

**DIRECTORS' MEETING  
MONDAY, SEPTEMBER 17, 2007  
COUNTY-CITY BUILDING  
ROOM 113, 11:00 A.M.**

**I. MAYOR**

1. NEWS RELEASE. Mayor Encourages Public to Attend Meeting on Research Corridor.
2. Response to Pamela Ferris from City Ombudsman, Lin Quenzer, Regarding Service of Time Warner Cable.
3. Washington Report. September 7, 2007.

**II. DIRECTORS**

**PLANNING COMMISSION FINAL ACTION**

1. Special Permit No. 07031. Animal Hospital, So. 84<sup>th</sup> and Old Cheney Road. Resolution No. PC-01075.
2. Special Permit No. 07004. Wireless Facility, 140<sup>th</sup> and "O" Streets. Resolution No. PC-01076.
3. Special Permit No. 07036. Soil Mining and Extraction, 120<sup>th</sup> Street and Alvo Road. Resolution No. PC-01077.
4. Special Permit No. 07035. Reconstruct a Nonstandard Building. So. 25<sup>th</sup> Street and Sumner Street. Resolution No. PC-01078.

**URBAN DEVELOPMENT**

1. Memo from Clinton W. Thomas, Certified General Appraiser. Street and Alley Vacation No. 07003. Alley South of South Street Between 9<sup>th</sup> and 10<sup>th</sup> Streets.
2. Memo from Clinton W. Thomas, Certified General Appraiser. Street and Alley Vacation No. 06010. Sunny Slope Road East of Avon Lane.

**III. CITY CLERK**

**IV. COUNCIL REQUESTS/CORRESPONDENCE**

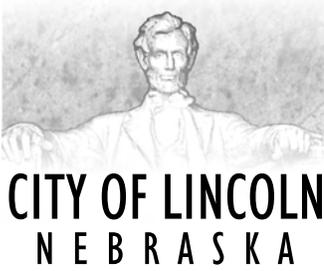
**JONATHAN COOK**

1. Request to Law Dept./Planning Dept. - RE: Change in alcohol rules, Change of Zone #7046 (Bill 07-142) (Cook RFI#132 - 09/12/07).

**V. MISCELLANEOUS**

1. Email from Suzanne McMichael. Difficulties Continuing with Time Warner Cable.
2. Correspondence from Suzanne McMichael on Difficulties Continuing with Time Warner Cable Sent to City Web InterLinc.
3. Email from Pamela Ferris. Time Warner Cable Service is Deteriorating.
4. Email from Sylvania Westinghouse. Senior Center Defunded with Two Letters Attached.
  - a. Letter from Downtown Senior Center with Signatures of Members.
  - b. Letter from Downtown Senior Center with Signatures of Members.
5. Letter from Charles Calcaterra. Complaints with Time Warner Cable.
6. Email from Angie Renae. Date for Next Action Regarding Time Warner Cable.

**VI. ADJOURNMENT**



# NEWS RELEASE

MAYOR CHRIS BEUTLER

[lincoln.ne.gov](http://lincoln.ne.gov)

## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** September 10, 2007

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
David Landis, Urban Development, 441-7606

### **MAYOR ENCOURAGES PUBLIC TO ATTEND MEETING ON RESEARCH CORRIDOR**

Mayor Chris Beutler today invited the public to an informational meeting Thursday, Sept. 20 on a master plan for the Antelope Valley Research and Development Corridor. The consulting firm Crandall Arambula will present the draft master plan and design guidelines at 5:30 p.m. in the Lancaster Room at the Cornhusker Hotel, 333 S. 13th St.

“A key component of the Antelope Valley Project is opening land now in the floodplain for expanded public and private research facilities,” said Mayor Beutler. “Research is a huge economic engine for our City and State. In each of the past two years, UNL has brought in more than \$100 million in research grants, which is equivalent to 3,000 jobs.”

The public meeting is sponsored by the Joint Antelope Valley Authority (JAVA), the City Urban Development Department and the Greater Lincoln Chamber of Commerce Foundation. Light refreshments will be served. For more information about the meeting, call Wynn Hjermstad at the Urban Development Department at 441-7606.

