

**DIRECTORS' MEETING
MONDAY, DECEMBER 20, 2004 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

1. Washington Report - December 10, 2004.
2. NEWS RELEASE - RE: Mayor Presents November Award Of Excellence - (See Release)
3. NEWS RELEASE - RE: Workshop To Focus On Transportation Collaboration & Intelligent Transportation System Fact Sheet - (See Release)
4. Letter from Mayor Coleen Seng to Governor Mike Johanns - RE: It just came to the City's attention that the possibility exists the State may not restore cuts it made to State Aid and Municipal Infrastructure Redevelopment Fund (MIRF) in the 2003 Legislative session as was promised. - (See Letter)
5. NEWS RELEASE - RE: Pioneers Boulevard To Open To Traffic At 84th Street - (See Release)
6. NEWS ADVISORY - RE: Mayor Coleen Seng will join hotel developer John Q. Hammons from Springfield, Missouri and local business leaders for an announcement at 11:00 a.m., Thursday, December 16th at The Embassy Suites Hotel in the Regency Ballroom - (See Advisory)
7. NEWS RELEASE -RE: Five-Year Budget Forecast Shows Need To Cut Spending Or Increase Revenues - (See Release)

II. DIRECTORS

FINANCE DEPARTMENT/CITY TREASURER

1. Monthly City Cash Report - City of Lincoln-Pledged Collateral Statement - November 30, 2004.

HEALTH

1. Health Department Report - November, 2004 - (See Report)

PLANNING

1. Letter from Marvin Krout to Community Member - RE: Comprehensive Plan Annual Review - (See Letter)
2. Material from Ray Hill - RE: Ordinance that was denied some of which Council now wants to review again - (See Material)

PLANNING COMMISSION FINAL ACTION

1. Special Permit No. 04064 (On-sale Alcohol - Chipotle Mexican Grill - S. 27th & Pine Lake Road) Resolution No. PC-00896.
2. Special Permit No. 04061 (Early Childhood Care Facility at 2605 Fairfield Street) Resolution No. PC-00895.
3. Preliminary Plat No. 04027 - Woodland View (Southeast of S.W. 40th Street and West "A" Street) Resolution No. PC-00898.
4. Comprehensive Plan Conformance No. 04011 (Conservation Easement - South 82nd Street and Pine Lake Road) Resolution No. PC-00897.

STARTRAN

1. Memo from Larry Worth - RE: Low-Income Passport Program-November, 2004 Report - (See Memo)

URBAN DEVELOPMENT

1. 3 Letters from Clinton W. Thomas, Real Estate and Relocation Agent, Housing Rehab and Real Estate Division to Mike Morosin, Earl Robinett and Ed Patterson - RE: September 28, 2004-Relocation Assistance Letter - (See Letters)

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. E-Mail from Mr. & Mrs. Don Damkroger to Jon Camp - RE: City Council Meeting December 13, 2004 at 1:30 p.m. - (See E-Mail)

GLENN FRIENDT

1. **OUTSTANDING** Request to Allan Abbott, Public Works & Utilities Director/**Marvin Krout, Planning Director** - RE: Williamsburg Lake Dredging (RFI#39 - 8/17/04). — **1.) SEE RESPONSE FROM KARL FREDRICKSON, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#39-10/01/04.**

TERRY WERNER

1. Request to Law Department - RE: 'Big John's Billiards, Inc.' asking about possibilities of the City Council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment (RFI#140 - 11/29/04). — **1.) SEE RESPONSE FROM CITY LAW DEPARTMENT RECEIVED ON RFI#140 - 12/15/04.**
2. Request to Law Department - RE: 45th & "O" Streets (RFI#141-11/30/04).
3. Request to Bruce Dart, Health Director/Dana Roper, Law Department- RE: The total smoke ban (RFI#142-11/30/04). — **1.) SEE RESPONSE FROM TONYA SKINNER, ASSISTANT CITY ATTORNEY RECEIVED ON RFI#142 - 12/03/04. — 2.) SEE RESPONSE FROM BRUCE DART, HEALTH DIRECTOR RECEIVED ON RFI#142 - 12/13/04.** [NOTE: This RFI (#142) will be removed from the next Directors' Agenda-12/27/04.]

V. MISCELLANEOUS

1. Letter & Material from Lynn Darling - RE: Billboards -(Council copies of this material placed in their file folders on 12/13/04)

2. E-Mail from Gregory Gaines - RE: The City Council Meeting on Dec. 13th - (See E-Mail)
3. E-Mail from Christy TenHulzen - RE: Curious as to why there are no sidewalks between Van Dorn & Calvert, and 48th to 40th Streets - (See E-Mail)
4. Letter & Material from Peter W. Katt, For the Firm, Pierson/Fitchett Law Firm - RE: Stevens Creek Flood Boundary/Stevens Creek Watershed Property Owners - (See Material)

VI. ADJOURNMENT

Washington Report

Vol. 10 No. 29
December 10, 2004

City of Lincoln Weekly Legislative Update

108th Congress Adjourns *sine die*

INSIDE

Congress	1
Executive Branch	1
Public Safety	2
Telecommunications	2
Transportation	2
Grant Opportunities	3

**Washington Report
Archives Available
on the Internet at:**

[www.capitaledge.com/
archive.html](http://www.capitaledge.com/archive.html)

Washington Report

Carolyn C. Chaney
Washington Assistant
chaney@capitaledge.com

Christopher F. Giglio
giglio@capitaledge.com

Elizabeth Montgomery
montgomery@capitaledge.com

1212 New York Avenue, NW
Suite 250
Washington DC 20005

(202) 842-4930
Fax: (202) 842-5051

Congress

E-rate, intelligence reform highlight action as Congress wraps up work. The 108th Congress returned to Washington for a final flurry of work this week, sending President Bush the FY 2005 Omnibus Appropriations bill (HR 4818) funding most domestic discretionary programs (see the November 27 Washington Report or go to www.capitaledge.com/funding.pdf for detailed funding level) and tying up a number of other loose ends before adjourning *sine die*.

Though the leadership and appropriators had completed work on the FY 2005 Omnibus Appropriations bill in late November, further action was needed to remove language inserted in the Conference Report that would have allowed the House and Senate Appropriations Committees to inspect individual income tax returns. That language, which the leadership attributed to a staff error, caused an outcry among privacy advocates and drew the ire of House Ways and Means Committee and Senate Finance Committee members, who suspected a jurisdictional power grab by appropriators. The furor over the tax return language also gave ammunition to critics of the appropriation process who argue that wrapping up multiple appropriations bill into one massive omnibus at the last minute invites abuse and mistakes.

Congress also cleared legislation (S 2845) to overhaul the nation's intelligence bureaucracy along the lines recommended by the 9-11 Commission. As cleared for the President's signature, the bill fails to address two major issues of interest to local governments. Most notably, the bill does not include language to improve the allocation and management of first responder grants by the Department of Homeland Security. The bill also skirts the issue of reallocating a portion of the radio spectrum from television broadcasters to public safety agencies (see related story).

Congress also cleared legislation (HR 5419) designed to address a problem with the E-Rate Program for schools and libraries and to authorize grants to upgrade E-911 systems (see related story).

The 109th Congress will convene on January 4, 2005 to swear in Members and on January 6 they will hold a joint session to formally count electoral college ballots. The first votes will be held on January 25.

**This is the last report of 2004.
The first edition of 2005 will most
likely appear January 28. Happy
Holidays and have a great New
Year.**

Executive Branch

President Bush's second term cabinet is nearly complete. Six department heads appear to be staying. According to the White House on Thursday, the President asked Housing and Urban Development Secretary Alphonso Jackson, Interior Secretary Gale Norton, Labor Secretary Elaine Chao, and Transportation Secretary Norman Mineta to remain for another term. Mineta is the lone Democrat in the cabinet.

Defense Secretary Donald Rumsfeld will also stay for another term, and John Snow announced on Wednesday he would continue as Treasury Secretary, ending a week of speculation about the President's intentions. It appears that several candidates were approached but turned down the Treasury job.

Nine secretaries, however, are departing, most of whom plan to step down once the Senate confirms their replacement. New York Police Commissioner Bernard Kerik will replace Tom

Ridge as Secretary of Homeland Security, Nebraska Governor Mike Johanns will replace Ann Veneman as Secretary of Agriculture, and Kellogg Co. CEO Carlos Gutierrez will replace Don Evans as Secretary of Commerce. Bush named White House domestic policy advisor Margaret Spellings as Secretary of Education, replacing Rod Paige. In the Department of Veteran Affairs, Ambassador to the Vatican and former colonel in the Army Reserves Jim Nicholson will succeed Tony Principi as Secretary. National Security Advisor Condoleezza Rice will replace Colin Powell as Secretary of State. Bush also named White House legal counsel Alberto Gonzalez to replace Attorney General John Ashcroft, and Deputy Secretary of the Treasury Sam Bodman to replace Energy Secretary Spencer Abraham.

It is our understanding that the Senate will hold confirmation hearings early in January with the expectation that the cabinet members will be confirmed and sworn in by the end of January. The pundits in Washington view the choice of new members of the cabinet as another indicator that the President will continue his close-to-the-vest management style. The nominees are virtually all partisans who are not particularly politically ambitious themselves and will help execute policies formulated by the White House rather than initiating policies on their own.

Bush has yet to name a replacement for outgoing Health and Human Services Secretary Tommy Thompson.

Public Safety

Intelligence bill punts spectrum issue to 109th Congress. As cleared for President Bush's signature, the intelligence reform bill (S 2845) does not include language to expedite the reallocation of 24 megahertz of spectrum from television broadcasters to public safety agencies.

Earlier versions of the bill would have required that the reallocation take place by the end of the decade. However, in the

wake of a massive campaign by the National Association of Broadcasters (NAB), the final bill includes only a "Sense of the Congress" that the 109th Congress should pass legislation that "establishes a comprehensive approach to the timely return of the analog broadcast spectrum as early as December 2006" and a finding that the Federal Communications Commission should "consider all regulatory means available to expedite the return of the analog spectrum."

Under the Balanced Budget Act of 1997, the portion of the spectrum in question, which is particularly valuable because of its ability to travel through walls and its lack of "dead spots," was reserved for public safety agencies by December 2006 or when 85% of households had made the transition to digital television. In 1997, Congress expected the transition to digital television to take place much more quickly than it has. As a result, there are still 75 television broadcasters that do not transmit digital signals and still use the portion of the spectrum in question, with NAB arguing that expediting the transition to digital television will harm consumers in rural areas and small television markets. Public safety agencies and local governments argue that the spectrum in question is desperately needed and that further delay in the reallocation will harm public safety. They are bolstered by the report of the 9-11 Commission, which finds that communications equipment using this portion of the spectrum could have prevented many New York City police and firefighter deaths on September 11.

Given the influence of NAB and the cost of having the federal government subsidize the transition of the 75 remaining broadcasters and the tens of millions of households without cable, satellite or digital televisions to digital television, it remains unclear how the 109th Congress will break the stalemate on this issue.

Telecommunications

Congress saves E-Rate Program; authorizes E-911 grants. In one of its final acts, the

108th Congress sent President Bush legislation (HR 5419) that would resolve an accounting problem that threatened to delay the commitment of hundreds of million of dollars in telecommunications and technology grants to schools and libraries from the E-Rate Program created by the Telecommunications Act of 1996 (PL 104-104). As cleared by Congress, the bill exempts the program from certain federal accounting rules for one year, allowing the grants to move forward and staving off a \$12 million increase in the fees that consumers pay as part of their telephone bills to fund the program. The House passed its version of the bill (HR 2994) in November but efforts to pass a Senate companion (S 275) stalled over efforts by Commerce Committee Chairman John McCain to attach legislation establishing boxing safety regulations to the bill. McCain relented after securing a promise from House Speaker Dennis Hastert that the House will consider McCain's boxing safety bill next year.

As cleared, the bill also authorizes \$250 million a year through FY 2009 in grants to local government to help them upgrade E-911 systems. The bill also establishes an Office of E-911 Implementation Coordination at the National Telecommunication Information Administration (NTIA), which is part of the Department of Commerce. In addition to administering the grants, the Office will be charged with developing a joint plan to coordinate between federal, state and local emergency communications systems.

Under the bill, the grants will require a 50 percent match and recipients will be barred from diverting the E-911 fees they collect from telephone customers to other purposes. The bill also requires the General Accountability Office (GAO) to conduct a study of E-911 fees collected by local governments and how they are used. The study will have to include a list of all entities that collect E-911 fees, how much they collect and how much they spend on non-emergency communications purposes.

Transportation

Administration will not support greater spending increases for highway programs. Speaking to highway industry executives, Transportation Secretary Norman Mineta affirmed the Administration's commitment to a \$256 billion, six-year surface transportation bill, despite congressional and transportation industry pressure. Mineta also emphasized the Administration's continued opposition to any tax increases, increased borrowing or any steps that would increase the general fund deficit. A House-Senate conference committee was unable to decide upon a bill following these guidelines in the 108th Congress. Key members of the conference committee, particularly those from the Senate, believed they were unable to provide satisfactory funding programs at less than \$299 billion over six years.

The corporate tax bill that Congress enacted this year includes two provisions that allow the Administration to add approximately \$24 billion over the next six years to its new request. The provision ends gasoline tax exemptions for ethanol producers, replacing it with an income tax credit, and closes loopholes that have allowed fuel taxes to go unpaid. The Administration expects to introduce a transportation bill early next year that will have minor changes from the one it introduced this year.

Grant Opportunities

Federal Emergency Management Agency: FEMA recently published the guidance for its FY2005 Pre-Disaster Mitigation Program. Although the agency is not accepting applications yet, FEMA published the guidance so that applicants have ample time to develop projects and prepare applications. The program provides funds for either pre-disaster mitigation planning or the implementation of cost-effective mitigation projects. These funds are meant to reduce overall risks to the population and structures and to reduce reliance on funding for actual disaster declarations. Local governments must apply for the grant through their state

emergency management agency and must have a FEMA-approved mitigation plan in place by May 1, 2005 to receive funding for a *project* grant (as opposed to a *planning* grant in which local governments are not required to have a mitigation plan). Applicants must ensure that their proposed project is consistent with their mitigation plan. Approximately \$225 million is available for competitive grants, technical assistance, and program support. There is a \$3 million maximum for any mitigation project or mitigation planning application and a required 25 percent non-Federal cost-share. The project period is not to exceed three years. The deadline for receipt in the FEMA regional office is February 28, 2005. However, we suggest you contact your state office of emergency services to determine their requirements and deadlines. The FEMA guidance can be found at <http://www.fema.gov/fima/pdm.htm>.

Department of Justice, December 1: The Office on Violence Against Women is accepting applications for the Legal Assistance for Victims Grant Program. The program is intended to increase the availability of legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault to provide victims quality representation as they seek recourse. Grants are designed for projects lasting two years, and funding depends on the number of counties served in the program (projects serving nine counties or less will receive a maximum \$450,000). Private nonprofits and publicly funded organizations not acting in a government capacity are eligible to apply. Letters of intent are due January 4, 2005 and final applications are due January 25, 2005. (www.grants.gov <<http://www.grants.gov>>)

Environmental Protection Agency: The EPA announced funding for the Brownfields Job Training Grants to prepare trainees for future employment in the environmental field and to facilitate cleanup of brownfields sites contaminated with hazardous substances. Grants are available to train local people to handle and remove hazardous substances including the techniques and methods for cleanup,

facility management, response training, recruitment and outreach. Local governments and nonprofits are eligible to apply for a maximum grant of \$200,000 and the EPA expects to award 10 grants. Proposals are due January 14, 2005. The guidance can be found at http://www.epa.gov/brownfields/pg/jt_grants_guidelines_2005.pdf.

Department of Housing and Urban Development, November 26: HUD announced funding available for the Section 202 Demonstration Planning Grant Program. The funds are designed to provide predevelopment grant funding for architectural and engineering work, site control, and planning related expenses that are eligible for funding under the Section 202 Supportive Housing for the Elderly Program. Only private nonprofit organizations and nonprofit consumer cooperatives that submitted an application for consideration under the FY2004 Super NOFA for the Section 202 Supportive Housing for the Elderly Program are eligible to apply. The maximum award is \$400,000 for a two-year term, and HUD has approximately \$44.7 million available. There is no required match. Applications are due by January 10, 2005. Federal Register 68953-68965

Department of the Treasury, December 3: The Office of Community Development Financial Institutions Fund announced the 2005 funding round of the Technical Assistance Component of the Community Development Financial Institutions Program. This grant is issued in connection with the FY 2005 funding round of the Technical Assistance (TA) component of the Community Development Financial Institutions Program. Through the TA component, Community Development Financial Institutions Fund provides TA grants to CDFIs and entities proposing to become CDFIs in order to build their capacity to better address the community. The fund expects to award \$2 million, and is anticipating making awards up to \$50,000 each. Grant applications are due January 25, 2005. Strict eligibility guidelines for this grant are outlined in the announcement.

The full announcement can accessed at
<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-26597.pdf> Federal Register 70307-70313



CITY OF LINCOLN
NEBRASKA

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: December 13, 2004

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

MAYOR PRESENTS NOVEMBER AWARD OF EXCELLENCE

Mayor Coleen J. Seng today presented the Mayor's Award of Excellence for November to a team from the Parks and Recreation Department – Chance Jensen and Nathan Genrich from the Aquatics and Recreation Division. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today's City Council meeting.

The team was nominated in the category of valor by Holly Lewis, Assistant Recreation Manager. Jensen has worked for Parks since June of 2004, and Genrich worked for the City pools every summer since 1997. They were nominated for the award because of their lifesaving actions last summer.

On August 21, 2004, an unresponsive child was removed from the pool at Star City Shores. Within seconds, the entire staff responded to the emergency by administering aid, calling 911, handling the crowd, bringing safety equipment, securing the facility, gathering information and the other duties for which they had been trained. By the time the child was removed from the water, Genrich, the head lifeguard, was ready to assess the child's condition. He began rescue breathing and chest compressions. Jensen, another lifeguard, responded immediately and worked with Genrich to continue CPR. After the child opened her eyes and began coughing, her condition was monitored until EMS arrived.

In her nomination, Lewis writes that the team's quick assessment and response to the emergency came from years of training, practicing and fulfilling their commitment to patron safety. "Chance and Nate will tell you they were just doing their jobs, but their dedication to the safety of Star City Shores' patrons saved a life," wrote Lewis.

The other categories in which employees can be nominated are customer relations, productivity, safety and loss prevention. All City employees are eligible for the Mayor's Award of Excellence except for elected officials and some managers. Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

Nominations are reviewed by the Mayor's Award of Excellence Committee, which includes a representative with each union and a non-union representative appointed by the Mayor. Award winners receive a \$100 U.S. savings bond, a day off with pay and a plaque. Monthly winners are eligible to receive the annual award, which comes with a \$500 U.S. savings bond, two days off with pay and a plaque.



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: December 13, 2004

FOR MORE INFORMATION: Virendra Singh, Engineering Services, 441-7835

WORKSHOP TO FOCUS ON TRANSPORTATION COLLABORATION

A workshop is set for **Thursday, December 16** on Intelligent Transportation System (ITS) technologies to improve safety and efficiency on Nebraska roadways. The workshop is from **2 to 4:30 p.m.** at the **Walt Branch Library, 6701 South 14th Street in Lincoln**. It is the second workshop of the 13-county Southeast Nebraska Regional ITS Architecture project. The initial workshop in November attracted 70 participants, including transportation officials, office holders, law enforcement personnel and emergency services providers.

“This workshop will focus on how agencies can work together to plan, implement and operate ITS technologies,” said Allan Abbott, City Public Works and Utilities Director. “By collaborating, we can eliminate technology barriers and create benefits that extend across county, city and department lines.” Abbott said the workshop will include discussion on creating benefits in a cost effective manner; identifying those agencies with shared interests; and planning initial steps for collaboration.

In addition to enhancing safety and efficiency, the goals of the project are to:

- Provide enhanced and timely traveler information.
- Enhance services, such as transit and emergency response.
- Increase the ability of different agencies to work together more efficiently.
- Provide travelers with reliable and accurate weather and roadway information.

The City of Lincoln is the lead agency for the project, which also is sponsored by the Federal Highway Administration, the Nebraska Department of Roads and Lancaster County. The other counties involved in the project are Butler, Cass, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline, Saunders and Seward. Abbott said the project is consistent with the Federal Transportation Efficiency Act and the stated mission in the Lincoln-Lancaster County Comprehensive Plan to advance the development and application of ITS across the region.

The project is scheduled to be completed by April 2005. For additional project information visit the Public Works and Utilities section of the City Web site at lincoln.ne.gov, or contact Virendra Singh in the City Public Works and Utilities Department at 441-7835. (An ITS fact sheet follows this release.)

INTELLIGENT TRANSPORTATION SYSTEM FACT SHEET

When did Intelligent Transportation System technology help you?

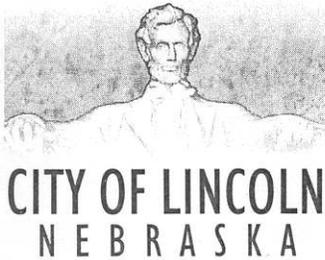
- As you were driving along Interstate 80, you saw a message sign announcing a closed exit, the date of the closure and alternate routes.
- You were able to check road conditions, weather forecasts and work zones along your planned route by dialing 511 on your cell phone.
- You called for medical assistance, and emergency services personnel were dispatched.

How could ITS help residents of southeast Nebraska in the future?

- Public schools and law enforcement could be automatically notified when a school bus was off its normal schedule or route.
- Traffic signals could be automatically adjusted based on current traffic conditions
- In the event of a local or regional disaster, the lines of communication would be open in all geographic areas between dispatch personnel and emergency service providers.

What are some potential uses of ITS?

- Traffic signals could be coordinated to reduce vehicle stops and delays.
- Travelers could get information about traffic incidents, weather, work zones, detours and bus arrival times as well as automatic route guidance based on current traffic conditions
- Emergency management and communication between agencies could be enhanced.
- Emergency and road maintenance vehicles could have the benefits of computer-aided dispatching.
- Emergency vehicles could have priority at traffic signals.
- Security monitoring could be possible for public areas such as major bridges and rest areas.
- School buses, emergency vehicles and road maintenance vehicles could use automatic vehicle location technology.
- Technology could be used highway incident detection, response and clearance.



MAYOR COLEEN J. SENG

lincoln.ne.gov

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

December 14, 2004

The Honorable Mike Johanns
Governor
State of Nebraska
State Capitol
Lincoln, NE 68509

Dear Governor Johanns:

It just came to the City's attention that the possibility exists that the State may not restore cuts it made to State Aid and Municipal Infrastructure Redevelopment Fund (MIRF) in the 2003 Legislative session as was promised. During that session, \$2,480,000 was reduced from MIRF distributions statewide for both fiscal years of the 2003-2004 and 2004-2005. Since Lincoln's MIRF revenue is bonded for the F Street Recreation Center, State Aid to the City of Lincoln was cut \$520,000 over the two-years. It was clearly our understanding at that time and still is our understanding that the MIRF reductions were to be restored for the State's 2005-2007 biennium as well as the State Aid reduction to the City of Lincoln. This intention is clearly stated in State Statute 77-27,137.01 (2) (attached) which says "Beginning with fiscal year 2005-2006, the amount of aid to municipalities appropriated shall be increased by five hundred twenty thousand dollars."

While I understand that the Governor's budget is not finalized, the state aid amounts in question are not included in the budget request of the State Treasurer's office. As you well know, State Aid to municipalities has been a target for recent budget cuts. Such cuts only put more and more pressure on local property taxes. These cuts to MIRF and Lincoln's State Aid were only acceptable in 2003 with the assurance they were to be for two years only. I respectfully urge the State of Nebraska to follow the agreement and include the restoration of this important revenue to Nebraska cities in your next biennial budget as has been intended since the 2003 legislative session.

Sincerely,

Coleen J. Seng
Mayor of Lincoln

Copies: David Heineman, Lieutenant Governor
Ronald Ross, State Treasurer, State of Nebraska
Lincoln City Council
Lynn Rex, League of Nebraska Municipalities

F:\FILES\MAYOR\2004,MayorSeng,Memos,Letters,Speeches\Johanns,Gov.Mike,12-14-2004,StateAid.wpd

77-27,137.01

Aid to incorporated municipalities; distribution; manner.

(1) The appropriation provided for in section 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various incorporated municipalities. The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. Except as provided in subsection (2) of this section, the Tax Commissioner shall compute the amount due the incorporated municipalities on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the state as determined by the most recent federal census figures certified by the Tax Commissioner as provided in section 77-3,119, which amounts shall be placed in the general fund of such municipalities.

(2) For fiscal years 2003-04 and 2004-05, the allocation of state aid provided for in subsection (1) of this section shall be calculated based on the amount appropriated plus an additional five hundred twenty thousand dollars, and the amount of state aid calculated for a city of the primary class shall be reduced by the amount received by the city of the primary class under the Municipal Infrastructure Redevelopment Fund Act for fiscal years 2003-04 and 2004-05. Beginning with * fiscal year 2005-06, the amount of aid to municipalities * appropriated shall be increased by five hundred twenty thousand dollars.

Source:

Laws 1971, LB 707, § 3; Laws 1975, Spec. Sess., LB 3, § 5;
Laws 1976, LB 903, § 6; Laws 1977, LB 514, § 4; Laws 1982, LB 816, §
Laws 1983, LB 59, § 3; Laws 1986, LB 929, § 3; Laws 1993, LB 726, § 1
Laws 1994, LB 1127, § 7; Laws 2003, LB 440, § 3.

Appropriations For the “following biennium” (FY05-06 and FY06-07), the mainline budget numbers reflect the annualized impact of the current budget actions plus an estimate of future year increases in entitlement programs, salary and health insurance increases, and other funding requirements that are normally not optional. Obviously the actual funding needs in these areas will not be known until the biennial budget process starts again in two years. However for planning purposes, some level of funding for these items must be acknowledged and shown as likely funding commitments.

Table 2 Projected Budget Increases-Following Biennium

Numbers are annual increases	Factor	Est for Following Biennium	
		FY2005-06	FY2006-07
Special Education	5%	8,220,248	8,631,261
Aid to K-12 Schools (TEEOSA)	Calculated	157,103,216	98,692,194
Aid to ESU's (LB1100/1108-1998)	2.5%	282,227	289,283
Developmental Disability aid-transition	Estimated	1,200,000	1,200,000
Developmental Disability aid-pay equity	3%	702,555	723,631
Behavioral Health	3%	927,574	955,401
Public Assistance	8%	16,025,744	17,307,803
Children's Health Insurance (CHIP)	10%	700,546	770,600
Medicaid-	10%	47,676,038	52,443,642
Inmate per diem costs	6%	1,991,736	2,111,240
Annualize cut of Lincoln Correctional Center	Na	(2,779,818)	0
Community Colleges	3%	1,896,110	1,952,993
Salaries	3.25%	27,196,770	28,080,665
Health Insurance	10%	10,102,127	11,112,340
Operations increase	2%	2,819,960	2,876,359
County Property Relief program (restore per LB622	Estimated	2,592,000	0
Aid to Municipalities (apply when MIRF cut expires)	Estimated	(3,000,000)	0
Construction	Reaff Only	(658,285)	360,000
Annual \$ Increase		272,998,748	227,507,412
Annual % Increase		9.9%	7.5%

Special Education: Increases for FY05-06 and FY06-07 reflect a 5% per year increase as provided for in current law (LB1243-2000).

State Aid to Schools (TEEOSA) The estimates for FY06 and FY07 are based on the same methodology utilized for the November 15 estimates required under current law for the current biennial budget but with Fiscal Office assumptions and should be considered Fiscal Office estimates.

The key assumptions in the estimates for the upcoming biennium are growth in school disbursements (5.50% in both FY06 and FY07 aid year) and growth in property valuations (5.5% in both FY06 and FY07). These assumptions, *coupled with an assumed expiration of any temporary formula reductions*, yield a growth in school aid of 24.2% in FY06 and 12.9% in FY07. The large growth in FY06 reflects the expiration of LB898 (passed in the 2002 Session and operative for three years, FY03, FY04, and FY05) and LB 540-2003 Session would likewise expire after FY04-05 with some “spill over savings” into FY05-06.



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: December 15, 2004

FOR MORE INFORMATION: Brian Dittmann, Public Works and Utilities Dept., 441-8326

PIONEERS BOULEVARD TO OPEN TO TRAFFIC AT 84TH STREET

Beginning Friday, December 17, Pioneers Boulevard at 84th Street will reopen to traffic in three directions. Motorists still will be unable to go south at the intersection, because 84th Street will remain closed from just south of Pioneers Boulevard to just north of Mandarin Drive/Mandarin Circle. The 84th and Pioneers area has been closed since October 19 as part of the ongoing traffic safety and storm sewer improvements in the area.

Beginning Saturday, December 18, Old Cheney Road will be closed from just east of 84th Street to 88th Street. This section of Old Cheney will be reopened in a week to ten days with temporary pavement and will remain open to traffic throughout the winter. When that section is reopened, 84th Street from just north of Old Cheney to Augusta Drive will be closed. These closures are necessary for soil compression, in which large piles of dirt are consolidated with the spongy Antelope Creek soils to ensure a sturdy roadbed.

