

**DIRECTORS' MEETING
MONDAY, OCTOBER 3, 2005 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

- *1. NEWS RELEASE - RE: City Establishes "Point Of Contact" Network - (See Release)
- *2. NEWS ADVISORY - RE: Mayor Seng will discuss the Harris Overpass project at a news conference at 10:00 a.m. Thursday, September 22nd -(See Advisory)
- *3. NEWS RELEASE - RE: One-Year Construction Schedule Chosen For Harris Overpass Project -(See Release)
- *4. Letter from Mayor Coleen Seng to Curt Donaldson, Friends of the Pioneers Park Nature Center - RE: Writing to invite your participation in a citizen committee that I am appointing to consider funding strategies for parks and recreation facilities -(See Letter)
- 5. Washington Report - September 23, 2005.

II. DIRECTORS

FINANCE

- *1. Material from Don Herz - RE: August EMS Reports - (See Material)
- 2. Monthly City Cash Report & Pledged Collateral Statement for August 2005.

FINANCE/ACCOUNTING

- *1. Letter from Mark Leikam - RE: June 30, 2005 Quarterly Keno Audit -(See Letter)

FINANCE/BUDGET

1. Reports from Steve Hubka - RE: September Sales Tax Receipts - (See Reports)

HEALTH

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

PLANNING

- *1. E-Mail Response from Jean Walker to Tamara Kuehn-Damme - RE: Wal-Mart Support (Annex. 05013 & CZ#05054, Prairie Village North Planned Unit Development) -(See E-Mail)
- *2. Memo from Marvin Krout to County Board - RE: City Council Comprehensive Plan Amendments -(See Memo)
- *3. Letter from Brian Will to Mike Johnson, Olsson Associates - RE: Village Gardens Addition - FPPL#05074-Generally located at Pine Lake Road and South 61st Street -(See Letter)
4. Memo from Brian Will - RE: Revised Recommendations for the Appian Way Theater Requests: - 1.) Change of Zone #05036-From AG to B-5; - 2.) Special Permit #05023-To allow an 18 screen theater; - 3.) Use Permit #140B-Amend Appian Way Use Permit to include SP#05023 -(See Memo)

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit #05044 (On-sale - South 27th Street and Jamie Lane) Resolution # PC-00951.
- *2. Special Permit #05036 (Off-sale - Tobacco Shack, N. 63rd Street and Havelock Avenue) Resolution # PC-00950.
- *3. Preliminary Plat #04017-Twin Pines Addition (SW 33rd Street and West Denton Road) Resolution # PC-00952.

PUBLIC WORKS & UTILITIES

1. Public Works & Utilities ADVISORY - RE: Pre-Construction Open House-Sherwood & Somerset to 54th & Cleveland-Storm Drainage Project 701682-Tuesday, October 4, 2005; 6:00-7:00 p.m. -Huntington Elementary School Cafeteria, 2900 North 46th Street -(See Advisory & Map)
2. Public Works & Utilities ADVISORY - RE: Harris Overpass Project-Project #701781 -(See Advisory)

URBAN DEVELOPMENT

1. Interoffice Memo from Clinton W. Thomas, Real Estate Division - RE: Street & Alley Vacation #05005-Maple Street, west of SW 27th Street -(See Memo)

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

- *1. E-Mail from Ross & Liz Wunderlich sent to Jon Camp - RE: Pioneers Blvd. Medians -(See E-Mail)
- *2. E-Mail Response from Jon Camp to Ross & Liz Wunderlich - RE: Pioneers Blvd. Medians -(See E-Mail)
- *3. E-Mail from Dave Anderson sent to Jon Camp - RE: Theaters -(See E-Mail)
4. E-Mail from John Wieneke sent to Jon Camp - RE: Starlings on Bison Drive -(See E-Mail)

JONATHAN COOK

1. Request to ~~Public Works & Utilities Department~~ - RE: The speed limit on West "A" Street -(RFI#127 - 8/30/05). — **1.) SEE RESPONSE FROM SCOTT OPFER, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#127 - 9/21/05.**

PATTE NEWMAN

- *1. E-Mail from Michael Goodrich sent to Patte Newman - RE: City Planning - (See E-Mail)

V. MISCELLANEOUS

- *1. E-Mail from Patrick Henry - RE: Movie Theaters -(See E-Mail)
- *2. E-Mail from Lt. Col. Joseph W. Johnson, Jr., USAF Retired - RE: Theaters -(See E-Mail)
- *3. E-Mail from Jeffrey Fields - RE: Theater Policy -(See E-Mail)
- *4. E-Mail from Roger Yant - RE: Theaters -(See E-Mail)
- *5. E-Mail from David Oenbring - RE: Theater -(See E-Mail)
- *6. E-Mail from Thomas Stoddard - RE: Against Northeast Wal-Mart -(See E-Mail)
- *7. E-Mail from Edwin K. Aasen III - RE: Pioneers Blvd. -(See E-Mail)
- *8. E-Mail from Teresa Predmore - RE: Yes to a new Wal-Mart -(See E-Mail)
9. E-Mail from K.M. - RE: School safety for our children -(See E-Mail)
10. Letter, Map & Post Cards (366) from Mark A. Hunzeker, Pierson/Fitchett Law Firm - RE: Theaters - (Council received copies of this Material on 9/26/05 before evening Council Meeting and Post Cards given to Ken Svoboda, Chair) (See Attached Letter & Map)

11. E-Mail from Deanna Faust - RE: When will a decision be made on the Wal-Mart store for the 84th & Adams location? -(See E-Mail)
12. E-Mail from Laurie Montag - RE: Theater Policy -(See E-Mail)
13. E-Mail from Jody Soester - RE: Starship 9-Don't take it away! -(See E-Mail)
14. Letter from Sam Nelson, Chairman of the Auditorium Advisory Board of Pershing Center - RE: Letter represents the concerns & recommendations of the Auditorium Advisory Committee for Pershing Center and the Pershing Center Staff -(See Letter)
15. Letter & Material from Thomas Kiefer - RE: Opposition - using Omaha as a model for Lincoln's development and growth -(See Material)
16. Letter from Dennis P. Crawford, Crawford Law Offices, P.C., L.L.O. - RE: Notice of Claim Pursuant To Political Subdivisions Tort Claims Act - RE: Zane Schulte who was injured in a motor vehicle accident on 9/18/05 at the intersection of 27th & Old Cheney Streets-(See Letter)

VI. ADJOURNMENT

***HELD OVER FROM SEPTEMBER 26, 2005.**

da100305/tjg



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Washington Report

Archived at:
[www.capitaledege.com/
archive.html](http://www.capitaledege.com/archive.html)

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CONGRESS PREPARES 7-WEEK CONTINUING RESOLUTION

BUDGET

GOP leaders agree on seven-week stopgap spending bill. House and Senate leaders indicated this week that they had agreed to bring a Continuing Resolution (CR) to their floors next week that would fund federal agencies under the jurisdiction of FY 2006 appropriations bills that have yet to be enacted into law.

To date, the House has approved all 11 of its FY 2006 appropriations bills, while the Senate has only approved eight of its 12 measures. Only two FY 2006 spending bills (Interior-Environment and Legislative Branch) have been addressed by House-Senate conference committees and signed into law, and with the official start of FY 2006 one week away (October 1), Congress will have to act before that date to avoid a large-scale government shutdown.

Instead of funding programs at FY 2005 levels, the CR to be considered next week will set funding for programs at the lower of the amount that has been approved by the House or the Senate in their FY 2006 bills. The result would be particularly tight funding for some programs, as Appropriations Committees in both chambers have been operating under very tight spending caps in FY 2006 and some bills have been sent to the floor with the hope that additional funding could be found later in the year.

In addition, there are reports that the Defense Department would be exempt from those tight funding restrictions.

The CR to be considered next week in Congress would fund programs through November 18, another signal that Congress expects to be in session well into November and possibly December.

TRANSPORTATION

House leadership rejects calls to repeal highway projects to offset Katrina recovery costs. House Republican leadership was quick to squelch a proposal this week to repeal over \$25 billion in highway and transit projects in the recently approved transportation bill to pay for the costs of Gulf Coast relief. However, the issue continues to surface in discussions from both sides.

The proposal came from the Republican Study Committee (RSC), a group of the 100 most conservative members of the House, who released a detailed proposal to offset Katrina relief with \$929 billion in reductions to other federal programs over the next decade. Receiving the most attention were the highway proposal and a delay in the implementation of the new prescription drug benefit. Neither the Bush Administration nor the Speaker of the House indicated any interest in those ideas. In the case of the highway bill, virtually every Member in Congress has at least one project in the bill.

Although the vast majority of the RSC proposal will remain just that, certain items may garner the interest of the House leadership as they struggle to fund Gulf Coast recovery efforts while holding down the budget deficit, which threatens to break a record this year. As a result, voices in both houses are seeking Presidential leadership on this issue.

A group of Republican Senators, including John McCain (AZ), John Ensign (NV), Jim DeMint (SC), Lindsay Graham (SC), and Tom Coburn (OK) have called for a freezing of domestic discretionary spending accounts and the White House has agreed to work with Congress in the future to find some offsets for the massive disaster recovery efforts.

HEAD START

House approves Head Start bill after adding controversial “faith-based” language. The House this week approved legislation (HR 2123) to reauthorize the Head Start program, but the bill is likely to face opposition in the Senate after a provision was added to the bill on the floor that would allow faith-based groups offering Head Start services to hire their staff based on religious preferences.

After failing to convince Congress to approve protections for such faith-based organizations across all federal agencies, the Bush Administration has since attempted to insert faith-based language in a variety of social service reauthorizations bills on an individual basis.

Supporters of the language contend that religious groups should not have to change their missions if they want to participate in the Head Start program, and that the 1964 Civil Rights Act already provides the authority to hire based on religious beliefs. Opponents charge that organizations receiving federal funds should not be allowed to discriminate and point to the fact that 114 faith-based organizations currently provide Head Start services and are not deterred by anti-discrimination language.

The Senate Head Start legislation (S 1107) approved on the committee level earlier this year does not include the faith-based language and the provision is not expected to garner significant support in that chamber. No Senate floor time has been scheduled for the bill as well.

EMINENT DOMAIN

Senate and House Judiciary Committees hear testimony on eminent domain abuse. The hearings focused on the impact of the Supreme Court’s June decision in the case of *Kelo v. City of New London*, in which the Court held that economic development could constitute a “public use” under the Fifth Amendment for the purposes of eminent domain.

The hearing considered the “Protection of Homes, Small Businesses, and Private Property Act of 2005” (S. 1313), introduced by Senator John Cornyn (R-TX). The measure would require local governments to exercise eminent domain

only for “public use,” and economic development is expressly excluded as a public use. A state or local government that defies this requirement would forfeit federal funds appropriated or granted for the project.

Hartford, CT Mayor Eddie Perez, the only witness who spoke in favor of the necessary role of eminent domain to local governments, maintained that eminent domain is used as a matter of last resort by most communities, and extraordinary precautions are often taken to appease those residents whose private property would be or is taken. He offered that state and local governments should and are considering restrictions, but Jeff Sessions (R-AL) countered that local governments could not be trusted to police themselves when faced with attractive increases in taxes through development of poorer areas.

The House followed the Senate on Thursday when the Constitution Subcommittee of the Judiciary Committee met to hear similar testimony. Subcommittee Chairman Steve Chabot (R-OH) offered the range of alternatives that local governments have to promote economic development without resorting to eminent domain, including zoning and code enforcement. However, Ranking Member Jerrold Nadler (D-NY) observed that the Court’s ruling was not extraordinary and did not vary from precedent. He raised a number of scenarios in which hasty Congressional restrictions would involve serious unintended consequences for projects that many would argue are necessary and for “public use.”

Indianapolis Mayor Bart Peterson was the sole champion of the prerogative of local governments at the House hearing. Like Mayor Perez, Peterson mentioned that state and local governments are already considering imposing their own restrictions such as a blight requirement, for example, to curb abuses. He also strongly urged Congress not to legislate the issue through the Appropriations process. He concluded that municipal redevelopment projects would all but come to a standstill if restrictions were imposed.

Members attending both hearings generally announced reservations about the Court’s ruling but offered few suggestions and no further action by either committee is scheduled at this time. However, a number of bills and amendments to appropriations bills are pending in the House and the Senate.

ENVIRONMENT

House Resources Committee approves legislation to reform the Endangered Species Act of 1973. Arguably the most controversial provision of the legislation (HR 3824) is the elimination of the critical habitat designations, which often have been the basis of lawsuits. Based on Federal officials, who suggest that the designations actually do little to help species, the legislation instead would designate looser recovery habitats that would be linked with specific recovery plans, although their enforceability under law was hotly debated.

During a Committee hearing this week that preceded the markup, debate also centered on a provision in the original legislation that, if the Interior Department did not respond within 90 days on how private development would affect species, the development could go forward. Among the witnesses, Interior Assistant Secretary for Wildlife Craig Mason suggested that this time-frame was too short. Thus during the Thursday markup, the Committee accepted an amendment to extend the deadline to 180 days. Mason’s other reservations dealt with flexibility and cost limitations in implementing provisions of the legislation.

The legislation would also require the Interior Department to provide incentives and guarantees to private landowners with endangered species on their property, including payment through conservation grants equal to the market value of any development the landowner would lose as a result of endangered species habitat designation. Fair market value would be determined by two independent appraisers. Opponents argue that this provision could potentially bankrupt the Act.

The legislation also emphasizes using good available science as the basis for

working to recover species, and increases the role of state and local governments in decision making with Federal agencies.

The bill could reach the House floor as early as next week depending on the possible need for another disaster relief package. Resources Committee Chairman Richard Pombo (R-CA) predicted that the legislation would easily pass the House.

Meanwhile, the Senate Fisheries, Wildlife, and Water Subcommittee of the Environment and Public Works Committee held a hearing to consider needed changes to the Endangered Species Act, but intend to review a forthcoming report from an independent commission reviewing the law before moving any legislation. During the hearing, two witnesses – Colorado State Representative Cory Gardner and Michael Pasteris of the Forest Preserve District of Will County – urged Congress to make state and local governments an equal partner with the Federal government in the designation and recovery processes.

