

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, NOVEMBER 21, 2005**

I. MAYOR

- *1. NEWS RELEASE - RE: Pedestrian Bridge Named In Honor Of Bereuter - (See Release)
- *2. NEWS RELEASE - RE: Mayor Presents October Award Of Excellence - (See Release)
- *3. NEWS ADVISORY - RE: Mayor Coleen Seng will have a news conference at 2:30 p.m., November 16th - The Mayor will accept a grant from EPA officials to be used in assessing the need for environmental cleanup at the 48th & "O" Street redevelopment area -(See Advisory)
- *4. NEWS RELEASE - RE: City's Snow Removal Fund at \$4 Million-Changes made in residential parking ban procedure -(See Release)
- *5. NEWS ADVISORY - RE: Snow Operation Reports -(See Advisory)
- *6. NEWS RELEASE - RE: Seng Accepts EPA Grant To Help With 48th & "O" Redevelopment -(See Release)
- *7. NEWS ADVISORY - RE: Mayor Coleen Seng & representatives of the Star City Holiday Festival will discuss this year's December 3rd parade at a news conference at 10:00 a.m., 11/17/05 -(See Advisory)
- *8. Washington Report - November 10, 2005.

II. DIRECTORS

PLANNING

- *1. E-Mail communication from Nebraska Association of Private Resources sent to Council Office by Jean Walker - RE: Zoning and Fair Housing - (Council received this E-Mail on 11/14/05)(See E-Mail)

- *2. E-Mail from Dan Allison, President, Development Services of Nebraska Governing Board sent to Council Office by Jean Walker - RE: Reasonable accommodations for group homes -(See E-Mail)

PLANNING COMMISSION FINAL ACTION

- *1. Preliminary Plat No. 05016 - Apple's Way (South 66th Street and Highway 2) Resolution No. PC-00960.
- *2. Special Permit No. 05049 (Southwest of the intersection of South 56th Street and N Street) Resolution No. PC-00963.
- *3. Preliminary Plat No. 05014 - Hamann Meadows (Northwest of South 76th Street and Pioneers Blvd.) Resolution No. PC-00962.
- *4. Special Permit No. 1583B (South 17th & Garfield Streets - Parking Lot) Resolution No. PC-00961.

STARTRAN

- *1. E-Mail Information from Scott Tharnish requested by Council Member Dan Marvin - RE: StarTran Ridership - (See E-Mail)

WOMEN'S COMMISSION

- *1. NEWS RELEASE - RE: Women's Commission Seeks Board Appointments - Lincoln/Lancaster Women's Commission has two vacancies on Advisory Board -(See Release)

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)

V. MISCELLANEOUS -

- *1. Faxed 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)
- *2. E-Mail from Curt Thege - RE: Wal-Mart -(See E-Mail)
- *3. E-Mail from Rick Goodman - RE: Prairie Home Development & Wal-Mart - (See E-Mail)
- *4. E-Mail from Marilyn Tabor - RE: Wal-Mart -(See E-Mail)
- *5. Letter from Margaret Bartle - RE: Saw the film "Wal-Mart, the High Cost of Low Price" and my doubts about the value of this business have been confirmed -(See Letter)

VI. ADJOURNMENT

***HELD OVER UNTIL DECEMBER 5, 2005.**

dal12105/tjg



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 14, 2005

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

PEDESTRIAN BRIDGE NAMED IN HONOR OF BEREUTER

Mayor Coleen J. Seng today announced that the pedestrian/bicycle bridge connecting Haymarket Park with downtown Lincoln has been named the Bereuter Pedestrian Bridge in honor of former U.S. Congressman Doug Bereuter. Bereuter represented Nebraska's First Congressional District from 1979 until he retired from the office in 2004. At today's City Council meeting, Mayor Seng presented Bereuter with a plaque that replicates the bronze plaques that will be placed at each end of the bridge.

"Congressman Bereuter was instrumental in securing \$3.5 million in federal funds for this important project, which was key to the development of Haymarket Park," said Mayor Seng. "That is just one of the many projects he has championed for the City of Lincoln and for our state. The bridge is being named for him as a sign of our appreciation for his many years of dedicated service and his contributions to our quality of life."

The bridge was opened in the summer of 2002 as part of the City's trail system. It was funded through federal dollars and about \$1 million from the Railroad Transportation Safety District. The two side-by-side spans of the bridge are 265 feet long and enter the Haymarket area on 8th Street north and east of the main Post Office.

Bereuter, who was a leading member of the House International Relations Committee, is now the President of The Asia Foundation headquartered in San Francisco. The Asia Foundation is a non-profit, non-governmental organization that supports programs that help improve governance and law, economic reform and development, women's empowerment and international relations.



CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: November 14, 2005

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

MAYOR PRESENTS OCTOBER AWARD OF EXCELLENCE

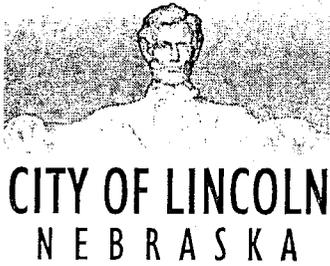
Mayor Coleen J. Seng today presented the Mayor's Award of Excellence for October to Geraldine Swagger of the Lincoln-Lancaster County Health Department. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today's City Council meeting.

Swagger was nominated in the categories of productivity and customer relations by Leslie Novacek, a Services Coordination Supervisor in the Health Department. Swagger has been a Community Resource Specialist in the Health Promotion and Outreach Division since 2003. Novacek says Swagger contributes to the success of the Early Development Network Services Coordination Program on a daily basis and has a strong commitment to meeting the needs of the children and families she serves. Novacek also praised Swagger's positive work attitude and good working relationships with both internal and external contacts.

A mother whose three-year-old daughter has a serious illness wrote about Swagger's help with a trip her daughter made to Minnesota and Michigan for tests: "Jeri was so wonderful in helping me to make the travel arrangements for us and to let me know who I needed to call for approvals. She is also a trooper when it comes to dealing with the people at the Medicaid office. Jeri often will call them for me if needed and get me the info I need. She has been such a blessing and I only wish more people were like her and I always appreciate all the help she gives me."

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

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



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

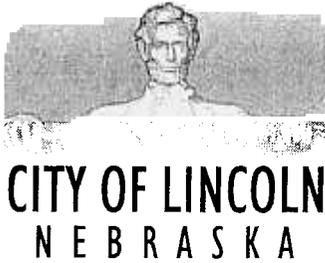
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: November 15, 2005

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

Mayor Coleen J. Seng will have a news conference at **2:30 p.m. Wednesday, November 16** in **Room 113** in the **County-City Building, 555 South 10th St.**

The Mayor will accept a grant from EPA officials to be used in assessing the need for environmental cleanup at the 48th and "O" street redevelopment area.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES
555 South 10th Street, Lincoln, NE 68508, 441-7548

FOR IMMEDIATE RELEASE: November 15, 2005

FOR MORE INFORMATION: Karl Fredrickson, Public Works and Utilities, 441-7566
Roger Figard, Public Works and Utilities, 441-7567

CITY'S SNOW REMOVAL FUND AT \$4 MILLION

Changes made in residential parking ban procedure

City Public Works and Utilities Director Karl Fredrickson said Lincoln begins the winter season with a snow removal fund of \$4 million. Fredrickson said that one day of snow removal operations costs about \$125,000.

