

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, AUGUST 8, 2005**

I. MAYOR

- *1. NEWS RELEASE - RE: Mayor Reminds Citizens Of Upcoming Hearings - (See Release)
- *2. NEWS RELEASE - RE: Number Of Traffic Crashes In City Dropped Last Year -(See Release)
- *3. Washington Report - July 29, 2005.

II. DIRECTORS

PLANNING

- *1. Letter from Brian Will to Terry Rothanzl, EDC - RE: Pine Lake Plaza 1st Addition - Final Plat #05041-generally located at Pine Lake Road and Highway 2 -(See Letter)

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit #277-I (Pine Lake CUP - sign in front yard setback - 6601 S. 84th Street) Resolution No. PC-00941.
- *2. Special Permit #05035 (Expand nonconforming use - Arnold's Tavern, 6113 Havelock Avenue) Resolution No. PC-00942.
- *3. Pre-Existing Special Permit #28A (Union College Campus - S. 52nd & Stockwell Streets) Resolution No. PC-00943.

PUBLIC WORKS & UTILITIES

- *1. Response E-Mail from Harry Kroos to Jonathan Cook - RE: Sidewalk repair-Antelope Park Neighborhood - (See E-Mail)

- *2. Memo & Material from Kenneth D. Smith - RE: Parking Budget -Rate Adjustments -(See Material)
- *3. Response E-Mail from Scott Opfer to John Higgins - RE: Safety Problem-(See E-Mail)
- *4. Public Works & Utilities ADVISORY - RE: Upcoming Storm Sewer Project-Lexington To Colby-between 63rd & 64th Streets-Project #531007-Construction To Start Wednesday, August 10, 2005 - (See Advisory)

III. CITY CLERK

- *1. Veto Message from Mayor Coleen Seng brought into Council Office by City Clerk Joan Ross - RE: Veto Message-Bill #05R-161-Granting the Appeal from Impact Fees at 2464 Woodcrest Avenue - (See Veto Message)

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

- *1. E-Mail from Ruth Jones to Jon Camp - RE: Parking Rate Increase -(See E-Mail)
- *2. E-Mail from Jon Camp to Karl Fredrickson, Public Works & Utilities Director - RE: Parking Meters-let's be "colorful" not sterile -(See E-Mail)

JONATHAN COOK

- 1. Request to Lynn Johnson, Parks & Recreation Director/Bruce Dart, Health Director - RE: Clean up after your dog signs - (RFI#125 - 7/28/05). — **1.) SEE RESPONSE FROM JIM WEVERKA, ANIMAL CONTROL CHIEF RECEIVED ON RFI#125 - 7/29/05.**

COUNCIL - RFI'S

1. Request to Public Works & Utilities Department - RE: Salt Creek Floodplain segment of South Beltway - (RFI#1 - 6/28/05). — **[NOTE: 1.) Received response from Nicole Fleck-Tooze, Public Works & Utilities Department on Council RFI#1-7/18/05-listed & response attached on the Directors' Addendum for July 18th.]**

ROBIN ESCHLIMAN

1. Request to Mark Bowen, Mayor's Office - RE: Weekly updates to the City Council on the status of ITI - (RFI#1 - 7/07/05). — **1.) SEE RESPONSE FROM MARK BOWEN, MAYOR'S OFFICE RECEIVED ON RFI#1 - 8/04/05.**
- *2. E-Mail from Scott LeFevre, CEO, Developmental Services of Nebraska, Inc. to Robin Eschliman - RE: Joint Statement Of The Department Of Justice And The Department Of Housing And Urban Development-Group Homes, Local Land Use, and The Fair Housing Act - (See Material)

ANNETTE McROY

1. Request to Karl Fredrickson, Public Works & Utilities Director/Lynn Johnson, Parks & Recreation Director - RE: A Divided City - (RFI#166 - 7/21/05)
2. Request to Public Works & Utilities-Water - RE: Concerned the water pressure provided to the Highlands neighborhood is less than adequate - (RFI#167 - 7/29/05)
3. Request to Public Works & Utilities-Sidewalks - RE: Construction of a sidewalk on City property along NW 1st Street-south of Fire Station 14 - (RFI#168 - 7/29/05)

PATTE NEWMAN

1. Request to Karl Fredrickson, Public Works & Utilities Director/~~Police Chief Tom Casady~~ - RE: Please provide the crash data for the intersection of 44th & Cleveland - (RFI#36 - 7/25/05) — **1.) SEE RESPONSE FROM POLICE CHIEF TOM CASADY RECEIVED ON RFI#36 - 7/25/05.**
- *2. Response E-Mail from Joel Pedersen, Assistant City Attorney to Patte Newman - RE: Graffiti removal ordinances -(See E-Mail)

V. MISCELLANEOUS

- *1. E-Mail from Keith & Ruth Pearson - RE: Lincoln Municipal Band -(See E-Mail)
- *2. E-Mail from Nancy Sepahpur - RE: 05R-165 - Misc. 05012 - Application of Developmental Services of Nebraska, Inc., to allow a group home on property generally located at 4000 Lindsey Circle -(See E-Mail)
- *3. Letter from Brian R. Watkins, Association President, University Place Business Association - RE: North East Police Sub-Station -(See Letter)
- *4. Letter from Mr. & Mrs. C.M. Dale - RE: The Municipal Band concerts at Antelope Park -(See Letter)
- *5. Letter from Steve Pella, Vice President Nebraska Operations, Aquila - RE: Rate increase - (See Letter)
- *6. E-Mail with attached letter from Jerry Hoffman, Citizens for Quality Parks & Trails - RE: City Budget- Resolution on Adequate Funding for Quality Parks and Trails-Draft July 20, 2005 - (See E-Mail's)
- *7. E-Mail from Bob Hampton - RE: Thank-you for passing the sewer and water rate increases -(See E-Mail)
- *8. E-Mail from Stan Oswald - RE: Farmer's Market -(See E-Mail)
- *9. E-Mail from Susan Thatcher - RE: Mickle Community Learning Center after school program 2005-2006 -(See E-Mail)

- *10. E-Mail from MarySue & Bill Harris - RE: Lincoln Municipal Band -(See E-Mail)
- *11. Information from Terry L. Bundy, LES - RE: Press Release issued by Fitch Ratings yesterday, 8/03/05-Rating Commentary from Fitch Ratings -(See Press Release)

VI. ADJOURNMENT

***HELD OVER UNTIL AUGUST 15, 2005.**



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: August 2, 2005

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

MAYOR REMINDS CITIZENS OF UPCOMING HEARINGS

Mayor Coleen Seng today reminded citizens that August is their opportunity to learn about and comment on the City budget and the City's Capital Improvement Program (CIP). The City Council will hold a public hearing Monday, August 8 on the proposed City budget for 2005-2006 and the CIP, which includes the one-year and six-year streets and highways improvement program. The meeting begins at 4:30 p.m. in the City Council Chambers, first floor of the County-City Building, 555 South 10th Street.

"We encourage citizens to examine the budget and the CIP and make their voice heard," said Mayor Seng. "The opinions of residents will be considered on these important issues."

All meetings of the City Council are carried live on 5 CITY-TV, the government access cable television channel. Information on the budget and CIP can be found on the City Web site at lincoln.ne.gov. Free public parking is available in the lot north of the County-City Building on "K" Street.

A special publication on the Mayor's proposed fiscal year 2003-2004 City budget was distributed City-wide in the *Neighborhood Extra* newspaper Saturday, July 30. The publication includes tentative changes approved by the City Council on July 18. The publication is available on the City's Web site and at the County-City Building. Those with comments or questions on the budget can call a budget feedback line at 441-0731. The City Council will vote on changes to the budget at 10 a.m. Wednesday, August 10 and will adopt a final City budget at 1:30 p.m. Monday, August 22.

Those unable to attend the CIP public hearing may submit written comments by Thursday, August 18 to Roger Figard, City Engineer, 531 Westgate Boulevard, Lincoln, NE 68528.



PUBLIC WORKS AND UTILITIES DEPARTMENT

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

FOR IMMEDIATE RELEASE: August 2, 2005

FOR MORE INFORMATION: Scott Opfer, Engineering Services, 441-7851

NUMBER OF TRAFFIC CRASHES IN CITY DROPPED LAST YEAR

The number of traffic crashes dropped by 356 to 9,044 in the City of Lincoln in 2004, according to statistics compiled by the City Public Works and Utilities Department. Six people died as a result of traffic crashes in Lincoln last year. Three of those crashes involved motorcycles, and one involved a pedestrian. The total monetary loss to the public as a result of all traffic crashes in Lincoln in 2004 is estimated at \$142 million.

“Weather and traffic congestion often play a role in the cause of a crash, but the leading factor remains driver error,” said City Traffic Manager Scott Opfer. “We continually improve traffic safety with new signs and traffic signals. But those efforts will never replace the responsible, considerate drivers who obey traffic laws, drive defensively and are mindful of others on the roadway.”

The dollar loss was calculated using the 2003 edition of the National Safety Council’s accident facts booklet. It includes wage and productivity losses, medical expenses, administrative expenses, vehicle and property damage and employer costs.

The following table shows the City traffic crash statistics over the past five years:

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Fatal	11	12	11	19	6
Injury	2,148	2,134	2,137	1,983	1,960
Property damage	5,242	5,420	5,048	5,728	4,496
Non-reportable (damage under \$975)	,850	1,717	1,664	1,670	2,582
TOTAL	9,251	9,283	8,860	9,400	9,044

Below are the numbers of traffic crashes involving bikes and pedestrians.

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Car/bike	148	139	147	143	120
Car/pedestrian	96	105	111	91	100

-more-

Crash Statistics
August 2, 2005
Page Two

The following is a listing (in order) of the signalized intersections with the highest rate of crashes and the highest rate of severe crashes during the year 2004:

1. 70th Street and Pioneers Boulevard (Traffic volume expected to decrease when 84th Street project is finished.)
2. 33rd and "O" streets (Intersection has since been improved.)
3. 70th and Van Dorn streets (Left-turn signals added in March 2004. Traffic volume expected to decrease when 84th Street project is finished.)
4. 48th and Randolph streets
5. L55x (56th Street) and Cornhusker Highway (Federal safety fund project in design stage.)
6. 56th and Holdrege streets
7. 48th and "O" streets (Improvements in design stage.)
8. 27th and "A" streets (Left-turn signals have been added.)
9. 27th and Vine streets (Intersection recently upgraded as part of Vine Street project.)
10. 27th Street and Nebraska Highway 2 (Federal safety fund project completed last year.)

The listing of the top ten crash locations varies from year to year. A review of the top ten crash locations over the past ten years shows five locations that have been in the top ten at least eight of the 10 years:

1. 48th and "O" streets (Improvements in design stage.)
2. 27th and "O" streets (Federal safety fund project completed last year.)
3. 27th Street and Nebraska Highway 2 (Federal Safety fund project completed last year.)



WASHINGTON REPORT

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Washington Report

Archived at:
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Carolyn C. Chaney
Washington Assistant
chaney@capitaledege.com

Christopher F. Giglio
giglio@capitaledege.com

Elizabeth Montgomery
montgomery@capitaledege.com

1212 New York Ave., NW
Suite 250
Washington, DC 20005

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

T-21, ENERGY BILLS COMPLETED; CONGRESS ADJOURNS

TRANSPORTATION

Agreement reached on surface transportation bill. Today, the House overwhelmingly approved HR 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs at the Department of Transportation (DOT) from FY 2005 through FY 2009. Approval came swiftly after House and Senate negotiators finally reached an agreement earlier this week on the \$286.4 billion measure. The Senate is also expected to take up the bill later today or tomorrow.

Of the total bill, about \$228 billion will be dedicated to highway programs, \$52 billion to transit programs, and about \$6 billion for highway safety programs. The bill also contains almost 6,000 high priority demonstration projects requested by individual Members of Congress for their districts. Although the bill is \$2.5 billion more than the maximum funding level President Bush said he could support, the White House did signal its approval of the conference report through a spokesman.

Approval of the legislation marks the end of a long road for the reauthorization of the 1998 Transportation Equity Act for the 21st Century (TEA-21) which first expired in September 2003. A series of extensions kept transportation programs going while Congress and the White House debated the overall cost of the bill. House Transportation and Infrastructure Committee Chairman Don Young (R-AK) first introduced a six year, \$375 billion measure in 2003, crafting that figure based on a DOT study that indicated that level would be necessary merely to meet the current infrastructure needs of the nation. Under pressure from Republican leaders, Young eventually relented and approved a \$275 billion measure last year, while his colleagues in the Senate supported a \$318

billion measure.

