

**DIRECTORS' MEETING
MONDAY, JUNE 13, 2005 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Coleen Seng and officials from Tier One Bank, Cornhusker Bank, StarTran and the Federal Transit Administration will launch a new housing initiative at 2:30 p.m. on June 7th at Cornhusker Bank -(See Advisory)
2. NEWS RELEASE - RE: Initiative Promotes Home Ownership and Public Transit -(See Release)
3. NEWS RELEASE - RE: Swimming And Wading Prohibited At Holmes Lake -(See Release)
4. NEWS RELEASE - RE: Dust Control Project To Close Sections Of 98th Street -(See Release)
5. NEWS RELEASE - RE: City Garages And Lots, Haymarket Offer Parking Alternatives For NCAA Super Regional Baseball Fans -(See Release)

II. DIRECTORS

PLANNING

1. Letter from Tom Cajka to Lyle Loth, ESP - RE: Village Pointe at Capitol Beach Final Plat #04130-Generally located at Lamont Dr. and W. Industrial Lake Dr. -(See Letter)
2. Memo from Marvin Krout - RE: Demolition of historic houses at 1137 and 1139 South 7th Street -(See Memo)
3. Letter & Material from Marvin Krout - RE: Comprehensive Plan/Long Range Transportation Plan Update -(See Material)
4. Memo & Map from David Cary - RE: Boosalis Park and Northbank Junction Development Map -(See Material)

PLANNING COMMISSION FINAL ACTION

1. Special Permit #05023 and Use Permit #140B - DENIED-Expansion of Appian Way (Prairie Lake) to allow 18-screen theater complex (S. 91st and Pine Lake Road).
2. Special Permit #04067 and Use Permit #139A - Stone Bridge Creek Villas Community Unit Plan (South of Humphrey Avenue and northwest of the I-80 & No. 27th Street interchange) Resolution No. PC-00929 and PC-00930.

PUBLIC WORKS & UTILITIES

1. Public Works & Utilities ADVISORY - RE: Sidewalk Repair Advisory-South Salt Creek Neighborhood Area-Project #702169 -(See Advisory)
2. 2005 Floodplain Mapping -(See Map)

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

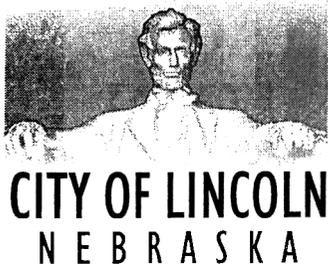
V. MISCELLANEOUS

1. Letter from Dave Fowler, Lincoln Musician - RE: Would like to express his appreciation to the City Council for sending the smoking ban to Lincoln voters -(See Letter)
2. Letter from Virginia K. Wright MS, Lincoln Neighborhood Alliance, Couches on Porches Sub-Committee - RE: The topic of “couches on porches” -(See Letter)
3. 2 -E-Mail’s from Art Kavan; Jeff Kimble; - RE: Wal-Mart - (See E-Mail’s)

4. E-Mail from Ken Kiewra - RE: Lowe's proposal -(See E-Mail)
5. Letter from Kenneth A. Kiewra, Country Meadows Resident - RE: Proposed Lowe's Development -(See Letter)
6. Response E-Mail & Map from Thomas S. Shafer, P.E., Design/Construction Manager, Public Works & Utilities Department to Mr. King - RE: 80th & Pioneers -(See Material)
7. Memo & Map from David Cary, Transportation Planner, City-County Planning Department - RE: Boosalis Park and Northbank Junction Development Map -(See Material)
8. E-Mail from Karl Detweiler - RE: Lack of Revenue -(See E-Mail)
9. E-Mail from Kevin - RE: Wal-Mart -(See E-Mail)
10. Letter from David D. Babcock - RE: Townhouse development proposal for the O-3 zoned property at the Northwest corner of South 40th St. and Grainger Parkway-(See Letter)
11. Letter from Melinda Kramer - RE: Hartland's Garden Valley Community Unit Plan-Special Permit #05015 -(See Letter)
12. Letter from LINWELD, INC. - RE: August 1, 2005 Proposed Rate Increase -(See Letter)
13. Letter & Material from Jane Raybould, Director of Buildings & Equipment, B&R Stores, Inc. - RE: "Thank-you" for your vote against changing the comprehensive plan that would have allowed Wal-Mart at 84th & Adams - (See Material)
14. E-Mail from Teresa Mulkey Predmore - RE: Super Wal-Mart -(See E-Mail)

VI. ADJOURNMENT

da061305/tjg



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

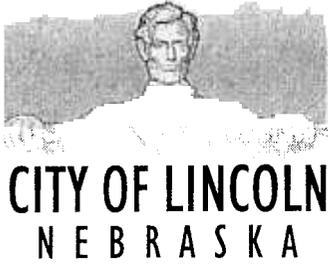
OFFICE OF THE MAYOR

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

DATE: June 7, 2005

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

Mayor Coleen J. Seng and officials from Tier One Bank, Cornhusker Bank, StarTran and the Federal Transit Administration will launch a new housing initiative at **2:30 p.m. TODAY, Tuesday, June 7 at Cornhusker Bank, 56th and South Streets.**



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: June 7, 2005

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-783

Larry Worth, StarTran, 441-7185

Mary Jo McClurg, Cornhusker Bank, 434-2220

Doug Alford, TierOne Bank, 475-0521

INITIATIVE PROMOTES HOME OWNERSHIP AND PUBLIC TRANSIT

Mayor Coleen J. Seng today announced a program that provides home buyers in Lincoln with a new financial incentive to purchase a home near public transportation. The Smart Commute™ Initiative is based on homeowners spending less on commuting expenses and putting those potential savings toward the purchase of a home. If eligible home buyers purchase a house within a quarter-mile of a StarTran bus stop, TierOne Bank and Cornhusker Bank will add a portion of their transportation savings to their qualifying income to increase their home-buying power. (Smart Commute is a trademark of Fannie Mae.)

“For many households, transportation costs are the second largest expense after housing,” said Mayor Seng. “With the recent increases in gas prices, public transportation has taken on added importance. I am thrilled to help promote this kind of innovative, creative program that encourages both the use of public transit and home ownership.”

As an added incentive, StarTran will offer borrowers participating in the Smart Commute Initiative with three months of free transit passes, valued at \$90. “This is very positive news for potential homeowners who depend on StarTran to link them to employment, education or entertainment,” said Larry Worth, StarTran Transit Manager. “With the Smart Commute Initiative in Lincoln, people in our community can take advantage of living closer to transit opportunities, while saving money for a new home.”

Mayor Seng and Worth were joined at the announcement by Mokhtee Ahmad, Regional VII Administrator for the Federal Transit Administration and local lending partners.

“We are excited about offering mortgages through the Smart Commute Initiative in Lincoln as a way to promote the use of public transportation and help families achieve the dream of home ownership,” said Doug Alford, First Vice President of TierOne Bank.

“With interest rates lower than a year ago, we feel this is a great opportunity for borrowers to qualify for more of a home today and save transportation costs,” said Mary Jo McClurg, Vice President and Branch Manager, Cornhusker Bank.

- more -

Smart Commute
June 7, 2005
Page Two

Under the program, the participating lenders will be able to add to the qualifying income \$200 per month for households with one wage earner and \$250 per month for households with two wage earners. Other advantages of the initiative include low or no down payments, environmental benefits and reduced traffic congestion.

Consumers interested in the Smart Commute Initiative may contact Bob Brandt at TierOne Bank, 475-0521, or Mary Jo McClurg at Cornhusker Bank, 434-2220.

For more information on StarTran, call 476-1234 or see the City Web site at lincoln.ne.gov.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PARKS AND RECREATION

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

FOR IMMEDIATE RELEASE: June 8, 2005

FOR MORE INFORMATION: Lynn Johnson, Parks and Recreation, 441-8265

SWIMMING AND WADING PROHIBITED AT HOLMES LAKE

Lincoln Parks and Recreation Department officials remind residents that swimming and wading are not allowed at Holmes Lake.

“Our main concern is the safety of park visitors,” said Parks and Recreation Director Lynn Johnson. “Visibility at Holmes Lake is limited to about two feet. It’s possible for a child to slip beneath the surface of the water and not be seen. In many areas, the lake bottom slopes steeply away from the shoreline into deeper water.”

Sand areas and boat ramps around the shoreline provide opportunities for launching and beaching canoes, kayaks and sailboats. However, these sand areas are not intended for swimming or wading. Johnson said those swimming or wading in the lake could be fined. He encouraged those wanting to swim to visit one of Lincoln’s 11 public pools. All public pools are now open daily.

Boats with gas-powered motors are not allowed at the lake. Non-motorized boats and fishing boats with electric trolling motors are allowed. Boaters are encouraged to wear life jackets or personal floatation devices.

The project to remove silt and reshape the shoreline of Holmes Lake was recently completed. The lake is gradually refilling to its normal level with each rain. Many enhancements have been made around and within the lake to improve habitat for fish and to increase access for fishing.



NEWS RELEASE

MAYOR COLEEN J. SENG

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PUBLIC WORKS AND UTILITIES

Street Maintenance, 901 North 6th Street, Lincoln, NE 68508, 441-7701, fax 441-8194

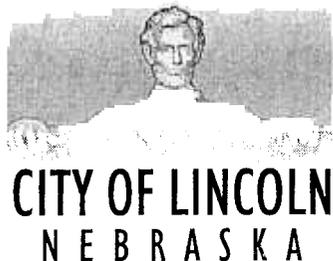
FOR IMMEDIATE RELEASE: June 8, 2005

FOR MORE INFORMATION: Bill Nass, Maintenance Coordinator, 441-7087

DUST CONTROL PROJECT TO CLOSE SECTIONS OF 98TH STREET

The City of Lincoln and Lancaster County will begin a dust control project on 98th Street beginning tomorrow, June 9, weather permitting. The dust control material will be applied to the gravel road in one-mile segments beginning at Highway 2 and moving north to "A" Street. Those segments will be closed to motorists during the application process. The project is expected to be completed by the middle of next week. A follow-up application might be necessary later in the year.

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



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Parking Division, 555 S. 10th Street, Lincoln, NE 68508, 441-7457, fax 441-8609

FOR IMMEDIATE RELEASE: June 8, 2005

FOR MORE INFORMATION: Ken Smith, City Parking Manager, 441-6097

CITY GARAGES AND LOTS, HAYMARKET OFFER PARKING ALTERNATIVES FOR NCAA SUPER REGIONAL BASEBALL FANS

The City of Lincoln parking system will charge a \$3 all-day fee for parking at Haymarket Garage, 9th and "Q" streets, and the Iron Horse Lot, 7th and "Q" streets, for the NCAA Super Regional baseball games in Lincoln this weekend. The \$3 fee will be charged Friday through Sunday (if the Sunday game is necessary in the best-of-three format) prior to and during all games.

Fans are encouraged to park in the Haymarket District and use the pedestrian bridge to walk to Haymarket Park. Highway message boards will display parking and traffic information on I-180 and West "O" Street.

On-street meters are enforced from 8 a.m. to 6 p.m. Monday through Saturday. Friday's game is scheduled for a noon start. Saturday's game is scheduled to begin at 11 a.m. If necessary, a third game will be played Sunday beginning at 3 p.m.



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director
Mary F. Bills-Strand, Chair
City-County Planning Commission
555 South 10th Street
Suite 213
Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

June 3, 2005

Lyle Loth
ESP
601 Old Cheney Rd. Suite "A"
Lincoln, NE 68512

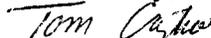
RE: Village Pointe at Capitol Beach Final Plat #04130 Generally
located at Lamont Dr. and W. Industrial Lake Dr.

Dear Lyle:

Village Pointe at Capitol Beach generally located southeast of W. Industrial Lake Dr. and Lamont Dr. was approved by the Planning Director on June 3, 2005. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,


Tom Cajka
Planner

CC: Bob Rentfro
Joan Ray, City Council
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
File

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MEMORANDUM

TO: Lincoln City-Lancaster County Planning Commission
City Council

FROM: Marvin Krout, Director of Planning 

SUBJECT: Demolition of historic houses at 1137 and 1139 South 7th Street

DATE: June 6, 2005

cc : Mayor Coleen Seng
Mike Merwick, Director of Building & Safety

The owner of property at the northwest corner of S. 7th and C Streets in South Bottoms has requested a building permit for the property, which is subject to certain conditions under Special Permit 876B as part of the American Historical Society of Germans From Russia site.

The Planning Department will issue an Administrative Amendment to remove this parcel (no longer under AHSGR ownership) from the property subject to Special Permit 876B, once this note of explanation has been distributed.

Chronology

1981, Special Permit 876 issued to allow construction of the headquarters of a "club," namely the American Historical Society of Germans from Russia, on property on Block 203, Original Plat, Lincoln (bounded by C, D, 6th, and 7th Streets).

1983, Special Permit 876A amends the original permit to revise setbacks, vacate portions of alleys, and require visual screening.

1986, South Bottoms Historic District is listed on the National Register of Historic Places, including the AHSGR site.

1995, Special Permit 876B expands the property included in the permit, requires a revised site plan showing parking stalls, and adds a condition that the special permit be amended when master planning determines the uses of historic buildings at 601 D St. (Amen House), 1137 & 1139 S. 7th St. That condition states that Special Permit 876 may be amended administratively if preservation of the buildings is prescribed, but must have "full review" if demolition is proposed.

1995-2004, Planning staff meets periodically with various staff members and volunteer leaders of AHSGR to discuss possibilities for buildings and land at 1137 & 1139 S. 7th St. As late as Summer 2004, sale for preservation and reuse is actively discussed.

2004, August, property at 1137 & 1139 S. 7th St. is sold by AHSGR to private party.

2004, December, demolition permit issued for 1137 & 1139 S. 7th, houses removed in accord with demolition permit

2005, April, application received to amend Special Permit 876B so that permit submitted to Building & Safety can be issued for new construction on Lots 2, 3, 4, Krause & Schmitt's Subdivision. The proposed construction is for a group home, and this proposed use apparently meets the spacing requirements under the existing R-4 zoning designation.

Analysis

American Historical Society of Germans from Russia is the leading historical organization for Lincoln's most numerous historic immigrant population. The Society has a national and international membership. Its site in Lincoln's South Bottoms includes the headquarters building (constructed in early 1980s), relocated historic buildings (summer kitchen, barn, store), a chapel, and three historic structures (Amen House at 601 D and 1137 & 1139 S. 7th, small brick houses built by German mason Xavier Kastl in the 1880s). In recent years, the Society has placed particular emphasis on acquiring and translating historic and genealogical records from within the former Soviet Union.

With its small staff and increasing emphasis on genealogy, the AHSGR has faced a long challenge in the care and use of the houses on S. 7th St. These houses were two of a group of three very similar structures (1135 S. 7th remained in private ownership) which research revealed to be early structures of pure "old world" style, demonstrating German folk architecture, built by an immigrant mason.

The 1995 approval of SP876B was intended to emphasize the historic significance of these buildings and to give full consideration to their preservation, while it did not require the Society to retain or preserve them forever. The 7th St. houses did remain standing a decade after that amendment and possibilities for their preservation were discussed several times with Planning staff. However, in the end the demolition occurred without the planned hearings and review. Why?

Using the Special Permit to require public review prior to demolition probably applied the wrong tool to this task. Building and Safety staff provide enforcement and permitting services for the city and are diligent in enforcing protections for designated Lincoln Landmarks, prior to

issuance of either building or demolition permits. But no other special permits contain preservation conditions (independent of landmark designations), and it was understandable for Building & Safety to issue a demolition permit without first checking the special permit conditions. When the Planning Department reviewed the request to amend Special Permit 876B in April 2005, the conditions were reviewed and the error was noted.

Since the houses at 1137 and 1139 S. 7th are gone and the demolition was legally conducted in accordance with a demolition permit, there is no issue remaining for a public hearing on amending that site out of Special Permit 876B. I have determined, after consulting with the Law Department, that I can and should issue an administrative amendment. However, care will be taken that the Amen House at 601 D Street is not removed from the property of Special Permit 876B without either a hearing or a plan for its preservation.

The City's "Permits Plus" software is improving departments' capability to "flag" special circumstances such as this. We have asked Building & Safety to flag the remaining buildings in this special permit in order to prevent the recent error from occurring again.

i:\msk\SP.876B South Bottoms demolition

June 7, 2005

RE: Comprehensive Plan /Long Range Transportation Plan Update

Dear Community Member:

The Federal Highway Administration (FHA) requires that every community maintain a 20 year Long Range Transportation Plan (LRTP) and update the Plan every 5 years in order to receive federal funds. Lincoln & Lancaster County's LRTP can be found in the 2025 Lincoln/ Lancaster County Comprehensive Plan (Comp Plan) which was adopted in May 2002. FHA has required that the City update the LRTP by June 2007.

As part of the update process, the community will need to update the future Land Use Plan and Future Service Limit (FSL) for a new horizon year of 2030. The FSL shows the areas to be provided with urban services and utilities – similar to showing a future “city limits.” Thus, the update process will begin by determining the future Land Use Plan for Lincoln and Lancaster County.

If you are interested in a different land use or FSL designation than is currently shown in the Comp Plan, you may submit a proposal to the Planning Department. Please include as much information about your proposal and be as specific about the location as possible. The more supporting information you provide, the easier it will be for the Planning Department and Planning Commission to understand your proposal and the potential implications.

Land use and FSL proposals need to be submitted by 4:30 p.m. on Friday, July 1st to the Planning Department. This will allow for adequate time to review the proposals and for questions and discussions with applicants. **Note:** There is **not** a filing fee for these proposals. These are not formal amendments to the Comprehensive Plan, but proposals for consideration during the update process.

Attached is a brief handout on the process. A more detailed schedule for the whole process can be found at the Comp Plan Update website at www.lincoln.ne.gov/city/plan/cplrtp. The schedule may be modified as the update process continues. If you have any questions, please call Stephen Henrichsen at 441-6374 or Duncan Ross at 441-7603.

Sincerely,

Marvin Krout,
Director of Planning



Comprehensive Plan and Long Range Transportation Plan Update

Why do we need to update the Long Range Transportation Plan?

The Federal Highway Administration (FHA) requires that every community maintain a 20 year Long Range Transportation Plan (LRTP) in order to receive federal funds. Lincoln & Lancaster County's LRTP can be found in the 2025 Lincoln/ Lancaster County Comprehensive Plan (Comp Plan).

The Comp Plan was adopted in May 2002 and extends to the year 2025. Thus, the requirement that our transportation plan extend 20 years will soon be out of date. FHA has required that the City update the LRTP by June 2007.

Why do we need to update the Comp Plan?

The LRTP is based on the future Land Use Plan and Future Service Limit (FSL) as shown in the Comp Plan. The FSL shows the areas to be provided with urban services and utilities – similar to showing a future “city limits.” In order for the community to have a new transportation plan for the year 2030, then a new land use plan and future service

limit is required. Thus, the update process will begin by determining the future Land Use Plan for Lincoln and Lancaster County.

How long will this take?

The process will take approximately 18 months (see schedule below) with the most time spent on reviewing transportation alternatives.

Will the public be involved?

Absolutely. Several informational meetings and public hearings are scheduled throughout the process. Plus, give us your thoughts throughout the process by mail or via the web.

How can I get more information?

Visit the website at www.lincoln.ne.gov/city/plan/cplrtp or by calling the Planning Department at 441-7491 or Public Works & Utilities at 441-7548.

TASK SCHEDULE:

Task Descriptions	2005									2006											
	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
1 Process & Assumption Validation	■	■																			
2 Develop 3 Future Service Scenarios			■	■																	
3 Adopt Future Service Limit & Land Use Plan					■	■															
4 Transportation Plan Evaluation							■	■	■	■	■	■	■								
5 Plan Review and Planning Commission Adoption														■	■	■	■	■			
6 Final City Council & County Board Adoption																			■	■	



David R Cary/Notes
06/09/2005 11:53 AM

To City Council Members, City Council Staff, Gwen K
Thorpe/Notes@Notes, workbob@msn.com@Notes, Bernard
E Heier/Notes@Notes,
cc Marvin S Krout/Notes@Notes, lawkatt@pierson-law.com

bcc

Subject Boosalis Park and Northbank Junction Development

MEMORANDUM

TO: City Council Members, County Board Members, Council Staff, Gwen Thorpe
FROM: David Cary, Transportation Planner, City-County Planning Department
RE: Boosalis Park and Northbank Junction Development Map
CC: Marvin Krout, Peter Katt

Please find attached a map of the area from Superior Street to Interstate 80 that indicates the locations of Boosalis Park and the Northbank Junction development. This information was requested at the briefing of the Comprehensive Plan Amendments regarding the possible air strip near Boosalis Park and possible impacts of private aircraft taking off and landing at such a facility in this area. The applications to annex and zone Northbank Junction are expected to be scheduled for a City Council hearing in the next several weeks. The nearest homes planned for Northbank Junction look to be just over a mile to the north-northeast of the north edge of the park. Please contact me if you have any questions (441-6364). Thank you.



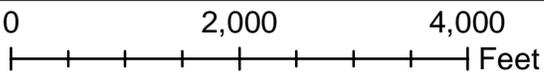
nbank_junc_vicinity.pdf

Boosalis Park / Northbank Junction



Northbank Junction

Boosalis Park



**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : June 9, 2005

RE : **Special Permit No. 05023 and Use Permit No. 140B - DENIED**
Expansion of Appian Way (Prairie Lake) to allow 18-screen theater complex
(S. 91st and Pine Lake Road)

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 8, 2005:

Motion made by Taylor, seconded by Larson, to **deny Special Permit No. 05023**, requested by Eiger Corporation, for authority to construct an 80,000 sq. ft. theater complex with 18 screens in the B-5 zoning district, on property generally located at South 91st Street and Pine Lake Road. Motion to **deny** carried 5-2 (Larson, Taylor, Sunderman, Carroll and Carlson voting 'yes'; Pearson and Krieser voting 'no'; Bills-Strand and Esseks absent).

Motion made by Taylor, seconded by Larson, to **deny Use Permit No. 140B**, requested by Eiger Corporation, for authority to amend Use Permit No. 140A to allow 950,983 sq. ft. of commercial and office floor area, on property generally located at South 91st Street and Pine Lake Road. Motion to **deny** carried 5-2 (Larson, Taylor, Sunderman, Carroll and Carlson voting 'yes'; Pearson and Krieser voting 'no'; Bills-Strand and Esseks absent).

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

The Planning Commission also voted 5-2 to recommend denial of the associated Comprehensive Plan Amendment No. 05014 (a recommendation to the City Council and County Board), Change of Zone No. 05035 and Change of Zone No. 05036 (recommendations to the City Council).

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mark Hunzeker, P.O. Box 95109, 68509
Eiger Corporation, 16800 Pella Road, Adams, NE 68301
Jayme Gruber Amber Hills Estates Assn., 8101 Amber Hill Rd., 68516
Susan Kirkpatrick, Amber Hills Estates Assn., 8001 Amber Hill Road., 68516
Jane Athey, Cheney SID #5, 9400 Yankee Hill Road, 68526-9482
Gayle Hanshaw, Cheney CIP, 9420 Third Street, Cheney, NE 68526
Bevan Alvey, Pine Lake Association, 8000 Dougan Drive, 68516
Warren Gran, Vintage Heights H.O. Assn., 5930 S. 90th Street, 68526
Terri Roberts, Vintage Heights H.O. Assn., 6010 S. 91st Street, 68526

RESOLUTION NO. PC-___

**DENIED by Planning Commission, 5-2,
June 8, 2005**

SPECIAL PERMIT NO. 05023

1 WHEREAS, Eiger Corporation has submitted an application designated as
2 Special Permit No. 05023 for authority to construct an 80,000 sq. ft. theater complex
3 with 18 screens in the B-5 zoning district on property located at South 91st Street and
4 Pine Lake Road, and legally described to wit:

5 A tract of land composed of a portion of Outlot O, Appian
6 Way Addition and a portion of the remaining portion of Lot 92
7 I.T.; located in Section 23, Township 9 North, Range 7 East
8 of the 6th P.M., Lancaster County, City of Lincoln, Nebraska,
9 and more particularly described on the attached legal
10 description;

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

13 WHEREAS, the community as a whole, the surrounding neighborhood,
14 and the real property adjacent to the area included within the site plan for this 18-screen
15 theater complex will not be adversely affected by granting such a permit; and

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

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

3 That the application of Eiger Corporation, hereinafter referred to as
4 "Permittee", to construct an 18-screen theater in the B-5 district be and the same is
5 hereby granted under the provisions of Section 27.63.630 the Lincoln Municipal Code
6 upon condition that construction of said theater be in strict compliance with said
7 application, the site plan, and the following additional express terms, conditions, and
8 requirements:

- 9 1. This approval permits an 80,000 square foot, 18-screen theater.
- 10 2. Before receiving building permits:
 - 11 a. The permittee shall complete the following instructions and submit
12 the documents and plans to the Planning Department for review
13 and approval.
 - 14 i. A revised site plan showing the following revisions:
 - 15 (1) A revised land use table that deletes the 20% pass-by
16 reductions for the both the office uses on Lots 4 & 5,
17 Block 2 and Lots 10 & 11, Block 3, and for the
18 theaters.
 - 19 (2) All theater screens identified as "with matinee."
 - 20 (3) The required 50' setback along South 91st Street.
 - 21 (4) Note #34 revised as follows: LOT LAYOUT FOR LOT
22 1, BLOCK 4 SHOWN WITHIN THE BOUNDARY OF
23 THIS SPECIAL PERMIT/USE PERMIT IS
24 CONCEPTUAL. THE SPECIFIC SITE LAYOUT,
25 INCLUDING GRADING AND DRAINAGE, STREET
26 PROFILE, AND UTILITY PLANS MUST BE
27 APPROVED BY ADMINISTRATIVE AMENDMENT
28 PRIOR TO ISSUANCE OF BUILDING PERMITS.
 - 29 (5) Delete waiver request #4 under "WAIVERS" relating
30 to waiver of the preliminary plat.

1 (6) Show the 12" high-pressure gas line across the site,
2 and add General Note #35 which states: THERE IS A
3 12" HIGH-PRESSURE GAS LINE IN THIS AREA. IT
4 IS RECOMMENDED THAT NO OCCUPIED
5 STRUCTURES BE LOCATED WITHIN 220' OF IT.
6 THE PERMITTEE MUST ADVISE OWNERS AND
7 LESSEES OF THE PROJECT HAZARD AREA.

8 (7) Show revisions to the satisfaction of Public Works and
9 Utilities.

10 ii. A land use/trip generation table for the remaining
11 approximately 82 acres of commercially-designated land that
12 includes the 38 acres west of this project site and the 44
13 acres northeast of the intersection of Highway 2 and South
14 91st Street.

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

16 c. Final plat(s) are approved by the City.

17 3. Before occupying the buildings all development and construction is to
18 comply with the approved plans.

19 4. All privately-owned improvements, including landscaping and recreational
20 facilities, are to be permanently maintained by the owner or an appropriately established
21 owners association approved by the City.

22 5. The site plan accompanying this permit shall be the basis for all
23 interpretations of setbacks, yards, locations of buildings, location of parking and
24 circulation elements, and similar matters.

25 6. This resolution's terms, conditions, and requirements bind and obligate the
26 permittee, its successors and assigns.

27 7. The applicant shall sign and return the letter of acceptance to the City
28 Clerk within 30 days following the approval of the special permit, provided, however,
29 said 30-day period may be extended up to six months by administrative amendment.

1 The clerk shall file a copy of the resolution approving the special permit and the letter of
2 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
3 applicant.

