

**DIRECTORS' MEETING
MONDAY, NOVEMBER 14, 2005 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

1. NEWS RELEASE - RE: Pledge To Recycle And Win Prizes - Environmental Education Center also part of America Recycles Day -(See Release)
2. NEWS RELEASE - RE: Highway 2 Trail To Be Renamed For Helen Boosalis -(See Release)
3. NEWS ADVISORY - RE: Mayor Seng will discuss development planned for the 48th & "O" Street area at a news conference at 10:00 a.m., Nov. 10th -(See Advisory)
4. NEWS RELEASE - RE: Mayor Seng Announces Redevelopment Plan For South Side Of 48th & "O" Street Area -(See Release)
5. Washington Report - November 4, 2005.

II. DIRECTORS

FINANCE/AUDIT

1. Letter from Mark Leikam, City of Lincoln Keno Auditor - RE: 9/30/05 Quarterly Keno Audit -(See Letter)

FINANCE/CITY TREASURER

1. Investment Report - City of Lincoln's Investment Activity Report for the Fiscal Year 2004-2005.

PLANNING

PLANNING COMMISSION FINAL ACTION

1. Special Permit #05052 (2611 West L Street) Resolution No. PC-00959.

PUBLIC WORKS & UTILITIES

1. E-Mail from Kay Rising forwarded to Council Office by Karen Sieckmeyer - RE: Wal-Mart -(Council received this E-Mail on 11/7/05 before Formal Council Meeting) (See E-Mail)

URBAN DEVELOPMENT

1. Draft Report - RE: FY 2004 Consolidated Annual Performance and Evaluation Report (CAPER) - (Council copies of this Report placed in their file folders on 11/9/05) (Copy of Report on file in the City Council Office)

WEED CONTROL AUTHORITY

1. Combined Weed Program - City of Lincoln - October 2005 Monthly Report.

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

ROBIN ESCHLIMAN

1. Request to Lynn Johnson, Parks & Recreation Director - RE: Center lanes being painted on bike trails (RFI#2 - 11/09/05)
2. Response E-Mail from Larry Worth, StarTran - RE: Bus ridership -(See E-Mail)

V. MISCELLANEOUS -

1. E-Mail from Bonita Johnsen - RE: Cable TV -(See E-Mail)
2. E-Mail from Joan Kalivoda - RE: Main Post Office -(See E-Mail)

3. E-Mail from Stephanie Watts - RE: Opposition to a Wal-Mart Center on North 84th Street -(See E-Mail)
4. E-Mail from Jodi Delozier - RE: Wal-Mart issue- Vote NO -(See E-Mail)
5. Faxed Letter from Joy Wilder & Petition with Signatures - RE: We believe in good business and development for North 84th Street. We say NO to another Wal-Mart at North 84th and YES to a smaller more neighborhood friendly development -(Council received this Material on 11/7/05 before Formal Council Meeting) (See Petition)
6. Letter from Nancy Armstrong Johnson - RE: We at Armstrong Interiors and Furniture are facing a really difficult situation-48th Street -(See Letter)
7. E-Mail from Cathy Beecham - RE: Vote NO on Wal-Mart -(Council received this E-Mail on 11/7/05 before Formal Council Meeting) (See E-Mail)
8. Material from C. Freeman - RE: The smoking ban -(See Material)
9. E-Mail from Joan Anderson - RE: The proposed ordinance to limit where convicted sex offenders can live within the City of Lincoln -(See E-Mail)
10. E-Mail from Doc Mullet - RE: Emerald & water -(See E-Mail)
11. E-Mail from Bob Hampton - RE: Wal-Mart -(See E-Mail)
12. E-Mail from Kristi Burklund - RE: The Post Office -(See E-Mail)
13. E-Mail from Arlyn Rawson - RE: Theatre policy - (See E-Mail)
14. Media Release from Lori Seibel, Executive Director, Community Health Endowment of Lincoln - RE: Medicare Part D Forums-Additional Medicare Forum Scheduled Due to High Demand -(See Release)
15. E-Mail from RoseMary & Daniel Schweitzer - RE: Cable TV rate hike-(See E-Mail)

16. Letter from Alyce Masters - RE: Wal-Mart -(See Letter)
17. Letter from Stuart Long - RE: Testimony to City Council on Proposed Cable TV Franchise - (See Letter)

VI. ADJOURNMENT

dal11405/tjg



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043, fax 441-8735

FOR IMMEDIATE RELEASE: November 7, 2005

FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043

PLEDGE TO RECYCLE AND WIN PRIZES

Environmental Education Center also part of America Recycles Day

As part of America Recycles Day, November 15, those pledging to recycle will be eligible for local and national prizes. They also will have the opportunity to visit the Mobile Environmental Education Center from 10 a.m. to 3 p.m. that day in front of the Pershing Center, 226 Centennial Mall South. The annual national event promotes recycling and buying recycled products.

“America Recycles Day is a reminder that we can make a difference every day by recycling,” said Gene Hanlon, City Recycling Coordinator. “We are asking individuals to pledge to start recycling or to improve their recycling habits. By doing the right thing, we conserve resources and save valuable landfill space.”

Through November 20th, pledge cards can be obtained and submitted at:

- any Russ’s Market store;
- the *Lincoln Journal Star*, 926 “P” Street;
- A-Can Recycling Center, 3255 South 10th Street;
- A & J Recycling Center, 3400 North 22nd Street;
- Alter Scrap Processing, 525 “N” Street; and
- Mid-City Recycling, 4900 Vine Street.

A pledge form also will be included the *Neighborhood Extra* on November 12 and the *Lincoln Journal Star* on November 14. Pledge forms will be entered into a national drawing for a 2005 Ford Escape Hybrid (for adults) and a Trek 4300 24-speed bike for kids. Local youth prizes are a \$100 Best Buy gift card (courtesy of VonBusch Refuse); one year of curbside recycling (courtesy of Recycling Enterprises); and a home recycling center. Local adult prizes are a \$100 Russ’s Market gift card (courtesy of Russ’s Market); one year of curbside recycling (courtesy of Star City Recycling); Nebraska Lottery tickets; and a home recycling center.

Pledge cards also can be signed and submitted at the Mobile Environmental Education Center event November 15, sponsored by the Lincoln and Nebraska recycling programs in partnership with WasteCap Nebraska and Midland Recycling. Over the lunch hour, free hot dogs, Pepsi products and Colby Ridge popcorn will be provided to those touring the center and completing a pledge to recycle. The first 100 people completing a pledge at the event will receive free Lincoln Recycles t-shirts. A grant from the Nebraska Department of Environmental Quality is funding a live KFOR radio broadcast from the event.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: November 9, 2005

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Lynn Johnson, Parks and Recreation, 441-8265

HIGHWAY 2 TRAIL TO BE RENAMED FOR HELEN BOOSALIS

Mayor Coleen J. Seng invites the public to attend a ceremony Sunday, November 13 to rename the trail on the north side of Highway 2 as the Helen Boosalis Trail. The ceremony will take place at 4 p.m. on the trail at South 38th Street. Boosalis served on the Lincoln City Council from 1959 through 1975, when she was elected Mayor. She served as Mayor from 1975 through 1983.

“In her 24 years in elected office, Helen was a champion for neighborhood and community beautification and parks,” said Mayor Seng. “She initiated the development of our trail system with construction of the Billy Wolff Trail along Antelope Creek. All of us who now use our nationally recognized trail system can thank Helen for her vision, and naming this trail for her is public recognition of her continuing dedication to this community.”

The Highway 2 trail runs along the north side of the highway from 17th Street to 56th Street. It then extends east along Old Cheney Road to 84th Street.

Parking for the ceremony is available at the ballfield parking lot at 40th Street and Highway 2 and at Trinity Baptist Church, 38th and LaSalle streets. If it rains, the ceremony will take place inside the church.



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: November 9, 2005

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

Mayor Coleen J. Seng will discuss development planned for the 48th and "O" Street area at a news conference at **10 a.m. Thursday, November 10** at the **reception area just outside the Mayor's Office, 555 South 10th Street.**



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: November 10, 2005

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Wynn Hjermstad, Urban Development Dept., 441-8211
Darl Naumann, Economic Development 441-7511

SENG ANNOUNCES REDEVELOPMENT PLAN FOR SOUTH SIDE OF 48TH AND "O" AREA

Mayor Coleen J. Seng announced today that an agreement has been reached on a \$10 million redevelopment project for the south side of "O" Street between 48th and 50th streets. The proposal calls for the construction of a West Gate Bank, a Braeda® Fresh Express Café and a Walgreen's store. The businesses would employ a total of about 100 people.

"My goal to have this area restored to a bustling retail center is becoming reality," said Mayor Seng. "I am very pleased to see the City move forward on plans for this prime retail and commercial property in the center of our community. This private investment will create new jobs, increase sales tax revenue and restore vitality to this area."

A 14,000-square-foot Walgreen's would be built on the southeast corner of 48th and "O" and would employ about 35 people. A 7,000-square-foot Braeda® Fresh Express Café would be built east of the Walgreen's and would employ about 50 people. A 6,000-square-foot West Gate Bank and office building would be built on the southwest corner of 50th and "O" and would employ about 12 people.

"All three companies are local and have long track records of quality developments in Lincoln and the State of Nebraska," said Carl Sjulín, President of West Gate Bank and spokesperson for the development group. "We appreciate the City's leadership in spearheading this project and overcoming a number of difficult issues that the redevelopment of this property presented. We hope this deal leads to additional private investment and redevelopment of this important area of our City."

The development will be under construction at the same time the City is widening "O" Street from 45th to 52nd Street. That stretch of "O" will close in March 2006 for the one-year project. The street and the new development both are scheduled to open in the spring of 2007. "The 48th and 'O' Street intersection is the second-busiest in Lincoln, which is why it is important to minimize inconvenience to the public and area businesses," said Mayor Seng.

- more -

48th and "O" Development
November 10, 2005
Page Two

The 42-acre area bounded by 48th, 52nd, "R" and "N" streets was declared blighted, making potential developers eligible for tax-increment financing (TIF). A request for proposals was issued last spring, and Mayor Seng appointed a citizen committee to review the proposals. The project includes about \$500,000 in public site improvements that will be financed by TIF. No City general fund dollars will be used for the development.

"The City negotiated with the property owners and reached agreement to acquire the property without using eminent domain," said Mayor Seng. "I am very pleased that the agreement includes green space on all sides of the development to buffer the new commercial activity from the adjoining neighborhood."

Seng said negotiations continue on a redevelopment agreement for the area north of "O" Street. The redevelopment agreement for the south side will be forwarded to the City Council for approval. The agreement will be introduced on the Council agenda Monday, November 14, with a public hearing scheduled for the November 28 Council meeting, which begins at 5:30 p.m.

The U.S. Environmental Protection Agency (EPA) awarded the City a \$128,200 assessment grant in September of 2004. The funds will be used for environmental testing, site planning and development of a clean-up plan if hazardous substances are found. The site was the location of an auto dealership and associated uses. The City is working with the EPA on a date for the City to receive the funds.