The City can issue two types of snow removal parking bans. The first is a **snow emergency**, which means that parking is banned on emergency snow routes, arterial streets and City bus routes.

The second is a **residential parking ban**. Beginning this year, residential parking bans will begin on the even-numbered (north and east) sides of the street in ALL residential areas. Once that ban has ended, parking will then be banned on the odd-numbered (south and west) sides of the street in ALL residential areas. Parking is again allowed on the even sides. This is a change from previous years when only high-density areas used the even/odd system.

"In previous years, a residential parking ban meant that residents in most neighborhoods were not allowed to park on either side of the street," said Fredrickson. "With so many multi-car families, it was difficult for many residents to comply. We hope this switch to an even/odd system in all areas of the City will still allow plows access to clear the streets and will be more convenient for the public."

Fredrickson said a change also will be made in how Public Works clears snow from cul-de-sacs. Because regular plows are often too large to maneuver in some cul-de-sacs, crews will use specialized equipment. Although most cul-de-sacs have both even- and odd-numbered addresses, the City is asking those living in cul-de-sacs to move vehicles off the street when the even residential parking ban begins and to keep cars off the street until the area has been plowed. Fredrickson said Public Works will continue to be proactive in keeping streets cleared and safe. Crews begin material spreading operations on bridges, intersections and other trouble areas before storms begin.

Last winter, the City had \$3.4 million available and spent about \$2.4 million for snow removal and materials necessary for winter treatment of streets.

During storms, information on snow operations will be available from local media, City cable channels 5 and 10, the City Web site (lincoln.ne.gov) and the blue pages of the Alltel phone directory.



NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

TO: Editors, News Directors
FROM: Diane Gonzolas, Citizen Information Center
DATE: November 15, 2005
RE: Snow operation reports

Thank you in advance for helping us relay the latest information on City snow operations to the public. The City's goal is to keep the streets cleared and safe. Residents are discouraged from parking on the street during any snow storm, and your assistance in getting this word out is greatly appreciated. This memo clarifies a few points regarding City snow operations so that you can help us provide the most accurate information possible. **I ENCOURAGE YOU TO MAKE COPIES OF THIS MEMO FOR YOUR ENTIRE STAFF.** The City Web site (lincoln.ne.gov) and the Alltel phone book blue pages also are good references.

The Mayor can declare two types of parking bans:

- * **SNOW EMERGENCY:** Parking is banned on both sides of emergency snow routes, arterial streets and City bus routes. A map can be found on the City Web site and in the blue pages of the Alltel phone book. The ban is in effect until terminated by the Mayor and the Snow Emergency declaration is rescinded.
- * **RESIDENTIAL PARKING BAN:** Parking is banned first on the even-numbered (north and east) sides of the street. Once the Mayor has terminated that ban, parking will be banned on the odd-numbered (south and west) sides of the street, and parking is again permitted on the even side. ***THIS IS A CHANGE FROM PREVIOUS YEARS, WHEN PARKING WAS BANNED ON BOTH SIDES OF THE STREET IN MOST RESIDENTIAL AREAS.***

The Citizen Information Center (CIC) will issue regular reports at 6 a.m., 11 a.m., 4 p.m., 7 p.m. and at other times as needed. We will also issue immediate reports when parking bans are declared or rescinded. ***Check the time and date on these reports to make sure you have the latest information.***

CIC should be your first contact for snow reports. CIC has three people who handle snow information in shifts -- phone numbers and a schedule are listed below. We realize there are times when you need to contact the Snow Center directly at 441-7644.

Because weather conditions can change rapidly, please be cautious when using interviews that are more than a few hours old -- they may no longer be accurate.

PHONE NUMBERS AND CIC SNOW SCHEDULE:

Diane Gonzolas (manager)	office 441-7831	home 421-1247	cell 525-1520
Dave Norris	office 441-7547	home 474-4061	cell 432-4005
Beau Wolfe	office 441-7432	home 420-5053	cell 540-2780

(Shifts begin at 9 a.m. the first day of the shift)

November 7 - 28: Dave	January 30 - February 13: Dave
November 28 - December 19: Diane	February 13 - 27: Diane
December 19 - January 9: Beau	February 27 - March 20: Beau
January 9 - 30: Diane	March 20 - April 3: Dave



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: November 16, 2005

FOR MORE INFORMATION: Marc Wullschlager, Urban Development, 441-7855

SENG ACCEPTS EPA GRANT TO HELP WITH 48TH AND "O" REDEVELOPMENT

Mayor Coleen J. Seng today accepted a \$128,200 federal grant to conduct environmental assessment activities at the 48th and "O" street redevelopment area.

"This is great news for our community," Mayor Seng said. "This grant will help Lincoln rebuild this area as a thriving center of jobs and commerce."

James Gulliford, EPA Regional Administrator from Kansas City, presented the check to Mayor Seng. "Brownfield environmental solutions opens doors for economical revitalization," Gulliford said. "We are pleased to be able to assist Lincoln in their endeavors."

Lincoln will use the funds to conduct site assessments and develop a plan for cleaning up any contaminants. Lincoln was the only Nebraska community to receive one of the grants announced nationwide in May. The EPA Brownfields assessment grant is the first Lincoln has won.

The grant is from the U.S. Environmental Protection Agency's Brownfields Program. Brownfields are properties where redevelopment or reuse of the land may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

Grant funds will be used to conduct from eight to ten Phase I site assessments and up to six Phase II site assessments, and plan remedial actions for the 41.7-acre site located in the urban inner core of the city. Funds also will be used for community outreach activities. City Urban Development officials will work with representatives from EPA Region 7 to put together a work plan for the assessment area.

"The busy corner of 48th and 'O' is right in the middle of Lincoln, but has deteriorated to the point of being unproductive," Mayor Seng said. "I am glad we were successful in obtaining this federal assistance to help enhance that area."



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 16, 2005

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

Mayor Coleen J. Seng and representatives of the Star City Holiday Festival will discuss this year's December 3rd parade at a news conference at **10 a.m. Thursday, November 17** at the parade's **float factory in Waverly**. *(A map is attached. For security reasons, please do not disclose the location to the public.)*

Updowntowners, Inc. and the City of Lincoln produce the festival and parade, and First National Bank is the presenting sponsor.



INSIDE:

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HOUSE PANEL HOLDS TELECOM HEARING

BUDGET

House shelves budget reconciliation. House Republican leadership scrapped a scheduled vote today on a budget reconciliation bill that would produce \$50 billion in savings to mandatory and entitlement programs over the next five years, when it became clear the measure did not have enough votes to pass.

GOP leadership thought they has secured passage of the reconciliation bill after concessions were made to a group of House moderate Republicans that removed language from the bill that would authorize oil and gas exploration in the Arctic National Wildlife Refuge (ANWR). In addition, language to allow states to opt out of drilling restrictions on the Outer Continental Shelf was removed, and some of the cuts to the growth in the federal food stamps program were restored.

With Democrats united in their opposition to the budget reconciliation measure, House GOP leadership needed few defections in order to secure passage of the bill, and when a number Republican moderates expressed concern with the version of the bill approved by the House Budget Committee, House leadership made the concessions. It marked a rare victory for moderates, who have been largely overshadowed by an aggressive group of approximately 100 conservatives who have been driving the House agenda recently. However those concessions may have caused enough distress among some conservatives to put their support of the bill in question.