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

ATTEST:

**DENIED by Planning Commission, 5-2 (Larson,
Taylor, Sunderman, Carroll and Carlson voting
'yes'; Pearson and Krieser voting 'no'; Bills-
Strand and Esseks absent). June 8, 2005**

Approved as to Form & Legality:



Chief Assistant City Attorney

APPIAN WAY REGIONAL CENTER SPECIAL PERMIT LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT O, APPIAN WAY ADDITION AND A PORTION OF THE REMAINING PORTION OF LOT 92 I.T.; LOCATED IN SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 40 MINUTES 41 SECONDS EAST, ASSUMED BEARING, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 809.82 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 240.00 FEET; THENCE CONTINUING NORTH 89 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 330.59 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 12 SECONDS WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 19 SECONDS WEST, A DISTANCE OF 41.00 FEET; THENCE NORTH 44 DEGREES 28 MINUTES 34 SECONDS EAST, A DISTANCE OF 58.14 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 12 SECONDS WEST, A DISTANCE OF 29.00 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 12 SECONDS EAST, A DISTANCE OF 54.79 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 16.56 FEET, DELTA ANGLE OF 21 DEGREES 34 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 35 DEGREES 46 MINUTES 24 SECONDS EAST, AND CHORD LENGTH OF 16.46 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 86.00 FEET, ARC LENGTH OF 138.91 FEET, DELTA ANGLE OF 92 DEGREES 32 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES 17 MINUTES 05 SECONDS EAST AND CHORD LENGTH OF 124.29 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 33.93 FEET, DELTA ANGLE OF 44 DEGREES 11 MINUTES 18 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES 53 MINUTES 36 SECONDS WEST AND CHORD LENGTH OF 33.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 346.00 FEET, ARC LENGTH OF 159.68 FEET, DELTA ANGLE OF 26 DEGREES 26 MINUTES 31 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES 01 MINUTES 12 SECONDS WEST, AND CHORD LENGTH OF 158.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 254.00 FEET, ARC LENGTH OF 75.43 FEET, DELTA ANGLE OF 17 DEGREES 00 MINUTES 50 SECONDS, A CHORD BEARING OF SOUTH 19 DEGREES 44 MINUTES 02 SECONDS WEST AND CHORD LENGTH OF 75.15 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11 DEGREES 13 MINUTES 37 SECONDS WEST, A DISTANCE OF 351.92 FEET; THENCE SOUTH 85 DEGREES 25 MINUTES 37 SECONDS EAST, A DISTANCE OF 98.67 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 464.00 FEET, ARC LENGTH OF 152.10 FEET, DELTA ANGLE OF 18 DEGREES 46 MINUTES 56 SECONDS, A CHORD BEARING OF NORTH 85 DEGREES 10 MINUTES 55 SECONDS EAST, AND CHORD LENGTH OF 151.42 FEET; THENCE NORTH 75 DEGREES 47 MINUTES 27 SECONDS EAST, A DISTANCE OF 306.86 FEET; THENCE NORTH 08 DEGREES 00 MINUTES 22 SECONDS WEST, A DISTANCE OF 4.18 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 536.00 FEET, ARC LENGTH OF 74.90 FEET, DELTA ANGLE OF 08 DEGREES 00 MINUTES 23 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES 00 MINUTES 12 SECONDS WEST, AND CHORD LENGTH OF 74.84 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 259.02 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 136.00 FEET, ARC LENGTH OF 213.63 FEET, DELTA ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 45 DEGREES 00

**APPIAN WAY REGIONAL CENTER
SPECIAL PERMIT LEGAL DESCRIPTION**

MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 192.33 FEET TO A POINT OF TANGENCY; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 420.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 378.85 FEET; THENCE NORTH 00 DEGREES, 10 MINUTES, 20 SECONDS EAST, A DISTANCE OF 587.53 FEET; THENCE SOUTH 89 DEGREES, 47 MINUTES, 55 SECONDS EAST, A DISTANCE OF 594.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 386.00 FEET, ARC LENGTH OF 174.69 FEET, DELTA ANGLE OF 25 DEGREES, 55 MINUTES, 51 SECONDS, A CHORD BEARING OF SOUTH 76 DEGREES, 50 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 173.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63 DEGREES, 52 MINUTES, 05 SECONDS EAST, A DISTANCE OF 200.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 963.45 FEET, DELTA ANGLE OF 51 DEGREES, 49 MINUTES, 57 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES, 16 MINUTES, 37 SECONDS WEST, AND CHORD LENGTH OF 930.93 FEET; THENCE SOUTH 27 DEGREES, 23 MINUTES, 00 SECONDS WEST, A DISTANCE OF 36.15 FEET; THENCE SOUTH 71 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, ARC LENGTH OF 102.07 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF SOUTH 82 DEGREES, 09 MINUTES, 17 SECONDS WEST, AND CHORD LENGTH OF 101.43 FEET; THENCE SOUTH 03 DEGREES, 13 MINUTES, 50 SECONDS WEST, A DISTANCE OF 36.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 300.00 FEET, ARC LENGTH OF 24.38 FEET, DELTA ANGLE OF 04 DEGREES, 39 MINUTES, 20 SECONDS, A CHORD BEARING OF NORTH 84 DEGREES, 26 MINUTES, 30 SECONDS WEST, AND CHORD LENGTH OF 24.37; THENCE SOUTH 07 DEGREES, 53 MINUTES, 10 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 450.00 FEET, ARC LENGTH OF 102.26 FEET, DELTA ANGLE OF 13 DEGREES, 01 MINUTES, 12 SECONDS, A CHORD BEARING OF SOUTH 01 DEGREES, 22 MINUTES, 33 SECONDS WEST, AND A CHORD LENGTH OF 102.04 FEET TO A POINT OF TANGENCY; THENCE SOUTH 05 DEGREES, 08 MINUTES, 03 SECONDS EAST, A DISTANCE OF 184.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 12.03 FEET, DELTA ANGLE OF 03 DEGREES, 26 MINUTES, 48 SECONDS, A CHORD BEARING OF SOUTH 03 DEGREES, 24 MINUTES, 41 SECONDS EAST, AND CHORD LENGTH OF 12.03 FEET; THENCE NORTH 54 DEGREES, 02 MINUTES, 32 SECONDS WEST, A DISTANCE OF 1,053.07 FEET; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 120.26 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 250.67 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 1,068,025.83 SQUARE FEET, 24.52 ACRES.

April 26, 2005

**DENIED by Planning Commission, 5-2,
June 8, 2005**

RESOLUTION NO. PC-_____

USE PERMIT NO.140B

1 WHEREAS, Eiger Corporation has submitted an application in accordance with
2 Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 140B to develop
3 874,441 square feet of commercial and office floor area on property generally located at S. 91st
4 Street and Pine Lake Road, legally described to wit:

5 A tract of land composed of Lots 1, 2, and 3, Block 1, Appian Way
6 Addition, Outlots A, D, E, H, I, and M, Appian Way Addition, a
7 portion of Outlot N, Appian Way Addition, a portion of Outlot O,
8 Appian Way Addition, Lot 1, Appian Way 1st Addition, Lot 1,
9 Appian Way 2nd Addition, Lot 1, Appian Way 3rd Addition, Lots 1,
10 2, and 3, Appian Way 4th Addition, Lots 1, 2, and 3, Appian Way
11 5th Addition, Outlot A, Appian Way 5th Addition, Lots 1 and 2,
12 Appian Way 6th Addition, Outlot A, Appian Way 6th Addition, a
13 portion of the remaining portion of Lot 92 I.T., and a portion of the
14 remaining portion of Lot 56 I.T., all located in Section 23,
15 Township 9 North, Range 7 East of the 6th P.M., Lancaster
16 County, Nebraska, and more particularly described on the
17 attached legal description;

18 WHEREAS, the real property adjacent to the area included within the site plan for
19 this construction of commercial and office area will not be adversely affected; and

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

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

25 That the application of Eiger Corporation, hereinafter referred to as "Permittee",
26 to develop 950,983 square feet of commercial and office floor area be and the same is hereby

1 granted under the provisions of Section 27.27.100 of the Lincoln Municipal Code upon condition
2 that construction and operation of said commercial and office space be in strict compliance with
3 said application, the site plan, and the following additional express terms, conditions, and
4 requirements:

5 1. This approval amends the site plan for Use Permit #140A to presently permit a
6 total of 874,441 square feet of the approved 950,983 square feet of commercial and office floor
7 area as shown on the approved plan.

8 2. Before receiving building permits:

9 a. The permittee shall complete the following instructions and submit the
10 documents and plans to the Planning Department for review and
11 approval.

12 b. A revised site plan showing the following revisions:

13 i. A revised land use table that deletes the 20% pass-by reductions
14 for the both the office uses on Lots 4 & 5, Block 2 and Lots 10 &
15 11, Block 3, and for the theaters.

16 ii. All theater screens identified as "with matinee."

17 iii. The required 50' setback along South 91st Street.

18 iv. Note #34 revised as follows: LOT LAYOUT FOR LOT 1, BLOCK 4
19 SHOWN WITHIN THE BOUNDARY OF THIS SPECIAL
20 PERMIT/USE PERMIT IS CONCEPTUAL. THE SPECIFIC SITE
21 LAYOUT, INCLUDING GRADING AND DRAINAGE, STREET
22 PROFILE, AND UTILITY PLANS MUST BE APPROVED BY
23 ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF
24 BUILDING PERMITS.

25 v. Delete waiver request #4 under "WAIVERS" relating to waiver of
26 the preliminary plat.

27 vi. Show the 12" high-pressure gas line across the site, and add
28 General Note #35 which states: THERE IS A 12" HIGH-
29 PRESSURE GAS LINE IN THIS AREA. IT IS RECOMMENDED
30 THAT NO OCCUPIED STRUCTURES BE LOCATED WITHIN
31 220' OF IT. THE PERMITTEE MUST ADVISE THE OWNERS
32 AND LESSEES OF THE PROJECT HAZARD AREA.

33 vii. Show revisions to the satisfaction of Public Works and Utilities.

34 c. A land use/trip generation table for the remaining approximately 82 acres
35 of commercially-designated land that includes the 38 acres west of this

1 project site and the 44 acres northeast of the intersection of Highway 2
2 and South 91st Street.

3 d. The construction plans comply with the approved plans.

4 e. Final plat(s) are approved by the City.

5 3. Before occupying the buildings all development and construction is to comply
6 with the approved plans.

7 4. All privately-owned improvements, including landscaping and recreational
8 facilities, are to be permanently maintained by the owner or an appropriately established owners
9 association approved by the City.

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

13 6. This resolution's terms, conditions, and requirements bind and obligate the
14 permittee, its successors and assigns.

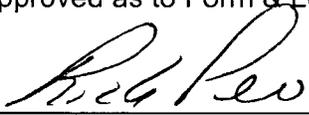
15 7. The applicant shall sign and return the letter of acceptance to the City Clerk
16 within 30 days following the approval of the special permit, provided, however, said 30-day
17 period may be extended up to six months by administrative amendment. The clerk shall file a
18 copy of the resolution approving the special permit and the letter of acceptance with the
19 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

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

ATTEST:

**DENIED by Planning Commission, 5-2 (Larson,
Taylor, Sunderman, Carroll and Carlson voting
'yes'; Pearson and Krieser voting 'no'; Bills-
Strand and Esseks absent). June 8, 2005**

Approved as to Form & Legality:



Chief Assistant City Attorney

APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOTS 1, 2 AND 3, BLOCK 1, APPIAN WAY ADDITION, OUTLOTS A, D, E, H, I, AND M, APPIAN WAY ADDITION, A PORTION OF OUTLOT N, APPIAN WAY ADDITION, A PORTION OF OUTLOT O, APPIAN WAY ADDITION, LOT 1, APPIAN WAY 1ST ADDITION, LOT 1, APPIAN WAY 2ND ADDITION, LOT 1, APPIAN WAY 3RD ADDITION, LOTS 1, 2 AND 3, APPIAN WAY 4TH ADDITION, LOTS 1, 2 AND 3, APPIAN WAY 5TH ADDITION, OUTLOT A, APPIAN WAY 5TH ADDITION, LOTS 1 AND 2, APPIAN WAY 6TH ADDITION, OUTLOT A, APPIAN WAY 6TH ADDITION, A PORTION OF THE REMAINING PORTION OF LOT 92 I.T., AND A PORTION OF THE REMAINING PORTION OF LOT 56 I.T., ALL LOCATED IN SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE SOUTH 00, DEGREES 40, MINUTES 41 SECONDS EAST, ASSUMED BEARING, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 809.82 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 344.59 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES, 19 MINUTES, 19 SECONDS WEST, A DISTANCE OF 55.00 FEET; THENCE NORTH 44 DEGREES, 28 MINUTES, 34 SECONDS EAST, A DISTANCE OF 58.14 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 29.00 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES, 22 MINUTES, 12 SECONDS EAST, A DISTANCE OF 54.79 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 16.56 FEET, DELTA ANGLE OF 21 DEGREES, 34 MINUTES, 01 SECONDS, A CHORD BEARING OF SOUTH 35 DEGREES, 46 MINUTES, 24 SECONDS EAST, AND CHORD LENGTH OF 16.46 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 86.00 FEET, ARC LENGTH OF 138.91 FEET, DELTA ANGLE OF 92 DEGREES, 32 MINUTES, 40 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES, 17 MINUTES, 05 SECONDS EAST AND CHORD LENGTH OF 124.29 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 33.93 FEET, DELTA ANGLE OF 44 DEGREES, 11 MINUTES, 18 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES, 53 MINUTES, 36 SECONDS WEST AND CHORD LENGTH OF 33.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 346.00 FEET, ARC LENGTH OF 159.68 FEET, DELTA ANGLE OF 26 DEGREES, 26 MINUTES, 31 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES, 01 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 158.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 254.00 FEET, ARC LENGTH OF 75.43 FEET, DELTA ANGLE OF 17 DEGREES, 00 MINUTES, 50 SECONDS, A CHORD BEARING OF SOUTH 19 DEGREES, 44 MINUTES, 02 SECONDS WEST AND CHORD LENGTH OF 75.15 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11 DEGREES, 13 MINUTES, 37 SECONDS WEST, A DISTANCE OF 351.92 FEET; THENCE SOUTH 85 DEGREES, 25 MINUTES, 37 SECONDS EAST, A DISTANCE OF 98.67 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 464.00 FEET, ARC LENGTH OF 152.10 FEET, DELTA ANGLE OF 18 DEGREES, 46 MINUTES, 56 SECONDS, A CHORD BEARING OF NORTH 85 DEGREES, 10 MINUTES, 55 SECONDS EAST, AND CHORD LENGTH OF 151.42 FEET; THENCE NORTH 75 DEGREES, 47 MINUTES, 27 SECONDS EAST, A DISTANCE OF 306.86 FEET; THENCE NORTH 08 DEGREES, 00 MINUTES, 22 SECONDS WEST, A DISTANCE OF 4.18 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 536.00 FEET,

APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

ARC LENGTH OF 74.90 FEET, DELTA ANGLE OF 08 DEGREES, 00 MINUTES, 23 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES, 00 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 74.84 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 259.02 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 136.00 FEET, ARC LENGTH OF 213.63 FEET, DELTA ANGLE OF 90 DEGREES, 00 MINUTES, 00 SECONDS, A CHORD BEARING OF NORTH 45 DEGREES, 00 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 192.33 FEET TO A POINT OF TANGENCY; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 799.82 FEET; THENCE NORTH 00 DEGREES, 10 MINUTES, 20 SECONDS EAST, A DISTANCE OF 587.53 FEET; THENCE SOUTH 89 DEGREES, 47 MINUTES, 55 SECONDS EAST, A DISTANCE OF 594.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 386.00 FEET, ARC LENGTH OF 174.69 FEET, DELTA ANGLE OF 25 DEGREES, 55 MINUTES, 51 SECONDS, A CHORD BEARING OF SOUTH 76 DEGREES, 50 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 173.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63 DEGREES, 52 MINUTES, 05 SECONDS EAST, A DISTANCE OF 200.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 963.45 FEET, DELTA ANGLE OF 51 DEGREES, 49 MINUTES, 57 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES, 16 MINUTES, 37 SECONDS WEST, AND CHORD LENGTH OF 930.93 FEET; THENCE SOUTH 27 DEGREES, 23 MINUTES, 00 SECONDS WEST, A DISTANCE OF 36.15 FEET; THENCE SOUTH 71 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, ARC LENGTH OF 102.07 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF SOUTH 82 DEGREES, 09 MINUTES, 17 SECONDS WEST, AND CHORD LENGTH OF 101.43 FEET; THENCE SOUTH 03 DEGREES, 13 MINUTES, 50 SECONDS WEST, A DISTANCE OF 72.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 336.00 FEET, ARC LENGTH OF 129.91 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF NORTH 82 DEGREES, 09 MINUTES, 17 SECONDS EAST, AND CHORD LENGTH OF 129.10 FEET TO A POINT OF TANGENCY; THENCE NORTH 71 DEGREES, 04 MINUTES, 43 SECONDS EAST, A DISTANCE OF 57.97 FEET; THENCE SOUTH 65 DEGREES, 13 MINUTES, 34 SECONDS EAST, A DISTANCE OF 36.15 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 101.48 FEET, DELTA ANGLE OF 05 DEGREES, 27 MINUTES, 34 SECONDS, A CHORD BEARING OF SOUTH 24 DEGREES, 56 MINUTES, 00 SECONDS EAST, AND A CHORD LENGTH OF 101.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 27 DEGREES, 39 MINUTES, 47 SECONDS EAST, A DISTANCE OF 937.76 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, ARC LENGTH OF 362.39 FEET, DELTA ANGLE OF 22 DEGREES, 12 MINUTES, 25 SECONDS, A CHORD BEARING OF SOUTH 16 DEGREES, 33 MINUTES, 34 SECONDS EAST, AND CHORD LENGTH OF 360.13 FEET; THENCE SOUTH 42 DEGREES, 06 MINUTES, 10 SECONDS WEST, A DISTANCE OF 34.23 FEET; THENCE SOUTH 88 DEGREES, 53 MINUTES, 45 SECONDS WEST, A DISTANCE OF 173.60 FEET; THENCE SOUTH 01 DEGREES, 06 MINUTES, 15 SECONDS EAST, A DISTANCE OF 96.00 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES, 45 SECONDS EAST, A DISTANCE OF 173.39 FEET; THENCE SOUTH 44 DEGREES, 11 MINUTES, 18 SECONDS EAST, A DISTANCE OF 34.15 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, ARC LENGTH OF 666.56 FEET, DELTA ANGLE OF 40 DEGREES, 50 MINUTES, 46 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES, 54 MINUTES, 59 SECONDS WEST, AND CHORD LENGTH OF 652.54 FEET TO A POINT OF TANGENCY; THENCE SOUTH 44 DEGREES, 20 MINUTES, 22 SECONDS WEST, A DISTANCE OF 400.02 FEET; THENCE SOUTH 85 DEGREES, 41 MINUTES, 38 SECONDS WEST, A DISTANCE OF 37.53 FEET; THENCE NORTH 52 DEGREES, 57 MINUTES, 07 SECONDS WEST, A DISTANCE OF 206.15 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST

APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

QUARTER OF SAID SECTION 23; THENCE NORTH 56 DEGREES, 19 MINUTES, 51 SECONDS WEST, A DISTANCE OF 780.25 FEET; THENCE NORTH 52 DEGREES, 26 MINUTES, 01 SECONDS WEST, A DISTANCE OF 758.61 FEET; THENCE NORTH 14 DEGREES, 44 MINUTES, 12 SECONDS WEST, A DISTANCE OF 39.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 350.00 FEET, ARC LENGTH OF 102.82 FEET, DELTA ANGLE OF 16 DEGREES, 49 MINUTES, 58 SECONDS, A CHORD BEARING OF NORTH 12 DEGREES, 29 MINUTES, 33 SECONDS EAST, AND CHORD LENGTH OF 102.46 FEET; THENCE NORTH 85 DEGREES, 55 MINUTES, 26 SECONDS WEST, A DISTANCE OF 114.50 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 235.50 FEET, ARC LENGTH OF 40.00 FEET, DELTA ANGLE OF 09 DEGREES, 43 MINUTES, 54 SECONDS, A CHORD BEARING OF SOUTH 08 DEGREES, 56 MINUTES, 31 SECONDS WEST, AND CHORD LENGTH OF 39.95 FEET; THENCE SOUTH 70 DEGREES, 21 MINUTES, 51 SECONDS WEST, A DISTANCE OF 30.30 FEET; THENCE NORTH 57 DEGREES, 09 MINUTES, 02 SECONDS WEST, A DISTANCE OF 556.12 FEET; THENCE NORTH 45 DEGREES, 55 MINUTES, 04 SECONDS WEST, A DISTANCE OF 202.24 FEET; THENCE NORTH 53 DEGREES, 03 MINUTES, 46 SECONDS WEST, A DISTANCE OF 200.03 FEET; THENCE NORTH 58 DEGREES, 00 MINUTES, 35 SECONDS WEST, A DISTANCE OF 400.90 FEET; THENCE NORTH 43 DEGREES, 05 MINUTES, 38 SECONDS WEST, A DISTANCE OF 117.22 FEET; THENCE NORTH 10 DEGREES, 49 MINUTES, 43 SECONDS WEST, A DISTANCE OF 18.79 FEET; THENCE NORTH 29 DEGREES, 00 MINUTES, 57 SECONDS EAST, A DISTANCE OF 22.22 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,020.00 FEET, ARC LENGTH OF 528.62 FEET, DELTA ANGLE OF 29 DEGREES, 41 MINUTES, 38 SECONDS, A CHORD BEARING OF NORTH 14 DEGREES, 10 MINUTES, 08 SECONDS EAST, AND A CHORD LENGTH OF 522.72 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 40 MINUTES, 41 SECONDS WEST, A DISTANCE OF 155.34 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 280.00 FEET, ARC LENGTH OF 7.40 FEET, DELTA ANGLE OF 01 DEGREES, 30 MINUTES, 51 SECONDS, A CHORD BEARING OF NORTH 10 DEGREES, 23 MINUTES, 48 SECONDS EAST, AND CHORD LENGTH OF 7.40 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 320.00 FEET, ARC LENGTH OF 64.11 FEET, DELTA ANGLE OF 11 DEGREES, 28 MINUTES, 42 SECONDS, A CHORD BEARING OF NORTH 05 DEGREES, 24 MINUTES, 51 SECONDS EAST, AND CHORD LENGTH OF 64.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 19 MINUTES, 30 SECONDS WEST, A DISTANCE OF 151.61 FEET; THENCE NORTH 44 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 22.42 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 6,124,715.20 SQUARE FEET, 140.60 ACRES.

April 26, 2005

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : June 9, 2005

RE : **Special Permit No. 04067 and Use Permit No. 139A**
Stone Bridge Creek Villas Community Unit Plan
(South of Humphrey Avenue and northwest of the I-80 & No. 27th Street interchange)
Resolution No. PC-00929 and PC-00930

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 8, 2005:

Motion made by Carroll, seconded by Pearson, to approve **Special Permit No. 04067, Stone Bridge Creek Villas Community Unit Plan**, with conditions, requested by Stone Bridge Creek, LLC, for authority to develop 124 dwelling units, together with requested waivers of minimum lot depth, minimum lot area, average lot width, front yard setback, side yard setback, rear yard setback, turnaround geometry, and curb and gutter, and to allow double frontage lots and an inverse crown, on property generally located northwest of the I-80 and N. 27th Street interchange. Motion to approve, with conditions, carried 6-0: Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson voting 'yes'; Bills-Strand, Larson and Esseks absent.

Motion made by Carroll, seconded by Pearson, to approve **Use Permit No. 139A**, with conditions, requested by Stone Bridge Creek, LLC, to remove a portion of the existing use permit and incorporate it into a special permit for the community unit plan; and to increase the use permit area to meet the minimum area requirement for the I-3 Employment Center District, on property generally located south of Humphrey Avenue and northwest of the I-80 and N. 27th Street interchange. Motion to approve, with conditions, carried 6-0: Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson voting 'yes'; Bills-Strand, Larson and Esseks absent.

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

The Planning Commission also recommended approval of the associated Comprehensive Plan Amendment (recommendation to the City Council and County Board); Annexation No. 05009, subject to an Annexation Agreement, and Change of Zone No. 04081 (recommendations to the City Council).

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Jason Thiellen, EDC, 2200 Fletcher Ave., Suite 102, 68504
Stone Bridge Creek, LLC, 3801 Union Dr., 68516
Lynn Hartog, Autumn Wood Homeowners Assn., 2334 LynnRidge Place, 68521
Bruce A. Spilker, 280 Pennsylvania Avenue, 68521
Keith Spilker, 900 Fletcher Avenue, 68521

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RESOLUTION NO. PC- 00929

SPECIAL PERMIT NO. 04067

1 WHEREAS, Stone Bridge Creek LLC has submitted an application designated as
2 Special Permit No. 04067 for authority to develop Stone Bridge Creek Villas Community Unit
3 Plan for 124 dwelling units, together with requested waivers of the Zoning Code, Land
4 Subdivision Ordinance, and City of Lincoln Design Standards to waive the required minimum lot
5 depth, minimum lot area, average lot width, front yard setback, side yard setback, and rear yard
6 setback, to waive the prohibition of double frontage lots, to waive the Design Standards for
7 Private Roadways to allow an inverse crown, a waiver of turnaround geometry, and to not
8 require curb and gutter, on property generally located northwest of the I-80 and N. 27th Street
9 interchange, and legally described as:

10 A portion of Lot 1, Block 5, Stone Bridge Creek Addition, located
11 in the North Half of Section 36, Township 11 North, Range 6 East
12 of the 6th P.M., City of Lincoln, Lancaster County, Nebraska and
13 being more particularly described as follows:

14 Beginning at the southwest corner of said Lot 1, also being on the
15 southeast right-of-way line of Humphrey Avenue; thence on said
16 southeast right-of-way line for the next 3 courses, north 50
17 degrees 04 minutes 15 seconds east, 26.89 feet; thence
18 northeasterly on a 1,236.00 foot radius curve to the left, an arc
19 length of 307.20 feet (long chord bears north 42 degrees 52
20 minutes 12 seconds east, 306.41 feet); thence north 35 degrees
21 44 minutes 42 seconds east, 850.23 feet; thence south 54
22 degrees 14 minutes 58 seconds east, 310.93 feet; thence south
23 39 degrees 41 minutes 49 seconds east, 486.71 feet to the
24 southeast line of said Lot 1, also being the north right-of-way line
25 of Interstate #80; thence on said north right-of-way line, south 35
26 degrees 44 minutes 12 seconds west, 1,082.14 feet to the

1 southeast corner of said Lot 1; thence on the southwest line of
2 said Lot 1 for the next 2 courses, north 65 degrees 05 minutes 17
3 seconds west, 424.64 feet; thence north 40 degrees 00 minutes
4 54 seconds west, 422.75 feet to the point of beginning; containing
5 947,220.00 square feet (21.75 acres) more or less;

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

8 WHEREAS, the community as a whole, the surrounding neighborhood, and the
9 real property adjacent to the area included within the site plan for this community unit plan will
10 not be adversely affected by granting such a permit; and

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

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

17 That the application of Stone Bridge Creek LLC, hereinafter referred to as
18 "Permittee", to develop Stone Bridge Creek Villas Community Unit Plan for 124 dwelling units
19 be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter
20 27.65 of the Lincoln Municipal Code upon condition that construction of said dwelling units be in
21 strict compliance with said application, the site plan, and the following additional express terms,
22 conditions, and requirements:

- 23 1. This approval permits:
 - 24 a. 124 single-family dwelling units.
 - 25 b. A waiver of the required minimum lot depth, minimum lot area, average lot
26 width, front yard setback, side yard setback, rear yard setback, private
27 roadway standards regarding inverse crown, cul-de-sac geometry, and
28 curb and gutter, and the prohibition of double frontage lots.

1 2. If any final plat on all or a portion of the approved community unit plan is
2 submitted five (5) years or more after the approval of the community unit plan, the city may
3 require that a new community unit plan be submitted, pursuant to all the provisions of section
4 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design
5 standards, or the required improvements have been amended by the city; and as a result, the
6 community unit plan as originally approved does not comply with the amended rules and
7 regulations.

8 3. Before the approval of a final plat, the public streets, private roadway
9 improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land
10 preparation and grading, sediment and erosions control measures, storm water
11 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
12 street trees, temporary turnaround and barricades, and street name signs, must be completed
13 or provisions (bond, escrow or security agreement) to guarantee completion must be submitted
14 to the City and approved by the City Law Department. The improvements must be completed in
15 conformance with adopted design standards and within the time period specified in the Land
16 Subdivision Ordinance.