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Washington Report

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

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HOUSE APPROVES CURBS TO CONDEMNATION LAWS

EMINENT DOMAIN

House approves legislation to curb eminent domain use. The House overwhelmingly passed the “Private Property Rights Protection Act of 2005” (HR 4128) this week. The legislation is in response to the Supreme Court’s June ruling in the *Kelo v. City of New London*, in which the Court ruled that economic development could be considered a public use for the purposes of eminent domain.

The measure would withhold Federal economic development funds for two years from state and local governments that exercise eminent domain for economic development purposes, even if federal funds are not involved in the project in question (see October 28 *Washington Report* for additional details). If a government returns the property, the penalty is removed. Railroads, public utilities, public facilities, rights-of-way, roads, aqueducts or pipelines, prisons, hospitals, and military bases are exempted from the definition of economic development.

During the debate, several Democrats spoke about possible unintended consequences of the bill, expressed concern about vaguely defined terms, and worried that Congress should not interfere with the authority of state and local governments to regulate eminent domain. However, amendments to strip the financial penalties from the bill, to reduce the language to a simple expression of the sense of Congress against the Supreme Court decision, and to change the definition of economic development to increasing tax revenue as the primary purpose of the taking failed. Of note, an amendment by Rep. Michael Turner (R-OH) to allow governments to exercise eminent domain in case of threats to health and safety was also defeated.

The following were also approved on the floor:

- a manager’s amendment by House Judiciary Chairman James Sensenbrenner (R-WI) to exempt private toll roads and flood control facilities from the definition of economic development in the bill;
- an amendment by Gary Miller (R-CA) and Eddie Bernice Johnson (R-TX) to exclude redevelopment of brownfields sites from the definition of economic development;
- an amendment by Mike Sodrel (R-IN) that places the burden of proof on the government to demonstrate that a taking is not for economic development, and
- an amendment by Sheila Jackson-Lee (D-TX) to protect property owned by those affected by Hurricane Katrina.

The bill now moves to the Senate, where a companion bill by Senator John Cornyn (R-TX) (S 1313) has not been formally considered.

TELECOMMUNICATIONS

Second version of House draft kind to Bells. House Energy and Commerce Committee Chairman Joe Barton (R-TX) and Telecommunications and the Internet Subcommittee Chairman Fred Upton (R-MI) released a new discussion draft of comprehensive telecommunications legislation and announced that they will hold the first of a series of hearings on the bill next week. Unlike the previous draft, which was a bipartisan document drafted by both Republican and Democratic Committee staff, the new version was drafted by Republican staff only. However, Barton says that he will

continue to work with Committee Democrats and unveiled this second version only as an attempt to spur the process of holding formal hearings.

The new discussion draft presents a huge victory for the regional bell operating companies that are looking to move into the video services business that is currently dominated by incumbent cable television providers. Both Verizon and SBC, the two bells most eager to enter the video services market, praised the bill effusively. A preliminary review of the bill bears out their excitement. It appears that it would allow them to enter the video services market with little regulation and with no obligations to local government beyond the payment of a token franchise fee.

In general, the bill would create a loose regulatory regimen for almost all telecommunications services, requiring providers to obtain a vaguely defined franchise from the FCC and relegating local governments to the role of collector of franchise fees with possibly reduced ability to manage public rights-of-way.

On right-of-way control and management, Section 406 of the discussion draft would affirm the authority of local governments to manage public rights-of-way in a non-discriminatory manner and to collect compensation for their use from the providers of all telecommunications services. It is unclear how it works with other portions of the bill.

In a bright note for local governments, Section 406 of the new discussion draft would require providers to compensate property owners for damage to their property caused by their infrastructure or its installation. In addition, Section 406 would allow state and local governments to require providers to obtain bonds, insurance, letters of credit or other indemnification before they can access public rights-of-way. The original discussion draft did not address this issue.

In general, the discussion draft would charge the FCC with promulgating regulations for telecommunications providers, including consumer protection and redlining, though the bill would place the burden of enforcement with state public utility commissions.

FRANCHISES

FCC to investigate barriers to video services franchising. Responding to complaints by industry giants Verizon and SBC, the Federal Communications Commission (FCC) has issued a Notice of Proposed Rulemaking (NPRM) seeking comment on whether local governments are unreasonably denying franchises to new video services providers. A copy of the NPRM can be found at www.fcc.gov.

Verizon and SBC both claim that it takes too long to negotiate franchises with local governments and that local governments often make unreasonable demands of them. They further argue that once franchise agreements are concluded, they are often vocally opposed by incumbent cable television providers.

In a sign that the FCC does not plan to totally cave in to industry demands, the NPRM tentatively finds that it is reasonable for local governments to require that service providers serve the entire community and do not avoid low-income neighborhoods. The notice also tentatively concludes that local governments can reasonably expect video service providers to provide public, educational and government programming.

The FCC is seeking comments on:

- Whether local governments are unreasonably refusing to grant competitive video services franchises;
- Whether the FCC has the authority to issue a pro-competitive mandate under Section 621(a)(1) of the Communications Act;
- Whether service build-out requirements are reasonable;
- Assuming it has authority under Section 621(a)(1), whether the FCC should interpret it broadly;
- What steps the FCC should take to implement Section 621(a)(1);

- Whether the FCC has the authority to set a minimum amount of time by which competitive video services providers should achieve build out, and if so, what constitutes a reasonable time frame, and
- Whether the FCC should target actions at the state level that impede new video services entrants.

BUDGET

Senate approves \$35 billion in mandatory spending. The Senate approved a budget reconciliation package this week that would produce savings of approximately \$35 billion to mandatory spending programs such as Medicare, Medicaid, food stamps, and federally-guaranteed student loans.

As we have reported in recent weeks, reconciliation is a procedural tactic last used in 1997 that protects politically-unpopular cuts to entitlement programs from Senate filibuster. As a result, these measures also sometimes include legislation that has the support of the majority of the Senate, but not the 60 votes needed to stop a filibuster. The chief example in this year's reconciliation package is a provision allowing oil exploration in the Arctic National Wildlife Refuge (ANWR).

In addition to ANWR, some highlights of the Senate package include \$9 billion in savings from curbing the growth of the Medicare and Medicaid programs, \$4 billion in savings from slowing the growth of agricultural subsidies, and \$10 billion from the auction of analog spectrum to be freed up when broadcasters are required to switch to digital television (see related story below).

The great majority of Senate Democrats opposed the reconciliation measure, pointing out that many of the programs slated for cuts are important to victims of recent natural disasters. In addition, the final version of the reconciliation bill will not actually contribute to reducing the deficit in that it will eventually include as much as \$70 billion in tax relief.

Meanwhile, the House Budget Committee this week approved a much more ambitious reconciliation measure, with almost \$54 billion in mandatory spending cuts (see October 28 *Washington Report* for additional details). However, there are now reports that the measure may have some difficulty on the House floor as a number of moderate Republicans are expressing some displeasure over the ANWR provision and language that would allow states to opt-out of a ban on oil and gas exploration on the Outer Continental Shelf. This is somewhat surprising news as in past years, the House has easily approved ANWR legislation, only to see it stalled in the Senate.

AMTRAK

Senate adds Amtrak reauthorization to reconciliation bill. The Senate approved an amendment this week to its budget reconciliation bill that would authorize \$11.4 billion over five years for Amtrak. The amendment is identical to stand-alone legislation (S 1516) to reauthorize the railroad that was sponsored by Senators Trent Lott (R-MS) and Frank Lautenberg (D-NJ).

In addition to the funding for capital and operational expenses, the Amtrak authorization language includes some management reform through the establishment of a competitive bid program that would allow the freight railroads to bid for long distance train operations. The bill also requires Amtrak to: develop a capital spending program to bring the Northeast Corridor (which it owns) to a state of good repair by 2011; requires the Surface Transportation Board (STB) to issue quarterly on-time service reports for trains operating on routes owned by freight railroads, and to work with the freight railroads and Amtrak to improve on-time service performance. For the first time, STB would be able to take action to enforce Amtrak's priority access when it finds that a freight railroad has failed to address delays.

Amtrak has been without an authorization for three years now, and even though the Senate voted overwhelmingly for the amendment this week, the language is unlikely to make it into the final reconciliation bill. The White House voiced objections to S 1516 when it was

approved earlier this year by the Senate Commerce Committee and is likely to raise objections to its inclusion in the budget bill.

CENSUS

Census Bureau releases first ever estimate of daytime population for cities and counties. For the first time, the Census Bureau released estimates of the daytime population of cities and counties. The estimates are the result of a study designed to determine how many people are in a city versus the nighttime resident population.

Unsurprisingly, the study found that the population of many older central cities swells during the daytime on weekdays. In addition, the study discovered a number of new "edge" cities that have small resident populations but house thousands of employees on weekdays.

According to the study, Lincoln's daytime population of 235,801 is 10,220 (4.5 percent) higher than its resident population of 225,581.

The highest numeric increase in the country can be found in New York City, which houses a resident population of 8 million but a weekday daytime population of 8.5 million. Washington, DC came in a close second, where 410,000 workers increase the city's weekday daytime population by 72 percent over its resident population.

In terms of percentage change from resident population to daytime population, Commerce City, California leads the way among cities over 5,000 population: its daytime population is 355 percent greater than its resident population. Farmers Branch, Texas leads the way among cities over 25,000 in population: its daytime population is 136 percent higher than its resident population.

Additional information on the Census estimates can be found at:

<http://www.census.gov/population/www/socdemo/daytime/daytimepop.html>



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

City Controller's Office
Finance Department
Don Herz, Director
555 South 10th Street
Suite 103
Lincoln, Nebraska 68508
402-441-7421
fax: 402-441-8325

The Honorable Mayor
And Members of the City Council
Lincoln, Nebraska

I have performed the procedures as required by Revenue Ruling 35-96-3 published by the Nebraska Department of Revenue, Charitable Gaming Division, which were agreed to by the City of Lincoln and the Nebraska Department of Revenue, solely to assist the specified users in evaluating the City of Lincoln's compliance with the Nebraska County and City Lottery Act and County and City Lottery Regulations during the quarter ended September 30, 2005. The sufficiency of these procedures is solely the responsibility of the specified users of the report.

Sample sizes exceeded the minimum required and additional procedures were performed as determined necessary by the City of Lincoln's level of keno activity and are summarized as follows:

<u>Audit Procedure</u>	<u>Sample</u>	<u>Required</u>
• Review videotapes of ball draws.	150 games	15 games
• Review winning tickets of \$1,500 and over.	100% (41 tickets)	100% (up to 23)
• Review paid tickets	151 tickets	23 tickets
• Review void tickets.	101 tickets	23 tickets
• Trace paid tickets to the transaction log.	50 tickets	23 tickets
• Verify the accuracy of the transaction log.	Each day of the quarter (100%)	1 shift
• Recalculate the prize reserve balance and reconcile to prize bank accounts.	Monthly	Not required
• Verify that lottery worker applications have been filed with the State for all employees performing work directly related to the conduct of the lottery.	100%	Not required

During the performance of the required procedures and additional testing noted above, no findings were noted.

This report is intended solely for the information and use of officials of the City of Lincoln, the management of Lincoln's Big Red Lottery Services Ltd. and the Nebraska Department of Revenue and is not intended to be and should not be used by anyone other than these specified parties.