If the House leadership is able to forge an agreement with the Republican caucus on the measure and gains its approval, the next step for the reconciliation bill is a House-Senate conference committee, which is expected to be difficult as there are significant differences between the two measures. Chief among them is the pricetag, as the Senate approved a

measure last week to produce \$35 billion in savings of five years.

In addition to the mandatory savings, Congress was instructed to craft a \$70 billion package of tax breaks, many of which would permanently extend tax breaks approved in recent years. Senate Finance Committee Chairman Charles Grassley (R-IA) is currently negotiating with committee member Olympia Snowe (R-ME) over her concerns with a provision that would permanently extend the tax breaks for capital gains and dividends, but hopes to address a plan in his committee next week.

The addition of a tax package to this budget reconciliation plan (named the “Deficit Reduction Act”) would actually result in a \$20 billion increase in the deficit.

TELECOMMUNICATIONS

House subcommittee holds hearing on Barton “staff draft;” no markup scheduled for next week. A subcommittee of the House Energy and Commerce Committee held a high-profile hearing this week on the most recent version of a committee staff draft of a rewrite of the 1996 Telecommunications Act.

Subcommittee Chairman Fred Upton (R-MI) opened the hearing by declaring that rumors that the committee would formally mark up the draft next week were untrue, and that such a proposal was never considered. Energy and Commerce Committee Chairman Joe Barton (R-TX) confirmed Upton’s declaration, but also mentioned at the hearing that there was a possibility that he would try to move his bill in committee if Congress was still in session after Thanksgiving and there was some consensus on the draft.

While Congress is more likely to be in session in December, the hearing this week

Washington Report

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

Carolyn C. Chaney
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chaney@capitaledege.com

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demonstrated that there was very little consensus on the draft. Democrats panned the new version and criticized Barton for not involving them in negotiations, as he did in crafting his first version. The bill is generally regarded to be extremely beneficial to regional Bell companies interested in entering the video services market.

Montgomery County (MD) Councilmember Marilyn Praisner represented a host of local government organizations at the hearing and asked the committee to reconsider damaging provisions on franchising and criticized the draft for not requiring telecommunications operators to meet social obligations such as educational and government programming. Cable broadcasters did express some concerns with the draft, but of the 15 witnesses at the hearing, 13 represented the telecommunications industry.

Additional details on the second Barton draft are available in the November 11 *Washington Report*.

APPROPRIATIONS

Congress set to complete work on FY 2006 bills. After weeks of negotiations, the House and Senate are poised to complete the FY 2006 appropriations process before breaking for the Thanksgiving holiday in two weeks. However, they will still need to pass a third continuing resolution to keep federal agencies running while they complete their work. The current continuing resolution expires November 18 and it is unlikely that the House and Senate will clear and President Bush will sign all of the outstanding FY 2006 appropriations bills before then. FY 2006 began on October 1 but so far only three FY 2006 appropriations bills have been enacted: Interior-Environment, Homeland Security and Legislative Branch. In addition, they will also have to overcome veto threats from the Administration to the Transportation and Defense measures over Amtrak funding and the treatment of detainees in the war on terrorism.

This week saw a flurry of activity, as House-Senate negotiators agreed to final versions of both the Energy and Water Development (HR 2419) and the Commerce-Science-Justice-State (HR 2862) measures. The House approved both

conference reports by votes of 399-17 and 397-19 respectively. However, it appears that Senate votes on the measure will have to wait until next week since the Senate remains consumed with debate over the FY 2006 Defense Authorization bill (S 1042).

Final action on the Energy and Water bill came after House-Senate conferees reached a compromise on the question of whether the Army Corps of Engineers should be allowed to continue transferring, or reprogramming funds, between projects. The House version of the bill included language barring the practice while Senate appropriators were sympathetic to Corps arguments that they needed flexibility in managing funds. The final bill includes a compromise that would prohibit the Corps from reprogramming more than \$2 million or 50 percent of a project's budget, whichever is less. The Corps would have to get explicit approval from both the House and Senate Appropriations Committees for larger transfers of funds and will have to report to the Committees by the end of January on their FY 2006 reprogramming plans. Overall, the Energy and Water measure would cut Army Corps of Engineers funding by 2 percent from FY 2005, though that level is more generous than the Administration's proposal and the earlier House and Senate versions of the bill.

The conference report for the Commerce-Science-Justice-State measure would cut funding for local law enforcement assistance by \$200 million from FY 2005, with funding for the Byrne Formula Grant Program reduced to \$416 million from \$629 million last year. Full details on funding for other programs can be found on our Funding Chart at: www.capitaledge.com/funding.pdf.

In addition, House-Senate conferees began formal meetings on the Transportation-Treasury-Housing and Urban Development bill this week and they are expected to produce a conference report by next week. The House also appointed conferees for the Labor-Health and Human Services-Education measure (HR 3010), the other

outstanding bill of interest to local governments, and the Senate is expected to follow suit shortly.

AMTRAK

Passenger rail advocates concerned about Gunn dismissal. In a surprise move that shocked and angered passenger rail advocates on Capitol Hill, the Amtrak Board of Directors fired Amtrak President David Gunn yesterday. The move came almost immediately after House-Senate negotiators on the FY 2006 Transportation Appropriations bill (HR 3058) agreed that they would provide \$1.2 billion for the passenger railroad in the coming year and a day after a House vote instructing its conferees to fund the passenger railroad at that level. The President appoints the Amtrak Board, though three of its seven seats are vacant and two of the remaining four are held by recess appointees who have not been confirmed by the Senate and whose tenure expires at the end of the current session of Congress.

Many observers see the firing as retaliation for Gunn's disagreement with the Bush Administration over the future of Amtrak and the success his opinions enjoy on Capitol Hill. They also see the move as a message from the Administration that Congress needs to rein in the passenger railroad and enact the wide-ranging reforms it advocates.

Gunn's firing drew bipartisan howls of indignation from Capitol Hill. Senator Trent Lott (R-MS), the chief sponsor of the Senate Amtrak bill, was joined by several Senators from both parties in questioning the firing and praising Gunn's accomplishments over the past three years. At their press conference, the Senators displayed a blown-up copy of statement that Amtrak Board Chairman David Laney made at a Senate hearing in September in which he said Gunn had done "a splendid job."

In the House, Railroads Subcommittee Chairman Steven LaTourette (R-OH) said the firing surprised him and expressed his annoyance at not being given advance notice. He promptly scheduled a hearing for next week at which Gunn and Laney will both appear.

House Transportation and Infrastructure Democrats went further and sent an angry letter to Laney asking that Gunn be reinstated and questioning the motives for his firing.

Specifically, the Bush Administration is seeking the end of federal support for Amtrak with either the states or the private sector taking over operations of most passenger rail routes. Those routes that the states or the private sector cannot operate would be eliminated. The Administration has vowed to veto the FY 2006 Transportation Appropriations bill if it includes funding for Amtrak without substantial reform of the passenger railroad. The Senate has passed Amtrak reform legislation as part of its budget reconciliation bill in response to that threat, but the Administration argues that the Senate bill includes only token privatization and does not transfer enough responsibility for passenger rail service to the states or the private sector. (See last week's [Washington report](#) for details on the Senate bill.)