17 4. Final plats may be approved by the Planning Director after the Permittee, as
18 Subdivider, has signed an agreement that binds the Subdivider, and Subdivider's
19 successors and assigns:
20 a. to complete the street paving of public streets shown on the final plat
21 within two (2) years following the approval of the final plat.
22 b. to complete the paving of private roadways shown on the final plat within
23 two (2) years following the approval of this final plat.
24 c. to complete the installation of sidewalks along both sides of the streets
25 and along the south side of Humphrey Avenue as shown on the final plat
26 within four (4) years following the approval of the final plat.
27 d. to construct the sidewalk in the pedestrian way easements at the same
28 time as the adjacent street is paved and to agree that no building permit
29 shall be issued for construction on the adjacent lots on both sides of
30 easement until such time as the sidewalk in the pedestrian way easement
31 is constructed.
32

- 1 e. to complete the public water distribution system to serve this plat within
2 two (2) years following the approval of the final plat.
- 3 f. to complete the public wastewater collection system to serve this plat
4 within two (2) years following the approval of the final plat.
5
- 6 g. to complete the enclosed public drainage facilities shown on the approved
7 drainage study to serve this plat within two (2) years following the
8 approval of the final plat.
- 9 h. to complete the enclosed private drainage facilities shown on the
10 approved drainage study to serve this plat within two (2) years following
11 the approval of the final plat.
- 12 i. to complete land preparation including storm water detention/retention
13 facilities and open drainageway improvements to serve this plat prior to
14 the installation of utilities and improvements but not more than two (2)
15 years following the approval of the final plat
- 16 j. to complete the installation of public street lights along all streets within
17 this plat within two (2) years following the approval of the final plat.
- 18 k. to complete the installation of private street lights along all streets within
19 this plat within two (2) years following the approval of the final plat.
- 20 l. to complete the planting of the street trees along all streets within this plat
21 within four (4) years following the approval of the final plat.
- 22 m. to complete the planting of the landscape screen within this plat within
23 two (2) years following the approval of the final plat.
- 24 n. to complete the installation of the street name signs within two (2) years
25 following the approval of the final plat.
- 26 o. to timely complete any other public or private improvement or facility
27 required by Chapter 26.23 (Development Standards) of the Land
28 Subdivision Ordinance which inadvertently may have been omitted from
29 the above list of required improvements.
- 30 p. to submit to the Director of Public Works a plan showing proposed
31 measures to control sedimentation and erosion and the proposed method
32 to temporarily stabilize all graded land for approval.
- 33 q. to complete the public and private improvements shown on the
34 Community Unit Plan.
- 35 r. to retain ownership of and the right of entry to the outlots in order to
36 perform the above-described maintenance of the outlots and private
37 improvements on a permanent and continuous basis. However, Owner(s)
38 may be relieved and discharged of such maintenance obligations upon
39 creating in writing a permanent and continuous association of property

1 owners who would be responsible for said permanent and continuous
2 maintenance subject to the following conditions:

3
4 (1) Owner shall not be relieved of Owner's maintenance
5 obligation for each specific private improvement until a
6 register professional engineer or nurseryman who
7 supervised the installation of said private improvement has
8 certified to the City that the improvement has been
9 installed in accordance with approved plans.

10 (2) The maintenance agreements are incorporated into
11 covenants and restrictions in deeds to the subdivided
12 property and the documents creating the association and
13 the restrictive covenants have been reviewed and
14 approved by the City Attorney and filed of record with the
15 Register of Deeds.

16 s. to continuously and regularly maintain the street trees along the private
17 roadways and landscape screens.

18 t. to submit to the lot buyers and home builders a copy of the soil analysis.

19 u. to comply with the provisions of the Land Preparation and Grading
20 requirements of the Land Subdivision Ordinance.

21 v. to perpetually maintain the sidewalks in the pedestrian way easements on
22 Outlots D, H and I at their own cost and expense.

23 w. to properly and continuously maintain and supervise the private facilities
24 which have common use or benefit, and to recognize that there may be
25 additional maintenance issues or costs associated with providing for the
26 proper functioning of storm water detention/retention facilities as they
27 were designed and constructed within the development, and that these
28 are the responsibility of the land owner.

29 x. to relinquish the right of direct vehicular access from Humphrey Avenue
30 from Lots 1-3, 16-20, 33-35, Block 1, Lots 1 and 50, Block 3.

31 5. Before receiving building permits:

32 a. The permittee shall complete the following instructions and submit the
33 documents and plans to the Planning Department office for review and
34 approval.

35 i. A revised site plan including 6 copies showing the following
36 revisions:

37 (1) Noise mitigation measures and revision of general site
38 note #19 to the satisfaction of the Lincoln Lancaster
39 County Health Department.

1 period may be extended up to six months by administrative amendment. The clerk shall file a
2 copy of the resolution approving the special permit and the letter of acceptance with the
3 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

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

7 The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
8 Commission on this 8th day of June, 2005.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

RESOLUTION NO. PC- 00930

USE PERMIT NO. 139A

1 WHEREAS, Stone Bridge Creek, LLC has submitted an application in
2 accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit
3 No. 139A to remove Lot 1, Block 5, Stone Bridge Creek Addition, from Use Permit No. 139 in
4 order to include said Lot 1, Block 5, into a community unit plan and to add a portion of Lots 39,
5 47, 49, and 50 Irregular Tracts, located in the Southeast Quarter of Section 25, Township 11
6 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, to Use Permit No. 139 to
7 meet the minimum area requirement for the I-3 district on property generally located south of
8 Humphrey Avenue and northwest of the I-80 and N. 27th Street interchange, and legally
9 described as:

10 Lot 2 and a portion of Lot 1, Block 5, Stone Bridge Creek Addition,
11 located in the Northeast Quarter of Section 36, and a portion of
12 Lots 39, 47, 49, and 50 I.T., located in the Southeast Quarter of
13 Section 25, Township 11 North, Range 6 East of the 6th P.M.,
14 Lancaster County, Nebraska, and more particularly described as
15 follows:

16 Beginning at the northeast corner of said Lot 2, also being on the
17 west right-of-way line of Interstate 80; thence on said west right-
18 of-way line for the next 6 courses, south 28 degrees 16 minutes
19 42 seconds west, 495.92 feet; thence south 39 degrees 44
20 minutes 07 seconds west, 395.97 feet; thence south 42 degrees
21 30 minutes 08 seconds west, 774.29 feet; thence south 89
22 degrees 38 minutes 56 seconds east, 73.98 feet; thence south 50
23 degrees 54 minutes 08 seconds west, 146.07 feet; thence south
24 35 degrees 44 minutes 12 seconds west, 247.38 feet; thence
25 north 39 degrees 41 minutes 49 seconds west, 486.71 feet;
26 thence north 54 degrees 14 minutes 58 seconds west, 310.93 feet
27 to the southeast right-of-way line of Humphrey Avenue; thence on

1 said southeast right-of-way line, north 35 degrees 44 minutes 42
2 seconds east, 1302.99 feet to the northwest corner of said Lot 2,
3 also being the south line of said Section 25; thence on said south
4 line, north 89 degrees 31 minutes 36 seconds west, 88.20 feet;
5 thence north 35 degrees 45 minutes 02 seconds east, 419.00 feet;
6 thence northerly on an 814.00 foot radius curve to the left, an arc
7 length of 642.41 feet (long chord bears north 13 degrees 08
8 minutes 30 seconds east, 625.87 feet); thence south 90 degrees
9 00 minutes 00 seconds east, 1,064.73 feet to the west right-of-
10 way line of Interstate 80; thence on said west right-of-way line,
11 south 20 degrees 55 minutes 40 seconds west, 1,026.18 feet to
12 the point of beginning, containing 2,298,860.14 square feet (52.77
13 acres) more or less;

14 WHEREAS, the real property adjacent to the area included within the site plan for
15 this amendment to the community unit plan and use permit for commercial space will not be ad-
16 versely affected; and

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

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

22 That the application of Stone Bridge Creek, LLC, hereinafter referred to as
23 "Permittee", to remove property from the existing use permit in order to put said property into a
24 community unit plan and add other property to the use permit area to meet the minimum area
25 requirement for the I-3 district be and the same is hereby granted under the provisions of
26 Section 27.27.080 of the Lincoln Municipal Code upon condition that the development of said
27 Community Unit Plan and Use Permit be in strict compliance with said application, the site plan,
28 and the following additional express terms, conditions, and requirements:

- 29 1. This approval permits 478,455 square feet of employment center floor
30 area.
- 31 2. Before receiving building permits:

1 a. The permittee shall complete the following instructions and submit
2 the documents and plans to the Planning Department office for
3 review and approval.

4 i. A revised site plan showing the following revisions:
5

6 (1) Indicate how floor area is distributed by use type, or
7 reference the required use type ratios as required by
8 the I-3 district.

9 (2) Utility Easements to the satisfaction of LES.

10 (3) Revisions to the satisfaction of the Public Works and
11 Utilities Department.

12 (4) Revisions to the satisfaction of the Watershed
13 Management section of the Public Works and Utilities
14 Department.

15 ii. A permanent reproducible final site plan as approved.

16 b. Ornamental street lights for private roadways and pedestrian way
17 easements are approved by L.E.S.

18 c. The construction plans comply with the approved plans.

19 d. Final plat(s) is/are approved by the City.

20 e. The required easements as shown on the site plan are recorded
21 with the Register of Deeds.

22 3. Before occupying this employment center all development and
23 construction is to comply with the approved plans.

24 4. All privately-owned improvements, including landscaping, are to be
25 permanently maintained by the owner or an appropriately established homeowners
26 association approved by the City.

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

1 6. This resolution's terms, conditions, and requirements bind and obligate the
2 permittee, its successors and assigns.

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

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

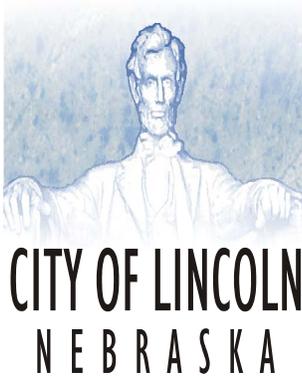
DATED this 8th day of June, 2005.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

June 6, 2005

SIDEWALK REPAIR ADVISORY SOUTH SALT CREEK NEIGHBORHOOD AREA PROJECT #702169

The City of Lincoln has awarded a contract for sidewalk repair in an area of the South Salt Creek Neighborhood. This repair contract encompasses the area from Salt Creek to 9th Street, 'D' Street to Van Dorn Street. The contract for this work has been awarded to R & C Construction of Lincoln.

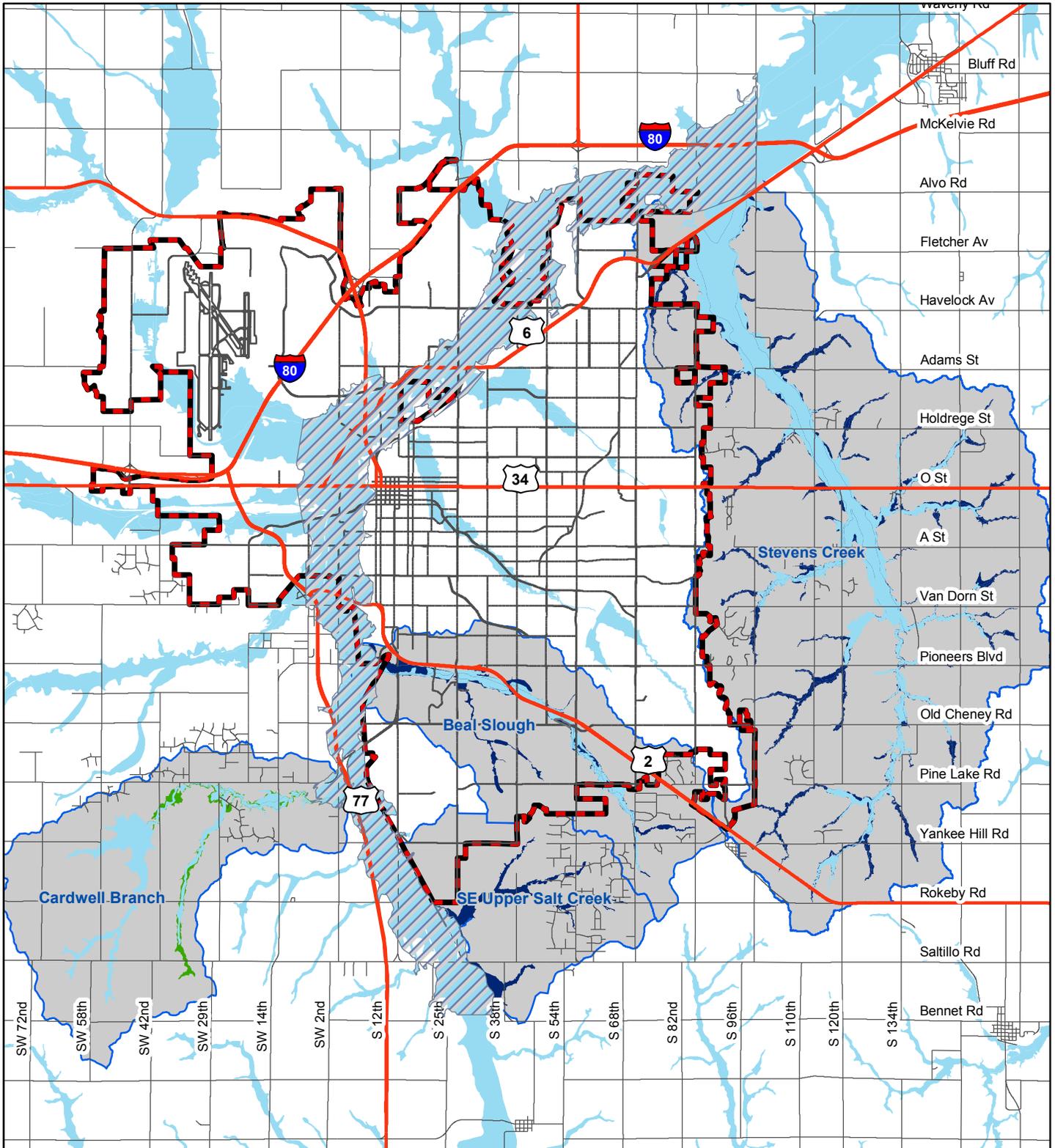
The contractor has indicated work may begin within 14 to 21 days. It is expected the sidewalk repairs in this neighborhood will take 60 to 90 days to complete. The repair work will involve removal and replacement of marked sections of sidewalk. Due to limited sidewalk repair funds, our focus is upon repairing significant sidewalk defects where the sidewalk has separated or shifted 1.5 inches or more. This work will also include construction of curb access ramps at intersections where ramps do not currently exist. There will be some inconvenience to residents in this area as sidewalk sections are removed and replaced and sidewalk locations are closed and barricaded to complete this work. Driveways may also be closed for short durations to complete work on sidewalk through driveways.

We request the patience and cooperation of residents in this area as the contractor progresses with this work. If you have a sprinkler system, it is advisable that you mark the location of the sprinkler lines and heads. The City will not accept responsibility for repair of sprinkler systems which are located adjacent to the sidewalk.

The Public Works and Utilities Department will administer this contract and you may contact the Sidewalk Section at 441-7541 with any questions. If you have any questions for the contractor, please call R & C Construction at 423-7787.

Harry Kroos
Engineering Services
441-7541

702169 Adv HBK tdq.wpd



2005 Floodplain Mapping Activities

- | | |
|-------------------|-------------------------------|
| City Limit | Salt Creek Floodplain Mapping |
| Mapped Floodplain | Floodprone Areas |
| Basin Boundaries | Potential New Floodprone Area |

June 2, 2005

To: Patte Newman
Lincoln City Council Member

From: Dave Fowler
Lincoln Musician

As a non-smoking musician who has played for years in smoke-filled venues, I would like to express my appreciation to the City Council for sending the smoking ban to Lincoln voters. Not only can my groups play in more pleasant places, but our audiences are larger, now that people can come hear us without enduring the risks and unpleasantness associated with cigarette smoke. Although much of my musical interest still lies with blues and traditional country music (where one has little choice but bars for venues), I'm currently working with a group specializing in "Gypsy Jazz." This is the music of the 1930s and 40s exemplified by Django Reinhardt and Stephane Grappelli.

As an expression of my thanks to the Council, please accept a free ticket to our upcoming event at the Lincoln Zoo Bar.

With best regards,
Dave Fowler



Admit One Lincoln City Council Member

- GYPSY JAZZ Open Jam. 9:30 PM. Monday, June 13.



THE ZOO BAR

134 N 14th.

- Admission paid by Dave Fowler, THE HOT CLUB OF LINCOLN

LINCOLN NEIGHBORHOOD ALLIANCE



June 2, 2005

John McQuinn, JD
City Attorney Office, 4th floor
575 South 10th Street
Lincoln, NE 68508

COPY

RECEIVED
JUN 03 2005
CITY COUNCIL
OFFICE

Dear Mr. McQuinn,

The topic of "couches on porches" is now prominently in the news and perhaps a good time to revisit what we started last fall. I am including at the end of this letter the text of my follow-up letter to you at the time to refresh all our memories!

The sub-committee that met with you met with Nancy Clark, City-County Health Department, as you had suggested. It was clear that there was no enthusiasm at the Health Department for an ordinance on this subject for a variety of reasons, including staff shortages, budget, and philosophy. Ms. Clark reported that educational methods take care of the vast majority of problems, citing the county littering problem as an example. It was suggested that an educational pilot project be done in the North Bottoms neighborhood to see how effective that approach would be. To my knowledge, there has not been any progress made on that idea.

We still believe part of the solution is an ordinance. Additionally, the "culture" that has been created in the North Bottoms neighborhood is clearly defined and unacceptable. Photos of properties, predominantly rentals, and quotes from the renters and long time homeowners, unequivocally substantiate our point: indoor upholstered furniture used outside is an indicator. An indicator of social disconnection, self-indulgence, lack of concern for others, and poor judgment in a variety of ways. The property owners are also showing a lack of respect for others in the neighborhood. See the couches on porches Lincoln blog started after the 5/25/05 Lincoln Journal Star article. <http://forums.fark.com/cgi/fark/comments.pl?IDLink=1500674>

The Channel 7 feature on May 26, 2005 quoted renter Mitch Davis as saying, "That's why we live here, so we can do stuff like this." Exactly. We have said this for years while documenting and reporting the examples repeatedly.

One of the steps you mentioned October 29, 2004 was that your clerk would research the laws around the country that have passed successfully and are implemented. The quotation from an unnamed Lincoln City Council member saying "it would be hard to define the use of upholstered furniture – was it designed for indoor or outdoor use –" I believe is disingenuous. It has been defined in over 100 other municipalities. The Boulder, CO example Councilwoman Patte Newman reportedly used at the May Mayor's Roundtable discussion also demonstrates the irrational basis for avoiding meaningful action on this topic. Students throwing their upholstered furniture into the street to set ablaze is improper, irresponsible behavior. Not a basis for avoiding dealing with it.

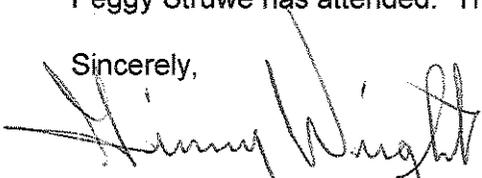
The time may be right to approach this systematically, now. The sub-committee would like to meet with you again to hear your findings about the ordinances in place elsewhere, concerns you may still have about enforcement, and next steps. The Lincoln Neighborhood Alliance and its subcommittee believe a multi-pronged approach is needed. Some of it educational, some legal, some relational. Promoting model renter contracts, an organization of Responsible Property Owners, city-wide clean up event, neighborhood association collaboration are also considered important for success.

Some elected officials and media folks do not seem to appreciate the effect this anti-social, degraded behavior has on the quality of life in a neighborhood. The culture of North Bottoms dictated by free ranging adolescents makes selling or renting property in the North Bottoms more challenging. The hands-off attitude of landlords and the "we can do whatever we want" attitude of the renters combine for the unsavory and unsatisfactory climate for all.

Unruly houses, public urination, drunkenness, noise, vermin, blighted appearance, underage drinking, drugging, unkempt properties, and heightened danger are the consequences heaped on neighbors thanks to the lack of action on "couches on porches".

When would be convenient for you to meet with us again? We are eager to see progress made, and update you on the efforts of committees at the University that sub-committee member, Peggy Struwe has attended. Thanks, again, for your time and expertise addressing this issue.

Sincerely,



Virginia K. Wright MS
Lincoln Neighborhood Alliance
Couches on Porches Sub-Committee
814 Lyncrest Drive
Lincoln, NE 68510-4022
402-489-6239

cc: Mayor Seng, City Council, Dr. Dart, Ms. Clark, LNA Board

LINCOLN NEIGHBORHOOD ALLIANCE



November 4, 2005

The Quality of Life sub-committee greatly appreciated meeting with you on October 29, 2004. We felt progress was made in understanding the current applicable laws for dealing with most of the comprehensive Quality of Life ordinance we are proposing.

Issues identified by you were in the areas of: enforceability, due process-constitutional challenge, government intrusion, and the belief that adequate ordinances exist now.

While we identified the fact that enforcement with the existing laws is inadequate and undependable, we agree that the issues surrounding indoor upholstered furniture used outside is not currently addressed by any law.

Since we met, a meeting with Nancy Clark of L-LCDH has been arranged by Ed Caudill to address the public health implications and possible language for an ordinance. The sample ordinances we left with you at our meeting give some examples of oversight through health departments as successful strategies.

Thank you also for offering your paralegal for researching the "couches on porches" laws across the nation for insight into language, enforcement, etc. It is gratifying to know that the one court case that seemed to be a barrier should no longer impede progress on this subject.

As we reported to you, we are committed to developing a comprehensive, mutually agreeable program for dealing with "couches on porches", not only as a specific health issue, but also as an indicator of numerous factors that degrade neighborhoods. Neighborhood associations, clean up campaigns, REOMA, "responsible property owners campaign", refuse haulers, contests are among the possible organizations, activities, or individuals needed in addition to a strong, enforced ordinance.

Thanks, again, for your analysis of the draft language. We look forward to meeting with you again after our contact with Ms. Clark.

Sincerely,

Virginia K. Wright, MS
814 Lyncrest Drive
Lincoln, NE 68510-4022
402-489-6239

CC: sub-committee, Mayor Seng, Dr. Dart, Ms. Clark, LNA Board



Joan V Ray

06/08/2005 09:06 AM

To: "kavan@alltel.net" <ak94823@alltel.net>

cc:

Subject: Re: Walmart 

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

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@lincoln.ne.gov

"kavan@alltel.net" <ak94823



"kavan@alltel.net"
<ak94823

06/08/2005 08:52 AM

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

cc:

Subject: Walmart

Disappointed over walmart vote. Marvin says 31000 vehicle trips per day to walmart. If there was a public vote how do you think they would vote? Instead, Newman and others took the word of 70 whiners. NE Lincoln resident Art Kavan



Joan V Ray

06/08/2005 09:13 AM

To: "Jeff Kimble" <jkim@precisionind.com>

cc:

Subject: Re: Growth 

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

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@lincoln.ne.gov

"Jeff Kimble" <jkim@precisionind.com>



"Jeff Kimble"

<jkim@precisionind.com>

06/08/2005 08:40 AM

To: <pnewman@lincoln.ne.gov>

cc: <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>, <thuston@clinewilliams.com>

Subject: Growth

Ms. Newman / Fellow City Council Members / Ms. Seng;

As a resident in your district and city, I felt it necessary to email you regarding the recent Wal Mart issue at 84th and Adams, and the recent vote against it.

As a homeowner at 80th and Holdrege, I was 'up in the air' about a potential new superstore nearby--probably much like other residents. Nice to have near, but certainly don't want the traffic. Frankly, my feelings aren't too terribly hurt that one won't be built there. However, I am concerned about why the council, and you personally voted against it. Admittedly, I don't pay as much attention to city government as I probably should. But, I am really hoping that you and your peers did not get caught up in the anti-growth and anti-Wal Mart sentiment that seems to ooze from this city. Both yourself and Wal Mart's lawyer, Mr. Huston, were quoted as saying you mainly hear anti-sentiment versus support for the store. Those of us who want to promote growth are at fault, I guess, for not being more vocal. As a fairly new (3 years) resident to Lincoln, I am sickened by the anti-growth attitude here. I moved here from Omaha and still commute daily, so believe me I don't want Lincoln to do as Omaha has. But, as I hope you are aware, the view of Lincoln from the outside looking in, is that Lincoln doesn't want to grow as a city. Even the recent study announced yesterday about Lincoln's growth was contradictive, as the local news stations pointed out, the "leapfrogging" effect could come into play unless we as a city decide we want to grow. Now, that being said, what can we do to encourage these stores to expand in our city, and not discourage it?

I am certainly sympathetic to the church, as well as the neighbors nearby, but when it comes down to it, nobody wants to live near a Wal Mart but we all want to shop at one. Ultimately, there will be another Wal Mart in Lincoln. In fact, probably several more over time. It is our responsibility as residents and as civil servants to have a vision of the future of our city, and its growth and prosperity. The recent newsworthy issues such as Wal Mart and the Highway 2 zoning seem to be working against that goal in my view.

Please do not view this message as a complaint, or bashing in any sense. Overall, Lincoln's city government does a fine job in many aspects and I'm sure you don't get those comments too much.

Thank you for your time,

Jeff Kimble
Corporate Buyer
Precision Industries
402-593-7096 phone
402-829-6518 fax
www.precisionind.com



Joan V Ray
06/08/2005 10:30 AM

To: kkiewra@unlserve.unl.edu
cc:
Subject: Re: Lowe's proposal 

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

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

kkiewra@unlserve.unl.edu



kkiewra@unlserve.unl.edu
edu
06/08/2005 10:24 AM

To: council@ci.lincoln.ne.us
cc:
Subject: Lowe's proposal

Please distribute the attached memo to all council members and to the Mayor. Please confirm receipt of this message. Thank you.

ken kiewra

--

Kenneth A. Kiewra, Ph.D.
Editor, Educational Psychology Review
240 Teachers College Hall
Department of Educational Psychology
University of Nebraska
Lincoln, NE 68588-0345
(402) 472-3233



(402) 472-8319 (Fax) [Lowe's_10_reasons.do](#)

To: City Council Members and Mayor Seng
From: Kenneth A. Kiewra, Country Meadows Resident
Date: June 7, 2005
Re: Proposed Lowe's Development

I am sure that you and all who watched the June 6th public testimony about the Lowe's proposal found the arguments against the proposal rational and compelling. Still, you might be thinking you'll vote in favor of the proposal so long as you can find one good reason. Let me help you out. Here are the...

Top 10 Reasons to Support the Lowe's Proposal

1. Promises were made to be broken.

It does not matter that the mayor of the city of Lincoln and Lincoln's City Council enacted legislation just a few years ago promising that there would NOT be commercial development at this site. People cannot really believe that the city will stand behind its agreements.

2. The Planning staff: What do they know?

Why should politicians follow the recommendations of highly trained experts who adamantly say the proposed development is a bad idea? The developers and their attorneys seem to think it's a good idea.

3. I like the "Big Box" look.

Other than a factory or a tractor-trailer depot, nothing enhances the capital view corridor and adorns one of the city's prize entryways better than a big box. Just look at Home Depot's loading docks and storage areas along Highway 2.

4. Oh, what's a little extra traffic?

The traffic on Highway 2 will only increase from 14,000 to 26,000 cars per day. But don't worry about speeders; the additional traffic signal will grind traffic to a halt four times between 56th Street and 70th Street.

5. We need more home improvement stores in this area.

The existing Home Depot, Menards, Tractor Supply Company, and Wal-Mart, all within one mile, simply cannot handle the volume of homeowners needing a blowtorch.