However, the White House continued to stand firm in its belief that a \$246 billion level was sufficient to meet transportation needs, and Congress struggled to craft a bill that would stay within those confines while still pleasing influential Members from “donor states,” those that contribute more in federal gas taxes than they receive back from the Highway Trust Fund. In the end, Congress compromised a lot, and the White House compromised a little, and donor states will receive at least a 92 percent return on their gas tax contributions in both 2008 and 2009 (and there are reports that some donor states – such as Texas – may reach that 92 percent threshold earlier).

Since the debate over the issue of funding levels took so long, other potentially controversial policy matters were largely ignored by the conference. Senate language to allow states to use up to 2 percent of their highway funds for stormwater projects was scuttled by the conference, and subjects such as increased planning authority for local governments were left out altogether. The conference report does include language within a new Intelligent Transportation Systems (ITS) program that would allow exemptions from local rights-of-way regulations for private ITS providers participating in the program.

**DUE TO THE
CONGRESSIONAL RECESS,
THE NEXT
WASHINGTON REPORT WILL
BE SENT ON SEPTEMBER 9**

A last minute change was to the name of the conference report. To incorporate the naming desired of both chambers and the White House, the official title is now the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This new title gives the Senate and White House the emphasis on safety that they wanted and still preserves the reference to Lula, wife of House Transportation Committee Chairman Young.

Before leaving town for the month-long August recess, Congress is expected to send President Bush a request for a short, 12th extension of highway, transit, and highway safety programs that will allow Congress time to enroll the bill and send it to the President for his signature, probably some time next week.

The conference report on the transportation bill was released to Members late Thursday evening, and as a result, not all the details of the enormous bill are readily available. Additional information on various provisions will be forthcoming.

ENERGY

Local governments score victory on MTBE. By a vote of 275-156, the House passed the Conference Report for comprehensive energy legislation (HR 6). The Senate is expected to follow suit today or tomorrow, clearing the bill for President's signature and meeting one of his major domestic policy goals. The wide ranging bill includes \$14.6 billion in energy tax breaks and provisions, language addressing energy efficiency, offshore oil and gas drilling provisions, an extension of daylight savings time by one month and electricity provisions, including a repeal of the Public Utility Holding Company Act (PUHCA).

In a victory for local governments, the bill does not include language shielding the manufacturers of the gasoline additive MTBE from liability. Such "safe harbor" language has stymied passage of comprehensive energy legislation for years. House leaders, particularly Majority Leader Tom DeLay (R-TX) and Energy and Commerce Committee Chairman Joe Barton (R-TX), had insisted on its inclusion but ultimately proved unable to

overcome intense Senate opposition to the provision.

MTBE is added to gasoline to make it burn more cleanly. It has contaminated drinking water supplies throughout the country, with cleanup costs estimated as high as \$75 billion nationwide. A last minute compromise that would have created a trust fund for the MTBE cleanup fell through when the oil companies balked at the cost. In the end, they were able only to obtain a face saving measure that allows MTBE-related lawsuits to be transferred to federal courts.

Included in the tax language is \$2.7 billion in tax credits to extend the tax credit for production of electricity using renewable resources through December, 2007. The measure also includes tax credits for the purchase of energy-efficient residential properties and a tax credit for the construction of energy-efficient new homes.

On electricity, the bill would repeal PUHCA but would replace it with increased Federal Energy Regulatory Commission (FERC) oversight of utility mergers. PUHCA was enacted during the depression in response to the discovery of financial and consumer abuses by utility holding companies. PUHCA places restrictions on utility holding company operations and limits their geographic reach. Proponents of repeal argued that it is outdated and stymies innovation in the electricity market. Opponents of repeal countered that it must be accompanied by increased oversight of utility holding company mergers and financial records and stronger consumer protections.

The bill also includes language that would strengthen federal authority to enforce transmission reliability standards through Electricity Reliability Organizations (ERO). Each ERO would have to comply with FERC transmission reliability standards and FERC would have the power to levy fines for noncompliance. In a blow to environmental organizations, the Conference Report does not include language from the Senate version of the bill that would have mandated that 10

percent of all electricity come from renewable sources by 2015.

ENVIRONMENT

Conference committee slashes LWCF stateside grants in final spending bill.

This week Congress approved the House-Senate conference report to the FY 2006 Interior-Environment appropriations bill, which includes spending for the Interior Department, the Environmental Protection Agency, and the National Endowments for the Arts and Humanities. The conference committee approved \$9.88 billion and \$7.7 billion for the Interior Department and Environmental Protection Agency respectively, but needed to impose an across-the-board cut of 0.48% in order to remain under strict budget caps.

Rebuking the recommendation of the Bush Administration and the House to eliminate the Land and Water Conservation Fund (LWCF) stateside grant program, the conference report restores funding to \$30 million, although that represents a 67 percent reduction from last year's level of \$90 million.

Under the reorganized Appropriations subcommittee structure, programs at EPA and the Interior Department are forced to compete with each other. To offset other increases and to stay within the tight budget allocations, the conference committee cut the Clean Water State Revolving Loan Fund by eighteen percent from last year to \$900 million.

Other items of interest (difference from FY 2005 in parentheses):

- \$850 million for the Drinking Water State Revolving Loan Fund (+\$7 million, +0.8%)
- \$1.26 billion for Superfund (+\$13.1 million, +1%)
- \$165 million for Brownfields (+\$2 million, +1%)
- \$73 million for the Leaking Underground Storage Fund (+\$3 million, +4%)

- \$126 million for the National Endowment for the Arts (+\$3 million, +2%)
- \$128 million for the National Endowment for the Humanities (+\$4 million, +3%)

This bill will be the first FY 2006 appropriations bill to reach the President.

GUN CONTROL

Senate pushes for floor vote on gun liability bill. Senate Majority Leader Bill Frist (R-TN) used a series of procedural tactics this week to prevent gun control advocates in the Senate from offering amendments to legislation (S 397) that would prohibit victims of gun violence from filing lawsuits against gun manufacturers.

The pending legislation would prohibit civil lawsuits in both state and federal courts against gun manufacturers, distributors, dealers, and importers of firearms and ammunition. In addition, all pending legal actions against those groups would be dismissed. Similar legislation was scuttled on the floor last year by its own supporters when amendments to extend the ban on assault weapons and require criminal background checks for handgun purchases at gun shows were added during the floor debate.

Frist sought to prevent such amendments this year by using parliamentary tactics to limit debate and block "non-germane" amendments. The Senate did approve an amendment to the measure that would require child safety locks on handguns, but Senator Dianne Feinstein (D-CA), a chief sponsor of the assault weapons ban, was not allowed to offer an amendment to classify .50 caliber military rifles in the same category as machine guns. The result would be increased registration requirements and penalties for crimes with those guns. It is uncertain whether the Feinstein amendment will be considered germane.

However, a vote is expected today or tomorrow on an amendment by Senator Jack Reed (D-RI) that would prohibit states and local governments from suing gun manufacturers, but would allow individuals to do so.

If the legislation is approved by the Senate, it is expected to be approved easily in the House and signed into law by the President.

PUBLIC SAFETY

House panel approves Justice Department reauthorization. Legislation authorizing a merger of Byrne grants and Local Law Enforcement Block grants that drastically reduces funds available for local governments was approved by the Senate Judiciary Committee this week. This week, the House Judiciary Committee approved legislation (HR 3402) that would reauthorize spending for the Department of Justice through fiscal year 2009.

The measure would combine the Byrne grant programs and local law enforcement block grants (LLEBG), which has already combined in recent appropriations bills at significantly reduced funding levels. House appropriators have funded the combined LLEBG/Byrne Discretionary grants at \$110 million and Byrne formula grants at \$348 million while Senate appropriators have funded the programs at \$177 million and \$625 million, respectively. Of this funding, 60 percent would be awarded in direct grants to state governments with the remaining 40 percent to be awarded to local governments based on population and Part 1 violent crime (in FY 2003, Byrne Discretionary Grants were funded at \$150 million, Byrne Formula grants were funded at \$497 million and the Local Law Enforcement Grant program received \$397 million).

The legislation would also continue the requirement that cities and counties co-ordinate their grant in cases where the city's allocation is greater than 150 percent of the county's allocation and the county bears more than 50 percent of the incarceration and prosecution costs.

Eligible uses for these grants include: law enforcement; prosecution and court; prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation, and technology improvement, and crime victim and witness programs.

The committee also approved an amendment to the bill by Rep. Adam Schiff (D-CA) that would reward states with a 10 percent bonus in federal law enforcement funds if they approve laws requiring lifetime electronic monitoring of sexual offenders where the victim was under 12 years old or if the victim was a minor and the offender had a previous sexual offense conviction.

The bill would also reauthorize measures from a 1994 law created to combat violence against women. Only certain provisions of the 1994 law, PL 103-322, fall under the committee's jurisdiction, and House Democrats have introduced HR 2876 with broader language to encompass more features of the law. Senator Joseph Biden (D-DE) has introduced companion legislation in the Senate.

HOUSING

Senate GSE bill does not contain affordable housing fund. The Senate Banking Committee approved legislation (S 190) this week that would strengthen federal regulation over government-sponsored enterprises (GSEs) such as mortgage lenders Fannie Mae and Freddie Mac.

However, unlike its House counterpart, the bill does not contain a proposal to require the GSEs to direct a portion of their annual profits for an affordable housing fund. The provision was added to the House version to gain Democratic support for the measure, and attempts to delete the language were turned back. Senator Jack Reed (R-RI) indicated that he would continue to work to get the provision included in the bill either before or during floor consideration. Senator Rick Santorum (R-PA) successfully offered an amendment in Committee that would increase the affordable housing goals of the GSEs, but it does not include a dedicated funding source for that purpose.

Under the plan in the House bill, Freddie Mac and Fannie Mae would each be required to direct five percent of their after-tax earnings each year to an Affordable Housing Fund that would be used for the production, preservation, and rehabilitation of rental and

permanent housing for the benefit of extremely low- and very low-income families. The funds would also be available for items such as downpayment assistance, closing cost assistance, and interest rate buy-downs and at least 10 percent of the fund would have to be used for homeownership. Bill sponsors estimate the fund could produce between \$400 million and \$1 billion per year.

The fate of this bill is now uncertain, as it will need some Democratic support to be approved in the Senate. In addition, the bill has not been approved on the House floor as of yet because it has been referred to other committees, a delaying tactic that probably indicates that House GOP leadership is not happy with the affordable housing provision.

TELECOMMUNICATIONS

Senate bill is first step in telecommunications overhaul process.

Senator John Ensign (R-NV), a member of the Senate Commerce Committee and Chairman of the Senate High Technology Task Force, introduced legislation this week that is designed primarily to ease the entrance of regional bell companies into the video services business. The bill marks one of the first formal entries into what is expected to be a long and contentious debate over the updating of the 1996 Telecommunications Act.

Ensign's bill would allow telephone companies such as Verizon and SBC to provide video services in communities without having to obtain a franchise agreement like their cable counterparts. However, it would continue to allow local governments to collect a fee of up to five percent of gross revenues from phone companies offering video services in their communities. And while the measure would designate the FCC to create rules and regulations under which the phone companies must operate, it will be up to each community to enforce those edicts. The legislation also maintains that it would not affect the ability of states or local governments to manage their rights-of-way in a "non-discriminatory and competitively neutral manner."

In addition, the bill would not include any "build-out" requirement for the phone companies, meaning that they would not

have to offer services to all potential customers in a region within a set period of time, another requirement under which cable providers operate. The bill would also release DSL providers (primarily phone companies) from having to share their networks with rival companies, a response to the recent "Brand X" Supreme Court decision that gave cable companies similar relief. Upon enactment of the bill, all cable franchises would also cease to exist.

Regarding the ability of municipal governments to offer broadband services, the bill would only allow a locality to provide such services if all private providers have passed up the opportunity. If that "right of first refusal" is met, then the locality must operate its services under the same terms as a private operator. Existing government-owned networks would be grandfathered, however.

Senate Commerce Committee Chairman Ted Stevens (R-AK) is expected to take the lead in drafting A telecom overhaul in that chamber, possibly this fall. Ensign reportedly had the Chairman's blessing to move on his bill, but not his co-sponsorship.

AMTRAK

Senate panel clears reauthorization, reform bill; White House not impressed.