“We appreciate the patience of motorists and residents in this area as this important project has moved forward,” said Roger Figard, City Engineer in the Public Works and Engineering Department. “Our contractors have been finding ways to overcome challenges like the weather by working weekends and implementing unconventional techniques. We are very pleased that we are able to open this intersections for the winter.”

Figard said construction crews used a special soil additive at Pioneers Boulevard to dry out the soil after rain showers. He said soil compression can take up to ten weeks, so it is important to begin the process now to save valuable time during the peak construction season in the warmer months.

The 84th and Pioneers intersection is scheduled to be completed by late spring 2005. The remaining water main and paving work for the entire 84th Street project, from Kathy Lane to Cheney Ridge Road, tentatively is scheduled for completion by the end of 2005.

More information is available on the City Web site at lincoln.ne.gov (search for “84th”).



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: December 15, 2004

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

Mayor Coleen J. Seng will join hotel developer John Q. Hammons from Springfield, Missouri and local business leaders for an announcement at **11 a.m. Thursday, December 16** in the **Regency Ballroom, first floor of the Embassy Suites Hotel, 1040 "P" Street.**



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: December 15, 2004

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Steve Hubka, City Budget Officer, 441-7698

FIVE-YEAR BUDGET FORECAST SHOWS NEED TO CUT SPENDING OR INCREASE REVENUES

A five-year budget forecast for the City of Lincoln indicates that despite the City's excellent bond ratings and strong financial reserves, action will be necessary to either curtail City services or increase revenues. The City Finance Department presented the forecast at today's budget meeting of the City Council.

The five-year forecast is a projection of expenses from the 2005-2006 fiscal year through the 2009-2010 fiscal year. It includes the estimated cost of current City services plus possible additions, such as more police officers and firefighters, capital maintenance and improvement projects and other future needs.

"The forecast gives us a picture of our fiscal needs and our projected revenues as we begin preparing the next City budget," said Mayor Seng. "It is clear from the forecast that, as we warned last year, the City will need to control spending or face the consequences of deep cuts if the revenues do not keep pace with the growth of the community. This will be a year of tough choices, difficult cuts and lean spending."

Sales tax revenues, which fund 44 percent of City's operating budget, are below projections, Mayor Seng said she will direct City Departments to begin looking for savings and to work with the City Council on possible service cuts to reduce the next City budget, which will be adopted next summer.

"The forecast shows many community needs, and departments are requesting numerous bond votes over the five-year period," said Mayor Seng. "That is a clear sign of the backlog of needs that accumulate in a growing city. The real question is what we as a community can afford."

The property tax provides only 28 percent of the City's operating funds. During the past ten years the City property tax rate has been cut 42 percent, from 51 cents per \$100 of assessed value in 1991 to its current rate of 29.5 cents. Of the total property taxes paid by property owners, less than 15 percent goes to the City, and the other 85 percent goes to other City and County government agencies..

According to available ratings, the City is one of only 39 in the nation to have the highest bond ratings available from Moody's and Standard and Poor's, the nation's top rating agencies.

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

December 15, 2004

TO: Mayor Coleen Seng & City Council Members

FROM: Finance Department/City Treasurer

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business November 30, 2004.

Balance Forward	\$	218,206,480.74
Plus Total Debits November 1 - 30, 2004	\$	21,562,260.65
Less Total Credits November 1 - 30, 2004	\$	<u>(31,105,531.40)</u>
Cash Balance on November 30, 2004	\$	<u>208,663,210.00</u>

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

U.S. Bank Nebraska, N.A	\$	310,667.59
Wells Fargo Bank	\$	202,538.45
Union Bank & Trust Company	\$	11,965.95
Pinnacle Bank	\$	48,501.95
Cornhusker	\$	8,804.27
West Gate Bank	\$	6,794.10
Wells Fargo Bank Credit Card Bank Account	\$	1,997.29
Idle Funds - Short-Term Pool	\$	14,998,243.93
Idle Funds -Medium-Term Pool	\$	191,694,872.23
Cash, Checks and Warrants	\$	<u>1,378,824.24</u>
Total Cash on Hand November 30, 2004	\$	<u>208,663,210.00</u>

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

I also hold as City Treasurer, securities in the amount of \$26,536,462.49 representing authorized investments of the City's funds.

ATTEST:

Teressa J. Meyer
Joan E. Ross, City Clerk



Melinda J. Jones
Melinda J. Jones, City Treasurer

**CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
NOVEMBER 30, 2004**

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC FGLMC D67795	3128F7UU6	01Dec09	\$ 1,191,991.00	\$ 109,739.69	1.08	\$ 119,031.88
FHLMC FGTW C90889	31335HXS7	01Jul23	\$ 11,150,000.00	\$ 10,084,353.80	0.98	\$ 9,917,537.41
FNMA FNCI 721608	31401XU96	01Jul18	\$ 12,000,000.00	\$ 10,309,996.20	0.98	\$ 10,074,381.86
FNMA FNARM 303824	31373UPH4	01Jul25	\$ 1,600,000.00	\$ 61,133.47	1.03	\$ 63,014.56
FNMA FNCL538363	31385AB89	01Apr30	\$ 550,000.00	\$ 62,120.00	1.09	\$ 67,475.68
FNMA FNCI 254725	31371K4J7	01May33	\$ 500,000.00	\$ 415,814.81	.99	\$ 413,300.34
FNMA FNCI 682970	31400BW77	01Feb18	\$ 7,100,000.00	\$ 4,976,265.96	1.00	\$ 4,966,024.81
GNMA-2 G2JO 3156	36202DQH7	20Nov16	\$ 2,550,000.00	\$ 975,487.63	1.04	\$ 1,013,648.71
GNMA-2 G2JO 3194	36202DRP8	20Feb17	\$ 4,130,000.00	\$ 1,954,777.90	1.04	\$ 2,030,642.63
FNMA FNCL 254592	31371KXV8	01Dec32	\$ 3,100,000.00	\$ 2,242,375.36	.99	\$ 2,229,860.44
US BANK NE		TOTAL PLEDGED	\$ 43,871,991.00	\$ 31,192,064.82		\$ 30,894,918.32
FNCL 535771 6.00%	31384WFL9	01Feb31	\$ 8,200,000.00	\$ 1,422,794.55		\$ 1,471,526.62
FNCT 255047 5.5%	31371LHY8	01Dec23	\$ 350,000.00	\$ 302,073.20		\$ 308,150.02
FNCL 555285 6.00%	3138SW2S7	01Mar33	\$ 17,005,000.00	\$ 6,068,161.81		\$ 6,266,590.94
FNCL 666295 6.00%	31391GGC4	01Nov32	\$ 8,650,000.00	\$ 1,851,349.38		\$ 1,911,888.58
FNCL 545277 6.00%	31385HXE7	01Nov31	\$ 5,400,000.00	\$ 959,146.60		\$ 990,549.96
FNCL 615057 6.00%	31388UJA9	01Jan32	\$ 5,000,000.00	\$ 1,401,390.25		\$ 1,447,273.08
FNCL 622169 6.00%	31389DFJ1	01Dec31	\$ 2,200,000.00	\$ 485,382.37		\$ 501,274.25
GNSF 781210 6.50%	36225BKX5	15Sep29	\$ 8,700,000.00	\$ 1,222,772.47		\$ 1,290,648.47
FNCL 323715 6%	31374TSC4	01May29	\$ 10,500,000.00	\$ 1,684,865.07		\$ 1,742,573.30
FNCL 323605 6.50%	31374TNNW5	01Mar29	\$ 2,400,000.00	\$ 247,227.38		\$ 260,053.28
WELLS FARGO BANK NE		TOTAL PLEDGED	\$ 68,405,000.00	\$ 15,645,163.08		\$ 16,190,528.50
US Treasury 6.50%	912827T85	15May05	\$ 250,000.00			
FARM CREDIT NOTE 5%	31331LGY8	10May04	\$ 250,000.00			
UNION BANK LINCOLN		TOTAL PLEDGED	\$ 500,000.00			
FHLB BOND 3.00%	3133X4RG8	29Jun07	\$ 3,000,000.00	\$ 3,000,000.00		
FHLB BOND 3.05%	3133X4X63	28Mar07	\$ 3,000,000.00	\$ 3,000,000.00		
FNMA Pool #253819	31371J4C5	01May11	\$ 1,025,000.00	\$ 995,861.61		
CORNHUSKER BANK		TOTAL PLEDGED	\$ 7,025,000.00	\$ 6,995,861.61		
FHLB Step Up 2.4%	31339XUE2	09Jan09	\$ 2,000,000.00			
FHLB Step-Up 2.125%	31339YDB5	23Jul09	\$ 2,000,000.00			
FHLB Step Up 2.25%	31339XM43	30Jun08	\$ 2,000,000.00			

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLB 2.50% to 5/05, then 5.25	3133MYQG5	19Nov08	\$ 500,000.00			
WEST GATE BANK		TOTAL PLEDGED	\$ 6,500,000.00			
Ltr of Credit #4603R		22Dec04	\$ 2,100,000.00			
Ltr of Credit #4602R		22Mar05	\$ 2,000,000.00			
TIER ONE BANK		TOTAL PLEDGED	\$ 4,100,000.00			

**DEPARTMENT REPORT
NOVEMBER, 2004**

HEALTH DIRECTOR S OFFICE

The Health Department s Goals for the coming year were submitted to the Mayor s Office. The goals will be discussed at the Mayor s Retreat with City Directors on December 15th.

The Department received additional flu vaccine and held a mass flu clinic on Saturday, November 13, 2004 from 8:00 AM to 2:00 PM at Lincoln East High School. Nearly 1,400 individuals attended the clinic and received flu vaccinations. The clinic was well organized and very successful. Many good comments and expressions of appreciation were received from the public. The Department continues to provide vaccinations to individuals in a high risk category on a daily basis at the Department s walk in clinic.

The Health Director and Resource & Program Development Coordinator met with the Lincoln Independent Business Association and the Parks and Recreation Advisory Committee to provide information on the Department s building expansion.

The smoking ban was passed by voters in the November election and will go into effect on January 1, 2005. The Health Director met with Police Chief Tom Casady and City Prosecutor John McQuinn to discuss enforcement issues. Interviews were also held with the Lincoln Journal Star and various radio and television stations to discuss the smoking ban and enforcement.

The Health Director was Mayor Coleen Seng s guest on her KFOR monthly call-in show and a KLIN radio interview. Information was provided on the smoking ban and flu vaccinations.

The Health Director met with officials from the Lancaster County Medical Society, Lincoln Medical Education Partnership, Urban Indian Health Coalition and Peoples Health Center to discuss primary care issues in our community.

Discussions continue with the Capital Humane Society on the contract for kenneling services for the coming year. The current contract will be extended until December 31, 2004. To date, no agreement for next year s contract has been reached.

The Community Health Services Division Manager position was re-opened for an additional three weeks in November. Applications have been received and interviews will be scheduled in December. Bernice Afuh and Shirley Terry, Community Health Services Supervisors, continue to co-manage the Division.

The Health Director attended the following during the month: Meeting with Cedars

Youth Services, NACCO Board of Trustees meeting via conference call, Police & Fire Pension Disability Meeting, and the Community Health Endowment Board of Trustees Meeting.

Employee of the Month - Hayley Morinelli - Animal Control Division

ASSISTANT HEALTH DIRECTOR

Plans are underway to work with the UN-L on a New Directions grant to the Federal Housing and Urban Development Department. The funders are asking for a health focus through a collaboration between the University and community at large. Dr. Rodrigo Cantarero, Health Partners Initiative and the Health Department would be the primary partners. A major part of the grant would focus on using health and social determinant data when looking at the health status of citizens in Lancaster County.

Letters have been sent to Dr. Richard Carmona, US Surgeon General, inviting him to be our guest and keynote speaker at the 2005 Board of Health Annual Banquet and Awards Ceremony. Senator Chuck Hagel's congressional office staff are also helping make contacts to Dr. Carmona encouraging him to attend. Dorothy Anderson continues to be a great help, she is the Director of Constituent Services at Senator Hagel's Lincoln Office. We are looking at teaming up with WorkWell, Inc. this year for the awards ceremony and emphasizing the importance employees and employers on health care and having a healthy workforce. According to the CDC Behavioral Risk Factor Surveillance Survey for Lancaster County, "one out of every ten respondents indicated they did not see a doctor during the past 12 months when they needed one because of cost."

The Assistant Health Director (AHD) worked with the Executive Director of the Human Services Federation on a grant to do Human Services Planning for Lancaster County (formally the Community Services Initiative (CSI) project under the UN-L public policy center). The grant was completed and submitted on November 19th to the Lancaster County Joint Budget Committee and the United Way of Lancaster County. The total award would be for \$100,000 if funded.

The AHD continues to represent the Health Department and volunteer on the Matt Talbot Kitchen and Outreach Board of Directors. He assisted by facilitating a strategic planning discussion at the September and October meetings. Matt Talbot Kitchen is currently serving over 100,000 meals annually. In addition they have outreach programs that assist people with self-sufficiency, life skills and other basic material needs.

The Department's Annual Report will be sent to the printer approximately December 17th. The report covers many of the Department's highlights from the past year with a particular emphasis on accomplishments around our strategic plan goals and actions.

The AHD has been working with the NEHHSS on Federal budget action related to the Preventive Health and Health Services Block grant. The Federal omnibus budget was passed the evening of November 20th and level funding was maintained for the block grant. This is good news since large cuts in PHHS block grant funding was being discussed and anticipated by many states. The AHD serves on the NEHHSS block grant advisory committee.

Automatic External Defibrillators (AEDs) continue to be placed in the community. The Police Department used one of the AEDs placed in a police cruiser for the first time this month on a heart attack victim. There are over 120 AEDs registered in the City by Lincoln Fire and Rescue. The AED consortium is currently helping Hastings, NE with an AED project for their community.

The AHD assisted with the November 13th flu clinic at Lincoln East High School. Several pictures were taken by Board President, Dr. Ed Schneider, and are available by e-mail from sbeal@ci.lincoln.ne.us.

RESOURCE & PROGRAM DEVELOPMENT

Building Expansion

Presented to the Public Building Commission at their November meeting on the progress of the building expansion. Received approvals to move forward with issuing the bids for general contractor in December.

Working with Clark Enersen to complete the final construction documents for the bid documents.

Completed bids for the system furniture. The contracts will be split for the new and existing buildings which will result in an approximately \$40,000 savings.

Loop Tech well drillers are working on the drilling of the wells for the geothermal system to enable LLCHD to receive a rebate of approximately \$35,000-\$40,000 from LES for the system.

Dental, WIC, and Nursing have been working on the clinic call system for the staff communication system.

Final selection of the contractor will be made in January and the project is still on schedule to begin in March 2005.

Diabetes Funding Group

Convened the diabetes funding group with representatives from Bryan LGH, St. Elizabeth, Nebraska Heart Institute, HHS, Four Star Drug, Health Partners Initiative, Union Bank, Lancaster County Medical Society, Community Health Endowment, and LLCHD. The group will work to secure funding for the diabetes initiatives that the work groups have established.

The funding group will determine the resources to match the needs, determine the fiscal agents for the initiatives, and determine the priorities for applications to CHE and others to meet the needs.

ANIMAL CONTROL

In October, Animal Control officers responded to 1,650 requests for services (requiring 1,833 visits or investigations) which included 54 bites and 12 attack investigations, 107 injured animal rescues, 36 cruelty/neglect investigations, 251 dead animal pickups, 21 home deliveries of at large animals, 42 wildlife removals, and 158 license/rabies vaccination follow ups. As of October 31, Animal Control Officers have responded to 3,392 calls in FY 2005 as compared to 4,461 for the same period in FY 2004 or a decrease of 31.5%.

A total of 421 animals (201 dogs, 209 cats, and 11 other animals) were impounded in October. Year to date, the number of impounded animals is 4.0% higher than the same period last year. The average claim rate of impounded animals at the shelter is 42.6%.

Additionally, 4,423 licenses were sold or issued, 168 lost and found reports were taken, and 3,614 phone calls for service, animal complaints, or information were handled or processed in October. Legal action taken by Officers in October was the issuance of 57 court citations and 183 warning/defect tickets.

The Office Manager and the Animal Control Manager met with two representatives of the Beatrice Animal Control Program to provide information about the Lincoln program and responded to their questions.

Erika Wachal was hired to fill an Animal Control Officer I vacancy in the Division. Her first day is December 2.

Animal Control Officer DeMon Wimes responded to a call of strong odor coming from 4525 Valley Road. The owner allowed Officer Wimes to inspect the home who found an accumulation of feces mixed with newspapers in the basement and also on the first floor. The owner, John Doan, admitted the situation was bad and that he had 16 cats in the house which were not licensed or current for rabies. The owner signed over the cats and

they were impounded by Officer Wimes and Officer Trent Smith. The owner was cited for no license, no rabies, exceeding limit, no permit, and sanitation.

Officer Kurt Dodd responded to a call to assist an owner with getting his cat out of a wall. When he arrived at the home in the 300 block of NW 16, the owner appraised him of the situation and upon further inspection, it was determined the cat was actually in a furnace vent pipe beneath the house. Working together, a hole was punched through the vent pipe in the crawl space of the home. The adult cat was removed and found to be healthy.

Animal Control Officer Wimes responded to a sign over of two pitbulls at 746 Rose Street, #2. The owner, Shawn Green, had been arrested for alleged distribution of drugs and was in jail. His female companion and her children were being evicted and could not take the dogs with them. Animal Control has responded several times to this address due to complaints of lack of proper care and injured animals.

COMMUNITY HEALTH SERVICES

ACCESS MEDICAID

Population Focused Projects and Activities:

The call abandonment rate this month was 19%, which is an increase from last month. This increase was expected since staffing is down by two full-time public health nurses. Call volume was decreased with 1,652.

The number of program eligibles as of October 1, 2004, was 17,930, which is a decrease of 2 clients.

There were 33 clients who accessed Nebraska Health Connection/Kids Connection services in the office, which is a decrease of 7 clients as compared to September 2004.

The Client Resource Specialist (CRS) completed 44 home visits in an effort to reach 69 clients. He was successful in interacting with 39 clients for the month of October.

Community Linkages:

Access Medicaid provided outreach at several locations throughout the month of October. Community activities gave the CRS the opportunity to provide formal presentations or informal opportunities for staff and/or clients to receive managed care education or ask questions. These activities afforded Access Medicaid to interact with approximately 416 clients and 624 staff members from a variety of agencies, including Southeast High, LAP, F Street, Everett PTC, AirPark Halloween celebration, and Peoples Health Center. Access Medicaid had a booth at the Minority Health Conference, which is a statewide

conference held in Lincoln this year. We were able to speak to a variety of staff members from area agencies.

The CRS and a Public Health Nurse continue to do presentations at area high schools for their teen parenting classes.

The following outreach events had funding designated in October:
Center For People in Need - The Giving Thanksgiving Activity - \$5,000.00.

New Opportunities:

All staff continues to be involved in strategic planning work groups.

All staff completed Domestic Violence Training.

All staff attended staff development day.

Several staff attended the Minority Health Conference.

The Program Manager continues to assist with co-managing the division.

Data Collection:

17,930 total clients were eligible for Medicaid Managed Care with 17,095 active with a PCP and health plan; this represents a decrease of 32 clients as compared to September who were active with a PCP and health plan.

797 new clients were eligible for Medicaid Managed Care in Lancaster County; a decrease of 10% as compared with September.

682 clients voluntarily enrolled with a doctor (PCP) and health plan via face to face or telephone contact, representing a decrease of 31 clients.

77 clients were auto assigned reflecting an 10% auto assignment rate.

There were 1,652 incoming calls in October reflecting an 5% decrease in call volume. Staff answered 1,355 calls.

Program Summary:

Systems Specialist II position (.5) open. Several interviews were conducted with no candidate chosen.

PHN I position (full-time) started on October 25, 2004; her name is April Fatemi. The second full-time PHN I opening was re-opened. It was closed at the end of the month with three applicants. We are awaiting the list from the Personnel Department.

HOME AND COMMUNITY BASED SERVICES

In October 2004, Public Health Nurses (PHNs) had a Total caseload of 430 families. Of these, 44 families were followed by student nurses and 68 families needed interpretation in order to receive PHN services. There were a total of 123 referrals received, of which 101 were new. Forty-eight new records were opened to service and another 68 families were assessed by nurses for possible entry into home visitation. Beginning this Fiscal Year, nurses have seen 666 unduplicated families. Last year at this time, 637 unduplicated families had been seen.

A single mother of 6, pregnant with number 7 and due to deliver soon, moved to the City Mission from Tennessee to avoid a domestic violence issue there. She was referred to Presumptive Eligibility clinic to access care for the pregnancy and is on a waiting list for housing. Prenatal care was obtained before the delivery of her baby boy. She is staying at the Mission because she needs help in locating affordable housing and has few financial resources. The PHN has been able to link her to needed personal health services and monitor the growth and development of her baby. Information was given to her about community resources in Lincoln and referrals made.

Community Health Services Home and Community hosted a Nutrition and Obesity School Nursing Inservice in October. Evaluations were excellent and 42 school nurses attended. School policy recommendations were discussed and several nurses indicated they were going to discuss changes in physical fitness and school vending machines with their administration.

Two assistant supervisors successfully completed a Data Use Academy Project on Gaps in Community Asthma Services this month. The project's outcome provided evidence that patient education is the key to success in asthma management.

Since the HIPAA regulations, the Primary Care Provider s (PCP) offices have not been giving referrals to PHN's. Staff continues to work on getting referrals from the PCP office to our PHN's. Nurses in the PCPs offices have agreed to ask clients if there is an interest in PHN visits at the initial nurse. With this focus, high risk clients may get referred that haven t already been identified through the presumptive process. Staff are working with UNMC graduate students to develop a community assessment tool

for Census Tract 4. The students have presented the project to the CHS nurses at team meeting. The students were invited to a community meeting at Northbridge in November and one will be attending. The students were also referred to Free To Grow as this project is in the designated area.

New Opportunities:

CHS Staff Development in October was a session on Strategic Planning. All staff attended. The November Staff Development will be the final Strategic Planning session.

PUBLIC HEALTH CLINIC

Information and Referral:

Medicaid Access Coordination Program (MAC)	FY 04-05	FY 03-04
4,350 Total Calls	7,235	5,570
990 Calls Related to MAC	1,937	1,646
89 # of families established medical home	197	220
66 # of Presumptive Eligibility Determinations	143	155
89 Pregnant Women	194	215
936 Rides approved for transportation	1,874	1,602
113 Requests for Medicaid status verification	211	145
3 Care Coordination requests	5	27

I&R Staff Activities:

PHN Serves on ERC Committee and attends monthly meetings.

PHN s interacted with expectant mothers via the tracking and assessment component of the MCH program. 66 contacts were made this month.

Participated in LPS Lincoln Early Childhood Planning Region Team meeting.

PHN serves on monthly QI Council.

PHN provided Dental Follow up on 38 clients.

PHNs attended Strategic Planning sessions

PHN continues to developed policy/procedures for General Assistance Program and attended 3 GA meetings. PHN participated in a State MCH meeting.

PHN continues to meet regularly with staff to work on program accountability.

PHN participated in 3 Primary Care Clinic meetings.

PHN participated in the Tobacco Free Lincoln Coalition meeting and attended the

Tobacco Free Nebraska meeting in Grand Island.

PHN is involved in a CATCH planning grant that is looking into the resources for home visitation in Lancaster County and the gaps in this service.

PHN was involved in the planning and implementation of the Domestic Violence In service for all Health Department staff this month.

PHN processed prescription refill request for 58 clients and patient assistance for prescriptions for 40 clients.

Highlight:

There was a 51% increase in calls to I&R this month compared to last month with 48% of the calls related to flu/immunizations. The number of calls in September regarding flu/immunization were only 18.30%.

DENTAL HEALTH AND NUTRITION SERVICES

Direct dental care was provided for 416 patients for 560 client visits during the month of October 2004.

COMMUNITY AND SCHOOL-BASED SERVICES

Screening/Treatment/Referral Services

Screened 27 clients: 17 clients were screened through LLCHD; 10 clients were screened through the Mobile Health Clinic; 8 clients were referred to Dental College for grant funded services; and 19 clients were referred to the LLCHD Dental Clinic for emergency and treatment services.

Screened 200 students at Hamlow Elementary School.

Screened 30 children in the Head Start program at Hartley Elementary School.

Screened 258 students at Arnold Elementary School.

Mobile Health Clinic Site visits/services

Total Mobile Health Clinic (MHC) contacts for October 2004 - 44 clients/ 7 site visits

Dental Services

Total Mobile Health Clinic (MHC) Contacts for October - 15 clients/3 site visits.

Screened 1 client and provided 2 consultations at the Lincoln Action Program using MHC (1 site visit).

Screened 9 clients and provided 3 consultations at Matt Talbot Kitchen using MHC (2 site visits).

Nursing Services

Total Mobile Health Clinic Contacts for October at the Gathering Place - 9 clients/1 site visit (2 African Americans, 7 Caucasian). Five clients were referred for services and/or follow-up: 1 to Community Mental Health, 2 to Primary Care Provider, 1 to Mobile Health Clinic for re-check, 1 to LLCHD Primary Care Clinic or LAP Clinic, and 3 clients were seen for Drug Court.

Speciality clinics

Total MHC Contacts for October: 20 clients/3 site visits.

SunMart (west) for Diabetic Risk Assessments - 5 clients (5 clients had abnormal screening results or elevated risk factors). Two clients were referred. Referrals included Peoples Health Center or Lincoln Action Program Clinic.

Klein's Market for Women's Health - 8 clients (8 clients with abnormal screening results or elevated risk factors). Six clients were referred. Referrals included Peoples Health Center, LLCHD Primary Care Clinic, Every Woman Matters Program, Mobile Health Clinic and a primary care provider.

Zion PCA Church for Women's Health - 7 clients (5 clients with abnormal screening results or elevated risk factors). Three clients were referred. Referrals included Mobile Health Clinic, LLCHD Dental Clinic, Peoples Health Center and the Every Woman Matters Program. Spanish language interpreters were provided by LLCHD.

Clinic at SunMart (south) for Diabetes Risk Assessments was canceled due to MHC generator repair.

ORAL HEALTH PRESENTATIONS

Total audience reached: 579

One presentation at Helen Hyatt Elementary School for 20 children.

One presentation at Clinton Elementary for the Community Learning Center Program for 60 children.

Provided education and information dissemination for 85 children at the F Street Community Center Health Fair.

Provided education and information dissemination for 120 children and parents at the Elliott School Health Fair.

Provided education and information dissemination for over 200 children and parents at the Carol Yoakum Family Resource Center Halloween Party.

Provided dental presentations and education at Camp Fun-a-Lot held at the Air Park Recreation Center for 60 homeless or near homeless elementary children.

Oral Health Education during MHC site visits for Women s Health Issues and Diabetes Assessment Clinics: 3 site visits/34 clients; Diabetes Risk Assessments at SunMart (west) - 12 clients; Women s Health at Klein s Market - 15 clients; Women s Health at Zion Church - 7 clients; and SunMart (south) canceled.

WIC PROGRAM SERVICES

Total client participation (vouchered) - 3131

The WIC staff are beginning work on the following State Plan Strategic Goal for Health and Nutrition: By 8/1/06, 53% of children ages 2-4 with a BMI \geq 85% will have improved their BMI value at certification. Staff have identified the following ways staff can model wellness behaviors: 1) water as beverage of choice at desk, no pop containers, or containers that advertise soda products or fast food; 2) healthy snack choices at desk or break; 3) WIC Walks Nebraska - a visual trek across Nebraska, tracking WIC staff s physical activity; 4) referral rack containing community programs and agency information that promote physical activity and healthful family activities; and 5) staff involvement in community organizations such as the Lincoln in Motion Council.

MISCELLANEOUS

Two dental assisting students from Southeast Community College rotated through the Dental Clinic.

Four dental hygiene students from the UNMC College of Dentistry rotated through the LLCHD Dental Clinic.

ENVIRONMENTAL PUBLIC HEALTH

AIR QUALITY PROGRAM

Staff conducted (32) land-use reviews and provided written comments to the Planning

Department. Land-use Review applications of note include:

A special permit application for a proposed pre-school was reviewed. This application involved the review of a large underground natural gas pipeline that bisected the property. LLCHD calculated a hazard area of approximately 150 feet. LLCHD strongly encouraged restricting the children's access to the delineated hazard area. LLCHD recommended approval of this application since the hazard area did not encompass any occupied building on the property.

24 surveillance checks for odor and opacity (smoke) were completed at various air pollution sources in the City of Lincoln. All were found to be in compliance.

Staff provided comments to the Planning Department relative to proposed changes to a special use permit on motorized vehicle racing events. A motocross race track is being proposed for location at Southwest 2nd & South Streets. Staff took background noise readings near the north end of Wilderness Park on 10-20-04. This is an area that could be impacted by noise associated with a proposed motocross track near Southwest 2nd and South Streets.

Source inspections were conducted at LES 8th & J Generating Station, Quebecor, Goodyear, Husker Auto Body Shop, and 11 grain elevator co-ops).

Staff issued 4 noise variances and 5 burn permits.

Staff provided consultative assistance on permit and Federal regulatory required to Goodyear, Theresa Street WWTP, AGP Grain Company, Novartis, ADM, Yankee Hill Brick, Bluff Road Landfill, and Countryside COOP Elevator in Princeton, Nebraska.

Discussions have been undertaken with a representative from Yankee Hill Brick relative to a variance request. YHB is requesting a two week variance that would allow them to fire a limited amount of brick in a new kiln, currently under construction, without emission control.

