your maintenance staff can

put forth a **QUALITY** solution. Rest assured, should a pedestrian accident occur on any of the damaged pedestrian crossings along the 5th Street corridor from "F" Street to "A" Street you and the City of Lincoln can assume responsibility.

In regards to the heavily damaged 5th and "D" Street vehicle crossing it would be wise to advise the railroad to make appropriate repairs this time, not just fill in the holes with rock which is exactly what happened the last time repairs were made to this crossing. In addition, there is no reason for unnecessary delay in repairing this crossing due to the fact the City of Lincoln does have the authority to make repairs if need be. "D" Street is a heavily traveled street for both residential and **EMERGENCY VEHICLES**

Rest assured Mr. Figard this is in fact a viable and real issue in my neighborhood regardless of what you and or your maintenance staff and the City of Lincoln might think

From what this neighborhood has seen and experienced which incidentally, **SEEMS to** amount to nothing more than poor workmanship **AND POOR PLANNING** from your so-called maintenance staff and those that you and the City of Lincoln have under contract. In addition, there **SEEMS** to be a lack of on site supervision. All one has to do is witness what **seems** to be **deceit** and **deception** and **misleading statements** related to and regarding the current **4th Street corridor fiasco. Also,** in an effort to refresh your memory the so-called **"F" Street pedestrian underpass,** which incidentally, when first completed was nothing more than a **swimming pool** and **mud-hole.** All of the aforementioned are in fact viable situations and are of actual concern to my neighborhood

All PEDESTRIAN CROSSINGS that go across the 5th Street rail corridor from "F" Street to "A" Street should be of the same quality and be **ADA COMPLIANT** as are the ones located at the 5th and "A" Street pedestrian crossing.

IT would seem that the **RAILROAD TRANSPORTATION SAFETY DISTRICT** would also be responsible and could possibly be held liable if no action is taken to resolve the pedestrian crossing safety problems along the 5th Street corridor from "F" Street to "A" Street

It **seems** that a majority of business currently conducted in the City of Lincoln is in fact driven be politics and what **seems** to be a lack of trust **(SUCH AS THE FAILED BOND ISSUE).** Therefore, given the current climate in Lincoln and the question of trust that **seems** to be prevalent it is best to have written proof and **PUBLIC RECORDS** including an **INFORMED PUBLIC** available if needed.

Respectfully

Danny E. Walker

Danny E. Walker
President, South Salt Creek Community Organization
427 "E" St.
Lincoln, NE.
68508

Cc Numerous

Joan V Ray

09/22/2004 02:41 PM

To: DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov>
cc: General Council <council@lincoln.ne.gov>
Subject: Re: InterLinc: Council Feedback

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

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

09/22/2004 02:40 PM

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

InterLinc: City Council Feedback for
General Council

Name: H. Arnold Wassenberg
Address: 8101 Dundee Dr.
City: Lincoln, NE 68510

Phone: 402-489-4645
Fax:
Email: hwassenberg@neb.rr.com

Comment or Question:
How can you be blissfully ignorant of why the overtaxed citizens of Lincoln would reject a bond issue that would raise their taxes even higher? Just think about the arrogance of a government that would close a swimming pool rather than reduce the number of city vehicles it drives, or cut the grass less often on the trails. Or cut the hours it serves the public at the library rather than cut expenditures in other areas. You have let this government grow too large and it now has no feeling for those it is supposed serve. Why don't you say "Your Fired" to a few of these self-serving bureaucrats and cut your spending. Thank you.

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SEP 23 2004
CITY COUNCIL
OFFICE

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

09/22/2004 05:47 PM

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

InterLinc: City Council Feedback for
General Council

Name: Ira Stricker
Address: 1830 Sw31st Street
City: Lincoln, NE 68522

Phone:
Fax:
Email:

Comment or Question:
I was wondering what financial condition are city/ county pension funds are in ? The reason I ask this, is because of the so called financial crisis that San Diego's pension fund is in. Thanks

RECEIVED
SEP 23 2004
CITY COUNCIL
OFFICE

Joan V Ray

09/23/2004 10:43 AM

To: John Weymouth <weymouth@unlserve.unl.edu>
cc: council@ci.lincoln.ne.us
Subject: Re: LES

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

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

John Weymouth <weymouth@unlserve.unl.edu>

John Weymouth <weymouth@unlserve.unl.edu>

09/23/2004 09:41 AM

To: council@ci.lincoln.ne.us
cc:
Subject: LES

I am disappointed that the City Council did not support the rate increase of LES. Please don't be panicked by the "no tax" people. LES is a responsible agency and deserves all the support it can get.