The Senate Commerce Committee approved legislation (S 1516) yesterday that would reauthorize Amtrak for six years, increase its capital funding, reduce its operating subsidy and mandate management and other reforms, including possible privatization of some routes, at the passenger railroad.

The panel's action is a direct response to a White House threat to veto the FY 2006 Transportation Appropriations bill (HR 3058) if it includes Amtrak funding minus Amtrak reforms. The House-passed version of HR 3058 includes close to \$1.2 billion for Amtrak while the pending Senate version includes \$1.6 billion for the passenger railroad. The White House responded tepidly to the bill, dubbing it "thoughtful" but saying that it does not meet their call for shifting Amtrak funding to the states and privatizing most routes.

As approved by the Commerce Committee, S 1516 would authorize \$3.3 billion over six years in operating assistance, \$4.9 billion over six years in capital grants, \$1.4 billion for state grants for passenger rail improvements and \$1.7 billion to help Amtrak retire existing debt. It would also require the Treasury Department to help Amtrak restructure its debt.

On management reform, the bill would establish a competitive bid program that would allow the freight railroads to bid for long distance train operations.

The bill also requires Amtrak to develop a capital spending program to bring the Northeast Corridor (which it owns) to a state of good repair by 2011, requires the STB to issue quarterly on-time service reports for trains operating on routes owned by freight railroads, and to work with the freight railroads and Amtrak to improve on-time service performance. For the first time, STB will be able to take action to enforce Amtrak's priority access when it finds that a freight railroad has failed to address delays.

The bill now heads to the full Senate, where its fate is uncertain. In addition, the bill's sponsors all acknowledge that it will be difficult to obtain full appropriations of the amounts authorized in the bill given the current budget climate and the Administration's hostility to Amtrak specifically and passenger rail in general.

GRANT OPPORTUNITIES

Department of Health and Human Services: HHS has released a set of policy principles for the reauthorization of the Ryan White CARE Act. The current act expires in September and action is expected to begin when Congress returns. The Administration's outline for reauthorization shows an emphasis on the serving neediest first, focusing on life-saving and life-extending services, increasing prevention efforts, increasing accountability, and increasing flexibility. For more details regarding the Administration's principles and the Ryan White CARE Act please see:

<http://hhs.gov/news/press/2005pres/20050727.html>.



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

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

555 South 10th Street
Suite 213
Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

August 1, 2005

Terry Rothanzl
EDC
2200 Fletcher Avenue Ste 102
Lincoln, NE 68504

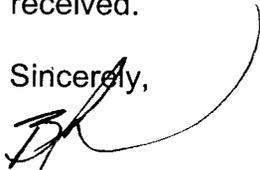
RE: Pine Lake Plaza 1st Addn - Final Plat #05041
Generally located at Pine Lake Road and Highway 2

Dear Terry,

Pine Lake Plaza 1st Addition, generally located at Pine Lake Road and Highway 2 was approved by the Planning Director on August 1, 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,


Brian Will
Planner

xc: Pine Lake Development, 3801 Union Hill Drive, Ste 102, Lincoln,
NE 68516
Joan Ray, City Council
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

LINCOLN
The Community of Opportunity

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 4, 2005

RE : **Special Permit No. 277-I**
(Pine Lake CUP - sign in front yard setback - 6601 S. 84th Street)
Resolution No. PC-00941

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 3, 2005:

Motion made by Larson, seconded by Taylor, to approve **Special Permit No. 277-I**, with conditions, requested by Pine Lake Golf and Tennis Club, to amend the Pine Lake Community Unit Plan by adjusting the front yard setback to allow a sign facing S. 84th Street for the Pine Lake Golf and Tennis Club, on property located at 6601 S. 84th Street.

Motion for conditional approval carried 9-0 (Larson, Carroll, Sunderman, Krieser, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes').

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Cathie Miller, 6701 S. 84th Street, 68516
Pine Lake Golf & Tennis Club, 6601 S. 84th Street, 68516
Pine Lake Association, 6241 Eastshore, 68516
Family Acres Assn., Stephen Nickel, 7941 Portsche Lane, 68516
Family Acres Assn., Dorothy Iwan, 7605 S. 75th Street, 68516
Bevan Alvey, Pine Lake Association, 8000 Dougan Drive, 68516

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RESOLUTION NO. PC- 00941

SPECIAL PERMIT NO. 277I

1 WHEREAS, Pine Lake Golf and Tennis Club, a Nebraska non-profit corporation,
2 has submitted an application designated as Special Permit No. 277I to amend the Pine Lake
3 Community Unit Plan by adjusting the front yard setback to allow a sign facing S. 84th Street for
4 the Pine lake Golf and Tennis Club on property located at 6601 S. 84th Street and legally
5 described as:

6 Outlot J, Pine Lake 5th Addition, Lincoln, Lancaster County,
7 Nebraska;

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

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

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

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

3 That the application of Pine Lake Association, hereinafter referred to as
4 "Permittee", to allow an adjustment of the front yard setback from 20' to 6' to allow a sign facing
5 S. 84th Street be and the same is hereby granted under the provisions of Section 27.63.320 and
6 Chapter 27.65 the Lincoln Municipal Code upon condition that construction of said sign be in
7 strict compliance with said application, the site plan, and the following additional express terms,
8 conditions, and requirements:

9 1. This approval permits an adjustment to the front yard setback from 20' to
10 6' to allow a sign for the Pine Lake Golf and Tennis Club.

11 2. Before receiving building permits:

12 a. The Permittee shall complete the following instructions and submit
13 the documents and plans to the Planning Department for review
14 and approval.

15 b. A revised site plan including 5 copies showing the property lines
16 and their dimensions for Outlot J, and the location of the sign on
17 the outlot including the setbacks from the sign to property lines.

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

19 3. Before the sign is erected all development and construction is to comply
20 with the approved plans.

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

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

3 6. 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, said 30-
5 day period may be extended up to six months by administrative amendment. The clerk shall file
6 a copy of the resolution approving the special permit and the letter of acceptance with the
7 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

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

11 The foregoing Resolution was approved by the Lincoln City-Lancaster County
12 Planning Commission on this 3rd day of August, 2005.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 4, 2005

RE : **Special Permit No. 05035**
(Expand nonconforming use - Arnold's Tavern, 6113 Havelock Avenue)
Resolution No. PC-00942

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 3, 2005:

Motion made by Larson, seconded by Taylor, to approve **Special Permit No. 05035**, with conditions, requested by Steven Stutzman on behalf of S.R.S. d/b/a Arnold's Tavern, for authority to expand a nonconforming use to allow an outdoor beer garden, on property located at Arnold's Tavern at 6113 Havelock Avenue.

Motion for approval, with conditions, carried 9-0 (Larson, Carroll, Sunderman, Krieser, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes').

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Steven Stutzman, 4650 Shirl Court, 68516
SRS, Inc., d/b/a Arnold's Tavern, 6113 Havelock Avenue, 68507
Rick Albro, Havelock N.A., 6642 Morrill Avenue, 68507

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RESOLUTION NO. PC- 00942

SPECIAL PERMIT NO. 05035

1 WHEREAS, S.R.S. dba Arnold's Tavern has submitted an application
2 designated as Special Permit No. 05035 for expansion of a non-conforming use to allow
3 an outdoor beer garden on property located at Arnold's Tavern at 6113 Havelock
4 Avenue, and legally described as follows:

5 Lot 9, Block 32, Havelock, Lincoln, Lancaster County,
6 Nebraska;

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

9 WHEREAS, the community as a whole, the surrounding neighborhood,
10 and the real property adjacent to the area included within the site plan for this expansion
11 of a liquor license for an outdoor beer garden will not be adversely affected by granting
12 such a permit; and

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

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

3 That the application of S.R.S. dba Arnold's Tavern, hereinafter referred to
4 as "Permittee", to expand a non-conforming use to allow an outdoor beer garden be and
5 the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln
6 Municipal Code upon condition that outdoor beer garden be in strict compliance with
7 said application, the site plan, and the following additional express terms, conditions,
8 and requirements:

9 1. This approval permits the expansion of the area designated for the
10 sale of alcohol for consumption on the premises as shown on the site plan provided that
11 no sound amplification equipment shall be allowed in the beer garden.

12 2. Before receiving building permits the construction plans comply with
13 the approved plans.

14 3. Before the sale of alcohol for consumption on the premises, all
15 development and construction is to comply with the approved plans.

16 4. The site plan accompanying this permit shall be the basis for all
17 interpretations of setbacks, yards, locations of buildings, location of parking and
18 circulation elements, and similar matters.

19 5. This resolution's terms, conditions, and requirements bind and
20 obligate the permittee, its successors and assigns.

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

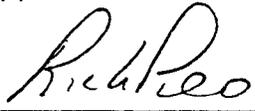
1 and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in
2 advance by the applicant.

3 The foregoing Resolution was approved by the Lincoln City-Lancaster
4 County Planning Commission on this 3rd day of August, 2005.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 4, 2005

RE : **Pre-Existing Special Permit No. 28A**
(Union College Campus - S. 52nd & Stockwell Streets)
Resolution No. PC-00943

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 3, 2005:

Motion made by Taylor, seconded by Carroll, to approve **Pre-Existing Special Permit No. 28A**, with conditions, as revised, requested by Brian D. Carstens and Associates on behalf of Union College, to expand the Union College Pre-Existing Special Permit 28, to include newly acquired property located at S. 52nd Street and Stockwell Street.

Motion for approval, with conditions, as revised, carried 9-0 (Larson, Carroll, Sunderman, Krieser, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes').

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brian D. Carstens and Associates, 601 Old Cheney Road, Suite C, 68512
Union College, 3800 S. 48th Street, 68506
Mike Dennis, S. 48th Street Neighborhood Association, 1845 S. 48th Street, 68506

RESOLUTION NO. PC- 00943

PRE-EXISTING SPECIAL PERMIT NO. 28A

1 WHEREAS, Union College has submitted an application designated as
2 Pre-existing Special Permit No. 28A to expand the Union College Pre-Existing Special
3 Permit 28, to include newly acquired property located at S. 52nd and Stockwell Streets,
4 and legally described as:

5 Lots 1 - 6, Block 15, College View Addition, and vacated
6 Stockwell Street from the west line extended of the vacated
7 north/south alley in Blocks 14 and 15, College View Addition,
8 to the west line of S. 52nd Street, Lincoln, Lancaster County,
9 Nebraska;

10 WHEREAS, the real property adjacent to the area included within the site
11 plan for this expansion of the Pre-Existing Special Permit will not be adversely affected;
12 and

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

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

1 That the application of Union College, hereinafter referred to as
2 "Permittee", to expand the boundaries of the Union College Pre-Existing Special Permit
3 No. 28 to include the newly acquired property legally described above be and the same
4 is hereby granted under the provisions of Section 27.63.280 of the Lincoln Municipal
5 Code upon condition that the expansion be in strict compliance with said application, the
6 site plan, and the following additional express terms, conditions, and requirements:

7 1. This approval permits the expansion of the Union College Pre-
8 Existing Special Permit #28, including a parking lot and 36 multiple-family dwelling units
9 for student housing, within the expansion area, incorporates the health education facility
10 and building addition approved by Special Permit #814 and Special Permit #814A as
11 part of Pre-Existing Use Permit 28, and voids and supercedes Special Permit #814 and
12 #814A.

13 2. Before receiving building permits:

14 a. The Permittee shall complete the following instructions and
15 submit six (6) copies of the documents and plans to the
16 Planning Department office for review and approval.

17 i. Revise the Legal Description to 1) remove "East/West
18 Alley in Block 1," or provide documentation showing
19 this alley has been vacated, 2) add "vacated
20 north/south alley in Block 15," 3) revise the
21 description of vacated Stockwell Street as follows:
22 "vacated Stockwell Street from South 51st Street to
23 the west line of the north/south alley in Block 15; to be
24 vacated Stockwell Street from the west line of the
25 north/south alley in Block 15 to South 52nd Street."

26 ii. Revise the Legal Description of Amendment to
27 include vacated Stockwell Street from the west line,
28 extended, of the vacated north/south alley in Blocks
29 14 & 15, College View Addition, to the west line of S.
30 52nd Street.

1 iii. Revise the site plan to include the building addition
2 approved by Special Permit #814A.

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

4 c. Street/Alley Vacation #05007 must be approved.

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

7 4. The site plan accompanying this permit shall be the basis for all
8 interpretations of setbacks, yards, locations of buildings, location of parking and
9 circulation elements, and similar matters.