6. There just isn't anywhere else to build this Lowe's shopping center.

The 2 million square feet of commercially zoned retail space available nearby at 84th Street and Highway 2 just isn't the right spot. And, it wouldn't make sense to build the Lowe's nearby at

the deserted K-mart site. It's just so much better to build it across the street from that in a residential area.

7. Nothing should stand in the way of economic development.

We should build, build, and build even on the toes of homeowners. I challenge you to find one other community in all of America like Country Meadows that might someday boast that it sits between two Big Box home improvement stores—each less than a quarter mile away. Furthermore, commercial development at this site will pave the way for developers on the north side of Highway 2 to gobble up land zoned residential and develop it commercially.

8. We can't fight commercial development at this site forever.

For 12 years now, developers have paraded countless proposals for commercial development across the desks of city leaders. For 12 years, city leaders have steadfastly denied their requests. This is getting tiring. Let's just let them do it so they finally quit nagging us.

9. The neighbors seem to want it.

Although no neighbors spoke before the planning commission or city council in favor of the proposed development, we've heard that neighbors like the part about building 32 homes adjacent to Country Meadows. And there is one neighbor (Bennie McCombs, the developer) who actually wants to see Lowe's built on this site.

10. This is good for my career.

By voting in favor of this proposal, I stand to further my own occupational or political career.



Thomas S Shafer

06/06/2005 03:55 PM

To: Karen K Sieckmeyer/Notes@Notes

cc: Karl A Fredrickson/Notes@Notes, Maggie Kellner/Notes@Notes, Nicole Tooze/Notes@Notes, Roger A Figard/Notes@Notes, Joan V Ray/Notes@Notes, Karen K Sieckmeyer/Notes@Notes, CAMPJON@AOL.COM@Notes, JCookcc@aol.com@Notes, Annette M McRoy/Notes@Notes, newman2003@neb.rr.com@Notes, Ken R Svoboda/Notes@Notes, robine@neb.rr.com@Notes, dmarvin@neb.rr.com@Notes, Darrell Podany/Notes@Notes, Randy W Hoskins/Notes@Notes, Bruce W Sweney/Notes@Notes, Brian K Dittmann/Notes@Notes, Greg French/Notes@Notes

Subject: Re: 80th & Pioneers - Reply 



King_80th and Pioneers.pdf

Dear Mr. King,

I am writing in response to your questions of the City Council regarding the Pioneers Blvd. road closure. I have asked the Project Manager for the 84th & Pioneers Intersection to review the detour signs to ensure that they are appropriate.

While we can sign a detour route for the traveling public to follow. Many seem to be inclined to take what appears to be an easier route in their eyes. We are not able to force a through traveler from driving into the neighborhood no matter how many signs we tend to put out there. The majority of those travelers in the neighborhood already know the road is closed and have their route through the neighborhood planned out in advance. We find this to be the case in many of our construction projects all over town.

One way to combat this as you suggest is to close 84th and Prescott and not allow travel into or out of the neighborhood. This is not the easiest answer as many folks in your neighborhood have destinations to the north and east of their homes and desire very much to continue that access.

We weight both of these concerns when we set up the traffic control and make decisions regard which roads can remain open and which should be closed. In this case I wouldn't recommend closing 84th and Prescott at this time. Pioneers is scheduled to reopen by this Friday, June 10th, assuming no weather related delays and traffic should be back to normal in your neighborhood.

I hope my response has adequately addressed your concerns, if you have any further questions, please feel free to contact me.

Sincerely,

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



David R Cary

06/08/2005 10:48 AM

To: City Council Members, City Council Staff, Gwen K
Thorpe/Notes@Notes, workbob@msn.com@Notes, Bernard E
Heier/Notes@Notes, cbeattie@netinfo.ci.lincoln.ne.us@Notes, Ray A
Stevens/Notes@Notes, Deb E Schorr/Notes@Notes
cc: Marvin S Krout/Notes@Notes
Subject: Boosalis Park and Northbank Junction Development

MEMORANDUM

TO: City Council Members, County Board Members, Council Staff, Gwen Thorpe

FROM: David Cary, Transportation Planner, City-County Planning Department

RE: Boosalis Park and Northbank Junction Development Map

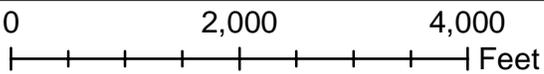
CC: Marvin Krout

Please find attached a map of the area from Superior Street to Interstate 80 that indicates the locations of Boosalis Park and the Northbank Junction. This information was requested at the briefing of the Comprehensive Plan Amendments regarding the possible air strip at Boosalis Park and possible impacts of private aircraft taking off and landing at such a facility in this area. Please contact me if you have any questions (441-6364). Thank you.



nbank_junc_vicinity.pdf

Boosalis Park / Northbank Junction





**DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
06/09/2005 09:13 AM**

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

InterLinc: City Council Feedback for
General Council

Name: Karl Detweiler
Address: 401 Knox St.
City: Lincoln, NE 68521

Phone: 402-432-7298
Fax: 402-479-4151
Email: karl.detweiler@duncanaviation.com

Comment or Question:
To City Council:

I don't EVER want to here the council talking about a lack of revenue to get anything done.

You have turned down a hotel development, a WalMart development. Both would have brought revenue to the city through additional employees, people from out of town spending more money on hotels, restaurants, gasoline. Employees would have built more homes. Builders would have used hotels and restaurants. Building supplies would have been purchased helping various local businesses.

So don't come whining to the public about a lack of revenue, a need to raise property taxes, or not being able to help with other services.

When you shoot yourself in the foot, you deserve what you get.



Joan V Ray/Notes
06/09/2005 09:38 AM

To kmc5@juno.com
cc
bcc
Subject Re: we want more business but turn some down?

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

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

kmc5@juno.com



kmc5@juno.com
06/08/2005 06:32 PM

To council@ci.lincoln.ne.us
cc
Subject we want more business but turn some down?

Dear Council Members:

I have been watching the Walmart issue on 84th street. As soon as you turned it down then I told my wife watch they will try Waverly, and that is what is happening. I Keep hearing that we want more business in Lincoln yet when someone try to come it you turn them away. I don't understand. I have to go to south Lincoln to go to walmart because the north one is always busy. I feel like moving to Omaha to get out of Lincoln.

I say a lady on the news that said no to walmart and yet after you burned that one this same lady said we need a grocery store there. Don't you dare put a grocery store there. I go to walmart for prices. We do not need another grocery store around this neighborhood if a walmart could not come in there. Then a movie complex wants to come in and it looks like no again. Why? Lincoln could use more than downtown. I don't like down town and I don't understand the thought to keep pouring money into a dead horse.

No I am not some poor unthinking human that wants cheap stores but, I do watch my money.

I hope the next time some store wants to come in you may put a minutes worth of thought into it. If it is the cemetery that is the problem my dad and half my relatives are there.

Lincoln is trying to grow and you all are trying your darndest to keep it small. I am sick and tired to high taxes lets move on.

Kevin

June 7, 2005

Vice-Chairperson Patte Newman
Lincoln City Council
555 So. 10th St.
Lincoln, NE 68508

RECEIVED
JUN 09 2005
CITY COUNCIL

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

Dear Vice-Chairperson Newman:

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

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

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

as commonly seen in large cities. Such areas tend to become undesirable places to live in or near.

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

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

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

Sincerely,



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

June 6, 2005

Dear Council Member,

This letter is in regards to Hartland's Garden Valley Community Unit Plan (Special Permit No. 05.015) that will be appealed at the public hearing this Monday (June 13, '05).

Enclosed please find the letter which I submitted to the Editor of the Lincoln Journal Star which explains my concerns about this development.

I hope you can take the time to read this and take it into consideration for your vote on Monday.

We would appreciate any help you could give us.

Sincerely,

Melinda Kramer

6300 N. 7th St.

Lincoln, NE 68521

(402) 438-9190

RECEIVED
JUN 09 2005
CITY COUNCIL
OFFICE

City and Planning Commission Listen to Property Owners in South Lincoln –
North Lincoln Owners “Cut-Off”

On April 27th – I, along with most of my neighbors, spent 3 hours at the city planning commission meeting in the hopes that our voices would be heard. We all sat through over an hour of testimony from property owners of the Country Meadows development (near 66th and Hwy 2) as we waited our turn to express our concerns about the development planned near our homes in North Lincoln. We heard all about the traffic studies done there, the proposed “buffer zone” of 32 nice-sized homes on ½ acre lots to “transition” their neighborhood to a small, limited-use commercial area – in order not to cause the owners in Country Meadows to “lose value” in their homes. Sounded great to me! That’s what we would like! A developer and a planning commission to listen to us and work out a compromise between them making money and us losing ours.

Then came our turn. But we don’t live in Country Meadows. We live in North Lincoln. Apparently we chose an acreage on “the wrong side of the tracks”. We live north of I-80 near 14th and Fletcher. A nice area of custom homes on 3 – 10 acres, just outside the city limits. Very quiet and peaceful – until now. We knew the city was coming, we just didn’t realize what THEY had in mind for OUR area.

What THEY (the City Planning Commission and the Developers) have in mind for North Lincoln is to jam as many homes in as small an area as possible. Even to the point of smaller than normal lots, overcrowded, unsafe schools, not to mention lots and lots of traffic problems (because they “don’t have the money to upgrade the roads right now”).

After just 4 property owners (of the 10 -12 who came to the meeting) voiced their concerns, the commissioner asked that no one else speak unless “they had something new to say”. Then they announced that the “plan” for our area is not acreages and that eventually we will all be “swallowed up” by the city. Then, without any hesitation, they annexed 90 acres into their city and approved (7-2) Heartland Homes plan to build 324 lower-income homes directly next to our acreages (homes many of us had built, and have lived in for many years; some have lived in this area for generations). Then they approved a waiver for minimum lot sizes. This on top of a 600-Unit apartment complex just approved across the street!

No compromise, no studies, no “buffer zone” to protect our land values like those in Country Meadows. What kind of neighborhood will this be in 10 –20 years with lots so small? How will having these TINY lots benefit anyone but the developer? Apparently, the needs and concerns of the people in North Lincoln don’t matter as much as those from the South.

We have appealed to the City Council and our appeal will be heard this Monday (June 13th) – at the same meeting that will hear the “Country Meadows” case (again). Will anyone listen to us? We’re not opposed to development, we just want to make it a development that will benefit EVERYONE – not just the developer! – Melinda Kramer, Homeowner

RECEIVED

JUN 09 2005

CITY COUNCIL

June 8, 2005

Thomas Schleich
Chairman
LES Administrative Board
1040 "O" Street
Lincoln, NE 68501

LINWELD, INC.
2900 SOUTH 70TH ST., STE. 400
LINCOLN, NE 68506
(402) 323-8450
FAX# (402) 323-8456
<http://www.linweld.com>

RECEIVED
JUN 09 2005
CITY COUNCIL
OFFICE

Re: August 1, 2005 Proposed Rate Increase

Dear Mr. Schleich:

Linweld has a long and prosperous history of creating jobs and making capital improvements in Lincoln and Lancaster County. LES has always been an exceptional business partner in our expansion and decisions to locate our facilities in this area. As one of the largest power users in Lancaster County, any substantial increase in rates has a detrimental impact on our job creation and a ripple effect to the general public in the form of higher prices.

We understand that costs do go up and we are willing to support a reasonable increase in electrical rates. LES is an important part of the community and we want them to be financially strong for the future. Our concern is that rates are increasing at an unsustainable pace and place a heavy burden on large power users and the largest employers in the area.

Almost 3 years ago, Linweld had to decide where to locate a multi-million dollar manufacturing plant that uses a large amount of electricity. At the time of our decision we were in discussions with several power companies and were assured by LES that power rates should remain competitive. This year LES is proposing a 12% increase in our power rates. Coupled with the past two years, we will experience a 23% increase in power costs. As you can imagine, this level of increase will have a substantial impact on our business and job growth.

It's important to understand that power rates will hit job creating businesses, school budgets, and homeowners. We do support a reasonable increase in rates but 12% is clearly uncompetitive for large power users like Linweld. As we all strive to bring more industry and jobs to Lincoln, now is not the time to make our power rates a negative for business.

We appreciate all that LES has done for us and we want to be part of the solution in any way we can. One idea for consideration is a lower rate for large power users during non-peak hours of use such as overnight. Many large power users operate 24 hours a day. Please consider a better rate structure and price increase proposal for large power users. I would appreciate it if you would share this letter with your board.

Sincerely,



Greg Vasek
President



Bob Caldwell
General Counsel

cc: Lincoln City Council



B&R STORES, INC.

June 8, 2005

Patte Newman
City Council Office
County-City Building
555 S. 10th Street
Lincoln, NE 68508

RECEIVED
JUN 09 2005
CITY COUNCIL
OFFICE

Dear Ms. Newman:

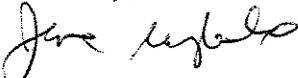
We at B & R Stores would like to thank for your vote against changing the comprehensive plan that would have allowed Wal-Mart at 84th and Adams. By voting no, you have shown your commitment not only to the economic vitality of Lincoln, but to the concerns of local businesses. Enclosed are additional reports that we hope, might help you in your efforts at evaluating the benefits of another big box retail.

Here are questions that must be asked when considering additional big box retail:

- 1) How much new retail space can the local economy absorb without suffering the negative fiscal and economic impacts created by potential commercial glut?
- 2) How many net new jobs, not just displaced jobs from local businesses that closed, will be created and at what wage?
- 3) Would the community be best served by targeting and consolidating efforts at securing companies that further diversify the local economy and labor sectors rather than the creation of lower wage retail service jobs?
- 4) Will the big box retail provide adequate health care benefits for its employees or be willing to contribute a percentage of its profit to the State's health care funds?
- 5) Who will pay for the independent economic impact and environmental impact studies? Who pays for the traffic study? Who pays for the infrastructure improvements?
- 6) How will a new big box retailer improve the local economy?

Thank you for your consideration. Please contact me at 464-6297 if we may be of further assistance.

Sincerely,



Jane Raybould
Director of Buildings and Equipment

CC: B & R Stores Executive Committee
Coleen Seng, Mayor of Lincoln
Dan Marvin, City Council



4554 W Street Lincoln, NE 68503
Mailing Address: P.O. Box 5824 Lincoln, NE 68505
Phone: 402-464-6297 Fax: 402-434-5733



[washingtonpost.com](http://www.washingtonpost.com)

Ehrlich Vetoes Health Care Bill Aimed at Wal-Mart

By John Wagner and Michael Barbaro
 Washington Post Staff Writers
 Friday, May 20, 2005; E01

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 CITY COUNCIL
 OFFICE

PRINCESS ANNE, Md., May 19 -- Gov. Robert L. Ehrlich Jr. vetoed legislation Thursday that would have effectively forced Wal-Mart Stores Inc. to spend more on employee health benefits in Maryland, a measure that has unnerved the retailing giant and prompted other states to consider similar approaches.

Ehrlich's action came during a tightly choreographed ceremony in which he was joined by a top executive from the Arkansas-based company, which has been on the defensive on several fronts nationwide.

"We are here to enthusiastically veto a bad piece of public policy," Ehrlich (R) said, arguing that the measure would have a chilling effect on businesses considering locating or expanding in Maryland. He was greeted by a high school band playing on a blocked-off downtown street lined with American flags. About two dozen protesters turned out, but were forbidden from displaying signs.

The bill would have required for-profit companies with more than 10,000 employees to spend 8 percent of their payroll on health care benefits or to the state's health program for the poor.

As written, Wal-Mart is the only known company operating in Maryland that would be affected. Officially called the Fair Share Health Care Bill, the legislation was commonly referred to in Annapolis as the "Wal-Mart bill" and drew national attention.

Ehrlich's position, which he made clear weeks ago, drew heavy criticism Thursday from leading Democrats, union representatives and health care advocates.

"Governor Ehrlich should be ashamed for literally standing with big corporate interests rather than Maryland's working families," said AFL-CIO President John J. Sweeney.

Ehrlich chose Somerset County to announce his veto because it has one of the state's highest unemployment rates, and the fate of a planned Wal-Mart distribution center here has become entangled in the controversy over the bill.

The company is moving ahead with the facility, which could employ more than 800 people. But Eduardo Castro-Wright, the second-ranking executive at Wal-Mart's U.S. division, said before the ceremony that Wal-Mart might reconsider its plans if lawmakers overturn Ehrlich's veto when they convene again in January.

"It singles a company out in a way that is discriminatory," he said of the legislation, which passed with wide margins in the heavily Democratic legislature.

The presence of Castro-Wright underscored how seriously the chain is taking the bill and the precedent it might set. Lawmakers in Pennsylvania and New Jersey are moving in a similar direction, and Wal-Mart's opponents have rallied around the health care issue as they try to slow the chain's growth.

Wal-Mart's business model, which produced a \$10 billion profit last year, is designed to hold down

labor costs. The company offers a wide range of health care plans, but the cost to employees is far higher than in plans provided by unionized grocery chains such as Giant Food LLC. !!

Wal-Mart has questioned the motivation behind the legislation, which is supported by Giant, a Wal-Mart competitor, and United Food and Commercial Workers Local 400, the grocery workers union trying to slow Wal-Mart's growth in the Washington region.

"It's clear Wal-Mart is worried," said Chris Kofinis, a senior adviser at the UFCW who attended yesterday's ceremony. "They realize public opinion is against them."



Terry Lierman, chairman of the Maryland Democratic Party, said the legislature's passage of the bill had been "the right thing to do," given that some Wal-Mart employees now must rely on Medicaid, the state-run insurance program for the poor, for health care.

P. Franklin White, president of the Princess Anne Town Commission, said he hopes the General Assembly does not revive the bill in January.

"It's a bad bill for business, and it's a bad bill for Somerset County," White said. He praised Ehrlich for taking "a very courageous step."

The legislation is certain to factor into next year's governor's race. Wal-Mart hosted a fundraiser for Ehrlich last year, and the two leading Democrats seeking to replace him both issued statements condemning his veto.

Makes sense now!

Barbaro reported from Washington.

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NCA Campaign To Preserve Competition and Consumer Choice

Special Report

March 31, 2005

STATE	CITY(s)	DATE	SOURCE	ISSUES
AL	Birmingham	3/27/2005	al.com	Market Share

Wal-Mart takes 35% of Market

Wal-Mart added to its domination of the Birmingham grocery marketing since December, according to industry trade journal, The Shelby Report. The April edition of the monthly paper said Wal-Mart's Birmingham stores had a 35 percent share of the grocery market. That is 1.4 percent higher than the survey taken late last year. The only other chain to have market share increase was Publix, the Florida-based chain whose share rose 1.2 percent. The top five listed: Wal-Mart 16 stores, 35%; Bruno's, 41 stores 24%; Winn-Dixie, 28 stores, 13%; Publix, 11 stores, 9%; and Piggly Wiggly, 19 stores, 6%.

www.al.com/base/business/1111918657255661.xml

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MAY 09 2005
MONTGOMERY

AL	Montgomery	3/4/2005	Montgomery Advertiser	Competition, Store Closings
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Food Worlds to close

Shoppers at two of Montgomery's Food World locations soon will have to buy their groceries elsewhere. Both stores will close for good on March 12 as part of an effort by Bruno's Supermarkets Inc. to cut cost and improve profitability. Bruno's Supermarket announced this week it will close 20 of its stores across the South, including one Bruno's location, 14 Food World stores and five FoodMax stores. Montgomery's two other Food World stores will remain open as well as all three Bruno's locations in the Capital City. It is always a difficult decision to close stores, but this decision is necessary to enable Bruno's to be more competitive across the region, with added pressures from a third Wal-Mart planned along Ann Street.

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AR	Arkansas	3/28/2005	Washington Post	Board Member Resigns
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Wal-Mart board member resigns

Wal-Mart asked Thomas Coughlin, a former vice chairman of the board of directors, to resign after a disagreement between Coughlin and the company over the results of a recent internal investigation. The focus was on misuse of corporate gift cards and personal reimbursements that appear to have been obtained from Wal-Mart through false invoices and expense reports, according to a filing with the U.S. Securities and Exchange Commission. The amount of the funds involved is estimated to be between \$100,000 and \$500,000. Three Wal-Mart employees, including one officer were also terminated in connection with the investigation. Coughlin, whose duties included overseeing Wal-Mart's U.S. divisions and operations such as logistics, had been the second-highest-ranking executive at Wal-Mart, under H. Lee Scott Jr.

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AR	Arkansas	3/18/200	KATV	Immigration Case
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Wal-Mart Escapes Criminal Charges in Case

No criminal charges will be filed against Wal-Mart but they've agreed to pay \$11 million, a record fine in a civil immigration case. This will bring to an end the federal probe into its use of illegal immigrants to clean floors at stores in 21 states. The settlement requires Wal-Mart to create an internal program to ensure future compliance with immigration laws by Wal-Mart's contractors and by Wal-Mart itself.

www.katv.com/news/stories/0305/214468.html

AZ Benson 3/11/2005 Range News Zoning

Wal-Mart OK'd by council in Benson

The city council gave final zoning approval to allow the construction of a 99,000 sq. ft. Wal-Mart store. The store is set to open in 2006. Issues concerning traffic and design still have to be discussed and City Manager Boyd Kraemer doesn't see how Wal-Mart can meet the 2006 date. One council person voted against the zoning approval and another abstained. The abstained councilman said it was because he worked for Safeway Corporation. The council person that voted against the measure, read from a Democratic committee workforce report. This report analyzes the cost to U.S. taxpayers of Wal-Mart employees who qualify for government assistance. The report estimates a 200 employee Wal-Mart store, costing taxpayers \$420,000 a year. That translates to a total annual welfare bill of \$2.5 billion for Wal-Mart's 1.2 million employees. Another councilman stated they were being assailed by all the studies saying Wal-Mart is a big ogre that ruins small communities, he asked, where is the other side of the story? *There isn't*
www.willcoxrangeneews.com/articles/2005/03/11/news/news6.txt

AZ Chandler 3/11/2005 The Arizona Republic Contributions, Flier

Wal-Mart flier holds false information

The Chandler Arts Center is getting so much traffic, they could use more space. Katrina Mueller, the Arts Center manager, says now would be a perfect time for that elusive money that Wal-Mart boastfully claimed it gave the Arts Center to miraculously materialize. Wal-Mart bragged in a flier mailed to Chandler households this month, that the 64,000 sq. ft. arts venue was among its charitable beneficiaries. The pitch was a solicitation for public support of more Chandler Wal-Marts. Acknowledgment was made that the center financial contributions being mentioned was an honest mistake. Wal-Mart did present a \$2,000 check to Ballet Etudes for its performance of The Nutcracker last year.

www.azcentral.com/arizonarepublic/tempe/articles/0311cr-thomason11Z10.html

AZ Flagstaff 3/16/2005 AZ Daily Sun Ordinance

Fourth PAC joins already crowded big box fray

For those keeping score, Flagstaff pack of PACs now stands at two groups for and two groups against city's controversial big-box limitation ordinance. May 17th, by mail vote YES ON 100-Stop the Supercenter.
www.azdailysun.com/non_sec/nav_includes/story.cfm?storyID=105161

AZ Mesa 3/28/2005 The Business Journal of Phoenix Opposition Subsidy

\$84 million tax incentive

Wal-Mart questions cloud Riverview debate, a controversial Mesa development and an \$84 million tax incentive. Opponents of this mixed use project and accompanying local tax incentives are hoping to derail the project in a May special election. A spokesman for valley Business Owners & Concerned Citizens, say Wal-Mart was hidden intentionally in their campaign and recent mailers to Mesa voters. Subsidizing national and international retailers at the taxpayers expense as well as the local businesses is wrong. Some businesses going into this location are also opposing Wal-Mart. Those in favor of it say it's for the additional local tax revenue that will help fund their departments. Mesa voters will decide the fate of the \$84 million local tax subsidy for Riverview on May 17. Mesa City Council approved the development agreement and tax package for Riverview in December. Opponents then collected enough signatures to take those actions to city voters.

www.bizjournals.com/phoenix/stories/2005/03/28/storv1.html

www.votenomay17.com

CA Carlsbad 3/17/2005 SignOnSanDiego.com Council Vote

Council says no to study

Last year, the council considered studying the benefits of the big box store and allowing them in industrial zones as stand-alone structures, which would require a conditional-use permit. The council has decided not to undertake such a study that could lead to admitting more of the large-format retailers into Carlsbad. The Mayor led the council discussion and said he believes residents do not want the city to make it easier for such retail outlets. The city's code allows the retailers in commercial zones as part of large shopping centers. One of the councilwomen stated that she has heard from the residents and they are not interested in any more big box retailers.

www.signonsandiego.com/news/northcounty/20050317-9999-1mc17bigbox.html

CA Hanford 3/11/2005 The Fresno Bee Environmental Impact, Opposition

Opponents of supercenter filed suit alleging mistakes in key documents

Members of *Valley Advocates and Hanford, No on Wal-Mart* alleged numerous errors in an environmental impact report and other documents used by city officials to approve plans for a 207,000 sq. ft. retail and grocery outlet at 12th Avenue and Lacey Boulevard. Other lawsuits against Wal-Mart supercenter proposals in the Valley are pending. A group of Selma residents formed the Save the Selma Coalition and filed a lawsuit last month against plans for a supercenter in that city. Plans for two Wal-Mart supercenters in Bakersfield remain on hold after the 5th District Court of Appeal in Fresno ruled in December that environmental reports the City Council used to approve the plans were inadequate. Construction on one supercenter had been under way before the ruling.

Hard Copy on file

CA Marin County 3/1/2005 Bicycle Retailer and Industry News Bicycle, Lawsuit

Wal-Mart, Dynacraft slapped with suit

A lawsuit filed against Wal-Mart and Dynacraft on February 14 alleges the two companies along with their claims adjuster Carl Warren & Company, conspired to cover up dangerous and defective quick-release issues even though they knew of inherent safety dangers. The nine plaintiffs named in the suit range in age from eight to 13 years old. They allege they were sold Dynacraft bikes by Wal-Mart that were assembled by untrained employees and sold without an instruction manual explaining the danger of quick-releases. The suit identifies the quick-release mechanism on Next brand bicycles made by Dynacraft and sold at Wal-Mart stores across the country. Next is Wal-Mart's house-bike brand manufactured by Dynacraft and other vendors. This is not a class action suit as reported in many media stories. The Complaint for Damages was filed in California's Marin County Superior Court in San Rafael. Dynacraft's Headquarters are also in San Rafael. The insurance claims adjuster Carl Warren is named in the suit because it alleges the company intentionally mislead some plaintiffs into believing that the reason for their accidents and injuries was "rider error" rather than a defective or incorrectly installed quick-release. Under terms of the settlement, Wal-Mart agreed to institute internal record keeping and monitoring systems to track information about product safety problems.

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CA Mt. Shasta 3/30/2005 Mt. Shasta News Ordinance

Big box ordinance becomes law

Mount Shasta city council approved an ordinance limiting the size of retail, commercial and industrial buildings. The ordinance provides for special reviews and considerations for buildings over 20,000 feet and prohibits larger than 50,000 sq. ft. There is no limit to the number of builds that may be built on a lot. Additional highlights to this ordinance include:

- Sets building design standards that includes setbacks, landscaping and standards for Mountain Theme requirements;
- Requires an economic impact study including a characterization of market leakage and potential downtown impacts;
- Requires a reuse plan be provided in the case the applicant abandons interest in the building;

- Requires a traffic impact study;
- Sets lighting standards to reduce glare.