Mark Leikam

Mark Leikam
City of Lincoln Keno Auditor
November 3, 2005

RESOLUTION NO. A-_____

BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of
Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City
Treasurer is hereby directed to hold said investments until maturity unless
otherwise directed by the City Council.

INTRODUCED BY:

Approved:



Don Herz, Finance Director

Approved this ____ day of _____, 2005

Mayor

TO: HONORABLE CITY COUNCIL
FROM: FINANCE DIRECTOR
DATE: AUGUST 31, 2005
SUBJECT: CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FOR THE FISCAL YEAR 2004-2005

RECOMMENDATION

It is recommended that the City Council accept the City Treasurer's Investment Report for the year ending August 31, 2005.

BACKGROUND

The purpose of this report is to inform the City Council of the status of the City's investment portfolio for the fiscal year ending August 31, 2005. The City's investment policy requires that staff report annually to the City Council on the City's portfolio performance, description of securities, recent market conditions, investment strategies employed and other areas of policy concern warranting possible revisions to the current or planned investment strategies. This report excludes the Police and Fire Pension and the Community Health Endowment funds. Those funds have longer investment horizons and are governed by separate investment policies and the results are reported separately.

DISCUSSION

Investment Portfolio for the Fiscal Year

The City's investment portfolio is detailed in Attachment A. It is grouped by investment type and includes coupon rate, date of maturity, current market value, the book and face (par) value, and the Investment Policy Compliance as of August 31, 2005.

The par value of the City's portfolio was \$260.9 million. In comparison, last fiscal year end the par value was \$243.4 million. The portfolio consists of \$62.7 million in liquid accounts; \$181.4 million is U.S. government treasury and agency securities and \$16.8 in Inter-Fund Investments. The \$181.4 million includes \$90.6 million in investments maturing in less than two years, comprising 49.9% of the City's investment in notes and securities. The average life to maturity of the investment portfolio is 2.11 years.

The current market value of the portfolio is 99.1% of book value as a consequence of rising interest rates and investments purchased during the low yield environment of the past three years. This percentage may decrease in future quarters. It is important to note that because the City's practice is to hold securities until they mature, changes in market price do not affect the City's investment principal. The market valuation is provided by Financial Times Interactive Security Pricing, which is obtained by the City's investment tracking software provider.

Investment Activity During the Fiscal Year

During the fiscal year, \$264.1 million of the portfolio with an average yield of 2.2183% matured. During the same period, investments totaling \$280.7 million with an average yield to maturity of 3.3466% were purchased. The City's short-term money market and sweep accounts decreased by \$15.3 million compared to the fiscal year ending August 31, 2004. Investment staff continually monitors the City's short-term cash flow needs and adjust liquid funds to meet those needs and to take advantage of investment opportunities.

Investment Yields

Interest income on a cash basis for the fiscal year 2004-2005 was \$6.9 million. As of August 31, 2005, the yield to maturity of the City's portfolio was at an average of 3.3999%. This compares to an average yield of 2.8190% at

August 31, 2004. With interest rates moving upward, staff expects the portfolio's yield to gradually increase in upcoming quarters. The City's Short Term Pool portfolio yield of 3.6419% compares to 3.329% yield of a 28 day U.S. Treasury Bill as of August 25, 2005. The City's Medium Term Pool portfolio yield of 3.4043% compares to a 4.00% coupon for a 2 year U.S. Treasury Bond.

Yield Trends

Since August 2004, the Federal Open Market Committee (FOMC) has increased the federal funds rate by 2% and the discount rate by 2%. As of August 31, 2005, these rates were 3.50% and 4.5% respectively.

Outlook*

The announcement at the conclusion of the August FOMC meeting clearly signaled that investors should expect continued tightening, the effects of Hurricane Katrina have thrown things into limbo. The hurricane caused massive dislocations that will reduce the pace of economic growth this quarter, and perhaps for the balance of the year. Over the longer term the billions of dollars of government and insurance money that will pour into re-building will likely stimulate economic activity. Interruptions in the supply chain caused by the damage to New Orleans and other Southern ports, and increased demands for materials to re-build will put pressure on prices. So the dip in rates in August could be followed by a rebound in coming months.

Funds Held by the City

Attachment A is a consolidated report of all City investments. At August 31, 2005, the investments held in the City's pooled portfolio were not in compliance with the investment policy with respects to the portfolio composition. The City's Investment Policy, approved in January 2005, limits the security types, issuers and maturities that the pool may hold. The Pool had 47.1% of the portfolio investments in Federal Home Loan Bank (FHLB) instruments. The policy allows 40% of available funds to be invested in this type of issuer. These investments were purchased prior to the approval of the City's Investment Policy. The City has elected to hold these investments and adjust the portfolio composition as investments mature instead of taking a risk of selling off investments at a loss in order to align the composition of the portfolio.

Prepared By:


Melinda J. Jones
City Treasurer

Department Head Approval:


Don Herz
Finance Director

ATTACHMENTS:

- A) Investment Portfolio Annual Report, as of August 31, 2005

* Provided by PFM Asset Management LLC, Monthly Market Update and Outlook, August 2005