10 5. This resolution's terms, conditions, and requirements bind and
11 obligate the Permittee, its successors and assigns.

12 6. The City Clerk is to file a copy of the resolution approving the
13 permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay
14 the recording fee.

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

DATED: August 3, 2005

Attest:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



Karen K Sieckmeyer/Notes

08/03/05 12:38 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: sidewalk repair Antelope Park Neighborhood

Jonathan:

A review indicates that this area was included in the 2nd year of the initial repair program. Property owners who had a defect in the sidewalk were notified of their responsibility to repair the sidewalk. Letters were sent out in 1989 to these properties. In May of 1990, the referendum vote was held to amend the City Charter shifting the responsibility for repair of the public sidewalk to the City. Some property owners may have repaired their sidewalk as a result of the notification they received, but the City did not initiate a sidewalk district to repair and assess the locations not repaired.

In 1993 the Public Works & Utilities Department initiated a repair contract for this area, funded through the general fund. Repair work was completed in this area in 1994 to repair the significant defects. Several additional locations have been repaired through the priority contracts the past several years. Additional repairs may be included to selected locations as conditions warrant.

We recently completed construction of new sidewalk along the east side of Jefferson Avenue, south from Garfield, through a sidewalk district. We will also include construction of several curb ramps at Garfield & Jefferson and also Jefferson & Arlington with some work we will prepare for contract this fall and next spring.

Our repair program continues to identify repair areas as funding allows. Our focus for the next six years will likely continue to be in areas where repairs have not been completed. It will likely be 6 to 10 years before we survey this area for a new repair contract.

I hope this provides the necessary information you need.

Harry Kroos
Engineering Services

JCookCC@aol.com



JCookCC@aol.com

07/28/2005 11:51 AM

To HKroos@lincoln.ne.gov

cc

Subject sidewalk repair

Harry,

Could you please let me know the history of sidewalk repair in the Antelope Park Neighborhood (South St to A St, 27th St east to the Rock Island Trail)?

Were residents there required to repair their sidewalks prior (but not long prior) to the change in the Charter? What

areas of the neighborhood has the City repaired since the Charter change? What are our plans for sidewalk repair in the neighborhood in the future? (That is, where are they on the priority list, and, depending on funding of course, when?)

Thanks.

Jonathan

MEMO

To: Lincoln City Council
From: Kenneth D. Smith, Public Works and Utilities
CC: Mayor Coleen J. Seng
Karl Frederickson, Director Public Works and Utilities
Margaret Remmenga, Business Manager Public Works and Utilities
Date: August 3, 2005
Re: Parking Budget – Rate Adjustments

Please find attached information regarding parking rate adjustments, rate maps, proposed revenue sources, management services cost estimates, and a City monthly waiting list.

**PWU - Parking
Estimated Increased Management Services
Cost Comparisons**

Estimated Wages/Contract Expenses

	FT Hourly Employees	PT Hourly Employees	Salaried Employees	New Contract	TOTAL
FY05-06	\$642,445.28	\$326,188.72	\$337,460.00	\$60,000.00	\$1,366,094.00
FY04-05	\$487,110.00	\$183,183.00	\$310,252.00	\$41,639.04	\$1,022,184.04
	\$155,335.28	\$143,005.72	\$27,208.00	\$18,360.96	
	45.2%	41.6%	7.9%	5.3%	

TOTAL ESTIMATED WAGE/CONTRACT EXPENSES

\$343,909.96

Cashier Wage Breakdown

Current Starting Cashier Wages		Starting Cashier Wages Prior to 9/1/04	
Part Time	\$7.85	Part Time	\$6.25
*FT w/out benefits	\$9.97	FT w/out benefits	\$6.50
FT w/ benefits	\$9.06	FT w/ benefits	\$6.50
PT Increase (\$1.60) Est. Difference			
	Wkly Hours	Yearly Hours	Total
FY 05-06	643	33,436	\$53,497.60
FY 04-05	518		
		33,436	\$53,497.60
Addtn'l Hours in FY05-06	125	6,500	\$10,400.00
			\$43,097.60

NOTES

- *Employee can opt out of insurance.
- ~ PT employees make up approximately 45% of our operation and are an integral part of the operation.
- ~ PT employees cover special events and 2nd/3rd shifts
- ~ PT employees keep over time down to a minimum (less than 1%)
- ~ PT employees save City on full time benefits and wages.
- ~ Republic Parking estimates hiring/training costs for FT: \$744 and PT: \$655
- ~ Retention has been higher resulting in better customer service
- ~ Football season starts 9/3/05 and any reduction in wages would hurt our largest staffed event

Other Expenses

Advertising and media Services	\$35,000
Additional Software Licenses	\$20,000
Parking Equipment Spare Parts	\$6,100
Hotel Key card integration	\$52,000
Total Other Increases	

\$113,100

TOTAL ESTIMATED EXPENSES

\$457,009.96

**PWU - Parking
Proposed Revenue Sources**

Proposed Additional
Revenues

SOURCE 1

Proposed Hourly Rates

Hour	Current	Proposed	Existing	Increase
1st	\$1.00	\$1.00	Existing	\$0
2nd	\$0.75	\$1.00	1-2 hrs	\$37,000
3rd	\$0.75	\$1.00	2-3 hrs	\$73,000
4th	\$0.75	\$1.00	3-4 hrs	\$64,000
5th	\$0.75	\$1.00	4-5 hrs	\$49,000
6th	\$0.75	\$1.00	5-6+ hrs	\$95,758
7th	\$0.75			
24 hr Max	\$5.50	\$6.00		

Ticket diversity for FY04-05

84.4% of tickets are less than 3 hours
59% of tickets are less than 2 hours

NOTE: Ticket usage is based on known assumptions for previous fiscal year.

\$283,695.00

SOURCE 2

Proposed Football Rates

One additional football game for 2005 Season
Avg income per game

\$43,000.00

Center Park rate adjustment from \$8.00 to \$10.00
Center Park avg. cash customers per game

\$2.00
640

2005 # of games

\$1,280.00
x 7 games

\$8,960.00

Increased football revenue

\$51,960.00

SOURCE 3

Proposed Monthly Rates

	# of Cardholders	Rate	Current		Proposed		Net Change (+/-)		
			Monthly	Annual	Rate	Monthly	Annual	Monthly	Annual
Carriage Park	743	\$60	\$44,580	\$534,960	\$65	\$48,295	\$579,540	\$3,715	\$44,580
Center Park	916	\$65	\$59,540	\$714,480	\$75	\$68,700	\$824,400	\$9,160	\$109,920
-Secured	49	\$80	\$3,920	\$47,040	\$90	\$4,410	\$52,920	\$490	\$5,880
Cornhusker Square	94	\$60	\$5,640	\$67,680	\$65	\$6,110	\$73,320	\$470	\$5,640
-Reserved	40	\$70	\$2,800	\$33,600	\$80	\$3,200	\$38,400	\$400	\$4,800
Haymarket	111	\$60	\$6,660	\$79,920	\$45	\$4,995	\$59,940	-\$1,665	-\$19,980
-Reserved	50	\$65	\$3,250	\$39,000	\$65	\$3,250	\$39,000	\$0	\$0
Market Place	230	\$60	\$13,800	\$165,600	\$55	\$12,650	\$151,800	-\$1,150	-\$13,800
Que Place	499	\$65	\$32,435	\$389,220	\$65	\$32,435	\$389,220	\$0	\$0
University Square	204	\$65	\$13,260	\$159,120	\$75	\$15,300	\$183,600	\$2,040	\$24,480
-Reserved	143	\$75	\$10,725	\$128,700	\$85	\$12,155	\$145,860	\$1,430	\$17,160
Totals	3079		\$196,610	\$2,359,320		\$211,500	\$2,538,000	\$14,890	\$178,680

Notes:
Does not include discounts for prepaid monthly parkers

TOTAL PROPOSED REVENUES

\$514,335

Current Parking Rates

LEGEND:

Facility Name

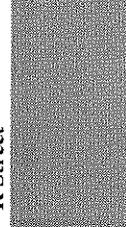
Regular, Reserved Rates

*Space Available: ##

(White block indicates City facility.)

*Note: A negative number indicates a waiting list.

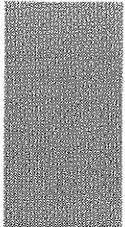
R Street



Q Street

Que Place Gar.
\$65, 70
 Space Available: 42

P Street



O Street

Center Park Gar.
\$65, 80
 Space Available: -351

N Street

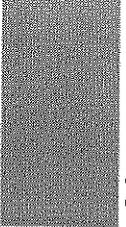


M Street

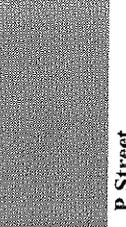
Carriage Park Gar.
\$60
 Space Available: -81

L Street

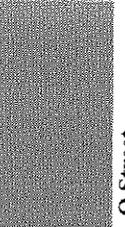
R Street



Q Street



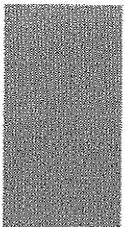
P Street



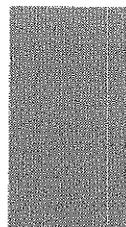
O Street

Lumberworks Lot
\$45
 5 open

N Street



M Street



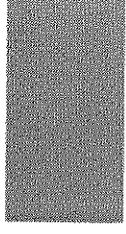
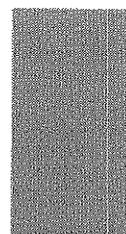
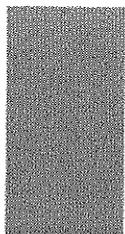
Haymarket Garage
\$60, 65
 Space Available: 224

Prvt. Covered Lot
\$55
 Space Available: ?

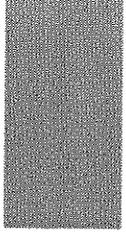
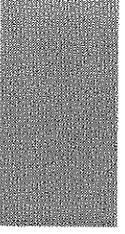
Holiday Inn
 Guest Only
\$55

Terminal Parking
\$60
 Space Available: ?

9th Street

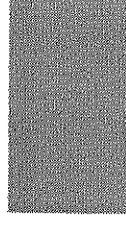
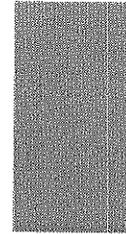


Market Place Gar.
\$60
 Space Available: 98



10th Street

Prvt. Surface Lot
\$55
 Space Available: ?



Embassy Suites

Crossroads Prking
\$60, 70
 Space Available: -24

Gold's Bldg

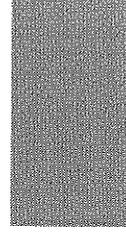
11th Street

Gold's Lot
\$60
 Space Available: -40



12th Street

Rampark Gar.
\$70, 100
 Space Available: -100



13th Street

US Bank
\$70
 Space Available: -60

Cornhusker Sq. Gar.
\$60, 70
 (See Carriage)

14th Street

University Sq Gar.
\$65, 75
 Space Available: -10

Eagle Landmark
\$45-65, 70
 Space Available: -20

13th & M St. Gar.
\$45-65, 70
 Space Available: -25

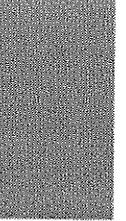
Agees Town Parking
\$60, 70
 Space Available: -10

Rail Tracks

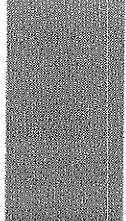
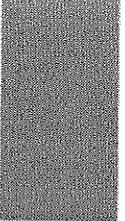
Iron Horse Lot
\$45
 Space Available: 22

Lincoln Depot Station
 Iron Horse Park

Lincoln Station South
\$45
 Open Space: 8 & Meter



7th Street



Proposed Parking Rates

LEGEND:

Facility Name

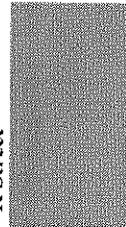
Regular, Reserved Rates

*Space Available: ##

(White block indicates City facility.)

*Note: A negative number indicates a waiting list.