Staff completed a permit modification for LES Salt Valley Generating Station. The permit will be issued in early November pending some administrative changes to be requested by LES.

Staff met with Public Works staff to discuss the modeling of fugitive emissions at Bluff Road landfill in an effort to address the PSD, PM10 increment violation discovered during the review of the LES Salt Valley Generating Station initial construction permit.

731 hours of Carbon Monoxide (CO) sampling and 742 hours of Ozone sampling were conducted. 15 PM2.5 samples were taken. All were within the National Ambient Air Quality Standards.

CHILDREN S ENVIRONMENTAL HEALTH

The CEH website had 204 hits to case studies on Lead, Mercury, Nitrates and Meth. Staff also presented the children exposed to methamphetamine labs case studies to 42 UNMC nursing students.

The Child Care Health Consultant provided a policy and illness prevention training in the evening to a Southeast Community College Early Childhood Class. 18 students attended the training.

Plans for four new child care facilities were reviewed.

Community Education and Technical Assistance

7 applications and/or renewals were received for the city permit.

15 child care centers in Lancaster County are actively involved in the Child Care Health Consultation Program. 9 child care centers were visited this month. Highlights from the visits included working with Merry Manor to update illness exclusion policy, implement daily health checks, and encourage parents and children to use hand sanitizers when they enter the facility.

Supervisors and staff are working to meld efforts of CEH and the Food Safety programs in regards to high risk populations toward safe food preparation, service and storage.

Investigation and Enforcement

41 small family child care and 8 child care center inspections were completed.

EMERGENCY RESPONSE

Staff responded to the following incidents in October: BNSF derailment/spill; mercury spill; Bryan LGH West release of possible tuberculosis-contaminated liquids from glass pipe; diesel fuel release from vandalism; Tri-Con release of Toluene di-isocyanate (TDI) with water into storm drain; Bowling Lake/mysterious container; O Street cattle manure spill, and a report of a fish kill at Holmes Lake dog run, no cause was found and kill was limited to about a dozen fish.

ER Staff attended 2 MMRS meetings, 1 Hallam 1st responder debrief, a debrief on the BNSF derailment, attended a meeting on the clean-up of the BNSF derailment, training for SWAT/EOD/Hazmat from the Department of Homeland Security.

FOOD PROGRAM

A presentation was given at LLCHD by Lancaster County Extension Educator Alice Henneman and Food Safety Program Supervisor Joyce Jensen to the University VIP Tour on the use of the web to provide and promote food safety education and materials.

The Fall Food Manager Renewal Class was held October 13, 2004 at the Lancaster County Extension Office. There were 88 in attendance. Evaluation results confirm that the featured speaker, Dr. John Rupnow from UNL, was both informative and enjoyable.

34 complaints on food establishments were received, with 8 reports of possible foodborne illnesses.

Golden Coral was issued a Food Enforcement Notice due to a refrigerator that was holding potentially hazardous foods measured at 65 degrees F.

There were 950 foodhandlers trained in good hygiene and sanitary practice.

The Food Safety Supervisor attended the annual FDA Southwest Regional meeting in St. Louis. She participated in a panel presentation about Farmer s Markets highlighting our permitting, training and inspection process. There were presentations on Food Security, BSE (mad cow),FDA program and training updates, FDA Program Standards, Norovirus outbreaks and motivating employees.

WASTE MANAGEMENT

The Safe Use, Storage and Disposal information was presented to four elementary schools, the Lighthouse After-school Program staff and the Malone Center s Senior Lunch Group.

The Environmental Public Health Educator participated in Health Fairs at F Street Rec and at the Belmont Community Center.

A Household Hazardous Waste Collection was held this month at LLCHD with 269 participants bringing in 11,880 lbs of household hazardous waste.

Organized Conditionally Exempt Small Quantity Generator (CESQG) Collection event for small businesses. Reviewed over 50 Small Business Collection - Data Sheet & Waivers. Signed up 30 Small Business for the CESQG event.

Approximately 82 Special Waste Disposal Permits were issued. 54 businesses were provided technical assistance with waste disposal and Special Waste program-related questions.

HHW Coordinator attended training and received certification on DOT Specialized Hazardous Waste and Substance in Oklahoma City from the Transportation Safety Institute, US Dept of Transportation RSPA Division.

WATER QUALITY

Staff attended a meeting between the NDEQ and officers of the Nebraska On-site Waste Water Association to discuss issues that pertain to the role of the Professional Onsite Wastewater System Advisory Committee and the NDEQ

Staff participated in the taping of a segment on on-site wastewater systems for the Market Journal, an ETV production. The segment emphasizes the importance of regulators, installers, and homeowners working together to insure a properly sized state of the art system is in place.

A meeting was held with the staff of the Lincoln Wastewater System to discuss obtaining timely information about when a property has sewer laid within 300 feet and needs to be connected to City sewer.

Staff provided technical assistance to board members of a homeowners association on a storm water structure. The board requested advice for addressing recent structure

rehabilitation and whether the work was adequate to prevent future mosquito harborage. Some homeowners are very concerned about exposure to West Nile Virus disease.

HEALTH DATA AND EVALUATION

On October 5, 2004, the nation and LLCHD learned that one of the two major producers of influenza (flu) vaccine would not be shipping vaccine this year. As an agency we had ordered 5,000 doses of vaccine from Chiron that put us into action to assess the impact on Lancaster County. Many of the activities for the month reflect the flu vaccine shortage.

One of the first things HDE staff did was establish a flu hotline (441-0358) and a web page on the City's website to share information with the public. The listing of who should and should not get a shot this year was among the first items posted to reflect the CDC recommendations.

LLCHD leadership made contact with local grocery and drug stores that were offering public clinics to be sure that they would only be giving shots to the CDC defined, high risk population. There was assurance from the private companies, Maxim and OccuVax, that they would turn people away who were not in the priority groups. The public clinics were announced on the flu hotline, and shown on the web page mentioned above.

After it was determined that there would not be enough flu vaccine this flu season to give everyone in the high risk categories a shot, the Communicable Disease Coordinator, the Health Director, and the HDE Division Manager, prepared information and discussed the flu vaccine shortage with members of the media, including taping a segment for Channel 5, the local provider community and the Board of Health.

Using a prototype from the CDC, HDE and HPO began distributing a poster emphasizing ways to avoid the flu for those who would not be immunized this year. The poster was made available in news releases and can be downloaded from the Cooperative Extension website.

Working together with the leadership of Lancaster County Medical Society, Department leadership began to stratify the population groups within the CDC listing that should get first call for the available flu vaccine supply. The highest priority groups were outlined in a Physicians Advisory, and included among others, persons living in nursing homes, persons of any age with major respiratory conditions or those immuno-compromised persons in the community and children 6 to 23 months for whom vaccine was available through the Vaccine For Children (VFC) program.

While LLCHD held off using our small supply of vaccine until we were sure those individuals in the stratified priorities had their needs addressed, we began offering VFC vaccine to children aged 6 to 23 months in our Clinic. The Department also began to seek the purchase of vaccine from local sources who had some remaining flu vaccine after addressing the needs of their staff or employees/students. Bryan LGH, Wesleyan University and the Nebraska Heart Institute sold us their leftover vaccine. A local manufacturer, that wishes to remain anonymous, also donated vaccine that ordinarily would have been used for employees. The donated vaccine was requested to be used for children aged 2 to 18 with special health needs.

Given the fact that most Lancaster County nursing homes had little or no vaccine was an immediate concern. Fortunately, OccuVax, the Omaha-based company that contracted

with HyVee and other businesses for their flu clinics, offered to vaccinate nursing home residents and direct care staff. Nursing home administrators were given OccuVax s number and arrangements were made between the parties to serve that critical need in the community.

Once we were assured that the LLCHD would be receiving vaccine from Aventis to replace the Chiron order, staff contacted local physicians offices and found out how many doses were needed to address those patients on the stratified priority list. LLCHD sold them vaccine, at cost, to meet the needs of those highest priority patients.

Having addressed the most critical local needs, an intra-agency team began planning for a special flu clinic at Lincoln East High School for November 13. In fact, staff from Community Health Services, HDE, HPO and Information and Fiscal Management put together a well-organized plan, with assistance from staff throughout the Department, that resulted in a very successful clinic.

On another issue, the HDE Division Manager met with the Community Diabetes Funding Committee for the presentation of the Diabetes Prevention Committee s budget proposal. The Screening and Referral proposal and Treatment and Management Committee proposals were deferred until November 18.

COMMUNICABLE DISEASE SECTION

A great deal of time was spent addressing the flu vaccine shortage in our community. Staff worked on acquiring additional vaccine for use with high-risk individuals. Late in October flu vaccine was made available to children 6 months to 23 months of age. Later through a donation of vaccine from a local work site, flu vaccine was made available to high-risk children 2 years to 18 years of age. In addition, a total of 149 vials of flu vaccine were distributed by the Department to local health-care providers to cover their most at risk patients. As the Department benefitted from local facilities making vaccine available to us, along with the CDC re-allocation of vaccine, the Department was able to hold a Public Flu clinic for all high risk individuals on November 13th. A number of news releases were issued by the Department related to the flu vaccine situation. On November 18th, the Department was able to make flu vaccine available to all high-risk children and adults on a daily basis at the main office.

Program Supervisor participated in a meeting with NHHSS and CDC to review State progress in the area of BT surveillance.

The Communicable Disease program, as part of an investigation it conducted on possible exposure to a lab confirmed case of Pertussis, which took place outside Lancaster County, identified thirteen epidemiological cases of Pertussis in Lancaster County individuals. All had a clinical history compatible with Pertussis but lab confirmation on those tested were negative. B. pertussis, the bacteria that causes pertussis is difficult to collect and identify through lab tests. Persons with clinical symptoms of pertussis and known contact with a lab confirmed case are considered a case.

Staff assisted the Child Care Program on a presentation on children s diseases at Southeast Community College s Early Child Education program.

Program Supervisor attended a meeting of the Lincoln Public Schools Infectious Disease Committee. The Program Supervisor serves as a member of this Committee.

Program staff presented Common Sense Steps to Flu Prevention to Life Skills Class at Lincoln Action Program.

GRANTS/SPECIAL PROJECTS

Perinatal Hepatitis B Program (PHBP)

Two cases was opened in October; current caseload is 21.

The program continues to provide information to local providers and the public on the prevention of perinatal Hepatitis B virus transmission.

TB Program

Program staff are currently providing direct observational treatment (DOT) on a daily basis to 8 individuals and three times a week to another individual.

Program staff worked with a 56 year old male originally from Lincoln, who was diagnosed with TB in Arkansas and moved back to Lincoln. Staff worked with this individual who is homeless and on daily DOT, to assist him in meeting his needs for housing, transportation and other basic needs.

A total of 9 consultations on TB were provided in October to staff, local health care providers and the public.

MMRS (Metropolitan Medical Response System)

The Coordinator attended a two day kick-off meeting in Atlanta in October for pilot sites selected for Project Public Health Read (PPHR). The Lincoln-Lancaster County Health Department was chosen by National Association of County and City Health Officials (NACCHO) to be one of the second group of pilot sites.

Plans are underway for a mass clinic exercise in April 2005. The exercise will help further refine the Department's mass clinic plan.

EPIDEMIOLOGY/GIS

An evaluation tool for Child Care Facilities was developed for Children's Environmental Health.

Staff finalized the draft of the 2003 Vital Statistics Report and began working on the 2002 cancer registry data for Lancaster County.

The Mid-Decade Healthy People 2010 objectives and indicators for Lancaster County are being developed.

Staff are working on ASP.net (internet software) and Swiff (an online presentation software package) charts to test the feasibility of using Swiff graphs for the LLCHD Online query tool.

Staff answered data requests on census, cancer, poverty, etc. from HPO and EPH Divisions and completed some maps for 2003-2004 Annual Report.

Staff attended GIS Data/Technology Migration Plan meetings to work towards an enterprise solution for City/County GIS data and technology capacities.

Printed large format map for Animal Control dispatch staff. Printed demographic maps for Health Promotion for assistance in tobacco program.

Developed walking school bus maps for Everett and Hartley Elementary schools for use by students walking to school with an adult driver (leading walker).

Working on GIS to develop a downtown "park and ride routes" for Mark Hosking.

QI/ EVALUATION

Attended Diabetes Education Seminar -- Obesity is a Family Affair at BryanLGH East -- in connection with the Community Diabetes Project.

The Coordinator continues to work with all 3 subcommittees and the Steering Committee of the Community Diabetes Project. The QI Coordinator is involved with The treatment & management group in survey results analysis. Staff are spear-heading the evaluation and reporting the survey results.

The QI Council has been working intensively on its annual FALL REVIEW. The Charter has been condensed from 8 pages to 1 page in length. A lot of effort and thought has been put into this. The Council has met a couple of extra times to revise the Charter to its satisfaction. The Health Director has approved of the changes and has asked us to present the revised Charter to Division Managers for an open discussion. This has been scheduled for later this month.

The translation into Spanish of the Respite Training Manual and materials is progressing.

Completed the "hand-over" of the recommendations of the Clinic Records Management Fishing Expedition to the Health Director who will be the Implementation Champion.

Attended the Edgerton Quality Awards Convention. The Governor officiated in the awards ceremony and there were 2 podium addresses from Baldrige Quality Award Recipients (Sisters of St. Mary's CEO & the (just retired) CEO from Boeing). The Governor declared the month of October the State of Nebraska's Quality Month. QI Coordinator has been working with the Public Health Nursing Accountability team on several projects.

HEALTH PROMOTION AND OUTREACH DIVISION

ADOLESCENT AND FAMILY HEALTH

Staff participated in a monthly meeting with the Neighborhood Service Exchange Program. Ideas were shared of how to best implement the new concept to the Lincoln community and ways to collaborate with the Health Department.

Staff continue to coordinate the smoking cessation project made possible by a grant through UNMC. The Health Department is collaborating with Saint Elizabeth and BryanLGH to provide the community free cessation programs through May of 2005.

Staff participated in a CLC Health Fair at Elliot Elementary. The fair was held in conjunction with a pancake feed. There were approximately 250 people who attended the event.

Staff attended a family violence presentation from Lundy Bancroft who is considered one of the world experts on domestic abuse and the behavior of abusive men. Staff met with staff members from F-Street Recreation Center to discuss implementation of 40 Developmental Assets on an on-going basis with activities at the Center.

Staff attended Sexuality Education Conference to learn best practices in preventing teen pregnancy. Other members of the Teen Pregnancy Prevention Coalition also attended so we can all work towards a 1, 3, & 5 year strategic plan for the Coalition.

CHRONIC DISEASE & EVERY WOMAN MATTERS

During October, 12 enrollment forms were distributed, 6 re-screening cards were issued, 3 contacts were made to women enrolled in the program who needed screening, 49 contacts were made to women who needed re-screening, and 12 contacts were made to women who needed mammograms.

Recall Management Report from DHSS

During October, the Recall Management Report from July was received from DHSS and indicated that 3 women who enrolled had not been screened, 44 women needed re-screening, and 12 needed mammograms done. 4 of these women were Spanish speaking and 8 were Vietnamese speaking.

Lifestyle Intervention Activities:

53 women were successfully contacted during October. 38 women are currently participating in the program. Eight women are committed to attend ABC healthy Lifestyle classes, one is currently involved in completing an ABC class and 29 women are involved in self-study.

Community Outreach Activities:

During October, EWM program information was provided to 25 women at the annual Women's Health Fair at Wal-Mart on North 27th. Several boxes of free booklets on Speaking on Women's Health which includes recipes for health, well-being and personal safety were provided to staff for distribution within the community. 20 EWM brochures were provided for the Elliott Elementary School Health Fair. Brochure holders are currently located at 12 sites within the community, including Plaza Pharmacy, Wagey Pharmacy, Super Saver Pharmacy (both the 48th and O and 27th and Cornhusker stores), National Pharmacy, Spanish Bakery, Oriental Market, Vina Market, Walgreens (27th and Vine), ALPS, The Hair Exchange (in Bennet) and Banner House Fabrics & Gift Shop (in Panama). Distribution at these sites is being monitored.

An EWM presentation was given to 16 women at a Methodist Church women's group and to 8 women at Lancaster County Corrections. EWM information was also distributed to 20 women at the Salvation Army Food Net and to 15 women at the Indian Center Food Net.

Health Lifestyle Support Project:

A meeting with staff from Health Data and Evaluation provided guidelines for a database to compile outcome data from monthly contacts with program participants. A dietetic student from UNL is assisting with monthly meetings by providing nutritional information and encouraging participation in the 5-a-day- nutrition incentive program. Mike Heyl has assisted in developing an incentive program for physical activity. Nutrition and physical activity will now be monitored on a monthly basis.

13 women attended the third monthly session of the Healthy Women for a Lifetime group. Dr. Carolyn Cody presented information on the importance of regular mammograms and early detection of breast cancer.

Susan G. Komen Foundation Grant:

On October 23, a Breast Cancer Awareness Luncheon for Asian Women was held at CEDARS Northbridge Center in conjunction with the Asian Community and Cultural Center. Approximate 50 women attended this event (three-fourths of the women were Vietnamese and one-fourth were Chinese). Coordination meetings were held with Modesta Putla, Director of the Asian Community and Cultural Center, and Dr. Chau, a female Vietnamese physician who was the speaker at this event. Promotional materials were developed and distributed in the community. NCI breast cancer information for Asian women was obtained from Bryan LGH. Huong Bui, our Vietnamese EWM outreach worker, assisted with providing information on the EWM program to Asian women.

Coalition for Older Adult Health Promotion (COAHP):

The Annual Meeting for the COAHP was held October 15th. Community Health Awards were presented to Geri Hepp, DeLayne Peck, Mary Kelly, Earl Kraft and the Star City Lions Club. Dr. L. Dennis Smith was the featured speaker presenting Investigative Research- Changing the Future of Aging which included information on various types of stem cell research.

Mobile Health Clinic:

15 of the 20 people screened at 3 health clinics had health risk factors identified. A Diabetic Assessment Clinic was held at SunMart West (4 of 5 people seen had risk factors). Adult Health Screening Clinics were held at Klein's Market (7 of 8 people seen had risk factors) and Zion PCA Church (4 of 7 people seen had risk factors).

Lincoln Lancaster County Crusade Against Colorectal Cancer:

Grant report on activities and expenditures for the 2nd year was completed. Plans were developed for the third and final grant year. Health care provider outreach will be emphasized and will include a CEU-CDR Rom for physicians which has been developed by ACS.

Women, Tobacco and Cancer:

500 Quit Kit Bags were put together for distribution to smokers who wish to quit. Guidelines for distribution of the kit were developed and an entry form for incentive drawings was developed. Orientation was provided for coordinators for the Presumptive Eligibility Clinic and Mobile Health Clinic efforts which are to begin on November 1. A post card follow up evaluation will be sent to individuals about one month after they received a Quit Kit Bag .

EARLY DEVELOPMENT SERVICES COORDINATION

During the month of October 2004, there were 30 referrals made to the Early Development Services Coordination Program. Of the 30 referrals, 15 were younger than 2 years of age (program target population). In comparison, the average number of referrals for the month of October for the past nine years (Sept. 1995- August 2004 time period) is 24. These referrals were received from: parents - 16; physicians - 5; other health - 2; other agency - 5 (0 CPS/Foster Care); and E.D. transfer - 1. Reasons for referral include the following concerns: speech/language/hearing - 15; hearing only - 1; overall development - 5; motor - 5; diagnosed condition - 4; behavior - 0. Ages at referral: less than 1 year - 7; 1-2 years - 8; 2-3 years - 13; and 3 years (eligible to 8/31) - 2.

During October 2004, the Early Development Services Coordination Program billed HHSS for services to 175 children (\$32,550). 118 of the children were Medicaid eligible (67.43 %).

Services Coordination Program Activities and Community Linkages:

The Early Development Services Coordination (EDSC) Program participated in the following public awareness and community activities: 1) Co-presentation at the Lincoln Public Schools Staff Development Training on the topic of Pediatric End of Life Care ; 2) Program information and public awareness materials to share with families and staff were provided to the following community contacts: Thompson Kay, Tutoring Services, Bruce Cudly, Region V Developmental Disabilities Council, Andrew Nelson, Lincoln Journal Star, and Dr. Dodge, LMEP; 3) representation at the local CAPTA (Child Abuse Prevention and Treatment Act) planning meeting at HHSS, Lincoln Local Office and at the Young Child CASA Intervention Training Planning Group. CASA Training is scheduled for 11-20-04 and a presentation will be done by EDSC; 4) a Madonna Outpatient Pediatrics Update for staff members; and 5) Began the Spanish Translation Project for Respite Information and Training Materials using LLCHD interns and volunteers.

LINCOLN ON THE MOVE

Staff continues to be involved with the Healthy Weight Task Force hosted by LPS. The Healthy Weight Task Force will be forwarding our recommendations to Superintendent Gourley and the School Board. We will also be making an application for a \$10,000 grant from the Community Health Endowment in cooperation with LPS to address healthy food choices by adolescent children in the public schools.

The Active Living Lincoln coalition continues to grow as do the sub-committees on children and adults. The children's sub-committee is emphasizing environment and policy that impacts physical activity, including recess and physical education policies in schools. The adult sub-committee is assessing ways the agencies can work together more effectively to increase physical activity among adults.

On October 18, staff participated in a radio call-in show at KZUM focusing on childhood obesity. It is a segment of a 4-part series sponsored with CHE funds. Staff from HPO and Health Data & Evaluation joined Dr. Raymond from HHSS as guests on the show.

On October 24, we provided a display as a part of the Carol Yoakum Family Resource Center's annual Halloween Bash at Air Park Recreation Center where we had over 200 children and their parents attend and get information on physical activity, nutrition, and other information provided by various programs at LLCHD.

Staff participated in Camp-Fun-A-Lot at Air Park Recreation Center. Presentations on developmental assets, physical activity, and oral health were done for 4 groups of youth with ages ranging from 8 to 15. (Total of 56 youth) These youth were from homeless or near homeless families. The Camp was a project of the Volunteer Partners organization and was funded by CHE funds.

Work continues on promoting the Women Lead the Way walking program, the Heart Truth program in Census Tract 20, and the All Recreate on Fridays (ARF) campaign.

On November 9, staff presented the final report for Summer Food Program at the LLCHD Board of Health.

HEALTHY HOMES

Healthy Homes began in August 1993. Since then we have had 2,256 families referred to Healthy Homes. 143 families are actively participating, 106 families are in process of being contacted. We received 18 new referrals this month. The number of contacts to our participating families made by Healthy Homes staff in the month included: 81 home visits, 253 telephone contacts, and 93 accompany clients to physician visits/other community services and agencies.

INJURY PREVENTION

Staff coordinated car seat check-up events at Colledgeview Church and Husker Auto Group. A total of 56 seats were checked. Twelve seats arrived uninstalled. Of the installed seats, only 5 were found to have no mis-use. A total of 9 seats were distributed to replace outdated, damaged, recalled, or otherwise unsafe seats. Sponsors of these events included, Colledgeview Church - Health Ministries, CEDARS Youth Services, and the Lincoln-Lancaster County SAFE KIDS Coalition.

Staff coordinated the Health Department health fair at the F Street Recreation Center. Seventy children participated in the interactive fair that included booths on dental health, nutrition, dangers of tobacco, household hazards, pet safety, physical fitness, and occupant protection.

Staff facilitated the monthly meetings of the SAFE KIDS Coalition and the Pedestrian Safety Task Force. The Coalition Task Forces are developing their individual 1-3 year strategic plans. The 3rd Annual SAFE KIDS Celebration highlighting the year's activities will be held on December 2. The Pedestrian Safety Task Force is attempting to merge three data bases (Injury Surveillance E-code data, CODES data, and LPD accident report data) to gain a greater perspective of the local child pedestrian injury issues. The Task Force is also planning an education day for the children of the F Street Recreation Center. Staff and Lincoln on the Move/EPA grant staff provided information on walking/biking to work and bike safety including helmet sales and fitting to employees of HWS.

Staff and SAFE KIDS Coalition Co-Chair, Susan Epps, met with Kohl's store manager to discuss a partnership with the SAFE KIDS Coalition. Kohl's is looking into how they might best benefit the Coalition.

Staff provided an in-studio, live interview on B107.3 and a taped phone interview with KFOR on Halloween safety.

Staff attended the National SAFE KIDS Leadership Conference in Washington, D.C. Staff presented on "Creative Methods of Resource Development" in a round-table format to over 60 coalition coordinators from across the country.

TOBACCO

Staff completed the mailing to the schools with the latest tobacco information and to promote the smoke free home and vehicle campaign. 200 smoke free home and vehicle clings were provided to Raymond Central High School for their Great American Smokeout event. Clings were also provided to Enterprise Rental for their vehicles.

The November LPD compliance check results were 9 out of 35 businesses sold for a 25% non-compliance rate. A story was written in the Lincoln Journal Star. The October LPD compliance check results were 1 out of 46 businesses sold for 2% non-compliance rate.

Staff presented to 22 girls, grades 2-5, from the Carol Yoakum Girls Club watched the smokescreeners video and did activities pertaining to the video; 20 children at F Street Recreation watched a video on smokeless tobacco and did worksheets about SHS, chewing tobacco, and the health effects of tobacco; 12 children at Everett School's After School Program were given a presentation and worksheets and spent time planning their posters for the Great American Smokeout; 15 3rd-5th grade children and 2 teachers at Pershing School, 15 watched the smokescreeners video and took the packets for homework; 30 3rd-5th grade children at Elliott School After School Program watched the smokescreeners video and received smokefree vehicles decals; 40 K-5th grade children at Lakeview School After School Program were given a presentation and worksheets and spent time planning their posters for the Great American Smokeout; staff stuffed 850 quit kits for two grant projects; and tobacco display was used at a "Targeting in on Cancer" event at Malone Center where 23 tobacco quit kits were distributed.

WORKWELL

Approximately 2,500 individuals participated in the 3rd annual Nebraska Fitness Challenge. The Nebraska Fitness Challenge is a 4 week health incentive program designed to encourage individuals to increase their daily physical activity. Each week participants receive points for completing any form of activity. Aerobic type activity, or traditional exercise receives 6 points for every 20 minutes, anaerobic activity such as gardening, housework, shopping, etc, receives 4 points per 20 minutes segment. Participants could also receive extra points for doing small things such as taking the stairs

instead of the elevator, parking in the furthest parking stall, or walking to speak with a co-worker instead of calling on the phone. Nearly 3,000 individuals participated in the 2004 challenge open to WorkWell members companies. Employees, spouses, and children were all eligible to take part in the program. More than 200 prizes were distributed in the challenge including a cruise to the Bahamas, and an annual family membership to Sports Courts.

The WorkWell Executive Director and Marc LeBaron, CEO of Lincoln Plating Company met with Jim Fram, President of the Lincoln Chamber of Commerce. The purpose of this meeting was to explore opportunities for collaboration, especially to move Lincoln to a Silver Well City status. WorkWell will present the initiative to the Chamber Board of Directors on January 6.

Seventy individuals attended the WorkWell Holiday Luncheon on November 17. Charlotte Burke and the tobacco staff provided information on the tobacco ordinance and cessation efforts in the City.

INFORMATION AND FISCAL MANAGEMENT DIVISION

Data Standards

Staff continue to work on the implementation of taxonomy standards to the Information and Referral Database. The database with taxonomy codes has been successfully exported to the statewide database project.

INFORMATION MANAGEMENT

Environmental Health Information System

Division Manager and managers from Public Works, Planning, Building and Safety and City Information Services are developing the framework for coordinating the management and implementation of Permits Plus software.

Staff reviewed Inspect Track software used by Building and Safety in connection with Permits Plus. This provides some additional features for supporting field inspections.

Client Information System

Division staff successfully provided computer capability for the mass flu clinic at East High School. Ten laptops were connected to the client system allowing staff to register people as they came through for their shots. Over 800 of the 1,385 flu shots given to individuals were new to the Health Department.

Information and Referral Database

Staff are working collaboratively with the Human Services Federation to provide the data and template for the annual Community Connection publication of resources.



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

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

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

December 13, 2004

RE: Comprehensive Plan Annual Review

Dear Community Member:

The third annual review of the Lincoln/Lancaster County Comprehensive Plan is scheduled for public hearing before the Planning Commission on Wednesday, May 18, 2005. An annual review is a requirement of the Plan as stated on page F 157 of the Plan:

“Approximately one year following adoption of the Comprehensive Plan and on an annual basis thereafter, the Planning Director will prepare a report entitled the Annual Review of the Comprehensive Plan. Such report may include new and pertinent information about the community; changes in the Plan’s underlying assumptions or any other factors affecting the health or welfare of the community. Such report may include specific proposals to amend the Plan.”

If you are interested in submitting an amendment proposal, the application form and questionnaire are on our website or copies can be obtained at our office. Please fill out the questionnaire to allow our review to more thoroughly understand your proposal and the potential implications.

Amendments need to be submitted to the Planning Department by 4:30 p.m. on Wednesday, February 2nd, 2005. This will allow for adequate time to review the proposals and for questions and discussions with applicants.

Note: There is a filing fee for Comprehensive Plan Amendments of \$250.00. Checks should be made payable to the City of Lincoln. If you have any questions, please call Stephen Henrichsen at 441-6374 or Duncan Ross at 441-7603.