Antelope Valley is a flood control, traffic improvement and community revitalization project in the core of the City. JAVA is a partnership among the City, UNL and the Lower Platte South Natural Resources District. The project will eliminate the flooding threat to homes and businesses east of downtown and to 50 acres of land on the UNL campus.

The Antelope Valley Redevelopment Plan adopted by the City Council in November 2004 recommended that new private research and development facilities be located near UNL. Urban Development Director Dave Landis said the concept gained momentum when the 2015 Vision group selected the research and development corridor as one of its 10 “pillars.” JAVA, Urban Development and the Chamber Foundation came together to sponsor the development of the corridor master plan and design guidelines. Landis said the master plan will focus on private research but will be coordinated with the University’s current and planned research facilities to create a “seamless” public-private corridor.

More information on the Antelope Valley Project is available at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: antelope).



Mayor@ci.lincoln.ne.us  
Sent by:  
LQuenzer@ci.lincoln.ne.us

09/12/2007 02:53 PM

To Pamela Ferris <rpglorycamedown@yahoo.com>  
cc Council Members <council@lincoln.ne.gov>, Mayor Chris  
Beutler <mayor@lincoln.ne.gov>,  
SHuggenberger@ci.lincoln.ne.us,  
bcc

Subject Re: Time Warner Cable -- Service Is Deteriorating

September 12, 2007

Pamela Ferris  
2910 NW 7th Street  
Lincoln NE 68521

Dear Ms. Ferris:

Thank you for taking the time to contact the City of Lincoln regarding problems you are having with TimeWarner CableVision. Mayor Beutler has asked me to assist you. As Ombudsman (or Citizen Advocate), it is my job to see that you receive responsible, courteous service from all departments of City government.

I have forwarded your concerns on to the Cable Advisory Board, as they are the body responsible for monitoring cable service. The next Cable Advisory Board meeting is scheduled for October 25, 2007, at 4:00 p.m. in the Mayor's Conference Room on the second floor of the County-City Building at 555 South 10th Street, and is open to the public. I have also made Steve Huggenberger with the City Attorney's office aware of your concerns and contacted Ann Shrewsbury with Time Warner Cable regarding refund and complaint procedures so that they may directly contact you regarding your questions.

Please feel free to call on me should you have other comments, questions or concerns about city government. You may reach me at 441-7511 or email lquenzer@ci.lincoln.ne.us. I appreciate the effort you made in bringing your concerns to the attention of the Mayor's office.

Sincerely,

Lin Quenzer  
Ombudsman  
City of Lincoln, Nebraska

cc: Mayor Chris Beutler  
Steve Huggenberger, Assistant City Attorney  
Ann Shrewsbury, Time Warner Cable

Pamela Ferris  
<rpglorycamedown@  
yahoo.com>

09/11/2007 10:50  
PM

Mayor Chris Beutler  
<mayor@lincoln.ne.gov>, Council  
Members <council@lincoln.ne.gov>

To

cc

Subject  
Time Warner Cable -- Service Is  
Deteriorating

Dear Mayor and City Council Members,

The service provided by Time Warner Cable is NOT improving. It is deteriorating.

At 7 p.m. on Tuesday, September 11, ALL of the TV programs I had scheduled to record on our DVR from Tuesday at 7:00 p.m. through Saturday at 9:30 p.m. were erased -- and NOT by anything I or my family did.

This is the SECOND time this has happened in less than a month.

Call Time Warner Cable? You have got to be kidding. They either tell us to drive to their office and get a new DVR or they tell us to reprogram our DVR and try again.

A credit on our bill? They have never offered us that.

This is a NEW DVR. We did drive to the Time Warner Cable office and we did switch out an old DVR.

Mayor Beutler, I sincerely hope you are making headway with the attorney regarding the refund Time Warner Cable owes all of its customers -- not through April but through September 2008!

This has been a NIGHTMARE. There is no reason why our family or any other person in Lincoln, Nebraska, should have to pay over \$100 a month to be a guinea pig.

Pamela Ferris  
2910 NW 7th Street  
Lincoln NE 68521

Don't let your dream ride pass you by. Make it a reality with Yahoo!  
Autos.