City of Lincoln
Investment Portfolio Annual Report
Fiscal Year Ending 8/31/2005

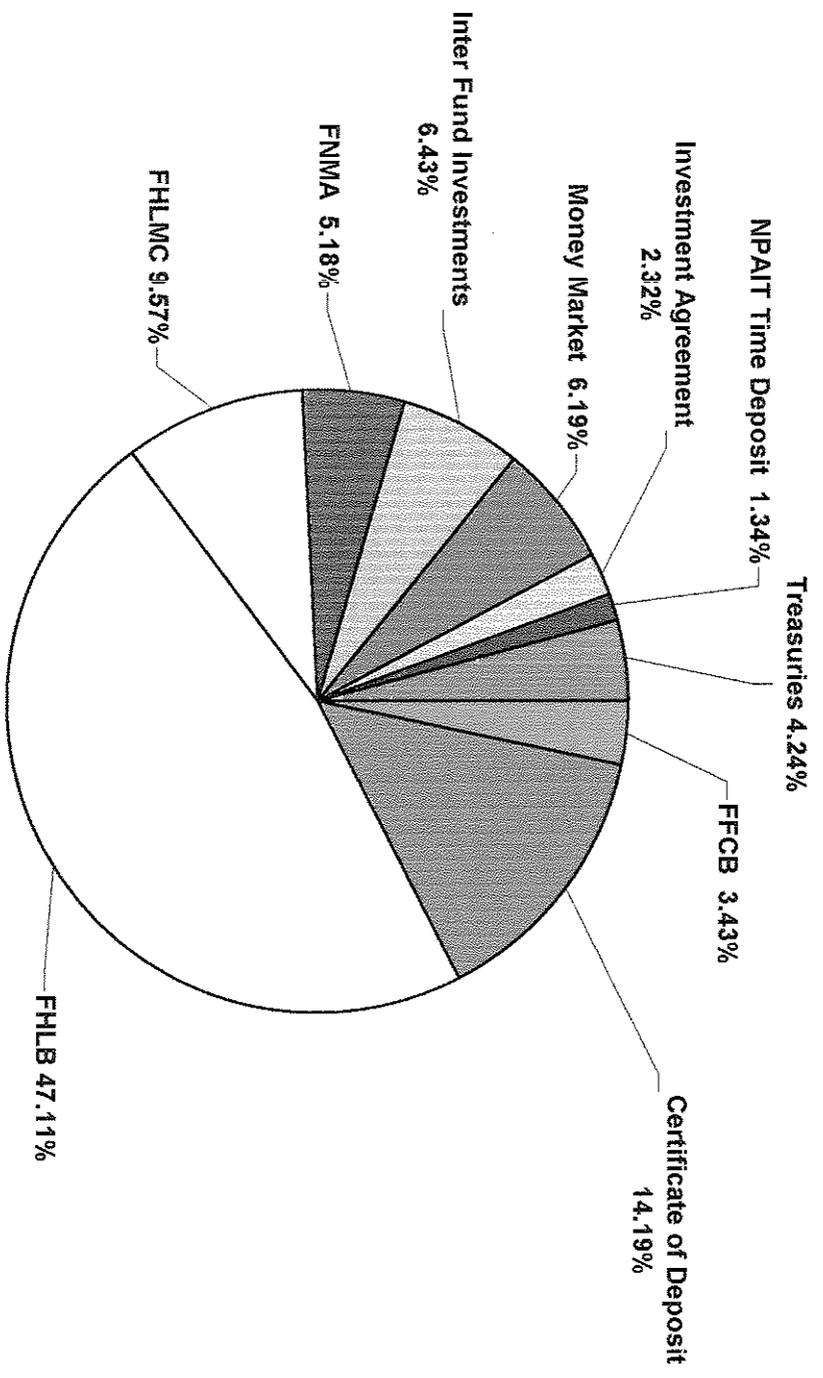
Security Description	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Ending Market Val	Ending Amor Val/Cost	Ending Par Val/Shares
FFCB 3.02 11/24/06	3.020	3.0200	05/24/04	11/24/06	1,976,880.00	2,000,000.00	2,000,000.00
FFCB 2.44 03/09/07	2.440	2.4400	06/09/03	03/09/07	1,953,760.00	2,000,000.00	2,000,000.00
FFCB 3.05 10/29/07	3.050	3.2405	04/30/04	10/29/07	1,958,120.00	1,992,275.62	2,000,000.00
FFCB 3.64 04/23/08	3.640	3.6400	04/24/03	04/23/08	1,975,000.00	2,000,000.00	2,000,000.00
FFCB 4.25 02/11/09	4.250	3.6803	08/27/04	02/11/09	931,480.00	944,643.83	928,000.00
FFCB Total	3.166	3.1479			8,795,240.00	8,936,919.45	8,928,000.00
Certificate of Deposit 3.36 09/01/05	3.360	3.3600	07/12/05	09/01/05	5,000,000.00	5,000,000.00	5,000,000.00
Certificate of Deposit 3.41 09/15/05	3.410	3.4100	07/19/05	09/15/05	3,000,000.00	3,000,000.00	3,000,000.00
Certificate of Deposit 3.45 09/15/05	3.450	3.4500	07/22/05	09/15/05	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit 3.47 09/22/05	3.470	3.4700	07/22/05	09/22/05	3,000,000.00	3,000,000.00	3,000,000.00
Certificate of Deposit 3.53 09/29/05	3.530	3.5300	08/03/05	09/29/05	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit 3.50 09/29/05	3.500	3.5000	07/25/05	09/29/05	3,000,000.00	3,000,000.00	3,000,000.00
Certificate of Deposit 3.55 10/06/05	3.550	3.5500	08/03/05	10/06/05	3,000,000.00	3,000,000.00	3,000,000.00
Certificate of Deposit 3.61 10/27/05	3.610	3.6100	08/17/05	10/27/05	5,000,000.00	5,000,000.00	5,000,000.00
Certificate of Deposit 3.86 11/17/05	3.860	3.8600	08/26/05	11/17/05	3,000,000.00	3,000,000.00	3,000,000.00
Certificate of Deposit 3.76 03/23/06	3.760	3.7600	03/23/05	03/23/06	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit 3.76 03/24/06	3.760	3.7600	03/24/05	03/24/06	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit 2.72 04/05/06	2.720	2.7200	04/05/05	04/05/06	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit 3.21 08/22/06	3.210	3.2100	08/22/05	08/22/06	2,000,000.00	2,000,000.00	2,000,000.00
Certificate of Deposit Total	3.489	3.4886			37,000,000.00	37,000,000.00	37,000,000.00
FHLB 1.60 10/21/05	1.600	1.6000	07/21/03	10/21/05	1,994,380.00	2,000,000.00	2,000,000.00
FHLB 2.375 02/15/06	2.375	2.4000	02/07/03	02/15/06	3,973,760.00	3,999,560.64	4,000,000.00
FHLB 1.75 02/23/06	1.750	1.7500	08/23/04	02/23/06	2,499,225.00	2,500,000.00	2,500,000.00
FHLB 1.85 04/20/06	1.850	2.2723	04/28/04	04/20/06	2,487,718.80	2,513,414.64	2,520,000.00
FHLB 2.65 05/05/06	2.650	2.6500	05/05/03	05/05/06	1,983,120.00	2,000,000.00	2,000,000.00
FHLB 2.22 07/28/06	2.220	2.2200	07/28/03	07/28/06	1,968,760.00	2,000,000.00	2,000,000.00
FHLB 2.27 07/28/06	2.270	2.2700	07/28/03	07/28/06	985,000.00	1,000,000.00	1,000,000.00
FHLB 2.55 10/27/06	2.550	2.8801	04/27/04	10/27/06	2,459,375.00	2,496,388.89	2,500,000.00
FHLB 3.125 11/15/06	3.125	3.1530	12/27/04	11/15/06	4,946,900.00	4,998,303.69	5,000,000.00
FHLB 2.75 11/20/06	2.750	2.7500	05/20/03	11/20/06	2,463,275.00	2,500,000.00	2,500,000.00
FHLB 2.785 11/21/06	2.785	3.0691	08/21/03	11/21/06	1,192,612.30	1,206,018.38	1,210,000.00
FHLB 3.00 02/20/07	3.000	3.0000	08/20/03	02/20/07	1,970,620.00	2,000,000.00	2,000,000.00
FHLB 2.40 03/30/07	2.400	2.4380	03/30/04	03/30/07	4,876,550.00	4,997,118.78	5,000,000.00
FHLB 2.40 03/30/07	2.400	2.4435	03/30/04	03/30/07	4,876,550.00	4,996,707.18	5,000,000.00
FHLB 2.50 04/05/07	2.500	2.5000	04/05/04	04/05/07	1,944,380.00	2,000,000.00	2,000,000.00
FHLB 3.00 05/09/07	3.000	3.0000	05/09/03	05/09/07	1,966,880.00	2,000,000.00	2,000,000.00
FHLB 2.75 05/21/07	2.750	2.7500	05/21/03	05/21/07	1,957,500.00	2,000,000.00	2,000,000.00
FHLB 3.03 06/18/07	3.030	3.0300	03/18/04	06/18/07	2,014,760.50	2,050,000.00	2,050,000.00
FHLB 2.80 07/16/07	2.800	2.8000	04/16/04	07/16/07	2,933,430.00	3,000,000.00	3,000,000.00
FHLB 3.01 10/07/07	3.010	3.0100	10/07/03	10/07/07	2,954,070.00	3,000,000.00	3,000,000.00
FHLB 3.625 10/22/07	3.625	3.6674	10/22/03	10/22/07	1,980,620.00	1,998,326.82	2,000,000.00
FHLB 3.10 12/17/07	3.100	3.1000	03/17/04	12/17/07	4,893,750.00	5,000,000.00	5,000,000.00
FHLB 3.50 01/07/08	3.500	3.5000	01/07/04	01/07/08	1,956,260.00	2,000,000.00	2,000,000.00
FHLB 2.82 01/08/08	2.820	2.8370	04/08/04	01/08/08	3,741,738.00	3,848,490.30	3,850,000.00
FHLB 3.00 01/15/08	3.000	3.0000	04/15/04	01/15/08	2,029,310.40	2,080,000.00	2,080,000.00
FHLB 3.40 02/06/08	3.400	3.4000	02/06/04	02/06/08	4,918,750.00	5,000,000.00	5,000,000.00
FHLB 3.45 02/25/08	3.450	3.4500	02/25/04	02/25/08	3,936,240.00	4,000,000.00	4,000,000.00
FHLB 3.03 04/17/08	3.030	3.0300	07/17/03	04/17/08	1,947,500.00	2,000,000.00	2,000,000.00
FHLB 3.25 06/03/08	3.250	3.2500	06/03/03	06/03/08	1,955,620.00	2,000,000.00	2,000,000.00
FHLB 3.05 06/30/08	3.050	3.0500	06/30/03	06/30/08	3,888,760.00	4,000,000.00	4,000,000.00
FHLB 4.15 07/15/08	4.150	4.1436	05/10/05	07/15/08	315,590.63	315,059.74	315,000.00
FHLB 3.375 07/21/08	3.375	3.3750	02/19/04	07/21/08	977,810.00	1,000,000.00	1,000,000.00
FHLB 3.35 08/07/08	3.350	3.3500	08/07/03	08/07/08	1,958,120.00	2,000,000.00	2,000,000.00
FHLB 3.69 08/14/08	3.690	3.6900	08/14/03	08/14/08	1,974,380.00	2,000,000.00	2,000,000.00
FHLB 3.625 08/14/08	3.625	3.8023	12/26/03	08/14/08	1,971,260.00	1,990,440.65	2,000,000.00
FHLB 3.25 10/06/08	3.250	3.2500	04/06/04	10/06/08	4,876,550.00	5,000,000.00	5,000,000.00
FHLB 3.09 10/06/08	3.090	3.0900	04/06/04	10/06/08	1,928,120.00	2,000,000.00	2,000,000.00
FHLB 4.00 11/12/08	4.000	4.0000	11/14/03	11/12/08	1,993,760.00	2,000,000.00	2,000,000.00
FHLB 4.00 11/12/08	4.000	4.0000	11/12/03	11/12/08	1,993,760.00	2,000,000.00	2,000,000.00
FHLB 3.50 12/12/08	3.500	3.4748	06/12/03	12/12/08	1,960,620.00	2,001,491.16	2,000,000.00
FHLB 3.65 02/27/09	3.650	3.6500	02/27/04	02/27/09	1,476,090.00	1,500,000.00	1,500,000.00
FHLB 3.67 04/23/09	3.670	3.6700	04/23/04	04/23/09	1,963,760.00	2,000,000.00	2,000,000.00
FHLB 4.35 09/01/09	4.350	4.3500	09/01/04	09/01/09	4,978,150.00	5,000,000.00	5,000,000.00

Investment Portfolio Annual Report

Fiscal Year Ending 8/31/2005

Security Description	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Ending Market Val	Ending Amor Val/Cost	Ending Par Val/Shares
FHLB 4.43 09/10/09	4.430	4.4300	09/10/04	09/10/09	1,995,000.00	2,000,000.00	2,000,000.00
FHLB 5.00 10/15/12	5.000	5.0000	10/15/04	10/15/12	3,856,012.50	3,875,000.00	3,875,000.00
FHLB Total	3.109	3.1328			117,916,398.13	119,866,320.87	119,900,000.00
FHLB Discount Note 0.00 09/07/05	0.000	3.3525	07/14/05	09/07/05	2,998,200.00	2,998,355.00	3,000,000.00
FHLB Discount Note Total	0.000	3.3525			2,998,200.00	2,998,355.00	3,000,000.00
FHLMC 3.25 05/14/07	3.250	3.3824	08/05/03	05/14/07	1,975,860.00	1,995,771.25	2,000,000.00
FHLMC 3.00 08/27/07	3.000	3.0000	02/27/04	08/27/07	4,906,250.00	5,000,000.00	5,000,000.00
FHLMC 3.25 01/28/08	3.250	3.2085	02/27/04	01/28/08	2,946,120.00	3,002,765.06	3,000,000.00
FHLMC 3.25 01/28/08	3.250	3.1649	02/25/04	01/28/08	1,964,080.00	2,003,804.25	2,000,000.00
FHLMC 3.60 04/16/08	3.600	3.6000	04/16/03	04/16/08	1,975,360.00	2,000,000.00	2,000,000.00
FHLMC 4.00 09/15/09	4.000	4.0000	03/15/04	09/15/09	2,968,440.00	3,000,000.00	3,000,000.00
FHLMC Total	3.350	3.3482			16,736,110.00	17,002,340.56	17,000,000.00
FHLMC Discount Note 0.00 11/03/05	0.000	3.6478	08/17/05	11/03/05	2,981,100.00	2,981,257.50	3,000,000.00
FHLMC Discount Note 0.00 11/10/05	0.000	3.6791	08/23/05	11/10/05	4,965,000.00	4,965,000.00	5,000,000.00
FHLMC Discount Note Total	0.000	3.6673			7,946,100.00	7,946,257.50	8,000,000.00
FNMA 1.80 04/07/06	1.800	1.8000	04/07/04	04/07/06	5,099,098.36	5,000,000.00	5,000,000.00
FNMA 3.375 12/15/08	3.375	4.1550	05/10/05	12/15/08	544,991.08	543,839.97	557,000.00
FNMA Total	1.955	2.0310			5,644,089.44	5,543,839.97	5,557,000.00
FNMA Discount Note 0.00 10/12/05	0.000	3.5318	08/03/05	10/12/05	4,980,000.00	4,980,297.22	5,000,000.00
FNMA Discount Note 0.00 10/19/05	0.000	3.5747	08/05/05	10/19/05	2,985,900.00	2,986,000.00	3,000,000.00
FNMA Discount Note Total	0.000	3.5479			7,965,900.00	7,966,297.22	8,000,000.00
Inter Fund Investments							
Inter Fund Investments							
Inter Fund Investments							
Inter Fund Investments							
Inter Fund Investments							
Inter Fund Investments Total	3.795	3.7952			16,784,015.69	16,784,015.69	16,784,015.69
Money Market							
Money Market							
Money Market							
Money Market							
Money Market							
Money Market							
Money Market							
Money Market Total	3.216	3.2160			16,143,088.34	16,143,088.34	16,143,088.34
Investment Agreement 4.51 12/01/15	4.510	4.5100	03/23/05	12/01/15	1,120,000.00	1,120,000.00	1,120,000.00
Investment Agreement 4.60 08/15/22	4.600	4.6000	03/23/05	08/15/22	1,540,000.00	1,540,000.00	1,540,000.00
Investment Agreement 4.70 08/15/25	4.700	4.7000	03/23/05	08/15/25	3,390,000.00	3,390,000.00	3,390,000.00
Investment Agreement Total	4.639	4.6394			6,050,000.00	6,050,000.00	6,050,000.00
NPAIT Time Deposit 2.90 01/11/06	2.900	2.9000	07/11/05	01/11/06	2,000,000.00	2,000,000.00	2,000,000.00
NPAIT Time Deposit 3.30 06/23/06	3.300	3.3000	06/23/05	06/23/06	1,500,000.00	1,500,000.00	1,500,000.00
NPAIT Time Deposit Total	3.071	3.0714			3,500,000.00	3,500,000.00	3,500,000.00
Treasury Note 5.625 02/15/06	5.625	5.2041	04/30/99	02/15/06	358,049.45	355,567.06	355,000.00
Treasury Note 6.50 10/15/06	6.500	6.5925	02/29/00	10/15/06	385,972.50	374,683.11	375,000.00
Treasury Note 3.625 04/30/07	3.625	3.6286	05/13/05	04/30/07	3,986,560.00	3,999,735.88	4,000,000.00
Treasury Note 3.75 05/15/08	3.750	3.6081	05/19/05	05/15/08	2,493,850.00	2,509,003.16	2,500,000.00
Treasury Note 4.375 08/15/12	4.375	4.1749	05/19/03	08/15/12	3,260,046.46	3,203,125.61	3,167,000.00
Treasury Note Total	4.056	3.9512			10,484,478.41	10,442,114.82	10,397,000.00
Treasury STRIP 0.00 11/15/06	0.000	5.5315	12/31/98	11/15/06	615,940.92	613,557.12	644,000.00
Treasury STRIP Total	0.000	5.5315			615,940.92	613,557.12	644,000.00
Investment Total	3.047	3.3247			258,579,560.93	260,793,106.54	260,903,104.03