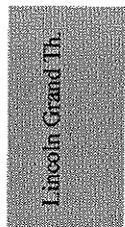
R Street



Q Street

Que Place Gar.
\$65, 70
 Space Available: 42

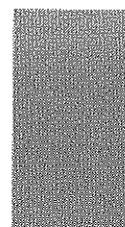
P Street



O Street

Center Park Gar.
\$75, 90
 Space Available: -351

N Street

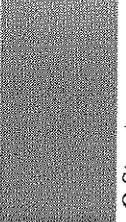


M Street

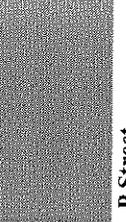
Carriage Park Gar.
\$65
 Space Available: -81

L Street

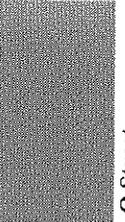
R Street



Q Street



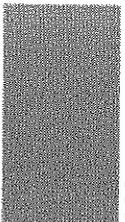
P Street



O Street

Lumberw
 orks Lot
\$45
 5 open

N Street



M Street



L Street

Rail Tracks

Iron Horse Lot
\$45
 Space Available: 22

Iron Horse Park
 Lincoln Depot Station

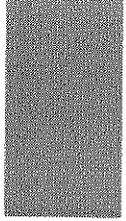
Lincoln Station South
\$45
 Open Space: 8 & Meters

Haymarket Garage
\$45, 65
 Space Available: 224

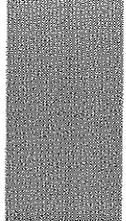
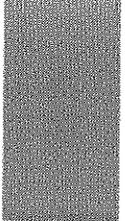
Prvt. Covered Lot
\$55
 Space Available: ?

Holiday Inn
 Guest Only
 Prvt. Park.
\$55

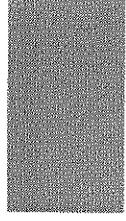
Terminal Parking
\$60
 Space Available: ?



Market Place Gar.
\$55
 Space Available: 98



Prvt. Surface Lot
\$50
 Space Available: ?

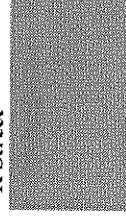


Embassy Suites

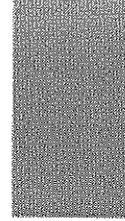
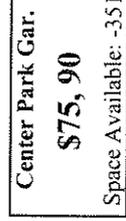
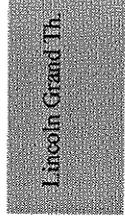
Crossroads Prkng
\$60, 70
 Space Available: -24

Gold's Bldg.

Gold's Lot
\$60
 Space Available: -40



Lincoln Grand Th



US Bank
\$70
 Space Available: -60



Rampark Gar.
\$70, 100
 Space Available: -100

University Sq Gar.
\$75, 85
 Space Available: -10

Eagle Landmark
\$45-65, 70
 Space Available: -20

13th & M St. Gar.
\$45-65, 70
 Space Available: -25

Agees Town Parking
\$60, 70
 Space Available: -10

11th Street

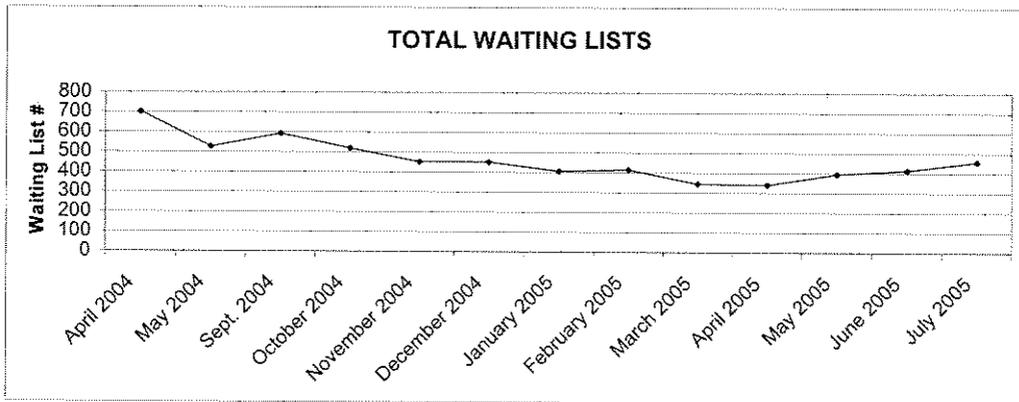
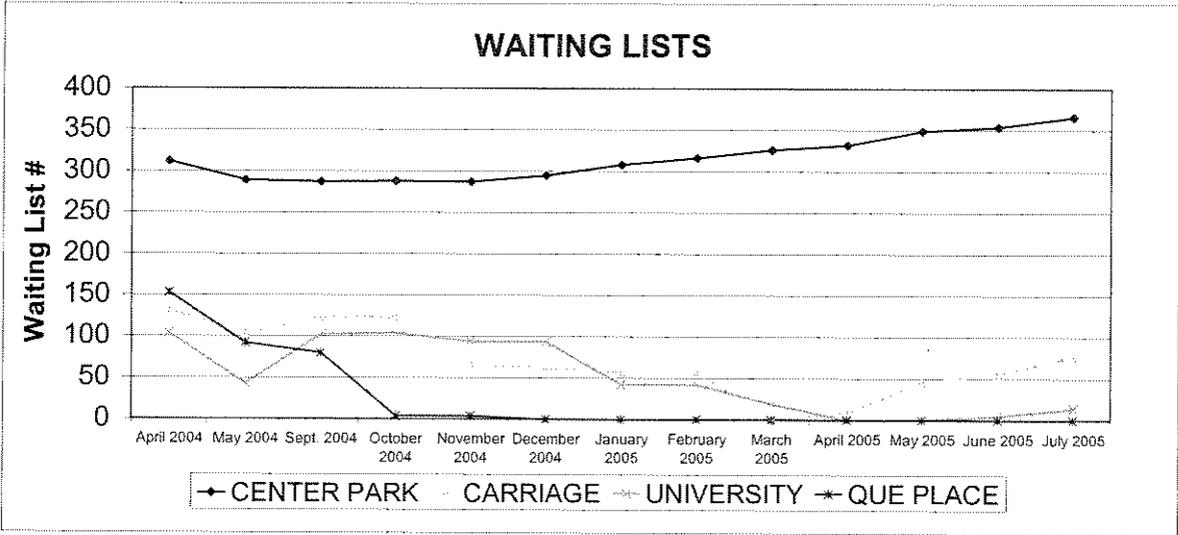
12th Street

13th Street

14th Street

15th Street

PWU - Parking
Month to Month
Waiting List by Facility



	CENTER PARK	CARRIAGE	UNIVERSITY	QUE PLACE	TOTAL
April 2004	312	132	104	153	701
May 2004	289	102	43	92	526
Sept. 2004	287	123	102	80	592
October 2004	288	123	104	4	519
November 2004	287	66	94	4	451
December 2004	295	62	94	0	451
January 2005	308	56	42	0	406
February 2005	316	56	42	0	414
March 2005	326	0	19	0	345
April 2005	332	8	0	0	340
May 2005	349	46	0	0	395
June 2005	354	55	5	0	414
July 2005	366	77	14	0	457



Karen K Sieckmeyer/Notes

08/04/05 08:38 AM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: Safety Problem



Scott A Opfer/Notes

08/03/2005 04:43 PM

To Jhiggdoc@aol.com

cc newman2003@neb.rr.com@Notes, Michael Merwick/Notes@Notes, Karl A Fredrickson/Notes@Notes, Randy W Hoskins/Notes@Notes, Karen K Sieckmeyer/Notes@Notes, Maggie Kellner/Notes@Notes

Subject Safety Problem

Mr. Higgins:

My name is Scott Opfer and I am the Manager of Traffic & Engineering Services Operations. I was asked to address the issues you have pointed out in the below email to Councilperson Patte Newman. First let me state to you that neither of the projects you speak of are City projects. In both instances, the residents of the homes directly adjacent to the work, hired plumbers to fix Sanitary Sewer problems they were encountering. The plumbers in both cases needed to have excavation permits and the plumbing itself needed to be inspected by Building & Safety. Now, the first issue you have is the fact that Biggerstaff was told that they could only close one lane to do their work due to traffic volumes on Vine Street. You also point out that the plumber who had previously done some work two blocks down, also on Vine St., was allowed to close the entire street. You are correct, however, the plumber who had previously worked in Vine St. was initially told to do his work in a single lane closure for the very same reasons Biggerstaff was told to do so. Unfortunately, the other plumber ran into some unforeseen problems which forced him to have to fix or replace the entire Sanitary Sewer line under Vine Street. Since this was the case and since the residence needed this fixed ASAP, we allowed the total closure and if Biggerstaff would happen to run into the same problems, we would again be flexible with the street issue. As far as the closing of one lane being a safety problem, anytime streets are restricted, challenges with the operation and safety of traffic are encountered. This is where proper traffic control is key.

After speaking with the inspector from Building & Safety, the issue you describe of improper shoring was not an issue to him. He told me that Biggerstaff is one of the most reputable plumbers in Lincoln and that he (the inspector) did not feel that the trench was in need of shoring. Also, technically, the responsibility for meeting OSHA falls onto the contractor, not the City inspector. His job is to inspect the plumbing, which he did.

In closing, I'd like to thank you for taking the time to bring these type of issues to our

attention. Although there were reasons for the manner in which this plumbing work was done, one never knows and our ultimate goal is to make sure that whatever goes on in our streets, safety is the number one priority. If you should have further questions/comments, please feel free to contact me directly.

Thanks again,

Scott Opfer, Manager of Traffic & Engineering Services Operations
441-7851

----- Original Message -----

From: Jhigdoc@aol.com

To: pnewman@ci.lincoln.ne.us

Sent: Tuesday, July 26, 2005 4:40 PM

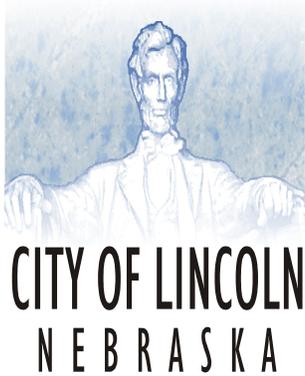
Subject: Safety Problem

Patti

Today Biggerstaff plumbing began working under a city contract to replace my neighbors (8340) sewer that goes under Vine Street. They only closed one lane and I believed that to be a safety problem, they had closed Vine Street two blocks down from me to do the samething. I called the Engineering department on this, I was told the Engineer felt there was too much traffic to shut the road completely. Now why at this point Vine is too busy and two blocks away it's not is a question. Not only did I believe (and still do as he will eventually have to go completely across Vine) this to be dangerous, the equipment used by the contractor blocked my vision for safely exiting my drive. When I went over to the contractor to ask why the whole road wasn't closed he told me that that's all the traffic engineers would allow him, at the time a representative of the cities building and safety was standing there, I asked him who I would call, the plumber in charge said if I didn't leave he would call the cops. I had said nothing rude to him, only asked the question. I told the City Engineers what happened and how they were also in violation of safety codes as the man was working in a trench that was deeper than chest high without shoring. The building and safety man saw this and it wasn't corrected on the spot. A major violation of OSHA and state safety laws. If the city inspectors are not going to enforce safety laws, why have them. I had this discussion with the City Engineers office.

Here is the bottom line, if they don't have shoring when they do the next step I will call OSHA and the State to report the violation.

John Higgins
486-1772



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

AUGUST 4, 2005

UPCOMING STORM SEWER PROJECT

LEXINGTON TO COLBY, BETWEEN 63RD AND 64TH STREETS

Project #531007

CONSTRUCTION TO START WEDNESDAY, AUGUST 10, 2005

This advisory is to inform you of an upcoming Storm Sewer Project between 63rd and 64th Streets from Lexington Avenue to Colby Street. The Engineering Service Division of the Public Works Department has awarded a contract to General Excavating of Lincoln to do the work. Construction is scheduled to begin Wednesday, August 10, 2005.

The project will replace the existing open channel drainage way near the middle of the block with a closed pipe system. A picture of the project location and pipe alignment is on the back.

There will be some disruption to vehicular and pedestrian access during construction. Temporary "No Parking" signs will be installed ahead of time to permit the contractor working room. The work areas themselves will be barricaded. Caution should be used when using the areas under construction.

If you have any problems or questions during the construction period, please contact General Excavating at 467-1627 or the City of Lincoln Project Manager, Erika Nunes at 441-5675 for additional information.

Erika Nunes, EI
Associate Engineer
Engineering Services
Public Works & Utilities Department
531 Westgate Blvd., Suite 100
Lincoln, NE 68528
402-441-5675
enunes@lincoln.ne.gov



COLBY

PROPOSED PIPE ALIGNMENT

64TH

63RD

LEXINGTON





MAYOR COLEEN J. SENG
lincoln.ne.gov

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

VETO MESSAGE

Bill No. 05R-161 - Granting the Appeal from Impact Fees at 2464 Woodscrest Avenue.