"Mona M. McGee"
<mona.mcgee@mosaicinfo.org>

11/14/2005 10:19 AM

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

cc

bcc

Subject Zoning and Fair Housing

Dear Ms. Walker,

Attached you will find a note pertaining to concerns regarding issues centering on zoning in the City of Lincoln.

If you have any questions or comments, please don't hesitate to contact me.

Thanks so much-

Mona

Mona McGee-Snyder, Ph.D.
Regional Director-Nebraska
4980 South 118th Street
Omaha, NE 68137-2220
(877)366-7242 extension 1126
(402) 578-4111 cell
mona.mcgee@mosaicinfo.org



Planning and Zonings Impact.doc

To: Members of the Planning and Zoning Commission of the City of Lincoln, Nebraska
From: Mona McGee Snyder, LMHP/CPC Ph.D. President of NeAPR
RE: Planning and Zoning's Impact to Persons Living With Developmental Disabilities
Date: 11.14.05

Dear Members of Planning and Zoning Commission of Lincoln Nebraska:

Foundation of Safety:

We agree that all providers have a responsibility to ensure that quality services are provided in any community with a foundation of safety.

We believe people with disabilities are protected and have *rights to adequate housing and rights to living in a community.*

Foundation of Fair Housing:

Lincoln currently requires that all "group homes", four or more people with developmental disabilities living together, be located at least 1/2 mile in most zoning districts and 1200 feet in others from one another. Currently, the city of Lincoln has almost no housing left for the population of people whom we support that would not violate these spacing requirements.

We feel that this is discriminatory and violates the Fair Housing Act. We are asking that you help us support the philosophy that **people with disabilities have the right to live where and with whom they choose.**

Federal Fair Housing Act Summarized:

The Fair Housing Act makes it unlawful --

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

Foundation of Supporting People with Disabilities:

As the president of NeAPR (Nebraska Association of Private Resources) we are a trade association of providers of developmental disability services in Nebraska. NeAPR providers serve over half of the persons receiving developmental disability supports in Nebraska.

Our mission in NeAPR is to:

"Protect and strengthen the supports for people with disabilities"

Foundation of Community Inclusion & Support:

- 1 We want to support the Lincoln community to ensure that *all persons live in a safe environment.*
- 2 We want to support all people to ensure that reasonable accommodations are made and that persons with disabilities receive *equal opportunity to use and enjoy adequate housing.*

If you have any questions or need additional information, please don't hesitate to contact me via cell 402-578-4111 or office 877-366-7242 extension 1126.

Respectfully,

Monalisa McGee Snyder

Mona McGee Snyder, LMHP/CPC/Ph.D.
President of NeAPR-Nebraska Association of Private Resources
Regional Director-Mosaic Nebraska
4980 South 118th Street
Omaha, NE 68137-2220
1-877-366-7242 extension 1126 office
402-578-4111 cell



"Allie Allison; Dan Allison"
<aallison3@cox.net>
11/14/2005 10:40 AM

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

cc

bcc

Subject Reasonbale accomodations for group homes

Dear City Council Members,

Please consider this short email as my unwavering support for Developmental Services of Nebraska in their attempt to receive reasonable accommodations for three of their homes. As President of the Governing Board, I have witnessed this company do incredible things for individuals with disabilities, their families, and our community and state government. The improvement in the quality of the life of those served by this company is immeasurable.

Granting these accommodations will only help further the cause of improving on quality of life. A society can be judge by the way that they treat their most vulnerable population. This is that population. As members of the government and citizens, we have an obligation to do what is necessary to insure that these people have equal chances to receive and experience the quality of life that you and I enjoy. The government has agreed to grant these individuals \$560 per month to cover all of their living expenses. This includes every expense associated with maintaining themselves as contributing members of society. Limiting them to living with two other people also limits their ability to have reasonable quality of life. At this low level of living expenses, nobody can argue that quality of life can be maintained. Adding a fourth individual will improve their chances of obtaining this quality life that you and I enjoy.

Please take it upon yourselves to further the admirable cause of this great company. Support and approve reasonable accommodations for these individuals.

Respectfully,

Dan Allison
President
Developmental Services of Nebraska Governing Board

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 15, 2005

RE : **Preliminary Plat No. 05016 - Apple's Way**
(South 66th Street and Highway 2)
Resolution No. PC-00960

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 Larson, to approve **Preliminary Plat No. 05016, Apple's Way**, with conditions, as amended, requested by Apple's Way, LLC and Uno Properties, to develop 32 residential lots in the R-1 Residential District and 10 lots in the B-2 Planned Neighborhood Business District, including waivers to allow lots that do not front on a public street or private roadway in the B-2 District; to allow lot lines not perpendicular to a street; to waive sidewalks along Highway 2; and to approve an alternate location of public sanitary sewer and water mains, on property generally located at South 66th Street and Highway 2.

Motion for approval, with conditions, as amended, carried 8-0: Krieser, Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Taylor absent.

The Planning Commission action on this preliminary plat 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
Tom Huston, 233 S. 13th Street, Suite 1900, 68508
Tim Gergen, Olsson Associates, 1111 Lincoln Mall, 68508
Apple's Way, LLC/UNO Properties, Inc., 1201 N Street, #102, 68508
Colonial Hills N.A. (2)
Country Meadows Homeowners Association (3)
Robert R. Otte, Attorney, P.O. Box 83439, 68501-3439
Dr. Michael Eppel, S.E. Coalition of Homeowners, 6811 S. 66th, 68516
Family Acres Assn. (2)

RESOLUTION NO. PC- 00960

1 WHEREAS, Apple's Way, LLC/Uno Properties has submitted the preliminary plat
2 of Apple's Way Addition for acceptance and approval together with a request to waive the
3 requirements of the Land Subdivision Ordinance and Design Standards for Land Subdivision
4 Regulations in order to allow lots that do not front on a public street or private roadway in the B-
5 2 District, to allow lot lines not perpendicular to a street, to waive sidewalks along Highway 2, to
6 waive sidewalks along the north side of McIntosh Road and McIntosh Circle, and to approve an
7 alternate location of public sanitary sewer and water mains on property generally located at
8 South 66th Street and Highway 2; and

9 WHEREAS, the Planning Director has recommended conditional approval of said
10 preliminary plat.

11 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
12 Planning Commission that the preliminary plat of Apple's Way Addition, generally located at
13 South 66th Street and Highway 2 as submitted by Apple's Way, LLC/Uno Properties is hereby
14 accepted and approved, subject to the following terms and conditions:

15 1. After the subdivider completes the following instructions and submits the
16 documents and plans and 6 copies to the Planning Department, the preliminary plat will be
17 signed by the Chair of the Planning Commission certifying approval:

18 a. Revise the preliminary plat as follows:

- 19 i. Show sidewalks along both sides of McIntosh Circle and
20 McIntosh Lane unless the subdivider's waiver request is
21 approved by the City Council.
- 22 ii. Show easements per the L.E.S. review.
- 23 iii. Show how the required detention capacity is maintained
24 when the unidentified street at the southwest corner of the
25 plat is built, while maintaining the stand of trees which the