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original message.



**INSIDE:**

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**Washington Report**

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

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## CONGRESS RETURNS FROM AUGUST RECESS

### CONGRESS

Members return from August recess. Both the House and Senate ended their summer recesses this week and congressional leaders returned to Washington with the hope of making some inroads on priority legislation.

High on the priority list will be the completion of the FY 2008 appropriations bills. With the new fiscal year set to begin on October 1, chances are that none of the 12 measures will be signed into law by then. As a result, Congress is expected to begin the process of considering Continuing Resolutions (CRs) to keep government operations running in the absence of an approved spending bill. The White House and Democratic leaders in Congress continue to be at a stalemate over \$20 billion in additional domestic spending (approximately 2 percent of the domestic discretionary budget) sought by Democrats. As a result, most observers expect the President to veto a number of the spending bills when they reach his desk, possibly stretching the budget process into the holidays.

Senate Majority Leader Harry Reid (D-NV) this week outlined his agenda for the next five weeks, which will end with a Columbus Day recess. While acknowledging the slow pace at which his chamber was considering appropriations bills, Reid pointed to the Military Construction-Veterans' Affairs, Transportation-HUD, and Defense Department measures as items that would be completed before the recess.

Reid would also like to clear measures related to overhauls of the student loan industry and patent law, as well as a bill to grant the District of Columbia full voting rights in the House. Other items may include House-Senate conference reports on comprehensive energy legislation, reauthorization of higher

education programs, and the State Children's Health Insurance Program (SCHIP).

With all of their spending bills complete, House leaders will look to legislation in the next few weeks in areas such as an overhaul of voting machine rules (see related story below), reauthorizing Federal Housing Administration (FHA) programs, and potentially another effort to set a timeline for withdrawal of troops from Iraq.

However, next week will be a short and relatively light legislative week, as Members take off for the Rosh Hashanah holiday, as well as the funeral of Rep. Paul Gillmor (R-OH), who passed away this week.

### TRANSPORTATION

DOT releases funds for emergency infrastructure repairs. On Wednesday, the Department of Transportation (DOT) released over \$128 million in emergency relief funds to pay for critical road and bridge repairs. A total of seven states will receive the funds to pay for damages caused by natural disasters and other emergencies. Funds will be used to reimburse states for fixing or repairing damaged infrastructure, establishing detours, removing debris and replacing signs, lighting, and guardrails.

The following states will receive funding: California, \$24.2 million for repair of the I-580 MacArthur Maze meltdown in Oakland; Mississippi, \$20 million to repair roads and bridge damage caused by Hurricane Katrina; Massachusetts, \$9.6 million to repair rainfall and flood damage; Iowa, \$4.1 million for damages caused by flooding and storms; New Mexico, \$4 million to address storm damages; Washington, \$3.8 million for damages caused by the Nisqually earthquake, and Illinois, \$2.9 million to address the I-74 truck fire incident.

Additionally, federal lands agencies will use \$59.5 million to repair roads and bridges damaged by various incidents.

Meanwhile, a House panel held a hearing this week on deficient bridges. Also Wednesday, the House Transportation and Infrastructure Committee held a hearing on Chairman James Oberstar's (D-MN) proposal to replace or repair more than 6,100 structurally deficient bridges. Oberstar proposed that the program be paid for with a new, temporary five-cent gas tax increase that would generate more than \$25 billion for a dedicated trust fund for bridges. Funds would be distributed based on public safety and need, and DOT would be required to develop an administrative formula for distribution of funds.

The proposal would provide a 90 percent federal share for Interstate bridges and 80 percent federal share for other National Highway System (NHS) bridges. Funds would be available for four years. For the improvement of bridge inspections, the proposal would require:

- FHWA to immediately update the National Bridge Inspection Standards regarding the frequency of bridge inspections;
- States to immediately inspect all structurally deficient bridge spans on the NHS;
- FHWA to conduct an annual compliance review of states' inspections;
- FHWA and states to develop a formula based on public safety and need that weighs the relative risk of structurally deficient bridges in each state, and
- The establishment of a trust fund for bridges similar to the highway trust fund.