Exemptions to the 50,000 sq. ft. limitation are hospitals, public buildings owned by a governmental entity, assisted living facilities and conference or convention facilities. The ordinance was designed with the help of reviewing other similar ordinances already in place that seem to work. The important part was getting it into place, changes can be made in the future. One councilman that was on the fence said he supported the ordinance because that is what the community wanted. Public comment was 100% in favor of the ordinance.

www.mtshastanews.com/articles/2005/03/30/news/05msbigboxordinance.txt

CA Rosemead 3/9/2005 NBC 4 City Council Race

Voters Divide Over Wal-Mart

Two Rosemead City Council candidates benefited from anti-Wal-Mart feelings to win spots on the City Council Tuesday. Voters versus City Council and the voters voices were heard loud and clear. People here are cautious about what they say on the topic knowing this town of 57,000 at 5.5 square miles was bitterly divided over whether to allow Wal-Mart to build on an empty lot.

www.nbc4.tv/news/4270531/detail.html

CA Sacramento 3/19/2005 The Associated Press Environment, Lawsuits

Wal-Mart's California Supercenters delayed by environmental suits

As Wal-Mart tries to plant dozen of new Supercenters in California, lawyers aligned with opposition groups, are using California's tough environmental laws. A handful of lawyers have sued more than 30 cities that approved the 200,000 sq. ft. combination grocery and department stores, claiming that local officials hungry for sales tax have miscalculated the environmental consequences. The suits are delaying store openings by months or years and slowing Wal-Mart's plan to build up to 40 new Supercenters in a state that could be a major growth opportunity. Last year, competing grocery store chains locked out union workers in Southern California as they attempted to negotiate new contracts. Better contracts were needed if they were going to compete with Wal-Mart and Wal-Mart's low wages. A strike lasting four and a half months came next. Lawsuit claims Wal-Mart violates the California Environmental Quality Act, a strict 1970 law signed by former Governor Ronald Reagan. Many lawsuits filed on behalf of groups like Maintain Our Desert Environment, Communities Against Blight, and Citizens for Sensible Traffic have prevailed, and Wal-Mart has only opened three supercenters in California so far. Many other stores approved by California cities are tied up in these lawsuits. Developers Castle & Cooke Inc., saw its local supercenter halted last year during construction. Its four blank walls and roof now stand next to other thriving newly opened stores. A judge sided with the law firm that has filed nine lawsuits against Wal-Mart's supercenter proposals in the Central Valley. The firm's attorneys argued the city underestimated traffic and air pollution impacts of two supercenters, as well as potential physical decay citywide as Wal-Mart causes other businesses to close and leave shopping centers vacant. Wal-Mart states the union is behind this, but attorney Steve Herum, who challenged the two Bakersfield supercenters and nine others, stated he has never represented a Union in 25 years of practicing law. Herum says supercenters have potential to destroy the economic future of the Central Valley, and if his interests happen to align with the labor union, so what? Herum said Wal-Mart is attacking its opponents because it can't win in court.

www.herumcrabtree.com

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CA San Diego 3/29/2005 San Diego Daily Transcript Selling Unapproved Medical Device

San Diego County part of \$650K settlement

The San Diego District Attorneys office announced Tuesday that Wal-Mart will pay \$525,000 and WalGreen will pay \$125,000 to settle consumer protection prosecutions brought against them for their sales on the illegal AbEnergizer Abdominal Muscle Stimulators. The cases are intended to send a message to all retailers that are relying on the representations of product distributors will not cut off a retailers liability. The AbEnergizer is an unapproved medical device that stimulated the users' muscles by sending electric current into the users' body. The retailers helped promote advertising claims by placing the boxes on their

shelves for sale. Wal-Mart will pay \$240,000 in penalties, \$59,000 for costs and \$226,000 in restitution for victims for shipping more than 17,000 AbEnergizer stimulators to California. WalGreens will pay \$80,000 in victim restitution and \$45,000 in costs. Both retailers are under a court order prohibition regarding the selling of any similar device without first getting approval, which is required by the FDA or California's Dept. of Services, Food & Drug Branch.

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CA Sanora 3/11/2005 UnionDemocrat.com Coalition, business, traffic impact

Group revives big-box issue

An organization is to ask the Sonora Planning Commission to again consider certain rules restricting large chain stores. Citizens for Responsible Growth sought a city "big box" ordinance last March similar to another one passed by a county in California last year. City Council and planning commissioners have strengthened an ordinance that guides design review. It gives more specific rules for landscape improvements and requires a building to be compatible with its surroundings and the city's general plan. The group is concerned about impacts on existing businesses, traffic and jobs.

www.uniondemocrat.com/news/story.cfm?story_no=6776

CA Vallejo 3/27/2005 The Reporter Coalition, Study Sessions

Wal-Mart plans Vallejo supercenter

Wal-Mart won its battle to open a controversial supercenter in American Canyon early next year. Now that fight may soon come to Vallejo. Wal-Mart is planning on closing its Vallejo location once the planned supercenter opens a short drive away on Highway 29. Vallejo officials could face a heated debate over the proposal if the clash that erupted in American Canyon over Wal-Mart is any indication. Council members are calling for a study session so the public can become involved in what is and what isn't going on with it. The company has not formally filed any paperwork. Citizens Against Poor Planning and American Canyon Community United for Responsible Growth filed suit against the project in American Canyon. The group alleged that American Canyon officials failed to consider the project's effects in such areas as traffic, pedestrian safety, noise, air pollution and public safety.

www.thereporter.com/business/ci_2625591

CO Eagle 3/14/2005 Vail Daily New Development

Big box debate continues

Consultants talked economic facts while a doubting audience talked community character one evening this month. This was the continuation of a review of the proposed Red Mountain Ranch development. Andy Knudtsen, a consultant with a Denver-based Economic and Planning Systems, presented a fiscal analysis which could include a big box department store. Concerned citizens, with opposition to a big box type development in Eagle, interrupted Knudtsen's presentation with questions and comments. They wanted him to be well aware that they didn't want a big box store as part of this new development.

www.vaildaily.com/article/20050314/NEWS/103140019

FL Florida 3/27/2005 St. Petersburg Times Medicaid, Subsidy

Wal-Mart welfare- A Times Editorial

The retail giant that supplies you with everything from orange juice to camping gear is using your tax money to under-write its bottom line. Wal-Mart has more workers enrolled in the state Medicaid program than any employer in Florida. This is in addition to the millions of dollars in financial incentives Wal-Mart receives from state and local governments for creating jobs in the state. Wal-Mart employs 91,000 workers in Florida with an average wage of \$9.36. In 2003 Florida's median wage was \$12.52 per hour. 12,300 Florida Wal-Mart workers are eligible for Medicaid and another 1,375 are enrolled in Florida state programs that provide health coverage for the children of low-income families. The question remains, why is Florida handing out millions of dollars in incentives to favor one retailer over another? It might make sense to entice manufacturing or research companies to locate in Florida, but Wal-Mart was coming to Florida regardless of any enticements. Despite that, Wal-Mart qualified for nearly \$7-million in breaks

from a variety of programs, from tax reductions for siting in "enterprise zones" to state tax refunds offered to employers who create "high wage jobs." Taxpayers are getting a bad deal, but no one seems too concerned. Not enough scrutiny is given to what Florida actually reaps from companies that take corporate welfare. Why should a corporation receive job-creation incentives when thousands of its employees have to rely on the state to pay for their medical care? (Wal-Mart offers health coverage, but many employees can't afford it.)

www.sptimes.com/2005/03/27/news_pf/Opinion/Wal_Mart_welfare.shtml

FL Manatee County 3/9/2005 The Bradenton Herald Banking

SunTrust to team with Wal-Mart

Add checking accounts and home equity loans to the long list of items that can be picked up at Wal-Mart. Atlanta-based SunTrust Banks Inc. has piggy backed onto another bank's deal to put branded bank branches in Wal-Mart stores in Florida, Georgia and Tennessee. By the end of March, two SunTrust locations in Wal-Mart stores will be in Manatee County. Sarasota will see its first in-store branch in Englewood in April. When SunTrust merged with Memphis-based National Commerce Financial Corporation last year, it acquired a relationship with the retailer. National had branches in 30 stores branded as Wal-Mart MoneyCenters. SunTrust plans to convert those branches and build 30 more Wal-Mart-based branches in Florida. SunTrust's goal by opening these Florida locations is to attain the perks of free-standing branch without the overhead of building and maintaining an independent building. SunTrust, which has more than 60 branches from Manatee to Collier counties, is the third-largest bank in Florida, behind Bank of America and Wachovia.

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GA Columbus 3/3/2005 Columbus Ledger Planning Commission,
Traffic, Sprawl

Planners vote against Wal-Mart

Wal-Mart was met with resistance in the Midland area of Columbus at a Planning Advisory Commission meeting. After a number of residents voiced concerns over traffic congestion and urban sprawl, commission members voted against recommending the rezoning of 54 acres for the 300,000 sq. ft. shopping mall. No one from Wal-Mart was present to address any of the concerns. In good conscience they couldn't move to approve. Traffic congestion in the J.R. Allen Parkway and Manchester Expressway area is a concern of residents. Wolford Development's traffic study has proposed adding three traffic signals and several lanes to handle the 9,000 vehicles a day the Wal-Mart shopping center is expecting to add to the current 13,500 vehicle count in the area. Many that are generally in favor of development, said the traffic is a major concern of theirs. City Traffic Engineer said the Georgia Department of Transportation already has shot down several ideas.

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HI Hawaii 3/8/2005 KGMB 9 Desecrated Remains

State investigates Wal-Mart

Did Wal-Mart desecrate Native Hawaiian remains? The state Attorney General says it may have and has launched an investigation into the handling of bones found at Wal-Mart's site. The state says it discovered what appears to be serious and extensive violations of Hawaii's burial law. The remains are sitting inside a trailer on the site. More than 50 sets of Native Hawaiian remains were found during construction of Wal-Mart. There are rules to follow when you find Hawaiian bones and the State Historical Preservation Division says it appears that Wal-Mart did not follow them. Even extensive gluing of the remains were found, which wasn't authorized. It appears that some of the remains have been written on with permanent marker. The reburial of the bones has now been put on hold until a thorough investigation can take place.

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IA Decorah 3/9/2005 The Waterloo Cedar-Falls Courier Lease Agreement

Decorah rejects lease option

City Council members rejected a lease option on a community's former Wal-Mart building. At past meetings council members expressed concern about getting stuck with the property should the businesses fail. Utilities alone for the building are estimated at \$9,000 per month. The lease of the former Wal-Mart building came available to the city for \$1 per year on January 28. The lease expires in January 2012. The lease is now being offered to Winneshiek County. If the County passes on the lease, it will then be available to the Iowa Natural Heritage Foundation. The county has 45 days to consider the possibilities; the Heritage Foundation has 300. If none of those organizations take the lease it will go back to Wal-Mart.

Hard Copy on File

IA Des Moines 3/22/2005 Des Moines Register Residents, Traffic

Residents concerned about big box development

Residents living near a proposed big box store on Urbandale's west side called for rules and compromises to limit the hours businesses would operate and dictate the barriers installed between new stores and adjacent properties. Others remain concerned about the traffic, crime and pollution a large retail store could bring.

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IL Collinsville 3/31/2005 Belleville News Democrat Coalition, TIF District

Retail tax being considered to support shopping center

The \$70 million shopping center deal relies on retail tax that will be imposed only on the businesses set to locate within the 53 acre site on Illinois 157, south of Interstate 55-70. It originally was proposed as a flat tax on each dollar spent at those businesses, anywhere from a quarter-cent to one cent. Public hearing is set for April 6 and 7. Wal-Mart's tax will not be a part of the upcoming hearings, since it has not been negotiated yet. The sales tax is part of the plan to repay \$19 million in bonds to reimburse the developer for infrastructure and development costs. The rest of the \$19 million will come from 80 percent of the regular sales tax revenue generated at the shopping center. Collinsville First, the citizens group organized to oppose the project, has not publicly protested at recent meetings concerning the development. An attorney for the group said they remain opposed to it. The likelihood that they will file a lawsuit challenging the TIF expansion is pretty high.

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IL Evergreen Park 3/23/2005 Chicago Tribune Incentives

Wal-Mart gets perks if done by holidays

If Wal-Mart will finish construction of a store at 95th Street and Campbell Avenue in time for the holiday shopping season and use Cook County union workers for the construction, the village will offer them incentives. According to an agreement with the village in 2003, the store was to have been finished by July, but Wal-Mart didn't receive permits from Metropolitan Water Reclamation District in time. This month, the Village Board approved an amended 20-year agreement that offers \$5.25 million in sales tax incentives but penalizes Wal-Mart if the store isn't open by January 15, 2006. Wal-Mart is also to use its best efforts to ensure that all contractors and subcontractors are union. The Village will rebate the store's sales tax that exceed \$570,000 per year for the first 10 years and \$600,000 per year for 10 years after, not to exceed a total of \$5.25 million. The store would have to generate at least \$57 million in sales tax per year, with the village receiving one percent, to get the incentive. If not opened by January 15, the sales tax ceiling would go up to \$580,000 and continue to rise \$10,000 per month during the delay.

www.chicagotribune.com/news/local/southsouthwest/chi-0503230379mar23,1.1315370.story?coll=chi-newslocalssouthwest-hed

IL Lockport 3/31/2005 Daily Southtown Hearings, Opposition
Revenue, Safety

Lockport puts off Wal-Mart decision

City officials will carry over deliberations regarding a proposed Wal-Mart until April 6 to give the city and the retailer time to work out legal details regarding the property. Many requirements are being made of Wal-Mart before approval will be given. Wal-Mart will need to give the city \$300,000 for improvements and \$25,000 apiece to four school districts. The city can use an additional \$25,000 to preserve the historical nature of the town. Another \$1.5 million upfront from Wal-Mart that the city would later rebate to the retailer. Other concerns the council is considering is what if the store goes dark? Wal-Mart could turn over the property to the city, but terms are still being worked out. The Aldermen also discussed safety devices around detention ponds and traffic. Most important might be the two issues that are still up in the air: financial donations by Wal-Mart, and a clause to protect the city should the store fail down the road.
www.suburbanchicagonews.com

KS Winfield 3/29/2005 Winfield Courier Seminar

Winfield seminar, "Thinking Outside the Big Box"

 Kansas State University assistant professor for the Department of Educational Leadership, Jeff Zacharakis, EdD, presented a program that explored the local pros and cons of "big box" companies. The seminar was sponsored by the Business Resource, Education, Agriculture, and Development Committee (BREAD), a joint committee of Winfield Main Street and the Winfield Area Chamber of Commerce. Business people and the general public were invited.

www.winfieldcourier.com/w050402/Tues5.html

LA St. Francisville 3/29/2005 The Advocate Opposition, Public
Hearing

West Feliciana Parish

April 5 was the date for a public hearing on possibly restricting big-box retail developments in West Feliciana Parish. Earlier in the month, the parish's Community Development Foundation issued a news release announcing its opposition to big-box retail stores in the parish. They had been contacted by "development entities" interested in land along U.S. 61 in the southern part of the parish. The meeting on April 5th was to allow the planning and zoning commission of St. Francisville and parish to gauge public sentiment regarding big-box retailers.

www.2theadvocate.com/stories/032905/sub_wfelpj001.shtml

MA Hadley 3/28/2005 The Massachusetts Daily Collegian Pharmaceuticals,
Women's Group

Umass Vox hold protest against Wal-Mart

Various women's groups protested in the mud beside Route 9 outside Wal-Mart to protest the retailer's refusal to carry emergency contraception. Organized by Umass Vox: Voices for Choice, the protest is part of a nationwide effort to convince Wal-Mart to carry the contraception, which is also known as the "morning after pill." The protestors emphasized that the morning after pill is not the same as RU486, "the abortion pill." Most don't think Wal-Mart understands that and many don't think Wal-Mart should have the final say in women's health. Wal-Mart says it's an ethical issue but others think it's not up to them to make the choice for people, it should be between the health care provider and the patient.

www.dailycollegian.com

MD Dunkirk 3/27/2005 The Associated Press Coalition, Zoning
Ordinance

Fight with Wal-Mart has just begun

Last summer's fight was similar to other big-box battles across the country. Wal-Mart proposed a massive retail store, community groups rallied against it, and local lawmakers passed restrictive zoning laws

designed to keep the sprawling store out of town. But the story of Wal-Mart's plans to build in Dunkirk has a unique sequel. Faced with limitations that would block plans for a 145,000 sq. ft. store, Wal-Mart came up with a way to circumvent the new rules - splitting the store in two. The ordinance calls for 75,000 sq. ft. limitation. These two buildings that are not connected, one will house a retail section and the other a garden center. The parking lot will be shared by both. This is the first time it has suggested splitting up the store to get around zoning ordinances, but Wal-Mart says it has to be adaptable as it meets resistance from local communities. The county's planning commission put the Wal-Mart proposal on hold while the Calvert Board of Commissioners decides whether the store-size ordinance needs to be changed. Wal-Mart is ignoring the message officials tried to send when the big-box cap was passed last year. Calvert Neighbors for Sensible Growth has urged county planners to study a zoning law written by the Idaho town of Hailey to keep big-box stores from building multiple stores on one site.

www.tallahassee.com/mld/tallahassee/business/11221677.htm

ME Belfast 3/15/2005 Waldo Village Soup Lawsuit

Lawsuit challenges big-box vote

Belfast First, a citizens group that opposed last fall's big-box referendum, has sued the city in Superior Court for creating an illegal process to change the comprehensive plan. Suit was filed by Attorney Ed Bearor of Bangor on behalf of Belfast First and Lawrence and Mia Roop, who own property adjacent to the proposed big-box site. They are seeking to invalidate the vote that created a special commercial district on Searsport Avenue allowing retail stores of up to 200,000 sq. ft. In 2001, the suit notes, the city's comprehensive plan was amended to limit the size of new stores to 75,000 sq. ft. following a nonbinding referendum that passed by a nearly two to one margin. To change the referendum again a large range of opportunity for public comment and review would be required. Even though several of the hearings were well attended, no meaningful opportunity to debate the issues and change the question was provided to Belfast Citizens. The referendum passed 1,970 - 1,794, changed both the city's comprehensive plan and zoning ordinance to allow stores of up to 200,000 sq. ft. on four parcels along Searsport Avenue.

www.waldo.villagesoup.com/Government/Story.cfm?StoryID=32309

ME Portland 3/28/2005 WMTW Big Box Impact

Big Box Stores Change Retail Landscape

"Big-box" stores may have been late coming to Maine, but their impact has been felt at most levels of retail business. That's according to recent census estimates. Glenn Mills, senior economic analyst with the Maine Department of Labor, said bigger stores coming along have forced some smaller stores out. Wal-Mart expanded nationally in the 1980's, but they didn't start coming to Maine until the 1990's. According to the Census Bureau, in 1997 in Maine there were about 7,000 retail businesses, that number began to drop in 2002.

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NH Ham Lake 3/17/2005 Star Tribune Coalition, Rezoning, Watershed

Wal-Mart facing likely no-go in Ham Lake

The City Council is expected to deny a rezoning request, forcing the developer to change or abandon plans for a 200,000 sq. ft. store in the Anoka County community. The action follows a March 5 town meeting that brought out hundreds of citizens to vent disapproval of the proposed Wal-Mart. A February planning commission meeting also drew a large and critical crowd. Some residents mentioned Wal-Mart's labor relations concerns and business practices. Others feared disruption of rural peace, or felt the supercenter's presence would jeopardize the future of a local market. A few thought that ten Wal-Mart's within 20 miles were enough. Council members applauded citizen involvement. The Mayor said the location adjoining a residential area and a city park was just too intense. A citizens group, Citizens for Responsible Development in Ham Lake, Inc., collected 1,100 signatures protesting the rezoning and preserving the Coon Creek Watershed District.

www.startribune.com/stories/1405/5297275

MN Hermantown 3/20/2005 News TribuneMn Dot, Permits, Traffic

Eight Permits Away

The proposed Wal-Mart supercenter in Hermantown is eight permits away from moving dirt. Some of those permits will require Wal-Mart to complete traffic and wetlands studies. The rest are little more than formalities. Hermantown officials, however, hope to put some speed bumps on Wal-Mart's fast track toward permit approval by requiring proof of environmental responsibility. After a long and often heated battle over the expansion, The Hermantown City Council gave the project a green light in February, voting not to require an extensive Environmental Impact Statement. Much opposition to the Wal-Mart expansion centered on fears that increased storm water runoff would damage nearby Miller Creek. The storm water system will have to be re-permitted and the council feels safe that any issues of concern will be caught. Wal-Mart will be required to beef up its storm water-monitoring habits. Good Neighbors for Responsible Growth which led the superstore opposition, accused Wal-Mart of failing to monitor the quality of rainwater that runs off hard surfaces at its store site. Wal-Mart will be required to post a bond guaranteeing compliance with the MPCA's guidelines. If it doesn't comply, Hermantown would use Wal-Mart's money to do its own monitoring. Wal-Mart needs three permits from the MPCA. Two are straightforward and rather automatic, including a permit dealing with storm water runoff, sediment and erosion control while the new store is under construction. A third permit, outlining Wal-Mart's long term plans to deal with increased storm water runoff from the new store, would be up for public comment. Wal-Mart is required to show how it will replace the two acres of wetlands that will disappear with the supercenter. After that is submitted, the U.S. Army Corps of Engineers will post them on its website, and the public and other agencies will have 30 days to comment. They are common, but Wal-Mart has a lot of key issues with the whole Miller Creek watershed in general. The Corp. will look at the cumulative impacts. Traffic is also a major issue for the Wal-Mart project. So far, the Minnesota DOT has been dissatisfied with traffic studies submitted by Wal-Mart. The traffic projections weren't up to date and even so, the roadway they are proposing will not handle those numbers.

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MO Kansas City 3/8/2005 Kansas City Star Local Opposition, TIF

Wal-Mart opponents seek a vote

Wal-Mart opponents want voters to reject a \$90 million redevelopment plan for the Blue Ridge Mall that was approved by the Kansas City Council in late February. One hundred qualified signatures required to begin a petition process were gathered. 5,251 registered voters, 10 percent of those voting in the last mayoral election, is what is needed by April 5 to get the referendum placed on a ballot. The redevelopment plan calls for demolishing the obsolete mall and replacing it with a development that will be anchored by a 203,000 sq. ft. Wal-Mart store. The project will use an estimated \$27 million in tax incremental financing. www.kansascity.com/mld/kansascity/business/11076412.htm

MT Helena 3/18/2005 Daily Inter Lake Legislation

Committee OKs big-box tax plan

A bill that would tax "big box" stores is advancing to the full Senate for debate. The Senate Taxation Committee approved SB 272 on a narrow 6-5 vote, clearing the way for consideration by the full Senate. Even if it passes, it then must pass the House and then Governor Brian Schweitzer, who has pledged to veto any new or increased tax measures. The bill's sponsor, Sen. Ken Toole (D-Helena), said he doesn't consider it to be a tax proposal and that's how he's pitching it in the Capitol. Toole considers it a "wage incentive" bill. Toole cites studies that have found that a number of Wal-Mart employees rely on public services. The bill would establish a tax of 1% on a store's gross revenues above \$20 million. On a graduated scale, that tax would increase to 1.5% on revenue above \$30 million and reach a maximum of 2% on revenue above \$40 million. Toole explained that a store with \$21 million in revenue, for example, would pay the 1% tax on just \$1 million rather than 1% on \$21 million.

www.dailyinterlake.com/articles/2005/03/18/news/news03.txt

NC Reidsville 3/22/2005 The News & Record Land Issue

Graves May Stand in Wal-Mart's Way

A cemetery where black families buried their loved ones may be moved to allow growth around Wal-Mart. This cemetery is so old that only 11 of the 429 graves are marked. Bob Carter, county historian, says it was once a spot where black families who couldn't afford cemetery lots buried their loved ones for free. But with Wal-Mart moving in the neighborhood, the forgotten little resting place on the knoll has suddenly become prime real estate, and the perpetual slumber of those buried there may soon be interrupted. For development around Wal-Mart to take off, the cemetery may have to be moved - the entire cemetery and all 429 graves. Wal-Mart wants access by way of Freeway Drive, a busy thoroughfare in Reidsville.

You're kidding

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NH Hillsboro 3/2/2005 NH Public Radio Coalition, Local Merchants

Residents want to protect local merchants

A group of residents have been speaking out against Wal-Mart. Arlene Johns is an organizer with the anti-sprawl group Hillsboro Citizens for Positive Growth. She says that Wal-Mart would put small downtown shops out of business. Hillsboro's planning board is still reviewing Wal-Mart's application. The Hillsboro group has put a warrant article on the March 8 town ballot that would limit the size of future retail stores to 50,000 sq. ft. of total floor space. Even if it passed Wal-Mart would be exempt.

NH Nashua 3/2/2005 NH Public Radio Zoning

Wal-Mart suffered a setback when Nashua's Zoning Board of Adjustment rejected Wal-Mart's request for two zoning variances and an exception from the city's wetlands ordinance. The company wanted permission to fill three quarters of an acre of wetlands to make room for a parking lot. Opponents said the increased traffic could allow pollutants to enter the nearby watershed, where much of the city's drinking water comes from. The Citizens Action for Southern New Hampshire opposes the proposed expansion of the site into neighboring wetlands. They don't think Wal-Mart should exceed the footprint of the existing building and parking lot on the site. Wal-Mart is now focusing its efforts on another proposal in the town of Hillsboro, but a group of residents have been speaking out against Wal-Mart.

nhpr.org/view_content/8349/

NJ New Jersey 3/15/2005 The Star-Ledger Legislation

Big box measure gathers support

Nearly 200 people demonstrated at the Statehouse yesterday to push for a bill that would require cities and towns to consider the potential effects of approving a big box store on neighboring municipality.

Sponsored by Senator Thomas Kean Jr. (R-Union), and Senator Stephen M. Sweeney (D-Gloucester), a municipality would be required to prepare a regional economic impact report on the potential effects of a large store on nearby retailers. The report would also address the potential effects on wages, benefits and income. The measure is pending before the Senate Community and Urban Affairs Committee.

www.nj.com/news/ledger/jersey/index.ssf?/base/news-9/1110867289266050.xml

NY Rego Park 3/01/2005 New York Daily News Hearings - Developer Drops Wal-Mart

Mayor Bloomberg says City Council Exerted Pressure

The City Council exerted pressure and scuttled a plan for what would have been Wal-Mart's first location in the largest U.S. City. Vornado Realty Trust dropped Wal-Mart from a proposed shopping center in Rego Park, a Queens neighborhood. Councilwoman Katz led a hearing earlier in the year which labor leaders said Wal-Mart was able to offer low-cost merchandise because it underpaid its workers, and independent merchants said Wal-Mart threatened to drive them out of business. Similar battles have been played out in Los Angeles, Chicago, Denver, Atlanta and other U.S. cities as Wal-Mart seeks to expand beyond rural and suburban markets into urban areas with supercenters selling groceries, household items and clothing. The

Mayor didn't agree with how this played out, but he did say it was a legitimate question on how to protect small retailers who have been there when we needed them. The Mayor was concerned about leakage, people going across the border, over into Connecticut or up into Westchester County. Wal-Mart stock has fallen \$8.41 or 14% in the past year.