--
John & Laura Weymouth
6110 Meadowbrook Ln
Lincoln, NE 68510
Phone: 489-5730

RECEIVED
SEP 23 2004
CITY COUNCIL
OFFICE

ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, SEPTEMBER 27, 2004

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of September 25 through October 1, 2004 - Schedule subject to change: - (See Advisory)

II. CITY CLERK

1. Letter from Tim Powers, Manager, Contempo/Lincoln brought into City Council Office by City Clerk Joan Ross - RE: Item #4, 04-158 - Against the Paving District on West Benton Street - (See Letter)

2. Motion-To-Amend brought into City Council Office by City Clerk Joan Ross - RE: Item #17-04R-256 - a claim against the city -

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

PUBLIC WORKS & UTILITIES DEPARTMENT

1. NEWS RELEASE - RE: 40th Street To Close At Yankee Hill Beginning Monday - Roadway expected to remain closed through the end of the year - (See Release)

2. NEWS RELEASE - RE: ****CHANGE IN DETOUR ROUTE**** - 40th Street To Close At Yankee Hill Beginning Monday - **(SEE RELEASE)**

3. NEWS RELEASE - RE: Public Meeting Set On "Big T" Roadway Improvements - (See Release)

4. Memo from Nicole Fleck-Tooze & Devin Biesecker - RE: Item 04R-241: Andrea's Court - Turner Ditch Issues - (See Memo)

C. MISCELLANEOUS

1. E-Mail from L. Huebert - RE: Amendment to city inspection process - Bill #04-173 -(See E-Mail)

2. Letter from Glenn Cekal - RE: Mayor Seng's request for citizen input about city policies and governance: - the bond issue - (See Letter)

daadd092704/tjg

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: September 24, 2004
Contact: Diane Gonzolas, Citizen Information Center, 441-7831 or
David Norris, Citizen Information Center, 441-7547

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SEP 27 2004
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Mayor Seng's Public Schedule
Week of September 25 through October 1, 2004
Schedule subject to change

Saturday, September 25
- "Heats On" Project - 7:30 a.m., Cornhusker Hotel, Arbor Rooms 1 and 2.
- Lincoln Arts Festival, Mayor's Choice Award - 9:30 a.m., SouthPointe Pavillion.
- Hispanic Festival - 11:30 a.m., Lancaster County Events Center, 4100 N. 84th Street.

Tuesday, September 28
- KLIN Call-in show, Broadcast House, 4343 "O" Street.

Wednesday, September 29
- Updowntowners Volunteer Recognition lunch - 11:30 a.m., Embassy Suites.

Thursday, September 30
- Lincoln Chamber of Commerce Community Exchange Program - 10:45 a.m., Lincoln Chamber of Commerce Board Room.

Friday, October 1
- Dedication of Lewis and Clark sculpture - 5:30 p.m., Center for Great Plains, 13th and "Q" Streets.

04-15
#4

contempo / LINCOLN
3601 North 1st Street
Lincoln, Nebraska 68501
Telephone (402) 474-6789

RECEIVED
SEP 27 2004
CITY COUNCIL
OFFICE

CITY COUNCIL
C/O CITY CLERK
555 S 10TH
LINCOLN NE.68508

9-27-04

DEAR CITY COUNCIL MEMBERS:
CONTEMPO/LINCOLN MOBILE HOME PARK IS AGAINST THE PAVING DISTRICT ON WEST BENTON STREET.THIS STREET WOULD NOT BENEFIT CONTEMPO/LINCOLN.