Based on the fear that Oberstar's temporary tax would become permanent, 56 organizations have launched a campaign to block any gas tax increase. Additionally, Senate Finance Committee Chairman Max Baucus (D-MT) and ranking member Charles Grassley (R-IA) have come out against any increase in the

gas tax to fund a maintenance trust fund for bridges.

Other introduced legislation related to bridge repair and transportation infrastructure include a proposed amendment by Senator Patty Murray (D-WA) to the FY 2008 DOT Appropriations Bill (S 1789) that would provide \$1 billion for bridge repair and replacement. According to Murray, the amendment would avoid a need for offsets by raising the "limit on obligations" in the bill, which is not subject to the cap on discretionary budget authority. As Chairman of the Transportation Department Appropriations Subcommittee, Murray is in a good position to advance this amendment when the bill is being considered on the Senate floor in the next few weeks.

Senator Hillary Clinton (D-NY) has proposed a \$10 billion emergency repair fund for the more than 60,000 bridges FHWA considers structurally deficient, but does not outline how the funds would be paid for. And Senators George Voinovich (R-OH) and Thomas Carper (D-DE) have co-authored legislation that would establish a National Commission on the Infrastructure of the United States to ensure that federal transportation investments meet current and future demand and facilitates economic growth.

## ELECTIONS

House poised to pass bill requiring paper election records. The House is set to consider legislation (HR 811) today that would amend the Help America Vote Act to require a paper record for every vote cast beginning in 2008. The bill would require that the paper record be available for the voter's inspection, that all paper ballots be retained for potential recounts and that each state conduct an audit of at least ten percent of all election precincts (randomly selected) after each election. It would also authorize \$4.5 million for the research and development of new electronic voting machines that meet the bill's requirements.

The House had originally planned to consider the bill yesterday but the leadership postponed action in an effort

to address the concerns of state and local election officials that it will be impossible to meet the bill's requirements. In addition, a move by Rules Committee Chairman Louise Slaughter (D-NY) to exempt her state, which still uses lever voting machines, until 2010 may set off a flurry of similar amendments to address other similar concerns.

In an effort to address state and local government concerns, bill sponsor Rush Holt (D-NJ) and Minority Whip Steny Hoyer (D-MD) added a loophole to the bill in committee that would essentially give most election authorities until 2012 to meet the paper record requirement. However, several local government organizations, led by the National Association of Counties, argue that many state and local election organizations would have trouble meeting even that deadline. They argue that electronic voting equipment that meets the requirements of HR 811 does not yet exist and that those areas that have already purchased electronic voting equipment would be forced to run dual electronic and paper elections or to abandon their new electronic equipment altogether.

They also argue that although the bill would authorize \$1 billion to help state and local governments meet its requirements, Congress is unlikely to appropriate that amount and that the bill would therefore create a massive unfunded mandate. To address that concern, Representative Dennis Moore (D-KS) is asking the Rules Committee to allow him to offer an amendment that would postpone the bill's deadlines if Congress does not appropriate enough money to help election authorities meet its paper record requirement.

At press time, it remains possible that the House may once again postpone consideration of HR 811.

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** September 13, 2007

**RE :** **Special Permit No. 07031**  
(Animal hospital - S. 84<sup>th</sup> & Old Cheney Road)  
**Resolution No. PC-01075**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 12, 2007:

Motion made by Taylor, seconded by Strand, to approve **Special Permit No. 07031**, with conditions, requested by Southeast Lincoln Animal Medical Center, LLC, for authority to operate an animal hospital less than 200' away from a residential zoning district, on property generally located northeast of the intersection of S. 84<sup>th</sup> Street and Old Cheney Road.

Motion for conditional approval carried 9-0: Cornelius, Larson, Sunderman, Krieser, Taylor, Strand, Esseks, Carroll, and Carlson voting 'yes'.