- 1 developer had reached agreement upon with the Country
- 2 Meadows Homeowners Association.
- 3 iv. Label all the roads in the B-2 and R-1 zones as private
- 4 roadways.
- 5 v. Dimension and number all lots and add a note that all lot
- 6 lines are approximate.
- 7 vi. Revise the General Notes to match those on the approved
- 8 plan for Apple's Way PUD.
- 9 vii. Revise the landscape plan on Sheet 5 of 5 to show all the
- 10 required landscape screen between the B-2 and R-1
- 11 districts located in the B-2 district for that area located
- 12 south of Empire Lane. Add a note that the landscape
- 13 screen between the B-2 and R-1 districts located north of
- 14 Empire Lane shall be located to provide the best screening
- 15 effect due to the slope. All of the landscape screen shall
- 16 be maintained by the owners of the B-2 zoned land or an
- 17 association of such owners.
- 18 viii. Remove the designation for "Possible Sign Location" at the
- 19 southeast corner of the site which is outside the boundary
- 20 of the plat.
- 21 ix. Revise the note "175' Drive Setback" in the B-2 district to
- 22 read "175' Setback to Parking and Driveways."
- 23 b. Make corrections to the reasonable satisfaction of Public Works
- 24 and Utilities which shall be limited to:
 - 25 i. Extend the sanitary sewer to Highway 2 in a location that
 - 26 allows for the further service of upstream area north of
 - 27 Highway 2.
 - 28 ii. Revise the plan to show the right-turn lane in Highway 2 at
 - 29 South 66th Street as 200 feet long.
- 30
- 31 2. Final Plats will be approved by the Planning Director after:
 - 32 a. The required improvements are completed or a surety is posted to
 - 33 guarantee the completion of the public streets, private roadway
 - 34 improvements, sidewalks, sanitary sewer system, water system,
 - 35 drainage facilities, land preparation and grading, sediment and
 - 36 erosions control measures, storm water detention/retention
 - 37 facilities, drainageway improvements, street lights, landscaping
 - 38 screens, street trees, temporary turnaround and barricades, and
 - 39 street name signs.

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- b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - i. to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
 - ii. to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - iii. to complete the installation of sidewalks as shown on the final plat within four (4) years following the approval of the final plat.
 - iv. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - v. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - vi. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - vii. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - viii. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
 - ix. to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
 - x. to complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
 - xi. to complete the planting of the street trees a within this plat within four (4) years following the approval of the final plat.
 - xii. to complete the installation of the street name signs within two (2) years following the approval of the final plat.

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- xiii. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

- xiv. to complete the public and private improvements shown on the preliminary plat.

- xv. to maintain and supervise the outlots and the private facilities which have common use or benefit on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Subdivider. Subdivider further agrees to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (a) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and

 - (b) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

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

ATTEST:

*/S/ Original signed by
Jon Carlson*

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 15, 2005

RE : **Special Permit No. 05049**
(Southwest of the intersection of South 56th Street and N Street)
Resolution No. PC-00963

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 Larson, to approve **Special Permit No. 05049**, with conditions, as amended, to allow a parking lot in the R-2 Residential District to serve an office use, on property located southwest of the intersection of South 56th Street and N Street.

Motion for conditional approval, as amended, to allow 12 parking stalls as shown on the site plan submitted at the public hearing on November 9, 2005, carried 5-2 (Pearson, Larson, Carroll, Strand and Sunderman voting 'yes'; Esseks and Carlson voting 'no'; Taylor and Krieser 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
Bob Schoenleber, 123 S. 84th Street, Suite A, 68510
Nebraska Realtors Association, 145 S. 56th Street, 68510
Jeff Chadwick, Eastridge Neighborhood Assn., 5635 Margo Drive, 68510
Jim Brandle, Eastridge Neighborhood Assn., 5921 Sunrise Road, 68510

RESOLUTION NO. PC- 00963

SPECIAL PERMIT NO. 05049

1 WHEREAS, Robert Schoenleber has submitted an application designated
2 as Special Permit No. 05049 to allow a parking lot in the R-2 Residential District to
3 serve an office use on property located southwest of the intersection of S. 56th and N
4 Streets and legally described as:

5 Lot 19, Block 1, Casino Heights Addition, Lincoln, Lancaster
6 County, Nebraska;

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

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

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

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

1 That the application of Robert Schoenleber, hereinafter referred to as
2 "Permittee", to allow a parking lot in a residential district to serve an adjacent office use
3 be and the same is hereby granted under the provisions of Section 27.63.170 the
4 Lincoln Municipal Code upon condition that construction of said parking lot be in strict
5 compliance with said application, the site plan, and the following additional express
6 terms, conditions, and requirements:

7 1. This permit approves a 12-stall parking lot as shown on the site
8 plan submitted at the public hearing before Planning Commission on November 9,
9 2005.

10 2. Before receiving building permits:

- 11 a. The Permittee must complete a revised site plan showing
12 the following revisions and submit the documents and plans,
13 along with 5 copies, to the Planning Department office for
14 review and approval.
- 15 i. A revised Tree and Screening Plant Schedule
16 showing landscaping increased to provide a 60%
17 parking lot screen along S. 56th Street.
- 18 ii. A 15' utility easement per the LES review.
- 19 iii. The required 5' setback along both side yards.
- 20 iv. A revised parking lot layout showing the parking
21 barrier (curb) at least 2' from the side yard setback
22 and at least 7' from side property lines.
- 23 b. The construction plans must conform to the approved plans.
- 24 c. The Permittee must submit a copy of the required easement
25 as shown on the site plan with a recordation stamp verifying
26 it was recorded with the Register of Deeds.
- 27 d. The Permittee must submit an application for an
28 administrative amendment to Use Permit 51A.

1 3. Before use of the parking lot, all development and construction
2 must conform with the approved plans.

3 4. All privately-owned improvements, including landscaping and
4 screening, must be permanently maintained by the owner.

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

8 6. The terms, conditions, and requirements of this resolution shall be
9 binding and obligatory upon the Permittee and the Permittee's successors and assigns.

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

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

ATTEST:

*/S/ Original signed by
Jon Carlson*

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 16, 2005

RE : **Preliminary Plat No. 05014 - Hamann Meadows**
(Northwest of South 76th Street and Pioneers Blvd.)
Resolution No. PC-00962

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 Larson, to approve **Preliminary Plat No. 05014, Hamann Meadows**, with conditions, as amended, requested by Don Hamann, to develop 68 residential lots, including waivers to allow sanitary sewer to flow opposite street grades; to waive street trees along Pioneers Boulevard; to allow double-frontage lots; and to allow non-perpendicular lot lines, on property generally located northwest of the intersection of South 76th Street and Pioneers Boulevard.

Motion for approval, with conditions, as amended, carried 7-0: Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Krieser and Taylor absent.

The Planning Commission action on this preliminary plat 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.D. Burt, Design Associates, 1609 N Street, Suite 100, 68508
Donald Hamann, 7600 Pioneers Blvd., 68506
Stephen Nickel, Family Acres Assn.
Dorothy Iwan, Family Acres Assn.