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OH Cleveland 3/15/2005 WKYC 3 Jobs

Wal-Mart protesters gather at city hall to 'greet' Mayor Campbell

Grocery workers and storeowners who don't want Mayor Jane Campbell courting Wal-Mart showed up at city hall one afternoon this month. Wal-Mart said it wouldn't be part of the steelyard commons project. But Mayor Campbell said she'd move heaven and earth to try and salvage those 1,800 potential jobs. The Protestors claim Wal-Mart's low wages and prices threaten their jobs.

www.wkyc.com

OR Gresham 3/18/2005 The Oregonian Application, Coalition, Traffic Study

Wal-Mart submits application without traffic study

Wal-Mart officially applied to build a supercenter in Gresham, but it didn't include its key ingredient, a traffic study. Last winter a meeting took place among neighbors to discuss the additional traffic headaches Wal-Mart would bring. Southeast 182 and Powell Blvd., already choked with cars, is where Wal-Mart wants to build. The application is incomplete without the traffic study, citizens won't be able to submit comments, and the city's 180-days to make a decision won't be in affect. It's mentioned that the developer turned in the application to meet an internal timetable. Two consultants - one for Wal-Mart and one for Gresham - have spent weeks at Vancouver, Salem and Woodburn counting cars at peak hours at Wal-Mart store. Neighborhood traffic committees will receive the results and a more formal follow up study will be performed to show the number of intersections affected and what Wal-Mart will do to keep those intersections from failing. Two plans were submitted, 142,791 sq. ft. discount store, a 42,631 sq. ft. grocery, a garden center and parking for 878 to 893 cars, most of it on two levels below the store. The other plan would be used if the city was willing to vacate its right-of-way for Powell Court, a street that exists only on paper. This plan includes three small retail buildings at the northwest and northeast corners of the site. The smaller buildings are intended to help hide the size of the store. If the street isn't vacated, Wal-Mart will go with the first version mentioned here. Oregon proposed Wal-Mart stores in Hood River, Hillsboro and Oregon City which failed after lengthy land-use battles. GreshamFirst, a group that is already opposing Wal-Mart's proposal at the site, hired a land-use lawyer and its own traffic engineer, and plans to conduct its own traffic count. GreshamFirst is interested in getting the rest of the application from tree studies to proposed depth of the parking lot excavation next to Johnson Creek. GreshamFirst says the site is not appropriate and they will side with the city code.

www.oregonlive.com

OR Portland 3/29/2005 Onward Oregon Coalition, Commission, Developers

What Did Onward Oregon Learn from Defeating a Big Box

Recently, the Portland Development Commission decided to ask the three developers producing plans for the Burnside Bridgehead area to submit new proposals - this time without involvement from "big box" retailers. The grassroots work of neighborhood activists, combined with Onward Oregon's internet advocacy proved to be an effective combination, replicating that model to repulse proposed Wal-Mart's in Bend, Cedar Mill, and Gresham. Given the political realities of the local governments in these communities we're going to have to work hard and smart remembering a few lessons: 1). We need to reach out across a variety of different constituencies. Onward Oregon communicated with over 50 neighborhood associations, and enlisted the support of environmental, transportation, and land use groups. 2). Apply political pressure to local influencers even if they're not the decision makers. Our e-mails went to the City Council even though PDC was the decision maker. 3). Provide an overarching frame of smart growth. Even though big box approval is suppose to be based on technical grounds, remind our local officials that the big boxes are antithetical to the kind of livable communities we want to build. 4). Tied to

smart growth is the reality that big boxes are bad for the economy. For every dollar spent at a locally owned store, 73 cents stays in the community, as opposed to 41 cents for out of town chains. Friends in Bend (NotAnotherWalmart.org), Cedar Mill (SaveCedarMill.com), and Gresham (GreshamFirst.org) need your help. Please spread the word to those you know in those communities.

www.blueoregon.com/2005/03/what_did_onward.html

PA Erie 3/8/2005 Erie Times Competition, Environmental Group

Rally supports local grape growers

Protecting open-space farmland is important to Erie County. Pressure has been mounting on retailers to buy less expensive imported juices. It's pressure being fueled by retailers anxious to squeeze the last penny from their suppliers. Wal-Mart is receiving much of the blame. Low-price policies have given imports an edge in the U.S. Market. The growers are seeking help under Trade Adjustment Assistance, but in order to get help they must demonstrate that increasing imports have hurt prices. Imported grapes are cheaper but there are no guarantees about their safety. Many other countries use chemicals banned in the United States. Welch's, a grower-owned cooperative is eager to align itself with the environmental group. It could be an overnight thing where the growers can't compete anymore. On that point, you are helping when you purchase Welch's.

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SD Aberdeen 3/22/2005 Aberdeen American News Petition

City says petitions invalid

Petitions calling for a public vote on a Wal-Mart Supercenter project in Aberdeen are invalid because they didn't include some information required by state law, the city attorney told city commissioners. The petitions, signed by 1,300 plus people, challenged changes in the city's land development code that would smooth the way for the Wal-Mart project. Wal-Mart officials stated last week that if the code changes were repealed, the store would not be built. The petitions did not tell signers when the commission voted to approve the changes to the code. It needed that.

www.aberdeennews.com

SD Yankton 3/28/2005 Yankton Press DOT, Traffic

DOT Responds to questions about Hwy 81 and 50

Ron Peterson, Area Engineer for the South Dakota Department of Transportation responds to a number of questions that he has received regarding the modifications made to Highways 81 and 50 at the Wal-Mart entrances. When Wal-Mart first asked to build entrances to the highway system, DOT asked Wal-Mart to provide an independent traffic-engineering study showing what impact their patrons would have on the roads. The study showed that customers exiting out of Wal-Mart and onto Highway 81 to the east should not be allowed to make a left turn to go north, being that it would conflict with those entering from the south and create an unsafe condition. The accepted design to prohibit the exiting left turns are the concrete islands built on the west shoulder of Broadway. An effective traffic control, even though it may not be the most desirable during snow removal operations. The study also showed that a center left turn lane was needed on Highway 50 to allow safe turning movements into Wal-Mart, so the road was widened six feet on each side to provide that center lane. The work did not turn out to be of acceptable quality since it was done during cold weather. Portions will be removed and replaced this spring.

www.yankton.net/stories/032805/opEd_20050328007.shtml

TN Tennessee 3/20/2005 The Boston Globe Medicaid

9,617 TN Wal-Mart employees have Medicaid

There are two reasons fewer Americans get insurance where they work; their companies do not offer insurance, or if it is offered, it is not affordable. The problem is especially acute for low-wage workers. In the last year, a number of states have discovered that their Medicaid rolls include people who work for America's largest low-wage companies. In Tennessee, for example, 9,617 Wal-Mart employees or their dependents receive Medicaid.

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TX Helotes 3/16/2005 KSAT Moratorium, Opposition

Helotes Council Votes to Begin Negotiations

A decision to allow Wal-Mart to build in this quiet, country view community came after a heated meeting. Emotions ran high from residents who were allowed to address the council and those that weren't allowed in the chamber due to over crowding. The council denied a moratorium that many residents asked for.

www.news.vahoo.com/news?tmpl=story&U=/ibsvs/20050316/lo_ksat/2629595

TX Plano 3/18/2005 Dallas Morning News Ordinance

Thinking outside the big box

Building a superstore in Plano could get tougher. Build one on land set aside for light industrial uses, and the approval process lengthens. Plan one anywhere else, and face tougher design standards. The City Council instructed the city planning staff to create an ordinance that would do just that. The city defines superstores as retail buildings that occupy at least 80,000 sq. ft. The city council reconsidered superstore regulations after residents opposed plans for a Wal-Mart supercenter on Plano's west side. The new distance from a residential property line to a store is 100 feet.

www.dallasnews.com/sharedcontent/dws/news/city/collin/stories/031805dnccoplaretail.8704b.html

UT Utah 3/27/2005 Deseret Morning News Coalition, Impact, Study

Wal-Mart alters Utah landscape

Janet Mortenson won't sugarcoat it - she hates Wal-Mart. Crowded aisles, long checkout lines and merchandise stacked high at "everyday low prices." Mostly she hates this retailer for putting her wholesale shop out of business. One by one, Rainbow Crafts' loyal customer base was sucked away as rural stores closed in the shadow of Utah's retail giant, Wal-Mart. When Wal-Mart goes into a small town, it affects so many people. The chain is getting bigger and the independents are folding right and left. This is a battle being waged in cities across Utah and across the nation, the battle of the big box. Despite recent opposition by residents in Sandy, Riverton, Ogden and Centerville, Wal-Marts continue to pop up in Utah, with nine added in 2004, and at least four more set to be built soon. James Wood, Director of the University of Utah Bureau of Economic Research, says even though people know you might be supporting exploitation in China and rotten wages, people are still being moved by their own pocketbook. Wood is now studying that Wal-Mart paradox, trying to determine how a city changes in the wake of the big-box store. The question is, will Wal-Mart bring traffic and blight to cities, or can the store breathe life into struggling economies? A recent poll by Deseret Morning News/KSL-TV found that 55 percent of Utah residents would welcome a Wal-Mart in their city or town, even though 87 percent said big-box retailers hurt local business. Surveyed were 313 residents, with a 6.5 percent margin of error. Wal-Mart spokesman said they are generally well-received despite concerns about traffic and noise. Kinde Nebeker believes local businesses are the lifeblood of a community and distinguishes one city from another. It's a quality of life issue. Nebeker and hundreds of other business owners in Salt Lake City are fighting to keep this quality of life by starting Vest Pocket Business Coalition. The group teaches local businesses how to survive.

www.deseretnews.com

UT Ogden 3/24/2005 The Salt lake Tribune Land

Ogden struggling to get land for Wal-Mart

It's not looking good for Ogden's attempt to replace a blighted downtown neighborhood with a Super Wal-Mart. Not only did legislation take away the city's tool to get residents to sell their land - the right to condemn property, but property owners also are not budging for the city's next-best tool: a straight-up offer of more cash. Senioriana Fernandez lives in a neighborhood west of Wall Avenue. Last year, the city offered her \$85,000 for her home and her share of some family property. After the Legislature passed SB184, the city upped its offer to \$165,000. That would allow her to purchase even a nicer home. Senioriana declined the offer. SB 184 amended the state's ability to imply eminent domain in redevelopment areas. The bill sponsor cited Ogden's Wal-Mart project as an abuse he wanted to stop. Most of the 34 homeowners and eight business-property owners have signed options to sell, but there are a

handful of holdouts, including Fernandez. The city has a contract requiring it to line up all the properties by the end of April. Wal-Mart may evaluate to negotiate directly with property owners.
www.sltrib.com/utah/ci_2619962

UT Salt Lake City 3/9/2005 KATV Banking

Wal-Mart Could Enter Banking

Wal-Mart appears to be making moves that could enable it to apply for a license to open a bank that would allow the retailer to process credit and debit card transactions. Wal-Mart could become a financial institution under an industrial loan company charter in the state of Utah, which is known for its favorable rules in that area. Wal-Mart has yet to formally apply. The charter would allow Wal-Mart to perform most functions that others perform, but the company would not be able to offer some retail banking services like checking accounts. Wal-Mart has long sought to get into the banking business.

www.katv.com/news/stories/0305/212363.html

WA Washington 3/8/2005 MSNBC Lobbying, Safety, Truckers

Wal-Mart pushes for longer trucker days

Wal-Mart is lobbying Congress to extend the workday for truckers to 16 hours, something labor unions and safety advocates say would make roadways more dangerous for all drivers. The sponsor of the bill is Arkansas Republican Representative John Boozman. Truckers are pushing harder than ever to make their runs within the mandated time-frame. Current rules limit drivers' workdays to 14 hours, with only 11 consecutive hours of driving allowed. That gives truckers three hours to eat, rest or load and unload their trucks. The Teamsters haven't gotten one complaint from drivers that they don't have enough time for a break or a meal. President of the safety advocacy group Public Citizen said drivers could end up starting their workday at 8 a.m. and quitting at midnight. This is sweatshop-on-wheels amendment. Nearly 5,000 people were killed in large truck crashes in 2003, and those vehicles were three times more likely to be involved in fatal crashes than passenger cars, according to the National Highway Transportation Safety Administration.

www.msnbc.msn.com/id/7129699/

WA Everett 3/28/2005 The Herald Union, Wages

Wal-Mart pushing wages down

Teamsters Local 38 President, Janine Dibble is concerned of the effect Wal-Mart is having on union jobs. The past few weeks, Brown & Cole issued layoff notices to 65 employees at the Food Pavilion in Smokey Point, which was hit hard by the Wal-Mart supercenter at Quil Ceda Village. The grocery chain hopes to sell it and three other local stores, but the future is unsettling for the affected workers. The UFCW represents a large portion of the nation's grocery workers, 1.4 million members - coincidentally, about the same size as Wal-Mart's U.S. work force. Wal-Mart's wages and benefits weigh down what unionized workers in the same area are able to negotiate for. This is a repeat of the same thing happening in the South, where Wal-Mart is the only game in town now. Kroger is a unionized store in Texas and the South that competes against Wal-Mart, and the union wages and benefits are lower there. UFCW and other unions have tried to put pressure on Wal-Mart by trying to organize workers, but the workers are so scared they go right to their manager. Wal-Mart workers almost always reject organizing, except recently when workers at a Wal-Mart in Quebec, Canada, voted to unionize. The chain recently announced it will close that store in May, saying it was no longer profitable.

www.heraldnet.com/stories/SW

WA Mount Vernon 3/13/2005 Skagit Valley Herald Impact

Wal-Mart confirms plans

Wal-Mart officials confirmed for the first time that the company plans to build a 204,000 sq. ft. supercenter on 30 acres on the west side of Interstate 5 - about a quarter a mile away from the retailer's current store. Wal-Mart spokesman stated that the 127,300 sq. ft. discount store off College Way consistently has strong sales and is exceeding capacity. City officials have decided that an environmental impact statement is unnecessary for the proposed new store. The city is requiring Wal-Mart to make some road improvements

in the area and minimize any disruptions to the neighborhood during construction. The public will be allowed comment on the traffic impacts of the development and the proposed ways to alleviate additional traffic in the area during a meeting March 21. The City Council is scheduled to make a final decision on the project on April 13, based on testimony from the hearing examiner's meeting. The Bellingham grocery firm of Brown & Cole Stores announced last month that it will sell eight of its 31 stores in Washington state, including stores in Burlington, Stanwood and Arlington, as a result of increasing competition from Wal-Mart. Wal-Mart is contributing \$146,000 to make some improvements to Freeway Drive and Stewart Road in front of the project. Those improvements include widening Stewart Road to three lanes and widening Freeway Drive to three lanes. The corporation will also pay to build a pedestrian trail along the west side of the site. Sue Cole, a spokeswoman for Brown & Cole, stated that because Wal-Mart pays workers less than union employees they are able to have rock bottom prices. When you get the 800 pound gorilla in the community, then everybody's clientele is impacted.

www.skagitvalleyherald.com/articles/2005/03/13/news/news01.txt

WA Olympia 3/16/2005 The Olympian Local Merchants,
Moratorium

City maintains stance on big-box projects

No big box retailers are going to get a stamp of approval for at least the next six months. City Council held onto its decision to block stores larger than 125,000 sq. ft. from getting approval so officials can mull whether such stores are too big for this town. One resident applauded the moratorium and said they must find some way for mom-and-pop stores to have a chance. This hearing was rather quiet and only drew four comments which was far quieter than what the Tumwater City Council experienced last month on a nearly identical moratorium. That hearing drew more than 100 people and lasted four hours. Officials are considering exempting the Westfield Shoppingtown Capital mall. The moratorium prevents the mall from expanding even 5,000 sq. ft. The council also doesn't wish to have a Wal-Mart attach itself to a mall like it has in other towns.

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WA Pullman 3/12/2005 Spokesman-Review Coalition
Wal-Mart is planning to buy 27 acres in Pullman and build a 223,000 sq. ft. supercenter. This would be by far the largest retail establishment in the city of 25,000 and would include a supermarket, tire center, beauty salon, restaurants and other services. A grassroots opposition group calling itself Pullman Alliance for Responsible Development has grown to almost 200 strong over the past three months. Members range in age from 18 to 81 and include Washington State University professors, farmers, business people, students and homemakers. They've developed a website and collected signatures of almost 6,000 people who pledge never to shop or work at the Wal-Mart, if it's built. This group held a news conference to release a 27 page report detailing the damage they say Wal-Mart inflicts on small communities. Breaking down the increase in traffic congestion, crime and poverty that they say will result from a Pullman Wal-Mart. WSU sociology professor says, "Wal-Mart gives a nickel and takes a dime." "Pullman will likely see a net loss in jobs and a decline in wages" if Wal-Mart is built.

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WA Stanwood 3/9/2005 The Herald Study

Big box retailer report mixed

Study is now available to the public on how Wal-Mart would affect the local economy and tax base. The report found that allowing a larger retail store to be built at the northeast corner of Highway 532 and 72nd Avenue NW would have major repercussions - some good and some bad. A net increase in retail sales of \$24 million to \$30 million in the first five years, according to the report. Those numbers are good for the city and Wal-Mart, but bad for existing business. You must weigh the costs and benefits. The results could be that the big-box is merely capturing sales from existing businesses in the community. The developer, Vine Street Group of Arlington asked for a rezoning. Opponents say they have gathered at least 2,000 signatures against the rezone.

www.heraldnet.com

WI Monroe 3/10/2005 The Times Plus Informational Meeting

Wal-Mart plan presented to packed house

Five hundred plus people shows up for an informational meeting regarding the proposed Wal-Mart supercenter. The meeting ran over by half an hour and could have continued on, as several citizens were left standing at microphones, unable to speak due to time constraints. On hand to speak about the proposed supercenter was Mayor Bill Ross, Nathan Bryant, an engineer for Wal-Mart projects for McClure Engineering of Rockford, IL., JD Milburn of Wisconsin Department of Commerce, and John Steiner of the Wisconsin Department of Transportation. It was explained at the beginning of the meeting by the Mayor that they weren't going to get into a debate on whether Super Wal-Mart is good or not. Location for the proposed Super Wal-Mart is directly north of Wisconsin 11 and east of Monroe Truck Equipment. The building would have skylights that would provide additional light and cut lighting and climate control costs for Wal-Mart. The front of the store would have a colonial feel, with the appearance of timbers around the entrances. Steiner with WDOT spoke about the realignment of County N that would need to take place for the supercenter to be built at the proposed site. Milburn with Wisconsin Department of Commerce talked about economic impact. Wal-Mart already has 16 percent of market in Green County and if a supercenter is built, it could easily comprise 29 percent of that market. The Mayor said no tax incentives. Wal-Mart told them they weren't asking for anything and the Mayor is taking them at their word.

www.themonroetimes.com/o031pwa.htm

United States 3/29/2005 CNS News Congress, Sponsor

Congress enlisted in Campaign Against Wal-Mart

The Labor Union is wanting ABC News to drop Wal-Mart as a sponsor of its "Only in America" series and is enlisting the help of Congress. Twenty-one Lawmakers released a joint letter Tuesday, urging ABC News, "In the name of honesty and accuracy in the media" to drop Wal-Mart as a sponsor of the series that airs on "Good Morning America." The letter was addressed to David Westin, president of ABC News. Representative Anthony Weiner (D-NY), said Wal-Mart values are not American values and Representative Bill Pascrell (D-NJ), called it a sad day when ABC News would allow itself to be used by Wal-Mart to sell a corporate image based on lies and myths. One only has to look at the real Wal-Mart record to realize the severe damage this company has done to American Families and communities.

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United States 3/4/2005 Manhunt.com Lawsuit - Record Label

Wal-Mart being sued for \$100 Million by Texas record label

Texas Independent record label threatens Wal-Mart with a \$100 million lawsuit. Kirk Phillips with GoreallaEntertainment.com, is publicly putting Wal-Mart on notice: "Carry our product in the original unedited format or face serious to legal action." Phillips says, "it's time to level the playing field. Wal-Marts been making money just below the public consciousness off the sale of risqué, salacious, or otherwise objectionable entertainment items for years." At the same time, Wal-Mart's ridiculously unfair policy aimed at keeping so-called indecent products off the shelves has been in effect and that very policy is financially oppressing independent record labels. Wal-Mart is accused of trying to keep the independent record labels out of the lucrative global retail market by making it more expensive for them to compete. Phillips complains about having to manufacture a whole separate run of edited product just for Wal-Mart. Phillips asked if you've ever seen the edited version of Hollywood movie at Wal-Mart? Neither has he. Hollywood DVDs are sold unedited in Wal-Mart with a simple R rating and a perfunctory disclaimer; and likewise video games.

www.manhunt.com/news/stories/1110386518.html

United States 3/11/2005 Motley Fool Average Wage, Healthcare, Speech

Is Wal-Mart Costing Us Billions?

Timothy Noah of Slate.com presented an interesting take on a recent speech by CEO H. Lee Scott, Jr. He explained that while Scott seemed to be defending the firm's record on how it treats its employees, Scott may have been really trying to quietly reassure investors that they're not being treated that well - that pay and benefits remain at relatively low levels. Data that backs Noah up, was when Scott said that Wal-Mart's



average wage is around \$10.00 an hour, nearly double the federal minimum wage. But that average is skewed somewhat by the steep salaries of those at the top. Scott's own \$15 million-plus compensation package, will bring up the average. The mean (or middle) wage would have been a more telling figure. Scott also explained that Wal-Mart's wages are competitive with comparable retailers in each of the more than 3,500 communities they serve. Noah countered that although this may be true, Wal-Mart has likely driven down the pay rates in such communities, as competitor try to compete. Simon Head of the New York Review of Books reviewed a bunch of books related to Wal-Mart. The average pay of a sales clerk at Wal-Mart was \$8.50 an hour, or about \$14,000 a year, \$1,000 below the government's definition of the poverty level for a family of three. This supports Noah's claim. A February 2004 report by the Democratic staff of the House Education and Workforce Committee Report assesses the cost to U.S. taxpayers of employees who are so badly paid that they qualify for government assistance. For a 200 employee Wal-Mart store, the government is spending \$108,000 a year for children's health care; \$125,000 a year in tax credits and deductions for low income families; and \$42,000 a year in housing assistance. The report estimates that a two-hundred-employee Wal-Mart store costs federal taxpayers \$420,000 a year or about \$2,103 per Wal-Mart employee. That translates into a total annual welfare bill of \$2.5 billion for Wal-Mart's 1.2 million U.S. employees.

news.yahoo.com/news?tmpl=story&u=/fool/20050311/bs_fool_fool/1110543420

United States 3/22/2005 PRIMEDIA Website

Teamsters target Wal-Mart Distribution

Efforts to unionize Wal-Mart employees is being ramped up by The International Brotherhood of Teamsters' Warehouse Division. A website directed at workers at Wal-Mart's distribution centers located across the U.S. is designed to provide those employees a place to go with questions.

www.walmartworkersunite.org

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United States 3/23/2005 TimesUnion.com Sprawl, Vacant Big Boxes

Big box stores left behind

Julia Christensen took a journey to show how communities reuse empty big boxes after the original tenants leave. As stores get bigger, the holes they leave in the landscape get bigger too. Often, sites will sit vacant for years. Retailers normally do not want competition moving in. Wal-Mart lists nearly 350 sites for sale on its Web page. One is in Julia's hometown, left vacant when Wal-Mart built a bigger store not too far away. The first Wal-Mart in her town sat vacant for nearly a decade, before it was torn down to make room for a new courthouse. It was that experience that led her to investigate how other communities handled big box stores that went bust. She hit the road May 2004 for three months to take photos and shoot video. Julia mentions the impact that can be absolutely devastating to towns. She's looking to publish a book on the subject.

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United States 3/21/2005 BusinessWeek Class Action Suit

Wal-Mart vs. Class Actions

Wal-Mart claims that its constitutional rights would be violated if the court allows a suit to go forward involving up to 1.5 million of the retailing giant's current and former female employees. Because such a case would deprive the company of its rights to defend itself against each woman's claim. Wal-Mart argues that the court should allow suits only on a store-by-store basis. If the Ninth Circuit agrees, it would open the door for all large companies to make similar arguments. Wal-Mart states that pay and promotion decisions are made almost entirely by local store managers.

www.businessweek.com/05_12/b3925088.htm

Australia 3/3/2005 Weekend Australian Competition

Wal-Mart driving Dixie down



When Winn-Dixie filed for bankruptcy protection this month, it blamed competition from Wal-Mart. Filing Chapter 11 would be a chance for Winn-Dixie to restructure and save its 92-store supermarket chain. The New York Times reported that over the past decade, Wal-Mart "blanketed" crucial Winn-Dixie markets like Florida with its supercenters, which include full line supermarkets as well as general merchandise. Wal-Mart has literally steam-rolled through the U.S. retail landscape, crushing weaker retailers along the way. Senior Director of CB Richard Ellis Investors, Jane Dorrel said the first crop of Wal-Mart victims were traditional department stores. She says that now toy retailers and super-markets are feeling the same devastating competition. Ms. Dorrel began writing about the so-called Wal-Mart effect on shopping centres four years ago, after watching many smaller retail chains fall by the wayside. Last year Wal-Mart added 389 new stores and will also add food retailing to existing stores.

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Canada 3/29/2005 Ottawa Sun Design

City not buying big box plan

The City is squaring off against Wal-Mart, demanding the big box chain change the design of a proposed new 133,000 sq. ft. Alta Vista-area store. The battle is now before the Ontario Municipal Board, and is over a 36-hectare parcel of rezoning which was requested by developer Ottawa Train Yards Inc., and came with some strings attached, including a site plan to which the developer agreed. Those plans were meant to give the area a "main street" feel but changed when Wal-Mart expressed interest in developing a portion of the property. Late August, the city's planning committee nixed Wal-Mart's proposed site plan, saying it doesn't fit with the pedestrian-friendly and transit-friendly policies the city laid out for the Train Yards site years ago. Wal-Mart rejected calls for change and when the committee rejected the company's site plan, Wal-Mart took the city to the Ontario Municipal Board. The issue isn't whether Wal-Mart will locate there, but how the store will look. The city wants it facing north, not east, and wants the store to have more than one exit so that shoppers aren't all herded through one door. The key is we feel that Wal-mart can come in with a more interesting building.

www.canoe.ca/NewsStand/OttawaSun/News/2005/03/29/975003-Sun.html

Canada 3/28/2005 Footwear News Competition

Bata to close units

The once-giant Bata chain is phasing out the last 30 shoe stores it operates in Canada over the next few months, blaming competition from Wal-Mart Canada and Payless Shoes. Bata Ltd. Will instead focus on its 160 Athletes World stores across the country. The firm said it may also eventually build out in Canada a superstores concept it now operates in Europe. At its peak in early 1980's, Bata operated 250 stores across Canada and was considered a Canadian icon and a family-destination store. But the company, with estimated annual sales of \$3 billion in 68 countries, couldn't compete with a flood of Chinese imports being offered at lower-priced retailers like Wal-Mart.

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Germany 3/15/2005 Financial Times Deutschland Ethics Code

Wal-Mart Ethics Code Angers Germans

The German subsidiary of the world's largest retailer, Wal-Mart, has again infuriated employees, this time over policies that workers believe interfere with their private lives and force them to spy on colleagues. Employees of the 92-store discount chain received a moral lecture along with their February paychecks: a code of ethics employees must follow or face termination. The code forbids Wal-Mart employees from accepting presents from suppliers, dictates that employees may not fall in love with a colleague in a position of influence and requires workers to report colleagues immediately "if they observe that they have broken the rules." Non-compliance of the rules can lead to termination.

www.dw-world.de

London

3/21/2005

The London Free Press

Shop Local

Independents unit against big-box rivals

Strength in numbers. Five independent London retailers are flexing their homegrown muscles to take on their faceless out of town, big box competitors. The newly formed London Home Fashion Group is investing thousands of advertising dollars in appealing to Londoners to support local businesses threatened with extension by the big box store.

www.canoe.ca/NewsStand/LondonFreePress/News2005/03/21/967548-sun.html

Mexico

3/22/2005

The San Diego Union Tribune

Local Merchants,
Opposition

As Wal-Mart expands in Mexico, opposition grows

Wal-Mart is proposing its second store in six months for Patzcuaro, Mexico. The tempers are still flaring from the Wal-Mart they placed near archeological ruins at Teotihuacan outside Mexico City. It is ancient traditions vs. U.S. style capitalism. Opponents say the Patzcuaro store which is awaiting approval, would destroy small business in the heart of the central Mexican mountain town and erode a way of life based on the familiar commerce of fruit stands, butcher shops and generations - old artisanry. The fight against the discounter is inspired by successful challenges on Main Street, USA. In Mexico though, resistance is fueled with national pride and bitterness left from foreign conquest centuries ago. "They fool us like the Spaniards did," said Patzcuaro printer Marco Antoni Garces. "They don't come on horseback, but they dazzle us with automatic doors and air conditioning. They'll trade Chinese junk for what little we have." Mexico is feeling the American way of life and is threatened. This past decade, Wal-Mart de Mexico, or Walmex, has become the nation's number one retailer and largest private employer. It now has almost 700 stores and restaurants, using aggressive expansion and low prices to take business from established supermarkets. Seventy new stores are expected to open in Mexico this year, causing opposition to grow.

www.signonsandiego.com/news/mexico/20050322-0500-mexico-walmart.html

Quebec

3/11/2005

International Herald Tribune

Unions

Wal-Mart labor battle putting Quebec on edge

Wal-Mart is closing this spring, stating the reasons as low store revenue and escalating union demands. Wal-Mart is receiving bomb threats since the Jonquiere closing announcement, forcing evacuations and losses in sales. A Quebec television broadcaster compared Wal-Mart to Nazism, but later apologized. A former premier of the province has announced that he is boycotting the chain. Wal-Mart has become Canada's biggest retailer, shoving T. Eaton out of that spot and contributing to its demise. Unionizing efforts at Wal-Mart in North America have almost never made progress. A store in Windsor, Ontario, was unionized in 1997, but workers dissolved the union three years later when it failed to deliver a contract. After a vote in 2000 to unionize meat cutters in Jacksonville, Texas, Wal-Mart turned to prepackaged meat, eliminating the need for meat cutters. This month 74 percent of workers in Windsor voted against a new union, with both the organizers and Wal-Mart filing unfair labor practice complaints. Union leaders say Wal-Mart is using Jonquiere as an example to whip workers into line at a second Wal-Mart store near Montreal that successfully organized in January and in more than 20 other outlets in at least three provinces where organizing efforts have begun. They also claim that the 17 to 1 vote against unionization at the Wal-Mart Tire & Lube Express in Loveland, Colorado last month was a sign of the chill sweeping down from Jonquiere for workers who fear that organizing a union could mean the loss of their jobs.