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

The Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 07042 from O-2 Suburban Office District to B-1 Local Business District, which is a condition of approval of this special permit. The associated change of zone is tentatively scheduled for public hearing before the Lincoln City Council on Monday, October 1, 2007, at 1:30 p.m.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Jack Wolfe, 1248 O Street, Suite 800, 68508  
Southeast Lincoln Animal Medical Center, LLC, 220 Cornhusker Hwy, 68521  
Dorothy Iwan, Family Acres Assn., 7605 S. 75<sup>th</sup> Street, 68516  
Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516  
Warren Gran, Vintage Heights H.O. Assn., 5930 S. 90<sup>th</sup> Street, 68526

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RESOLUTION NO. PC- 01075

SPECIAL PERMIT NO. 07031

1           WHEREAS, Southeast Lincoln Animal Medical Center, LLC has submitted  
2 an application designated as Special Permit No. 07031 for authority to operate an  
3 animal hospital less than 200' away from a residential zoning district on property  
4 generally located northeast of the intersection of S. 84th Street and Old Cheney Road  
5 and legally described as:

6           Lot 76 I.T., in the Southwest Quarter of Section 11,  
7           Township 9 North, Range 7 East, Lincoln, Lancaster County,  
8           Nebraska;

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

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

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

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

3                   That the application of Southeast Lincoln Animal Medical Center, LLC,  
4 hereinafter referred to as "Permittee", to operate an animal hospital within 200' from a  
5 residential district, be and the same is hereby granted under the provisions of Section  
6 27.63.780 of the Lincoln Municipal Code upon condition that operation of said animal  
7 hospital be in strict compliance with said application, the site plan, and the following  
8 additional express terms, conditions, and requirements:

9                   1.       This permit approves an animal hospital less than 200' from a  
10 residential zoning district and an adjustment to the Design Standards to vary the  
11 location of a required screen.

12                  2.       The City Council must approve the associated request Change of  
13 Zone 07042.

14                  3.       Upon approval of the special permit by the Planning Commission,  
15 the Permittee shall cause to be prepared and submitted to the Planning Department a  
16 revised and reproducible site plan including five copies with all required revisions and  
17 documents as listed below before receiving building permits:

18                   a.       Add a general note to the site plan that states: Signs need  
19                           not be shown on this site plan but must be in compliance  
20                           with chapter 27.69 of the Zoning Ordinance and be  
21                           approved by the Building & Safety Department prior to  
22                           installation.

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b. Add a general note to the site plan that states: Landscaping and screening shall comply with the requirements of LMC and Design Standards, except the required screen along the east property line shall be located between the driveway and the parking lot and shall consist of live plant materials.

c. Revise the site plan to show a turn-around in the parking lot to the satisfaction of Public Works.

d. Add a general note to the site plan that states: Sidewalks shall be shown in compliance with the Design Standards for Pedestrian Circulation in Commercial and Industrial Areas at the time of building permits.

e. The construction plans comply with the approved plans.

4. Before occupying the building all development and construction must comply with the approved plans.

5. All privately-owned improvements, including landscaping and screening, must be permanently maintained by the Permittee.

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

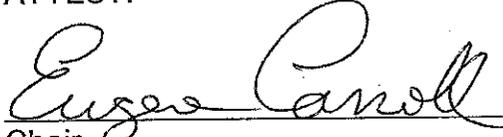
7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

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8. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 12 day of September, 2007.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** September 13, 2007

**RE :** **Special Permit No. 07004**  
(Wireless facility - 140<sup>th</sup> & O Streets)  
**Resolution No. PC-01076**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 12, 2007:

Motion made by Taylor, seconded by Larson, to approve **Special Permit No. 07004**, with conditions, requested by Verizon Wireless, for authority to construct a 158' tall monopole for personal wireless facilities capable of accommodating up to three carriers in the I-1 zoning district, on property generally located at 140<sup>th</sup> and O Street.

Motion for conditional approval carried 8-1: Cornelius, Larson, Sunderman, Taylor, Strand, Esseks, Carroll, and Carlson voting 'yes'; Krieser voting 'no'.