IT IS OUR UNDERSTANDING THAT CONTEMPO/LINCOLN WOULD BE ASKED TO PAY FOR HALF OF THIS PAVING.
CONTEMPO/LINCOLN PROVIDES AFFORADLE HOUSING AND WE WOULD BE FORCED TO RAISE OUR RATES AFFECTING APPROX.380 FAMILIES.I BELIEVE THE VOTERS SPOKE ON THIS SEVERAL WEEKS AGO WITH THE BOND ISSUE AND THE COUNCIL SPOKE WHEN LES WANTED A RATE INCREASE.THE TIMING IS NOR GOOD FOR CONTEMPO TO RAISE RATES.

WITH THE EXCEPTION OF 2 HOMES ON WEST BENTON STREET ALL OF THE OTHER HOMES WERE BUILT KNOWING THAT W BENTON WAS A GRAVEL ROAD.I WOULD THINK THE PEOPLE DEVOLPING THESE NEW HOME SITES WOULD HAVE EITHER BEEN HAPPY WITH THE RURAL SETTING OR BUILT THE PRICE INTO THEIR LOTS TO PAY FOR THEIR OWN PAVING.

PLEAS CONSIDER THE FINANCIAL BURDON TO THE FAMILIES OF CONTEMPO/LINCOLN AND VOTE NO.

THANK YOU

TIM POWERS, MANAGER

04R-256

MOTION TO AMEND

I hereby move to amend Bill No. 04R-256 in the following manner:

On line 11, the claim of Lisa Fitzgerald be removed from the list of DENIED claims.

Introduced by:

_____

APPROVED AS TO FORM & LEGALITY:

City Attorney

Requested by: City Attorney's Office

Reason for Request: Claimant was notified that her claim will be heard on October 11, 2004 rather than September 27, 2004.

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SEP 27 2004
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CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: September 23, 2004
FOR MORE INFORMATION: Larry Duensing, Engineering Services, 441-8401
Dave Norris, Citizen Information Center, 441-7547

40TH STREET TO CLOSE AT YANKEE HILL BEGINNING MONDAY

Roadway expected to remain closed through the end of the year

South 40th Street from San Mateo Lane to Yankee Hill Road will be closed to vehicular traffic beginning Monday, September 27 due to paving, water main and storm sewer construction.

Traffic will be re-routed to 27th Street and Pine Lake Road. This road closure is expected to remain in effect through the end of 2004.

-30-

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SEP 24 2004
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OFFICE

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: September 24, 2004
FOR MORE INFORMATION: Larry Duensing, Engineering Services, 441-8401
Dave Norris, Citizen Information Center, 441-7547

CHANGE IN DETOUR ROUTE

(... from what was noted in yesterday's news release)

40TH STREET TO CLOSE AT YANKEE HILL BEGINNING MONDAY

Roadway expected to remain closed through the end of the year

South 40th Street from San Mateo Lane to Yankee Hill Road will be closed to vehicular traffic beginning Monday, September 27 due to paving, water main and storm sewer construction.

Traffic will be re-routed to Saltillo Road to 27th Street to Pine Lake Road to 40th Street. This road closure is expected to remain in effect through the end of 2004.

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NEWS RELEASE

MAYOR COLEEN J. SENG lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
555 South 10th St., Lincoln, NE 68508, 441-7548, fax 441-8609

FOR IMMEDIATE RELEASE: September 24, 2004
FOR MORE INFORMATION: Wayne Teten, Antelope Valley Manager, 441-4939
Jane Jordan or Larry Winslow, Parsons Brinckerhoff, 323-6560

PUBLIC MEETING SET ON "BIG T" ROADWAY IMPROVEMENTS

As part of the Antelope Valley Project, construction will begin in the near future on the "Big T" roadway and bridge improvements. This project is located in an area bounded by 10th Street on the west, 17th Street on the east, Military Road at the north and Y Street at the south.

The public is invited to learn more about the roadway and bridge improvements in this area at a meeting from 4:30 to 6:30 p.m. Thursday, September 30 at the Lancaster Building located at State Fair Park. There is a map of the Lancaster Building location shown on the State Fair Park's website,www.statefair.org.