Sincerely,

Marvin Krout,
Director of Planning

cc: County Board, City Council, Mayor Seng
Planning Commission
City and County Directors
Planning Staff

I:\CP\Arev05\2005 AR application letter.ssh.wpd

MEMORANDUM

DATE: December 15, 2004
TO: City Council
FROM: Ray Hill, Planning Department 
SUBJECT: Ordinance that was denied some of which Council now wants to review again.
COPY: file

Attached is a marked up copy of the ordinance that was denied by the City Council showing what would be included and what would not in the new change of zone application.

Should you have questions please contact me @ 441-6371.

Lincoln-Lancaster County Planning Department

LOST

04-185
Change of Zone No. 04045A

Introduce: 9-27-04

ORDINANCE NO. 38-4490

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by amending
2 ~~Sections 27.27.080(b), 27.28.090(b), 27.31.100(b), and 27.37.070(c) to delete “the location of~~
3 ~~proposed free-standing signs” from the list of information to be included with the use permit~~
4 ~~application in the O-3 Office Park District, R-T Residential Transition District, B-2 Planned~~
5 ~~Neighborhood Business District, and B-5 Planned Regional Business District; by amending Section~~
6 ~~27.69.083 to delete the requirement that the location, size and illumination of all signs be shown on~~
7 ~~the use permit application and that it be approved as part of said application and that the sign be in~~
8 ~~keeping with the character of the area in which it is located; by repealing Section 27.69.085 relating~~
9 ~~to permitted signs in a Corporate Office Park planned unit development; by amending Section~~
10 ~~27.69.160 to eliminate the requirement that the location, size and illumination of signs be shown on~~
11 ~~the special permit application and be approved as part of said application and to eliminate the~~
12 ~~requirement that the sign be in keeping with the character of the area in which it is located; by~~
13 ~~amending Section 27.69.220 to eliminate the requirement concerning ground signs when part of a~~
14 ~~landscape screen approved by the Planning Director; by amending Section 27.70.050 to modify the~~
15 ~~requirements after approval of a use permit to allow building permits, certificates of occupancy, and~~
16 ~~subdivision of property to be issued or approved upon substantial compliance with the plot plan as~~
17 ~~approved and to grant the Planning Director the authority to review and determine if a proposal is~~
18 ~~in substantial conformance with the spirit and intent of the approved plan; and repealing Section~~
19 ~~27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083, 27.69.160, 27.69.220, and 27.70.050 of the~~
20 Lincoln Municipal Code as hitherto existing.

1 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

2 Section 1. That Section 27.27.080 of the Lincoln Municipal Code be amended to read
3 as follows:

4 **27.27.080 Use Permit; Procedures and Requirements.**

5 (a) Minimum requirements: No use permit shall be granted upon any property having a total
6 area of less than two acres, except as otherwise provided herein, nor for any plan unless it is in con-
7 formance with all applicable city standards and with all regulations of the applicable sections of this
8 chapter. The Planning Commission shall impose such conditions as are appropriate and necessary
9 to ensure compliance with the Comprehensive Plan and protect the health, safety, and general
10 welfare in the issuance of any such use permits. Such conditions may include an increase in the
11 minimum yard requirements and decrease in the maximum height restrictions set forth in this
12 chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the
13 terms of the use permit, all regulations of the O-3 Office Park District shall apply.

14 (b) Application requirements: Applications for a use permit under this section shall be filed
15 in writing by the owner on a form provided by the city with the Planning Department. Where any
16 portion of the land area of a use permit for technology transfer industries or applications is proposed
17 to be adjacent to the perimeter of the O-3 zoning district and such use is not permitted in the adjacent
18 zoning district, then the applicant must provide information demonstrating how the proposal will
19 mitigate any negative impacts on the adjacent zoning district. The Planning Commission may
20 impose such other standards and requirements for perimeter treatment as are appropriate and
21 necessary to protect adjoining properties from adverse effects and to achieve an appropriate
22 transition of land uses and densities. A preliminary plan shall accompany each application and shall
23 include the following information:

- 24 (1) Boundary survey and gross acreage;
25 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
26 elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
27 (3) Street right-of-way;
28 (4) Utility easements;
29 (5) Adjacent land use and zoning classifications;
30 (6) Location of structures on property;
31 (7) Vicinity map;
32 (8) Date prepared, scale, and north point;

- 1 (9) Schematic and location of buildings;
- 2 (10) Parking areas and capacity;
- 3 (11) Open space for residential uses;
- 4 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
- 5 uses;
- 6 (13) Height of buildings;
- 7 (14) Location of existing trees and proposed landscape plan;
- 8 (15) Proposed vehicular and pedestrian circulation system including egress and
- 9 ingress;
- 10 (16) Building and parking setback lines;
- 11 (17) Grading plan;
- 12 (18) On-site and off-site water and sanitary sewer improvements;
- 13 (19) On-site and off-site drainage and storm sewer improvements;
- 14 ~~(20) Location of proposed free-standing signs;~~ *LEAVE IN - NOT INCLUDED*
- 15 (21 20) Cross-section for paving of parking lots and sidewalks; *IN NEW CZ*
- 16 (22 21) Proposed name of the shopping center;
- 17 (23 22) Name, address, and telephone number of developer; certified record owner or
- 18 owners and addresses; and legal description of the proposed use permit area, including the number
- 19 of acres.

20 (c) Environmental performance standards: Any applicant for a use permit under the
 21 provisions of this section shall comply with environmental performance standards relating to noise,
 22 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
 23 departments and approved by resolution of the City Council.

24 (d) Landscape plan: Each application for a use permit under this section shall include a land-
 25 scape plan which shall show proposed plantings in conformance with city standards in all required
 26 yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning
 27 Director shall develop appropriate written standards for such landscape plans, which standards shall
 28 be approved by resolution of the City Council.

29 (e) Planning Commission review: Upon the filing of an application together with all maps,
 30 data, and information required by this section, the City Council shall refer the application to the
 31 Planning Commission. The Planning Commission shall hold a public hearing upon such application
 32 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
 33 as a whole, and other matters relating to public health, safety, and general welfare.

34 (f) Planning Commission action: After holding at least one public hearing, the Planning
 35 Commission shall proceed to give final consideration to the application and may require that certain

1 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
2 and may include the requirement that applicant grant additional right-of-way in accordance with the
3 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
4 with the city relating to the installation of public improvements by the applicant, together with the
5 execution of performance bonds or provision of other appropriate surety relating thereto. The
6 installation of all public improvements shall be accomplished in compliance with existing city
7 standards as provided by ordinance or by departmental publications approved by resolution of the
8 City Council. In the event the Planning Commission fails to act upon the application within sixty
9 days from the date of referral, the applicant may appeal to the City Council requesting final action.
10 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
11 direct the commission to act upon the application no later than the commission's next regularly
12 scheduled meeting.

13 (g) Appeal of Planning Commission action:

14 (1) Any aggrieved person or any person or group officially designated to participate
15 in the administration of this title may appeal any action of the Planning Commission to the City
16 Council by filing notice of appeal with the City Clerk within fourteen days following the action of
17 the Planning Commission.

18 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
19 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
20 given as provided in Chapter 27.81.

21 (3) The City Council may, after public hearing, in conformity with the provisions of
22 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
23 appealed from.

24 (h) Adjustment: Upon request of the applicant, the City Council may, after report and
25 recommendation of the Planning Commission, decrease the minimum yard requirements and
26 increase the maximum height restrictions set forth in this chapter at the periphery of the use permit
27 area consistent with adequate protection of the environment of the use permit area and adjacent ar-
28 eas. Upon the request of the applicant, the City Council may, after report and recommendation of
29 the Planning Commission, decrease the minimum yard requirements and increase the maximum
30 height restrictions and may adjust the requirements relative to the location of buildings, required
31 parking spaces, and lot frontage set forth in this chapter in the interior of the use permit area con-
32 sistent with the adequate protection of the environment of the use permit area. The Planning
33 Commission shall hold a public hearing upon the requested adjustment at the same time that it hears
34 the application for the use permit and shall make a report to the City Council regarding the effect the
35 proposed use and adjustment has upon the surrounding neighborhood, the community as a whole,
36 and other matters relating to public health, safety, and general welfare. Upon receiving a report from
37 the Planning Commission, the City Council shall take final action upon the application for the use
38 permit and the requested adjustment.

39 (i) Amendment: The Planning Director is authorized to approve amendments to any use
40 permit granted under this section, provided that:

41 (1) A request for amendment is filed with the Planning Director, together with any
42 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

43 (2) Such amendment shall not violate any provisions of this title;

44 (3) Such amendment may provide for minor increases in total floor area and storage
45 space originally permitted;

- (4) There is no increase in the number of dwelling units;
- (5) No reduction is made to the applicable setback or yard requirements;
- (6) No public land is accepted;
- (7) Such amendment shall not be contrary to the general purpose of this chapter;
- (8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.

(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.

(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.

(m) A use permit may be granted for a lot of less than two acres, provided:

(1) The lot was legally created prior to the effective date of this ordinance; and

(2) The lot has remained under separate ownership from adjoining properties in the

O-3 district.

The Planning Commission may, under the above conditions, adjust the requirements under paragraph (a) to permit the applicant a reasonable use of his property.

Section 2. That Section 27.28.090 of the Lincoln Municipal Code be amended to read as follows:

27.28.090 Use Permit; Procedures and Requirements.

(a) Minimum requirements: The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permit. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the R-T Residential Transition District shall apply.

(b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. Plans shall accompany each application and shall include the following information:

- 1 (1) Boundary survey and gross acreage;
- 2 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
- 3 elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
- 4 (3) Street right-of-way;
- 5 (4) Utility easements;
- 6 (5) Adjacent land use and zoning classifications;
- 7 (6) Location of structures on property;
- 8 (7) Vicinity map;
- 9 (8) Date prepared, scale, and north point;
- 10 (9) Schematic and location of buildings;
- 11 (10) Parking areas and capacity;
- 12 (11) Use of buildings, such as retail, service, restaurant, office, residential, and other
- 13 uses;
- 14 (12) Height of buildings;
- 15 (13) Location of existing trees and proposed landscape plan;
- 16 (14) Proposed vehicular and pedestrian circulation system including egress and
- 17 ingress;
- 18 (15) Building and parking setback lines;
- 19 (16) Grading plan;
- 20 (17) On-site and off-site water and sanitary sewer improvements;
- 21 (18) On-site and off-site drainage and storm sewer improvements;
- 22 ~~(19) Location of proposed free-standing signs;~~ *LEAVE IN - NOT INCLUDED IN*
- 23 ~~(20)~~ *NEW C Z* (19) Cross-section for paving of parking lots and sidewalks;
- 24 ~~(21)~~ *20* (20) Name, address, and telephone number of developer; certified record owner or
- 25 owners and addresses; and legal description of the proposed use permit area, including the number
- 26 of acres.

27 (c) Environmental performance standards: Any applicant for a use permit under the
 28 provisions of this section shall comply with environmental performance standards relating to noise,
 29 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
 30 departments and approved by resolution of the City Council.

31 (d) Landscape plan: Each application for a use permit under this section shall include a
 32 landscape plan which shall show proposed plantings in conformance with city standards in all

1 required yard areas, open space areas, malls, parking areas, and around proposed buildings. The
2 Planning Director shall develop appropriate written standards for such landscape plans, which
3 standards shall be approved by resolution of the City Council.

4 (e) Planning Commission review: Upon the filing of an application together with all maps,
5 data, and information required by this section, the City Council shall refer the application to the
6 Planning Commission. The Planning Commission shall hold a public hearing upon such application
7 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
8 as a whole, and other matters relating to public health, safety, and general welfare.

9 (f) Planning Commission action: After holding at least one public hearing, the Planning
10 Commission shall proceed to give final consideration to the application and may require that certain
11 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
12 and may include the requirement that applicant grant additional right-of-way in accordance with the
13 comprehensive plan. The Planning Commission may require the execution of a written agreement
14 with the city relating to the installation of public improvements by the applicant, together with the
15 execution of performance bonds or provision of other appropriate surety relating thereto. The
16 installation of all public improvements shall be accomplished in compliance with existing city
17 standards as provided by ordinance or by departmental publications approved by resolution of the
18 City Council. In the event the Planning Commission fails to act upon the application within sixty
19 days from the date of referral, the applicant may appeal to the City Council requesting final action.
20 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
21 direct the commission to act upon the application no later than the Commission's next regularly
22 scheduled meeting.

23 (g) Appeal of Planning Commission action:

24 (1) Any aggrieved person or any person or group officially designated to participate
25 in the administration of this title may appeal any action of the Planning Commission to the City
26 Council by filing notice of appeal with the City Clerk within fourteen days following the action of
27 the Planning Commission.

28 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
29 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
30 given as provided in Chapter 27.81.

31 (3) The City Council may, after public hearing, in conformity with the provisions of
32 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
33 appealed from.

34 (h) Adjustment: Upon request of the applicant, the City Council may, after report and
35 recommendation of the Planning Commission, decrease the minimum yard requirements and
36 increase the maximum height restrictions and may adjust the requirements relative to the location
37 of buildings and required parking spaces and lot frontage set forth in this chapter consistent with
38 adequate protection of the environment of the use permit area and adjacent areas provided the
39 building shall not exceed the height of the tallest residence on the same and facing block fronts. The
40 Planning Commission shall hold a public hearing upon the requested adjustment at the same time
41 that it hears the application for the use permit and shall make a report to the City Council regarding
42 the effect the proposed use and adjustment has upon the surrounding neighborhood, the community
43 as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving
44 a report from the Planning Commission, the City Council shall take final action upon the application
45 for the use permit and the requested adjustment.

1 (i) Amendment: The Planning Director is authorized to approve amendments to any use
2 permit granted under this section, provided that:

3 (1) A request for amendment is filed with the Planning Director, together with any
4 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

5 (2) Such amendment shall not violate any provisions of this title;

6 (3) Such amendment may provide for minor increases in total floor area and storage
7 space originally permitted;

8 (4) There is no increase in the number of dwelling units;

9 (5) No reduction is made to the applicable setback or yard requirements;

10 (6) No public land is accepted;

11 (7) Such amendment shall not be contrary to the general purpose of this chapter;

12 (8) Any amendment not in conformance with this paragraph shall be submitted to the
13 Planning Commission in the same manner as an original application for a use permit.

14 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon the
15 approval of a use permit as provided for under this section, building permits and certificates of
16 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
17 ance with all conditions of a use permit and subsequent amendments within each phase of develop-
18 ment of a use permit.

19 (k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
20 established in this district on the effective date of this title shall be deemed to have received a use
21 permit as herein required and shall be provided with such permit by the Director of Building and
22 Safety upon request, and it shall not be a nonconforming use; provided, however, for any
23 enlargement, extension, or relocation of such existing use, an application in conformance with this
24 section shall be required.

25 (l) If an application for a use permit located within a flood plain is granted approval by the
26 city, it shall not be necessary for the applicant to make an application for a special permit to be
27 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It
28 shall be presumed that the applicant has received all such approvals as may be required by the
29 foregoing resolutions by virtue of the city granting approval to the use permit.

30 Section 3. That Section 27.31.100 of the Lincoln Municipal Code be amended to read
31 as follows:

32 **27.31.100 Use Permit; Procedures and Requirements.**

33 (a) Minimum requirements: No use permit shall be granted upon any property having a total
34 area of less than five acres, except as provided under Section 27.31.100(k), nor for any plan unless
35 it is in conformance with all applicable city standards and with all regulations of the applicable
36 sections of this chapter. The Planning Commission shall impose such conditions as are appropriate
37 and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and
38 general welfare in the issuance of any such use permits. Such conditions may include an increase
39 in the minimum yard requirements and decrease in the maximum height restrictions set forth in this
40 chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the
41 terms of the use permit, all regulations of the B-2 Planned Neighborhood Business District shall
42 apply.

1 (b) Application requirements: Applications for a use permit under this section shall be filed
2 by the owner in writing on a form provided by the city with the Planning Department. A
3 preliminary plan shall accompany each application and shall include the following information:

4 (1) Boundary survey and gross acreage;
5 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
6 elevations on 100-foot grid shall be required to fully indicate the topography on flat land;

7 (3) Street right of way;

8 (4) Utility easements;

9 (5) Adjacent land use and zoning classifications;

10 (6) Location of structures on property;

11 (7) Vicinity map;

12 (8) Date prepared, scale and north point;

13 (9) Schematic and location of buildings;

14 (10) Parking areas and capacity;

15 (11) Open space for residential uses;

16 (12) Use of buildings, such as retail, service, restaurant, office, residential and other
17 uses;

18 (13) Height of buildings;

19 (14) Location of existing trees and proposed landscape plan;

20 (15) Proposed vehicular and pedestrian circulation system including egress and
21 ingress;

22 (16) Building and parking setback lines;

23 (17) Grading plan;

24 (18) On-site and off-site water and sanitary sewer improvements;

25 (19) On-site and off-site drainage and storm sewer improvements;

26 ~~(20) Location of proposed free-standing signs;~~ *LEAVE IN - NOT INCLUDED*

27 ~~(21) Cross-section for paving of parking lots and sidewalks;~~ *IN NEW CZ*

28 ~~(22) Proposed name of the shopping center;~~

29 ~~(23) Name, address, and telephone number of developer; certified record owner or~~
30 owners and addresses; and legal description of the proposed use permit area, including the number
31 of acres.

1 (c) Environmental performance standards: Any applicant for a use permit under the
2 provisions of this section shall comply with environmental performance standards relating to noise,
3 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
4 departments and approved by resolution of the City Council.

5 (d) Landscape plan: Each application for a use permit under this section shall include a
6 landscape plan which shall show proposed plantings in conformance with city standards in all
7 required yard areas, open space areas, malls, parking areas and around proposed buildings. The
8 Planning Director shall develop appropriate written standards for such landscape plans, which
9 standards shall be approved by resolution of the City Council.

10 (e) Planning Commission review: Upon the filing of an application together with all maps,
11 data, and information required by this section, the City Council shall refer the application to the
12 Planning Commission. The Planning Commission shall hold a public hearing upon such application
13 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
14 as a whole, and other matters relating to public health, safety, and general welfare.

15 (f) Planning Commission action: After holding at least one public hearing, the Planning
16 Commission shall proceed to give final consideration to the application and may require that certain
17 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
18 and may include the requirement that applicant grant additional right of way in accordance with the
19 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
20 with the city relating to the installation of public improvements by the applicant, together with the
21 execution of performance bonds or provision of other appropriate surety relating thereto. The
22 installation of all public improvements shall be accomplished in compliance with existing city
23 standards as provided by ordinance or by departmental publications approved by resolution of the
24 City Council. In the event the Planning Commission fails to act upon the application within sixty
25 days from the date of referral, the applicant may appeal to the City Council requesting final action.
26 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
27 direct the commission to act upon the application no later than the commission's next regularly
28 scheduled meeting.

29 (g) Appeal of Planning Commission action:

30 (1) Any aggrieved person or any person or group officially designated to participate in
31 the administration of this title may appeal any action of the Planning Commission to the City Council
32 by filing notice of appeal with the City Clerk within fourteen days following the action of the
33 Planning Commission.

34 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
35 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
36 given as provided in Chapter 27.81.

37 (3) The City Council may, after public hearing, in conformity with the provisions of
38 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
39 appealed from.

40 (h) Adjustment of yard requirements and height restrictions: Upon request of the applicant,
41 the City Council may, after report and recommendation of the Planning Commission, decrease the
42 minimum yard requirements and increase the maximum height restrictions and may adjust the
43 requirements relative to the location of buildings and required parking spaces and lot frontage set
44 forth in this chapter consistent with adequate protection of the environment of adjacent land uses.
45 The Planning Commission shall hold a public hearing upon the requested adjustment at the same

1 time that it hears the application for the use permit and shall make a report to the City Council
2 regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the
3 community as a whole, and other matters relating to public health, safety, and general welfare. Upon
4 receiving a report from the Planning Commission, the City Council shall take final action upon the
5 use permit and the adjustment.

6 (i) Amendment: The Planning Director is authorized to approve amendments to any use
7 permit granted under this section, provided that:

8 (1) A request for amendment is filed with the Planning Director, together with any
9 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

10 (2) Such amendment shall not violate any provisions of this
11 title;

12 (3) Such amendment may provide for minor increases in total floor area and storage
13 space originally permitted;

14 (4) There is no increase in the number of dwelling units;

15 (5) No reduction is made to the applicable setback or yard requirements;

16 (6) No public land is accepted;

17 (7) Such amendment shall not be contrary to the general purpose of this section as
18 specified in Section 27.31.020;

19 (8) Any amendment not in conformance with this paragraph shall be submitted to the
20 Planning Commission in the same manner as an original application for a use permit.

21 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon the
22 approval of a use permit as provided for under this section, building permits and certificates of
23 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
24 ance with all conditions of a use permit and subsequent amendments within each phase of
25 development of a use permit.

26 (k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
27 established in this district on the effective date of this title shall be deemed to have received a use
28 permit as herein required and shall be provided with such permit by the Director of Building and
29 Safety upon request, and it shall not be a nonconforming use; provided, however, for any
30 enlargement, extension, or relocation of such existing use, an application in conformance with this
31 section shall be required.

32 (l) A use permit may be granted for a lot of less than five acres, provided:

33 (1) The lot was legally created prior to the effective date of this ordinance;

34 (2) The lot has remained under separate ownership from adjoining properties in the
35 B-2 district.

36 The Planning Commission may, under the above conditions, adjust the requirements under
37 paragraph (b) to permit the applicant a reasonable use of his property.

38 (m) If an application for a use permit located within a flood plain is granted approval by the
39 city, it shall not be necessary for the applicant to make an application for a special permit to be ap-
40 proved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall
41 be presumed that the applicant has received all such approvals as may be required by the foregoing
42 resolutions by virtue of the city granting approval to the use permit.

1 Section 4. That Section 27.37.070 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.37.070 Use Permits; Procedures and Requirements.**

4 (a) Minimum requirements. No use permit shall be granted upon any property having a total
5 area of less than thirty acres, nor for any plan unless it is in conformance with all applicable city
6 standards and with all regulations of the applicable sections of this chapter. The Planning
7 Commission shall impose such conditions as are appropriate and necessary to ensure compliance
8 with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of
9 any use permits. Such conditions may include an increase in the minimum yard requirements and
10 a decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private
11 roadways may be permitted. Unless expressly modified by the terms of the use permit, all
12 regulations of the B-5 Planned Regional Business District shall apply.

13 (b) Environmental performance standards. Any applicant for a use permit under the
14 provisions of this section shall comply with such environmental performance standards relating to
15 noise, emission, dust, odor, glare, and heat as shall be from time to time established by various
16 municipal departments and approved by resolution of the City Council.

17 (c) Environmental impact statement and market analysis. If any application for a change
18 of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this
19 section substantially deviates from the Comprehensive Plan in terms of location or size, as deter-
20 mined by the Planning Director, the applicant shall submit an environmental impact statement and
21 a market analysis which shall serve as a guide to the Planning Commission for evaluation of such
22 application in terms of need, desirability, supportability, and its implications for the overall growth
23 of the community. The Planning Director shall develop appropriate written standards and forms for
24 such environmental impact statement and market analysis, which shall be approved by the City
25 Council after report and recommendation of the Planning Commission.

26 (d) Landscape plan. Each application for a use permit under this section shall include a
27 landscape plan which shall show proposed plantings in conformance with city standards in all
28 required yard areas, open space areas, malls, parking areas and around proposed buildings. The
29 Planning Director shall develop appropriate written standards for such landscape plans, which
30 standards shall be approved by resolution of the City Council.

31 (e) Application requirements. Applications for a use permit under this section shall be filed
32 by the owner in writing with the Planning Department on a form provided by the city. A preliminary
33 plan shall accompany each application and shall include the following information:

- 34 (1) Boundary survey and gross acreage;
- 35 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
36 elevations on one hundred foot grids shall be required to fully indicate the topography on flat land;
- 37 (3) Street right of way;
- 38 (4) Utility easements;

- 1 (5) Adjacent land use and zoning classifications;
- 2 (6) Location of structures on property;
- 3 (7) Vicinity map;
- 4 (8) Date prepared, scale and north point;
- 5 (9) Schematic building layout;
- 6 (10) Parking areas and capacity;
- 7 (11) Open space for residential uses;
- 8 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
- 9 uses. Buildings to be included in the first phase construction shall include tenant occupancies where
- 10 known. A clear demonstration shall be made that the residential use will be protected from adverse
- 11 effects, such as traffic, air pollution, noise, and glare; and the mixing of residential and commercial
- 12 uses on the ground level shall be discouraged;
- 13 (13) Acreage and percentage of total developed building area, parking lots, open space,
- 14 malls, and other features;
- 15 (14) Height of buildings;
- 16 (15) Location of existing trees and proposed landscape plan;
- 17 (16) Proposed vehicular and pedestrian circulation system, including ingress and
- 18 egress;
- 19 (17) Building and parking setback lines;
- 20 (18) Grading plan;
- 21 (19) Phase of development and proposed starting dates;
- 22 (20) Discussion of adverse environmental effects of the project and proposed steps to
- 23 minimize these effects;
- 24 (21) On-site and off-site water and sanitary sewer improvements;
- 25 (22) On-site and off-site drainage and storm sewer improvements;
- 26 ~~(23) Location of proposed free-standing signs;~~ *LEAVE IN - NOT INCLUDED*
- 27 ~~(24)~~ 23 Cross-section for paving of parking lots and sidewalks; *IN NEW CZ*
- 28 ~~(25)~~ 24 Proposed name, if any, of the shopping center;

1 (26 25) Name, address, and telephone number of developer, certified record owner, or
2 owners, and addresses; legal description of the proposed use permit area, including the number of
3 acres.

4 (f) Planning Commission review. Upon the filing of an application together with all maps,
5 data, and information required by this section, the City Council shall refer the application to the
6 Planning Commission. The Planning Commission shall hold a public hearing upon such application
7 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
8 as a whole, and other matters relating to public health, safety, and general welfare.

9 (g) Planning Commission action. After holding at least one public hearing, the Planning
10 Commission shall proceed to give final consideration to the application and may require that certain
11 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
12 and may include the requirement that applicant grant additional right of way in accordance with the
13 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
14 with the city relating to the installation of public improvements by the applicant, together with the
15 execution of performance bonds or provision of other appropriate surety relating thereto. The
16 installation of all public improvements shall be accomplished in compliance with existing city
17 standards as provided by ordinance or by departmental publications approved by resolution of the
18 City Council. In the event the Planning Commission fails to act upon the application within sixty
19 days from the date of referral, the applicant may appeal to the City Council requesting final action.
20 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
21 direct the commission to act upon the application no later than the commission's next regularly
22 scheduled meeting.

23 (h) Appeal of Planning Commission action. (1) Any aggrieved person or any person or
24 group officially designated to participate in the administration of this title may appeal any action of
25 the Planning Commission to the City Council by filing notice of appeal with the City Clerk within
26 fourteen days following the action of the Planning Commission.

27 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
28 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
29 given as provided in Chapter 27.81.

30 (3) The City Council may, after public hearing, in conformity with the provisions of
31 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
32 appealed from.

33 (i) Adjustment of yard requirements, height restrictions, and parking.

34 (1) Upon request of the applicant, the City Council may, after report and recom-
35 mendation of the Planning Commission, decrease the minimum yard requirements and increase the
36 maximum height restrictions and may adjust the requirements relative to the location of buildings
37 and required parking spaces and lot frontage set forth in this chapter consistent with adequate
38 protection of the environment of adjacent land uses.

39 (2) Upon request of the applicant, the City Council may, after report and
40 recommendation of the Planning Commission, decrease the required parking set forth in this chapter
41 and Chapter 27.67 if it is determined that the mix of uses or ownership patterns create situations
42 where the applicability of a particular standard is not feasible.

1 (3) The Planning Commission shall hold a public hearing upon the requested
2 adjustment at the same time that it hears the application for the use permit and shall make a report
3 to the City Council regarding the effect the proposed use and adjustment has upon the surrounding
4 neighborhood, the community as a whole, and other matters relating to public health, safety, and
5 general welfare. Upon receiving a report from the Planning Commission, the City Council shall take
6 final action upon the application for the use permit and the requested adjustment.

7 (j) Amendment. The Planning Director is authorized to approve amendments to any use
8 permit granted under this section, including square footage of floor area and storage space in phases
9 of development; provided, that:

10 (1) A request for amendment is filed with the Planning Director, together with any
11 of the information specified in paragraph (f) above which is pertinent to the proposed amendment;

12 (2) Such amendment shall not violate any provisions of this title;

13 (3) Such amendment may provide for minor increases in total floor area and storage
14 space originally permitted;

15 (4) There is no increase in the number of dwelling units;

16 (5) No reduction is made to the applicable setback or yard requirements;

17 (6) No public land is accepted;

18 (7) Such amendment shall not be contrary to the general purpose section as specified
19 in paragraph (a) above;

20 (8) Any amendment not in conformance with this paragraph shall be submitted to the
21 Planning Commission in the same manner as an original use permit.

22 (k) Building permits, certificates of occupancy and certificates of compliance. Upon the
23 approval of a use permit as provided for under this section, building permits and certificates of
24 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
25 ance with all conditions and subsequent amendments within each phase of development of a use
26 permit.