HOUSING

Federal housing aid to hurricane victims to be expedited. On Friday afternoon, DHS Secretary Michael Chertoff and HUD Secretary Alphonse Jackson announced a plan to expedite Federal Emergency Management Agency (FEMA) housing to victims of Katrina by making an average of \$2,358 per household immediately available directly to them for three months of temporary transitional housing. (This amount is based on an estimated national Fair Market Rent.) By providing funds directly to families this approach will reduce the need of local governments to continue to provide housing assistance and then be reimbursed by FEMA.

Families who are registered with FEMA and who meet eligibility requirements will begin to receive lump sum payments early next week, provided they have a bank account and can receive an electronic transfer. Checks can also be mailed to recipients, but will be slower to arrive. Recipients will need to verify that funds are used for housing. Assistance will be renewable for up to 18 months and adjusted after the first three months to the fair market rent in the area where the displaced household resides.

Secretary Jackson indicated that HUD would make vouchers available to previous Section 8 recipients and public housing residents and homeless people. They will be available through local public housing authorities.

Local governments assisting victims were urged to help them register for this assistance at www.fema.gov.

HOMELAND SECURITY

Senate Homeland Security and Governmental Affairs Committee marks up bills to help local governments and those impacted by Hurricane Katrina. Yesterday, the committee approved a number of bills by voice vote including legislation to:

Authorize a new five year program for interoperable and durable communications equipment for first responders;

- To expedite FEMA reimbursements to local governments by requiring payment within 60 days of filing a claim;
- To make removal of debris from private property eligible for FEMA assistance;
- To increase the Secretary of Homeland Security's flexibility in approving costs incurred by local governments in emergencies and disasters as well as lowering caps on certain assistance and lowering required state/local matching funds.

The bills have not been scheduled for a floor vote but are expected to step up the debate in Congress over how best to distribute aid to the Gulf Coast.

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

SEPTEMBER 23, 2005

TO: MAYOR COLEEN SENG & CITY COUNCIL MEMBERS

FROM: FINANCE DEPARTMENT / CITY TREASURER

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business August 31, 2005:

Balance Forward	\$	\$228,007,290.95
Plus Total Debits August 1 - 31, 2005	\$	\$56,347,476.84
Less Total Credits August 1 - 31, 2005	\$	(\$42,548,681.86)
Cash Balance on August 31, 2005	\$	\$241,806,085.93

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

U. S. Bank Nebraska, N.A.	\$	\$387,146.77
Wells Fargo Bank	\$	(\$45,741.32)
Wells Fargo Bank Credit Card Account	\$	(\$3,678.43)
Cornhusker Bank	\$	\$32,581.96
Pinnacle Bank	\$	\$61,398.73
Union Bank & Trust Company	\$	\$289,022.77
West Gate Bank	\$	\$34,494.30
Idle Funds - Short-Term Pool	\$	\$63,509,790.28
Idle Funds - Medium-Term Pool	\$	\$177,391,566.27
Cash, Checks and Warrants	\$	\$149,504.60
Total Cash on Hand August 31, 2005	\$	\$241,806,085.93

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

I also hold as City Treasurer, securities in the amount of \$32,743,756.41 representing authorized investments of the City's funds.

ATTEST:

Teresa J. Meier
Joan E. Ross, City Clerk



Melinda J. Jones
Melinda J. Jones, City Treasurer

**CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
AUGUST 2005**

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC FGLMC D67795	3128F7UJ6	12/01/09	\$1,191,991.00	\$79,718.70	1.06	\$84,714.16
FHLMC FGTW C90689	31335HX57	07/01/23	\$11,150,000.00	\$9,240,282.30	0.097	\$8,990,743.86
FNMA FNARM 303824	31373UPH4	07/01/25	\$1,600,000.00	\$50,933.23	1.02	\$51,948.62
FNMA FNCL 538363	31385AB89	04/01/30	\$550,000.00	\$61,549.31	1.07	\$65,829.87
FNMA FNCL 254725	31371K4J7	05/01/33	\$500,000.00	\$363,446.65	0.99	\$359,726.11
FNMA FNCL 682970	31400BW77	02/01/18	\$7,100,000.00	\$4,346,548.29	0.99	\$4,288,135.90
GNMA-2 G2JO 3156	36202DQH7	11/20/16	\$2,550,000.00	\$773,112.16	1.02	\$792,338.15
GNMA-2 G2JO 3194	36202DRP8	12/20/17	\$4,130,000.00	\$1,586,571.18	1.02	\$1,625,902.75
FNMA FNCL 254592	31371KXV8	02/01/32	\$3,100,000.00	\$1,948,242.49	0.99	\$1,928,734.35
FNMA POOL 725772	31402DJR2	09/01/34	\$8,500,000.00	\$7,539,413.98	0.99	\$7,448,809.07
FNMA FNARM 768922	31404HG78	06/01/34	\$4,400,000.00	\$3,966,876.67	0.98	\$3,882,404.41
FHLMC GOLD POOL B13665	312966CA0	04/01/19	\$10,000,000.00	\$8,811,842.90	0.97	\$8,521,686.54
FNMA FNCL 805211	31406BR85	01/01/35	\$3,520,000.00	\$3,443,959.02	0.96	\$3,319,545.66
FNMA FNARM 764364	31404CFD7	06/01/34	\$9,943,084.00	\$8,592,100.57	0.98	\$8,441,186.34
USBANK NE		TOTAL PLEDGED	\$68,235,075.00	\$50,804,597.45		\$49,801,705.79
FNCL 535771 6.00%	31384WFL9	02/01/31	\$8,200,000.00	\$1,117,276.32		\$1,147,049.57
FNCL 729001 5.50%	31402G3J0	08/01/33	\$2,050,000.00	\$1,467,666.73		\$1,485,669.03
FNCL 759855 5.50%	31403WE45	02/01/34	\$1,250,000.00	\$950,097.86		\$960,748.44
FNCL 773591 5.50%	31404NNG7	07/01/34	\$11,600,000.00	\$9,159,515.33		\$9,256,939.87
FNCL 555285 6.00%	31385W2S7	03/01/33	\$17,005,000.00	\$4,572,305.59		\$4,684,559.44
FNCL 704870 6.00%	31401DCF6	02/01/33	\$975,000.00	\$267,148.15		\$273,706.86
FNCL 725610 5.50%	31402DDP2	06/01/34	\$4,160,000.00	\$3,344,117.96		\$3,379,687.44
FNCL 666295 6.00%	31391GGC4	11/01/32	\$8,650,000.00	\$1,324,121.76		\$1,356,630.03
FNCL 545277 6.00%	31385HXE7	11/01/31	\$5,400,000.00	\$710,915.72		\$728,846.85
FNCL 615057 6.00%	31388UJ9	01/01/32	\$5,000,000.00	\$1,063,167.15		\$1,089,982.97
FNCL 622169 6.00%	31389DFJ1	12/01/31	\$2,200,000.00	\$343,429.24		\$352,091.41
GNSF 781210 6.50%	36225BKX5	09/15/29	\$8,700,000.00	\$695,348.41		\$935,288.84
FNCL 323715 6%	31374TSC4	05/01/29	\$10,500,000.00	\$1,328,439.42		\$1,363,839.75
FNCL 323605 6.50%	31374TNN5	03/01/29	\$2,400,000.00	\$185,099.64		\$192,142.46
G2SF 3274 6.50%	36202DT76	08/20/32	\$30,800,000.00	\$4,426,389.35		\$4,597,065.52
WELLS FARGO BANK NE		TOTAL PLEDGED	\$118,890,000.00	\$31,155,038.63		\$31,804,248.48
FHLB 4.00	3133XAT56	03/10/08	\$250,000.00	\$250,000.00		
FHLB 5.375%	3133MEU66	05/15/06	\$100,000.00	\$100,000.00		
UNION BANK		TOTAL PLEDGED	\$350,000.00	\$350,000.00		
FHLB BOND 3.05%	3133X4X63	03/28/07	\$3,000,000.00	\$3,000,000.00		
FNMA POOL #253819	31371JAC5	05/01/11	\$1,025,000.00	\$995,861.61		
CORNHUSKER BANK		TOTAL PLEDGED	\$4,025,000.00	\$3,995,861.61		
FHLB STEP UP 2.4%	31339XUE2	01/09/09	\$2,000,000.00			
FHLB STEP-UP 2.125%	31339YDB5	07/23/09	\$2,000,000.00			
FHLB STEP UP 2.25%	31339XM43	06/30/08	\$2,000,000.00			
WEST GATE BANK		TOTAL PLEDGED	\$6,000,000.00			
FHLBANK TOPEKA LOC	LOC #6588	03/24/06	\$2,100,000.00			
FHLBANK TOPEKA LOC	LOC #6583	03/23/06	\$2,000,000.00			
TIER ONE BANK		TOTAL PLEDGED	\$4,100,000.00			

**Actual Compared to
Projected Sales Tax Collections**

	2005-06 PROJECTED	2005-06 ACTUAL	VARIANCE FROM PROJECTED	\$ CHANGE FR. 04-05	% CHANGE FR. 04-05
SEPTEMBER	\$4,521,210	\$4,549,328	\$28,118	\$37,025	0.82%
OCTOBER	\$4,738,362				
NOVEMBER	\$4,743,930				
DECEMBER	\$4,420,986				
JANUARY	\$4,632,570				
FEBRUARY	\$5,740,599				
MARCH	\$4,191,410				
APRIL	\$3,957,554				
MAY	\$4,620,145				
JUNE	\$4,464,241				
JULY	\$4,536,625				
AUGUST	\$4,837,297				
TOTAL	\$55,404,929	\$4,549,328	\$28,118	\$37,025	0.82%

**CITY OF LINCOLN
GROSS SALES TAX COLLECTIONS
(WITH REFUNDS ADDED BACK IN)
2000-2001 THROUGH 2005-2006**

	ACTUAL 2000-2001	ACTUAL 2001-2002	ACTUAL 2002-2003	ACTUAL 2003-2004	% CHG. FR. PRIOR YEAR	ACTUAL 2004-2005	% CHG. FR. PRIOR YEAR	ACTUAL 2005-2006	% CHG. FR. PRIOR YEAR
SEPTEMBER	\$3,758,935	\$3,844,150	\$4,239,938	\$4,453,875	5.05%	\$4,648,160	4.36%	\$4,630,210	-0.39%
OCTOBER	\$4,273,028	\$4,116,763	\$4,464,191	\$4,670,587	4.62%	\$4,706,690	0.77%		
NOVEMBER	\$4,060,765	\$4,125,824	\$4,407,744	\$4,526,166	2.69%	\$4,687,792	3.57%		
DECEMBER	\$3,824,569	\$3,855,906	\$4,034,958	\$4,314,111	6.92%	\$4,500,338	4.32%		
JANUARY	\$3,968,572	\$4,140,990	\$4,046,633	\$4,335,924	7.15%	\$4,264,010	-1.66%		
FEBRUARY	\$4,895,886	\$4,982,568	\$5,224,986	\$5,531,405	5.86%	\$6,086,841	10.04%		
MARCH	\$3,731,090	\$3,908,567	\$4,076,943	\$3,980,041	-2.38%	\$4,158,874	4.49%		
APRIL	\$3,126,694	\$3,641,403	\$3,711,803	\$3,889,388	4.78%	\$4,097,988	5.36%		
MAY	\$4,061,857	\$3,949,873	\$4,184,028	\$4,602,788	10.01%	\$4,730,317	2.77%		
JUNE	\$3,741,325	\$3,856,119	\$4,169,550	\$4,599,245	10.31%	\$4,557,735	-0.90%		
JULY	\$3,804,895	\$4,033,350	\$4,105,554	\$4,391,257	6.96%	\$4,519,466	2.92%		
AUGUST	\$4,093,476	\$4,231,174	\$4,402,156	\$4,893,438	11.16%	\$4,803,665	-1.83%		
TOTAL	\$47,341,091	\$48,686,688	\$51,068,484	\$54,188,225	6.11%	\$55,761,877	2.90%	\$4,630,210	-0.39%

Year to date vs.
previous year

**CITY OF LINCOLN
SALES TAX REFUNDS
2000-2001 THROUGH 2005-2006**

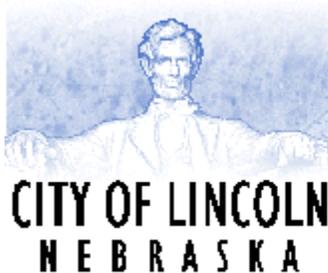
	ACTUAL 2000-2001	ACTUAL 2001-2002	ACTUAL 2002-2003	ACTUAL 2003-2004	% CHG. FR. PRIOR YEAR	ACTUAL 2004-2005	% CHG. FR. PRIOR YEAR	ACTUAL 2005-2006	% CHG. FR. PRIOR YEAR
SEPTEMBER	(\$472,215)	(\$646,545)	(\$48,531)	(\$69,997)	44.23%	(\$135,858)	94.09%	(80,882)	-40.47%
OCTOBER	(\$127,363)	(\$379,290)	(\$64,605)	(\$110,193)	70.56%	(\$165,219)	49.94%	(358,866)	117.21%
NOVEMBER	(\$448,872)	(\$132,336)	(\$134,088)	(\$219,454)	63.66%	(\$101,531)	-53.73%		
DECEMBER	(\$193,085)	(\$240,014)	(\$177,459)	(\$390,445)	120.02%	(\$325,510)	-16.63%		
JANUARY	(\$352,999)	(\$74,082)	(\$306,467)	(\$59,315)	-80.65%	(\$220,967)	272.53%		
FEBRUARY	(\$115,206)	(\$509,277)	(\$61,404)	(\$323,218)	426.38%	(\$394,324)	22.00%		
MARCH	(\$303,779)	(\$428,507)	(\$17,601)	(\$22,759)	29.30%	(\$99,240)	336.05%		
APRIL	(\$478,438)	(\$333,878)	(\$281,861)	(\$199,018)	-29.39%	(\$69,900)	-64.88%		
MAY	(\$79,461)	(\$176,292)	(\$275,081)	(\$155,787)	-43.37%	(\$122,283)	-21.51%		
JUNE	(\$47,618)	(\$127,168)	(\$138,914)	(\$194,593)	40.08%	(\$34,811)	-82.11%		
JULY	(\$235,932)	(\$181,863)	(\$563,339)	(\$42,086)	-92.53%	(\$162,998)	287.30%		
AUGUST	\$0	(\$63,949)	(\$341,868)	(\$531,884)	55.58%	(\$148,028)	-72.17%		
TOTAL	(\$2,854,968)	(\$3,293,201)	(\$2,411,218)	(\$2,318,751)	-3.83%	(\$1,980,668)	-14.58%	(\$439,748)	46.06%