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washingtonpost.com

Advertisement

Putting on the Brakes

Local Grocery Workers Union Leads the Fight to Block Wal-Mart's Efforts to Infiltrate Inner Suburbs, District

By Michael Barbaro
Washington Post Staff Writer
Monday, May 23, 2005; E01

At first glance, the numbers seem arbitrary.

Legislation before the D.C. Council would ban new stores with more than 80,000 square feet that devote 15 percent of their space to food and other nontaxable merchandise.

A bill passed by the Maryland General Assembly would require companies with more than 10,000 employees to spend 8 percent of payroll on health care.

A zoning rule approved in Montgomery County restricts the location of outlets larger than 120,000 square feet with a full-service grocery and pharmacy.

But behind the hodgepodge of figures is a very specific goal: Keeping out Wal-Mart Stores Inc. As the discount giant shifts its focus from the Washington region's fast-growing fringes to its dense urban center, it has become locked in a bitter behind-the-scenes struggle with the local unionized grocery industry, which is scrambling to erect legislative barriers to the chain's growth.

The fight is taking on national significance. Wal-Mart, which has conquered rural America with more than 3,000 stores, desperately needs to break into the urban market to maintain its phenomenal growth. So far, it has been rebuffed in Chicago, New York and Los Angeles, and the retailer views Washington as an important frontier for expansion.

The Bentonville, Ark., company has already made strong inroads here. Since its arrival in the region 13 years ago, Wal-Mart has quietly planted 147 stores in Maryland and Virginia, including 32 in the greater Washington area. It is now the No. 1 private employer in Virginia and one of the top 10 in Maryland, with 52,000 workers in both states.

But the company has succeeded in such places as Prince Frederick and La Plata in Maryland, and Warrenton and Burke in Virginia, far from the region's center.

Across the area, big-box stores are facing growing resistance from communities worried about increased traffic and environmental impact. But Wal-Mart's inability to open a store in the inner suburbs is unique. Both Home Depot and Best Buy have stores inside the Beltway and the District. And Target, Wal-Mart's closest competitor, has seven stores inside the Capital Beltway. Its first location in the District is scheduled to open in 2007. "We'd like to be a part of that success," said Mia Masten, Wal-Mart's head of corporate affairs for the East Coast.

Although Target, Home Depot and Best Buy have no union, and Target is moving into the grocery business, local unions are giving those chains a pass to focus their energies, and cash, on a single foe.

"Wal-Mart is the biggest threat to our members' way of life," said C. James Lowthers, president of United Food and Commercial Workers Local 400, which represents local grocery workers at Giant,

Safeway and Shoppers Food Warehouse.

Local unionized grocery chains, which dominate the area's closer-in suburbs, fear they cannot compete with Wal-Mart's rock-bottom prices, technology-driven efficiencies and cheaper, non-union labor force. Wal-Mart is now the nation's largest food seller, and although it operates few of its full supermarket formats in the Washington area, the chain says it wants to build the more profitable stores wherever possible.

Giant Food, Safeway and Shoppers Food control 55 percent of the local grocery market, and their union is relying on its strong political ties and sympathetic shoppers to stop Wal-Mart's expansion. At stake, the union says, is the future of more than 20,000 supermarket jobs that offer a middle-class lifestyle to the region's unskilled workers.

Wal-Mart's opponents, led by Local 400 and Giant Food, have already won several high-profile victories. Six jurisdictions, including Prince William, Calvert and Montgomery counties, have passed zoning rules that make it harder, if not impossible, for the chain to open a supercenter, its most profitable format. Several more jurisdictions, including the District, are considering such rules. And in April, the Maryland General Assembly passed a bill backed by Giant and Local 400 requiring Wal-Mart to spend more on employee health benefits. The governor vetoed the bill, but some legislators have vowed to override it.

"Our goal is to block them out," Lowthers said. The union has circulated sample zoning bills targeting Wal-Mart to local governments, rallied members to speak out against the retailer at public meetings and called on state leaders to support anti-Wal-Mart legislation.

It was a Local 400 official, for example, who first suggested the idea of a big-box bill targeting Wal-Mart in the District, said D.C. Council member David A. Catania (I-At Large), who sponsored the legislation. Catania said he agreed to offer the measure because he believes Wal-Mart's employee health care benefits are inadequate. As the bill was drafted, Catania said, the union was consulted on the language.

Wal-Mart, which has traditionally balked at answering its critics, is fighting back in hopes of showing it can find the formula for moving into urban areas. When Montgomery and Calvert counties recently proposed zoning restrictions, Wal-Mart commissioned opinion polls that showed residents opposed the rules, gathered signatures on petitions supporting the chain and set up meetings with local officials.

Both counties eventually passed the anti-big-box regulations, but that has not stopped Wal-Mart. In Calvert County, the chain proposed splitting one of its large stores into two to skirt a rule banning stores over 75,000 square feet, though it ultimately agreed in the face of community opposition to build a single store within the limit.

In Prince William, the company is negotiating to put a store inside Manassas Mall, which is exempt from the county's big-box bill. In another show of force, the company has threatened to pull plans for a Maryland distribution center that could employ as many as 1,000 workers if the General Assembly overrides the governor's veto and turns the health care legislation into law.

At the same time, Wal-Mart is in talks to build two stores in Prince George's County, one inside the Beltway, and it is scouring the District for potential sites. Wal-Mart came close to selecting a location in the city's Brentwood neighborhood last year but backed out at the last minute, saying the site was too small.

February 24, 2005

The Conservative Case Against Wal-Mart

Hugh Hewitt praises a tough-minded speech by Wal-Mart's CEO and inveighs against Wal-Mart's critics:

Resistance to WalMart opening new stores always amazes me. Really. Good jobs at good wages, many of them entry-level jobs with training and advancement possibilities. Excellent advantages for consumers, benefits for employees, and neighborhood redevelopment.

But the media loves to hate the giant retailer, and local small businesses always put up a predictable cry. When WalMart is blocked, you never hear about the folks who didn't get jobs or the insurance plans that don't get enrollees. The small stores are happy, but the next time an objection is raised, I'd love to see a report on the wages and benefits paid to employees of such mom and pop operations. There will be some exceptions, but the average worker who is not an owner would be better off at the WalMart.

I respect Hugh a lot, but on this one I think there's a plausible counter-argument to be made; indeed, that one can make a plausible conservative case against Wal-Mart.

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First, the data show that entry of a Wal-Mart store into a community has only a very small positive impact on county-level employment. According to a study by Missouri economist Emek Basker, "in the first year after entry, retail employment in the county increases by approximately 100 jobs; this figure declines by half over the next five years as small and medium-sized retail establishments close. Wholesale employment declines by approximately 20 jobs over five years." (3) Note that the "typical Wal-Mart store employs 150-350 workers. These results suggest that employment increases by less than the full amount of Wal-Mart's hiring, even before allowing other firms time to fully adjust to Wal-Mart's entry." (14)

Second, the data also show that Wal-Mart's entry into a community has a downward impact on overall retail prices of certain core consumer commodities. ([Link](#))

Third, objective data on the impact of Wal-Mart's entry into a community on prevailing wages is difficult to find, but one suspects it is not positive. (Timothy Noah points out that Wal-Mart's CEO distorted Wal-Mart's wage picture in his speech by using average rather than median salaries.)

Fourth, entry of Wal-Mart typically results in exit by at least some local businesses, as suggested by the fact that the increase in employment is smaller than the number of positions Wal-Mart fills.

Fifth, even if the subsidies given Wal-

Mart by many local communities to encourage opening a store are not as large as Wal-Mart's critics claim, does anyone seriously doubt that Wal-Mart often gets breaks on things like zoning, property or sales taxes, and other regulatory issues that small business competitors don't receive?

So opening a Wal-Mart has a small positive effect on consumer prices and employment for the community. The latter effect dissipates over time as Wal-Mart drives competitors out of business or, at least, the area. In addition, many of these employees appear to be part-time, according to Basker's study, who likely get smaller benefits and opportunity for advancement than full-timers. (Timothy Noah also pointed out that Wal-Mart overstates the number of full-time employees by counting as full-time anybody who works more than 34 hours a week.)

But even if Hugh is right that "the average worker who is not an owner would be better off at the WalMart," what about those owners?

In his article, Thwarting the Killing of the Corporation: Limited Liability, Democracy, and Economics, 87 Nw. U. L. Rev. 148 (1992) (Westlaw sub. req'd), law professor Stephen Presser writes eloquently about the role small business plays in our democracy. Presser explains that corporations were endowed with limited liability precisely so as to encourage the growth of small business:

The popular democratic

justification for limited liability is rarely observed by modern scholars. Nevertheless, it appears that to the nineteenth-century legislators in states such as New York, who mandated limited liability for corporations' shareholders, the imposition of limited liability was perceived as a means of encouraging the small-scale entrepreneur, and of keeping entry into business markets competitive and democratic. Without limitations on individual shareholder liability, it was believed, only the very wealthiest men, industrial titans such as New York's John Jacob Astor, could possess the privilege of investing in corporations. Without the contributions of investors of moderate means, it was felt, the kind of economic progress states like New York needed would not be achieved.

The author of the most comprehensive study of New York legislative policy toward corporations in the nineteenth century concluded that New York's policy of limited liability, and its policy of encouraging incorporation by persons of modest means "facilitated the growth of a viable urban democracy by allowing a wide participation in businesses that could most advantageously be organized as corporations." "More importantly," he suggested, New York's general incorporation statutes "helped equalize the

opportunities to get rich. The passage of general incorporation laws for business corporations was the economic aspect of the political and social forces that democratized the United States during the Age of Jackson, 1825-1855."

Note carefully this line: the "policy of encouraging incorporation by persons of modest means 'facilitated the growth of a viable urban democracy by allowing a wide participation in businesses that could most advantageously be organized as corporations.'" By trampling small businesses underfoot, through its mix of volume pricing and subsidies, Wal-Mart and its ilk undermine the possibility of "wide participation in businesses." Prospective entrepreneurs are thus pushed out of fields like retail.

Of course, maybe Wal-Mart makes up for that by buying products from small entrepreneurs in places like China. But do we really want to encourage our nation's most likely future superpower rival to further build up its economy with massive trade deficits?

Finally, there is an aesthetic/humanistic argument to be made. I come back here, as I do so often, to Russell Kirk's description of his beloved Detroit:

All my life I have known the city of Detroit, called-during World War II "the arsenal of democracy." ... In the shocking decay of that great city nowadays, we behold the

consequences of an inhumane economy-bent upon maximum productive efficiency, but heedless of personal order and public order. Henry Ford's assembly-line methods had much to do with the impersonality and monotony of Detroit's economic development; and so, in some degree, did Ford's concentration of his whole productive apparatus at the Rouge Plant; but of course Henry Ford had no notion, in the earlier years of his operation, of what might be the personal and social effects of his highly successful industrial establishment; nor did the other automobile manufacturers of Detroit. Indeed, they seem still to be ignorant of such unhappy consequences, or else indifferent to the consequences, so long as profits continue to be made. Consider the wiping out of Poletown through the unholy alliance of industrial, municipal, and ecclesiastical power structures, regardless of the rights and the wishes of Poletown's inhabitants-all to build on the site of Poletown a new industrial complex, which already, far from supplying the promised increase in tax revenues for Detroit, is involved in grave difficulties.

Outside the most heavily urbanized areas, Wal-Mart typically builds on the edge of town, putting up a huge (and butt-ugly) big box building surrounded by acres of bare concrete parking lots. There are few sights in the American

scene less attractive or appealing to the eye.

Kirk observed that "Detroit, during my own lifetime, has produced tremendous wealth in goods and services. But it has been a social failure. And so have nearly all of America's other major cities." I put it to you that Wal-Mart contributed to moving those failures into small town America by shuttering local business and creating huge barriers to entrepreneurial entry into fields traditionally the province of local small business men and women.

Being a conservative is supposed to be about things like tradition, community, and, yes, aesthetics. If I'm right about that, it's hard to see why a conservative should regard Wal-Mart as a societal force for good even if Hugh's right about the job story.

So what do we do? Well, we must strike a balance between respect for private property rights (see my Kelo post) and our other values. How? On the one hand, government should not legislate against Wal-Mart and its ilk. On the other hand, government should not subsidize Wal-Mart either through zoning or tax breaks. Wal-Mart's a big boy, so to speak, who can take care of itself. We ought to let it compete in a free market. And those of us with a bully pulpit out to use it to encourage Wal-Mart to become a better neighbor and citizen.

This is where
I disagree.
The only way Wal-Mart
will be a better
corporate citizen is
if someone, some
jurisdiction stands
up and forces them!

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Hidden Cost of Wal-Mart Jobs

*Use of Safety Net Programs
by Wal-Mart Workers in California*

Arindrajit Dube, Ph.D.
UC Berkeley Institute of Industrial Relations

Ken Jacobs
UC Berkeley Center for Labor Research and Education

August 2, 2004

HIDDEN COST OF WAL-MART JOBS

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UC Berkeley Institute for Industrial Relations

Ken Jacobs

UC Berkeley Center for Labor Research and Education

August 2, 2004

Executive Summary

Wal-Mart is the largest employer in the United States, with over one million workers. It is the largest food retailer and the third largest pharmacy in the nation. The company employs approximately 44,000 workers in California, and has plans to expand significantly in the state over the next four years. Wal-Mart workers receive lower wages than other retail workers and are less likely to have health benefits. Other major retailers have begun to scale back wages and benefits in the state, citing their concerns about competition from Wal-Mart.

We estimate that Wal-Mart workers in California earn on average 31 percent less than workers employed in large retail as a whole, receiving an average wage of \$9.70 per hour compared to the \$14.01 average hourly earnings for employees in large retail (firms with 1,000 or more employees). In addition, 23 percent fewer Wal-Mart workers are covered by employer-sponsored health insurance than large retail workers as a whole. The differences are even greater when Wal-Mart workers are compared to unionized grocery workers. In the San Francisco Bay Area, non-managerial Wal-Mart employees earn on average \$9.40 an hour, compared to \$15.31 for unionized grocery workers—39 percent less—and are half as likely to have health benefits.

At these low-wages, many Wal-Mart workers rely on public safety net programs—such as food stamps, Medi-Cal, and subsidized housing—to make ends meet. The presence of Wal-Mart stores in California thus creates a hidden cost to the state's taxpayers.

This study is the first to quantify the fiscal costs of Wal-Mart's substandard wages

and benefits on public safety net programs in California. It also explores the potential impact on public programs of Wal-Mart's competitive effect on industry standards.

Main Findings:

- Reliance by Wal-Mart workers on public assistance programs in California comes at a cost to the taxpayers of an estimated \$86 million annually; this is comprised of \$32 million in health related expenses and \$54 million in other assistance.
- The families of Wal-Mart employees in California utilize an estimated 40 percent more in taxpayer-funded health care than the average for families of all large retail employees.
- The families of Wal-Mart employees use an estimated 38 percent more in other (non-health care) public assistance programs (such as food stamps, Earned Income Tax Credit, subsidized school lunches, and subsidized housing) than the average for families of all large retail employees.
- If other large California retailers adopted Wal-Mart's wage and benefits standards, it would cost taxpayers an additional \$410 million a year in public assistance to employees.

Introduction

When workers do not earn enough to support themselves and their families through their own jobs, they rely on public safety net programs to make ends meet. In fact, more than half of the public assistance in California now goes to the working poor.¹

This report estimates the public assistance expenditures for California workers employed by Wal-Mart. The report quantifies the cost of public assistance in California resulting from Wal-Mart's pay and benefit package, using data compiled on the ten largest public assistance programs in the state.² Wal-Mart is the largest employer in the United States, with more than one million workers. As of 2001, Wal-Mart had 143 stores and employed about 44,000 workers in California. It is expanding rapidly. Wal-Mart's wages and benefits are significantly below retail industry standards. Since Wal-Mart's future growth trajectory may have a significant impact on industry standards, the study also assesses the potential costs that taxpayers would incur if other large retailers in the state were to follow the Wal-Mart model due to real or perceived competitive pressure.

Several recent reports have explored the issue of public supports to Wal-Mart workers. The best documented example comes from Georgia and involves a single healthcare program. A state survey found that Wal-Mart employees rely disproportionately

on the state's Children's Health Insurance Program, PeachCare, accounting for more than 10,000 of the 166,000 children enrolled in the program (see A. Miller 2004). A report by the Democratic Staff of the Committee on Education and the Workforce of the U.S. House of Representatives, prepared for Congressman George Miller (2004), looked at the issue of public support to Wal-Mart workers across a wider range of programs. Using employee eligibility for programs to estimate the public costs of Wal-Mart's compensation policies, the report estimates that a typical 200-employee Wal-Mart store may cost federal taxpayers \$420,750 a year—about \$2,103 per employee. The research reported here goes a step further and models actual program utilization, as opposed to worker eligibility, across the same wide range of programs.

To fully understand the impact of Wal-Mart's compensation policies on public safety net programs, we must look beyond the number of Wal-Mart workers who participate in these programs and also consider Wal-Mart's growing influence on the retail industry as a whole. Wal-Mart is expanding into retail sectors and geographic areas with traditionally higher standards for wages and benefits. With the development of "supercenters" that combine retail with groceries in mega-stores, Wal-Mart has become the largest grocery retailer in the United States, accounting for a 19 percent share of the grocery market. Wal-Mart is the third largest pharmacy in the country, behind Walgreens and CVS. While more than half of Wal-Mart's stores nationwide are supercenters, they have only just begun to enter the California grocery market. The first supercenter opened in Palm Springs earlier this year; Wal-Mart plans to open 40 more supercenters in the state over the next five years (Goldman, 2003).

¹ By public assistance we are referring to the following means tested safety net and tax credit programs: Transfer Assistance to Needy Families (TANF), Food Stamps, Section 8 housing vouchers, Low income energy assistance program, women and infant care program, free or reduced price school lunch and breakfast, Earned Income Tax Credit (EITC), Women, Infants and Children (WIC) nutrition program, Medi-Cal (Medicaid), and Healthy Families (State Children's Health Insurance Program—SCHIP).

² See the ten programs listed in footnote 1.

Other major retailers, most notably in grocery, have begun to scale back wages and benefits, citing concern over competition from Wal-Mart. In a report for the Orange County Business Council, Boarnet and Crane (1999) found that the economic impact of Wal-Mart's entry into Southern California could depress wages and benefits in the region by as much as \$2.8 billion a year by driving down compensation in the retail sector. The threat of competition from Wal-Mart supercenters was used to justify—however accurately—the major grocery chains' proposal to significantly reduce wage and benefit levels for new employees in unionized stores in Southern California (Raine 2004).³

Wal-Mart's impact on compensation across the retail industry is due to a combination of both genuine and perceived threats of competition, and to the fact that as the country's largest employer, it has become a standard setter. In a commentary in *Business Week*, Holmes and Zellner (2004) discuss the pressure from Wall Street to follow the Wal-Mart model, noting that CEOs find it easier to follow Wal-Mart's low-wage route, even when a higher wage/high productivity model may do as well for shareholders and be better for the economy over the long run. We will refer to this as Wal-Mart's *demonstration* effect. In the final part of this report, we estimate the potential cost on taxpayer supported safety net programs in the state of Wal-Mart expansion and impact on industry standards.

Finally, we should ask if Wal-Mart's expansion affects employment in a way that would offset the public costs for assistance to the firm's employees. If Wal-Mart's entry into a market creates net new jobs, an argument

can be made that though Wal-Mart workers earn wages that leave many below self-sufficiency, the alternative for a part of the workforce would be unemployment, with other attending public costs. There is strong evidence, however, that the jobs created by new Wal-Mart stores generally replace other, often higher-paying jobs, as existing retailers are forced to scale back or go out of business. Stone (1997) found that in the 10 years following the opening of a Wal-Mart, nearby towns lost up to 47 percent of their retail trade. Retail trade in urban areas also declined following the entry of Wal-Marts in nearby suburbs. Studies of the overall impact of Wal-Mart on employment are inconclusive, with some pointing to a net job loss and others to small increases in employment.⁴ For the purposes of this study, we take the middle ground and assume no overall change in employment levels from Wal-Mart's entry into the market.

Wal-Mart Wages and Benefits

Data Sources

In the absence of data on actual public assistance utilization by Wal-Mart workers, we rely on information about Wal-Mart's compensation policies and on the March 2002 Current Population Survey data to estimate the taxpayer cost, covering the period between March 2001 and March 2002. For wage and benefit information, we utilize 2001 data made available publicly by Wal-Mart via the testimony of Dr. Richard Drogin in a sex-discrimina-

³ For a discussion of the impact of the two-tier contract on grocery industry compensation see Dube and Lantsberg (2004).

⁴ For example, in a study of Talbot County, Maryland, Harris (1996) reports net job loss from Wal-Mart entering the market. Basker (2003) estimates a small net gain in employment using a longitudinal statistical analysis of county business patterns. Retail Forward (2003) projects two supermarket closures for each new Wal-Mart supercenter.

tion lawsuit brought against Wal-Mart. The wage data we utilize is national in scope, and is not broken down by state. However other corroborative evidence suggests that applying this national data to California is unlikely to exaggerate Wal-Mart's share of public assistance and is therefore unlikely to inflate our cost estimates.⁵

Number of Wal-Mart Workers in California

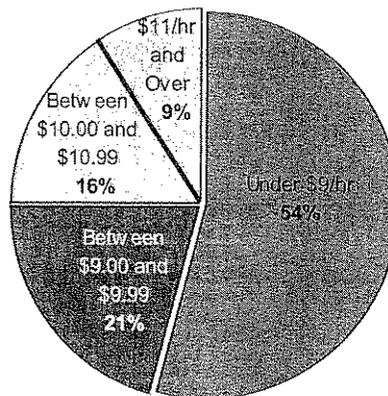
Wal-Mart employed 930,770 employees nationally in 2001,⁶ the most recent year for which we have data and on which we base our analysis. Although we do not have specific employment numbers for California, we are able to estimate the size of the California Wal-Mart workforce using store locations data available publicly on Wal-Mart's website. We find that there are 3,018 Wal-Mart and Sam's Club stores, and that 143 (or 4.7 percent) are located in California. Applying this proportion to total Wal-Mart employment, we estimate that there are roughly 44,000 Wal-Mart employees in California.

Wages and Benefits of Wal-Mart Workers

The wage data provided by Wal-Mart via Dr. Drogin's testimony⁷ covers all active part-time workers and active full-time workers with at least one year of tenure—about 65 percent of Wal-Mart's workforce. The dataset

provides wage levels and number of employees for 382 full-time and 313 part-time occupational classifications. This level of detail allows us to estimate the distribution of Wal-Mart's wages. We find that 54 percent of Wal-Mart workers in 2001 earned below \$9 per hour, 21 percent earned between \$9.00 and \$9.99, while another 16 percent earned between \$10.00 and \$10.99 per hour (see Figure 1). Since the dataset only includes those full-time workers who have completed one-year of tenure, the wages in the sample are likely to be higher than the wages of the full Wal-Mart worker population. Since higher wage levels result in lower participation in safety net programs, this will produce conservative estimates of public assistance costs.

Figure 1: Wal-Mart Wage Distribution



Source: Drogin's Testimony based on Wal-Mart Payroll Data

Wal-Mart's wages are significantly below retail industry standards. Figure 2 compares Wal-Mart's average wages with the average wages of large retailers (defined as having 1,000 or more employees) as a whole. We find that Wal-Mart workers earn on average 31 percent less than workers in large retail as a whole, with wages of \$9.70 per hour compared to the \$14.01 average per hour earnings

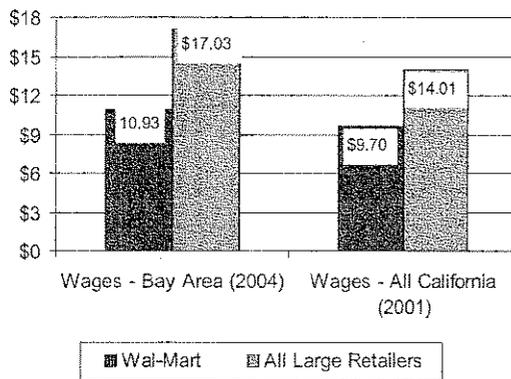
⁵ Utilizing separate Wal-Mart data for wages at stores only in the high-wage San Francisco Bay Area, we find a differential of 36 percent between average Wal-Mart wages and the average wage rate for workers in large retail as a whole in the same geographic area. This is a larger wage differential than we find comparing the national Wal-Mart data with the averages for large retail workers in the state. This provides confidence that our use of national data for wage comparisons is unlikely to have significantly inflated the wage differential between Wal-Mart and other large retailers in the state.

⁶ Dr. Richard's Drogin's Testimony, Appendix 4a, based on PeopleSoft Data.

⁷ Ibid. Appendix 8a and 8b.

for large retail workers. Utilizing Wal-Mart data for wages at stores only in the high-wage San Francisco Bay Area, we find an even greater wage differential of \$10.93 per hour for Wal-Mart workers compared to \$17.03 per hour for large retail workers as a whole, a difference of 36 percent.

Figure 2: Average Wages—Wal-Mart versus All Large California Retailers

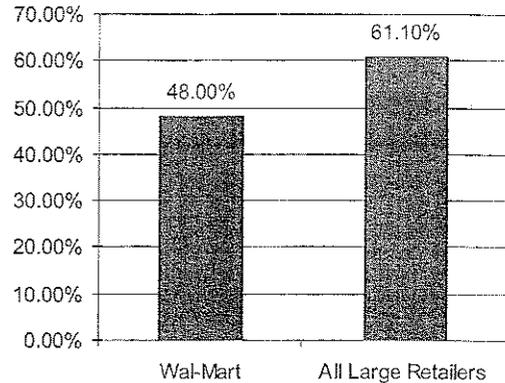


Source: Drogin's Testimony based on Wal-Mart Payroll Data, Wal-Mart Press Releases, CPS ORG 2004, CPS ORG 2001

Wal-Mart reports that 48 percent of its workforce is enrolled in its health plan (Goldman 2003). This data implies that of the 44,000 California Wal-Mart workers, 22,900 do not receive employer-sponsored health insurance, while 21,100 do. Figure 3 compares the rate of employment based health coverage for Wal-Mart employees with the average coverage rate for workers in all large retail establishments. We find that 23 percent fewer Wal-Mart employees are covered by employer-sponsored health insurance than large retail employees in general.⁸

⁸ We assume Wal-Mart's health coverage between March 2001 and March 2003 was the same as the present rate of 48 percent.

Figure 3: Employment Based Health Coverage in California (2004)



Source: March 2003 CPS; Goldman (2003)

We next compare Wal-Mart wages and benefits for non-managerial workers with those of unionized grocery workers in the Bay Area. Wal-Mart employees earn on average \$9.40 an hour, compared to \$15.31 for the unionized grocery workers, or 39 percent less (Figure 4).⁹ They are half as likely as unionized grocery workers to have health benefits (Figure 5).