The goal of the project is to improve traffic flow and safety by eliminating the at-grade railroad crossing at 14th Street and allowing for the future elimination of the 17th Street at-grade crossing.

The anticipated construction schedule and additional information about the Antelope Valley project are posted on the City's web site, lincoln.ne.gov.

At the public meeting, representatives from the Joint Antelope Valley Authority, the City of Lincoln, the construction management team and the contractor will be available to answer questions about the projects and about access during construction. No formal presentations will be made.

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MEMORANDUM

RECEIVED
SEP 21 2004
CITY COUNCIL OFFICE

Date: 9/21/2004

To: Greg Czaplewski

From: Nicole Fleck-Tooze & Devin Biesecker

Subject: ***Item 04R-241: Andrea's Court - Turner Ditch Issues***

cc: Mayor Coleen J. Seng
City Council
Allan Abbott, Ben Higgins - PW/U
Dana Roper - Law Dept.
Marvin Krout - Planning Dept.; John Callen - Building & Safety
Ron Ross - Ross Engineering - ***DELIVERED VIA FACSIMILE***

Watershed Management has reviewed the information submitted Sept. 17, 2004 from Ross Engineering regarding the 100 year flow in Turner Ditch. **The information submitted is incomplete**, as outlined below with regard to documentation requested in the September 2nd memo from Watershed Management.

The Sept 2 memo requested complete information regarding the 100-year flow along Turner Ditch, which has been requested since the project's first submittal. Items are listed as they were shown in our Sept 2 memo, with our current comments shown in italics.

1. **Submit the following information:**

   a. **Hydrology calculations to confirm the 100-year flow in Turner Ditch stated in the August 19th, 2004 cover letter.**

   *The letter from Ross Engineering received on Sept. 17th indicates that this information has already been submitted. In fact, several different flows for the 100 year event in Turner Ditch have been submitted for review. The hydrology parameters for those flows (including time of concentration, curve numbers, and areas) were received on July 20th. However, in all submittals the flows and parameters have only been provided on a subbasin basis - **what is missing is the flow at the Turner Ditch outlet to Salt Creek.***

Information for the calculation of the flow in Turner Ditch should be submitted to include:

- *A hydrograph for the Turner Ditch basin at the Salt Creek levee.*
- *Background information supporting the hydrograph (i.e. cumulative time of concentration, area, and composite curve number).*

b. A more accurate analysis of conditions by entering the 10-year water surface elevation for Salt Creek as a constant tailwater elevation.

The letter from Ross Engineering received on Sept. 17th indicates that this information has already been submitted. However, ***the culvert analysis for the Salt Creek levee structure submitted on Sept. 17th, 2004 reports a tailwater elevation of 0.0 ft.*** *This is equivalent to analyzing the culvert with no flow in Salt Creek, which will have an impact on the accuracy 100 year water surface elevation reported for Turner Ditch. Assuming a 10-year flow on Salt Creek as the receiving stream is standard practice for this type of analysis.*

In addition, the 100 year flow of 1117 cfs used in the culvert analysis does not match any of the previously reported flows for Turner Ditch. ***The flow used in the culvert analysis should match the revised flows for Turner Ditch.***

c. Show the impacts caused by the displacement of floodwaters along Turner Ditch to properties south and also east (upstream) of the proposed development. This should include increased Turner Ditch flood elevations and flood limits.

The 100-year elevation for Turner Ditch should be revised and submitted to reflect the corrections noted above. ***Both the pre-development and post-development 100-year flood limits along Turner Ditch should be clearly identified*** *on the grading and drainage plan. This should include flood limits across the ditch to the south and upstream of this development. 100-year water surface elevations should also be provided both within and upstream of the development.*

2. If there are impacts due to obstructions caused by Andrea's Court (which we believe there are), the development should be revised to offset these impacts....

Correspondence from Ron Ross dated September 17th indicated that modifications had been made to the grading plan to offset impacts to flood storage along Turner Ditch. If this is the case, the information in Item 1 above should support this assertion.