Year to date vs.
previous year

**CITY OF LINCOLN
NET SALES TAX COLLECTIONS
2000-2001 THROUGH 2005-2006**

	ACTUAL 2000-2001	ACTUAL 2001-2002	ACTUAL 2002-2003	ACTUAL 2003-2004	% CHG. FROM PR. YEAR	ACTUAL 2004-2005	% CHG. FROM PR. YEAR	ACTUAL 2005-2006	% CHG. FROM PR. YEAR
SEPTEMBER	\$3,286,720	\$3,197,606	\$4,191,407	\$4,383,878	4.59%	\$4,512,303	2.93%	\$4,549,328	0.82%
OCTOBER	\$4,145,665	\$3,737,474	\$4,399,587	\$4,560,394	3.66%	\$4,541,471	-0.41%		
NOVEMBER	\$3,611,894	\$3,993,488	\$4,273,655	\$4,306,712	0.77%	\$4,586,261	6.49%		
DECEMBER	\$3,631,485	\$3,615,893	\$3,857,499	\$3,923,666	1.72%	\$4,174,828	6.40%		
JANUARY	\$3,615,574	\$4,066,908	\$3,740,166	\$4,276,609	14.34%	\$4,043,044	-5.46%		
FEBRUARY	\$4,780,680	\$4,473,291	\$5,163,582	\$5,208,187	0.86%	\$5,692,517	9.30%		
MARCH	\$3,427,311	\$3,480,060	\$4,059,342	\$3,957,283	-2.51%	\$4,059,634	2.59%		
APRIL	\$2,648,256	\$3,307,525	\$3,429,942	\$3,690,371	7.59%	\$4,028,088	9.15%		
MAY	\$3,982,395	\$3,773,581	\$3,908,947	\$4,447,001	13.76%	\$4,608,034	3.62%		
JUNE	\$3,693,707	\$3,728,951	\$4,030,637	\$4,404,651	9.28%	\$4,522,924	2.69%		
JULY	\$3,568,964	\$3,851,488	\$3,542,215	\$4,349,171	22.78%	\$4,356,468	0.17%		
AUGUST	\$4,093,476	\$4,167,224	\$4,060,288	\$4,361,554	7.42%	\$4,655,637	6.74%		
TOTAL	\$44,486,126	\$45,393,489	\$48,657,267	\$51,869,477	6.60%	\$53,781,209	3.69%	\$4,549,328	0.82%

Year to date vs.
previous year



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

FOR IMMEDIATE RELEASE: September 23, 2005

FOR MORE INFORMATION: Harry Heafer, 441-8035

CLEAN UP LITTER FROM SHORELINES OF LOCAL LAKES

Earn money for your group

Join volunteers worldwide as part of the International Coastal Cleanup

Volunteers are needed to help clean litter from shorelines of area lakes for this year's International Coastal Cleanup. Keep Lincoln & Lancaster County Beautiful is recruiting individuals, groups, organizations, clubs and businesses to participate in this effort to help keep the lakes clean of litter, some of which has the potential to harm wildlife. Cleanup mini-grant money is available to groups conducting clean ups. The amount of mini-grant depends on the size of area cleaned up.

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

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

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

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

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

MEMORANDUM

TO: City Council

FROM: Brian Will  Planning Department

SUBJECT: Revised Recommendations for the Appian Way Theater Requests

1. Change of Zone #05036 - From AG to B-5
2. Special Permit #05023 - To allow an 18-screen theater
3. Use Permit #140B -Amend Appian Way Use Permit to include SP#05023

DATE: September 29, 2005

Consistent with the staff recommendation, the Planning Commission recommended denial of the above noted requests to allow an 18-screen theater complex. Per City Council's request, staff has revised the recommendations to allow a six-screen theater complex. Staff forwarded this revised recommendation on 9/27/05 to the applicant's representative, Mark Hunzeker, with a request that he review it and comment. To date there has been no response to that request.

The revised recommendation to allow a six-screen complex is as follows.

Change of Zone #05036

1. Approval

Special Permit #05023

Site Specific:

1. This approval permits a 6-screen theater complex.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.

2.1.1 A revised site plan showing the following revisions:

2.1.1.1 Show a six-screen theater complex on Lot 1, Block 4.

2.1.1.2 A revised Land Use Table showing a six-screen theater and associated floor area and trip generation rates.

2.1.1.3 All theater screens identified as "with matinee."

2.1.1.4 The required 50' setback along South 91st Street.

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

2.1.1.6 Delete waiver request #4 under "WAIVERS" relating to waiver of the preliminary plat.

2.1.1.7 Show revisions to the satisfaction of Public Works and Utilities.

2.2 The construction plans comply with the approved plans.

2.3 Final plat(s) are approved by the City.

Standard:

3. The following conditions are applicable to all requests:

3.1 Before occupying the buildings all development and construction is to comply with the approved plans.

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

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

- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Use Permit #140B

Site Specific:

1. This approval amends the site plan for Use Permit #140A to include the area and six-theater complex of Special Permit #05023 to permit a total of 950,983 of commercial and office floor area as shown on the approved plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 Show a six-screen theater complex on Lot 1, Block 4.
 - 2.1.1.2 A revised Land Use Table showing a six-screen theater and associated floor area and trip generation rates.
 - 2.1.1.3 All theater screens identified as "with matinee."
 - 2.1.1.4 The required 50' setback along South 91st Street.
 - 2.1.1.5 Note #34 revised as follows: LOT LAYOUT FOR LOT 1, BLOCK 4 SHOWN WITHIN THE BOUNDARY OF THIS SPECIAL PERMIT/USE PERMIT IS CONCEPTUAL. THE SPECIFIC SITE LAYOUT, INCLUDING GRADING AND DRAINAGE, STREET PROFILE, AND UTILITY PLANS MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

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 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.



CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

September 27, 2005

PRE-CONSTRUCTION OPEN HOUSE

**Sherwood & Somerset to 54th & Cleveland
Storm Drainage Project 701682**

Tuesday, October 4, 2005; 6:00 - 7:00 p.m.

**Huntington Elementary School Cafeteria
2900 North 46th Street**

This advisory is to inform you of an informational meeting regarding the upcoming construction of the Sherwood/Somerset to 54th and Cleveland Storm Drainage. City personnel, the consultant, and the construction contractor will be at this meeting to answer questions concerning the project. The Engineering Services Division of the Public Works Department has awarded a contract to Skoda Construction of Lincoln, Nebraska to do the work. Construction is scheduled to begin early October 2005.

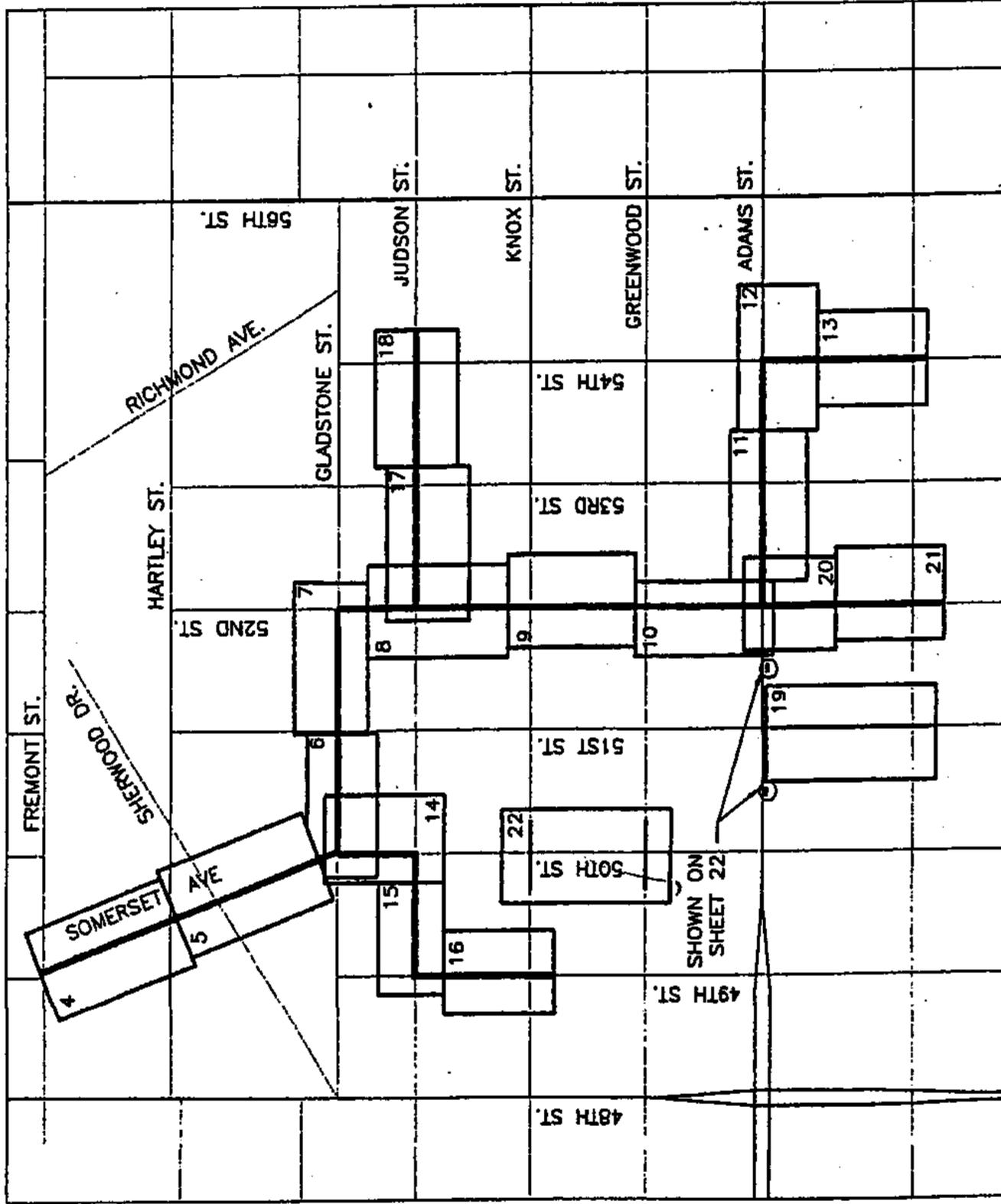
The project will replace the existing storm drainage system in the areas highlighted on the map on the reverse side.

The project is funded by the 2003 Storm Water Bond with no direct cost to property owners. However, 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 will be barricaded. Caution should be used when using the areas under construction. City trees on the right-of-way will be trimmed in advance to allow clearance for equipment. Private trees that overhang the City right-of-way will also be raised to 14' above the curb.

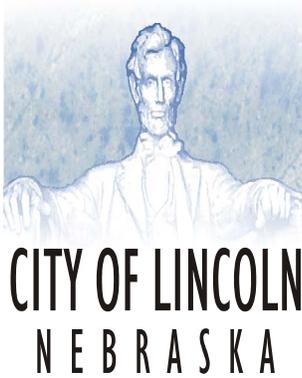
Information and detour routes are available on the City's website - www.lincoln.ne.gov. If you have any problems or questions during the construction period, please contact Skoda Construction at 560-5004 or the City of Lincoln Project Manager, Bill Dibbert at 441-8338 for additional information.

Project Phasing Map on Back

Bill Dibbert, Project Manager
531 Westgate Boulevard, Suite 100
Lincoln, NE 68528
Contact Information: (402) 441-8338 or bdibbert@lincoln.ne.gov



SITE LOCATION MAP



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

September 28, 2005

Harris Overpass Project Project #701781

The City of Lincoln, Department of Public Works and The Schemmer Associates would like to take this opportunity to invite you to an open house regarding the Harris Overpass project.

On Tuesday October 11, 2005 from 4:30 to 7:30 p.m. at Lincoln Firefighters Hall, 241 Victory Lane, Engineers from the Public Works Department and The Schemmer Associates will be available to answer questions about the project that will reconstruct the Harris Overpass between 3rd Street and 9th Street along "O" Street. Construction of the bridge is tentatively scheduled to begin in 2007.

Members of the public may attend anytime it is convenient between the hours of 4:30 p.m. and 7:30 p.m. and will be able to get information and provide input for the project which is currently in the preliminary design stage. This public meeting will focus primarily on aesthetic treatment options for the viaduct, the historic investigation process, and parking configurations underneath the viaduct in the Haymarket District.

If you cannot attend the open house and have questions, please contact the project representatives listed below.

Kris Humphrey
City of Lincoln, Engineering Services
(402) 441-7711

Andrea Bopp
The Schemmer Associates
(402) 488-2500

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: September 27, 2005

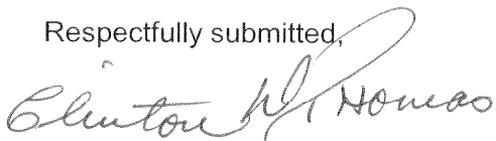
COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 05005
Maple Street, west of SW 27th Street

A request has been made to vacate that portion of Maple Street lying west of Southwest 27th Street. Maple Street lies approximately 2 blocks north of South Street and is adjacent to the north side of the State Correctional Facility grounds. The area was viewed and appears as a part of a cultivated field with a shelter belt running down the street right-of-way along the property line. No utilities were visible and the Planning Department has indicated there are no utilities located within the area to be vacated.

While it is not a part of any area being platted, the Planning Department has requested the street right-of-way be vacated in conjunction with the platting of the adjoining property. Once the area is vacated, it is to be deeded to the State of Nebraska who is the abutting property owner opposite the area being platted. Due to the fact the abutting plat will require the dedication of new streets and easements to replace this right-of-way and the area will remain in the public domain, it is recommended if the area be vacated it be deeded to the State of Nebraska at no cost with the understanding the petitioner will pay the cost of any required reconstruction that might be necessary.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

Tammy J Grammer/Notes
09/27/05 09:58 AM

To CouncilPacket/Notes@Notes
cc
bcc
Subject Fw: starlings on Bison Drive

----- Forwarded by Tammy J Grammer/Notes on 09/27/05 10:00 AM -----



campjon@aol.com
09/27/05 09:44 AM

To jo5410@msn.com
cc ljohnson@lincoln.ne.gov, BDart@ci.lincoln.ne.us,
tgrammer@lincoln.ne.gov
Subject Re: starlings on Bison Drive

John:

You are right. . .this is a bigger problem throughout the City and although the Health Department has stated that no health problems have been reported, the situation is nasty and needs to be controlled.