Dear Chair Svoboda and Members of the City Council:

By this letter I have vetoed the Resolution granting the appeal from impact fee determination at 2464 Woodscrest Avenue as set out in Bill No. 05R-161 (Resolution No. A-83439 adopted for approval by the City Council on July 25, 2005).

I have vetoed the Resolution for the following reasons:

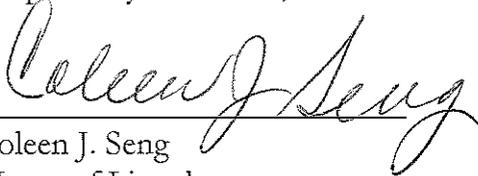
The property owner, Mr. Dan Hoffman, had a 1 ½" water service line connecting to a 1" water meter. The property owner, after consulting with the Public Works & Utilities Impact Fee Administrator, chose to up-size his water meter to 1 ½" and replace his water service line. This net increase in the water meter size from 1" to 1 ½" triggered the impact fee schedule beginning January 1, 2005. The maximum potential demand upon the Lincoln Water System is determined by the capacity of the water meter.

The history of this service at 2464 Woodscrest Avenue shows the original 1" meter installation August 19, 1919. In 1935 a 1" meter replacement was installed and a similar replacement was made in 1968 and 1984. All of these were 1" meter replacements. In June of 2005 a new 1 ½" meter was installed.

The impact fee was properly calculated. The City Ordinance requires that impact fees be paid when there is an increase in the meter size as occurred in this instance from 1" to 1 ½". The requested appeal does not meet any of the stipulations or conditions required for a reduction or exemption from water/wastewater utility impact fees.

For the above and foregoing reasons, I hereby veto Resolution No. A-83439.

Respectfully submitted,



Coleen J. Seng
Mayor of Lincoln



campjon@aol.com
07/29/2005 01:20 PM

To: jray@ci.lincoln.ne.us
cc
bcc
Subject: Fwd: Parking Rate Increase

Joan/Tammy:

Please share this email with my City Council colleagues.

Jon

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

-----Original Message-----

From: Ruth Jones <Jones@danacole.com>
To: jcamp@ci.lincoln.ne.us
Sent: Wed, 27 Jul 2005 16:56:48 -0500
Subject: Parking Rate Increase

Jon -

I wanted to send you a quick note to express my concern over the proposed increase to the parking rates. I do appreciate the challenges of keeping a financially sound, safe and convenient parking facilities in the downtown area. In March 2004, many of the city garages increased their rates by \$5 a month. We were certainly understanding of the rate increase then and were happy to comply with the change. However, I feel the proposed \$10 increase at many of our garages is too much.

We have been in business in the downtown area for 90 years and supportive members of the downtown area. We have 50 employees in the downtown area, while certainly not as large as some employers, we also draw a lot of our clients into the downtown area to shop and conduct business.

I fear the increase of parking rates will discourage people from coming downtown to conduct business and work. It's a competitive market for good employees. Our location can be a disadvantage when potential employees consider the cost and effort of working downtown. Our professional staff travel to meetings throughout Lincoln and find the outlying garages of Carriage Park and Market Place inconvenient. Our clerical staff has cited the difficulties of parking at Carriage Park. If they leave work at 5, they still have a 10 minute walk to their car, plus a drive in heavy traffic to pick up children from daycare by 5:30 or 6pm.

I realize that there are downtown parking issues to address. I just hope the city will take into consideration the effects of their decisions on the employees in the downtown area.

Thanks,

Ruth Jones

jones@danacole.com



joncampcc@aol.com
07/30/2005 01:23 PM

To: KFredrickson@ci.lincoln.ne.us
cc: jray@ci.lincoln.ne.us, cseng@lincoln.ne.gov
bcc:
Subject: Parking Meters--let's be "colorful" not sterile

Karl:

This is a follow-up on our telephone conversation on the new "silver" poles on the parking meters.

I am hearing more unsolicited criticisms. People are saying exactly what I predicted to you. . .they pull into a stall, get out, and discover the meter restricts them to less time than they need. . .thus they have to get back in their vehicle, back up and find a longer meter. Another frustrating experience in Downtown Lincoln.

Some people are observing the "small" decals with time limits, but they complain that these are difficult to read until one has committed to a stall thereby creating a traffic snarl, frustrating the driver, and creating unnecessary traffic hazards and delays for traffic.

Karl, I have noticed that more and more poles are being painted silver. Please stop immediately.

You and I discussed putting "colored decals" on with the time limit as an alternative. I withdraw my support for this alternative.

After noticing the poles, I would like to suggest staying with the "more expensive colors/paint". Quite frankly, the cost of the paint is probably minimal. . .perhaps covered by a traffic light or two.

From an aesthetic standpoint, the "silver" poles are ugly and promote a sterile environment in downtown. On the other hand, the colored poles add "life" and "color" to the texture of Downtown. It seems like a step backwards to expend funds to put in planters with "colorful" flowers and then paint the poles a sterile silver. When added to the drabness of concrete sidewalks and curbs, the silver poles make the frontage of buildings less inviting.

Thus, I ask that you reverse the course and go back to meter poles painted to reflect time limits, as has been done for decades..

Thank you.

Jon

CC: Lincoln City Council
Mayor Coleen Seng
Downtown Lincoln Association

Jon Camp

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



Elaine Severe/Notes

07/29/05 08:52 AM

To: CouncilPacket/Notes@Notes

cc

bcc

Subject: Re: CookRFI#125

Elaine L. Severe
Administrative Aide
Lincoln-Lancaster County Health Department
3140 N Street
Lincoln, NE 68510
(402) 441-8093
(402) 441-8638 (voice mail)
(402) 441-6229 (fax)
esevere@lincoln.ne.gov

----- Forwarded by Elaine Severe/Notes on 07/29/2005 08:54 AM -----



James Weverka

07/29/2005 07:49 AM

To: Elaine Severe/Notes@Notes

cc: Bruce D Dart/Notes@Notes, Elaine Severe/Notes@Notes

Subject: Re: CookRFI#125 

I contacted Jerry Shorney of Parks and Recreation this morning regarding the Antelope Park Neighbor Association request for the signs. I offered him 10 signs that we had left from our last order. I also mentioned we would be ordering more signs and could order his also if they wanted more. Also offered to put Parks and Receptions logo with ours along on the signs they would order for the trails. He said he would discuss this with Lynn Johnson and get back to me.

Jim

Jim Weverka
Animal Control Chief
3140 N Street
Lincoln, Nebraska 68510
Phone 402-441-7900 Fax 402-441-8626

Animal Control - Protecting People and Animals
Elaine Severe



Elaine Severe

07/28/2005 02:59 PM

To: James Weverka/Notes@Notes

cc: Bruce D Dart/Notes@Notes, Elaine Severe/Notes@Notes

Subject: CookRFI#125

Jim - Please followup and prepare a response and I will forward to Council in pdf format. Thanks.

Elaine L. Severe
Administrative Aide
Lincoln-Lancaster County Health Department
3140 N Street
Lincoln, NE 68510
(402) 441-8093
(402) 441-8638 (voice mail)
(402) 441-6229 (fax)

e severe@lincoln.ne.gov

----- Forwarded by Elaine Severe/Notes on 07/28/2005 03:00 PM -----

Tammy J Grammer
07/28/2005 02:20 PM

To: Lynn Johnson/Notes@Notes, Bruce D Dart/Notes@Notes
cc: Elaine Severe/Notes@Notes, jbowling@netinfo.ci.lincoln.ne.us@Notes,
jshorney@netinfo.ci.lincoln.ne.us@Notes, campjon@aol.com,
jcookcc@aol.com, robine@neb.rr.com, amcroy@mccrealty.com,
newman2003@neb.rr.com, ksvoboda@alltel.net, dmarvin@neb.rr.com,
Mayor/Notes@Notes, Mark D Bowen/Notes@Notes, Linda K
Quenzer/Notes@Notes, Deborah L Engstrom/Notes@Notes,
drestau@esu3.org
Subject: CookRFI#125

TO: Lynn Johnson, Parks & Recreation Director
Bruce Dart, Health Director

Attached, please find Request for Information #125 from Jonathan Cook. If you will send your response to the Council Office at CouncilPacket@lincoln.ne.gov, in a pdf format, we will distribute your response in the usual manner on the Directors' Agenda. The Subject line need only read CookRFI#125. Thank-you.



memocookRFI#125.pdf

Tammy Grammer
City Council Office

FROM: Jonathan Cook RFI#125

DATE: July 28, 2005

TO: Lynn Johnson, Parks & Recreation Director
Bruce Dart, Health Director

RE: Clean up after your dog signs

A request was made at the Antelope Park Neighborhood Association meeting for "clean up after your dog" signs to be placed along the bike trail between A St. and South St. Could you please follow up on this request?

Thank you.

Jonathan Cook

Please copy any reply to:

Dennis Restau, President
Antelope Park Neighborhood Assn
drestau@esu3.org



MBowen@ci.lincoln.ne.us

08/04/05 12:43 PM

To CouncilPacket@lincoln.ne.gov

cc DNaumann@ci.lincoln.ne.us, KFredrickson@ci.lincoln.ne.us,
Mayor@ci.lincoln.ne.us

bcc

Subject Re: REschlimanRFI#1

Attached is the pdf response for Eschliman RFI#1

(See attached file: CityCouncil,Eschliman,RFI1,08-03-2005.pdf)

Tammy J
Grammer/Notes

07/07/2005 10:16
AM

Mark D Bowen/Notes@Notes

To

cc

campjon@aol.com, jcookcc@aol.com,
robine@neb.rr.com,
amcroy@mccrealty.com,
newman2003@neb.rr.com,
ksvoboda@alltel.net,
dmarvin@neb.rr.com,
Mayor/Notes@Notes, Linda K
Quenzer/Notes@Notes, Deborah L
Engstrom/Notes@Notes

Subject

REschlimanRFI#1

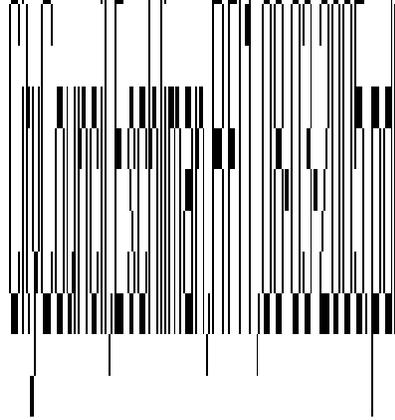
From: Robin Eschliman RFI#1

To: Mark Bowen, Mayor's Office

Requesting weekly updates to the City Council on the status of ITI. The updates can either be in closed executive session or in Department Head meetings, as appropriate. Thanks.

If you will send your response to the Council Office at CouncilPacket@lincoln.ne.gov, in a pdf format, we will distribute your response in the usual manner on the Directors' Agenda. The Subject line need only read REschlimanRFI#1. Thank-you.

Tammy Grammer
City Council Office



August 3, 2005

Robin Eschliman
City Council
555 S. 10th Street
Lincoln, Nebraska

RE: Robin Eschliman RFI#1

Dear Councilwoman Eshcliman:

This is in response to the Request for Information #1 requesting updates on the status of the discussions with ITI. Darl Naumann, Economic Development Coordinator, and Karl Fredrickson, Director of Public Works and Utilities are the liaisons working directly with ITI. Each week Darl Naumann will privately provide any update to Council members. Updates will also provided to the Council members at their regularly scheduled individual private meetings with Mayor Seng.

Sincerely,
Mark Bowen
Chief of Staff
Office of Mayor Seng

Tammy J Grammar/Notes

07/07/2005 10:16 AM

To: Mark D Bowen/Notes@Notes

cc: campjon@aol.com, jcookcc@aol.com, robine@neb.rr.com,
amcroy@mccrealty.com, newman2003@neb.rr.com, ksvoboda@alltel.net,
dmarvin@neb.rr.com, Mayor/Notes@Notes, Linda K Quenzer/Notes@Notes,
Deborah L Engstrom/Notes@Notes
Subject: ReschlimanRFI #1

From: Robin Eschliman RFI#1

To: Mark Bowen, Mayor's Office

Requesting weekly updates to the City Council on the status of ITI. The updates can either be in closed executive session or in Department Head meetings, as appropriate. Thanks.

If you will send your response to the Council Office at CouncilPacket@lincoln.ne.gov, in a pdf format, we will distribute your response in the usual manner on the Directors' Agenda. The Subject line need only read REschlimanRFI#1. Thank-you.