RESOLUTION NO. PC- 00962

1 WHEREAS, Don Hamann has submitted the preliminary plat of Hamann
2 Meadows Addition for acceptance and approval together with a request to waive Land
3 Subdivision Ordinance and Design Standards for Land Subdivision Regulation requirements in
4 order to allow sanitary sewer to flow opposite street grades, to waive street trees along Pioneers
5 Blvd., to allow double-frontage lots and to allow non-perpendicular lot lines on property
6 generally located northwest of the intersection of South 76th Street and Pioneers Blvd.; and

7 WHEREAS, the Planning Director has recommended conditional approval of said
8 preliminary plat.

9 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
10 Planning Commission that the preliminary plat of Hamann Meadows Addition, generally located
11 northwest of the intersection of South 76th Street and Pioneers Blvd. as submitted by Don
12 Hamann is hereby accepted and approved, subject to the following terms and conditions:

13 1. Revise the preliminary plat as follows:

14 a. Revise the below referenced General Notes to read as follows:

15 #3. Direct vehicular access to Pioneers Blvd is relinquished except at
16 South 76th Street.

17 #8. Lot dimensions shown are approximate and may vary at the time
18 of final plat.

19 #26. Trail location is approximate and may vary. Actual location to be
20 determined by and to the satisfaction of the Public Works and
21 Parks Departments, provided the trail is located west of the
22 existing sanitary sewer easement, except between Crystal and
23 Diamond Courts where the trail extends east of the sanitary sewer
24 easement by approximately ten (10) feet, dedicating a temporary
25 trail easement east of the sanitary sewer easement adjacent to
26 Pioneers Boulevard until such time as an under-crossing is
27 constructed under Pioneers Boulevard.

28 #27. Half-width streets are not allowed. Full-width streets will be
29 required at the time of final plat.
30

- 1 #28. Any disturbance of wetlands must be mitigated through the U.S.
- 2 Army Corps of Engineers.
- 3 b. Show a 5' wide sidewalk connection in a pedestrian easement from the
- 4 internal sidewalk system to the bike trail.
- 5 c. The landscape plan revised to the satisfaction of the Parks and
- 6 Recreation Department.
- 7 d. Show South 76th Street with 28' wide pavement.
- 8 e. The grading and drainage plan revised to the satisfaction of the Public
- 9 Works and Utilities Department.
- 10 f. Revised minimum opening elevations which reflect the grading and
- 11 drainage plan.
- 12 g. Rename the cul-de-sac shown as Hamann Place with a name suitable to
- 13 911 Emergency Communications.
- 14 2. Final Plats will be approved by the Planning Director after:
- 15 a. The sidewalks, streets, drainage facilities, street lighting, street trees, and
- 16 street name signs have been completed or the subdivider has submitted
- 17 a bond or an escrow of security agreement to guarantee their completion.
- 18 b. The subdivider has signed an agreement that binds the subdivider, its
- 19 successors and assigns:
 - 20 i. to complete the street paving shown on the final plat within two (2)
 - 21 years following the approval of the final plat.
 - 22 ii. to complete the installation of sidewalks along both sides of all
 - 23 streets and along the north side of Pioneers Blvd as shown on the
 - 24 final plat within four (4) years following the approval of the final
 - 25 plat.
 - 26 iii. to complete the sidewalk in the pedestrian easement at the same
 - 27 time as either Crystal Court or Diamond Court are paved.
 - 28 iv. to complete the public water distribution system to serve this plat
 - 29 within two (2) years following the approval of the final plat.
 - 30 v. to complete the public wastewater collection system to serve this
 - 31 plat within two (2) years following the approval of the final plat.
 - 32
 - 33 vi. to complete the enclosed public drainage facilities shown on the
 - 34 approved drainage study to serve this plat within two (2) years
 - 35 following the approval of the final plat.

1 writing, a permanent and continuous association of property
2 owners who would be responsible for said permanent and
3 continuous maintenance. The subdivider shall not be relieved of
4 such maintenance obligation until the private improvements have
5 been satisfactorily installed and the documents creating the
6 association have been reviewed and approved by the City
7 Attorney and filed of record with the Register of Deeds.

8 xvi. to properly and continuously maintain and supervise the private
9 facilities which have common use or benefit, and to recognize that
10 there may be additional maintenance issues or costs associated
11 with providing for the proper functioning of storm water
12 detention/retention facilities as they were designed and
13 constructed within the development, and that these are the
14 responsibility of the land owner.

15 xvii. to perpetually maintain the sidewalk in the pedestrian way
16 easement on Outlot A at their own cost and expense.

17 xviii. to comply with the provisions of the Land Preparation and Grading
18 requirements of the Land Subdivision Ordinance.

19 xix. to submit to the Director of Public Works a plan showing proposed
20 measures to control sedimentation and erosion and the proposed
21 method to temporarily stabilize all graded land for approval.

22 xx. to submit to the lot buyers and home builders a copy of the soil
23 analysis.

24 xxi. to protect the trees that are indicated to remain during
25 construction and development.

26 xxii. to relinquish the right of direct vehicular access to Pioneers Blvd
27 except at South 76th Street.

28 xxiii. to pay all design, engineering, labor, material, inspection, and
29 other improvement costs.

30 BE IT FURTHER RESOLVED by the Lincoln City-Lancaster County Planning

31 Commission that:

32 1. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the
33 slope of the sanitary sewer should parallel the slope of the street is waived provided that
34 maximum and minimum sewer depths are not exceeded.

1 2. The requirement of Section 26.27.090 of the Lincoln Municipal Code that street
2 trees be planted on the side of the street which abuts the subdivision is waived along the north
3 side of Pioneers Blvd. provided that the owner agrees:

- 4 a. To continuously and regularly maintain the existing trees located in the
5 front yard of said lots;
- 6 b. To replace the trees located in the front yard of said lots with a street tree
7 as specified by the Parks and Recreation Department in the event such
8 trees die and/or are removed.
- 9 c. To inform potential lot buyers of the foregoing obligations prior to closing
10 on the sale of such lots; and
- 11 d. To incorporate the forgoing obligations in permanent covenants and deed
12 restriction in the deed to such lots.
13

14 3. The requirement of Section 26.23.140 of the Lincoln Municipal Code that the side
15 lot lines of any lot shall be at right angles to the street is waived for those lots at the east end of
16 the cul-de-sacs as shown on the preliminary plat.

17 4. The requirement of Section 26.23.140(e) of the Lincoln Municipal Code that
18 prohibits double frontage lots is waived to allow double frontage lots.

DATED: November 9, 2005.

ATTEST:

*/S/ Original signed by
Jon Carlson*

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 16, 2005

RE : **Special Permit No. 1583B**
(South 17th and Garfield Streets - Parking Lot)
Resolution No. PC-00961

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

Motion made by Larson, seconded by Carroll, to approve **Special Permit No. 1583B**, with conditions, as amended, to construct a parking lot within a residential zoning district to serve an existing grocery store, on property located at South 17th and Garfield Streets.