I ask that you provide support for a solution that will inevitably require some form of "bird control", not merely pushing the problem to other neighborhoods!

Regards

Jon

cc: Lynn Johnson, Parks Department; Bruce Dart, Health Department; City Council

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

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

From: jo5410@msn.com
To: campjon <campjon@aol.com>
Cc: ANDY RUSSELL <PR5320@CS.COM>
Sent: Tue, 20 Sep 2005 22:16:07 -0500
Subject: starlings on Bison Drive

Jon

I have been working with Andy Russell on the starling problem with the mayors office not seeing too much resolution other than they appear to have no idea what to do or who to contact other than putting it back at us to resolve the problem. We appreciate your interest in this problem and appreciate any help you can offer. In conversation with other Lincoln residents this appears to be a very widespread problem and hope there is a reasonable solution. Lynn at the mayors office has the letter we sent and of last Friday was sending a reply, so far have not received this yet.

Thanks in advance for your help and consideration please let me know what else we can do.

John Wieneke
5410 Bison Drive
Lincoln Ne. 68516
423-6533

Tammy J Grammer/Notes

09/26/05 08:09 AM

To KevMas4@aol.com

cc

bcc

Subject RE: School safety for our children. 📧

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

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

KevMas4@aol.com



KevMas4@aol.com

09/24/05 11:30 AM

To Council@lincoln.ne.gov

cc

Subject RE: School safety for our children.

Dear city council men and women, I am pure mortified by the news of a five year old boy being sexually assaulted in our schools!! I want to know WHY this was able to happen to this little boy! WHY aren't there more precautionary measures being done to prevent this from happening before it does? When I first sent my daughter to school in kindergarten, three years ago, I was very reluctant to leave her there until I was reassured that she will be safe. I still worried about whom she would come in contact with, either a bully or some stranger, and now it has come to light that this happened to this sweet little boy. How do you think he will be affected by this horrible ordeal for the rest of his life?? Or maybe you think that he will get over it, or maybe you even think that he is too young to remember it. I am mailing this to you in hopes of a major review of our childrens safety while at school. Seeing as we cannot be with them 24hours a day to watch over them, I expect them to be safe while in the schools doors!! I also am very upset with the news polls on channel 8' news, I cannot beleive that the homeowners and taxpayers are not willing to help protect our kids, by paying for a 1.5 million dollar bill annually. \$\$\$!! I will be one of the volunteers at my daughters' school to walk the halls to make sure people check into the offices before walking through our schools as freely as this person did...

A police officer in every school, could be our golden rule..

I thank you for all you may do in this matter. Mother of a elementary student.

k.m.

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

September 26, 2005

Ken Svoboda, Chair
Lincoln City Council
555 S. 10th Street
Lincoln, NE 68508

RECEIVED
SEP 26 2005
CITY COUNCIL
OFFICE

Re: *Theaters*

Dear Ken and Members of the Council:

During the "staff questions" portion of the public hearing on theater policy last Monday, the Planning Director was asked a rather general question regarding how the Developer of Prairie Lake Shopping Center had been treated by the City. The response implied that the Developer had been very favorably treated, citing relocating of 84th Street, removal and relocation of the water tower, exemption from Impact Fees, and an Agreement to annex the property in phases.

Although the Director acknowledged that he had not been involved in the matters about which he spoke, we think it is important to correct some inaccuracies and add a few facts which were not included in his remarks. First, 84th Street was moved from its former alignment on the section line, eastward (onto the Prairie Lake site), both to "square up" the 84th & Hwy. 2 intersection, and also to avoid the cost of substantial fill which would have been necessary to maintain the old alignment while widening 84th Street. The right-of-way was dedicated by the Prairie Lake Developer and a substantial portion of the cost of rebuilding 84th Street was born by the Developer. The eastward movement of 84th Street and reconstruction of the 84th/Hwy. 2 intersection did not enhance the spacing for a traffic signal at 87th Street; and yes, the Developer did pay for the traffic signal at 87th Street.

This project is exempt from Impact Fees, for the reason that the Developer has contributed in excess of \$11.5million for extensions of sewer trunk lines, water lines, street construction, and traffic signal installation. That sum included the cost of removal of the former water tower, and a contribution of more that \$800,000 toward construction of the new water tower.

The Annexation Agreement did agree to annex the property in phases. However, as I pointed out in rebuttal, the City annexed the property upon which the theaters are proposed to be built far ahead of the fazing in the Agreement. This area was "Phase 4"; however, it was annexed into the City far ahead of any development taking place on the site.

Pierson, Fitchett, Hunzeker, Blake & Katt

Ken Svoboda and Lincoln City Council
September 26, 2005
Page 2

These facts, and the fact that this Developer has been working diligently toward developing this shopping center for more than ten years, hardly warrant the implication that the City has been generous in its treatment of this project.

Also, I enclose an updated copy of the map which I displayed on the Elmo during my rebuttal. It shows clearly that the AMC 24-Plex at Oakview is surrounded by Douglas Theater Company multiplex venues. Village Point (Douglas 16-Plex) and 20 Grand (Douglas 20-Plex) are 3.1 and 4.38 miles, respectively, from the AMC 24. Q Cinema 9 (Douglas 9-Plex) is 3 miles from the AMC 24, and 3.97 miles from Cinema Center (Douglas 8-Plex). The new proposed 16-Plex at 72nd & Sorenson Parkway is just over 6 miles from the 20 Grand.

Obviously, "Megaplex" Theaters compete successfully within a much shorter distance of one another than the proposed theaters at Prairie Lake and the Grand 14 in downtown Lincoln. If the logic of the City's "market study" is applied to this scenario, virtually all of the Omaha theaters should be going broke.

Finally, delivered with this letter are an additional 366 post cards from Lincoln residents expressing support for a movie theater with 12 or more screens at Prairie Lake. Of the cards returned to us with names and addresses, over 98.25% support our project.

We have expressed willingness to be flexible, even to the point of deferring construction of more than six screens for a reasonable period of time. We hope you will find a way to equitably adjust the theater policy to allow for competition in Lincoln.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:sb

Enclosures

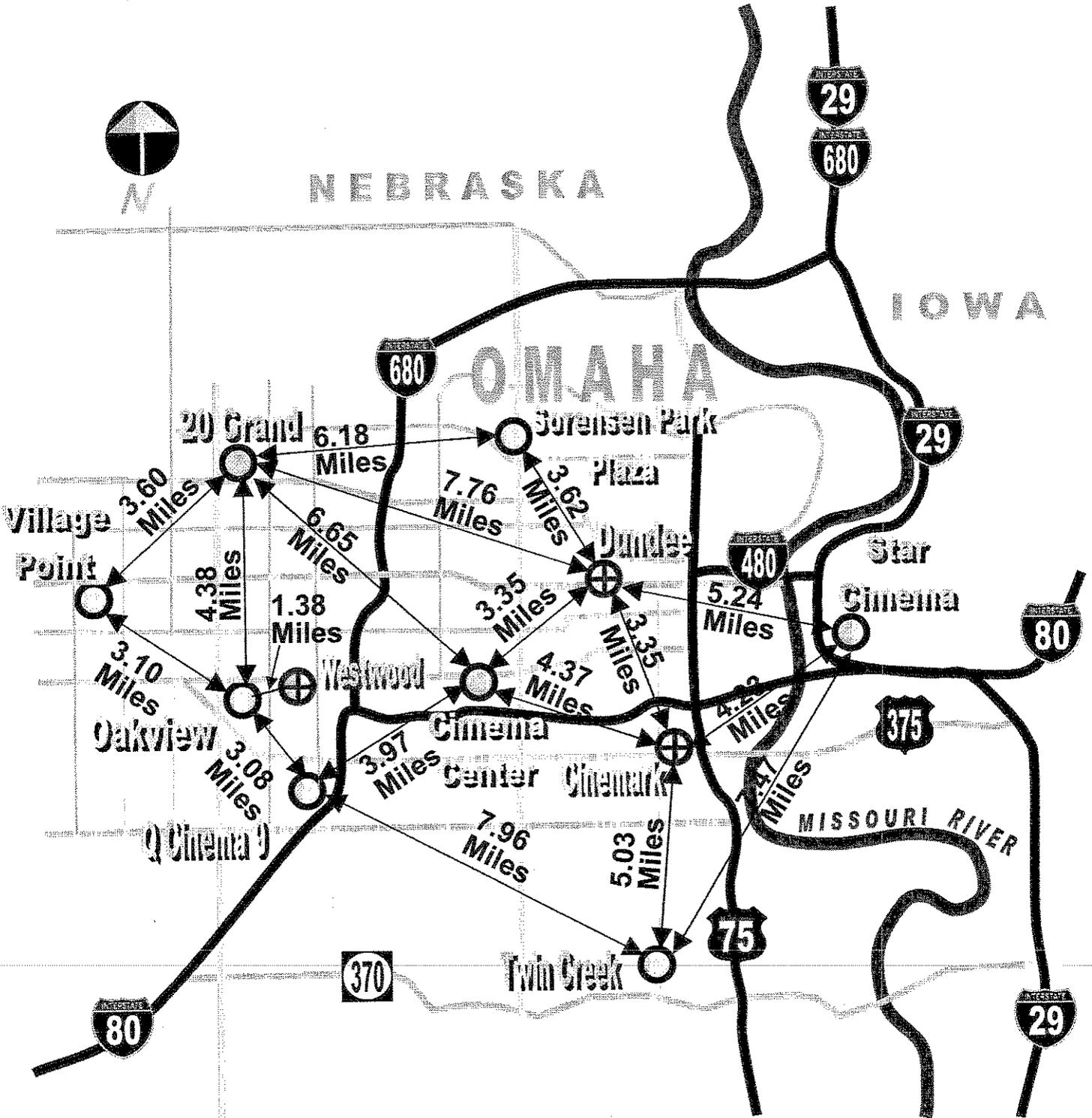
(G:\WPData\MH\City Council - Theaters 9-26-5.wpd)



NEBRASKA

IOWA

OMAHA



Legend

- First Run Theater
- ⊕ Second Run Theater

Omaha Movie Theaters



**DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>**
09/27/05 06:26 AM

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

InterLinc: City Council Feedback for
General Council

Name: Deanna Faust
Address: 2964 N 90th St
City: Lincoln, NE 68507

Phone: 402-464-7618
Fax:
Email: ddfaus@inebraska.com

Comment or Question:
When will a decision be made on the Wal Mart Store for the 84th and Adams
location?



**DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
09/27/05 08:55 AM**

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

InterLinc: City Council Feedback for
General Council

Name: Laurie Montag
Address: 1021 Mulder Dr.
City: Lincoln, NE 68510

Phone: 489-4341
Fax: 489-4416
Email: lkmonday@gmail.com

Comment or Question:

I feel your refusal to give in to pressure to immediately revise the city's theater policy was an honorable and right thing to do. Thanks for taking the high road in the face of pressure to do otherwise.

Douglas Theatres has been a good corporate citizen of Lincoln for years. When the city wanted to locate a large theater complex downtown, Douglas stepped in and took up the cudgel and built a lovely complex, in spite of the risks. The theater policy was an important peg in their decision to do so, and guaranteed them a market. To have upset this policy only a year after the theater opened would have been unconscionable.

Part of downtown Lincoln's problem has been the unimaginative manner in which parking has been dealt with over the years. It was the death knell for the vibrant retail area the downtown used to be 30 years ago, when Gateway came into the picture with acres of free parking. Such has been the case in many cities, Lincoln being no exception.

I also agree with you, that the policy should be revisited 5 to 7 years down the road. However, may I point out that the south side of town has both Southpointe and Edgewood theaters to serve it. If any area is bereft of theaters, it would be the north and northeast area of town, and that should merit the city's attention prior to any additional screens for the south side.

Thanks for your time.

Sincerely,
Laurie Montag

Tammy J Grammer/Notes

09/28/05 10:34 AM

To Jody K Soester <jsoester2@unlnotes.unl.edu>

cc

bcc

Subject Re: Satrship 9 - Don't Take it Away! 📧

Dear, Jody Soester: 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.

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

Jody K Soester <jsoester2@unlnotes.unl.edu>



Jody K Soester
<jsoester2@unlnotes.unl.edu>

09/28/05 10:05 AM

To jcook@lincoln.ne.gov, jcamp@lincoln.ne.gov,
pnewman@lincoln.ne.gov, reschliman@lincoln.ne.gov,
ksvoboda@lincoln.ne.gov, dmarvin
<dmarvin@lincoln.ne.govjray>, tgrammer@lincoln.ne.gov,
mmmeyer@lincoln.ne.gov

cc

Subject Satrship 9 - Don't Take it Away!

9-28-05

Dear Lincoln City Council,

I recently read the article in the DN about Starship 9. I am a student at UNL and I enjoy going to Starship 9. I am in favor of keeping Starship 9 in business. The University is so worried about enrollment that they can hardly keep their heads above water. Keep activities that students can afford. If our tuition keeps going up how do you expect us to shop in new stores? Starship 9 is great!

What about the area of 48th and "O" Street? It is not very attractive and it would bring in more business with less hassle of parking if you were to build your shopping mall there. The area of 48th and "O" needs to be improved first in my opinion and it would attract more business for other people that don't like to shop downtown. Also, it would bring in business for the already existing shops down there such as Barnes and Noble, Pier One, Target, and other local shops.

Don't take away Starship 9!!!

Jody S.

Agricultural Education - Teaching
UNL

AUDITORIUM ADVISORY COMMITTEE
FOR PERSHING CENTER
LINCOLN, NEBRASKA

September 28, 2005

Marvin Krout, Director
Lincoln-Lancaster County Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

RECEIVED
SEP 28 2005
CITY COUNCIL
OFFICE

Mr. Krout,

This letter represents the concerns and recommendations of the Auditorium Advisory Committee for Pershing Center and the Pershing Center staff.