Figure 4: Non Managerial Wages in Bay Area: Wal-Mart versus Unionized Grocers



Source: Drogin's Testimony based on Wal-Mart Payroll Data, Wal-Mart Press Releases, CPS ORG 2004, March 2001 CPS

⁹ We impute this by multiplying the average Wal-Mart wage in the Bay Area (\$10.93) by the ratio of non-managerial wage to overall wage of Wal-Mart workers nationwide.

Figure 5: Employment Based Health Coverage in Bay Area: Wal-Mart versus Unionized Grocers



Source: Drogin's Testimony based on Wal-Mart Payroll Data, Wal-Mart Press Releases, CPS ORG 2004, March 2001 CPS

Public Assistance Received by Wal-Mart's California Workforce

We estimate the public costs going to Wal-Mart workers by utilizing (1) wage and benefit information about Wal-Mart workers, and (2) a statistical model of public assistance utilization based on a worker's wages, employment based health coverage and demographic information (including race, age, gender, family size structure, non-wage income, other family members' employment based coverage, number of children).¹⁰ We simulate Wal-Mart's share of public assistance by using Wal-Mart data on wages and benefits; in the

¹⁰ Here we use a similar methodology to that used in our study *The Hidden Public Costs of Low Wage Work* (<http://laborcenter.berkeley.edu/livingwage/workingpoor.pdf>); details on methodology can be found in the appendix of that report.

absence of demographic data on Wal-Mart workers specifically, we assume the same demographic structure of its workforce as that of other large retailers in California.¹¹ For comparative purposes, we calculate assistance going to all workers in retail companies with 1,000 or more employees (the largest firm-size category in the CPS) in California. Finally we project the public assistance cost for large retailers in California under "Wal-Martization"—i.e., if wages and benefits at all large retail stores fell to the Wal-Mart standard. We report health and non-health public assistance amounts separately. Health related public assistance refers to Medi-Cal and Healthy Families, as California's Medicaid and State Children's Health Insurance Program are known, respectively.

We find that overall, families of California Wal-Mart workers rely heavily on public safety net programs. We estimate the total cost to the public for public assistance to Wal-Mart workers at \$86 million a year. This includes \$32 million in health related expenses, and \$54 million in other assistance.

Wal-Mart workers rely disproportionately on public assistance compared to workers in other large retail firms. The following table shows that the average Wal-Mart worker receives \$1,952 in public assistance, compared to \$1,401 for workers in large retail in general. This figure is close to the estimates from G. Miller (2004), in spite of the different

¹¹ This very well may underestimate Wal-Mart's receipts. Wal-Mart tends to employ a greater share of women in its workforce than other retailers. Since women are more likely utilize public assistance programs than men, adjusting for gender differences would produce larger estimates. However, since data on gender is the only demographic information we have on Wal-Mart employees, we erred on the side of caution by excluding any adjustment, as it may be that there are other offsetting demographic factors.

methodologies employed in the two studies.¹² Wal-Mart workers in California receive an estimated 40 percent more in family-level Medi-Cal and Healthy Families than workers at large retailers generally. Workers at Wal-Mart receive an additional 38 percent in non-health related public assistance compared to their counterparts at other large California retailers. It is worth noting that this premium is in addition to an already high public cost for retail workers. Zabin, Dube and Jacobs (2004) found that workers in the retail industry in general in California rely disproportionately on public assistance programs, compared to workers in other industries.

**Table: Family Level Public Assistance—
Workers at Wal-Mart and Large California Retailers**

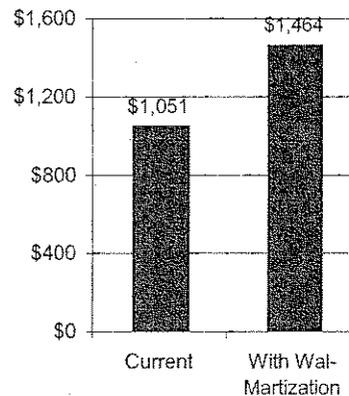
	Health Related	Other	Total Public Assistance
<i>Wal-Mart</i>			
Public Assistance per Worker	\$730	\$1,222	\$1,952
Total Public Assistance Going To Wal-Mart Workers	\$32,100,000	\$53,800,000	\$85,900,000
<i>Large Retailers in California</i>			
Public Assistance per Worker	\$521	\$880	\$1,401
Total Public Assistance Going To Large Retail Workers	\$390,800,000	\$660,000,000	\$1,050,800,000

Source: Drogin's Testimony based on Wal-Mart Payroll Data, Wal-Mart Press Releases, March 2003 CPS, Administrative Data on Public Assistance Program Enrollment and Cost

There are 750,000 workers in large retail firms in California. Multiplying the average cost of benefits to Wal-Mart workers by the total number of retail workers in the state, we find that if other large California retailers

adopted Wal-Mart's wage and benefits standards, the total annual cost of public assistance to workers in large retailers would be \$1.46 billion, an increase of \$410 million (Figure 6). In other words, if other large retailers in the state adopted Wal-Mart's wage and benefits policies, it would cost California taxpayers an additional \$410 million a year. This provides an estimate of the long-term potential impact on California taxpayers of Wal-Mart's effect on the retail industry as a whole in the state.

Figure 6: Total Annual Public Assistance to Workers of Large California Retailers (in Millions)



Source: Drogin's Testimony based on Wal-Mart Payroll Data, Wal-Mart Press Releases, March 2003 CPS, Administrative Data on Public Assistance Program Enrollment and Cost

If our estimates for California are indicative of Wal-Mart workers' utilization of safety net programs nationally, as the Miller report (2004) suggests, the cost to taxpayers nationally for public assistance to Wal-Mart workers could be as much as \$2 billion a year.

¹² G. Miller (2004) uses eligibility criteria to determine the amount of assistance Wal-Mart employees may qualify for; we estimate assistance utilized by Wal-Mart employees.

Other Potential Costs Not Considered in Our Estimation

We believe our results provide conservative estimates of the indirect public subsidy to Wal-Mart. There is reason to believe that Wal-Mart affects public assistance utilization not only through its compensation policies, but also by actively encouraging employees to participate in such programs. For example, the PBS television program *Now with Bill Moyers* reported that Wal-Mart provides all new employees with a 1-800 number to call to determine benefits eligibility. This is important because for many programs, fewer people actually participate in the programs than are eligible for them. Assistance to help employees receive benefits by Wal-Mart may increase take-up rates. This is not factored into our analysis, which means we very likely *understated* the true cost of Wal-Mart to taxpayers. Second, our public health costs are limited to Medi-Cal and Healthy Families. In reality, some Wal-Mart workers are likely neither insured nor enrolled in Medi-Cal. When such workers or their family members get sick, they might visit emergency rooms—a particularly expensive form of care delivery. Moreover, oftentimes such care is not paid for by the patient, leaving taxpayers to pick up the tab. This “uncompensated care” costs California about \$5 billion each year, with the greatest burden falling on County Health Systems.¹³ The share of these costs for Wal-Mart workers should be taken into account in a full accounting of the company’s impact on state taxpayers.

Conclusion

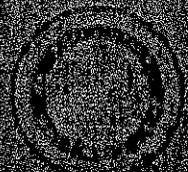
Wal-Mart workers’ reliance on public assistance due to substandard wages and benefits has become a form of indirect public subsidy to the company. In effect, Wal-Mart is shifting part of its labor costs onto the public. We estimate the cost of the subsidy to Wal-Mart in California for state taxpayers to be \$86 million a year. Other retail firms that carry their own weight by providing self-sufficiency wages and employer-sponsored health insurance are placed at a competitive disadvantage, which can result in a downward cycle for wages and benefits across the industry. As we have shown, Wal-Mart’s long term impact on compensation in the retail industry has the potential to place a significant strain on the state’s already heavily burdened social safety net. We estimate the cost if large retailers throughout the state adopted Wal-Mart’s wage and benefits standards to be an additional \$410 million a year in public assistance expenses. The public cost of low-wage jobs should be taken into account by policy makers at all levels as they make decisions about the kinds of economic development we should encourage in California and in our communities.

¹³ Extrapolated from Finocchio (2003).

Bibliography

- Emek Basker, "Job Creation or Destruction: Labor Market Effects of Wal-Mart Expansion." University of Missouri, January 2004. www.missouri.edu/~econwww/WP/WP2002/WP0215_basker.pdf
- Marlon Boarnet and Randall Crane, "The Impact of Big Box Grocers on Southern California." Prepared for the Orange County Business Council, 1999. www.na4lc.org/studies/So%20Cal%20Big%20Box%20Grocery%20Study.pdf
- Richard Drogin, "A Statistical Analysis of Wal-Mart Gender Patterns," March 2003.
- Arindrajit Dube and Alex Lantsberg, "Wage and Health Benefit Restructuring in California's Grocery Industry: Public Costs and Policy Implications." UC Berkeley Center for Labor Research and Education, 2004. http://laborcenter.berkeley.edu/lowwage/grocery_fullreport.pdf
- Leonard Finocchio et al. "Reassessing Hospital Uncompensated Care in California: Implications for Research and Policy." *CPRC Brief*, vol. 15, no. 3, March 2003.
- Abigail Goldman and Nancy Cleeland, "An Empire Built on Bargains Remakes the Working World." *Los Angeles Times*, November 23, 2003. www.latimes.com/news/custom/showcase/la-fi-walmart23nov23.story
- Kevin Harris, "When Wal-Mart Comes to Town." *American Planning Association*, News and Views, Economic Development Division, October 1996. Cited at: www.tradelocal.org/arts/wrongwal.htm
- Stanley Holmes and Wendy Zelner, "The Costco Way Higher wages mean higher profits. But try telling Wall Street," *Business Week*, April 12, 2004.
- Phillip Matera and Ann Purinton, "Shopping for Subsidies: How Wal-Mart uses Taxpayer Subsidies to Finance its Never-Ending Growth." Good Jobs First, 2004. www.goodjobsfirst.org/pdf/wmtstudy.pdf
- Andy Miller, "Wal-Mart Stand Out On Rolls of PeachCare," *The Atlanta Journal Constitution*, February 27, 2004. www.ajc.com/business/content/business/0204/27walmart.html
- Congressman George Miller, "Everyday Low Wages: The Hidden Price We All Pay for Wal-Mart." Report by the Democratic Staff of the Committee on Education and the Workforce, U.S. House of Representatives, 2004. <http://edworkforce.house.gov/democrats/WALMARTREPORT.pdf>
- Now with Bill Moyers*, Transcript, December 19, 2003. www.pbs.org/now/transcript/transcript247_full.html
- George Raine, "Prayers for end to strike-Demonstrators ask Safeway's CEO to resume talks." *San Francisco Chronicle*, January 29, 2004.
- Retail Forward, "Wal-Mart Food: Big and Getting Bigger." September 2003.
- Kenneth E. Stone, "Impact of the Wal-Mart Phenomenon on Rural Counties." Increasing Understanding of Public Problems and Policies-1997, Conference Proceedings. www.farmfoundation.org/pubs/increas/97/stone.pdf
- Kenneth E. Stone, "Impact of Wal-Mart Stores on Iowa Communities: 1983-93." *Economic Development Review*, Spring 1995.
- Carol Zabin, Arindrajit Dube and Ken Jacobs, "The Hidden Public Costs of Low-Wage Jobs in California." UC Berkeley Center for Labor Research and Education, 2004. <http://laborcenter.berkeley.edu/livingwage/workingpoor.pdf>

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<http://laborcenter.berkeley.edu>



Joan V Ray/Notes
06/09/2005 11:20 AM

To "Teresa Mulkey-Predmore" <tmpredmore@neb.rr.com>
cc
bcc
Subject Re: Super Wal-Mart 📧

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

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

"Teresa Mulkey-Predmore" <tmpredmore@neb.rr.com>



"Teresa Mulkey-Predmore"
<tmpredmore@neb.rr.com>
06/09/2005 11:18 AM

To <Council@lincoln.ne.gov>
cc
Subject Super Wal-Mart

June 9, 2005

Teresa Mulkey Predmore
7933 Yellow Knife Dr.
Lincoln, NE 68505

Dear Council Members:

We live near 80th and Holdrege St. We are very much in favor of a new Super Wal-mart being built in this area. There are ample main arterial streets in this area to support a large store; Adams, Havelock Ave., Cornhusker Hwy & 84th Street. One church located near the proposed cite should not have carried the decision. We actually live in this area unlike many of the church members and our wishes needed to be given more weight. The church's concerns were without merit; just examine the two Wal-Marts already in Lincoln. Neither area is at all undesirable. Both areas are actually quite appealing. The south Wal-Mart is next to \$300,000+ homes!!

This area is finally growing, however, we have no shopping in the immediate area, with the exception of Kohl's. The Wal-Mart in north Lincoln is consistently extremely busy, and the south Wal-Mart is quite a distance from northeast Lincoln. The closing of 84th Street during construction creates quite a burden in traveling from northeast Lincoln to that particular store.

Our family would like to see the city of Lincoln again encourage growth; new jobs, shopping, the larger movie theater and new housing. We were greatly disappointed to see the recent numbers showing zero growth. This prompted our family to become involved in the recent council elections to hopefully retire council members that were not promoting growth. It is very disappointing to see so much growth in Waverly and Eagle. I believe that with an effective council, Lincoln would have been able to capture the

interest of these businesses and developers.

I sincerely hope that each of the council members that have voted against new opportunities for Lincoln will reconsider their prior voting stance and support the wishes of Lincoln voters. The last election gave a clear indication of what the Lincoln voters want for our city.

Thank-you for your time,
Teresa Mulkey Predmore

AD

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, JUNE 13, 2005**

I. MAYOR

1. NEWS RELEASE - RE: Public Invited To Learn About Harris Overpass Replacement Project -(See Release)
2. NEWS ADVISORY - RE: Mayor Coleen Seng and the Joint Antelope Valley Authority invite members of the media, including editors, to a guided bus tour highlighting the Antelope Valley Project's latest developments: (See Advisory)
3. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of June 11 through 17, 2005-Schedule subject to change -(See Advisory)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

PLANNING

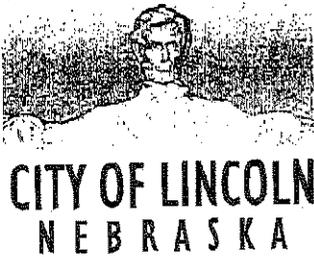
1. E-Mail from Ray Hill - RE: 05R-109 - Hartland's Garden Valley - small lots and waiving flood corridors (Response to questions from Council member Robin Eschliman)(See E-Mail)

URBAN DEVELOPMENT

1. Memo & Material from Marc Wullschleger - RE: Annual Action Plan and 2005-2009 Strategic Plan Submitted for City Council Review -(Council copies placed in their file folders on 6/13/05)(Copy of Material on file in the City Council Office)

C. MISCELLANEOUS

1. E-Mail from John Espenschade - RE: Please do no change Southeast Subarea Plan -(See E-Mail)
2. E-Mail from Dwain & Carol Leonhardt - RE: Lowe's - Apple Way Property Zoning -(See E-Mail)
3. Letter & Article - RE: Wal-Mart -(See Material)



**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: June 9, 2005

FOR MORE INFORMATION: Kris Humphrey, Project Manager, 441-7592

Andrea Bopp, The Schemmer Associates, 488-2500

Linda Beacham, The Schemmer Associates, 488-2500

PUBLIC INVITED TO LEARN ABOUT
HARRIS OVERPASS REPLACEMENT PROJECT

Citizens are invited to learn about plans to replace the 50-year-old Harris Overpass at an open house from 5:30 to 7:30 p.m. Tuesday, June 14 at Lincoln Station, 201 North 7th Street. The overpass is the viaduct that carries "O" Street traffic over the rail yards from 3rd to 9th streets in downtown Lincoln.

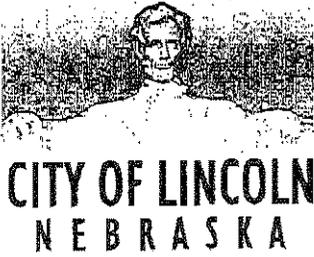
At the open house, information will be provided on construction issues, including temporary access and possible detours; the bridge's future width and length; aesthetics and architectural details; and the 9th and "O" intersection.

Staff from the City of Lincoln, The Schemmer Associates and Sinclair Hille Architects will be available to answer questions. Free parking vouchers will be given to participants who park at the Haymarket Parking Garage, 9th and "Q" streets.

The viaduct was named to honor John F. Harris, who donated the land for Pioneers Park. It was completed in 1955, and the steel girders and concrete have deteriorated. The replacement bridge qualifies for federal bridge replacement funds. The replacement project, now in the early design phase, is scheduled to begin in early 2007 and could take up to two years.

The final cost of the project has not yet been determined. Funding for replacement of the basic structure will come from non-City sources, including the Federal Highway Bridge Rehabilitation and Replacement Program, which is administered locally by the Nebraska Department of Roads and the Railroad Transportation Safety District.

For more information on the open house, contact Andrea Bopp at The Schemmer Associates, 488-2500. Additional information is available on the City Web site at lincoln.ne.gov or at www.harrisoverpass.com.



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: June 10, 2005

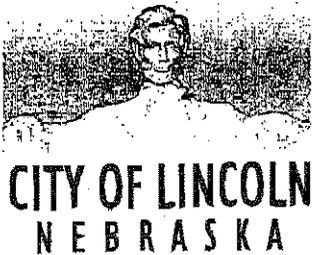
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng and the Joint Antelope Valley Authority invite members of the media, including editors, to a guided bus tour highlighting the Antelope Valley Project's latest developments. The tour will begin with a presentation at **10 a.m., Tuesday, June 14 in room 113 at the County City Building, 555 South 10th Street.** The tour is expected to end by noon.

The Antelope Valley Project partners - the City of Lincoln, the University of Nebraska-Lincoln and the Lower Platte South Natural Resources District - are anxious for the public to see how far the construction has progressed. The media tour is part of a series of bus tours planned over the next month for all segments of the community. Tours for the general public will be offered on July 9.

The tour is designed to help show the public how flood control improvements, traffic improvements and neighborhood revitalization will come together to open 50 acres of land for development.

To make sure we have enough space on the bus, please contact Diane Gonzolas to make a reservation at 441-7831 or dgonzolas@lincoln.ne.gov. For more information on the Antelope Valley Project, see the City Web site at lincoln.ne.gov.



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: June 10, 2005

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

Mayor Seng's Public Schedule Week of June 11 through 17, 2005 *Schedule subject to change*

Tuesday, June 14

- Antelope Valley bus tour for media - 10 a.m., starting in room 113, County-City Building, 555 South 10th Street.
- Leadership Link annual awards banquet, remarks - 11:30 a.m., Governor's Residence, 1425 "H" Street
- Mayor's Multicultural Advisory Committee meeting - 4:30 p.m., Mayor's Conference Room, 555 South 10th Street
- Harris Overpass open house - 5:30 p.m., Lincoln Station, 201 North 7th Street

Wednesday, June 15

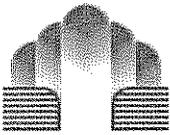
- Aging Services Senior Companion Recognition, remarks - 11:30 a.m., Cornhusker Hotel, 333 South 13th Street
- U.S. Army Week proclamation - 1:30 p.m., Mayor's Office, 555 South 10th Street
- Recycling Awards, remarks - 2 p.m., Mayor's Conference Room, 555 South 10th Street

Thursday, June 16

- Lincoln Interfaith Council farewell reception for Rev. Lauren Ekdahl, Rev. Jay Vetter and Rabbi Stanley Rosenbaum - 5:30 p.m., Lincoln Woman's Club, 407 South 14th Street
- North 27th Street Business and Civic Association meeting - 7:15 p.m., CenterPointe, 26th and "P" streets

Friday, June 17

- "One Vision, One Voice -- Mayor's Summit on Children and Youth," remarks - 9 a.m., Cornhusker Hotel, 333 South 13th Street
- Mayor's Award of Literacy Achievement, remarks - 7 p.m., Christ United Methodist Church, 45th and "A" streets



Jean L Walker/Notes
06/10/2005 01:23 PM

To
cc
bcc
Subject Fw: Councilmember Robin Eschliman- small lots and waiving flood corridors

#11
052-109

The following is Marvin Krout's response regarding waiver of lot sizes:

Reducing the minimum lot size in R3, by using the CUP technique allowing smaller lots in exchange for common open space, is really quite common -- and it has been used in "upscale" as well as more affordable housing developments. Recent developments include:

- HiMark Estates @ 90th and Old Cheney Road
- Hartland Homes East @ 82nd and Old Cheney Road
- Vavrina Meadows @ S. 14th and Yankee Hill Road
- Fallbrook @ 1st and Hiway 34
- Hartland Homes developments near NW 56th and W. Adams

I would be concerned with not giving developers this flexibility just because of larger lots in the vicinity, and I think local developers would be concerned as well. Narrower, clustered lots reduce the length of roads, water, sewer, sidewalks, etc. and that helps keep down lot costs. Dwayne Hartman did tell us that he could have had some larger lots -- or more lots -- if he was not subject to the new stormwater requirements. But I don't think it would have made a huge difference in the amount of developable land, just a handful of lots.

The following is Nicole Fleck-Tooze's response to the question on the ability to waive the Minimum Flood Corridor standards:

This has nothing to do with SE Upper Salt Creek.

At issue is the Minimum Flood Corridor standards. While we did revise and add to this standard when we adopted new standards in May of 2004, our previous standard adopted in 2000 already applied to drainageways outside the mapped floodplain draining at least 150 acres, so I think this site would have been required to preserve a corridor based upon the standards that we've had in place for some time, at least for the majority of this stream reach. In any case, the standard was in place well before Hartman purchased the land in August of 2004.

I think I understand from Devin that the outlot dedicated is actually wider (or longer?) - potentially larger, anyway - than what is required for the Min Flood Corridor on this site. You could get more specifics from Devin, who is out Fri but will be back in on Mon. In any case, yes - the requirements for the Min Flood Corridor could technically be waived. However, I see no unique site conditions creating a hardship that would warrant it (plus as you know it hasn't been requested or advertised). In theory, we could consider the possibility of the rear setback of lots within the corridor, but I think that is a real mistake, because the information regarding the easement never gets to homeowners, who understandably wish to fence and otherwise make use of their lot space, and it is an enforcement nightmare. I concur with the comments in the staff report that the reduction of average lot width and lot area are typical for a community unit plan, and the cluster development approach is something that we have encouraged to conserve water resources and still get the

same number of units.

I don't think this is still an issue, but in case it comes up - the standards for minimum corridors allow for stream crossings for streets, etc - so the min corridor was never preventing them from making street connections, as was represented early on.

I am out until 6/27 and Roger Figard will be covering the 6/13 Council meeting, however I believe that Devin is planning to be there to respond to WSM questions on this item.

~~~~~  
Ray F. Hill  
Development Review Manager  
Lincoln/Lancaster County Planning Dept.  
(402) 441-6371



Joan V Ray/Notes  
06/13/05 08:50 AM

To CouncilPacket/Notes@Notes  
cc  
bcc  
Subject Fw: Please do no change SE Subarea Plan

----- Forwarded by Joan V Ray/Notes on 06/13/2005 08:52 AM -----



ShadeJP@aol.com  
06/12/2005 03:15 PM

To council@ci.lincoln.ne.us  
cc  
Subject Please do no change SE Subarea Plan

Please do not invalidate the extensive subarea study of southeast Lincoln. This study and an agreement with the city not too long ago to prohibit big box and other major commercial developments along HW 2 between 60th and 84th streets were made to protect against excessive traffic and a major degradation of the visual entrance into southeast Lincoln. Of course there are many other reasons spelled out in the Subarea study to not zone for major commercial developments.

Also, consider the long term consequences of promises/agreements broken/ignored by the city just a few years later with a different council/mayor. Who would agree to future compromises knowing that the city's part will not hold up a little later.

Just because a developer adds housing to his proposal should not be reason for zoning changes. The zoning should not be changed. Lincoln is not antibusiness just because we will not allow a big box to be established anywhere a business desires. Thank you by-the-way for recognizing that 84th and Adams was not a suitable location for Walmart. The 84th and HW 2 area is not that far away for Lowes or any other big box (high traffic generator) to plan an operating location. Why must every area between 60th and 84 be rezoned when 84th and HW 2 is already zoned to be a massive regional commercial/retail area?

Thank you in advance for a thoughtful vote on this matter. Please not another north 27th St. nor a Cornhusker HW!!!!

John Espenschade  
8320 Water Tower Court  
Lincoln

Joan V Ray/Notes  
06/13/05 08:52 AM

To CouncilPacket/Notes@Notes  
cc  
bcc  
Subject Fw: Lowe's-Apple Way Property Zoning

----- Forwarded by Joan V Ray/Notes on 06/13/2005 08:55 AM -----



Carol Leonhardt  
<caleonha@alltel.net>

06/12/2005 06:27 PM

Please respond to  
6530.S.66th.St@netinfo.ci.linc  
oln.ne.us; Please respond to  
Lincoln.NE.68516@netinfo.ci.li  
ncoln.ne.us

To <council@ci.lincoln.ne.us>  
cc  
Subject Lowe's-Apple Way Property Zoning

We are against the change in zoning and in particular the thought of putting a "big box" commercial development in the area. It is too bad that there is not a city ordinance limiting the number of home improvement stores in an area like there is to limit the number of theaters within 100 miles of downtown!!!

Dwain and Carol Leonhardt

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6/9/05

Mr Svoboda & the rest of the Council -  
When the editor of the Journal Star  
understands the issues and the impacts  
better than the City Council, we are  
in serious trouble.

Someday Lincoln will have to wake  
up and join the world, but I don't  
believe I will be around to see it.

Ed Lewis

# LINCOLN JOURNAL STAR

*Journal Star*  
Editorial Board

Bill Johnston  
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EDITOR  
Steve Thomas  
MANAGING EDITOR

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JUN 13 2005  
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OFFICE

## Put decision on Wal-Mart in perspective

The City Council's decision to deny Wal-Mart a third store in Lincoln, at 84th and Adams streets, is no cause for celebration.

In fact, Lincoln residents should feel uneasy as they contemplate future possibilities.

If rumor proves true that Wal-Mart may switch to a location in Waverly, the city could end up with more negative consequences than positive.

That development would continue a disquieting trend in which development — residential, industrial and now retail — moves outside city limits to take advantage of a more growth-friendly environment.

City officials put on brave faces when the Tractor Supply Co. decided to build a warehouse near Waverly. They put on brave faces as new housing developments open in Waverly, Hickman and other spots outside of Lincoln.

That doesn't mean everything is hunk-dory. Every time development takes place outside Lincoln city limits, the burden on Lincoln's streets increases.

But as the traffic counts tick upward, the city misses out on revenue it needs to upgrade its streets. People living outside city limits don't pay property taxes in Lincoln, even though they use arterial streets to shop and go to work. If Wal-Mart builds in Waverly, Lincoln will miss out on a major source of sales tax revenue.

Admittedly, Wal-Mart has a deserved reputation as a ruthless competitor. The giant retailer has been demonized by everyone from small-town, mom-and-pop operators to distinguished academicians.

Customers nonetheless continue crowding though its big-box doors. They like what they find there. Wal-Mart stands atop the retailing world because it is extraordinarily good at what it does.

Ultimately, as history shows, new competitors will find ways to beat Wal-Mart at its own game. In the Hometown section of last Sunday's *Journal Star*, columnist Joanie Cradick told how a local retailer turned to the Internet and flexible dealmaking to match the big-box price on pet food.

Meanwhile, although the Wal-Mart sign apparently will never adorn a corner at 84th and Adams, other commercial and retail development in the area will continue. To no one's surprise, consumers in north Lincoln quite likely would use 84th Street to get to a new Wal-Mart in Waverly, if one should be built there.

Although the council members who voted against Wal-Mart cited concerns about increased traffic as the reason for turning down the proposal, the reality is that traffic and congestion will continue to climb despite that decision.

It's imperative that city policy and city decision-making face the reality that the city must protect and grow its tax base. Denial of the Wal-Mart proposal does nothing to help the community achieve that goal.