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  
Katrina Robinson, Selective Site Consultants, 8500 W. 110<sup>th</sup> St., Ste 300,  
Overland Park, KS 66210  
Verizon Wireless, 10740 Nall Ave., Suite 400, Overland Park, KS 66210  
Skoda Development Company, 14030 O Street, 68520  
Kitra Deger, 14302 O Street, 68520  
Danny Walker, 427 E Street, 68508

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RESOLUTION NO. PC- 01076

SPECIAL PERMIT NO. 07004

1           WHEREAS, Verizon Wireless has submitted an application designated as  
2 Special Permit No. 07004 for authority to construct a 158' tall monopole for personal wireless  
3 facilities capable of accommodating up to three carriers in the I-1 zoning district on property  
4 generally located at 140th and O Streets, and described as:

5                     Lot 33 I.T., located in the Southwest Quarter of Section 21,  
6                     Township 10 North, Range 8 East of the 6th P.M., Lancaster  
7                     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 wireless facility tower will  
12 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:

1           That the application of Verizon Wireless, hereinafter referred to as "Permittee",  
2 to construct a 158' tall monopole wireless facility capable of accommodating the antennas of  
3 three carriers be and the same is hereby granted under the provisions of Section 27.68.030 the  
4 Lincoln Municipal Code upon condition that construction of said tower be in strict compliance  
5 with said application, the site plan, and the following additional express terms, conditions, and  
6 requirements:

7           1.       This permit approves a 158' tall monopole for wireless facilities capable of  
8 accommodating the antennas for at least three service providers.

9           2.       Before receiving building permits:

10           a.       The Permittee shall complete the following instructions and submit  
11 to the Planning Department for review and approval a revised site  
12 plan including five copies showing the following revisions:

13                   i.       A revised landscape plan that demonstrates compliance  
14 with Design Standards.

15                   ii.       Add a note to Sheet A01 stating that the heights of the  
16 antennas and the locations of the equipment shelters are  
17 approximate and can vary at the time of building permits.

18                   iii.       Add a note stating that the tower will not be lighted.

19                   iv.       Show all setbacks and dimensions to the tower being  
20 measured to the edge of the tower and not to the  
21 centerline of the tower.

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

23           c.       Verification of findings of no significant impact from the Lincoln  
24 Airport Authority and the Nebraska Historical Society.

25           3.       Before use of the facility all development and construction shall have  
26 been completed in compliance with the approved plans.

27           4.       All privately-owned improvements shall be permanently maintained by the  
28 Permittee.  
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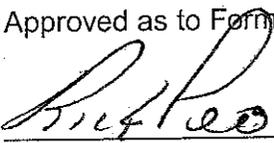
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

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

7. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 12<sup>th</sup> day of September, 2007.

ATTEST:  
  
Chair

Approved as to Form & Legality:  
  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** September 13, 2007

**RE :** **Special Permit No. 07036**  
(Soil mining and extraction - 120<sup>th</sup> Street and Alvo Road)  
**Resolution No. PC-01077**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 12, 2007:

Motion made by Strand, seconded by Sunderman, to approve **Special Permit No. 07036**, with conditions, requested by LeGrande Excavating, Inc., for authority to allow mining/extraction of soil on property zoned AG Agricultural located northeast of the intersection of North 120<sup>th</sup> Street and Alvo Road.

Motion for conditional approval carried 9-0: Cornelius, Larson, Sunderman, Taylor, Krieser, Strand, Esseks, Carroll, and Carlson voting 'yes'.

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

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Tim Lempka, LeGrande Excavating, Inc., P.O. Box 22639, 68542  
Rodney Otley, 13700 Adams Street, 68527

# COPY

---

RESOLUTION NO. PC- 01077

SPECIAL PERMIT NO. 07036

1           WHEREAS, LeGrande Excavating, Inc. has submitted an application designated  
2 as Special Permit No. 07036 for authority to allow mining/extraction of soil on Agricultural  
3 property located northeast of the intersection of N. 120th Street and Alvo Road, and legally  
4 described as:

5           The Southwest Quarter of Section 29, Township 11 North, Range  
6           8 East of the 6th P.M., Lancaster County, Nebraska;

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

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

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

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

1           That the application of LeGrande Excavating, Inc., hereinafter referred to as  
2 "Permittee", to operate a mining/extraction of soil be and the same is hereby granted under the  
3 provisions of Section 27.63.360 of the Lincoln Municipal Code upon condition that the operation  
4 of said mining/extraction of soil be in strict compliance with said application, the site plan, and  
5 the following additional express terms, conditions, and requirements:

6           1.     This permit approves a soil, sand and gravel excavation operation for a period of  
7 three years from the date of approval of this special permit. Additional time, in one year  
8 increments, may be granted by administrative amendment by the Planning Director. The  
9 conditions listed in the Lancaster County Engineering Department memo from Larry V. Worrell  
10 dated August 23, 2007 shall apply.