The Lancaster County Agricultural Society is currently seeking an amendment to the city-county Comprehensive Plan to allow development on the property where the Lancaster Events Center (LEC) is currently located. Our concerns and comments are as follows:

- It is inappropriate at this time for the Lancaster County Ag Society to continue to pursue negotiations for additional development and expansion on the 84th street site while the Mayor's Task Force on venues is still meeting and has not yet issued its findings and recommendations. The Lancaster Event Center is a key participant in this Task Force. While participation in this process does not bind an entity to accept the recommendations of the panel, the participating entities should at least refrain from advancing individual agendas and plans until the Task Force has completed its work and issued its recommendations.
- As the Task Force drafts its recommendations, one key recommendation that the Pershing Advisory Board would propose will be that the LEC and the Nebraska State Fair discuss potentially reuniting in a single location. The Advisory Board currently sees a significant duplication of efforts by LEC and the State Fair and a splitting of a single market. It would seem prudent that any changes in comprehensive plans, changes in zoning or new construction approvals be done only after the discussion surrounding the short and long term viability and location of these entities is given time to resolve.
- The Lancaster County Agricultural Society recently engaged Goss & Associates, Economic Solutions, LLC to prepare a study entitled "The Economic Impact of Phase 2 LEC Construction and Operations on the Area Economy". The economic conclusions of that study have been cited as justification for the expansion of the LEC into second phase. Our examination of the conclusions that a \$15 -\$20 million dollar expansion of

the LEC would result in a yearly annual impact of somewhere between \$155 million and \$162 million would lead us to ask for a close examination of the assumptions underlying the study. The suggested economic impact, the suggested annual statewide tax increase and the new job creation estimates seem overly optimistic and should be examined and put in context before they are used as a part of the justification for expansion of the LEC.

We respectfully ask that further action on the request from the Lancaster County Agricultural Society for changes in the Comprehensive Plan be tabled until the Mayor's Task Force has issued its recommendations and until the conclusions of the Economic Impact Study are examined and the underlying assumptions verified.

Sam Nelson
Chairman of the Auditorium Advisory Board of Pershing Center

CC: City Council of Lincoln, Nebraska
Lancaster County Board
Mayor Seng
Dick Campbell, Chairman of the Mayor's Task Force on Venues

Councilman Ken Svoboda
City Council Office
555 South 10th Street
Lincoln, NE 68508

RECEIVED
SEP 29 2005
CITY COUNCIL
OFFICE

27 September 2005

Dear Councilman Svoboda,

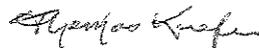
As a former resident of Omaha for 18 years, and a current resident of Lincoln for the last 16 years, I am writing you to let you know of my opposition to using Omaha as a model for Lincoln's development and growth. Specifically, I am opposed to the construction of a new convention center (especially where the central post office is), dismayed by the complete neglect of the area of "O" street from 48th to North Cotner, and troubled by the plans for a major thoroughfare along 19th street.

Omaha is an alienating, unpleasant, totally car-dependent city that, in its growth, destroyed large portions of its midsections (basically the entire north to south region from I-480 to 50th streets), which are *truly* blighted to this day. It suffers from unrestrained sprawl and a complete lack of character. If someone wants to live in a city like Omaha they should move to Omaha.

Lincoln has the potential to grow, and yet retain a small-town feel—something which is very appealing to many potential, as well as current, residents. The Haymarket has a very charming, small town character that would be destroyed by a convention center in its vicinity. The old-time USA area of town from 17th to 27th streets could be saved with a little imagination and incentive, and at little cost, without building a freeway through it or resorting to the Antelope Valley project. (Hurricane Katrina has shown how little one should trust the Army Corps of Engineers.) Instead of building new roads, I would try to come up with new transportation alternatives, something that would make Lincoln a model for other cities, and would be cheaper than constant building and rebuilding of roads that Omaha suffers. (I know: I commute to Omaha twice a week for a job, and there is always road construction year round, and it's beset by corruption.) Moreover, as countless cities have shown, one doesn't deal with so-called "blighted" places by paving over, or "improving" them: a better way to deal with them would be to give incentives somehow for poorer people to maintain and upkeep their properties. As I live across the street from a so-called "blighted" area, I very much would rather have poor people living there who are proud of their homes and neighborhood, rather than some developer from out of town "improve" it in whatever form.

In short, I want to convey this: "development" and "growth" are not synonymous with "good". *Character* generates long-term revenue, not development—"development" is short-term (or immediate only). Most developers have ONLY making money in mind, and could utterly care less about the well-being of the citizens of a city. The focus should be on retaining character, and being concerned with citizens from *all* income levels, and not just the business class. Lincoln has a special character that Omaha lost in the 60's. Please don't destroy the place I've made my home.

Sincerely,



Thomas Kiefer (Ph.D., Philosophy, UNL 2003)
426 South 28th Street
tkiefer@msn.com

P.S.: To show that I'm not operating from some kind of "anti-growth" agenda, I enclose for you an article, and an editorial, from Forbes magazine showing that convention centers are bad for cities and bad for business.

Editor

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PAUL MALDMENT

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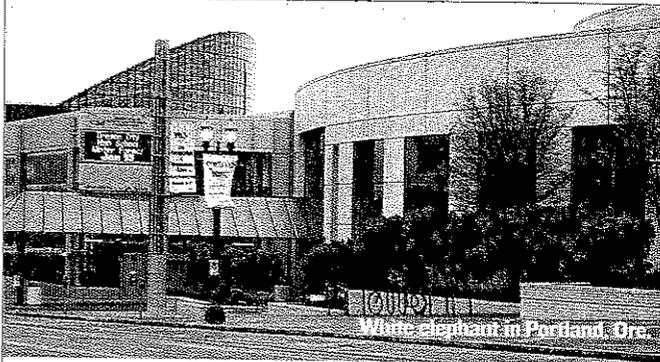
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Malcolm S. Forbes, **Editor-in-Chief** (1954-1990)

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Taxing Yourself Rich

A shame that Frédéric Bastiat, the French economist, is not around to take on the convention centers.

Convention centers are springing up everywhere, in big cities (Denver, Portland, Ore.) and small (Schaumburg, Ill.). Money is extracted from taxpayers to pay for the centers on the theory that, by attracting business, they more than pay for themselves. You see, there's a multiplier effect. The convention-goers spend money on meals and hotel rooms, and so they create employment for chefs and bellhops. Then the chefs and the bellhops spend their paychecks and other people get jobs from that, and so on. Consultants told the Village of Schaumburg that its convention center and entertainment complex would generate \$8.6 billion of economic activity over 30 years, of which \$6 billion would be "earnings" (whatever is meant by that). Makes you wonder: With billions to be made, maybe private investors could build the convention hall?

But private investors are too smart to do that. They are at least dimly aware that the country is awash in convention centers and rental fees for the halls are collapsing. Victoria Murphy reports on page 82.

Bastiat has been dead for 155 years, but he knew all about multipliers. His acerbic take on the matter is called the Broken Window Fallacy. In this parable a mischievous boy breaks a shopkeeper's window. That provides work for the glazier, who puts the money back into circulation, and the money keeps going around and around, to the point where the townspeople are all but rejoicing at the vandalism. Bastiat points out the fallacy: You've forgotten that the money spent on the window is money the shopkeeper might otherwise have spent at the cobbler. Breaking windows does not enrich the town.

New York City has a scheme afoot to have the taxpayers help finance a new Jets stadium that would double as an exhibition hall. According to the politicians this building will cause sports fans and conventioners to flood our hotels. Thus will New Yorkers get rich, despite higher taxes to pay for the stadium.

It beats smashing windows, but I think Bastiat might have come up with another way to attract visitors to New York: Repeal the 13.6% hotel occupancy tax. For some reason the consultants aren't pushing this particular idea.

William Baldwin
EDITOR

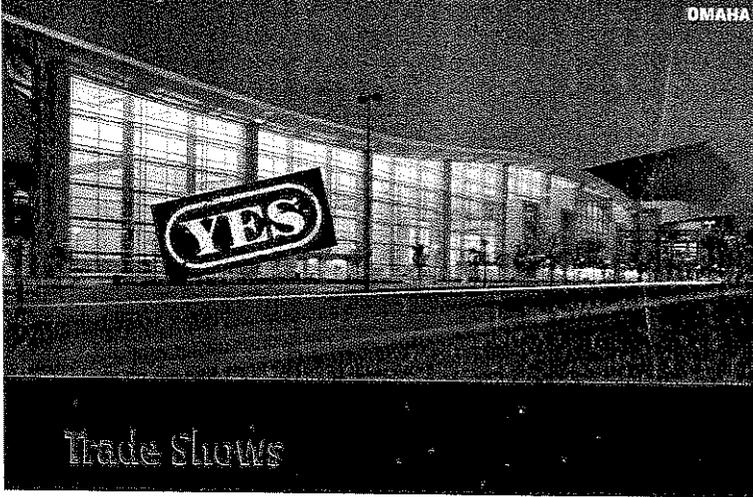
The Answer Is

LAS VEGAS

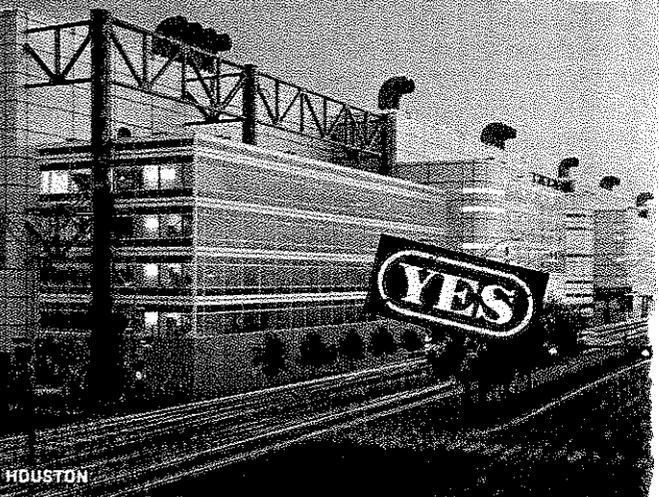


AUSTIN

OMAHA



Trade Shows



HOUSTON

Where do politicians get the crazy idea that the world needs yet another

PORTLAND, ORE.'S TRADE show business was thriving back in 1997, when the city hatched plans to double the size of its Oregon Convention Center to 368,000 square feet, the largest in the Northwest.

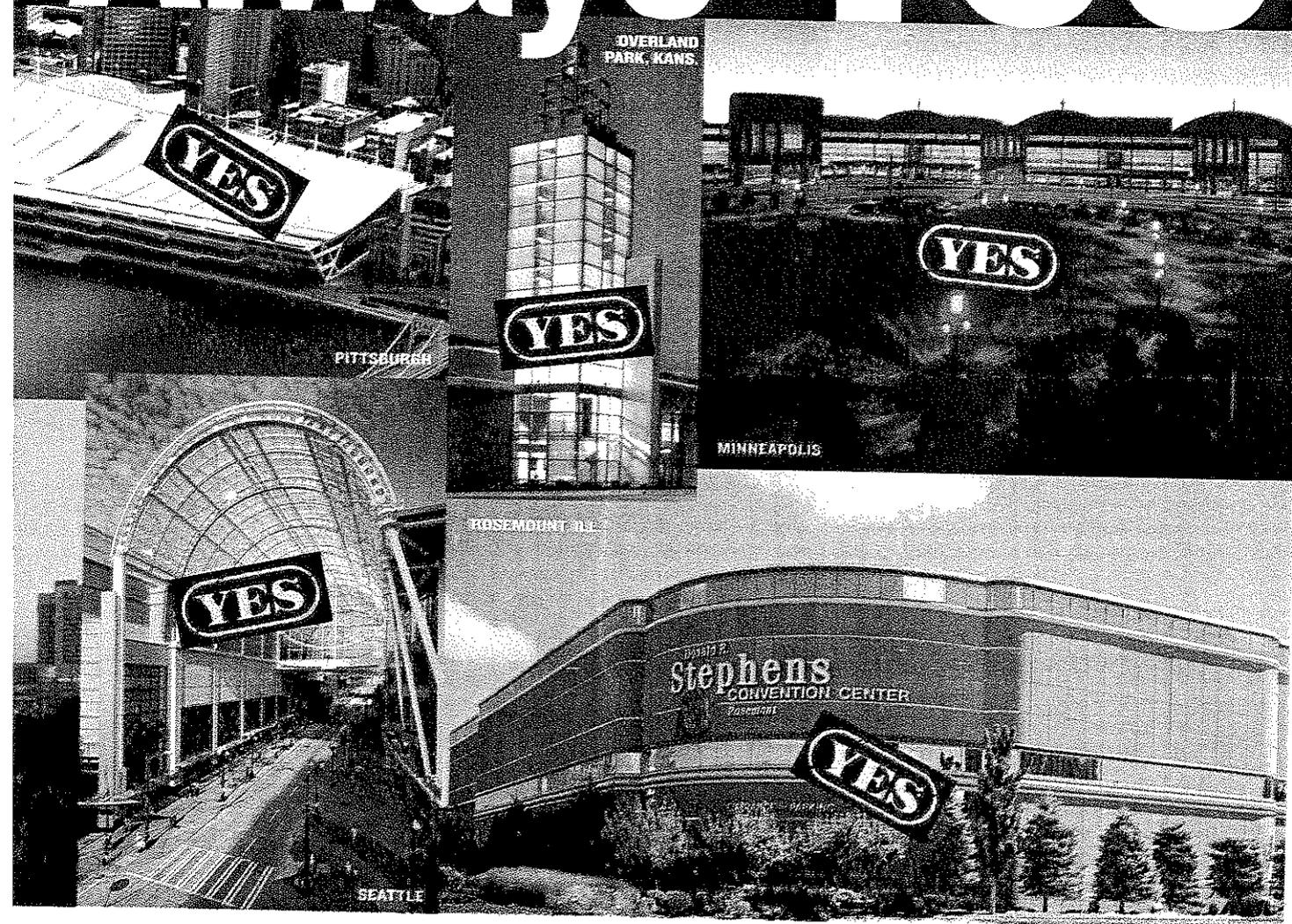
Today, \$116 million in bricks, mortar and carpeting later, Portland's trade hall is struggling. It lost \$5.5 million last year on \$15.3 million in revenue. Occupancy since the expansion has fallen from 71% to 43%. The Wood Technol-

ogy Showcase, a Portland event for 34 years and one that expansion boosters cited as needing the enlarged venue, has been postponed because of lagging attendance. The same run-down buildings and third-rate restaurants that always surrounded the center, like Burgerville and a deli that sells sushi and Beanie Babies, are still there.