Motion for conditional approval, as amended, carried 7-1: Krieser, Esseks, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Pearson voting 'no'; 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
Paul Peter, Attorney, 530 S. 13th Street, Suite 100, 68508
Russell Raybould, 2020 Harrison Street, 68502
James Garver, Near South Neighborhood Assn., 815 Elmwood Ave., 68510-3319
Sarah Disbrow, Near South Neighborhood Assn., 1903 Sewell Street, 68503
Kevin Cypher, 1800 Garfield, 68502
Janeen Ward, 1727 Garfield, 68502

RESOLUTION NO. PC-00961

SPECIAL PERMIT NO. 1583B

1 WHEREAS, Russell W. Raybould has submitted an application designated as
2 Special Permit No. 1583B to construct a parking lot within a residential zoning district to serve
3 an existing grocery store, on property generally located at South 17th and Garfield Streets and
4 legally described as:

5 Lot 8, W. W. Holmes Subdivision of Lot 11, located in the
6 Northwest Quarter of Section 36, Township 10 North, Range 6
7 East of the 6th P.M., Lancaster County, Nebraska;

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

10 WHEREAS, the community as a whole, the surrounding neighborhood, and the
11 real property adjacent to the area included within the site plan for this parking lot in a residential
12 zoning district will not be adversely affected by granting such a permit; and

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

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

19 That the application of Russell W. Raybould, hereinafter referred to as
20 "Permittee", to construct a parking lot within a residential zoning district to serve an existing

1 grocery store be and the same is hereby granted under the provisions of Section 27.63.170 of
2 the Lincoln Municipal Code upon condition that construction of said parking lot be in strict
3 compliance with said application, the site plan, and the following additional express terms,
4 conditions, and requirements:

5 1. This approval permits the use of Lots 1, 2, the east 100' of Lot 6, the east
6 100' of the vacated east/west alley adjacent thereto and the vacated west 20' of 18th Street
7 adjacent to Lots 1 and 6, all in Block 3, A. Hurlbut's Subdivision, and Lots 8, 9, and 10, W. W.
8 Holmes Subdivision, as a parking lot.

9 2. Before receiving building permits the Permittee shall revise the site plan to:

- 10 a. Show the zoning district boundaries in the area.
- 11 b. Add a note indicating all parking lot lighting will be oriented to
12 eliminate light trespass on adjacent residentially zoned properties
13 in accordance with City of Lincoln Design Standards.
- 14 c. Add a note indicating screening along Garfield Street will provide
15 100% coverage from ground level to 4' high, and screening for the
16 residence adjacent to the east will provide 90% coverage from
17 ground level to 10' high.
- 18 d. Identify the boundaries of this lot.
- 19 e. Remove any construction or improvements shown on property not
20 owned by Applicant.
- 21 f. Remove the access to Garfield Street.
- 22 g. Show the required 7' side yard setback for parking lots in the R-6
23 zoning district.
- 24 h. Correct the orientation of the north arrow.

- 1 i. Show the areas under existing special permits for parking lots
2 serving this use within the boundaries of this permit, as well as all
3 waivers granted under those permits.
- 4 j. Provide a grading plan to the satisfaction of Public Works.
- 5 k. Provide a landscape plan.
- 6 l. Provide a bond in an amount to be determined by The Parks and
7 Recreation Department to guarantee the installation of the
8 landscaping within two (2) years following approval of this permit.
- 9 m. Provide a bond in an amount to be determined by the Public
10 Works and Utilities Department to guarantee the reconstruction of
11 the curb and gutter in order to remove the curb cut onto Garfield
12 Street within two (2) years following approval of this permit.
- 13 n. Provide a bond in the amount of \$2,000.00 to guarantee the
14 reconstruction of the vacated alley intersection with 18th Street,
15 including curb, gutter and a concrete flume, in conjunction with the
16 parking lot expansion approved with Special Permit No. 1583B.
- 17 3. The Permittee shall have submitted an acceptable, revised final plan.
- 18 4. The construction plans shall comply with the approved plans.
- 19 5. Before occupying the parking lot all development and construction shall
20 have been completed in compliance with the approved plans.
- 21 6. All privately-owned improvements shall be permanently maintained by the
22 Permittee.
- 23 7. The site plan accompanying this permit shall be the basis for all
24 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
25 elements, and similar matters.

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

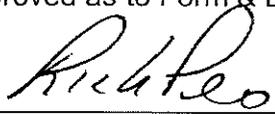
3 9. The Permittee shall sign and return the letter of acceptance to the City
4 Clerk within 30 days following the approval of the special permit, provided, however, said 30-
5 day period may be extended up to six months by administrative amendment. The clerk shall file
6 a copy of the resolution approving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

8 10. The site plan as approved with this resolution voids and supersedes all
9 previously approved site plans. Special Permits #100, 640, 1052, 1052A, 1052B, and 1583 are
10 hereby voided and superceded by this special permit, however, all waivers granted therein
11 remain in full force and effect.

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

ATTEST:
*/s/ Original signed by
Jon Carlson*

Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



Karen K Sieckmeyer/Notes

11/17/2005 08:28 AM

To CouncilPacket/Notes@Notes

cc Karl A Fredrickson/Notes@Notes, Larry Worth/Notes@Notes

bcc

Subject Fw: Star Tran Ridership

Here is the information requested by Dan Marvin.

Scott J Tharnish/Notes



Scott J Tharnish/Notes

11/17/2005 07:35 AM

To Nicole Tooze/Notes@Notes

cc Karen K Sieckmeyer/Notes@Notes, Larry Worth/Notes@Notes

Subject Fw: Star Tran Ridership

Ridership for FY 05-06 is

Sept 05 Fleet - 186,771 Handivan/Brokerage - 4,195 TOTAL 190,966
Oct 05 Fleet - 184,922 Handivan/Brokerage - 4,283 TOTAL 189,205

- YTD Fleet - 371,693 Handivan/Brokerage - 8,478 TOTAL 380,171

Compared to last year, this represents a 16.1% increase (327,558).

Partial month Nov is not available.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov



LLWC ˆ 440 S. 8th St., Ste. 100 ˆ Lincoln NE 68508 ˆ (402) 441-7716

FOR IMMEDIATE RELEASE:
FOR MORE INFORMATION:

November 16, 2005
Bonnie Coffey, director, 402/441-8695
Diane Mullins, 402/441-7717

WOMEN'S COMMISSION SEEKS BOARD APPOINTMENTS

Lincoln-Lancaster Women's Commission has two vacancies on Advisory Board

Do You Believe in the Advancement of Women?

The Lincoln-Lancaster Women's Commission (LLWC) is actively seeking women and men interested in the advancement of women to fill two vacancies on its Advisory Board.

LLWC is dedicated to identifying, representing and serving, the diverse needs of women in Lincoln and Lancaster County; raising awareness regarding deficiencies in policy that negatively impact women; advising city and county officials on public policy issues; educating the public regarding these issues through a network of coalitions; and serving as an advocate of change by empowering all women in our community and working to improve their lives.

LLWC is a division of the Mayor's Office. Board membership and event participation is voluntary. Two-year term appointments are made by the Mayor's Office and confirmed by majority of the City Council and Lancaster County Board of Commissioners. The board meets the second Wednesday of each month at 5:45 p.m. in the K Street Complex conference room, 440 S. 8th St., Lincoln, NE.

If you are interested in being considered, complete an Advisory Board Appointment Application located on the Web at www.lincoln.ne.gov/city/mayor/women/mtcomsn.htm or call us at 441-7716 and one will be mailed.

Community Health



Endowment of Lincoln

Media Release

To: Media
CC: Mayor's Office, Lincoln City Council
From: Lori Seibel, Executive Director, 436-5516
Date: November 15, 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.



**DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
11/16/2005 07:32 PM**

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

InterLinc: City Council Feedback for
General Council

Name: Curt R Thege
Address: 1123 Rainy River Bay
City: Lincoln, Nebraska 68505

Phone:
Fax:
Email: cthege@neb.rr.com

Comment or Question:

Hello, I guess I would like to start with the rhetoric and babble of how bad it would be to have a third Wal-Mart in our great city. I do not believe it would be as bad as alot of people make it out to be. I believe we live in a capitolist society where everyone competes for my dollar. Do not think for a moment that all of these stores are going to close just because alot of people say they will at your council meetings. I believe in getting the biggest bang for my buck, especially when trying to raise and support my family. My wife and I will go to Wal-Mart for alot of our everyday goods, but we also go to Russ's for their meat, Super Saver for other things. We watch ads and patronize all. If I would need hardware items, I will go to Q-P, Westlake or Ace Hardware, because of their 1 on 1 service that they provide. Everyone has there nict in my society. Why do people think Wal-mart is so bad, they do everything that we ask of them when we have questions of a product. Why penalize Wal-mart for doing something right. I live in the neighborhood that is being proposed and I would strongly urge your support for this project. We need something in this area and Wal-mart has what we all need, groceries, clothing, health, home and gardening products, part-time jobs for alot of highschool kids that live in the immediate neighborhood, and jobs for the elderly that might want to greet people at the door. Furthermore maybe the increase in traffic might slow the many people that think its I-80. How about an increase in patrol to harness this issue. Anyways thanks for your time and GO WAL-MART

GRATEFULLY
Curt R Thege

P.S. Don't let Ray Debould snowball you. How many small time grocery stores did he run out of business. Sounds ridiculous doesn't it!



Richard E Goodman
<rgoodman2@unlnotes.unl.edu>

11/16/2005 10:09 PM

To Council@lincoln.ne.gov

cc

bcc

Subject Prairie Home Development and Wal Mart

Dear Lincoln City Council Members,

I understand that you have a continuance meeting on November 28th and a vote then, or soon after on annexation and zoning for ~ 140 acres off of 84th and just North of Adams, for the Prairie Homes Development project.. I am a resident of Lincoln, having moved here from St. Louis in August of 2004 when I accepted a position as a Research Professor at UNL. I live in the Willow Creek apartment complex off of 70th.

I am writing because I understand that the Prairie Home development proposal includes plans for a 200,000 square foot Wal Mart Superstore. I am concerned about the likely negative impact of a 3rd Walmart (plus Sam's Club) on other local businesses in Lincoln. I am concerned because I have heard much about the lower wages and benefits of most Wal Mart employees compared to those of existing retail grocers.

While I realize that the NE area of Lincoln needs another grocery store, and some other services, I can see a huge negative impact of a Wal Mart super store on existing local grocery stores on 48th, on 70th and A street. I predict a huge negative impact on ShopKo's, Target and Kohl's.

I need more information to understand the overall impact. I saw the Wal Mart sponsored research report by an economic research group, presented on C-SPAN just over 1 week ago. That painted quite a rosy picture of how lower prices for customers helps stretch their dollars and provides jobs etc. but I know there is another side of the story.

So I helped to organize free public screenings of the Walmart Movie, produced by Robert Greenwald. It is sponsored by the Social Action Committee at the Unitarian Church of Lincoln, at 6300 A Street.

The first showing was tonight. There were more than 55 in attendance. It was a very educational movie. While I am sure that some facts may be a bit wrong, I believe the overall story is probably pretty accurate. The impacts of Wal Mart are global, some good, but many are very negative, in local communities in the US, at the national level and in China and Bangladesh. Please don't take my word for it though. I strongly urge you to come and see the movie if you have not already done so.

Please, come to the Unitarian church at 7:00 PM on this Sunday, November 20th.

The movie is 95 minutes long, but worth every bit of time. There were intelligent and honest questions by the audience, local residents that you represent. There were concerns raised. There were questions about how much money the development will cost Lincoln. There was mention of the fact that some costs are being paid by the developer, but clearly not full costs, There were no angry protests, but clear surprise at some of the content, the impacts on other communities.

I hope to see you there.

Regards,

Rick Goodman
Daytime telephone, 472-0452

Richard E. Goodman, Ph.D.
804 Foxcroft Court, Apt. 140
Lincon, NE, 68510.

Tammy J Grammer/Notes
11/17/2005 10:33 AM

To "Marilyn Tabor" <marilyntabor@hotmail.com>
cc
bcc
Subject Re: Wal-Mart 

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

Also, in your e-mail you indicated you plan on attending the Monday City Council Meeting (11/21/05), No City Council Meetings-Week of Thanksgiving Holiday. Next week on Thursday (11/24) and Friday (11/25) City & County Offices are closed. If you have any questions, please let me know. Thanks.

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

Ta
"Marilyn Tabor" <marilyntabor@hotmail.com>



"Marilyn Tabor"
<marilyntabor@hotmail.com>
11/17/2005 09:34 AM

To council@lincoln.ne.gov
cc
Subject Wal-Mart

I am writing to oppose the proposed Wal-Mart in northeast Lincoln. I do believe that northeast Lincoln needs additional services, however, I do not believe our community needs another Wal-Mart or other 'big box' store. I plan on attending the Monday City Council meeting to voice my dissent.

As Lincoln grows, I see it becoming very generic / vanilla / cookie cutter... When you drive down the street, you could be in Any Town USA. It is a supported, known fact that Wal-Mart does not create MORE jobs. Wal-Mart replaces existing jobs. Instead of letting Wal-Mart come in now and then in 2, 3, 5, and 10 years spend more money to correct and fix problems, why don't we have a pro-active city approach. Encourage and support independent, local businesses that create a more stable economic base and a positive, progressive community environment.

Marilyn Tabor

Don't just search. Find. Check out the new MSN Search!
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

November 15, 2005

Annette McRoy, District 4
Robin Eschliman, At-Large
✓ Ken Svoboda, Chair, At-Large
Dan Marvin, At-Large
City Council
555 S. 10th St., Room 111
Lincoln, NE 68508

RECEIVED
NOV 17 2005
CITY COUNCIL
OFFICE

Dear Council Members:

I just saw the film "Wal-Mart, the High Cost of Low Price" and my doubts about the value of this business have been confirmed.

As the world's largest corporation, Wal-Mart could -- and should -- give back to the people who work for and buy from them. Instead they mistreat their employees, both in this country and abroad: low wages, poor benefits, unaffordable health insurance. And that affects all of us taxpayers.

Not only do they not do the right thing, but they deliberately do the wrong thing. Wal-Mart has been charged with discrimination based on gender, race, ethnicity or disability, and with violating laws involving child labor and forced unpaid overtime.

Wal-Mart asks for taxpayer subsidies in reduced-price land, property and state corporate income tax breaks, assistance with the cost of roads and sewers, and outright grants to build their stores. And that affects all of us taxpayers.

Wal-Mart takes much more than they give to the communities in which they continue to spread. Lincoln does not need another Wal-Mart.

Please vote NO on November 28.

Sincerely,



Margaret Bartle
1940 Surfside Drive
Lincoln, NE 68528

cc:

H. Lee Scott, Jr.
President & CEO
Wal-Mart Stores, Inc.
Bentonville, AR 72716-8611