Tammy Grammar
City Council Office



Joan V Ray/Notes
08/03/2005 01:09 PM

To "Scott LeFevre" <slefevre@dsnonline.org>
cc
bcc
Subject Re: Please distribute to council members 

Mr. LeFevre: Your message has been received in the Council office and will be distributed 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

"Scott LeFevre" <slefevre@dsnonline.org>



"Scott LeFevre"
<slefevre@dsnonline.org>
08/03/2005 11:32 AM
Please respond to
"Scott LeFevre"
<slefevre@dsnonline.org>

To <jray@lincoln.ne.gov>
cc
Subject Please distribute to council members

Ms. Ray,
Robin Eschliman requested that I send this to you for distribution to the city council. She asked that I highlight the items which we believe are currently important for the city council to take note of.

If you have questions or require additional information, please don't hesitate to ask.

Scott LeFevre
CEO
Developmental Services of Nebraska, Inc.



JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT sent to city council.doc

JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.⁽¹⁾ The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- 1 To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- 2 To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- 2 *To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.***
 - 1 What constitutes a reasonable accommodation is a case-by-case determination.
 - 2 Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the

persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

Questions and Answers

on the Fair Housing Act and Zoning

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. ***However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.***

Q. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities.⁽²⁾ Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. ***Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.***

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Q. Who are persons with disabilities within the meaning of the Fair Housing Act?

The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. ***Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.***

Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

Q. What is a reasonable accommodation under the Fair Housing Act?

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. ***The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable. What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.***

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Q. What is the procedure for requesting a reasonable accommodation?

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. ***A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.***

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Q. What kinds of health and safety regulations can be imposed upon group homes?

The great majority of group homes for persons with disabilities are subject to state regulations

intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?

In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and un rebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

Q. What is the status of group living arrangements for children under the Fair Housing Act?

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

Q. How are zoning and land use matters handled by HUD and the Department of Justice?

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.

In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

1. The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.
2. There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.

Subject: FW: Graffiti alert....Draft response to Patte Newman

Date: Fri, 29 Jul 2005 13:46:11 -0500

From: "Joel D. Pedersen" <jpederse@netinfo.ci.lincoln.ne.us>

To: Terri Storer <trstorer@ci.lincoln.ne.us>

Here is the forwarded message that Patte sent and I reviewed with Dana. I sent a copy of the direct response earlier. I guess we need to print and track this as a response to a council member.

--

*Joel Pedersen
Assistant City Attorney
City of Lincoln, Nebraska
402-441-7232
Fax 402-441-8812
jpederse@ci.lincoln.ne.us*

*City Attorney's Office
575 S. 10th St./Room 4201
Lincoln, NE 68506
www.ci.lincoln.ne.us*

----- Forwarded Message

From: "Joel D. Pedersen" <jpederse@netinfo.ci.lincoln.ne.us>

Date: Mon, 25 Jul 2005 10:23:59 -0500

To: Dana Roper <dروper@ci.lincoln.ne.us>

Subject: Re: Graffiti alert....Draft response to Patte Newman

Messages received from Patte Newman regarding Graffiti removal ordinances, including one in Columbus, Nebraska.

Joel

Good morning!

Can you tell me if we have any ordinances on the books in LMC re graffiti and abatement, penalties etc? Is 9.24.100 the only reference or is there something elsewhere?

Has there ever been a request to get some language in there for abatement? The California ordinances I've seen refer to state laws re public nuisance etc. Is our nuisance abatement authority sufficient to address graffiti? Do we have any flexibility in the timeline of notice to abatement (i.e. we write a letter, give them 30 days and then delay some more. Can we say graffiti must be removed within 48 hours or the City contractor will do it and charge plus a penalty per day of non-action?). Are there any restrictions to any of that authority decreed by the State of Nebraska that we need to deal with?

Ultimately, my question is if we define graffiti and differentiate between private and public property, can we get an abatement clause with a shorter time frame plus daily penalties.

I've got some examples of California ordinances if you want to see what the devil I'm talking about....

Thanks.
Patte

Columbus, NE If not abated within 10 days of the violation notice, it becomes a misdemeanor, and every 24 hours thereafter is considered a separate offense. Also, it accrues a \$50 per day penalty for each day the nuisance continues, not to exceed 10 days. (i.e. up to \$500 fine total, plus the misdemeanor charges). If no abatement occurs in the 10 days, the city hires it out, and charges the property owner \$100 per hour for abatement, with a \$100 minimum.

Riverside, California has such an ordinance. You can check it out at www.riversideca.gov, click on e-services, then Municipal Code online, Title 9, Chapter 9.18!!!

Santa Barbara CA GRAFFITI REMOVAL AND ABATEMENT

Draft Reply:

Nebraska follows the general proposition that a "nuisance" arises out of one person's use of property that presents an unreasonable interference with the use or enjoyment of another's property. [Burgess v. Omahawks Radio Control](#)

[Organization](#), 219 Neb. 100, 362 N.W.2d 27 (1985). It is regarded as a special category of "property torts" in the law.

Generally, for a nuisance to be "public" (justifying public regulation and abatement) the interfering use must be either caused or "maintained" by the offender and rise to the level that it is detrimental to the public health, safety and welfare (as opposed to an annoyance or inconvenience to the neighbors).

I suppose you could give a homeowner notice to repair or restore property that has been vandalized with graffiti (presumably by trespass of another) and thereby trigger the "maintain" requirement in establishing a public nuisance even if the homeowner did not cause the same; however, that assumes the graffiti itself rises to the threshold of a public nuisance.

Despite the Columbus ordinance, I am not aware of any appellate court case in Nebraska that so holds. Graffiti may well be outside the realm of traditional uses giving rise to nuisance abatement (for example: excessive noise or odor; or an accumulation of standing water, sewage or manure that presents a health threat to the public as a vector for disease).

Graffiti is destruction of property and the code section you cited 9.24.100 is often used, but it may also involve state level criminal laws if there is a significant amount of damages to property. All of these relate to the commission of the act and not the clean up or restoration of the affected property.

If the closer analogy is drawn to weeds and worthless vegetation, or the like, which are not nuisances in the classic sense, you will find that the City has express and specific authority from state statute to remedy that. [Neb. Rev. Stat. § 15-268](#):

"We first note that under § 15-268, cities of the primary class "may" implement the provisions of the section. (Emphasis supplied.) If a city so chooses, the statutory duties are clearly laid out. The city may require removal of "weeds and worthless vegetation," which language, as we have previously discussed, provides sufficiently clear guidance for local officials. The statute also describes the events to take place in the event of noncompliance, including assessing the costs of removal against the property. The statute provides reasonable standards and limitations for cities which choose to enact weed-related ordinances. Thus, the statute does not violate constitutional standards regarding delegations of legislative power and does not violate Howard's constitutional rights."

[Howard v. Lincoln](#), 243 Neb. 5, 497 N.W.2d 53 (1993).

I find no similar authority for graffiti removal.

Despite the ordinance in Columbus purporting to find that maintaining graffiti rises to the level of a public nuisance (with criminal penalties to boot) I am guarded about enacting a similar approach without a careful review.

Sounds like the PRT might be the best arena to pursue this; however it may also need some enabling authority accompanied with a public policy

determination similar to those supporting the weed removal regulations.

--

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED ELECTRONIC COMMUNICATION

In my capacity as an attorney, I am sending the information contained in this transmission and the accompanying attachments (if any) solely for the addressee(s) named above. If you are not an addressee, or responsible for delivering the same to a named addressee, you have received this transmission in error and you are strictly prohibited from reading or disclosing it. The information contained in this document is subject to legally enforceable privileges. Unless you are an addressee, or associated with an addressee for delivery purposes, you will violate these privileges if you do anything with this message or the information it contains other than calling me immediately to report the error.

Joel Pedersen
Assistant City Attorney
City of Lincoln, Nebraska
402-441-7232
Fax 402-441-8812
jpederse@ci.lincoln.ne.us

City Attorney's Office
575 S. 10th St./Room 4201
Lincoln, NE 68506
www.ci.lincoln.ne.us

----- End of Forwarded Message



Joan V Ray/Notes
08/01/2005 10:36 AM

To <rukepear@msn.com>
cc
bcc
Subject Re: Lincoln Municipal Band 

Dear Mr. & Ms. Pearson: 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

<rukepear@msn.com>



<rukepear@msn.com>
07/30/2005 11:55 AM

To <council@lincoln.ne.gov>
cc
Subject Lincoln Municipal Band

Greetings - we are aware that the proposed funding elimination has at this point been restored but we also know that the final vote will be on Aug. 10th. We simply wish to add our voices to those who wish the funding to continue. We also provide our annual contribution but this fine tradition of free concerts could be threatened if city funding were not provided. As relatively new residents who moved here in '99, this is one event that seems to help us feel a part of the Lincoln family and, coming from small town experiences, we have really appreciated it. When we return from our August vacation, we hope to learn that the funding restoration is official. Thank you!!

Keith & Ruth Pearson, 1800 Indigo Rd., Lincoln



**DO NOT REPLY to this-
InterLinc**
<none@lincoln.ne.gov>
07/30/2005 05:21 PM

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

InterLinc: City Council Feedback for
General Council

Name: Nancy Sepahpur
Address: 5734 Madison Avenue
City: Lincoln, NE 68507

Phone: 402 466 0640
Fax:
Email: nancyyasamin@yahoo.com

Comment or Question:

05R-165 Misc. 05012 -

Application of Developmental Services of Nebraska, Inc. to allow a group home in the R-1 Residential District to locate within the required ½ mile separation from another group home, on property generally located at 4000 Lindsey Circle.

The Federal law does require that reasonable accommodations be granted. That's an affirmative duty that you have to make. Failure to grant reasonable accommodation is discrimination in and of itself, which is prohibited by federal law.

I ask that you allow DSN to operate with four persons with developmental disabilities in this home, They have the ability to learn to cope, advance in their treatment, and advance in their integration into the community if they are allowed to live in a residential setting.

You and I can live anywhere in the city that we want to, but that isn't always the case with people who have developmental disabilities.



UNIVERSITY PLACE
BUSINESS ASSOCIATION

RECEIVED

AUG 01 2005

CITY COUNCIL
OFFICE

August 1, 2005

Hon. Ken Svoboda
At-Large Member
555 So. 10th Street
Lincoln, NE 68508

Re: North East Police Sub-Station

Dear Council Member,

On behalf of The University Place Business Association this letter should be considered as a strong voice of support for the placement of the North East Team in a full turn out substation at 49th and Huntington (the old telephone exchange building).

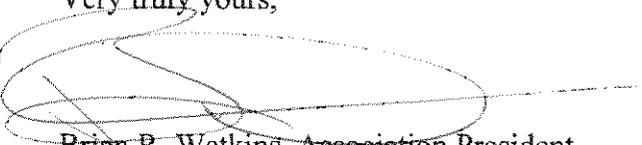
We have supported the existing small office for the police at 48th and St. Paul and have found it to add to the safety of the businesses and residents of the area. The possible upgrade to a full service police team substation would enhance protection for the Northeast part of the City and be an aid to the officers in the conduct of their activities.

The location is ideal in that it is close to Nebraska Wesleyan, the East campus of UNL, area businesses, and to a part of University Place that has shown some potential for "poor decisions" by some of the citizens that reside in clustered multiple family buildings.

The Association remains committed to the support of the Lincoln Police team and their efforts. Please consider their future request for this Sub Station as a plus to the City.

If you desire any additional information feel free to contact me at 402-730-8000.

Very truly yours,



Brian R. Watkins, Association President

RECEIVED
AUG 01 2005
CITY COUNCIL
OFFICE

July 28, 2005

To:
City Council Members-
Lincoln, Ne.

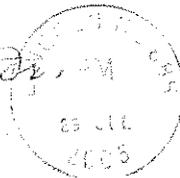
I am writing you in the
hopes of swaying your vote regarding
the Municipal Band Concerts @
Antelope Park.

The concerts are wonderful,
and we have enjoyed them for
many years and think it would
be a dreadful mistake for you
(the council) to discontinue your
support.

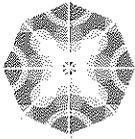
Please reconsider, because
the concerts are great and enjoyed
by so many!

Mr. + Mrs. C. W. Dale
Lincoln, Ne.