If Ron Ross has questions regarding this information, he is urged to contact Devin Biesecker at 441-4955 as quickly as possible. **PLEASE NOTE: In order for Watershed Management to have time to review and comment by Monday on the information received, it should be delivered to Devin Biesecker no later than 4:30 p.m. on Wednesday, September 22nd.**

Joan V Ray

09/24/2004 10:05 AM

To: lhuebert@dor.state.ne.us
cc: council@ci.lincoln.ne.us
Subject: Re: amendment to city inspection process, Bill #04-173

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

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

lhuebert@dor.state.ne.us

09/24/2004 10:04 AM

To: council@ci.lincoln.ne.us
cc:
Subject: amendment to city inspection process, Bill #04-173

As a member of REOMA, I support this amendment. As a owner of 2-6 plexes, having no complaints to the city, I have witnessed the door to door search, endured the notification to my tenants, and have had problems telling them why it was needed when the inspections do not apply to all renters.

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To City Council Members and City Officials
From Glenn Cekal
September 27, 2004

In re Mayor Seng's request for citizen input about city policies and governance:

Perhaps one reason the recent bond issue failed--a reason for the alleged lack of trust in city government--is that there is a perception of a "good old boy" system at work. Some, perhaps many, ordinary citizens feel that their interests are neglected in favor of moneyed interests. Here are some suggestions I would like to submit for countering that feeling:

Establish a fair, equitable priority system for all infrastructure so that older neighborhoods are not overlooked at the expense of new construction. This is of huge importance in gaining people's support and confidence.

Streamline the Fire Department. With its wide range of current duties--homeland security, chemical spills, explosions of all types, accidents, and medical emergencies as well as fires--this multifaceted unit needs a highly efficient business manager with excellent personnel and public relations skills.

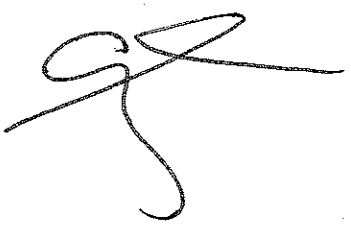
Impact fees and LES. LES needs to become totally transparent and treat all the people fairly. E.g., LES should charge their actual cost ($6,500 by their own recent estimate) for electrical service hookups in new homes. Also, they should manage the fiber optic matter so as to benefit all Lincolnites to the maximum. LES must maintain control in this arena. I would hope that LES can proceed with putting old electrical lines underground as quickly as possible. Finally, in regard to impact fees, the city should charge homebuilders/buyers the actual infrastructure cost of $20,000 per new house. (I have a formula for doing this.)

Older parts of the city. Building and Safety needs to become truly proactive in remedying decay in older areas and preventing further dilapidation. Due to decades of poor planning, bad politics, omission, and/or back-turning, we have many problems to correct. • All rental living units need to be licensed, including single-family and duplex units.
• We need a clearer, broader definition of blight in the housing code. The current interpretation and enforcement by Building and Safety still allows blight to persist. This must stop! For example, concerning exterior paint, in current practice 50% or

more must be bad before the city will take action. This is an ineffective measure. If the appearance of a property is such as to detract from a neighborhood, we have blight. Another example: if a property owner decides to close up a window or door, they simply slap a slab of plywood in the opening and walk away--no paint, no attention to appearances. This is blight.

- As I have said in the past before the city council, we badly need a municipal judge who handles only Building and Safety codes violations. Many other cities--for example, our neighbor Des Moines, have had this for years. There are many advantages to such an arrangement.

Alleys. A large number of alleys are in abominable condition. They make you feel like you are in a war zone and moreover they become a focus for criminal activity. This must be remedied--now!

Parks and NRD. The city should purchase/condemn 25.5 acres at 1st and South. This should be a water detention project as well as a northern extension of Wilderness Park. Also, complete work at the 2 dog runs, including fencing, addition of picnic tables and benches, lighting, water, landscaping, and tree trimming. Finally, rename South 15th from A to H Streets "Goodhue Boulevard" (in honor of the Capitol's architect) and put the electric, telephone, and cable lines underground here.

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