27 (l) Preexisting uses. An existing use of a type permitted in this chapter which was lawfully
28 established in this district on the effective date of this title, and any enlargement or extension as
29 permitted in this section, shall be deemed to have received a use permit as herein required and shall
30 be provided with such permit by the Director of Building and Safety upon request, and shall not be
31 a nonconforming use.

32 (m) If an application for a use permit located within a flood plain is granted approval by the
33 city, it shall not be necessary for the applicant to make an application for a special permit to be
34 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It
35 shall be presumed that the applicant has received all such approvals as may be required by the
36 foregoing resolutions by virtue of the city granting approval to the use permit.

37 Section 5. That Section 27.69.083 of the Lincoln Municipal Code be amended to read
38 as follows:

39 **27.69.083 Permitted Signs; R-T Residential Transition District.**

40 In the R-T zoning district, the specific regulations are as follows:

1 (a) The following signs only identifying or describing the name of the building and the
2 business or services offered on the premises shall be permitted:

3 (1) One wall sign per building is permitted. The wall sign shall not be located on the
4 side of the building abutting a residential district or abutting a local or collector street, as defined in
5 the "Land Subdivision Ordinance," when the land across such street is zoned residential;

6 (2) One ground sign shall be permitted in each development or center. To the extent
7 feasible, the ground sign shall be located near the entrance driveway and separated from the abutting
8 residential districts by such entrance driveway;

9 (b) No sign shall exceed twenty square feet of sign area;

10 (c) No sign shall be located in any required yard;

11 (d) The ground sign shall not be more than eight feet in height;

12 ~~(e) The location, size, and illumination of all signs, if any, shall be shown on the use permit~~
13 ~~application and shall be specifically approved as a part of said application;~~

14 ~~(f) All signs shall be in keeping with the character of the area in which they are located.~~

15 Notwithstanding the above, for specially permitted uses of historic structures or sites
16 approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be
17 permitted, provided that the Historic Preservation Commission has deemed those signs appropriate.

18 Section 6. That Section 27.69.085 of the Lincoln Municipal Code be and the same is
19 hereby repealed.

20 ~~**27.69.085 Permitted Signs; Corporate Office Park Planned Unit Development.**~~

21 ~~In the R-3 district where a corporate office park planned unit development is applied, the~~
22 ~~specific regulations are as follows:~~

23 ~~(a) Pole and roof signs. No pole or roof signs are allowed.~~

24 ~~(b) Ground signs. One on-premises building identification ground sign shall be permitted~~
25 ~~per building per street frontage. Said sign shall not exceed seventy-five square feet in area, and shall~~
26 ~~have a maximum height of eight feet. Said sign shall include the building address.~~

27 ~~(c) Wall signs.~~

28 ~~(1) One on-premises building identification wall sign shall be permitted per building.~~
29 ~~The sign area of such wall sign shall not exceed ten percent of the building's largest facade, or 100~~
30 ~~square feet, whichever is lesser.~~

31 ~~(2) In addition to the above, each tenant shall be allowed one on-premises entrance~~
32 ~~wall sign not to exceed ten square feet of sign area, provided that the total sign area of all tenant wall~~

WILL BE INCLUDED IN NEW CHANGE OF ZONE

1 signs shall not exceed thirty-two square feet per facade. Tenant wall signs shall be located no further
2 than fifty feet from a building entrance door.

3 ~~———— (d) Other signs:~~

4 ~~———— (1) Office park area sign; signs for major entrances. One on-premises multiple-sided~~
5 ~~ground sign, not to exceed 100 square feet in area per side or 200 square feet total area, whichever~~
6 ~~is less; or, two on-premises single-sided ground signs, not to exceed 100 square feet in area per sign~~
7 ~~shall be permitted at each major entrance to the corporate office park planned unit development.~~
8 ~~Said ground signs shall have a maximum height of eight feet. Said ground signs may be located in~~
9 ~~a required yard if approved as part of the landscape plan and sign plan.—~~

10 ~~———— (2) Office park area sign; signs for minor entrances. One on-premises multiple-sided~~
11 ~~ground sign, not to exceed forty square feet in area per side or eighty square feet total area,~~
12 ~~whichever is less; or, two on-premises single-sided ground signs, not to exceed forty square feet in~~
13 ~~area shall be permitted at each minor entrance to the corporate office park planned unit development.~~
14 ~~Said signs shall have a maximum height of six feet. Said signs may be located in a required yard if~~
15 ~~approved as part of the landscape plan and sign plan.—~~

16 ~~———— (3) Internal directory ground signs. One on-premises internal directory sign shall be~~
17 ~~permitted at each major entrance to the corporate office park planned unit development. Said signs~~
18 ~~shall not exceed fifty square feet in area and six feet in height.~~

19 ~~———— (e) Temporary identification signs:~~

20 ~~———— (1) Real estate signs allowed under Section 27.69.100 shall not exceed twenty square~~
21 ~~feet in area and eight feet in height in the corporate office park planned unit development.~~

22 ~~———— (2) Construction signs allowed under Section 27.69.130 shall meet the following~~
23 ~~provisions: One temporary sign per corporate office park planned unit development shall be~~
24 ~~permitted at the construction site upon commencement of construction to identify the nature of the~~
25 ~~construction and those persons or firms associated with it, including contractors, architects, finance~~
26 ~~companies, and owners. Such sign shall be permitted until such time as a final inspection of the~~
27 ~~building(s) designates said structure(s) fit for occupancy, or the tenant is occupying such building(s),~~
28 ~~whichever occurs first. Such sign shall not exceed thirty-two square feet of area and eight feet in~~
29 ~~height. Such sign may be added to the future tenant identification sign.~~

30 ~~———— (3) Future tenant identification sign. One temporary sign per corporate office park~~
31 ~~planned unit development shall be permitted at the construction site to identify the name of the future~~
32 ~~tenant. Such sign shall be permitted until such time as a final inspection of the building(s) designates~~
33 ~~said structure(s) fit for occupancy, or the tenant is occupying such building(s), whichever occurs~~
34 ~~first. Such sign shall not exceed thirty-two square feet of area and eight feet in height.~~

35 ~~———— (f) General conditions for corporate office park planned unit development signs:~~

WITH BE INCORPORATED
IN NEW C Z

1 ~~_____ (1) All signs ten square feet in area and over shall be shown as part of the sign plan~~
2 ~~approved as a part of the development. Said sign plan shall include covenants of sign design for the~~
3 ~~entire development.~~

4 ~~_____ (2) Signage in corporate office park planned unit developments shall provide for a~~
5 ~~system of signs with features that make an orderly and pleasant visual impact on the total~~
6 ~~development and area immediately adjacent to the park.~~

7 ~~_____ (3) Supporting and ancillary structures shall not be more than two times the allowed~~
8 ~~sign area.~~

9 ~~_____ (4) No off-premises signs are allowed.~~

WILL BE INCLUDED
IN NEW CZ

10 Section 7. That Section 27.69.160 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **27.69.160 Other Permitted Signs; Special Permitted Uses.**

13 In all residential zoning districts, special permitted uses may have the greater of the district
14 signs or a sign identifying or describing the name of the building and the business or services offered
15 on the premises. One sign only per special use shall be permitted if it meets the following conditions
16 and requirements:

- 17 (a) The sign shall not be more than twenty square feet in area;
- 18 (b) The sign shall not be located in any required yard;
- 19 (c) The sign shall not be more than eight feet in height if it is not a wall sign;

20 ~~_____ (d) The location, size, and illumination of the sign, if any, shall be shown on the special~~
21 ~~permit application and shall be specifically approved as a part of said application.~~

22 ~~_____ (e) The sign shall be in keeping with the character of the area in which it is located.~~

23 Notwithstanding the above, for specially permitted commercial uses of historic structures or
24 sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be
25 permitted, one of which, limited to five feet in height, may be located in a required front yard, pro-
26 vided that the Historic Preservation Commission has deemed those signs appropriate.

WOULD NOT BE
INCLUDED IN
NEW CZ

27 Section 8. That Section 27.69.220 of the Lincoln Municipal Code be amended to read
28 as follows:

29 **27.69.220 Other Permitted Signs; Complex or Subdivision Area Signs.**

30 (a) In all residential zoning districts, on-premises ground signs not exceeding thirty-two
31 square feet in area or five feet in height shall be permitted to identify a multiple-dwelling complex
32 or a subdivision area.

1 (b) ~~When part of a landscape screen approved by the Planning Director,~~ The following
2 ground signs, not exceeding twenty square feet in area or six feet in height and identifying a
3 multiple-dwelling complex or subdivision area, may be located in the required front yard or building
4 line district:

5 (1) Up to two signs may be located at each entrance to the multiple-dwelling complex
6 or subdivision area.

7 (2) If the multiple-dwelling complex or subdivision area abuts an intersection with
8 an arterial street, one sign per arterial frontage may be located at the corner of the intersection with
9 the arterial street.

10 Such signs may be illuminated by a ground light. Any sign located in the building line
11 district shall be moved at the sole cost of the owner when necessary for public use.

12 Section 9. That Section 27.70.050 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **27.70.050 Requirements After Approval.**

15 Upon approval of a use permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or 27.51, the
16 developer shall cause to be prepared and submitted to the Planning Department a revised and
17 reproducible final plot plan with all required amendments and revisions. Thereafter, building
18 permits, certificates of occupancy and subdivisions of the property shall be issued or approved only
19 upon strict substantial compliance with the plot plan as approved, or as amended, ~~regardless of any~~
20 ~~regulations to the contrary with regard to the height and location of buildings, yard requirements,~~
21 ~~open space requirements, type of dwelling unit, accessory uses, lot frontage requirements, and the~~
22 ~~location of required parking set forth elsewhere in this title and applying to the zoning district or~~
23 ~~districts in which the use permit is located.~~ In circumstances where there are minor variations from
24 the final plan, the Planning Director, or his designee, shall review the plan and determine if the
25 proposal is in substantial conformance with the spirit and intent of the approved plan.

26 The final plot plan shall contain the following information:

27 (a) A certified boundary survey and legal description showing sufficient linear, angular, and
28 curve data to determine the bearing and length of all boundary lines of the use permit, location of
29 section lines and section corners, and gross acreage. If the use permit abuts an existing plat, the
30 distances, angles, and bearing of any common lines shall be shown and any differences in
31 measurement shown.

THIS WOULD BE INCLUDED
IN NEW CZ

1 (b) A certificate for showing the final action of the Planning Commission or City Council
2 including the date and resolution number.

3 (c) Locations, name, tangent lengths, centerline radius of each curve and its interior angle,
4 and width of all proposed and existing streets, highways, private roadways, and other public ways
5 within and adjacent to the development;

6 (d) Location, width, and direction of flow of all water courses in and adjacent to the use
7 permit area, including the limits of the flood plain and floodway as defined in Chapter 27.55;

8 (e) The location and size of all existing and proposed sanitary and storm sewers, drainage
9 ways, culverts, watermains, fire hydrants, and existing power lines and other underground structures,
10 cables, or other public utilities within the tract of land and adjacent streets, together with the location
11 and width of existing and proposed easements, and, if appropriate, access easements;

12 (f) All lot lines, building setback lines for all lots, dimensions of all lot lines and building
13 envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

14 (g) Lot numbers shall begin with the number (1) and shall continue consecutively through
15 a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters
16 shall be used to designate outlots in alphabetical order;

17 (h) Proposed areas for parks and playgrounds. Any parcels other than streets which are to
18 be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated
19 as outlots and assigned an alphabetical designation;

20 (i) The location of all proposed and existing sidewalks, walkways, and other pedestrian
21 ways;

22 (j) Location, height, and use of proposed and existing buildings and structures with an
23 indication as to whether an existing building or structure is to be removed or to remain, ~~and free~~
24 ~~standing signs, if any, in accordance with the provisions of Chapter 27.69 (accessory buildings need~~
25 not be shown on the plan as long as they comply with all setback, floor area, and code requirements);

THESE
AMENDMENTS
WOULD NOT
BE INCLUDED
IN NEW
C Z

26 (k) The following data shall be shown on each sheet of the plot plan:
27 (1) The name, address, and telephone number of the person or company responsible
28 for preparation of the plot plan;

29 (2) North arrow, scale, date;
30 (3) Sheet number and the total number of sheets comprising the plot plan;

31 (l) The following information shall accompany the plot plan:

32 (1) Name, address, and telephone number of developer;

33 (2) Certified record owner or owners and their address;

34 (3) Statement of present zoning and proposed use or uses of the property;

35 (4) Profiles along the centerline of the proposed streets and private roadways which
36 show the existing ground surface elevations and the proposed street grades including the length of
37 vertical curves between changes in grade with the profiles for stub streets ending at the boundary of
38 the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and
39 unsubdivided land;

40 (5) The approved method of providing sanitary sewer service to the area;

41 (6) The approved method of providing an adequate potable water supply;

42 (7) The approved drainage study;

1 (8) A map or an aerial photograph showing the proposed streets, private roadways,
2 driveways, parking areas, buildings and lots which includes the locating, and identifies, by common
3 name, all existing trees within the area of the use permit. Single trees which are three inches in
4 caliper or larger measured five feet above the ground must be shown. However, if five or more trees
5 are located so that each is within approximately ten feet of the edge of another tree, they will be
6 considered a tree mass and the outline of the tree mass may be shown with a list of the common
7 names of the trees which are within the tree mass. If the above-stated procedure is followed, the
8 individual location of each tree within the tree mass is not necessary. An indication shall be made
9 on the map showing which trees or tree masses are to remain and which trees or tree masses are to
10 be removed;

11 (9) A vicinity sketch showing the general location of the use permit in relation to
12 existing streets, section lines, and city limits;

13 (10) The approved site grading plan showing existing and proposed contour lines with
14 intervals at no greater distance than five feet based on NAVD 1988, and if necessary, spot elevations
15 showing complete proposed grading of the use permit, including any cross-sections required as
16 conditions of approval showing existing and proposed ground lines and buildings. Information as
17 to where fill will be obtained and the amount of the fill shall be included if all or part of the property
18 is located within the flood plain as defined in Chapter 27.55. If the proposed location from which
19 said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities
20 Department of the location of the proposed new borrow area and obtain approval thereof from the
21 Director of Public Works and Utilities;

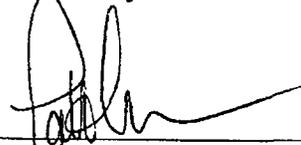
22 (11) The approved landscape plan.

23 Section 10. That Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083,
24 27.69.160, 27.69.220, and 27.70.050 of the Lincoln Municipal Code as hitherto existing be and the
25 same are hereby repealed.

26 Section 11. That this ordinance shall take effect and be in force from and after its
27 passage and publication according to law.

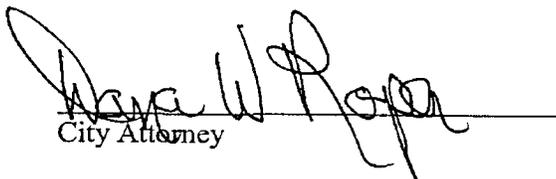
LOST
OCT 11 2004
(DATE)
BY CITY COUNCIL

Introduced by:



AYES: Camp; NAYS: Cook,
Friendt, McRoy, Newman,
Svoboda, Werner.

Approved as to Form & Legality:


City Attorney

Approved this ___ day of _____, 2004:

Mayor

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : December 9, 2004

RE : **Special Permit No. 04064**
(On-sale Alcohol - Chipotle Mexican Grill - S. 27th & Pine Lake Road)
Resolution No. PC-00896

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 8, 2004:

Motion made by Carlson, seconded by Carroll, to approve **Special Permit No. 04064**, with conditions, requested by South Ridge, L.L.C., for authority to sell alcoholic beverages for consumption on the premises at Chipotle Mexican Grill, on property generally located at South 27th Street and Pine Lake Road. Motion for approval, with conditions, carried 9-0 (Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes').

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
John Boehm, 811 S. 13th Street, 68508
Chipotle Mexican Grill, 1543 Wazee St., Suite 200, Denver, CO 80202
South Ridge Village, L.L.C., 8200 Cody Dr., Ste. F, 68512
Porter Ridge N.A., Arnold Freeman, P.O. Box 23212, 68542
Porter Ridge N.A., Tim & LuAnn Dougherty, 7131 S. 30th, 68516
Porter Ridge N.A., Paul Crist, 7111 S. 31st Place, 68516
Southern Hills Neighborhood, Phil White, 2815 Laredo, 68516

RESOLUTION NO. PC- 00896

SPECIAL PERMIT NO. 04064

1 WHEREAS, South Ridge, LLC has submitted an application designated
2 as Special Permit No. 04064 for authority to sell alcoholic beverages for consumption
3 on the premises at Chipotle Mexican Grill generally located at South 27th Street and
4 Pine Lake Road, legally described as:

5 Lot 1, South Ridge Village 8th Addition, Lincoln, Lancaster
6 County, Nebraska; and

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

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

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

15 That the application of South Ridge, LLC, hereinafter referred to as
16 "Permittee", to sell alcoholic beverages for consumption on the premises at Chipotle

1 Mexican Grill on property legally described above be and the same is hereby granted
2 under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition
3 that operation of said licensed premises be in strict compliance with said application,
4 the site plan, and the following additional express terms, conditions, and requirements:

5 1. This permit approves the sale of alcoholic beverages for
6 consumption on the premises at Lot 1, South Ridge Village 8th Addition, as shown on
7 the site plan.

8 2. Before receiving building permits the Permittee must submit six
9 copies of a revised site plan that includes dimensions, property lines, a scale and north
10 arrow, and clearly delineates the tenant space of the licensed premises.

11 3. Before the sale of alcohol for consumption on the premises, all
12 development and construction must conform to the approved plans.

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

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

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

1 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
2 paid in advance by the Permittee.

3 The foregoing Resolution was approved by the Lincoln City-Lancaster
4 County Planning Commission on this 8th day of December, 2004.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : December 9, 2004

RE : **Special Permit No. 04061**
(Early Childhood Care Facility at 2605 Fairfield Street)
Resolution No. PC-00895

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 8, 2004:

Motion made by Carlson, seconded by Taylor, to approve **Special Permit No. 04061**, with conditions, requested by 3 Amigos Properties, L.L.C., for authority to operate an early childhood care facility for no more than 12 children in a commercial business, on property located at 2605 Fairfield Street. Motion for approval, with conditions, carried 9-0 (Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes').

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
Jerry Nelson, Sandstone Construction, 2930 Ridgeline Dr., 68516
3 Amigos Properties, L.L.C., 2930 Ridgeline Dr., 68516
Rob Hackwith, Landons N.A., 4210 N. 23rd, 68521
John and Carol Brown, Landons N.A., 2201 Elba Cir., 68521

RESOLUTION NO. PC- 00895

SPECIAL PERMIT NO. 04061

1 WHEREAS, 3 Amigos Properties, LLC has submitted an application
2 designated as Special Permit No. 04061 for authority to operate an early childhood care
3 facility for no more than 12 children in a commercial business on property located at
4 2605 Fairfield Street, and legally described to wit:

5 Lot 1, J.B.'s Addition, located in the Southeast Quarter of
6 Section 12, Township 10 North, Range 6 East, Lancaster
7 County, Nebraska;

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

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

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

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

1 That the application of 3 Amigos Properties, LLC, hereinafter referred to
2 as "Permittee", to operate an early childhood care facility for 12 children be and the
3 same is hereby granted under the provisions of Section 27.63.070 of the Lincoln
4 Municipal Code upon condition that construction of said early childhood care facility be
5 in strict compliance with said application, the site plan, and the following additional
6 express terms, conditions, and requirements:

7 1. This permit approves the operation of an early childhood care
8 facility for a maximum of 12 children and three staff members.

9 2. Before receiving building permits:

10 a. The Permittee must complete the following instructions and
11 submit the documents and plans to the Planning Department
12 office for review and approval.

13 i. Submit a revised site plan including 8 copies showing
14 the following revisions:

15 (1) Add a parking stall matrix to account for the
16 required parking for each use shown on the lot,
17 and clearly indicate the two stalls to be dedicated
18 for loading/unloading.

19 (2) Add a note stating "Permittee shall, within 48
20 hours of becoming aware that quantities of
21 hazardous materials requiring a permit under the
22 Lincoln Municipal Code are being stored,
23 transported, dispensed, used or handled on
24 property within 300 feet of the area being used for
25 childcare, notify the Health Department of such
26 condition."

27 (3) Add a note stating "In the event quantities of
28 hazardous materials requiring a permit under the
29 Lincoln Municipal Code are being stored,
30 transported, dispensed, used or handled on
31 property within 300 feet of the area used for
32 childcare, Permittee shall, in cooperation and
33 consultation with the Health Department, attempt

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17
18
19
20
21
22

23
24
25
26
27
28

29
30
31
32

33

34

35

36

37

to work with the owner of property upon which such hazardous materials are located to develop a plan to protect the health, safety and welfare of persons using Permittee's property. Such plan may include, but not be limited to, the establishment of training programs for childcare employees to detect the presence of hazardous materials and evacuate the premises, the installation of filtration systems in the childcare HVAC system, or other precautionary measures.

(4) Add a note stating "The electrical breaker switch for the HVAC system serving the childcare area shall be clearly marked and readily accessible at all times to the childcare employees, or Permittee shall equip the building with no more than two emergency shut-off switches approved by the Health Department so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area. The switches shall be located so they are easily accessible at all times to employee's within the building. Employees shall be trained on how to operate the switches."

(5) Add a note stating "If future uses within the building change to include the use or handling of hazardous materials, the applicant or new owners of the building will work with the Health Department regarding the design, construction, and HVAC system specifications for the building."

ii. Submit an emergency evacuation plan, including both text and drawings, identifying an emergency house-in-place scenario and an off-site evacuation plan, for the approval of the Health Department.

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

c. The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

1 3. Before operating this early childhood care facility all development
2 and construction must conform to the approved plans.

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

6 5. The terms, conditions, and requirements of this resolution shall be
7 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
8 The building official shall report violations to the City Council which may revoke the
9 special permit or take such other action as may be necessary to gain compliance.

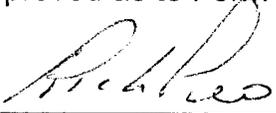
10 6. The Permittee shall sign and return the City's letter of acceptance
11 to the City Clerk within 30 days following approval of the special permit, provided,
12 however, said 30-day period may be extended up to six months by administrative
13 amendment. The City Clerk shall file a copy of the resolution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

16 The foregoing Resolution was approved by the Lincoln City-Lancaster
17 County Planning Commission on this 8th day of December, 2004.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : December 9, 2004

RE : **Preliminary Plat No. 04027 - Woodland View**
(Southeast of S.W. 40th Street and West "A" Street)
Resolution No. PC-00898

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 8, 2004:

Motion made by Carlson, seconded by Krieser, to approve **Preliminary Plat No. 04027, Woodland View**, with conditions, as amended, requested by Janet H. and Erich H. Broer, for 83 single family residential lots and one outlot, including approval of the waiver request to allow sanitary sewer to run opposite street grade, on property generally located southeast of S.W. 40th Street and West "A" Street. Motion for approval with conditions, as amended, carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'.

The Planning Commission 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
Mark Hunzeker, 1045 Lincoln Mall, Suite 200, 68508
Brian D. Carstens and Associates, 601 Old Cheney Road, Suite C, 68512
Lyle Loth, ESP, 601 Old Cheney Road, Suite A, 68512
Joe Hausman, 3434 Garfield Street, 68522
Janet and Erich Broer, 1800 S.W. 40th Street, 68522
West "A" Neighborhood Association (2)
High Ridge/Cushman Neighborhood Association (1)

RESOLUTION NO. PC- 00898

1 WHEREAS, Janet H. and Erich H. Broer have submitted for approval the preliminary
2 plat of Woodland View, generally located southeast of S.W. 40th Street and West A Street,
3 together with a request to waive City of Lincoln Design Standards requirements prohibiting
4 sanitary sewers from running opposite street grades, pursuant to Section 26.31.010 of the
5 Lincoln Municipal Code; and

6 WHEREAS, the Planning Director has recommended conditional approval of said
7 preliminary plat as contained in pages 4 through 7 of the staff report prepared by Tom Cajka,
8 Planner, dated November 23, 2004, which is attached hereto as Exhibit A; and

9 WHEREAS, the Planning Director has recommended approval of the requested
10 waiver of the City of Lincoln Design Standards requirements to allow the sanitary sewer to run
11 opposite street grade.

12 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
13 Planning Commission that the preliminary plat of Woodland View is hereby approved subject to
14 the terms and conditions of Exhibit A which is attached hereto and made a part of this
15 resolution as though fully set forth verbatim.

16 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning
17 Commission finds that the tract to be subdivided is surrounded by such development or unusual
18 conditions that strict application of the subdivision requirements would result in actual difficulties
19 or substantial hardship and the following modifications to the City of Lincoln Land Subdivision
20 Ordinance requirements are hereby approved:

21 1. The requirement of Section 3.6 of the Sanitary Sewer Design Standards
22 that the slope of the sanitary sewer should parallel the slope of the street is waived to allow the

1 construction of sanitary sewer running opposite street grades as shown provided that the
2 maximum depths for sanitary sewer mains are not exceeded as a result of this wavier.

3 The foregoing Resolution was approved by the Lincoln City-Lancaster County
4 Planning Commission on this 8th day of December, 2004.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

CONDITIONS:

EXHIBIT A

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Change the existing zoning to AGR in Note 1.
 - 1.1.2 Delete Note 6. All setbacks must be in conformance with the R-3 zoning district.
 - 1.1.3 Add utility easements requested by L.E.S.
 - ~~1.1.4 Extend W. Kehn St. to the limits of the plat. (****Per Planning Commission, at the request of the applicant and agreed upon by staff****)~~
 - 1.1.5 Make corrections per Public Works & Utilities memo of November 18, 2004.
 - 1.1.6 Delete Waiver #1. A block length waiver is not required.
 - 1.1.7 Delete second and third sentences in General Note #8. Add the following sentence to General Note #8; "The sidewalks shall be located in the standard location in the streets."
2. The City Council approves associated request:
 - 2.1 Annexation #04010
 - 2.2 Change of Zone #04070

General:

3. Final Plats will be approved by the Planning Director after:
 - 3.1 You have completed or posted a surety to guarantee the completion of the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway

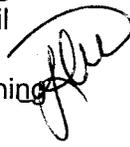
improvements, street lights, street trees, temporary turnaround and barricades, and street name signs.

- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
 - 3.2.2 to complete the installation of sidewalks along both sides of streets as shown on the final plat within four (4) years following the approval of the final plat.
 - 3.3.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - 3.3.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - 3.3.5 to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - 3.3.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
 - 3.3.7 to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
 - 3.3.8 to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
 - 3.3.9 to complete the installation of the street name signs within two (2) years following the approval of the final plat.

- 3.3.10 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.3.11 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 3.3.12 to complete the public and private improvements shown on the preliminary plat.
- 3.3.13 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.14 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.3.15 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.3.16 to protect the trees that are indicated to remain during construction and development.
- 3.3.17 to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : December 10, 2004

RE : **Comprehensive Plan Conformance No. 04011**
(Conservation Easement - South 82nd Street and Pine Lake Road)
Resolution No. PC-00897

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 8, 2004:

Motion made by Carlson, seconded by Carroll, to find the proposed acquisition of a permanent conservation easement over approximately 1.83 acres of open space and wetlands to be in conformance with the Comprehensive Plan (**Comprehensive Plan Conformance No. 04011**), requested by Engineering Design Consultants on behalf of Pine Lake Development, L.L.C., on property generally located west of the intersection of Pine Lake Road and South 82nd Street. Motion carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'.

A resolution proposing that the City accept this permanent conservation easement will be scheduled on the City Council agenda in the near future.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Richard Onnen, EDC, 2200 Fletcher Ave., Suite 102, 68521
Pine Lake Development, L.L.C., 3801 Union Dr., Suite 102, 68516
Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516
Dorothy Iwan, Family Acres Assn., 7605 S. 75th Street, 68516

RESOLUTION NO. PC-00897

Comprehensive Plan Conformity No. 04011

1 WHEREAS, Pine Lake Plaza LLC has proposed that the City of Lincoln
2 accept the grant of permanent conservation easement over approximately 1.83 acres of
3 open space and wetlands on property generally located west of the intersection of Pine
4 Lake Road and South 82nd Street, and more particularly described as Outlot A, Pine
5 Lake Plaza Addition, to protect the open space values and delineated wetlands; and

6 WHEREAS, the City of Lincoln is authorized to accept and hold
7 conservation easements under the terms of the Conservation and Preservation
8 Easement Act (Neb. Rev. Stat. §§ 76-2,111 to 76,2,118); and

9 WHEREAS, Neb. Rev. Stat. § 76-2,112 requires that, in order to minimize
10 conflicts with land use planning, the proposed conservation easement must be
11 submitted to the Lincoln City - Lancaster County Planning Commission for comments
12 regarding the conformity of the proposed conservation easement to the Lincoln City
13 Comprehensive Plan prior to acceptance of the easement by the City of Lincoln; and

14 WHEREAS, Pine Lake Plaza LLC has submitted a request designated as
15 Comprehensive Plan Conformity No. 04011 to find the proposed grant of the permanent
16 conservation easement to the City of Lincoln to be in conformity with the
17 Comprehensive Plan; and

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

20 That the proposal of Pine Lake Plaza LLC to grant to the City of Lincoln,
21 Nebraska a permanent conservation easement to protect the open space values and

1 delineated wetlands over Outlot A, Pine Lake Plaza Addition is hereby found to be in
2 conformity with the Lincoln City - Lancaster County Comprehensive Plan.