"We haven't set our sights on being profitable," says Oregon Convention Center's executive director, Jeffrey Blosser. "These are challenging times in our industry."

Challenging? The business is a mess, plagued by a taxpayer-funded burst of expansion and a continuing dearth of customers. Over the last decade cities' annual capital spending on centers has doubled to \$2.4 billion, according to a study by the Brookings Institution. The projects are frequently backed by expensive feasibility studies from consultants that rarely give a thumbs-down. Forty-four new or expanded halls are in the works, in hot spots such as Las Vegas and not-so-hot spots like Albany, N.Y. Seven million square feet will be built in the

Always Yes



convention center? From the experts, of course | By Victoria Murphy

next few years, adding to the 64 million square feet now standing.

Unmentioned at ribbon-cutting ceremonies is that the space will be impossible to fill. The biggest 200 shows, a rolling list measured by *Tradeshow Week*, are using the same amount of space they did in 1992. Attendance has fallen at most centers, even those with new space such as in Indianapolis, Chicago and Atlanta. The thriving destinations, Orlando, Fla. and Las Vegas (which just announced a \$400 million expansion), are stealing smaller shows away from other cities,

stuffing in several at a time. The smaller trade halls are discounting, even giving space away.

A common excuse of the convention center builders is that Sept. 11 cut travel. But trade show attendance peaked in the mid-1990s. Something more fundamental is going on: Shows in general are far less relevant. Consolidation in industries like manufacturing, retail and technology has left a smaller pool of exhibitors. And far more trade now gets done in China, which is rapidly adding shows and square footage of its own.

Newell Rubbermaid pulled out of the International Home & Housewares Show in Chicago in 2001 to target retailers more directly. It opened a sales office near Wal-Mart in Bentonville, Ark. Since 2001 the Nike Swoosh hasn't appeared on booths at any of the big retail shows like Magic Marketplace or the Super Show. Oracle no longer spends big bucks on trade show booths.

So why is the concrete getting poured in Jackson, Miss., Peoria, Ill. and Spokane, Wash.? Politicians, playing local hero, are incapable of finding reasons not to build.

Even when voters reject new taxes, as in Portland, Pittsburgh and Columbus, Ohio, new space goes up anyway, backed by hotel taxes or bond issues.

Portland's story is particularly telling. Prior to the 1998 city election Portland's visitors association estimated the center had missed out on \$17 million in convention business over six months because the center was too small. The regional tricounty government proposed an \$82 million general obligation bond to pay for the expansion, but taxpayers overwhelmingly nixed it. So Multnomah County floated a separate bond backed by higher taxes on hotel rooms and car rentals, allowing the expansion to proceed. In the meantime new, rival centers were going up all along the West Coast.

The expansion was completed in 2003, with eco-friendly touches like an outdoor "rain garden." City fathers boasted of landing the 2005 National Square Dance Convention and its 10,000 high-steppers.

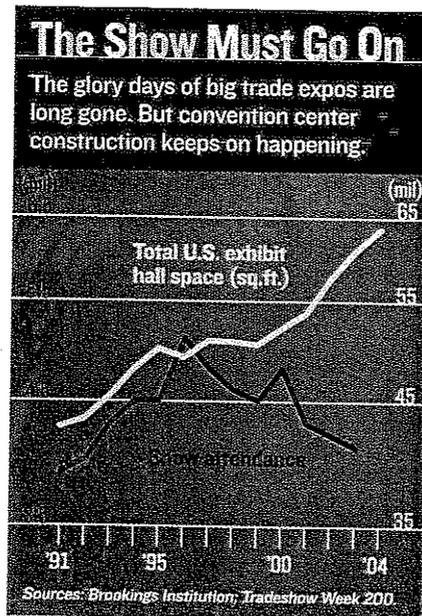
The euphoria was short-lived. Apart from big auto and gardening shows, last year's schedule was packed with what the industry dubs "smerfs," which stands for social, military, educational, religious and fraternal groups. These visitors typically pack four travelers in a hotel room and don't have corporate credit cards to blow

"They've already made up their minds by the time they come to us."

on expensive meals.

By the end of 2004 the center's finances were in bad shape. To get 34 decent-size shows, the center had to indirectly waive rental fees for the organizers of 10 of them. The building would have lost \$15,000 a day if not for \$6 million in tax subsidies. Hotels are 60% occupied, as fewer than 30% of convention-goers last year came from outside Portland.

The fix, says center director Blosser, is a new 600-room convention hotel, backed by the city. "We lose a lot of shows because we don't have a big hotel. But it doesn't pencil out for a private company; a hotel here would need help," he says.



Blosser commissioned Strategic Advisory Group, an Atlanta consultancy that specializes in convention center and hotel studies, to assess the idea. SAG says the new hotel will bring in annual spending of \$116,000 per room.

Maybe Blosser should run those numbers past the folks in St. Louis. In 2003 St. Louis followed a \$270 million convention expansion with a 1,081-room, \$265 million adjacent hotel, paid for with public and private money. Hospitality Consulting Services projected 800,000 room-nights per year citywide

with the addition of the Renaissance hotel. Instead St. Louis is getting only 400,000. A nearby McDonald's closed shop. The neighborhood remains lackluster, punctuated by a store peddling gold chains and a discount sneaker outlet.

In August Moody's downgraded the city's \$50 million hotel bonds even deeper into junk. The development group will likely have to drain the \$5.7 million left in its reserve fund to service the debt and come up with additional money from stakeholders like Kimberly-Clark. "The assumptions that go into feasibility studies are the problem," says Anne Van Praagh of Moody's.

"The outside firms have no financial stake in the business."

Robert Canton, director of PricewaterhouseCoopers' convention and tourism practice, offers this defense: "We don't recommend to build or not to build. We're just being asked if there is a potential demand."

The answer is almost always yes. Out of 75 potential projects reviewed by the firm that Oregon hired, only 4 were deemed completely unfit. SAG partner Jeffrey Sachs says that is evidence of his shop's "objectivity." "You lose clients if you shoot down projects. They've already made up their minds by the time they come to us," he says.

Where do the experts get their rosy predictions? "We have to make a lot of assumptions. This industry isn't tracked very well," says Sachs. The most oft-cited data come from *Tradeshow Week*, which is owned by Reed Elsevier, a British company that also produces 430 trade shows. Its primary measure of the industry's health is its annual list of the 200 best-attended shows, making for a convenient survivor bias, and based solely on data from show managers who have an interest in masking serious declines.

Advisers' conclusions often fly in the face of logic. Consulting firm Convention, Sports & Leisure was hired by Cincinnati in 1999 to ask meeting planners what they thought of the city as a show destination. Only 39% answered positively, trailing perceptions of Kansas City (60%), Boston (56%) and Nashville (62%). CSL subtly encouraged construction by suggesting the city could improve its image. Cincinnati is under way with a \$160 million expansion. A study for Minneapolis done by Coopers & Lybrand in 1994 went so far as to suggest that obvious obstacles to success like frigid temperatures and location could be overcome by "specific marketing efforts."

The slump is good news only for show managers. The Quilts Market show is getting space at Kansas City's soon-to-be-expanded center for no cost, and hotels are paying for the show setup. "I definitely had the upper hand in negotiating," says Quilts Market operations chief Wilma Hart.

Crawford Law Offices, P.C., L.L.O.

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Lincoln, NE 68510-2413
www.denniscrawfordlaw.com

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Wednesday, September 28, 2005

Lincoln City Council
c/o Ken Svoboda
County-City Building
555 S. 10th Street
Lincoln, NE 68508

RECEIVED
SEP 29 2005
CITY COUNCIL
OFFICE

NOTICE OF CLAIM PURSUANT TO POLITICAL SUBDIVISIONS TORT CLAIMS ACT

RE: Our Client: Zane Schulte
DOL: 9/18/05

Dear Mr. Svoboda:

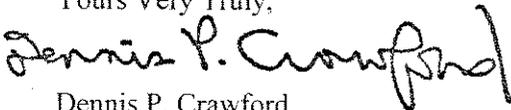
This office represents Zane Schulte who was injured in a motor vehicle accident on September 18, 2005 at the intersection of 27th and Old Cheney Streets. At this time and place, a vehicle owned by the City of Lincoln, Nebraska and operated by the employee of the City of Lincoln, collided with a vehicle operated by Zane Schulte.

The cause of the accident of September 18, 2005, was the negligence of the City of Lincoln and its employee, Christopher Weber. Mr. Weber failed to keep a proper lookout, failed to keep his vehicle under reasonable control, and was operating at a rate of speed excessive for the conditions. As a result of this negligence, Zane Schulte was injured and had to seek medical treatment.

As a result of the aforesaid accident and negligence, our client sustained injuries to his neck and lower back. He has begun to incur medical expenses.

Demand is hereby made against the City of Lincoln, Nebraska, for \$30,000.00 pursuant to the Nebraska Political Subdivisions Tort Claims Act.

Yours Very Truly,



Dennis P. Crawford
injurlaw@inetnebr.com
Attorney at Law

DPC/kil

RJ

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, OCTOBER 3, 2005**

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of October 1 through 7, 2005-Schedule subject to change -(See Advisory)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. E-Mail from Polly McMullen sent to Jon Camp with response from Jon Camp to Ken Smith, PW - RE: Monthly Parking Rates Notification-Effective 11/01/05 - (See E-Mail)

B. DIRECTORS AND DEPARTMENT HEADS

HEALTH

1. NEWS RELEASE - RE: International Walk To School Day -(See Release)

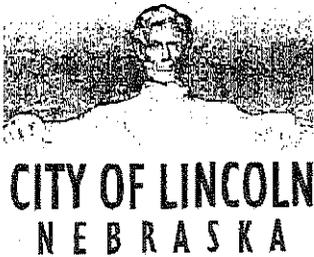
PUBLIC WORKS & UTILITIES

1. Memo from Roger Figard to Jonathan Cook - RE: Bryan LGH, West and East Area Improvements -(See Memo)

C. MISCELLANEOUS

1. Material from Janet Coleman, President, Community Health Endowment - RE: Revision to the CHE Bylaws -(Council received copies of this Material on 9/30/05 in their file folders)(See Material)
2. Faxed Letter from Mayor Mike Fahey - RE: Lincoln Journal Article of September 29, 2005-In the article Councilman Welch was quoted discussing the Omaha Police and Fire Pension Fund -(See Letter)
3. E-Mail from Lt. Col. Joseph W. Johnson Jr., USAF Retired - RE: Mega Plex - (See E-Mail)

daadd100305/tjg



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: September 30, 2005

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

Dave Norris, Citizen Information Center, 441-7547

Mayor Seng's Public Schedule Week of October 1 through 7, 2005 *Schedule subject to change*

Saturday, October 1

- Dedication for Army Reserve Center and Welcome Home Warrior Ceremony, remarks - 2:30 p.m., 3700 West "O" Street

Sunday, October 2

- Safe Quarters event, remarks - 3:30 p.m., Union College, east of Ortner Center

Monday, October 3

- City Council, County Board, Planning Commission Common Meeting - 8:30 a.m., County-City Building, Room 113, 555 South 10th Street
- Participate in recognition of People's City Mission for help with hurricane evacuees - 1 p.m., People's City Mission, 110 "Q" Street
- Near South Neighborhood Association annual meeting, remarks - 6 p.m., First Plymouth Church, Pilgrim Hall, 2000 "D" Street
- Leadership Lincoln annual recognition dinner, remarks - 7 p.m., Cornhusker Hotel, 333 South 13th

Tuesday, October 4

- Great Plains Symposium on Employment Issues, remarks and proclamation - 11:30 a.m., Cornhusker Hotel, 333 South 13th Street

Wednesday, October 5

- International Walk to School Day kickoff - 8:15 a.m., Coddington Park, near Russ's Market, Coddington and West "A" street
- United Methodist Women luncheon, remarks - noon, Trinity United Methodist Church, Fellowship Hall, 16th and "A" street
- International Walk to School Day assembly - 3 p.m., Hartley Elementary, 730 North 33rd Street

- more -

Mayor's Public Schedule
September 30, 2005
Page Two

Thursday, October 6

- Mental Illness Awareness Month, remarks and proclamation - 7:45 a.m., BryanLGH West, lower level conference room, 2300 South 16th Street
- Dedication of Holmes Lake Improvements - 9:30 a.m., north side of Holmes Lake near new pedestrian bridge
- Friendship Force Open World Program, welcome Russian delegation - 11 a.m., Mayor's Office, 555 South 10th Street
- Miller & Paine Tea Room nostalgia event - 6 p.m., UNL East Campus Union, Great Plains Room

Friday, October 7

- News conference on Directory Days, remarks and proclamation - 9:30 a.m., Lincoln Chamber of Commerce, 1135 "M" Street, Suite 200
- Arts and Humanities Month proclamation - 6:30 p.m., Lincoln Arts Council, 920 "O" Street



campjon@aol.com
09/30/05 08:42 PM

To: KDSmith@ci.lincoln.ne.us
cc: PMcMullen@downtownlincoln.org,
reschliman@naifmarealty.com, kfredrickson@lincoln.ne.gov,
MRemmengas@lincoln.ne.gov, Mayor@lincoln.ne.gov,
bcc:

Subject: Re: Monthly Parking Rates Notification - Effective 11/1/05

Ken (and to those I have copied on this email):

I am very disappointed at the actions by Public Works to implement parking rate increases in downtown Lincoln, especially after all of the discussion during the Budget hearings. Ken, did you and your colleagues in PW not hear the City Council state its opposition to rate increases?

Polly McMullen is correct. . .you are doing nothing but detracting from the efforts of Downtown Lincoln in such recent measures as its new Master Plan and creation of a Parking Authority.

And for your information, the citizens are NOT pleased with the silver poles.

I will be proceeding to do the following:

1. Introduce legislation to repeal the Living Wage Tax;
2. Request immediate action to either return to the painted poles or add LARGE colored stickers (I am less positive about the sticker solution because the current small white squares are starting to peel off the meter heads); and
3. Request a review be made of the revenue from, and usage of, the on-street parking meters during the past 5 years (I suspect we will find that use of the meters has declined, especially from the pre-rate increase of a few years ago).