C. W. Dale
1610 Buckingham Dr.
Lincoln, Ne. 68506



RECEIVED
AUG 01 2005
CITY COUNCIL
OFFICE



Aquila

1815 Capitol Avenue
Omaha, NE 68102
402-221-2091

August 1, 2005

Patte Newman
Council Member
County-City Building
555 So. 10th St.
Lincoln, NE 68508

RECEIVED
AUG 02 2005
CITY COUNCIL
OFFICE

Dear Ms. Newman:

At Aquila, we continue to provide safe, reliable, cost-effective service to approximately 190,000 Nebraska customers. As with most businesses, our costs of operation increase over time. The traditional method of recovering costs is filing a general rate case with the Nebraska Public Service Commission (PSC).

A general rate case is expensive for all parties, including customers, and is time consuming. Historically, general rate cases have been infrequent and sometimes resulted in large increases for customers, often 10 percent or more for various utilities. Recognizing increases are sometimes necessary, customers and public officials have indicated a preference for smaller, even if more frequent, rate increases.

In response, Aquila has requested the PSC use an alternative process that we are calling a "Limited Cost Recovery" (LCR). The proposed LCR would allow a utility to recover a limited portion of increased operating costs and system investments based on a comparison to three benchmarks, including the Consumer Price Index. Under the application, residential and commercial customers would see only a \$.47 increase in the monthly customer charge and the annual revenue to Aquila would increase by approximately \$1 million.

Despite exercising prudent cost control efforts to avoid rate increases, operational expenses have risen and investments in our system have grown as we serve our communities. Aquila invests approximately \$10 million annually in Nebraska, and inflationary pressures on operating costs have not been entirely offset by efficiency improvements. The application provides financial information from Aquila outlining system investments and increased costs of operation since our general rate filing two years ago.

The PSC will review the filing and must grant approval prior to Aquila implementing the increase. The application was filed with the PSC on July 31, 2005, and Aquila requested a determination within six months.

You may review the exhibits and testimony filed at the PSC at <http://www.psc.state.ne.us/>. If you have questions concerning the application or other areas of our operation, please contact me at 402-437-1725 or Jan Davis at 402-935-4868.

Sincerely,

Steve Pella
Vice President Nebraska Operations



jerryhoffman
<jerryhoffman@earthlink.net>

08/02/2005 10:53 PM

Please respond to
jerryhoffman@earthlink.net

To jray@lincoln.ne.gov

cc

bcc

Subject Information for City Council Packet

Dear Ms. Ray:

On behalf of the Citizens for Quality Parks and Trails, I submit the attachment for inclusion in the City Council information packet, prior to the August 8 Public Hearing on City Budget. I understand the deadline for such requests is 12 noon, Wednesday, August 3.

I will make a more formal presentation at the August 8 hearing.

This is the first time making such a request. Please let me know whether this follows proper protocol.

Sincerely,

Jerry L. Hoffman
Citizens for Quality Parks and Trails
402 435 6583
www.cqpt.org



CQPT Resolution to City Council.doc

Resolution on Adequate Funding for Quality Parks and Trails
Draft July 20, 2005

WHEREAS, the investment by citizens and taxpayers in the Lincoln system of Parks, Recreation, Conservancy Areas, Nature Centers, and Trails exceeds \$130 million in replacement value; and

WHEREAS, these assets age and deteriorate, annual investment is required for rehabilitation and renewal; and

WHEREAS, additional investment is required as the city grows to maintain the quality and distribution of park facilities; and

WHEREAS, over the past 12 years general fund and keno revenues appropriated for renewals and new facilities have declined from \$2.163 million (FY94-95) to a proposed \$1.08 million (FY02-06); and

WHEREAS, this level of investment represents less than 1% of system replacement costs, in a community growing at more than 1.5% per year; and

WHEREAS, the serious and effective determination of the City of Lincoln to systematically maintain quality parks, recreation, conservancy areas, nature centers, and trails must come into question; and

WHEREAS, current levels of support show no capacity to accumulate funds for major improvements such as community parks of 50 acres (\$5 million), new and replacement neighborhood pools (\$2.3 million), Pioneers Park Nature Center (\$0.5 million); and

WHEREAS, in the past 12 years the percent of the General Fund Budget allocated for Parks and Recreation has declined from 9% to 7.2%.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln City Council requests the Mayor to appoint a task force involving broad representation of the community to determine: what level of investment is required to maintain the quality of Lincoln's system of parks and trails; what level of capital funding should be provided in FY06-07 and subsequent years; and the proper role and capacity of private support for maintaining public assets. Conclusions of the task force study should be available for consideration during the City Council Budget Retreat in the fall of 2005.



Joan V Ray/Notes
08/03/2005 01:20 PM

To "Bob Hampton" <bhampton@hamptonlots.com>
cc
bcc
Subject Re: Thank you 📎

Dear Mr. Hampton: 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

"Bob Hampton" <bhampton@hamptonlots.com>



"Bob Hampton"
<bhampton@hamptonlots.com>
m>
08/03/2005 12:14 PM

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

Dear City Council members.

Thank you for passing the sewer and water rate increases.

I hope this will put more sewer pipe in the ground. This may help lower land prices.

The Home Builders association is suing the City. Not "The Developers"

Generally most developers are not so opposed to impact fees as much as the home builders are.

The developers were told that the City would have more money to pay there share of off sites.

I as a developer have not seen any more money for off sites from the City. All we hear is "no money"

The developers are being double dipped in that we have to escrow for impact fees even though the builders pay for them.

The banks are now requiring this of developers. This is a big added burden that makes Lincoln even more unattractive to develop in.

I and many developers are doing more in the county and Omaha.

Building permits are up every where but Lincoln. Lincolns down by a third. The City will see this reflection in sales tax receipts in the future.

Bob Hampton



Joan V Ray/Notes
08/03/2005 01:33 PM

To "Oswald, Stanley" <Stanley.Oswald@molex.com>
cc
bcc
Subject Re: Farmer's Market 

Dear Mr. Oswald: 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

"Oswald, Stanley" <Stanley.Oswald@molex.com>



"Oswald, Stanley"
<Stanley.Oswald@molex.com>
>
08/03/2005 01:15 PM

To <council@ci.lincoln.ne.us>
cc
Subject Farmer's Market

Hello,

There's an excellent article in today's (August 3) Lincoln Journal Star's letters to the editor section regarding the Farmer's Market.

The author cites several benefits for moving the market to Haymarket Park parking lot. As a frequent visitor to the market, I think this is an exceptional idea as the market has outgrown it's current location.

I encourage you to read the letter and give it consideration.

Best Regards,

Stan Oswald

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Chinese Japanese

www.molex.com/confidentiality.html



"Susan Thatcher"
<sthatcher@neb.rr.com>

08/03/2005 08:40 PM

To <cseng@lincoln.ne.gov>, <council@lincoln.ne.gov>,
<kdanek@lps.org>, <bbaier@lincoln.ne.gov>

cc

bcc

Subject Mickle Community Learning Center after school program
2005-2006

Dear Mayor Seng,

It is with much disappointment that my family has been informed that there will not be an after school program at Mickle Middle School this year, due to lack of funding. This program has been a safe and organized place for middle school students. Many students at this age level live too far from the school to walk home safely. This is of great concern to my family as well as many others.

I hope that funding can be found to support such a worthwhile program. We have one son at Mickle this year, and our youngest will attend Mickle next year.

Please review this situation, and I thank you for your consideration.

Sincerely,

Susan Thatcher
466-0094



Joan V Ray/Notes
08/04/2005 11:31 AM

To MarySue Harris <msharris@neb.rr.com>
cc
bcc
Subject Re: Lincoln Municipal Band 

Dear Mr. & Ms. Harris: The Council voted to reinstate the funding for the Municipal Band in their first round of changes to the Mayor's proposed budget on July 18th. If you go to the City Council webpage & look under the Weekly Meetings - July 18th Pre-Council Schedule, you'll find the minutes of that meeting listed just below the 10:00 a.m. Agenda meeting notation - or go to: (
<http://www.lincoln.ne.gov/city/council/agenda/2005/071805/pc071805.htm>)

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

MarySue Harris <msharris@neb.rr.com>



MarySue Harris
<msharris@neb.rr.com>
08/04/2005 11:00 AM

To <council@lincoln.ne.gov>
cc
Subject Lincoln Municipal Band

Dear City Leaders,

We are writing to express our great concern about the proposed elimination of funds for the Lincoln Municipal Band that will threaten the almost 100 year tradition of summer concerts at Antelope Park!!

We have enjoyed these concerts through all the years of living in Lincoln. The concerts are "Americana" at its finest! Its unique combination of excellent music, fine musicians, a beautiful setting, and a long-time tradition makes the very thought of its demise UNTHINKABLE!

Please City Leaders, reconsider this proposal, and see that the proper funding is secured to maintain this quality gem in the crown of our fine city! I implore you to take positive action to save the Lincoln Municipal Band!!

MarySue and Bill Harris



DATE: August 4, 2005

TO: Mayor Coleen Seng, Lincoln City Council

FROM: Terry L. Bundy, LES Administrator and CEO

SUBJECT: Rating Commentary from Fitch Ratings

Attached is a press release issued by Fitch Ratings yesterday, August 3, 2005.

You will note the prominent role that the recent actions of the City Council on rates and the Commercial Paper/Note program play in Fitch's review.

On behalf of the LES Administrative Board and Management, I want to thank you for your continued support. It is an important factor in keeping our borrowing costs low.

TLB:cls

Attachment



FitchRatings

Rating Action Commentary

Contacts

Hiran Cantu +1-212-908-0371
Karl Pfeil, III, +1-212-908-0516

Fitch Affirms Lincoln (Nebraska) Electric System at ‘AA’

Fitch Ratings-New York-August 3, 2005: Fitch Ratings affirms the ‘AA’ rating of Lincoln (Nebraska) Electric System's (LES) \$440 million electric revenue bonds. The Rating Outlook is Stable.

LES is one of Fitch’s highest rated public power utilities. The ‘AA’ rating reflects LES’ experienced management team, retail rates that are among the lowest in the region, low-cost power resources, and favorable service territory. In 2004, 77% of LES' energy sales came from three coal-based generating plants, all of which have historically produced reliable and competitively priced electricity. LES also has firm allocation from the Western Area Power Agency (WAPA) that provided approximately 7% of its energy in 2004. In addition, LES owns a recently completed 175-megawatt (mw) combined cycle and peaking facility (natural-gas fired), which diversifies its resource mix and provides some dispatch flexibility.

Of note is LES’ reduced financial margins caused primarily by higher than expected fuel and production costs. Fitch recognizes LES’ ability and willingness to raise rates to mitigate higher costs. The city of Lincoln city council recently unanimously approved a 9% rate increase. LES’ forecast over the next few years shows lower debt service coverage and cash reserves relative to earlier forecasts despite the recent rate increase. While debt service coverages are expected to decrease slightly over the next couple of years, LES’ target coverage remains in line with historical levels. Management has assured Fitch that it will make appropriate rate adjustments to meet its stated targets when the full scope of these cost increases is more clear. Historically, LES’ financial profile has not needed to be as strong as other retail utilities in the ‘AA’ category, primarily due to a lower relative risk profile.

In 2004, LES had debt service coverage of 1.5 times (x) and currently has approximately \$45 million in cash reserves (\$33 million in working capital and \$12 million in a rate stabilization fund). These balances are equal to nearly five months of operating expenses. Further supporting its liquidity profile is approximately \$35 million of available commercial paper (CP) capacity in its \$125 million CP program. LES is currently in the process of expanding the program to \$150 million. In aggregate, Fitch views LES' liquidity as good, especially given the relative stability of its cost structure. LES expects to spend over \$300 million in capital expenditures over the next five years, funding approximately 60% from debt and 40% from internally generated funds. This includes funding LES' 100mw ownership interest in a new 790mw coal-fired unit (Council Bluffs #4) being developed by Mid-American. The new coal unit is expected to be on-line in 2007.

LES is a publicly owned municipal utility serving 121,000 customers within a 195-square-mile territory which includes the cities of Lincoln, Waverly, Walton, and Emerald, and surrounding areas. In 2004, LES' revenues comprised 40% from residential customers, 33% from commercial customers, 14% from industrial customers, 7% from government entities, and 7% from miscellaneous sales.

Fitch's rating definitions and the terms of use of such ratings are available on the agency's public site, www.fitchratings.com. Published ratings, criteria and methodologies are available from this site, at all times. Fitch's code of conduct, confidentiality, conflicts of interest, affiliate firewall, compliance and other relevant policies and procedures are also available from the 'Code of Conduct' section of this site.

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