City of Lincoln Investment Portfolio Composition, August 31, 2005



**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 10, 2005

RE : **Special Permit No. 05052**
(2611 West L Street)
Resolution No. PC-00959

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, November 9, 2005:

Motion made by Strand, seconded by Krieser, to approve **Special Permit No. 05052**, with conditions, for authority to operate a cement silo for the purposes of storing portland cement, on property located at 2611 West L Street.

Motion for conditional approval carried 8-0 (Pearson, Carroll, Krieser, Sunderman, Esseks, Strand, Larson and Carlson voting 'yes'; Taylor absent).

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
J. Michael Rierden, 645 M Street, Suite 200, 68508
Ryan Collison, 5501 S. 80th Street, 68516
Olderbak Enterprises North, 2601 West L Street, Suite A, 68522
Time Warner Entertainment, P.O. Box 7467, Charlotte, NC 28241
William Vocasek, West "A" N.A., 1903 W. Mulberry Court, 68522
Bill Hergott, West "A" N.A., 1710 W. Washington St., 68522-2522

RESOLUTION NO. PC- 00959

SPECIAL PERMIT NO. 05052

1 WHEREAS, Ryan Collison has submitted an application designated as Special
2 Permit No. 05052 to allow the operation of a cement silo for the purposes of storing portland
3 cement, on property generally located at 2611 West L Street and legally described as:

4 Lot 6, Block 3, Western State Industrial Tract, Lincoln, Lancaster
5 County, Nebraska;

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

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

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

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

17 That the application of Ryan Collison, hereinafter referred to as "Permittee", to
18 allow the operation of a cement silo for the purposes of storing portland cement be and the
19 same is hereby granted under the provisions of Section 27.63.290 of the Lincoln Municipal

1 Code upon condition that said operation be in strict compliance with said application, the site
2 plan, and the following additional express terms, conditions, and requirements:

3 1. This permit approves the operation of a cement silo for the purposes of
4 storing portland cement.

5 2. The Permittee, his successor, and assigns shall inform all prospective
6 purchasers and users that the land is located within the Airport Environs Noise District, that the
7 land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that
8 the land is potentially subject to aircraft noise levels which may affect users of the property and
9 interfere with its use.

10 3. Before operating the cement storage silo:

11 a. The Permittee must submit a revised plan including 5 copies and
12 the plans are acceptable.

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

14 c. The operation and the premises must meet appropriate local and
15 state licensing requirements, including compliance with health
16 codes.

17 d. Grant an avigation and noise easement to the Lincoln Airport
18 Authority on all or that part of the land located within the Airport
19 Environs Noise District.

20 4. The cement storage silo must, at all times, be in compliance with the
21 Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 20,
22 Paragraph (E).

23 5. The cement storage silo must, at all times, be in compliance with the
24 Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 32.

25 6. The owners/operators must operate this silo according to the
26 manufacturer's specifications, especially relative to silo filling rates.

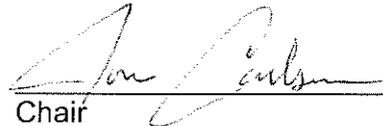
1 7. The site plan approved by this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
3 elements, and similar matters.

4 8. This resolution's terms, conditions, and requirements bind and obligate
5 the Permittee, his successors and assigns.

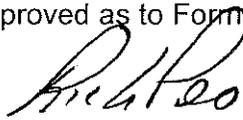
6 9. The Permittee shall sign and return the letter of acceptance to the City
7 Clerk within 30 days following the approval of the special permit, provided, however, said 30-
8 day period may be extended up to six months by administrative amendment. The clerk shall file
9 a copy of the resolution approving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

11 The foregoing Resolution was approved by the Lincoln City-Lancaster County
12 Planning Commission on this 9th day of November, 2005.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

Tammy J Grammer/Notes

11/07/2005 12:54 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: InterLinc: Feedback

----- Forwarded by Tammy J Grammer/Notes on 11/07/2005 12:57 PM -----

Karen K Sieckmeyer/Notes

11/07/2005 12:15 PM

To Tammy J Grammer/Notes@Notes

cc

Subject Fw: InterLinc: Feedback

InterLinc: Feedback

Name: Kay Rising
Addr: 8412 Peregrine Ct.
Location: Lincoln, NE
Phone: 327-2668
Fax:
Email:
Comments:

Northeast Lincoln is being left out and has been for many years in the areas of street improvements and commercial development. The Wal-mart and surrounding commercial plats are much needed in this part of town. Local business have not done their part with providing service to NE Lincoln. Current business will not be put out of existence if they provide a good service. Don't stop a Wal-mart because of local fears and current owners not providing a good or needed service. Lincoln can also use the additional tax dollars and we in NE Lincoln can save some gas money by not driving all over town.

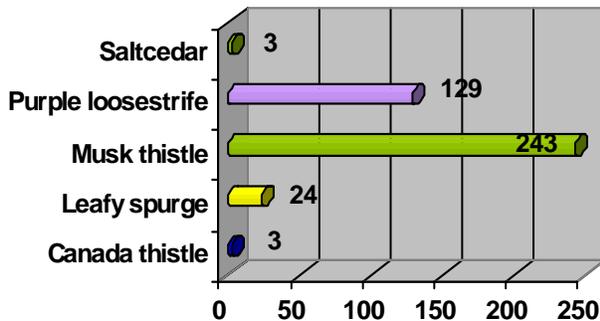
Combined Weed Program City of Lincoln October 2005 Monthly Report

Inspection Activity

- 5,702 inspections on 2,534 sites have been made to date.
- 242 inspections were made during the month.

Noxious Weeds

- Made 975 inspections on 457 sites on 2,227 acres.

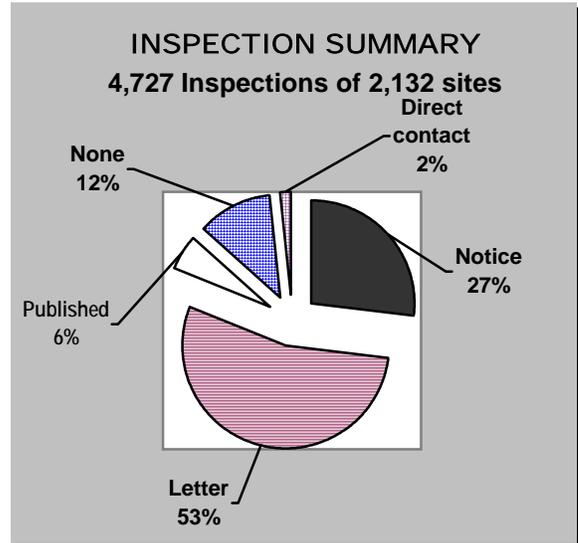


- Found 402 violations on 437 acres.
- Found no violations on 54 sites.
- Sent 80 notices, 267 letters, 3 trace cards and made 62 personal contacts.
- 191 control plans have been received.
- 317 sites controlled by landowners.
- 9 sites force cut by contractors.
- Control is pending on 10 sites.

Weed Abatement

- Made 4,727 inspections on 2,132 sites on 1,067 acres.
- Found 1,830 violations on 823 acres.
- Found no violations on 284 sites.
- 1,669 complaints received on 1,421 sites.
- Sent 659 notices, 1,323 letters, published 142 notifications and made 39 personal contacts.
- 1,652 sites cut by landowners.
- 108 sites force cut by contractors.

- Cutting is pending on 56 sites.



October Activities

- 11-13 NACO Conference Omaha
- 20 County Management Team Retreat 8:30
- 27 LPWMA Mtng, Wahoo
- 31 Monthly activity report

Planned November Activities

- 10 Mgt Team Mtg 8:30 AM
- 17 LPWMA meeting
- 15-16 Fall Training
- 28 Monthly activity report





Karen K Sieckmeyer/Notes

11/09/2005 03:54 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: Bus ridership

----- Forwarded by Larry Worth/Notes on 11/08/2005 10:27 AM -----



"Robin Eschliman"
<REschliman@naifmarealty.com>

11/08/2005 08:51 AM

To <LWorth@ci.lincoln.ne.us>

cc

Subject RE: Bus ridership

Wow. 6% increase. I thought it would be up 10 or 20% with the rising gas prices.

Robin Eschliman

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

From: CThoreson@ci.lincoln.ne.us [mailto:CThoreson@ci.lincoln.ne.us] On Behalf Of LWorth@ci.lincoln.ne.us

Sent: Tuesday, November 08, 2005 8:39 AM

To: Robin Eschliman

Subject: Re: Bus ridership

Ms. Eschliman -- In response to your 11/7/05 request for information...

* The president of Amalgamated Transit Union, Local No. 1273 is Mr. Leslie Helms. His home address is 5721 Gladstone & home phone is 450-7331.

* F.Y. 2004-05 total StarTran ridership was 1,648,744
F.Y. 2003-04 total StarTran ridership was 1,552,792

"Robin Eschliman"
<reschliman@naifmarealty.com>

11/07/2005 01:14
PM

<lworth@lincoln.ne.gov>

To

cc

Subject

Bus ridership

Hello Larry:

Do you have any figures showing the bus ridership YTD as compared to 2004? Also, I have forgotten the name of the head of the bus union who spoke to us during the budget session. Could you tell me how to get ahold of him?
Robin Eschliman

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Tammy J Grammer/Notes

11/04/2005 09:06 AM

To "Bonita Johnsen" <flcbonita@alltel.net>

cc

bcc

Subject Re: cable TV 

Dear Bonita Johnsen: 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 South 10th Street
Lincoln NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

"Bonita Johnsen" <flcbonita@alltel.net>



"Bonita Johnsen"
<flcbonita@alltel.net>

11/03/2005 03:47 PM

Please respond to
"Bonita Johnsen"
<flcbonita@alltel.net>

To <council@lincoln.ne.gov>

cc

Subject cable TV

We have overpriced cable TV in Lincoln compared to surrounding cities and towns. Please consider some cable competition for Time Warner.