3 The foregoing Resolution was approved by the Lincoln City - Lancaster
4 County Planning Commission on this 8th day of December, 2004.

ATTEST:

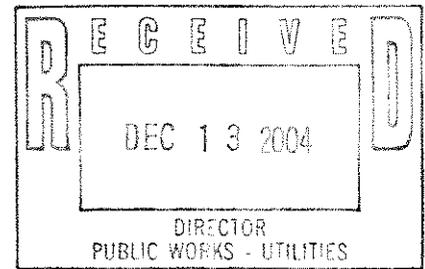

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

MEMO



DATE: December 9, 2004
TO: Allan Abbott – PW/U
FROM: Larry Worth – StarTran
RE: Low-Income Passport Program – November, 2004 Report

Maya Song
copies - City Council

As you are aware, the Low-Income Passport Program was initiated on September 15, 2004. As such, qualified low-income persons have been purchasing discounted monthly passports, by providing proof of income and date of birth, for \$5/month (fixed route) or \$10/month (HandiVan). This six-month pilot project, conducted by the Lancaster County Human Services Office, is expected to increase StarTran ridership, and afford low-income persons public transportation at a more affordable cost. As a pilot program, discounted passports are to be available for six months, or until the \$70,000 allocated to offset the loss of revenue resultant from this pilot program is expended. Such discounted passports are available for purchase at nine outlets.

The following summarizes the key results of this program for October and November, 2004, compared to September, 2004, pertaining to the fleet and HandiVan revenue/ridership affected by the subject program. Other StarTran programs and services (i.e., Big Red football express services, Boo at the Zoo shuttle service, etc) are excluded.

2004 Fare Devices Purchased/Associated Ridership

- Low-income discounted "**Fleet**" passports purchased

<u>Oct</u>	<u>Nov</u>
647	846

"**Fleet**" trips by persons utilizing discounted passports (counted by StarTran drivers)

<u>Oct</u>	<u>Nov</u>
15,249	22,642

- Regular, full-price, "**Fleet**" passport sales declined by

<u>Oct</u>	<u>Nov</u>
122	123

- Net increase in total "**Fleet**" passports sold

<u>Oct</u>	<u>Nov</u>
525	723

- "**HandiVan**" low-income passports purchased

<u>Oct</u>	<u>Nov</u>
45	51

"**HandiVan or Brokered**" trips by persons with disabilities utilizing discounted passports (recorded by Handivan or Brokerage drivers)

<u>Oct</u>	<u>Nov</u>
371	718

- Regular, full-price, **"HandiVan"** passport sales declined by

<u>Oct</u>	<u>Nov</u>
4	12

- Net increase in total **"HandiVan"** passports sold

<u>Oct</u>	<u>Nov</u>
41	39

2004 Total Ridership

- Total **"Fleet"** ridership increased by

<u>Oct</u>	<u>Nov</u>
1,685(2%)	6,469 (8.5%)

- Total **"HandiVan/Brokerage"** ridership increased by

<u>Oct</u>	<u>Nov</u>
129(4.6%)	398 (14.2%)

2004 Associated Revenue Changes

- Discounted **"Fleet"** passports sold x \$5

<u>Oct</u>	<u>Nov</u>
(647) \$3,234	(846) \$4,230

- Regular-price passport sales decline x \$28 average

<u>Oct</u>	<u>Nov</u>
(122) \$(3,416)	(123) \$(3,444)

- Associated decline in ride tickets sold and cash fares

<u>Oct</u>	<u>Nov</u>
\$(7,563)	\$(7,794)

- Net change in **"Fleet"** revenue (Total, 1) +2) +3))

<u>Oct</u>	<u>Nov</u>
\$(7,744)	\$(7,008)

- Discounted **"HandiVan"** passports sold x \$10 =

<u>Oct</u>	<u>Nov</u>
(45) \$450	(51) \$510

- Regular-priced **"HandiVan"** passports sales-decline x \$58 (average)

<u>Oct</u>	<u>Nov</u>
4 \$(228)	12 \$(696)

- Additional Brokerage cost to accommodate additional ridership

<u>Oct</u>	<u>Nov</u>
\$(3,162)	\$(3,064)

- Net change in **"HandiVan"** Revenue (Total, 5) +6) +7))

<u>Oct</u>	<u>Nov</u>
\$(2,940)	\$(3,064)

• **TOTAL CHANGE IN REVENUES ASSOCIATED WITH LOW-INCOME PROGRAM**

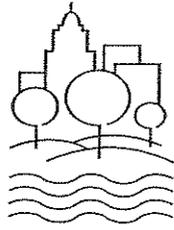
(4) + 8))

<u>Oct</u>	<u>Nov</u>
\$(10,684)	\$(10,072)

In summary, with two months of implementation of the Low-Income Passport Program, the following observations are noted...

- The current \$70,000 funding allocation to offset revenue losses associated with the subject program will, assuming continuation of the October and November revenue loss, afford funding for about 6 ½ total months. (until the end of March or early April, 2005)
- Total fleet and HandiVan ridership increased in November 2004, by 6,867 rider trips (8.7%)
- 897 discounted low-income passports were purchased in November by eligible persons, which accounting for the 162 reduction in passports sold, resulted in a net total increase of 735 passports.

StarTran staff delivery and associated additional printing costs are not included in this analysis. The above information will be reported each subsequent month of the subject program, with a more definitive trend expected after 3-4 months of program duration.



JAVA

Joint Antelope Valley Authority

December 15, 2004

Michael L. Morosin
2055 S Street
Lincoln, NE 68503

Re: September 28, 2004, Relocation Assistance Letter

Dear Mr. Morosin:

On September 28, 2004, Eugene Gilmore of Midwest Right-of-Way Services mailed you a list of available dwellings and vacant lots. It has come to our attention the vacant lots which were cited on that letter, 1819 Washington Street and 2124 Vine Street are, in fact, not for sale. We wish to apologize for the error and any inconvenience this may have caused you.

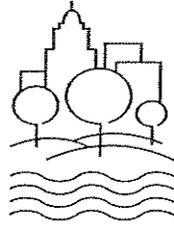
I would also like to inform you that due to the time interval since the original relocation study of your property and the probability that some or all of the comparables may no longer be available, I have asked Midwest Right-of-Way Services to accomplish a new relocation study. As soon as that study is complete, a revised offer of relocation assistance will be extended to you. I also wish to inform you of your right to appeal the determination of the amount of the relocation assistance and if you wish to challenge the amount of the study you may do so by filing a written appeal. We have reconsidered our position on this matter and if you do so, we will see your appeal is forwarded to the Mayor's Relocation Appeal Board and a hearing held as expeditiously as possible. As you know the relocation assistance determination is separate from the Antelope Valley House Preservation and Infill Program for which you may avail yourself.

Sincerely,

Clinton W. Thomas
Real Estate and Relocation Agent
Housing Rehab and Real Estate Division

CWT:dge

CC: JAVA board
Mayor Coleen J. Seng
City Council



JAVA

Joint Antelope Valley Authority

December 15, 2004

Earl Robinett
4000 South 56th Street, #B380
Lincoln, NE 68506

Re: September 28, 2004, Relocation Assistance Letter

Dear Mr. Robinett:

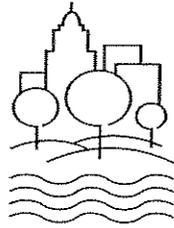
On September 28, 2004, Eugene Gilmore of Midwest Right-of-Way Services mailed you a list of available dwellings and vacant lots. It has come to our attention the vacant lots which were cited on that letter, 1819 Washington Street and 2124 Vine Street are, in fact, not for sale. We wish to apologize for the error and any inconvenience this may have caused you.

Sincerely,

Clinton W. Thomas
Real Estate and Relocation Agent
Housing Rehab and Real Estate Division

CWT:dge

CC: JAVA board
Mayor Coleen J. Seng
City Council



JAVA

Joint Antelope Valley Authority

December 15, 2004

Ed Patterson
2108 Q Street
Lincoln, NE 68503

Re: September 28, 2004, Relocation Assistance Letter

Dear Mr. Patterson:

On September 28, 2004, Eugene Gilmore of Midwest Right-of-Way Services mailed you a list of available dwellings and vacant lots. It has come to our attention the vacant lots which were cited on that letter, 1819 Washington Street and 2124 Vine Street are, in fact, not for sale. We wish to apologize for the error and any inconvenience this may have caused you.

I would also like to inform you that due to the time interval since the original relocation study of your property and the probability that some or all of the comparables may no longer be available, I have asked Midwest Right-of-Way Services to accomplish a new relocation study. As soon as that study is complete, a revised offer of relocation assistance will be extended to you. I also wish to remind you of your right to appeal the determination of the amount of the relocation assistance and if you wish to challenge the amount of the study you may do so by filing an appeal. If you do decide to appeal the results of the relocation study, we will see your appeal is forwarded to the Mayor's Relocation Appeal Board and a hearing held as expeditiously as possible.

Sincerely,

Clinton W. Thomas
Real Estate and Relocation Agent
Housing Rehab and Real Estate Division

CWT:dge

CC: JAVA board
Mayor Coleen J. Seng
City Council



JonCampCC@aol.com

12/11/2004 01:18 PM

To: jray@ci.lincoln.ne.us

cc: DPodany@ci.lincoln.ne.us

Subject: Fwd: City Council Meeting December 13, 2004 1:30 p.m.

Joan: Please distribute to Council members.

Jon

--

Jon Camp

Office: 402-474-1838
Home: 402-489-1001
Cell: 402-560-1001
Email: JonCampCC@aol.com

----- Message from "dondor" <dondor@inebraska.com> on Fri, 10 Dec 2004 17:40:36 -0600 -----

To: <joncampcc@aol.com>

Subject City Council Meeting December 13, 2004 1:30
: p.m.

We are unable to attend the City Council meeting of December 13 due to surgery. We would like to express our opposition to the proposed sidewalk within our Edenton South Townhome area. The walk would actually serve no purpose as it starts on Old Cheney and goes nowhere.

Our concern is about maintaining privacy and safety. We wish to remain independent in our townhouse. If security becomes an issue, we would be required to move to a retirement home.

To remain exclusive and not connect to surrounding areas is in our best interest.

Thank you.

Mr. & Mrs. Don Damkroger
7004 Culwells Ct.
Lincoln, NE 68516

Subject: [Fwd: WernerRFI#140-Big John's Billiard]

Date: Tue, 30 Nov 2004 10:57:42 -0600

From: Dana Roper <droper@ci.lincoln.ne.us>

To: tskinner@ci.lincoln.ne.us

Subject: WernerRFI#140-Big John's Billiard

Date: Mon, 29 Nov 2004 20:46:45 -0600

From: TBogenreif@ci.lincoln.ne.us

To: DRoper@ci.lincoln.ne.us, TBabb@ci.lincoln.ne.us, TRStorer@ci.lincoln.ne.us

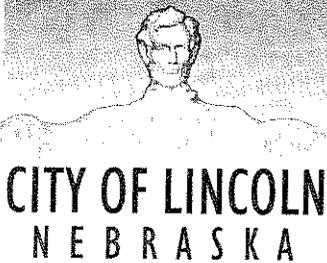
CC: campjon@aol.com, jcookcc@aol.com, glenn@friendt.com, amcroy@mccrealty.com, newman2003@neb.rr.com, ksvoboda@alltel.net, twernerLnk@aol.com, MBowen@ci.lincoln.ne.us, Mayor@ci.lincoln.ne.us, DEngstrom@ci.lincoln.ne.us, LQuenzer@ci.lincoln.ne.us

TO: City Law Dept: Attached, please find Request for Information #140 from Terry Werner. Would you please respond to the attached letter from Mr. Will Prout, 'Big John's Billiards, Inc.' and reply to him and to me. If you will send your response to the Council Office at CouncilPacket@lincoln.ne.gov, in a pdf format, we will distribute your response in the usual manner on the Directors' Agenda. The Subject line need only read WenerRFI#140. Thank-you. (Please, open attachment below)

(See attached file: z19-041129-W. Prout.PDF)

Tammy Grammer
City Council Office
555 South 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@ci.lincoln.ne.us

 z19-041129-W. Prout.PDF	Name: z19-041129-W. Prout.PDF Type: Portable Document Format (application/pdf) Encoding: base64
---	--



Law Department
Dana W. Roper, City Attorney
575 South 10th Street
Suite 4201
Lincoln, Nebraska 68508

402-441-7281
Civil fax:
402-441-8812
Pros. fax:
402-441-8813

Ernest R. (Rick) Peo III, Chief Assistant
Richard C. Anderson, Police Legal Advisor
Civil Division
James D. Faimon
Steven J. Huggenberger
Connor L. Reuter
Tonya L. Skinner
John C. McQuinn II, Chief Prosecutor
Prosecution Division
Patrick A. Campbell
Rob E. Caples
Christine A. Loseke
Marcee A. Brownlee
Jessica Kerkhofs



MAYOR COLEEN J. SENG

lincoln.ne.gov

December 13, 2004

Will Prout
Big John's Billards, Inc.
9819 "M" St.
Omaha, Ne 68127

Dear Mr. Prout:

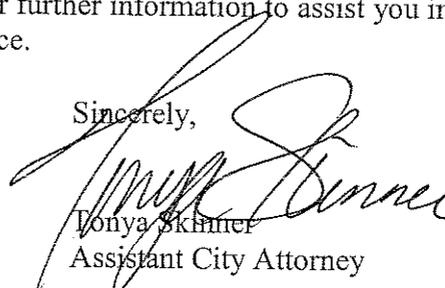
I have been asked by Councilperson Werner to respond to your November 22nd letter. I understand you are attempting to establish a business that only caters to smokers and to allow smoking anywhere inside your facility. As you may be aware, the voters of the City of Lincoln have adopted an ordinance to regulate smoking within the City of Lincoln, codified as Lincoln Municipal Code Chapter 8.50.

The purpose of this ordinance is to protect workers and the public from exposure to secondhand smoke. Exposure to secondhand smoke is a documented health hazard resulting in more than 50,000 deaths per year making it the third most common cause of preventable death. It is linked to heart disease, many cancers, asthma, emphysema and other respiratory diseases, ear infections and respiratory diseases in children, Sudden Infant Death Syndrome, and a variety of other health conditions. Prohibiting smoking in indoor environments is an effective public health policy to lessen or prevent disease, to help smokers reduce or quit smoking, and to keep youth from starting to use tobacco. (Lincoln-Lancaster County Health Department's Frequently Asked Questions).

The ordinance as passed is a legal measure to eliminate the exposure of smoke in all places of employment and public places. As you are aware, smoking in places of employment and public places has been regulated by the Nebraska Clean Indoor Act (Act), since 1979. This Act required business such as yours who provides food to have separate smoking and nonsmoking areas. Lincoln Municipal Code Chapter 8.50 extends the regulation of smoking by preventing smoking in indoor areas of places of employment and public places, eliminating the need for separate areas. Your idea to create smoking license would be inconsistent with the purpose and intent of the ordinance and illegal under the Clean Indoor Air Act. The effect of such a license would cause more exposure to smoking and harm to your employees. Allowing smoking inside Big John's Billiard would be a violation of LMC Chapter 8.50.

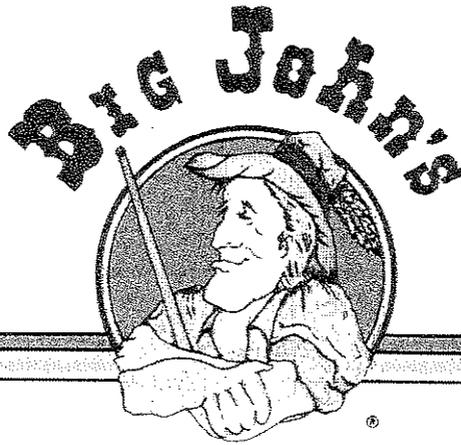
I hope this information is helpful in furthering your understanding of the Lincoln Municipal Code 8.50. Please feel free to contact the Lincoln-Lancaster County Health Department or visit the City of Lincoln's website at www.ci.lincoln.ne.us for further information to assist you in implementing a smoke free place of employment and public place.

Sincerely,



Tonya Skinner
Assistant City Attorney

RECEIVED
NOV 23 2004
CITY COUNCIL
OFFICE



"STRAIGHT SHOOTIN"

November 22, 2004

Terry Werner
City of Lincoln
City Council Office
555 S. 10th Street
Lincoln, NE 68508

Dear Councilman Werner:

A year ago I wrote you a letter asking about the possibilities of the city council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment. Big John's is a pool hall and pool players smoke while waiting for their turn to shoot the balls. Big John's Billiards operates in a 13,000 square foot building that was designed 21 years ago to rid the pool hall of smoke. Big John's does not have a smoke problem.

Big John's cannot survive as a "Non-Smoking Pool Hall". I would rather have Big John's Billiards be a business that caters to people who smoke and enjoy a "Smokers Only Pool Hall". Lettering on the entrance of the business can warn Non-Smokers to enter at their own risk, its their choice.

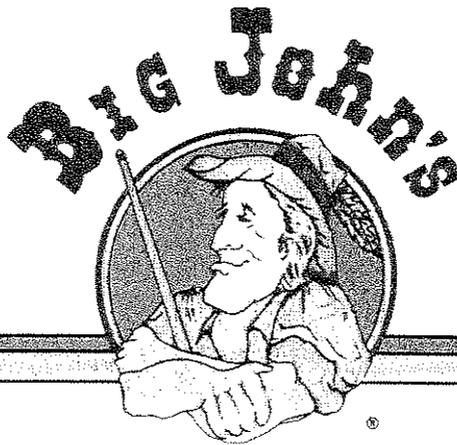
Big John's Billiards for more than 21 years has been a good entertainment business for thousands of Lincoln citizens that enjoy playing pool. Granting a License for a business to allow smoking will make the city more money. A smoking license will keep Big John's Billiards operating as a successful First Class Billiard Center that has provided over \$613,000.00 in expenses to employees, local vendors and taxes, this year. Big John's Billiards is an asset to the City of Lincoln, Please don't put us out of business because someone's smoking in the pool hall.

Please let me know what you can do to help me keep my business operating in the City of Lincoln.

Sincerely,

Will Prout

RECEIVED
NOV 23 2003
CITY COUNCIL
OFFICE



December 3, 2003

"STRAIGHT SHOOTIN"

Terry Werner
City of Lincoln
City Council Office
555 S. 10th Street
Lincoln, NE 68508

Copy Dated Dec. 3, 2003

Dear Councilman Werner:

Big John's Billiards is a Pool Room. People come to Big John's to play the game of pool, drink alcohol and smoke cigarettes. Big John's Billiards has been a successful Pool Room for over 20 years, giving Lincoln residents a First Class Billiard Center. Big John's is a 13,000 square foot building with no interior walls and 18 foot high ceilings. Big John's was designed to provide comfort to the pool player by removing the smoke from the air. Six large electronic smoke Eaters hang from the ceiling and are cleaned every week.

Big John's is a "smoking room" with pool tables and can not comply with a smoke-free building ordinance. Big John's employees would be at risk trying to keep a pool player from lighting up, putting their cigarettes on the pool tables and stomping it out on the carpet. No, the players will not leave the pool table and go to an enclosed room to have a smoke. Big John's employees could not control a no-smoking ban at the pool tables and the business could not survive financially only catering to players who do not smoke cigarettes.

The City Council should create a new city license for businesses with pool tables. The "Pool Room License" would cost \$1,000.00 and must be renewed in January each year. The "Pool Room License" would allow smoking in the entire building and require the business to place a sign on the front door warning non-smokers not to enter, if seeing someone smoking will offend them. If you don't like the smell of the air in our building, Please go someplace else.

Any business or bar that would like to cater to smokers could purchase a "Pool Room License" and pay the City of Lincoln \$1,000.00. Plus, have all employees sign a waiver stating they may encounter 2nd hand smoke.

Sincerely,

Will Prout

RECEIVED
NOV 29 2004
CITY COUNCIL
OFFICE

WARNING

“SMOKERS ONLY POOL HALL”

THE AIR IN THIS BUILDING MAY BE
HAZARDOUS TO YOUR HEALTH

NON-SMOKERS ENTER AT YOUR OWN RISK

IT'S YOUR CHOICE

CIGARETTE SMOKE CLEANED ELECTRONICALLY

DATE: Dec. 10, 2004

FROM: Bruce Dart

TO: Terry Werner

SUBJECT: Smoking Area in Square D Plant

LLCHD staff have worked in conjunction with Building and Safety and the City Attorney's office to determine that an outdoor smoking area is defined as an area with walls and a roof that has no less than 20% of the total square footage of the walls and roof permanently open to the atmosphere. Therefore, the suggestion from Jerry Gulizia that refers to removal of windows in an existing employee break room at Square D is acceptable as long as it meets the 20% rule and complies with all Building and Safety requirements. This is consistent with the example provided by Mr. Gulizia describing a Lexington, Kentucky Square D plant's smoking rooms.

RECEIVED

DEC 13 2004

CITY COUNCIL
OFFICE

12-13-04

To Mr. Marvin Krout + all city council members:

HARRY!! Mr. Krout - Thankyou for the notice on billboard-ing! I'm upset the hearing date was so short,

So here is excellent information on the worthlessness of Billboards. There is No inherent value in billboards.

The 5 states that prohibit all billboards have Not suffered any financial losses. Europe has little to No billboards for out-employment

Having served on Mayor Wenker's billboard committee we learned the Lamar company's sales pitch is 100% Not true.

Start now by approving Mr. Krout's proposal & move on to working to rid our lovely state of all billboard trash.

Thankyou.

Lynne Darling

2601 S.W. 23

438-5005

Office
Exp
* Council received
on 12/13/04 in
their file - T.G.



Change is Inevitable: U
[Contact Us](#) [Join / Donate](#)

- [Help](#)
- [Home](#)
- [About Us](#)
- [Success Stories](#)
- [Join](#)
- [Bookstore](#)
- [Billboard & Sign Control](#)
- [Community Design & Planning](#)
- [Context-Sensitive Highway Solutions](#)
- [Scenic Byways](#)
- [Telecommunications Towers](#)
- [Tree Conservation](#)
- [View Protection](#)
- [Visual Environmental Education](#)
- [Articles & Speeches](#)
- [Last Chance Landscapes](#)
- [Links](#)
- [Policy & Scenic Beauty](#)
- [Road Games](#)
- [Scenic News Briefs](#)
- [Site Specific Projects](#)
- [Viewpoints On-Line Newsletter](#)

Scenic America
 1634 I Street, NW
 Suite 510
 Washington, D.C. 20006

PH: (202) 638-0550
 FAX: (202) 638-3171
scenic@scenic.org

©2003 Scenic America
 All photos are copyrighted
 material and cannot be used
 without permission.

"PUBLIC SERVICE" BILLBOARDS: SIGNS OF AN ULTERIOR MOTIVE

"Our company has a unique opportunity to build a closer relationship with city government... The Mayor (being a politician) will recognize the value of being able to get credit for favors to various civic-minded persons." — Naegele Outdoor Advertising

"Know the public service and/or charity interest of the mayor, planning director, council members, ... their wives and husbands ... Direct your public service efforts toward these causes ... Make these persons aware each time you donate space to a cause and/or group for which they have an interest." — Outdoor Advertising Association of America conference

The Strategy

Donations of free billboard space to charity would appear to be a commendable practice by the billboard industry. However, in the vast majority of cases, these donations are part of a calculated strategy to undermine local, state, and national efforts to control billboards. Furthermore, because billboard companies maintain more sign structures than they have advertisements, free billboards are a convenient way to fill otherwise empty billboard space. In short, free billboards aren't intended to be free at all.

The tactic of donating billboards to charities is spelled out in documents from an industry corporate seminar hosted by Naegele Outdoor Advertising in 1986. Under the "Mayor's Public Service Program" outlined in the seminar, billboard companies are urged to offer free billboard space to the favority charities of majors, city council members, and other public officials.

Signs of the Times, a sign industry publication, discussed the reasons for donating free advertising space: "It would be difficult for the mayor (or other politicians) to sponsor or support anti-billboard legislation or ordinances if he/she had been actively using outdoor advertising for their own projects." (Signs of the Times, July, 1982, pp. 71)

When billboards are donated to a local charity of organization, the billboard company often requires a letter of thanks from the recipient. These letters are then read before the city council or planning commission. In one episode, a billboard company asked an official of the Black Hawk Girl Scouts of America to denounce Scenic America in a letter to that company. She wrote the letter, although she later acknowledged that she had never heard of Scenic America. The official said she had been told that the Girl Scouts would not be offered discount billboards in the future without the letter. Her letter was dutifully reprinted in industry fliers and publications.

Often, representatives of local charities are asked to testify against billboard control at public hearings. Billboard recipients are also asked to write letters to newspapers, politicians, and Members of Congress in opposition to proposed billboard reform.

The Evidence

In case after case, the billboard industry has employed this tactic on the local and national levels to undermine genuine community concern about billboards. Below are some poignant examples.

Over the past decade, the Highway Beautification Act of 1965 has been under attack from national conservation organizations for its inability to control the spread of billboards along federal highways. The billboard industry has repeatedly tried to blunt the attacks of environmentalists by offering them free billboard space to advertise their causes. In 1990, the Environmental Protection Agency (EPA) was offered 11,000 free billboards from the Outdoor Advertising Association of America, the Washington, DC-based lobby for the billboard industry, only a few months before the Bush Administration was to take an official stand on reform of the Highway Beautification Act. EPA refused the signs saying billboards are "another form of environmental pollution."

Earth Day 1990 also turned down an offer from the billboard industry of \$700,000 worth of free billboards and asked local Earth Day groups to do the same. The vast majority obliged, but a few local groups did accept billboards. Photos of these "environmental billboards" were subsequently printed in the fliers and publications of the billboard lobby and then distributed to Members of Congress at a time when national billboard legislation was pending.

The tactic is most often employed at the local level. For example, in 1988, the Richmond, Virginia city council was debating a proposed ordinance which would have prohibited new billboards with the exception of those adjacent to interstate highways. In response, a local billboard company donated billboards to the Richmond chapter of a national charity which in turn publicly opposed the billboard ban. Before a council hearing, an executive of that billboard company stated that the donation of free billboards was "absolutely" tied to the vote.

Public service billboards were also used to sway a Des Moines, Iowa court considering a billboard company's challenge to local regulations. In a memo to the city council, Philip Riley, counsel to the city, accused the billboard company of "impingement on the processes of government." Riley cited the placement of a billboard during the trial at a West Des Moines intersection saying, "A Shriner never stands so tall as when he stoops to help a crippled child." Wrote Riley, "Can it be said in any candor that it is accidental that the judge trying the case is both a Shriner and a resident of West Des Moines?"

Free billboards are also donated to state departments of transportation which administer federal and state billboard controls. In 1990, the Georgia Outdoor Advertising Association (GOAA) donated \$700,000 worth of billboards to the state board of transportation to promote an anti-litter campaign. The donation came at a time when GOAA was lobbying the board to allow tree cutting on public rights-of-way in front of billboards.

Perhaps even more blatant than the usual donation of free billboard space was the 1991 strategy employed by Donrey Outdoor Advertising of Spokane, Washington. Just weeks prior to a city council vote on proposed billboard regulations, a foundation tied to Donrey issued five checks worth a total of \$5,500 to the favorite charities of Mayor Sheri Barnard and four Council members. However, rather than mailing the checks directly to the charities, Donrey's manager delivered them to the Mayor and council members and asked

that they in turn personally present them to the charities. Barnard brought the scheme to the attention of the press and then sought legal advice on how to deal with the donation. In an editorial supportive of her decision, the Spokesman-Review opined, "If this check-writing spree is the best the billboard industry can muster to make an impact on the council, it may have shot itself in the foot."

What You Can Do

If you are seeking stronger billboard control, you may be seeing an increasing number of "public service" billboards in your community. Here are some suggestions to counter the use of free billboards:

1. Count the number of public service billboards in your community before pushing for billboard reform. This will provide a baseline with which to compare the industry's use of public service billboards once your campaign begins.
2. Ask community, church, and especially conservation groups not to accept billboard space. If local groups have accepted billboards, make them aware of the environmental, economic, and health issues associated with billboards and urge them not to oppose your billboard control efforts.
3. Expose the tactic of public service billboards to the press. If necessary, urge reporters to contact Scenic America for further information.



Scenic
America

Change is Inevitable: U

[Contact Us](#) [Join / Donate](#)

[Help](#)

[Home](#)

[About Us](#)

[Success Stories](#)

[Join](#)

[Bookstore](#)

[Billboard & Sign Control](#)

[Community Design & Planning](#)

[Context-Sensitive Highway Solutions](#)

[Scenic Byways](#)

[Telecommunications Towers](#)

[Tree Conservation](#)

[View Protection](#)

[Visual Environmental Education](#)

[Articles & Speeches](#)

[Last Chance Landscapes](#)

[Links](#)

[Policy & Scenic Beauty](#)

[Road Games](#)

[Scenic News Briefs](#)

[Site Specific Projects](#)

[Viewpoints On-Line Newsletter](#)

Scenic America

1634 I Street, NW

Suite 510

Washington, D.C. 20006

PH: (202) 638-0550

FAX: (202) 638-3171

scenic@scenic.org

©2003 Scenic America

All photos are copyrighted
material and cannot be used
without permission.