I sincerely hope that City staff can gain an appreciation of the challenges Downtown Lincoln faces with parking perceptions. The last thing Downtown needs is more negative news of parking rates and silver meter poles.

Thank you for listening to the City Council and ceasing any rate increases. Time and effort need to be expended on implementing the Parking Authority, not on raising parking rates.

Thank you for your prompt compliance.

Jon

CC: Lincoln City Council

Jon Camp
Lincoln City Council

City Council Office: 441-8793

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

From: Polly <PMcMullen@downtownlincoln.org>
To: campjon@aol.com; 'Robin Eschliman' <reschliman@naifmarealty.com>
Sent: Thu, 29 Sep 2005 11:59:01 -0500
Subject: FW: Monthly Parking Rates Notification - Effective 11/1/05

I wanted you both to be aware of Ken's email to me and my response.

Looks

Like one more thing which will generate negative publicity, controversy

And media coverage for downtown at a time when it's the last thing we need.

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

From: Polly [mailto:PMcMullen@downtownlincoln.org]
Sent: Wednesday, September 28, 2005 5:58 PM
To: 'KDSmith@ci.lincoln.ne.us'; 'bbergman@downtownlincoln.org'; 'sjames2@unl.edu'
Cc: 'MRemmenga@ci.lincoln.ne.us'; 'KFredrickson@ci.lincoln.ne.us';
'AHarrell@ci.lincoln.ne.us'; 'KDonnelly@ci.lincoln.ne.us';
'BLEach@ci.lincoln.ne.us'; Tom Wright; 'Drew Stange'
Subject: RE: Monthly Parking Rates Notification - Effective 11/1/05

Ken, I don't feel it's appropriate for DLA to be advising the city how to

Word a notice to your monthly parkers on the rate increases.

While I

Appreciate the effort to consult us, the rate increase is a city matter.

DLA's position continues to be that making parking decisions piecemeal

Without the reorganization of parking functions outlined in the Carl

Walker study is ill-advised.

Polly McMullen

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

From: KDSmith@ci.lincoln.ne.us [mailto:KDSmith@ci.lincoln.ne.us]
Sent: Wednesday, September 28, 2005 4:17 PM

To: PMcMullen@downtownlincoln.org; bbergman@downtownlincoln.org;
sjames2@unl.eduCc: MRemmenga@ci.lincoln.ne.us;
KFredrickson@ci.lincoln.ne.us; AHarrell@ci.lincoln.ne.us;
KDonnelly@ci.lincoln.ne.us; BLEach@ci.lincoln.ne.usSubject:
Monthly Parking Rates Notification - Effective 11/1/05

Below is the "draft" letter to be sent out to monthly parking customers.

I would like any and all of your responses regarding wording and/or other promotions for the rate adjustments. Please try to get back to me by Thursday afternoon. I am hoping to release the information by letter and/or press release on Friday to give the Parking Office/Public Works adequate time to receive calls and for customers to switch facilities. The rate map is still under construction. Thank you!

Attention All Monthly Parkers:

Recent studies indicate that there is an adequate parking supply in

the downtown to meet the current customer demand. However, even

though we have added approximately 400 parkers to the current facilities, waiting lists still remain at a number of facilities.

To

address this situation, new rates will be applied to all City of

Lincoln parking facilities effective November 1, 2005. The new

rates will take a market driven approach to the downtown parking demand and make the most out of underutilized facilities.

To

accomplish this, rates have been lowered at facilities which

are underutilized and increased at facilities where waiting lists exist.

Our goal is to create an economic choice for customers based on

personal convenience to their destination and give us the opportunity to shift high parking demands to other facilities and eliminate waiting lists.

The City of Lincoln's Parking System is a self-supporting entity and

by implementing the new rates, we will continue to maintain our

current financial status which will allow construction of a new

parking facility in the very near future.

Please review the enclosed map and a rate schedule for City parking

facilities. We recommend that you take advantage of the lower rates

offered at the selected facilities.

If you should have any further questions, please feel free to contact

the Parking Office at (402) 441-6472.

Kenneth D. Smith
City of Lincoln
Public Works & Utilities
555 S. 10th Street
Lincoln, NE 68508

402.441.7548 ofc
402.441.8609 fax

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NEWS RELEASE

MAYOR COLEEN J. SENG



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

FOR IMMEDIATE RELEASE: September 29, 2005
FOR MORE INFORMATION: Brian Baker, 441-8045

INTERNATIONAL WALK TO SCHOOL DAY

In neighborhoods all around the world, Wednesday, October 5th will be observed as “International Walk to School Day”. The community recognition of International Walk To School Day will be an all-school assembly at 3:00 p.m. in the Hartley Elementary School gymnasium. Special guests include Mayor Coleen J. Seng and City Council representatives Ken Svoboda and Patte Newman. In Lincoln, as in other cities throughout the U.S., adults and children will walk to school together to raise awareness about pedestrian safety, the health benefits of walking, the importance of walkable communities, and the cleaner air around the schools resulting from fewer vehicles.

Local “Walk to School Day” Activities include:

- Walk to School Day will be observed in a special way the afternoon of October 5th when students, families and staff from Hartley Elementary School gather together at 3:00 p.m. in the school’s gymnasium for an all-school assembly with special guests Mayor Coleen J. Seng and City Council representatives Ken Svoboda and Patte Newman. Representatives from Federal Express, a national sponsor of “Walk to School Day”, will also be present.
- After the all-school assembly, when school is excused for the day, Mayor Seng and City Council members will serve as honorary crossing guards, assisting the students in safely walking home.

On October 4th, Hartley Elementary School students will be participating in a Walk To School educational day. Activities will begin at 9:05 a.m. at both schools and will include stations on:

- How to choose safe routes to school using an interactive computer program operated by Safe Kids members.
- The dangers of playing and/or walking near high profile, large vehicles. Federal Express representatives will put children in the driver’s seat of their delivery trucks so they can experience the difficulty of viewing pedestrians around the large vehicle.
- Simple exercises to keep physically fit.
- How to safely use crosswalks. Students will be taken to neighborhood crosswalks and volunteers from Safe Kids will discuss how to safely cross the street.

RECEIVED

SEP 30 2005

CITY COUNCIL
OFFICE

M e m o r a n d u m

To: Jonathan Cook, City Council

From: Roger A. Figard, Engineering Services **RAF**

Subject: Bryan LGH, West and East Area Improvements

Date: September 15, 2005

cc: Mayor Seng, K. Fredrickson, N. Fleck-Tooze, M. Krout, R. Hoskins, D. Bartels,
T. Shafer, A. Harrell

In the Summer of 2001, the Planning Commission removed conditions placed by City staff on both Bryan LGH Health System applications for the applicant to install right turn lanes westbound and northbound at 48th & Sumner Streets as well as eastbound and southbound at 17th & South Street. These requested conditions were an approach in continuing to try to preserve capacity that had slowly been used up by the applicants in their expansions and growth over time. Again, those conditions were removed by the Planning Commission.

Public Works and Utilities sent several communications to Council requesting that those conditions be reinserted into the language of those resolutions and the special permits. Motions were made to have the City complete those improvements and be reimbursed by Bryan LGH, but those motions either failed or never got a vote. In both cases, substitute motions were proposed. Bryan LGH East was approved with the condition that the permittee would deposit in escrow to the City \$80,000 for street improvements *to be approved by the City Council*. This was to be constructed on or before December 31, 2003 and within 300 feet of the permittee's property perimeter. In the case of Bryan LGH West, the motion to amend said that the permittee deposit in escrow to the City \$125,000 for street improvements *to be approved by the City Council*. This was to be constructed on or before December 31, 2003 and within 450 feet of the permittee's property perimeter.

Public Works and Utilities interpreted those revised approved conditions to mean that the City Council would not approve the installation of right turn lanes at 48th & Sumner and 17th & South Streets. The CIP did not have any other public funded projects programmed for improvements in those areas during the time frame specified by the conditions of approval. We investigated and looked at project priorities and needs within the community as we continued to work on rehabilitation projects for 2001-2003, however there were not sufficient priority needs for rehabilitation directly in front of these facilities ahead of improvements already in the pipe-line. With insufficient funding for additional projects, nothing was brought forward to the Council. In this case, we may have lost an opportunity, but we had other projects with a higher priority in that time frame.

If you have questions or would like additional information, please feel free to contact me at your convenience.

PS - I thought this letter had gone out on September 15th.



RECEIVED

SEP 30 2005

CITY COUNCIL
OFFICE

TO: Ken Svoboda, Chair, Lincoln City Council

FROM: Janet Coleman, President, Community Health Endowment

CC: Joan Ross, City Clerk
Joel Pedersen, City Attorney

DATE: September 29, 2005

SUBJECT: Revision to the CHE Bylaws

Janet Coleman / JRC

According to the bylaws of the Community Health Endowment (CHE), "*bylaws may be amended by the affirmative vote of two-thirds of the members of the Board of Trustees. Notice of a proposed amendment to the bylaws shall be given at the last regular meeting of the Board of Trustees prior to the meeting at which the amendment is considered and the proposed amendment shall be placed on file with the Secretary. No amendment shall be effective until reported to the City Council and a copy placed on file with the City Clerk.*"

The purpose of this memo is to report to the Lincoln City Council the approved revision to the CHE Bylaws (*attached*), specifically, Article VI, related to the creation of a Trustee Council. This revision was considered at the regular meeting of the CHE Board of Trustees on August 24, 2005. The revision was unanimously approved at the regular meeting of the Board of Trustees September 28, 2005.

This memo will serve as official notification of the bylaw revision to the Lincoln City Council and the revision will be in effect on September 29, 2005.

If you have any questions, please feel free to contact Lori Seibel, Executive Director, or me.

*Office
Council all
received copies
of this memo
on 9/30/05, placed
in their file
folders.
T.L.*

**BYLAWS OF THE
COMMUNITY HEALTH ENDOWMENT
BOARD OF TRUSTEES**

ARTICLE I

BOARD OF TRUSTEES

Section 1. Number; Residence. The Board of Trustees of the Community Health Endowment shall consist of fifteen persons. Each member of the Board of Trustees shall be a resident of the City of Lincoln

Section 2. Ex Officio Trustees. The Lincoln-Lancaster County Health Director shall be an ex officio member of the Board of Trustees. The presidents of Bryan/LGH Health System (or any successor entity thereof) and of St. Elizabeth Community Health Center (or any successor entity thereof) shall, if agreeable to them, be ex officio members of the Board of Trustees. If either or both such presidents are unwilling to serve as a trustee, the vacancy or vacancies on the Board of Trustees created thereby shall be filled by Mayoral appointment in the same manner as provided for the remaining trustees.

Section 3. Appointed Trustees; Qualifications. The remaining twelve trustees and, if applicable, trustee(s) serving in lieu of an ex officio trustee who has declined to serve, shall be appointed by the Mayor with confirmation by the City Council. To the extent possible, appointed trustees shall include individuals from the health care community, business and finance community, and other community stakeholders including, but not necessarily limited to, minorities, under-served populations, individuals with disabilities, neighborhood representatives, community volunteers and representatives from the religious and educational communities. At least five of the appointed trustees must have a recognized background in public health, medicine, human services, registered nursing, mental health, dentistry or related fields. No person who is currently serving on the Board of Directors of any acute care hospital located in Lincoln, Nebraska, may be appointed to serve as a trustee.

Section 4. Appointed Trustees; Term. The term of each trustee, other than the ex officio trustees, shall be three years, except that at the time of the first appointment, four members shall be appointed for a term of one year from September 1, 1998; four shall be appointed for a term of two years from September 1, 1998; and four shall be appointed for a term of three years from September 1, 1998. Appointed Trustees may serve a maximum of two consecutive three-year terms. A trustee appointed to fill the remainder of the unexpired term of a former trustee may serve a maximum of two consecutive three-year terms in addition to the remainder of such unexpired term.

Section 5. Removal of Trustees. The City Council may remove any member of the Board of Trustees for malfeasance or nonfeasance in office or for any cause that renders a member ineligible to office or incapable or unfit to discharge the duties thereof.

Section 6. Powers and Duties. The Board of Trustees shall have the following powers and duties:

- (a) To exercise general supervision and control over the Community Health Endowment, provided, however, endowment funds shall be deposited with the City Treasurer who shall place all funds of the endowment in a separate account or accounts for the benefit of the Community Health Endowment. All deposits thereto and disbursements therefrom shall be made through the office of the City Treasurer upon proper certification to the Treasurer by the Board of Trustees or personnel authorized by the Board of Trustees.
- (b) To annually prepare and submit to the City Council a proposed budget of the Community Health Endowment for the ensuing year which shall include recommendations regarding the funding of community health projects and programs utilizing Community Health Endowment monies.
- (c) To review proposals requesting endowment funds to support existing community programs and new, innovative and creative programs which have a strong potential to improve community health. For purposes of reviewing funding requests, health shall be defined as the ability of all people within the community to reach full mental, spiritual and physical potential by living in safety with vigor and purpose; meeting personal needs; meeting community responsibilities; adapting to change; and having trusting and caring relationships.
- (d) To enter into contracts for the disbursement of budgeted endowment funds to approved programs or projects.
- (e) To direct investment of all monies in the Community Health Endowment into such investments as may be from time to time authorized by the city charter and state law.
- (f) To hire an executive director and such employees as may be necessary for the efficient and economical management of the Community Health Endowment.

Section 7. Annual Report; Budget. The Board of Trustees shall prepare annually a proposed budget for the ensuing year, for the use and disbursement of funds from the Community Health Endowment, pursuant to the requirements of the City of Lincoln Charter. All monies received and set apart for the Community Health Endowment shall be deposited with the City Treasurer to the credit of the Community Health Endowment and those sums shall be kept by the city Treasurer and paid out upon the order of those persons designated by the Board of Trustees. The Board of Trustees shall have control over the expenditure of all funds budgeted annually from the Community Health Endowment, provided, however, that the budget prepared by the Board, and any substantial changes therein, must be approved by the City Council.