Tammy J Grammer/Notes

11/08/2005 10:08 AM

To Joan Kalivoda <jkalivo@lps.org>

cc

bcc

Subject Re: main post office 

Dear Joan Kalivoda: 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 South 10th Street
Lincoln NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

Joan Kalivoda <jkalivo@lps.org>



Joan Kalivoda
<jkalivo@lps.org>

11/07/2005 04:13 PM

To cseng@lincoln.ne.gov, council@lincoln.ne.gov,
commish@lancaster.ne.gov, coby@liba.org,
wbirdsall@1coc.com, dlandis@unicam.state.ne.us,
mfoley@unicam.state.ne.us

cc

Subject main post office

I'm not sure just why the main post office is a target but I really think that it would be a mistake to replace it with an event center. The flow of traffic would be horrible. And really the post office there is convenient for all of us. It fits into the historical site along with the Haymarket.

Joan Kalivoda (a resident of Lincoln for the last 35 years).



- jkalivo.vcf



**DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>**
11/07/2005 05:02 PM

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

InterLinc: City Council Feedback for
General Council

Name: Stephanie Watts
Address: 3301 N. 73rd Street
City: Lincoln, NE 68507

Phone: 402-890-9852
Fax:
Email: sjwatts2003@yahoo.com

Comment or Question:

As I am watching today's City Council meeting, I would like to express my opposition to a Walmart Center on North 84th Street. I am looking forward to retail growth in this area, and I would prefer to support a locally owned business such as Russ's Market as a grocer of choice.

Thank you.

Stephanie Watts
Resident - Northeast Lincoln

Tammy J Grammer/Notes

11/08/2005 10:51 AM

To <tdelozier@pol.net>

cc

bcc

Subject Re: Wal-mart issue - vote no 📎

Dear Jodi Delozier: 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 South 10th Street
Lincoln NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

<tdelozier@pol.net>



<tdelozier@pol.net>

11/08/2005 10:50 AM

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

cc

Subject Wal-mart issue - vote no

Dear Council members,

Although I live in south Lincoln, there are many of us in my neighborhood who do NOT want another Wal-Mart in this city (regardless of its location). Sometimes I wonder if there are any other stores out there that could provide better service and quality? To answer that question - YES! It would be nice for the city to encourage other big box stores (if that's what you want) such as Kohls or Super Target. I read today's paper and disagree with the comment made to the council by Peter Katt, the attorney representing the developer, "None of that's relevant to your decision." He was referring to the public hearing turning into a Wal-Mart bashing. It is important that the council listen to what the people in Lincoln think about Wal-Mart, its hiring practices, the environment around Wal-Mart, the parking issues, etc. The entire point of a PUBLIC hearing is for all of you to know what we want or do not want.

I, for one, have never been impressed with Wal-Mart. It's prices are not the lowest, the quality is not the best, it is an ugly store inside and out, and it does hurt local retailers. They have had trouble with their treatment of employees and if one reads today's LJS, there is an article on page 3A about Wal-Mart. An affidavit was released stating that Wal-Mart executives knew their company was hiring illegal immigrants many of whom were housed in crowded conditions, sometimes having them sleep in the backs of stores.

For those of you representatives who are thinking of saying "yes" to another Wal-Mart, I urge you to change your mind. I believe the majority

of people are not in favor of this particular big box.

Jodi DeLozier
South Lincoln
Council rep.- Jonathan Cook

November 7, 2005

I oppose the Wal-Mart at 84th & Adams for several reasons, however, the majority fall into the following categories:

1. Increase traffic on 84th & "O" Streets
2. Flooding potential to all areas to the west & south of the development
3. Potential size on the occupancies of the commercial buildings & unfair business competition to the smaller businesses in the Lincoln area.

Attached are some signatures in opposition to this proposal.

Sincerely

A handwritten signature in cursive script that reads "Joy Wilder". The signature is written in black ink and is positioned above the typed name and address.

Joy Wilder
140 E. Cherrywood Drive
Lincoln, NE

November 3, 2005

The Honorable Coleen Seng
Mayor
555 South 10th Street
Lincoln, Nebraska 68508

RECEIVED
NOV 07 2005
CITY COUNCIL
OFFICE

Dear Coleen,

We at Armstrong Interiors and Furniture are facing a really difficult situation. For 56 years our business has been a mainstay on 48th Street. In its heyday between about 1987 and 1999 Armstrong's employed 20 - 25 people and grossed between \$2,000,000 and \$2,700,000 annually. We have been a consistent source of property taxes, sales taxes, income taxes, and employment for Lincoln. My family has been supportive of the Lincoln Symphony, the Lied Center, the Folsom Zoo, the Children's Museum, the University of Nebraska, Lincoln Northeast High, the Lincoln Public School Foundation, the Lincoln Community Foundation, Cedars Home for Children, the Lincoln Community Theatre, Junior Achievement, Rotary, Kiwanis, and our church.

Since 1999 our business has suffered as the area has slid into decline and our family point person, Nathan Johnson, has been out of the country obtaining an advanced degree. Nevertheless, we have held on, believing that a city must truly be viable in all parts to be a healthy entity. Our family home stands proudly at 1250 North 37th. We believe in redevelopment, and the concept of Pinnacle Point is exciting. Nathan, at age 28, is freshly back and eagerly picking up the reins at Armstrong's.

To my knowledge our family has never asked anything special of the city. We have only given. Now, however, we are confronted with a very, very serious problem. Customers enter our store via one of two drives. Current proposals call for either totally cutting off our 48th and R entrance and encouraging access via a U-turn around a proposed island on 48th Street or taking six of our 20 parking spaces (we're just barely legal in numbers of those now!) and saving the R Street entrance but still boxing us in on 48th. Customers arriving from the east would be directed to our facility via our back loading dock and a service area for our neighbors. Using this area as an entrance is more than illogical. It is a spot totally impossible to traverse when 18 wheelers are there loading and unloading furniture!

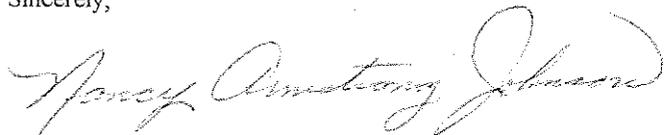
Basically, the city's current plan means only people driving from the south will have easy access to our facility. Those from the other three directions will be stymied!

The situation, however, gets worse. While customers coming from the south--and only the south--will have easy access to Armstrong Interiors and Furniture, they will not be allowed to turn south when leaving, but instead will be forced to turn north. How many people do you know who are willing to go through hassles like that, even to obtain what we modestly feel are the best design services, product lines, and prices in Lincoln?

Please help us! It is vitally important to save both the 48th Street and R Street entrances as explained above to continue in our present location. Otherwise 7/8 of our possible entrance/egress points will be blocked!

Thank you!

Sincerely,



Nancy Armstrong Johnson
nancyjohnson@usa.com

Tammy J Grammer/Notes

11/07/2005 12:54 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: Vote no on Walmart

----- Forwarded by Tammy J Grammer/Notes on 11/07/2005 12:57 PM -----



Cathy Beecham

<cathy_beecham@yahoo.com

>

11/07/2005 12:55 PM

To City Council <council@ci.lincoln.ne.us>

cc

Subject Vote no on Walmart

Dear City Council Members,

I am writing to ask you to vote no on putting another Walmart in Lincoln. We have plenty of superstores in our town. If we keep adding them, we will destroy all of our small businesses. Please, be pro-business and vote against a new Walmart location.

Sincerely,

Cathy Beecham
2540 C Street
Lincoln, NE 68502

[Yahoo! FareChase - Search multiple travel sites in one click.](#)

Secondhand Smoke Hurts Heart Like Smoking

Even Minutes and Hours of Exposure Count, Say Researchers

By Miranda Hitti

WebMD Medical News Reviewed By Brunilda Nazario, MD

on Monday, May 23, 2005

RECEIVED
NOV 08 2005
CITY COUNCIL
OFFICE

May 23, 2005 – The heart just doesn't like smoking, no matter who's doing it.

That's the take-home message of a review of research about secondhand smoke's cardiac toll. The report – published in Circulation – documents a long list of heart hazards from secondhand smoke.

Wisp for wisp, secondhand smoke's heart damage often rivals that of active smoking, and even a little exposure may have an impact, says the review by Joaquin Barnoya, MD, MPH, and colleagues.

Secondhand smoke's heart effects are "rapid and large," like those of air pollution, say Barnoya and colleagues. How large? On average, the heart effects of even brief secondhand smoke exposure are about 80% to 90% as large as that from chronic active smoking, they say.

An 'Exquisitely Sensitive' Heart

Smokers' hearts bear the biggest burden. They are exposed to more toxins from smoking than people who only get secondhand smoke. But that doesn't appear to make much difference to the heart, says the review.

Passive smoke has a much larger effect on the heart than would be expected from a comparison of the dose of toxins, they write.

Despite the fact that the dose of smoke delivered to active smokers is 100 times or more than that delivered to a passive smoker, the risk of heart disease for smokers is more than two-thirds higher compared with a third higher for passive smokers, says the review.

The cardiovascular system may be "exquisitely sensitive to the toxins in secondhand smoke," write the researchers.

City Council Members:

You did the right thing
with the smoking ban. Don't ever
let anyone talk you out of it.

C. Freeman

Secondhand Smoke Hurts Heart Like Smoking (continued)

By [Miranda Hitti](#)

WebMD Medical News Reviewed By [Brunilda Nazario, MD](#)

on Monday, May 23, 2005

Growing Evidence of the Dangers of Secondhand Smoke

The researchers say that the effects of passive smoke are numerous and interact with each other, increasing the risk of heart disease. Here are some of the heart hazards that the review linked to secondhand smoke.

Increased blood clotting ability

Increased blood vessel wall abnormalities

Higher risk of atherosclerosis (hardening of the arteries)

Lower levels of HDL "good" cholesterol (even in children)

More buildup of LDL "bad" cholesterol in artery walls

Higher blood levels of markers of inflammation that are linked to heart disease and blood vessel wall plaque buildup

Increased source of cell-damaging free radicals

Lower levels of antioxidants, which fight free radicals Evidence about secondhand smoke's heart dangers has been growing since the mid-1980s, say the researchers.

"Secondhand smoke increases the risk of heart disease by [about] 30%, accounting for at least 35,000 deaths annually in the United States," they write.

Brief Exposure Can Have an Impact

Secondhand smoke may register on the heart in a short time, the review shows.

"The effects of even brief (minutes to hours) passive smoking are often nearly as large (averaging 80% to 90%) as chronic active smoking," says the review.

For instance, one study exposed 12 men to six hours of secondhand smoke – about what someone might get from an evening in a smoky bar. For the next 24 hours, the men's levels of HDL "good" cholesterol were significantly lower than before the experiment.

In another study, healthy men breathed secondhand smoke from 15 cigarettes for an hour in an unventilated room. During that hour, the men had a significant increase in aortic arterial stiffness – an early marker of blood vessel wall abnormalities that increases heart disease risk.