WHO DO BILLBOARDS HURT? ALL OF US!

It's easy to think of billboard blight, or any kind of visual blight for that matter, as a general sort of harm, afflicting a lot of people in a minor way. It's easy to think "they're ugly and I wish there were a lot fewer, but who do they really hurt?"

But would you think that way if the value of your home dropped by a third because a billboard went up next door? Or if your sustainable housing development was set to have a billboard erected in the middle of it? Or if a grove of trees that shields your neighborhood from the noise and fumes of a nearby expressway were suddenly chopped down because it blocked the view of a billboard from the road? These are not hypothetical examples. These are real stories about real people, with real property rights which are being damaged by the billboard industry.

William F. Buckley, a noted conservative commentator once wrote "If a homeowner desires to construct a huge Coca-Cola sign facing his own homestead rather than the public highway, in order to remind him, every time he looks out his window, that the time has come to pause and be refreshed, he certainly should be left free to do so. But if he wants to face the sign toward us, that is something else."

The federal government, 46 state governments, and local governments in 41 of those 46 states could stop new billboard construction tomorrow. More than 750 local governments already have. You can join thousands of activists who have stopped billboard blight and its negative effects on property values. Take these stories and other Scenic America publications and videos to your city council or state legislator and ask them to stop new billboard construction.

Evidence is mounting that billboards hurt property values. So, who do billboards hurt? If your home town still allows new billboards, or yields to billboard industry threats, the answer could be YOU!



Photo: Scenic America

Plummeting Property Prices in Pax, WV

The Painter and McNeely families of Pax, WV did not have the law on their side when a 102-foot billboard appeared beside their modest homes in 1995. When they called their county officials to stop construction, the official replied, "you have my sympathy, but there is nothing we can do to help." And thus, the billboard remains a multi-faceted nuisance for them. "It lights up the whole neighborhood," explains beleaguered Claude Painter. The sign is lit 24 hours a day, forcing the families to buy thick drapes and blinds for their bedrooms to mitigate the brightness. The Painters used to enjoy sitting on their porch and watching planes fly at night. Now all they can see is a shining ad for a nearby restaurant/gas station. The sign is also a safety concern. In the winter, ice forms on the structure, threatening to break off in large chunks — one chunk has already broken a neighbor's windshield.

Most outrageous, however, is that the sign's presence will cost the families financially because it has devalued their property value by over 30%. During their unsuccessful lawsuit to remove the sign, both families had their homes appraised for pre- and post-billboard prices. The McNeely property was \$22,000 before and is now worth \$16,500. The Painter's was \$23,000 before and is now worth \$16,000.

The Sunday Gazette-Mail newspaper reports that although "Fayette County has zoning laws that would prevent a sign going up in unincorporated areas, the town of Pax has no zoning laws to protect neighborhoods." Thus, the judge for their case acknowledged that billboards are "an ugly pox on the natural beauty of our state" but could not rule against them.

"While the court's sympathies lie with the plaintiffs, the evidence and the law favor the defendants." Right now the families can't afford to spend more to continue the battle than the \$20,000 they have already spent. Now they realize that the next step would be to save other communities from their billboard blight by fighting to ban construction of new signs. Unfortunately, it is often too late to win a billboard battle when you can see the sign.

Saving Sustainable Sanctuaries in St. Paul

Jeff Wallis wants to start a national trend in housing developments with his "sustainable urban village" in St. Paul, MN, but Clear Channel Outdoor

Advertising may stand in his way literally. They claim to have a lease for a billboard in the middle of Wallis's site, where he plans to build 350 housing units in three buildings that will use geo-thermal heat, wind and solar power, and promote alternatively fueled cars, among other innovative approaches to property development.

Three years ago Wallis's company, Mondo Management, bought the property rights to 2.5 acres outside of downtown St. Paul. Soon after, Tom McCarver of Eller Media Company (the company that became Clear Channel Outdoor) called Wallis to let him know of their plans to erect a billboard for which they had "at least a 20 year lease", in the middle of the property. But Wallis had done his research. His "general warranty deed stated that the only encumbrances permitted on the property were those that appeared in a title search. Eller's deed did not appear. "I don't want to give them advice, but they should have just registered the title." McCarver backed off for the next 2 years.

Then St. Paul passed a moratorium on new billboards. The billboard companies quickly filed applications for new billboards before the moratorium went into effect. Knowing there was a moratorium, the city of St. Paul did not process the applications — neither granting nor refusing them. In turn, the companies threatened to sue the city for unfairly dismissing their applications. Fearing the cost of a lawsuit from wealthy billboard companies, the city immediately granted the permits without considering their consequences. So McCarver called Wallis roughly a year ago. Still confident in his rights, Wallis told McCarver that he had nothing to say to him. McCarver succinctly responded, "The stakes have been raised. We now have a permit."

Thus, with plans to begin building on August 20, 2002, Wallis paid \$250 to file an appeal of the permit, the first of many fees he suspects he will have if Clear Channel Outdoor counters with a lawsuit against him. Though a trial will probably cost Wallis thousands of dollars, he cannot afford to have the billboard on his property. "What [Clear Channel] is trying to do is the exact antithesis of what we are trying to accomplish [with sustainable development]."

Trashing Trusty Trees

Helen Brock has always found the freeway she lives near in the Barrios Unidos neighborhood of Phoenix, AZ unattractive, noisy, and dirty. But the trees planted by the state to mitigate noise and pollution helped her forget how close the road is. That was until January of 2000 when crews from the Arizona Department of Transportation (ADOT) woke her up with the sounds of their chainsaws as they cut through a 20-year-old, 50-60 foot tall grove of eucalyptus, paloverde, and mesquite trees because they obstructed the view of a billboard from the freeway.

"It took 18 years to grow those trees," says Brock. "It was our tax money that paid to haul the old sterile dirt out and haul clean dirt in. It was our taxes that paid to do the drip irrigations system and all that labor and material and stuff. We paid them to maintain it for all these years. What sense does it make to turn around and whack it all down?" Although they won't comment on it, Eller Outdoor Media (now Clear Channel Outdoor) made a deal in which ADOT cuts back any trees that block Eller's signs and they do so without consulting local property owners beforehand. To prove the reality of this agreement, a local reporter called Eller claiming he wanted more trees cut back near the sign. A representative responded confidently. "We can get those trees cleared. We have a way of doing that."

This outraged Brock, who heads the beautification committee for her neighborhood. However, unlike other individuals fighting the billboard industry, Brock could not change the situation: the deal between Eller and ADOT was

tacit and the trees were already stumps.

What she did do was demand that Eller replant the trees they mauled to which they replied that they couldn't because "they would be too tall and block the signs." Instead, they said they would "plant some nice shrubs." Brock told the Phoenix New Times that her last line of defense is a baby pine tree that she waters religiously. "And I hope it grows up and blocks that damn sign long after I'm gone."



Photo: Scenic America



Site Map

Scenic
America*Change is Inevitable: U*[Contact Us](#) [Join / Donat](#)

OPINION POLLS: BILLBOARDS ARE UGLY, INTRUSIVE, UNINFORMATIVE

Each year, more than 200 communities seek tighter billboard control — the surest sign that citizens are fed up with billboard blight. Though the industry claims billboards are essential providers of important information, polls reveal that they most people see them as ugly, intrusive, and uninformative. Between 1957 and 1977, at least eight polls found 70% or more of respondents to be anti-billboard.

In the 1990s, people in Florida, Rhode Island, New Hampshire, Texas, Michigan, and Missouri all agree that billboards are litter on a stick. In fact, virtually every credible poll that's been done reveals one fact: Americans do not like billboards.

Billboards Degrade Scenic Beauty, Communities

Where do people want to live, work, and visit? Places of great natural beauty and distinctive community character. And most people agree billboards degrade natural beauty and community character.

- By a 10 to 1 margin, Floridians prefer reducing the number of billboards over further increases.
- 64% of the citizens in New Hampshire oppose to billboard advertising on highways, with 53% of total respondents strongly opposing billboards.
- 62% of Rhode Islanders state that billboards make state roads less attractive, as opposed to 31% who simply felt it made no difference.
- 96% of Houstonians believe it important to make major improvements in beautification of the city, and 79% of Houstonians support maintaining or strengthening the city's ordinance removing ALL billboards by 2013.
- 69% of Missourians believe that fewer billboards would make their state more attractive to tourists, while just 26% disagreed.

We Need Fewer Billboards, Not More

Public patience with new billboard construction is wearing thin across the country. In fact, although the number of billboards along our roads increases by thousands annually, most Americans believe we already have either too many billboards or the right number. Almost no one supports the rapid rate of billboard growth we're currently experiencing.

- Michigan residents favor a ban on new billboard construction by a 60%-32% margin; moreover, more than 90% of Michigan residents believe the state has too many billboards or the right amount of billboards (versus just 2% who want more).
- The Rhode Island public opinion survey discovered two-to-one support for a ban on new billboards.
- 81% of residents of Houston, TX, favor their existing ordinance banning new billboard construction.
- New Hampshire residents favor a ban on new billboards by a 56% to 29% margin.
- In Missouri, the margin of opposition to new billboard construction is 78% to 15%.

Tree-Cutting for Billboard Visibility Outrages Americans

There are many things taxpayers are willing to pay for. Cutting trees along public rights-of-way to improve billboard visibility is not one of these things.

- A 1994 survey of Missouri found that a whopping 80% oppose the state law allowing the cutting of trees on public rights-of-way in front of billboards.
- 80% oppose tree cutting to improve visibility of existing billboards in New Hampshire.
- 75% of Floridians oppose tree cutting to allow billboards to be seen. Michigan residents oppose tree cutting by a 63%-33% margin.

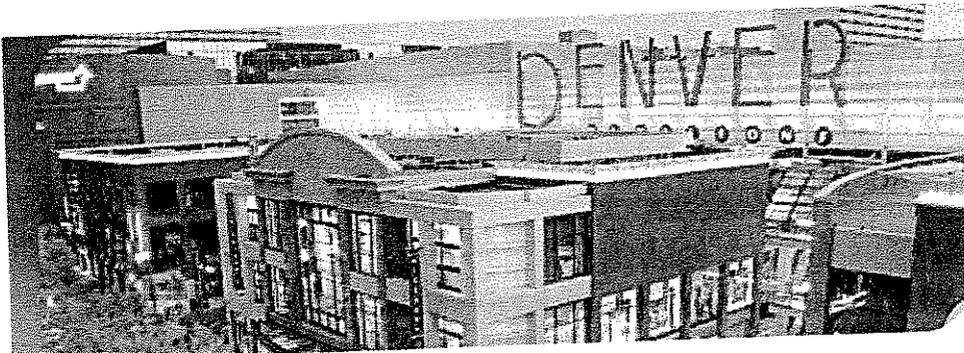


Photo: Scenic America

Americans Get Very Little Information From Billboards

Though billboard operators like to portray billboards as providing essential information, in fact, most people get little or no useful information from billboards.

- 72% of those surveyed in a Rhode Island study responded that they received either very little or no useful information about products and services from billboards.
- In Florida, the margin of those who derived more information from official



Scenic
America

Change is Inevitable: U
Contact Us [Join / Donate](#)

- Help
- Home
- About Us
- Success Stories
- Join
- Bookstore
- Billboard & Sign Control
- Community Design & Planning
- Context-Sensitive Highway Solutions
- Scenic Byways
- Telecommunications Towers
- Tree Conservation
- View Protection
- Visual Environmental Education
- Articles & Speeches
- Last Chance Landscapes
- Links
- Policy & Scenic Beauty
- Road Games
- Scenic News Briefs
- Site Specific Projects
- Viewpoints On-Line Newsletter

MODEL LEGISLATION: LOCAL BILLBOARD PROHIBITION ORDINANCE

Of the 45 states that allow new billboard construction, 41 allow municipalities to prohibit new billboard construction. Scenic America strongly recommends local prohibitions of new construction as a valid means of stopping billboard blight from getting worse.

The following model ordinance is based on language from a variety of the more than 720 communities throughout America with billboard prohibitions confirmed by Scenic America. The ordinances of places as diverse as Baltimore, Maryland; Richland County, South Carolina; Scottsdale, Arizona; and Fort Worth, Texas offer worthy examples for other communities.

Ordinance No.

City of Any Town, East Dakota, USA

Whereas, the proliferation in number, size, and manner of off-premise outdoor advertising signs unreasonably distracts operators of motor vehicles and promotes confusion with regard to traffic lights, signs or signals and is therefore hazardous to the health and safety of road and highway users; and

Whereas, excessive and inadequately controlled off-premise signs endangers the uniqueness and scenic beauty of Any Town, harms the appearance of our neighborhoods, and reduces the property values of neighboring property owners; and

Whereas, tourism and trade from both resident and nonresident highway users is an essential part of Any Town's economy; and

Whereas, logo signs, well-designed on-premise signs, information centers, and other forms of media in Any Town offer local businesses ample opportunity to promote their goods and services to residents and visitors alike; and

Whereas, Section _____ of the Code of East Dakota permits local governments to strictly control and prohibit the construction and reconstruction of new off-premise outdoor advertising signs; and

Whereas, The City Council of Any Town finds that a complete prohibition of the construction of new outdoor advertising signs advances the public health, safety,

Scenic America
1634 I Street, NW
Suite 510
Washington, D.C. 20006

PH: (202) 638-0550
FAX: (202) 638-3171
scenic@scenic.org

©2003 Scenic America
All photos are copyrighted
material and cannot be used
without permission.

and welfare of Any Town;

Therefore be it ordained that the following subsections shall be added to Section 12 of the Municipal Zoning Ordinance of Any Town and shall be effective immediately.

Section 12-1. Definitions:

A. "Official business directional sign" means a sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

B. "Off-premise sign" means a business sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Section 12-2. Prohibited Signs.

A. All off-premise signs are prohibited and no permit shall be granted for the construction of any off premise signs on or after the effective date of this subsection.

Section 12-3. Repair and Reconstruction of Signs.

A. Off-premise signs: Should any sign be damaged by acts of God, weather, unintentional harm or negligence or should any off-premise sign deteriorate due to failure to properly maintain said sign to the point that the cost of repair is greater than 50 percent of its current fair market value, the City shall not grant any permits for the repair or reconstruction of the sign. This prohibition does not apply to signs damaged by vandalism or other criminal acts.

Section 12-4. Protection of First Amendment Rights.

A. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located.

Section 12-5. Severability and Conflict.

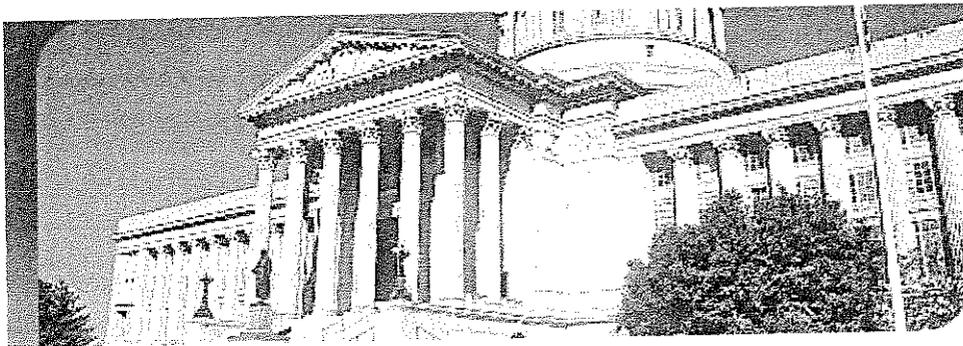
A. Severability: This ordinance and its various parts are hereby declared to be severable. If any section, clause, provision or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of either this ordinance as a whole or any parts not declared invalid or unconstitutional.

B. Conflict: If any part of this ordinance is found to be in conflict with any other ordinance of the City of Any Town, the most restrictive or highest standard shall prevail.

NOTES

1. This model ordinance is intended to amend existing sign laws or an existing ordinance. It could also serve as a stand-alone ordinance. As with other model ordinances, Scenic America urges activists and officials to consult with experienced local counsel and modify this ordinance to comply with current state law.
2. Four states, Ohio, Pennsylvania, Missouri, and South Dakota do not allow communities to prohibit billboards completely. Pennsylvania law may allow communities that already have billboards in their community to prohibit new billboards, but that question remains unsettled.
3. For more information on how to advocate for good state and local billboard controls, see Scenic America's publication *Fighting Billboard Blight*, available in our secure online [Bookstore](#).

7/11/2004



Scenic America

Change is Inevitable: U

Contact Us Join / Donate

Help

Home

About Us

Success Stories

Join

Bookstore

Billboard & Sign Control

Community Design & Planning

Context-Sensitive Highway Solutions

Scenic Byways

Telecommunications Towers

Tree Conservation

View Protection

Visual Environmental Education

Articles & Speeches

Last Chance Landscapes

Links

Policy & Scenic Beauty

Road Games

Scenic News Briefs

Site Specific Projects

Viewpoints On-Line Newsletter

Scenic America

1634 I Street, NW

Suite 510

Washington, D.C. 20006

PH: (202) 638-0550

FAX: (202) 638-3171

scenic@scenic.org

©2003 Scenic America

All photos are copyrighted material and cannot be used without permission.



email from Bush Greenwald LLC to scenic@scenic.org on 12/12/2004

MODEL LEGISLATION: STATE PROHIBITION OF BILLBOARDS

Five states, Alaska, Hawaii, Vermont, Maine, and Rhode Island, currently prohibit new billboard construction. Oregon has adopted a statewide cap and replace law, meaning that no one may erect a new billboard until they remove an existing one. In fact, if a person wishes to erect a tri-vision billboard in Oregon, they must remove three static billboards.

The remaining 45 states, including Oregon, could all go considerably further in their efforts to fight billboard blight by prohibiting new billboard construction tomorrow. The following legislation is based on language used by Alaska, Hawaii, Vermont, Maine, and Rhode Island, language that has withstood repeated challenges by the billboard industry.

Scenic America believes that stopping new billboard construction is the single most effective way to stop billboard blight from getting worse. Such a prohibition does not force the removal of a single billboard, nor does it take anyone's property. However, it can ensure that areas currently unsullied by billboards remain that way forever. The following is suggested language for states to adopt covering both federal and state roads:

Section 1. Findings and declaration of policy:

The Legislature hereby finds and declares:

That the proliferation in number, size and manner of outdoor advertising unreasonably distracts operators of motor vehicles and promotes confusion with regard to traffic lights, signs, or signals or other interference with the effectiveness of traffic regulations and is therefore hazardous to highway users;

That the excessive and inadequately controlled proliferation of billboards visible from highways endangers the uniqueness of our state and our communities and our scenic beauty;

That tourism and trade from both resident and nonresident highway users is an essential part of our economy;

That tourist-oriented directional signs and logo signs offer businesses cost-effective means of announcing their presence to the highway users without harm to our state's scenic beauty. The erection and maintenance of new outdoor advertising signs, displays and devices in areas adjacent to interstate highways, primary highways and all state roads should be prohibited in order to protect the

public investment in such highways, preserve the state's scenic beauty and distinctiveness, and promote the general health and welfare of the motoring public.

Section 2. Definitions

A. "Outdoor advertising" includes any outdoor sign, display, or device used to advertise, attract attention to or inform and which is visible to a person on the main-traveled way of a highway of the interstate, primary, or secondary systems in this state, whether by printing, writing, painting, picture, light, drawing, or any other means.

B. "Official business directional sign" means a sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

C. "Tourist-oriented directional sign" means a sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, religious, and recreational interest.

D. "On-premises outdoor advertising sign" means an accessory sign which directs attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered on the same premises as the sign.

E. "Off-premises outdoor advertising sign" means any sign not including official business directional signs or tourist-oriented directional signs that promotes products, services, or activities not sold or conducted on the premises on which the sign is located.

F. "Billboard" means any off-premises outdoor advertising sign excluding official business directional signs, tourist-oriented directional signs, and signs erected on transit system vehicles or shelters with areas of less than 100 square feet.

G. "Interstate, federal aid primary, or the National Highway System (NHS)" covers roads that receive federal aid or are considered to be part of the NHS; "state roads" are any roads built or maintained in whole or in part by the state or with the aid of state funds.

Section 3. Prohibition of New Billboard Construction

On and after the effective date of this Act, the Department of Transportation shall not accept applications for any new permits for billboards along any Interstate, federal aid primary road, National Highway System or state highway or along any other road in the state.

Section 4. Construction of Permitted Billboards

Any holder of a permit for a billboard who has not started construction of the billboard as of the effective date of this act may initiate construction within 90 days of the effective date of this act. If the holder fails to do so, the Department of Transportation shall revoke the permit and refund all fees paid to the Department by the holder in relation to the permit.

Section 5. Maintenance and Repair of Existing Billboards

- A. Any billboard lawfully erected prior to the effective date of this act may be maintained in accordance with Department of Transportation standards and ordinary business practices.
- B. Any lawfully-erected billboard damaged by the negligent or malicious action of another party may be repaired to its original condition.
- C. Any lawfully-erected billboard which deteriorates either through ordinary wear and tear or is damaged by natural forces or an act of God to the extent that the cost of repair or reconstruction of the billboard exceeds fifty percent of its fair market value as determined by the Department of Transportation shall be removed by the owner.
- D. Repair, reconstruction, and maintenance of a billboard shall only include those actions required to restore the billboard to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the billboard, converting the billboard to a multiple message or trivision sign, or adding any attachments to the billboard.

Section 6. Increase in Permit Fee and Inventory of Billboards

- A. As of the effective date of this Act, the annual fee to renew a permit for a billboard shall increase by \$200 per sign face.
- B. The Department of Transportation shall use additional revenues resulting from subsection A. to conduct a thorough statewide inventory of all billboards, including plotting the exact location of each sign, determining whether or not each sign has a valid permit from both the Department and any local government agency charged with regulating billboards, determining the age of the sign and its condition. In compiling this inventory, the Department shall cooperate with billboard permit holders, local governments, the Federal Highway Administration, non-governmental organizations and citizens groups concerned with scenic conservation and transportation.
- C. Upon completion of the above-referenced inventory, the Department shall initiate the removal of all signs operating without a valid permit.
- D. Upon completion of the inventory referred to in subsection B and the removal of all illegal signs called for in subsection C, the annual billboard permit fee shall decrease by \$100 per sign face.

Section 7. Development of Official Business Directional Signs

The Department of Transportation is directed to develop, construct and contract with public and private entities for the construction and maintenance of official business directional signs in addition to any such signs currently operated by the Department. The Department shall consult with scenic conservation groups, businesses and business organizations, and local governments to facilitate the development of these signs in such a way as to allow businesses to reach the traveling public without the deleterious impact of billboards on scenery.

Section 8. Agreement with the Federal Government

The Department of Transportation is authorized to seek any modification of the state's agreement with the United States Department of Transportation concerning the control of outdoor advertising to ensure that the intent of this Act

is carried out and to ensure continued compliance with the agreement.

Section 9. Severability

This Act is hereby declared severable. In the event that any provision of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the enforcement of either this Act as a whole or any parts not declared invalid or unconstitutional.

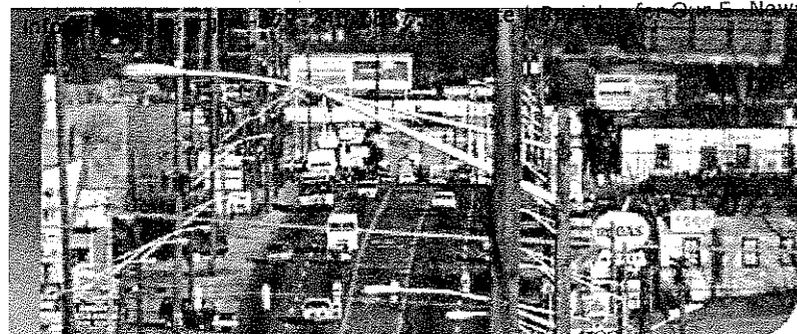
Section 10. Conflict

If any part of this Act is found to be in conflict with any other state law or regulation, the most restrictive or highest standard shall prevail.

Section 11. Effective Date

This Act shall be effective upon signature by the Governor.

For more information on how to advocate for good state and local billboard controls, see Scenic America's publication Fighting Billboard Blight, available in our secure online Bookstore.



Change is Inevitable: U

Contact Us Join / Donat

Help

Home

About Us

Success Stories

Join

Bookstore

Billboard & Sign Control

Community Design & Planning

Context-Sensitive Highway Solutions

Scenic Byways

Telecommunications Towers

Tree Conservation

View Protection

Visual Environmental Education

Articles & Speeches

Last Chance Landscapes

Links

Policy & Scenic Beauty

Road Games

Scenic News Briefs

Site Specific Projects

Viewpoints On-Line Newsletter

Scenic America
1634 I Street, NW
Suite 510
Washington, D.C. 20006

PH: (202) 638-0550
FAX: (202) 638-3171
scenic@scenic.org

©2003 Scenic America
All photos are copyrighted
material and cannot be used
without permission.

FIGHT BILLBOARD BLIGHT: BILLBOARDS BY THE NUMBERS

Imagine your ideal destination. Chances are the first things that spring into your mind are tree-lined streets, bright warm days, charming little communities, and friendly people who are proud of where they live and happy to show you around, not billboards.

Which view do you prefer? This?



(Photo: Deborah Myerson, Scenic America)

Or this?



(Photo: Deborah Myerson, Scenic America)

Increasingly though, billboards are marring our ideal destinations and making

every place look the same. People prefer to live, work, and visit beautiful places, contrary to claims by the billboard industry that people like billboards and want them in their community. Below are some facts and figures to put the billboard issue into perspective and to help your community fight billboard blight.

Billboards in America (total on major highways, estimated)	More than 500,000
Annual Increase	5,000 - 15,000
States prohibiting new billboards	5
States that are billboard-free	4
Communities that prohibit new billboard construction (estimated)	More than 1,000
... In Texas	Nearly 200
... In Florida	More than 200
Size of billboard industry	\$1.8 Billion
Billboard revenues as a percentage of total advertising revenue	0.8%
Billboard industry employment (estimated)	Less than 15,000
States that have suffered economically from having tough billboard controls	None
Communities that have suffered economically from having tough billboard controls	None
Rise in tourism spending in Vermont in the first two years after it became billboard-free	50%
Increase in retail sales in Houston, Texas ten years after it banned billboards	More than 100%
Billboard standard sizes	72 sq. ft. - 1,200 sq. ft.
Size of many starter homes	Less than 1,200 sq. ft.
Percentage of billboard sites nationwide held by the top five billboard companies	More than 80%
Cost to build a large, steel monopole double-faced painted bulletin (estimated)	\$20,000 - \$40,000
Length of time in years for such a billboard to pay for itself	2-3 years
Length, in years, or average amortization period	5-8 years

Communities don't have to live with blight like this.



(Photo: Scenic America)



**DO NOT REPLY to this-
InterLinc**

<none@lincoln.ne.gov

>

To: General Council <council@lincoln.ne.gov>

cc:

Subject: InterLinc: Council Feedback

12/13/2004 07:14 PM

InterLinc: City Council Feedback for
General Council

Name: Gregory A Gaines
Address: 6921 Bernese Blvd
City: Lincoln, NE 68516

Phone:
Fax:
Email: GeeGee1958@aol.com

Comment or Question:

Good Evening:

I am compelled to write to you after viewing this evening's city council meeting (12-13-04). I have become an interested and passionate citizen of Lincoln since 1994 when I relocated back to the Star City. I regularly watch the city council meeting on channel 5, have attended some of the meetings regarding "The Future of Downtown", attended several city council meetings and for some unknown reason am now genetically unable to give up this hunger to become an informed citizen.

The main reason I am contacting you at this time is regarding the councils 'history' when dealing with Mr Grodt (sp?). While I often react to his approaching of the mic with some trepidation, I find myself focusing soon afterwards on the curt responses and obvious distaste you portray to him (and other regulars....) I understand the track record he seems to have with the council, but, please keep in mind, that, hopefully, each week new viewers watch the meetings and may not have seen episodes where Mr Grodt was asked to leave or be physically removed. The new viewer may be turned off by city politics by getting a "snapshot" instead of the "sequel".

Mr Grodt's testimony regarding the sidewalk repairs needed are indeed repeat requests for your attention. The common viewer may have witnessed one concerned citizen being "shot down" in front of an already intimidating forum. This, in my opinion does not represent the Lincoln that I know and love. It does not foster or instill a sense that the common Mr. or Mrs. Lincolnite could or should attempt to bring to the city a concern that is, at the very least, a very real issue with the person wishing to approach.

I guess, I am asking that you might become a little more introspective this Holiday season and consider that we should all show courtesy and professionalism even when the subject matter is a hard pill to swallow.

Thank you, all of you, for your time to hear my concerns.
Happy Holidays and Seasons Greetings to You and Yours.

Greg Gaines



**DO NOT REPLY to this-
InterLinc**

<none@lincoln.ne.gov

>

12/13/2004 08:50 PM

To: General Council <council@lincoln.ne.gov>

cc:

Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Christy TenHulzen
Address: 2754 Anderson Dr
City: Lincoln, NE68506

Phone: 402-483-1987
Fax:
Email: LTENHULZEN@NEB.RR.COM

Comment or Question:

I am curious as to why there are no sidewalks between Van Dorn and Calvert, and 48th to 40th streets. We live on the north side of Van Dorn, and my son attends Calvert Elementary. He wants to ride his bike to school, as his school encourages by the "Walk to school" program, but we cannot allow him to do this because he would have to be in the streets almost the whole time. We have never lived in a neighborhood that does not have sidewalks. There was recently a lot of work done on 42nd Street along the street, and I was hoping they were going to add sidewalks, but that wasn't the purpose of the work. Why are there no sidewalks and what must happen to get them?