Revision approved by Board 01/11/99
Revision approved by Board 04/09/01
Revision approved by Board 08/28/02
Revision approved by Board 03/24/04
Revision approved by Board 09/28/05

Reported to City Council 01/25/99
Reported to City Council 04/12/01
Reported to City Council 09/05/02
Reported to City Council 04/09/04
Reported to City Council 09/29/05

Concurrently with the annual budget, the Board of Trustees shall present an annual report of the "State-of-the-Endowment" to the Mayor, the City Council and the community. Such report shall include a description of the past year's accomplishments of the Community Health Endowment, current or anticipated funding priorities, and a financial audit of the Community Health Endowment.

Section 8. Conflicts of Interest. Members of the Board of Trustees shall be subject to the provisions of Board policy, Chapter 2.54 of the Lincoln Municipal Code and the Nebraska Political Accountability and Disclosure Act with respect to conflicts of interest.

Section 9. Investment Policy. All monies of the Community Health Endowment shall, to the extent permissible under state statutory and constitutional law, be invested in investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property or another.

ARTICLE II

MEETINGS

Section 1. Organizational Meeting. The Board of Trustees shall hold an organizational meeting in September of each year for the purpose of electing officers for the year and transacting such other business as may properly come before the meeting. Newly elected officers shall assume the responsibility of their offices effective on the date of election.

Section 2. Regular Meetings. In addition to the annual organizational meeting, the Board of Trustees shall hold not less than four regular meetings each year

Section 3. Special Meetings. Special meetings of the Board of Trustees may be called at the discretion of the Chair or, in the absence of the Chair, by the Vice-chair, or by any three Trustees upon written request. Not less than three days notice shall be given of any special meeting of the Board of Trustees. If immediate Board action is necessary or an emergency arises, the three day notice may be waived by a majority approval of the Board of Trustees.

Section 4. Notice; Agenda. Advance notice of the time and place of each meeting of the Board of Trustees shall be given to members of the Board and to the public in compliance with the requirements of Section 84-1411 of the Nebraska Public Meetings law. Such notice shall contain an agenda of subjects known at the time of the publicized notice. Except for items of an emergency nature, the agenda shall not be altered later than twenty-four hours before the scheduled commencement of the meeting. The Board of Trustees shall have the right to modify the agenda to include items of an emergency nature only at such meeting.

Section 5. Quorum; Voting. Eight members of the Board of Trustees shall constitute a quorum at any meeting of the Board. Eight affirmative votes shall be required for final action in any matter acted upon by the Board.

Section 6. Conduct of Meetings; Reconsideration. All meetings of the Board of Trustees shall be conducted in compliance with the provisions of the Nebraska Public Meetings Law. Any member of the Board of Trustees who voted with the majority may move for reconsideration of any action of the Board at the meeting at which such action was taken or at the next succeeding regular or special meeting of the Board. If a motion to reconsider is made at the next succeeding regular or special meeting of the Board, and notice of the intention to move for reconsideration has not been included on the agenda for such meeting, final action on the reconsidered item shall be delayed until the next regular or special meeting of the Board.

ARTICLE III

OFFICERS

Section 1. Officers; Term. The officers of the Board of Trustees shall consist of a Chair, Vice-Chair, Secretary and Treasurer, each of whom shall be a member of the Board of Trustees. Officers shall be elected for one-year terms.

Section 2. Duties of Chair. The Chair shall preside at all meetings of the Board of Trustees, appoint members and Chairpersons of all standing and special committees and perform such other duties as the Board of Trustees may prescribe.

Section 3. Duties of the Vice Chair. The Vice-Chair shall preside at all meetings of the Board of Trustees in the absence of the Chair. In the event of the death, resignation, disability or removal of the Chair, the Vice-Chair shall assume the office of Chair for the remainder of the unexpired term. Should the Vice-Chair assume the office of Chair, the Board of Trustees shall immediately elect a replacement for the Vice-Chair from among its members.

Section 4. Duties of the Secretary. The Secretary shall supervise the keeping of the minutes of meetings of the Board of Trustees, read communications and reports, and perform such other duties as the Board of Trustees may prescribe. In the absence of the Secretary, any trustee may be appointed by the Board to act as Secretary pro tempore.

Section 5. Duties of the Treasurer. The Treasurer shall be the Chair of the Finance Committee, shall review and report on all investments, expenditures and claims, and shall advise the Board of Trustees on all fiscal matters.

Section 6. Absence of Chair and Vice-Chair. If both the Chair and Vice-Chair are absent from any meeting of the Board of Trustees, the Board shall select a member to preside at such meeting.

Section 7. Removal of Officers. Any officer may be removed from office, with or without cause, prior to the expiration of the officer's term by a vote of two-thirds of the members of the Board of Trustees.

ARTICLE IV

COMMITTEES

Section 1. Standing Committees. Standing Committees of the Board of Trustees shall consist of the Committee on Finance, the Committee on Administration and the Committee on Funding Process and Recommendations. Each standing committee shall consist of not less than two members of the Board of Trustees. Members and Chairpersons of standing committees shall be appointed by the Chair and ratified by the Board of Trustees by not later than October 30 of each year.

Section 2. Committee on Finance. The Treasurer shall be the Chair of the Committee on Finance. The Committee on Finance shall have the responsibility for making recommendations to the Board of Trustees on fiscal matters, including review and payment of claims, review and approval of investments, the annual audit, allocation of expenditures and review of budget performance.

The Committee Chair, subject to a two-thirds majority approval of the members of the Board of Trustees, may appoint no more than three (3) other persons to the Committee on Finance to act in an advisory capacity to the Committee as to finance and investment matters related to CHE. The Committee members are not Board Members, shall serve voluntarily at the pleasure of the Board or until resignation, and may be removed or replaced at any time by a two-thirds majority vote of the Board. To the extent possible, the Committee members who are not Board Members shall consist of persons whose integrity, capability, experience, and finance/investment knowledge will assist the Board in carrying out its functions.

Committee members who are not Board members shall serve, as is likewise the Board members, without pay. The Committee members shall serve in an advisory capacity only and have no voting privileges or administrative/managerial authority.

Section 3. Committee on Administration. The Committee on Administration shall have the responsibility for making recommendations to the Board of Trustees on administrative matters including personnel, purchasing, public relations, media relations, development and distribution of the annual report, and fund-raising. The Committee on Administration shall also have the responsibility for making recommendations to the Board of Trustees regarding nominees for officers of the Board and persons to be recommended to the Mayor for appointment to the Board.

Section 4. Committee on Funding Process and Recommendations. The Committee of Funding Process and Recommendations shall have the responsibility for making recommendations to the Board of Trustees on matters relating to funding policy,

including funding guidelines and schedules, the funding review process and public input, the setting of funding priorities and the disposition of funding requests.

Section 5. Special Committees. The Board of Trustees may create special committees from time to time. The chair and members of special committees shall be appointed by the Chair and ratified by the Board of Trustees. All special committees shall expire upon completion of their assignment, or one year after their creation, whichever is sooner.

Section 6. Committee Meetings. Meetings of any standing or special committee shall be called by the chair of the committee or by the Chair of the Board of Trustees. The Secretary or the Secretary's designee, shall notify each committee members of a committee meeting. A majority of the members of a committee shall constitute a quorum.

Section 7. Reports. The chair of each committee shall report on the activities of the committee at the next regular meeting of the Board of Trustees.

ARTICLE V

EXECUTIVE DIRECTOR

Section 1. Appointment. The Board of Trustees may select and appoint an Executive Director to serve at the pleasure of the Board at a salary to be determined by the Board.

Section 2. Duties. The Executive Director shall be the chief executive officer of the endowment and shall be responsible to the Board of Trustees for administration and management of the Endowment, shall provide staff assistance as the Board of Trustees may require, and shall be responsible for the care and safekeeping of all Endowment property, subject to regulations, directions and policies of the Board of Trustees. The Executive Director shall be the official custodian of all records and documents of the Board of Trustees. The Executive Director shall make a written report prior to each regular meeting of the Board, describing the activities of the Endowment since the previous meeting. This report shall be filed as a part of the permanent records of the Board of Trustees. The Executive Director shall be an ex officio (non-voting) member of all standing committees.

*

ARTICLE VI

TRUSTEE COUNCIL

Section 1. Purpose. A Trustee Council has been created to:

- *provide a formal network for former Trustees, current Trustees, and CHE staff:*

Revision approved by Board 01/11/99
Revision approved by Board 04/09/01
Revision approved by Board 08/28/02
Revision approved by Board 03/24/04
Revision approved by Board 09/28/05

Reported to City Council 01/25/99
Reported to City Council 04/12/01
Reported to City Council 09/05/02
Reported to City Council 04/09/04
Reported to City Council 09/29/05

- ensure a pool of individuals from who CHE can seek advice and consultation concerning strategic issues facing CHE; and
- retain historical knowledge and perspective in relation to CHE.

Section 2. Composition. The Trustee Council shall be comprised of former Trustees of the Community Health Endowment who have a continued interest in community health, public health policy, and the ongoing development and success of CHE. Former Trustees removed from their duties per Article 1, Section V of these bylaws shall not be eligible for membership on the Trustee Council.

Section 3. Powers and Duties. Members of the Trustee Council are not Board members and shall serve voluntarily at the pleasure of the Board or until resignation. Members of the Trustee Council shall serve, as is likewise the Board members, without pay. Members of the Trustee Council shall serve in an advisory capacity only and have no voting privileges or administrative/managerial authority. *

ARTICLE VII

BYLAWS

These bylaws may be amended by the affirmative vote of two-thirds of the members of the Board of Trustees. Notice of a proposed amendment to the bylaws shall be given at the last regular meeting of the board of Trustees prior to the meeting at which the amendment is considered and the proposed amendment shall be placed on file with the Secretary. No amendment shall be effective until reported to the City Council and a copy placed on file with the City Clerk.



City of Omaha
Mike Fahey, Mayor

Office of the Mayor
1819 Farnam Street, Suite 300
Omaha, Nebraska 68183-0300
(402) 444-5000
FAX: (402) 444-6059

September 30, 2005

To: Mayor Seng and Members of the Lincoln City Council

From: Mayor Mike Fahey

Re: Lincoln Journal Article of September 29, 2005

In the article Councilman Welch was quoted discussing the Omaha Police and Fire Pension Fund. According to the article, Mr. Welch said the pension fund was underfunded "... in part because in the past five years the payout to retirees has increased from 63 percent to 75 percent of their salaries."

While Mr. Welch is partially correct, he omitted some key points that, in the interest of accuracy, are important to mention.

1. "The Actuarial Valuation Report as of January 1, 2005" by Greg Rueschhoff of the Milliman firm states on page one that the reason for the increase in the "Unfunded Actuarial Liability and related Actuarial Contribution Rate" was "a loss on the actuarial value of assets, contributions less than the actuarially recommended rate and benefit improvements." Attributing the reason for the underfunding to benefit improvements without mentioning a drop in assets due primarily to market conditions and a lower rate of contributions than recommended, is incomplete and misleading.
2. Benefit enhancements were in lieu of wage increases and paid for by negotiated increases in employer and employee contributions.
3. The current payout to police and fire retirees is 71 percent after 25 years of service. They do not go to 75 percent until July, 2007.

If you have any further questions, please feel free to contact me.

Tammy J Grammer/Notes

10/03/05 08:35 AM

To jwjjr@concentric.net

cc

bcc

Subject Re: MegaPlex

Dear, Mr. Johnson, Jr.: 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.

Tammy J. Grammer
City Council Office
555 S. 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
FAX: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

jwjjr@concentric.net



jwjjr@concentric.net

10/03/05 06:50 AM

To council@ci.lincoln.ne.us

cc

Subject MegaPlex

Dear Council Members:

When you convene Monday, keep in mind that I and other citizens -- in large numbers -- resent the unholy relationship among the mayor, the council and Douglas Theatre Corporation. You have, individually and collectively, created a monopoly for Dave Livingston -- and monopolies should never be created by government.

You and your predecessors subsidized Livingston's voracious appetite with tax increment financing and eminent domain. Government created a scheme that would not work -- and then, when Livingston "offered" to help out, you offered to help him out -- to fulfill a flawed dream of a downtown of tremendous vitality. Of course, government can never create "vitality" even with the left-loaded Planning Commission, Cecil Steward and the New Urbanism / Smart Growth philosophy that Steward successfully sold to the commission, the council and the county board. Fortunately, Steward is gone, but to quote Shakespeare, "The evil men do lives after them." Of course he is still lurking in the background even though he was not reappointed to the planning commission.

Your individual and collective evil is allowing the city to make promises and guarantees to Livingston, on his terms, and compounding that evil by suggesting that since the promises and guarantees were made, the taxpayers of this city must abide by them! Two wrongs do not make a right.

I have no connection of any kind with Eiger Corporation. All I know is that it is a company that wants to invest in Lincoln. Since when are we in the protectionist business? Lincoln needs, in all sectors, people from

outside the community to invest, create jobs and pay taxes. If Eiger wants to take a risk, why commission a "manufactured" study that concludes Eiger can not make money at the location and scope of its proposal? Business is always a risk. Eiger is taking a risk. Douglas Theatres is not. Douglas simply wants to keep in its pockets the politicians it bought and paid for -- and their successors.

It is obvious that some of you have no idea what private enterprise and supply/demand are all about. If Eiger wants to invest, let it! If the protected Livingston wants no competition, screw him! Eiger is willing to take a risk; Livingston just wants (and has) guarantees! We taxpayers did not enter into an agreement with Douglas Theatres, the City did -- quite improperly. I and countless others, Republican, Democrat and otherwise, could care less about the Grand. I note, however, that Douglas Theatres is still in business -- and Livingston and his wife still seem to make money thanks to the control and sweet financing you and your predecessors provided them! I have not been to downtown in months (except for The Oven, my favorite eating establishment) and have no intention of spending a dime in a bought-and-paid-for theatre complex subsidized by my tax dollars. You need to go back over the books: the City paid a huge price for the empty Wells & Frost property -- and then turned over the rest of the needed properties to Douglas for hardly more than was paid for W&F.

Let Eiger do what it wants to do -- and stop perpetuating the screen monopoly that you have bestowed upon Douglas. Your obligation now is to taxpayers not to a city slicker who has craftily placed each of you in his pocket!

Lt Col Joseph W. Johnson, Jr., USAF Retired
2800 Woods Boulevard, No. 908
Lincoln, NE 68502-5844