The stiffness started after just 15 minutes, then hit and maintained its peak at 30 minutes.

Antioxidant Defense?

Antioxidant supplements might help replenish antioxidant levels lowered by secondhand smoke, says the review.

However, that "probably will not prevent the [heart] damage associated with secondhand smoke because such supplements do not seem to reduce the risk of heart disease in general," say the researchers.

Quitting smoking and limiting exposure to secondhand smoke may help your health. Smoking has been tied to many other health problems besides heart disease, including cancer, erectile dysfunction, sudden infant death syndrome (SIDS), asthma, infertility, and problems in pregnancies.

Mechanisms May Work Together

The mechanisms behind secondhand smoke's heart damage may gang up, egging each other on to raise heart disease risk, write Bamoya and colleagues.

Bamoya worked on the review while on staff at the University of California, San Francisco. Now, he works at the Unidad de Cirugía Cardiovascular de Guatemala.

SOURCES: Bamoya, J. *Circulation*, May 24, 2005; vol 111. News release, American Heart Association. WebMD Feature: "10 Overlooked Reasons to Quit Smoking." "[10 Overlooked Reasons to Quit Smoking.](#)" WebMD Medical Reference from Healthwise: "Quitting Tobacco Use: How is Smoking Harmful?"

Tammy J Grammer/Notes

11/08/2005 12:19 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: Attn: All council members

----- Forwarded by Tammy J Grammer/Notes on 11/08/2005 12:21 PM -----



"Joan Anderson"

<johnjoan@inebraska.com>

11/02/2005 02:59 PM

To "City Council" <council@lincoln.ne.gov>

cc

Subject Attn: All council members

City Council, I urge caution and thorough study before any restrictions are placed on where convicted sex offenders may live in Lincoln. There are at least five factors to consider: 1. Distance restrictions from schools ignore the fact that sex offenders can drive or ride the bus wherever they choose to go. 2. People who have not yet offended but will offend are "out there" but we don't know where 3. Future offenders may be living with children. 4. Congregating sex offenders in one area of town leads to too much concentration of folks with the same problem. 5. There are different levels of sex offenders; some are more likely to offend again than others.

I have no expertise in the field but am concerned that we might make the situation worse if decisions are hastily made.

I urge the mayor's office and the city council to study rehabilitation programs as a way to make our city less vulnerable to the problem.

Thanks!

Joan Anderson
2427 Kessler Blvd.
Lincoln NE 68502

Tammy J Grammer/Notes

11/08/2005 12:22 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject Fw: Emerald & water

----- Forwarded by Tammy J Grammer/Notes on 11/08/2005 12:24 PM -----



"Doc and Dee Mullet"
<mullet@neb.rr.com>

11/07/2005 05:03 AM

To <council@lincoln.ne.gov>

cc

Subject Emerald & water

We need to keep Lincoln's water in Lincoln. No one forced anyone to live in Emerald, & they've known they've had a problem for years! If some Lincoln council members (Camp, McRoy, Newman) are so concerned about Emerald, as mentioned in the paper, I would suggest they resign from the council, move to Emerald, & run for office there! To those three, if you're not willing to represent those who put you in office, then why did you run in the first place?

Most voters I've talked to agree with me, & don't understand the sudden concern for Emerald. If you choose to carry the torch for Emerald, I believe most of those concerned with Lincoln's future water needs will remember the next time you run for reelection!!

Doc Mullet

Tammy J Grammer/Notes
11/08/2005 02:02 PM

To CouncilPacket/Notes@Notes
cc
bcc
Subject Fw: Wall Mart

----- Forwarded by Tammy J Grammer/Notes on 11/08/2005 02:04 PM -----



"Bob Hampton"
<bhampton@hamptonlots.com>
11/07/2005 10:26 AM

To <council@lincoln.ne.gov>
cc
Subject Wall Mart

Dear City Council members:

I hope you will approve the Wall mart at 84th & Adams.

The NE part of town is very underserved by retail.

The roads can handle it better than most locations.

If you do not approve Wall mart at least approve the over all development.

Lincolnneeds the lots.

Bob Hampton

Tammy J Grammer/Notes

11/09/2005 08:15 AM

To "kristi burklund" <kburklund1@neb.rr.com>

cc

bcc

Subject Re: post office 

Dear Ms. Burklund: 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 South 10th Street
Lincoln NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

"kristi burklund" <kburklund1@neb.rr.com>



"kristi burklund"
<kburklund1@neb.rr.com>

11/08/2005 05:56 PM

To <council@lincoln.ne.gov>

cc

Subject post office

Why would you want to waste your money and tear down the railroad track and the main post office just to build an arena? If you need one that bad in the haymarket area then why can't you build somewhere else in the haymarket area? You don't need to tear down a post office for an stupid arena. You are also dealing with jobs of people working there. You would be wasting your money doing this. That is my opinion.

Kristi Burklund

[Add FUN to your email - CLICK HERE!](#)



- 350933_new.jpg

Tammy J Grammer/Notes

11/10/2005 08:06 AM

To "Arlyn Rawson" <acrawson@hotmail.com>

cc

bcc

Subject Re: Theatre policy 

Dear Arlyn Rawson: 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 South 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

"Arlyn Rawson" <acrawson@hotmail.com>



"Arlyn Rawson"
<acrawson@hotmail.com>

09/22/2005 05:19 PM

To <Council@lincoln.ne.gov>

cc

Subject Theatre policy

Dear Lincoln City Council: Please record this as my opposition to changing the current theatre policy for the city of Lincoln. We should not allow more than 6 theatres outside the downtown area. We poured city tax dollars into the Grand and if you build a 20 screen AMC on Hwy 2 you'll have the Grand, Eastpark, and Edgewood sit empty. Please maintain current policy. I'll make note of your vote on 9-26. Best regards. Arlyn Rawson
5521 Melrose Ave. Lincoln, Ne. 68506 acrawson@hotmail.com

Community Health

Endowment of Lincoln



Media Release

To: Media

CC: Mayor's Office, Lincoln City Council

From: Lori Selbel, Executive Director, 436-5516

Date: November 9, 2005

Re: Medicare Part D Forums

Additional Medicare Forum Scheduled Due to High Demand

Every person eligible to receive Medicare coverage must make a decision about the new Medicare Prescription Drug Benefit, commonly referred to as Part D. Enrollment in Part D begins on November 15, 2005. This program is not dependent on income.

To assist persons in learning about Medicare Part D, available drug plans, and the enrollment process, a FREE, 60-minute forum will be held in Lincoln. This forum follows five previous forums which drew overflow crowds last week. The forum, sponsored by the Community Health Endowment of Lincoln and the Lancaster County Medical Society, will be held as follows:

Wednesday, November 16, 2005
10:00 am
Cotner Center, 1540 North Cotner Boulevard

Representatives from the Nebraska Department of Insurance and the Lincoln Area Agency on Aging will be present to answer your questions.

Questions about the forums? Contact the Community Health Endowment of Lincoln at 436-5516 or the Lancaster County Medical Society at 483-4800.

Tammy J Grammer/Notes

11/10/2005 12:29 PM

To "dartil@juno.com" <dartil@juno.com>

cc

bcc

Subject Re: cable tv rate hike 📧

Dear RoseMary & Daniel Schweitzer: 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 South 10th Street
Lincoln NE 68508
Phone: 402-441-6867
Fax: 402-441-6533
e-mail: tgrammer@lincoln.ne.gov

"dartil@juno.com" <dartil@juno.com>



"dartil@juno.com"
<dartil@juno.com>

11/10/2005 11:40 AM

To council@lincoln.ne.gov

cc

Subject cable tv rate hike

All Members of the Lincoln City Council:
Re: Time-Warner rate hike to benefit city

Please pay attention to this statement by Jon de Camp that the rate hike that Time Warner will be permitted to impose is A HIDDEN TAX!!

My preference: We pay enough!!! Look in to LINCOLN GETTING ANOTHER COMPETITIVE COMPANY. The excuse in the Lincoln Journal today -- that it is too costly to include the inner city area -- or something like that is not a good enough excuse.

FIGHT FOR US. KEEP THE RATE HIKE OUT OF THE DISCUSSION.
God bless you!

RoseMary and Daniel Schweitzer
3440 Laura Ave.
Lincoln, NE 68510

November 8, 2005

RECEIVED

NOV 10 2005

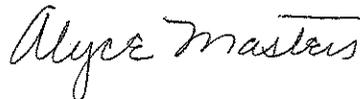
CITY COUNCIL
OFFICE

Lincoln City Council
555 So 10th Street
Suite 111
Lincoln, NE 68508

Dear Council Members,

I have been following the events about another Wal Mart in Lincoln and frankly I am concerned that big money will sway your votes. I feel we have two in Lincoln and that is quite enough. I cannot fathom why it is so important to Wal Mart to drive our local business people out of business. Please reject them and we will all feel better.

Very truly yours,



Alyce Masters, RN retired
1706 Oakdale Avenue
Lincoln, NE 68506
489 9745

RECEIVED

NOV 10 2005

CITY COUNCIL
OFFICE

Nov. 14, 2005

Testimony to City Council on Proposed Cable TV Franchise

From: Stuart Long, member of Cable Advisory Board, 4412 N.W. 49th (68524), 470-3834

I mostly support the new cable franchise with Time Warner Cable but urge the City Council to amend the agreement in two areas:

1) Bandwidth. No one can accurately predict the future. Think back 10 years to 1995: few people used e-mail or carried cell phones. Now imagine 10 years in the future. What will be the city's public access, education and government (PEG) cable needs? They might grow considerably. High-def, for example, might take over as fast as DVD is replacing VHS.

In the 1984 cable franchise, the city reserved five of 36 channels for public use (14% of capacity). Right now, the city's five analog channels are 30 MHz of 750 MHz (4%). Under the proposed franchise, once TWC converts to digital, the city only retains 12 MHz of 860 MHz (1.4%). From 14% to 1.4% is a 1,000% decrease!

I believe the council should amend the agreement to retain city options on the 30 MHz it now has.

Special note: The last sentence of Section 9.8, "Any bandwidth unused by the City may be used by the Grantee," ought to include some qualifier like, "until the City asks for it."

2) Public access. The proposed franchise gives control over public access to TWC. I believe this is wrong in principle and will lead to more trouble than the present partnership, where the Cable Advisory Board sets the rules and TWC manages the technical end.

Current use of Channel 13 for cable marketing illustrates the direction TWC wants to take. I predict public access would become more difficult, less visible and more contentious under corporate control.

I think the council should amend the agreement to retain the present public supervision.

I'd also like to comment on cable bills and fees. In the last 10 years, my cable bill for the same basic service has gone from \$22.95 in 1995 to \$53.11 in 2005, an increase of 131%. We in the city of Lincoln must remember that TWC's goal is to extract maximum dollars from local subscribers for TWC shareholders wherever they may be. Only TWC knows whether they export \$10 million or \$30 million from the Lincoln economy.

The 41 cents per month per subscriber which will go to buy equipment for government and education channels is a modest amount, less than 1% of my bill. In fact, it's less than what I pay per channel (70 cents on the limited basic tier of 2-22, 55 cents per channel on the basic tier 23-80). I support the 41-cent fee.