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

RECEIVED

DEC 15 2004

CITY COUNCIL
OFFICE

Gary L. Aksamit
of Counsel

December 15, 2004

City Council
555 South 10th Street
Lincoln, NE 68508

Re: *Stevens Creek Flood Boundary/Stevens Creek Watershed Property Owners*

Dear Council Members:

Enclosed is a copy of a mailing that I did to other homeowners that will be affected by the Stevens Creek floodplain designation. I wanted you to have it in case you get calls from some of them.

Sincerely,



Peter W. Katt
For the Firm
lawkatt@pierson-law.com

PWK:sb

Enclosure

Pierson|Fitchett

LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

December 14, 2004

Gary L. Aksamit
of Counsel

FIELD(Name)
FIELD(Address)
FIELD(City, State Zip)

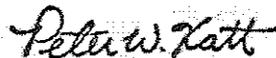
Dear Stevens Watershed Creek Property Owner:

I represent Prairie Homes, the developer of a project located at 84th and Adams. We have learned that the City of Lincoln's plans to revise the Stevens Creek floodplain will result in many existing lots, including yours which may need to obtain flood insurance. Flood insurance on properties within a floodplain is expensive and will lower the value of your property.

The City Council continued yesterday's public hearing on this matter until next Monday, December 20. I have enclosed the City's map which shows your property will be included in the newly designated floodplain. This means that you will need to disclose this fact to future buyers of your property. Further, should you need to refinance your home, your lender will be required to have you obtain flood insurance. City staff has told the City Council that they have had many informational meetings and open houses as well as working with a Citizen's Advisory Committee. If you are fully aware of these facts and the impact it will have on your property you need do nothing further if you want your property included in the new floodplain.

However, if you were unaware of the potential additional costs and loss of value to you as a result of the City's redesignation of the Stevens Creek floodplain on your property you may want to contact the City Council and/or City staff prior to next Monday's hearing and express your concerns. Based upon our engineer's initial review of the data being used by the City, it is overly conservative and at a minimum there is a substantial unexplained discrepancy between this new study and studies which the City reviewed and approved only a few years ago.

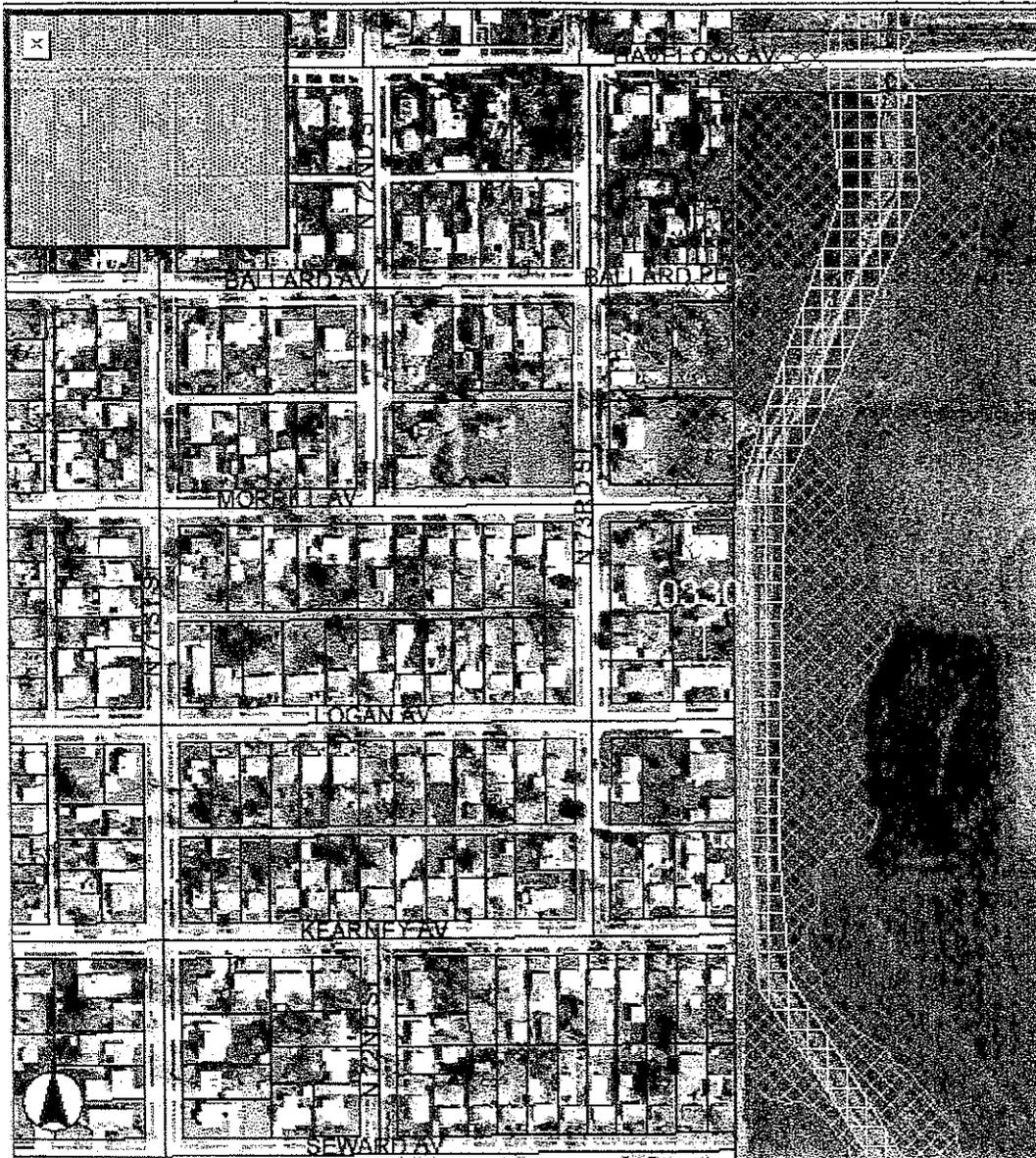
Sincerely,



Peter W. Katt
For the Firm
lawkatt@pierson-law.com

PWK:kg
Enclosures

Pierson, Fitchett, Hunzeker, Blake & Katt



Map Title:
Floodplain Map

[Create Print Page](#)

Click on "Create Print Page" to open a new Browser window with the Map Image, Overview Map Image, and Legend displayed. You can then use the File/Print menu item to send the display to your printer.

[Refresh Map](#)

Layers

Visible

- Elevation Text
- Elevation Lines
- Flood Index
- Parcels
- Streets
- NWI Wetlands
- Stevens Creek Draft Floodprone Area
- FEMA Floodplain
- 2002 Aerial Photo
- City Limit
- County



[Identify](#)

www.journalstar.com/local

Flood plain issue delayed

Lincoln City Council is taking a week to check boundaries of the flood plain for Stevens Creek and its tributaries.

BY DEENA WINTER
Lincoln Journal Star

After listening to developers' concerns about the way the Stevens Creek flood plain was being redrawn by the city, the Lincoln City Council decided Monday to take a week to make sure the boundaries were correctly drawn.

The city is revising the boundaries of the 100-year flood plain for Stevens Creek and its tributaries. The flood plain hasn't been updated since the 1980s, and those new lines have some developers concerned.

The new boundaries almost double the size of the flood plain — low-lying land along the creek deemed to be within reach of a 100-year flood. Land within a 100-year flood plain has a one in 100 chance of flooding in any given year.

When a new area is designated as a flood plain, homeowners can be required to buy flood insurance, and development can be restricted.

After a year of study, the City Council was presented with a proposal for a revised flood plain, which was submitted to the Federal Emergency Management Agency for approval, which could take up to two years. In the meantime, the city's proposed flood plain would be designated as the "best available information" for local flood regulation.

Nicole Fleck-Tooze of the city's Public Works and Utility Department said the revised flood plain was identified using much more sophisticated, accurate data.

Peter Katt, an attorney representing Prairie Homes, which is developing Prairie

Village North to the east of 84th Street and south of Murdoch Trail, asked that the revised floodplain be put on hold to make sure it's accurate, saying the assumptions built into the model "err on the side of great caution."

Another attorney representing Prairie Homes said it would be "very unfair" to approve the flood plain, which would "place an unconscionable burden on property owners," hurt a project approved by the city and impose a flood plain before FEMA approves it.

But City Councilwoman Patti Newman said she had faith in the model.

"Isn't more conservative better than less?" she asked.

Fleck-Tooze said the new flood plain would not affect subdivisions that have already been approved by the city, but not built.

The council voted 4-3 to hold the issue for a week to allow time to double-check the data. The motion was opposed by council members Jonathan Cook, Terry Werner and Newman. Newman said if any errors are found, the boundaries submitted to FEMA can be amended. The council will revisit the issue at its next meeting on Monday.

In other business, the council took public comments on a planning department proposal to ban billboards within 660 feet of Interstates 80 and 180. The city's planning director, Marvin Krout, proposed a ban in response to Omaha's recent erection of 18 billboards along Interstate 80.

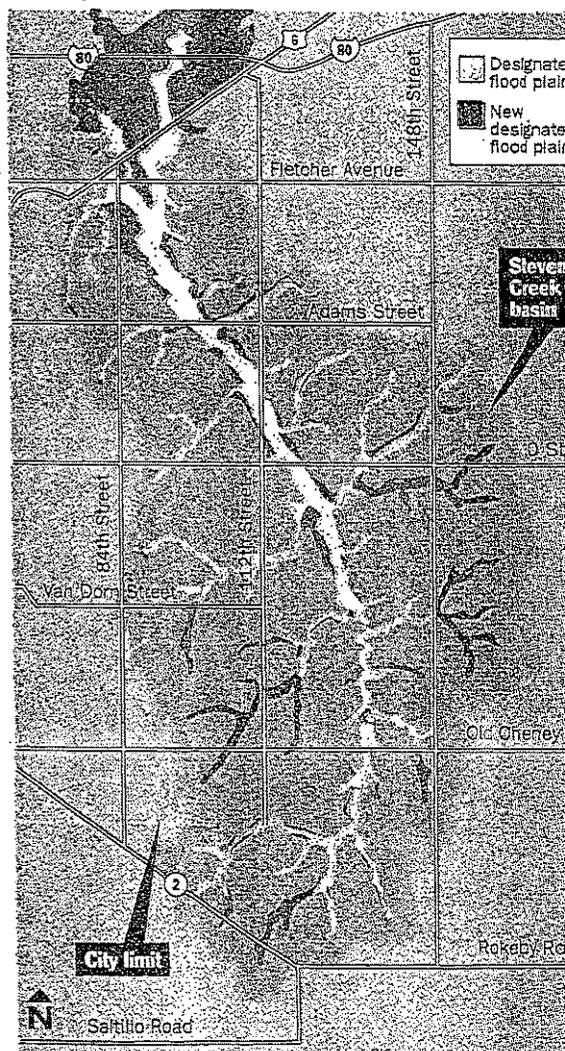
Representatives of outdoor advertising companies and the Lincoln Chamber of Commerce spoke against the proposed ban, saying it was a duplication of state restrictions on billboards and an overreaction to what happened in Omaha.

"Every driver along Interstate 80 has a wallet in their back pocket," said Martha Lee Heyne of Lamar Outdoor Advertising. "We shouldn't allow these people to pass us by."

Reach Deena Winter at 473-2642 or dwinter@journalstar.com.

Stevens Creek basin

Flood plain boundaries in the Stevens Creek Watershed east of Lincoln are being revised and could affect how property owners use their land in the future.



Source: City of Lincoln

D. MATT VAN DRIEST/Lincoln Journal Star

Floodplain boundaries in the Stevens Creek Watershed east of Lincoln are being revised and could affect how property owners use their land in the future, officials say.

The city of Lincoln and the Lower Platte South Natural Resources District have spent more than a year working on a new basin study for the Stevens Creek Watershed.

The main purpose of the study is to revise outdated boundaries of the 100-year floodplain on Stevens Creek and its tributaries.

Ed Ubben, projects coordinator for the Lincoln-based NRD, said the current floodplain boundaries are based on old topographic maps dating back to the early 1980s. He said similar basin studies have been done on Beal Slough and the Southeast Upper Salt Creek watersheds.

Ubben said the new floodplain boundaries, which are in much greater detail, are needed because the Stevens Creek Watershed has been targeted for development.

"Stevens Creek will be urbanized in the next 20 years, and we want to keep them (residents) out of harm's way," Ubben said.

The Stevens Creek Watershed encompasses 55 square miles and stretches from Alvo to Rokeby roads. The area is mostly farmland and acreages, but developers already are making inroads with housing developments and businesses.

Ubben said many informational meetings and open houses already have been held with landowners and the public. Officials also have been working with a citizens advisory committee on the study.

Ben Higgins, project manager and senior engineer with the Public Works and Utilities Department, said one big difference between the old and new studies is that the proposed floodplain boundaries will go farther up the tributaries.

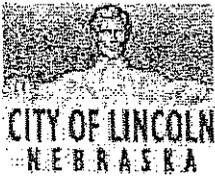
"We're trying to base our floodplains on actual conditions that are out there," Higgins said.

Some landowners could find their properties within the new 100-year floodplain and others may not. To his knowledge, Higgins said, he knows of no houses within the new floodplain boundaries.

The 100-year floodplain boundaries are important because they can place restrictions on what can or cannot be developed in such an area. **The boundaries also are a prerequisite for obtaining federal flood insurance.**

Higgins said the proposed floodplain boundaries have to be approved by the Federal Emergency Management Agency, a process that could take up to two years.

Total cost of the entire basin study, which included extensive hydrologic, water quality, stream stability and other studies, was slightly more than \$1 million, Higgins said.



COUNCIL'S PREFERRED MAILING ADDRESS:

CITY COUNCIL OFFICE
COUNTY-CITY BUILDING
555 S. 10TH STREET
LINCOLN, NE 68508

OFFICE #: 441-7515
FAX #: 441-6533

e-mail: council@ci.lincoln.ne.us

C I T Y C O U N C I L M E M B E R S

NAME	ADDRESS	PHONE - (Area Code 402)
------	---------	-------------------------

JON CAMP
Southeast District

Home:
2220 South 66th Street
Lincoln, Nebraska - 68506

Home: 489-1001
Office: 474-1838

Preferred Mailing:
PO Box 82307
Lincoln, Nebraska - 68501-2307

e-mail: campjon@aol.com

JONATHAN COOK
Southwest District

Home:
2701 Stratford Avenue
Lincoln, Nebraska - 68502

Home: 476-8686

GLENN FRIENDT
At-Large

Office:
555 S. 10th Street
Lincoln, Nebraska - 68508

Office: 441-7515
Voice Mail: 441-8795

ANNETTE McROY
Northwest District

Home:
2619 "R" Street (#2)
Lincoln, Nebraska- 68503

Voice Mail: 441-9669

e-mail: amcroy@ci.lincoln.ne.us

PATTE NEWMAN
Northeast District

Home:
935 Robert Road
Lincoln, Nebraska - 68510

484-8770

KEN SVOBODA
At-Large

Home:
7309 Skyhawk Circle
Lincoln, Nebraska- 68506

486-3392

TERRY WERNER
At-Large

Home:
1525 Circle Drive
Lincoln, Nebraska- 68506

Home: 488-2305
Work: 483-4200
Voice Mail: 441-7599

Watershed Management



Administration.....(402)441-6173
Nicole Fleck-Tooze ntooze@ci.lincoln.ne.us
Special Project Administrator
555 South 10th Street, Suite 203
County-City Building
Lincoln, NE 68508

Responsibilities: Oversees Watershed Management Program

Program/Project Management.....(402)441-7589
Ben Higgins bhiggins@ci.lincoln.ne.us
Senior Engineer
901 North 6th Street
Public Works & Utilities, Street Maintenance Building
Lincoln, NE 68508

Responsibilities: Watershed Management supervisor, project management, planning and budget development

Engineering.....(402)441-4955
Devin Biesecker dbiesecker@ci.lincoln.ne.us
Associate Engineer
901 North 6th Street
Public Works & Utilities, Street Maintenance Building
Lincoln, NE 68508

Responsibilities: Plan & drainage review, master plan updates, floodplain technical review

Water Quality and Education Programs.....(402)441-4959
Rock Krzycki rkrzycki@ci.lincoln.ne.us
Senior Engineering Specialist
901 North 6th Street
Public Works & Utilities, Street Maintenance Building
Lincoln, NE 68508

Responsibilities: NPDES stormwater permit coordinator, public education, illicit discharge, water quality

Sediment & Erosion Control(402)441-4957
Gary Lacy glacy@ci.lincoln.ne.us
Engineering Specialist
901 North 6th Street
Public Works & Utilities, Street Maintenance Building
Lincoln, NE 68508

Responsibilities: Sediment & erosion control, detention/retention pond inspection

GIS/Computer Applications(402)441-4958
Ryan Axmann raxmann@ci.lincoln.ne.us
Engineering Specialist
901 North 6th Street
Public Works & Utilities, Street Maintenance Building
Lincoln, NE 68508
Responsibilities: Information systems technology, GIS mapping, CarteGraph support

Richard A. and Barbara S. Rabe
1709 H Avenue (2246 N 82nd Street)ENDFIELD
Wisner, NE 68791 (Lincoln, NE 68507)ENDFIELD
Northern Lights 1st Addition Block 5 Lot 6ENDFIELD
Mr. and Mrs. RabeENDFIELD

Craig D. and Kathleen J. SovereignENDFIELD
2240 N 82nd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Northern Lights 1st Addition Block 5 Lot 5ENDFIELD
Mr. and Mrs. CovereignENDFIELD

Theresa K. CebuharENDFIELD
7333 Havelock AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Country View Place Lot 1ENDFIELD
Ms. CebuharENDFIELD

Edgar C. and Grace J. WalkerENDFIELD
7301 Ballard AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Country View Place Lot 10ENDFIELD
Mr. and Mrs. WalkerENDFIELD

Jack D. MertesENDFIELD
1631 N 73rd StreetENDFIELD
Lincoln, NE 68505-1518ENDFIELD
Country View Place That part of Outlot A Lying Directly East of Lot 10 & Lying S of the N
Line of Lt 10 Extended EasterlyENDFIELD
Mr. MertesENDFIELD

Hugh B. and Leola J. BullockENDFIELD
4210 N 73rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Hubbard Place Block 8 Lots 5 Thru 8ENDFIELD
Mr. and Mrs. BullockENDFIELD

Ronnie E. WoodENDFIELD
7321 Morrill AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Hubbard Place Block 9 Lots 1 & 2ENDFIELD
Ms. WoodENDFIELD

Thomas D. and Kathleen S. McBrideENDFIELD
7330 Kearney AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Hyer's Addition to Hubbard Place Block 4 Lot 8ENDFIELD
Mr. and Mrs. McBrideENDFIELD

Robert F. SchoppENDFIELD
7332 Ballard PlaceENDFIELD
Lincoln, NE 68507ENDFIELD
Country View Place Lot 3ENDFIELD
Mr. SchoppENDFIELD

Yuko YamadaENDFIELD
7328 Ballard PlaceENDFIELD
Lincoln, NE 68507ENDFIELD
Country View Place Lot 4ENDFIELD
Mr. YamadaENDFIELD

James R. and Sherry L. DeLanceyENDFIELD
7337 Logan AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Hyer's Addition to Hubbard Place Block 4 Lots 1, 2 & 3ENDFIELD
Mr. and Mrs. DeLanceyENDFIELD

Thomas D. and Kathleen S. McBrideENDFIELD
7330 Kearney AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Hyer's Addition to Hubbard Place Block 4 Lot 8ENDFIELD
Mr. and Mrs. McBrideENDFIELD

Lori M. ThompsonENDFIELD
7331 Kearney AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Prairie Acres Block 1 Lot 1ENDFIELD
Ms. ThompsonENDFIELD

Brian J. SpauldingENDFIELD
7321 Kearney AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Prairie Acres Block 1 Lot 2ENDFIELD
Mr. SpauldingENDFIELD

Connie R. LambieENDFIELD
7330 Seward AvenueENDFIELD
Lincoln, NE 68507ENDFIELD
Prairie Acres Block 1 Lot 23ENDFIELD
Ms. LambieENDFIELD

Jerry E. and Janice K. WaltonENDFIELD
1640 N 80th StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Northern Lights 8th Addition Block 2 Lot 1ENDFIELD
Mr. and Mrs. WaltonENDFIELD

Victor J. and Lorie R. GayeENDFIELD
2570 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addition Block 3 Lot 13ENDFIELD
Mr. and Mrs. GayeENDFIELD

Patrick and Lorrie StruveENDFIELD
2560 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 12ENDFIELD
Mr. and Mrs. StruveENDFIELD

Jay R. KurthENDFIELD
2556 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 11ENDFIELD
Mr. KurthENDFIELD

Arthur E. Handy, Jr. and Susan M. HandyENDFIELD
2554 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 10ENDFIELD
Mr. and Mrs. HandyENDFIELD

Jerry and Stacey J. TaylorENDFIELD
2548 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 9ENDFIELD
Mr. and Mrs. TaylorENDFIELD

Micah D. and Darci D. MillerENDFIELD
2542 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 8ENDFIELD
Mr. and Mrs. MillerENDFIELD

Russell A. and Lori L. FuehringENDFIELD
2536 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 7ENDFIELD
Mr. and Mrs. FuehringENDFIELD

David M. and Karen M. CapounENDFIELD
2530 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 6ENDFIELD
Mr. and Mrs. CapounENDFIELD

Michael G. and Phyllis R. CallawayENDFIELD
2524 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 5ENDFIELD
Mr. and Mrs. CallawayENDFIELD

William H. and Marcia M. ThorntonENDFIELD
2518 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 4ENDFIELD
Mr. and Mrs. ThorntonENDFIELD

Ryan S. and Victoria L. EarleywineENDFIELD
2512 N 83rd StreetENDFIELD
Lincoln, NE 68507ENDFIELD
Regent Heights 15th Addtiion Block 3 Lot 3ENDFIELD
Mr. and Mrs. EarleywineENDFIELD

Handwritten signature

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, DECEMBER 20, 2004**

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of December 18 through 24, 2004 - Schedule subject to change - (See Advisory)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

BUILDING & SAFETY

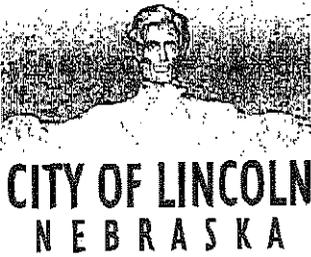
1. Letter from John P. Callen to Danny Walker - RE: Letter dated December 10, 2004-you expressed concerns regarding an easement granted to the City of Lincoln by TMCO as well as your concerns regarding development in the Salt Creek floodplain - (See Letter)

PUBLIC WORKS & UTILITIES DEPARTMENT

1. Letter from Allan Abbott to Stevens Creek Watershed Property Owner - RE: Stevens Creek Floodplain - (See Letter)

C. MISCELLANEOUS

1. E-Mail from Russell Miller - RE: Stevens Creek Floodplain - (See E-Mail)



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: December 17, 2004

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

Mayor Seng's Public Schedule Week of December 18 through 24, 2004 *Schedule subject to change*

Saturday, December 18

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

Monday, December 20

- Judge Witherbee Neighborhood Association holiday lighting contest - 7:30 to 9 p.m.

Tuesday, December 21

- KLIN call-in show - 9:10 a.m., 4343 "O" Street
- Lancaster County Mayors Reception - 5 to 6 p.m., Mayor's Conference Room, 555 S. 10th Street

December 17, 2004

Mr. Danny Walker
427 E St.
Lincoln, NE 68508-3049

Re: Letter dated December 10, 2004.

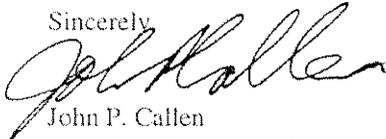
Mr. Walker,

I am writing in response to your letter dated December 10, 2004. In this letter, you expressed concerns regarding an easement granted to the City of Lincoln by TMCO, as well as your concerns regarding development in the Salt Creek floodplain. We read your letter carefully and took note of the concerns you have regarding these issues.

As you know, the Mayor's Floodplain Task Force Report, issued April 2003, did recommend higher regulatory standards for floodplain development. However, to this point these policies have not been adopted for property within the City limits. Thus, the TMCO property is not required to show 'No Rise' or Compensatory Storage for fill or structures within the floodplain outside of the easement area. We will be checking to confirm that TMCO has all the appropriate permits for the work they are doing on the site and that they are in conformance with the flood standards for the existing urban area.

If you have any further questions about floodplain permitting requirements please contact me at 441-4970.

Sincerely,



John P. Callen
Associate Engineer - City of Lincoln Building and Safety Department

pc: Lincoln City Council
Mayor Coleen J. Seng
Nicole Fleck-Tooze, Public Works and Utilities Watershed Management Division
Mike Merwick, Director, Building and Safety Department
Chuck Zimmerman, Building Services Manager, Building and Safety Department
Dale Stertz, Chief Plans Examiner, Building and Safety Department
File



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Public Works and Utilities Department
Allan Abbott, Director
555 South 10th Street
Suite 203
Lincoln, Nebraska 68508
402-441-7548
fax: 402-441-8609

December 17, 2004

RE: Stevens Creek Floodplain

Dear Stevens Creek Watershed Property Owner:

This letter is to clarify some information that was sent to you by Peter Katt of Pierson Fitchett Law Firm regarding the Stevens Creek floodplain. It is important for you to understand that the floodplain study completed by the City and NRD is not changing where the flood waters will flow. The purpose of the study is to accurately reflect the existing floodplain so that everyone makes use of the best technical information about areas subject to flooding. We would be doing a disservice to property owners if we withheld information needed to protect properties from flooding. In addition, without current information new development could fill the floodplain without offsetting the impacts.

It is important that people have the best available information so that they can take steps to protect property investments from flood damage. If you have further questions or would like additional information, I urge you to contact Nicole Fleck-Tooze at 441-6173 or Ben Higgins in the Public Works & Utilities office at 441-7589.

Sincerely,

Allan Abbott, Director
Public Works & Utilities Dept.

cc: Mayor Coleen J. Seng
Lincoln City Council
Nicole Fleck-Tooze, Ben Higgins - PW/U
Glenn Johnson, Paul Zillig - NRD
John Callen - B&S
Brian Dunnigan - DNR
Peter Katt - Pierson- Fitchett

X:\FILES\SIFNFTW\SM\Basin Planning\StevensCreek\9-41217_Katt_Response.wpd

LINCOLN

The Community of Opportunity



Joan V Ray

12/17/2004 02:27 PM

To: Russell Miller <neb31340@alltel.net>

cc: nicole fleck-tooze <ntooze@ci.lincoln.ne.gov>, ben higgins
<bhiggins@ci.lincoln.ne.gov>

Subject: Re: stevens creek floodplain by russell miller

Dear Mr. Miller: 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

Russell Miller <neb31340@alltel.net>



Russell Miller

<neb31340@alltel.net>

12/17/2004 02:04 PM

To:

cc: nicole fleck-tooze <ntooze@ci.lincoln.ne.gov>, ben higgins
<bhiggins@ci.lincoln.ne.gov>

Subject: stevens creek floodplain by russell miller

Dear Council Members,

17 Dec. 2004

I will be referring to the enclosures in my Dec. 13 testimony frequently.

After hearing last Monday's (Dec. 13) opposition to the adoption of 'Stevens Creek Floodprone Areas as the best available information', I will make the following statements for your consideration.

1. it is reassuring that this data may be erring on the conservative side. One of the points that my testimony was trying to make is that Lincoln's past flood control history has been just the opposite. Today, our property owners and investors are paying for it in the form of flood insurance. I do not know what exact amount the owners of my 3 examples are paying but based on my experience of owning property in the South Bottoms flood plain, the owner of the duplex at 110 B street (enclosure 3) is probably paying \$500 to \$800 per year. (My property of \$70,000 valuation at 2 feet under the Base Flood Elevation (BFE) was \$640. The B st. property appears to be closer to 4 ft. under the BFE.) The property at 2600 N. 35 (enclosure 1) has an assessed evaluation of \$520,000 and it appears to be 5 ft. under BFE. My estimate is the owner's flood insurance is over \$2,000 every year. Of equal importance, his first level tenets should be warned that they need flood insurance for their personnel contents or property. That will make those units more difficult to rent.

Whatever construction cost money was saved by ignoring the floodplain creep potential is consumed by today's flood insurance cost.

2. One of my competitors used to have a sign posted stating "The joy of low cost is soon forgotten by the expense of cheap workmanship" (Max Neiden of Neiden scrap yard) Buildings have a long life expectancy with high replacement costs and shaving construction costs

today does not make economic sense if the future includes floodplain creep. The three examples I cited last Monday cannot be economically replaced with flood proof buildings.

3. The long term protection of Lincoln's tax base requires that it is protected from floodplain creep. The Stevens Creek data indicates that we will be protected from floodplain creep if the data is adopted, the current floodplain regulations are rigidly complied with and the basin's rainfall stays at the predicted levels.

I view Mr. Katt's effort as an attempt to weaken the data. He should be rejoicing that his development has extra drainage protection and therefore his properties are doubly protected from floodplain creep.

Thank you,
Russell Miller