I raise one question about TWC billing. Although my bill is not fully broken down as I receive it in the mail, a call to TWC elicited this explanation:

Limited basic	14.75
Basic cable	32.05
Franchise fee	2.78
Sales tax	3.47
FCC user fee	.06
Total	53.11

Here's the question. TWC says the franchise fee is calculated at 5.25%. Yet when I do the arithmetic, it works out to 5.94%. That 0.69% discrepancy totals \$414,000 per year TWC is presently collecting from its 65,000 subscribers. (By comparison, the 41 cents the city will collect works out to \$319,800.) Maybe the City Council could seek an explanation for this mystery.

Thank you for the opportunity to take part in this discussion.

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, NOVEMBER 14, 2005**

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of November 11-18, 2005-Schedule subject to change -(See Advisory)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

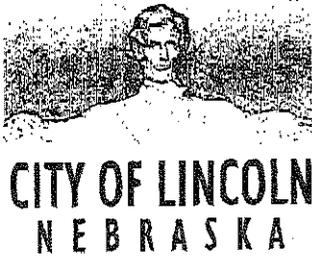
B. DIRECTORS AND DEPARTMENT HEADS

PUBLIC WORKS & UTILITIES

1. Memo from Bruce Sweney - RE: Summary of the proposed assessments for the two assessment districts that will be before the Board of Equalization at the November 14th 2005 Meeting -(Council received this Memo in their Thursday packet on 11/10/05) (See Memo)

C. MISCELLANEOUS

1. E-Mail from Mary O'Hare - RE: Written Testimony on DSN's Request for Reasonable Accommodation matter on the Council Agenda today -(See E-Mail)



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: November 10, 2005

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

Mayor Seng's Public Schedule Week of November 11-18, 2005 *Schedule subject to change*

Friday, November 11 - *CITY OFFICES CLOSED FOR FEDERAL HOLIDAY - VETERANS DAY*

- Veterans Day event, dedication of Nebraska Liberty Bell - 11 a.m., Veterans Memorial Garden, Antelope Park (rain location is Auld Recreation Center west of Garden)
- Nebraska Chapter of the National Association of Social Workers open house - 5:30 p.m., 650 "J" Street

Sunday, November 13

- Helen Boosalis Trail naming, remarks and proclamation - 4 p.m., 38th and Highway 2
- Diwali celebration, remarks - 5 p.m., UNL City Campus Union

Monday, November 14

- Presentation to former Congressman Doug Bereuter - 1:30 p.m., City Council Chambers, 555 South 10th Street
- Mayor's Award of Excellence, present award - immediately following 1:30 Bereuter presentation, City Council Chambers, 555 South 10th Street

Tuesday, November 15

- Open house on Turner Ditch Watershed project - 5:30 p.m., North Star High School, media center, 5801 North 33rd Street

Thursday, November 17

- News conference on Star City Parade - 10 a.m., float factory, Waverly (maps will be sent)

Friday, November 18

- Homeless Coalition awards brunch, remarks and proclamation - 9:30 a.m., Matt Talbot Kitchen, 1911 "R" Street
- Trees of Love kickoff, remarks - 11:30 a.m. Wells Fargo lobby, 13th and "O" streets
- Seniors Foundation annual donor recognition reception, remarks - 6 p.m., Nebraska Club, U.S. Bank Building, Suite 2000, 233 South 13th Street

M e m o r a n d u m

To: Board of Equalization
From: Bruce Sweney *BS*
Subject: November 8, 2005 Board of Equalization Meeting
Date: November 8, 2005
cc: Mayor Seng, Karl Fredrickson, Roger Figard, Thomas Shafer, Joe Rupp, Elmer Cole

The summary below shows the proposed assessments for the two assessment districts that will be before the Board of Equalization at the November 14, 2005 meeting.

<u>Project No.</u>	<u>Total Cost</u>	<u>City Subsidy</u>	<u>Assessed Amount</u>	<u>Proposed Assessment Rate</u>	<u>Original Estimated Rate</u>
APD #362-A	\$51,778.10	None.	\$51,778.10	\$ 64.73/FF	\$ 62/FF
WD #1194	\$37,607.96	\$31,807.96	\$ 5,800.00	\$ 40.00/FF	\$ 40/FF

All owners of record within these Districts have been notified of their proposed assessment and the time and location of the Board of Equalization meeting.

Alley Paving District #362-A was created June 10, 2004 by a petition representing over fifty percent of the abutting property owners. Original project costs were estimated to be \$50,000. The low bidder, Stephens and Smith Construction Co., was awarded the contract and the work was completed June 14, 2005 at a final construction contract cost of \$34,044.09.

Water District #1194 was created January 12, 2005 at the request of Tellurian Investment Group. Substantial portions of this District had prior service from public mains and we are proposing to assess only the benefitted properties at the current maximum rate of \$40 per front foot.

Maps for these Districts will be available at our Monday meeting.



mary.ohare@hhss.ne.gov
11/14/2005 08:40 AM

To council@ci.lincoln.ne.us
cc
bcc
Subject All Council Members: Written Testimony for 11/14/05 Meeting

Attached is written testimony for the DSN matter on the agenda today.
Please consider.

Thank you,
Mary O'Hare (See attached file: Testimony on DSN.doc)



- Testimony on DSN.doc

Testimony on DSN's Request for Reasonable Accommodation

My name is Mary O'Hare and I am the Executive Director of Wellness Initiatives of Nebraska. The organization's mission is to promote the health and wellness of persons with disabilities. The organization exists solely on grant funding and is not a developmental disabilities provider.

I sit on a **Human Rights Committee** for Community Alternatives, a Lincoln developmental disabilities provider. Human Rights Committees are required by the state to ensure that residents' constitutional rights are upheld. The provider must demonstrate to the Committee that if an individual's rights are being compromised there is a therapeutic reason for that compromise. Compromises must be documented with justification.

I also coordinate a **Quality Review Team** for the Nebraskans Aim for Excellence project. This project is organized by the Arc of Nebraska. The state requires all developmental disabilities providers to participate in this project designed to enhance the quality of life of people with developmental disabilities. Trained individuals visit the homes of persons with developmental disabilities and offer suggestions for improvement.

I bring these two activities to your attention, because they are a part of the checks and balances put into place to assist persons with developmental disabilities to experience a quality of life in the community. These two activities-Human Rights Committees and The Arc of Nebraska's Quality Review Teams are not an **option** for Nebraska Developmental Disabilities Provider but a **requirement**.

I am assuming that the Council is well versed on the Fair Housing Act and other testifiers will provide aspects of the legal risks the city is taking in that regard. Therefore, for my testimony I would like to focus on the following aspects:

1. Determination of the therapeutic value of where an individual with developmental disabilities lives.
2. Comparison of developmental disabilities settings to Lincoln's other congregate living settings.
3. A citizen's view of the Reasonable Accommodation Process.

Determination of the therapeutic value of where an individual with developmental disabilities lives.

I am unsure if the Council is familiar with the State of Nebraska's regulations and standards governing Centers for the Developmentally Disabled so I would like to take some time to go over two points in the regulations which relate to the decision regarding the most appropriate residential setting for an individual with developmental disabilities. These regulations apply when residential facilities house more than four individuals, which is the case with DSN's request.

1. Before an individual can be admitted to a licensed Center for the

Developmentally Disabled, certain criteria must be met. The individual must have evaluations by at least a physician, psychologist, social worker, and residential staff regarding the individual's needs and the ability of the setting to provide for those needs prior to admission to a center.

2. Each individual has an interdisciplinary team responsible to develop an Individual Program Plan. The team must include the individual's case manager, the individual's parent or guardian, the individual, a representative from the Center's residential programmatic staff and other professionals from those disciplines for which there are currently identified needs, including vocational staff and if applicable school system representatives. These professionals develop an Individual Program Plan with behaviorally stated long-term goals and short-term objectives. A description of the manner in which objectives will be achieved and possible barriers to the achievement of them is also developed. A training plan must be written for the implementation of each objective. The team is responsible for monitoring the progress the individual makes on each objective.

I believe the perception is that persons with developmental disabilities are simply moved about for the convenience of the provider. This is not the case. As you can see from the regulations there are many professionals involved in the decision.

I would suggest to the Council that if you want to determine the therapeutic value of where an individual lives, you have to be more involved in the process at the individual level. You cannot make such important decisions about an individual's life by simply hearing testimony for an hour. The decision cannot be made based upon the location of the home, but upon the needs of the individual.

Comparison of developmental disabilities settings to Lincoln's other congregate living settings.

I would like to remind the Council that there are 31 licensed assisted living settings in Lincoln. These congregate living settings house anywhere from six residents at The Monarch (4201 South 78th St.) to 244 residents at O.U.R. Homes (2445 R Street). O.U.R. Homes houses persons with mental illness primarily. It spans one city block and houses more individuals than the Lincoln Regional Center. O.U.R. has provided housing for persons with mental illness for many years and has been 'home' for many people with nowhere else to go. On the other hand, a facility that serves 244 people in one city block is very different than what we are discussing today.

If you stand back for a minute and compare these two situations, one has to question the reason for this procedure. Should an individual with a developmental disability be allowed to live in a nice house in a nice residential neighborhood with three peers and adequate staffing while on the other side of town 244 people with mental illness live within one city block? Yet, that is exactly the reality of the situation.

Regulations governing assisted living settings are not as stringent as the regulations

governing Centers for Developmentally Disabled. There are no Human Rights Committees or Quality Review Teams. Assisted living providers are most often for-profit organizations, which is not the case with most developmental disabilities providers.

A Citizen's View of the Reasonable Accommodation Process.

I view the decision-making process for where individuals with developmental disabilities reside as a function of that individual and the individual's professional human service team, not one that should be determined by a Planning Commission or the City Council.

I encourage you to view individuals with developmental disabilities as citizens of Lincoln, not as political pawns. Community fear and stereotypes should not be factored into a decision this important and complex. It will only lead to a lawsuit and extended legal battles. I don't believe that is in the best interest of Lincoln's taxpaying citizens.

Furthermore, I feel the Reasonable Accommodation Process as it is being utilized today, is a waste of the Council's time. Surely, the Council has more important business than deciding if a qualified provider can accommodate an individual in a nice home, in a nice neighborhood, and with adequate staffing.

Recommendations

A document titled Local Officials Guide on Fair Housing was created with input from the National League of Cities and the Coalition to Preserve the Fair Housing Act. The authors outline criteria for city officials to consider before a requested accommodation is determined unreasonable. (pg. 10)

1. Will the accommodation fundamentally alter the nature of the ordinance, neighborhood, or local zoning procedure?
2. Will the accommodation undermine the legitimate purposes and effects of existing zoning regulations?
3. Will the accommodation impose undue financial and administrative burdens on the municipality?

The document goes on to explain that court decisions have demonstrated:

"Municipalities cannot demonstrate a fundamental alteration of the neighborhood unless they show a likely significant increase in problems, such as traffic congestion or demands on drainage and sewerage. For example, a municipality could not show a likely increase in traffic and parking problems if none of the group home residents used cars."

Please carefully consider these criteria in making your decision on DSN's request.