11           2.     Before beginning excavation operations:

12           a.     The Permittee shall have:

13           i.     Received review and permits, if required, for the Federal NPDES  
14           and 404 Permits.

15           ii.    Received required driveway permits for access onto N. 120th  
16           Street or Alvo Road from the Lancaster County Engineer.

17           b.     The Permittee shall have made the following revisions to the site plan:

18           i.     Add a note indicating that the surface shall be maintained so  
19           surface water is not collected or ponded other than designated  
20           catch ponds.

21           ii.    Add a note indicating that topsoil shall be stripped and kept on  
22           site for redistribution at the conclusion of the extraction process.  
23           Compacted subsoil shall be broken up prior to reapplying topsoil.  
24           Reapplied topsoil shall meet or exceed the depth of that removed.

25           iii.   Add a note that soils and topography shall conform to the grading  
26           plan and seeded in the first growing season after extraction.

- 1 c. The operating area of excavation stripped of top soil shall not exceed 20  
2 acres at any one time and shall not remain open for more than 10  
3 months.  
4 d. Post a clearly visible sign on the property showing the permit operator  
5 and contact numbers for the operators and Building and Safety.  
6 e. The construction plans shall comply with the approved plans.  
7 f. An erosion control plan shall be approved by the Lower Platte South  
8 NRD.

9 5. All privately-owned improvements shall be permanently maintained by the  
10 Permittee.

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

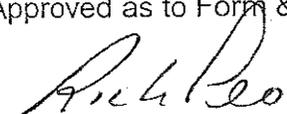
13 7. The Permittee shall sign and return the letter of acceptance to the City Clerk  
14 within 60 days following the approval of the special permit, provided, however, said 60-day  
15 period may be extended up to six months by administrative amendment. The City Clerk shall  
16 file a copy of the resolution approving the special permit and the letter of acceptance with the  
17 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

18 The foregoing Resolution was approved by the Lincoln City-Lancaster County  
19 Planning Commission on this 12 day of September, 2007.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** September 13, 2007

**RE :** **Special Permit No. 07035**  
(Reconstruct a nonstandard building - S. 25<sup>th</sup> Street and Sumner Street)  
**Resolution No. PC-01078**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 12, 2007:

Motion made by Strand, seconded by Taylor, to approve **Special Permit No. 07035**, with conditions, requested by Barbara J. Burr, for authority to reconstruct a nonstandard building into the required front yard on property generally located at South 25<sup>th</sup> Street and Sumner Street.

Motion for conditional approval carried 9-0: Cornelius, Larson, Sunderman, Taylor, Krieser, Strand, Esseks, Carroll, and Carlson voting 'yes'.

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

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Barbara Burr, 18200 S. 82<sup>nd</sup> Street, Hickman, NE 68434  
Near South Neighborhood Assn., P.O. Box 80143, 68501  
James Garver, Near South Neighborhood Assn., 815 Elmwood Ave., 68510  
Scott Baird, Near South Neighborhood Assn., 1932 S. 24<sup>th</sup> Street, 68502  
Rebecca Hasty, 2440 Jameson Court, 68512  
Jo Gutsell, Preservation Association of Lincoln, c/o Rogers House, 2145 B St., 68502

**COPY**

---

RESOLUTION NO. PC- 01078

SPECIAL PERMIT NO. 07035

1           WHEREAS, Barbara J. Burr has submitted an application designated as Special  
2 Permit No. 07035 for authority to reconstruct a nonstandard building into the required front yard  
3 on property generally located at S. 25th Street and Sumner Street, and legally described as:

4           The south 26 feet of Lot 10, Hardenberghs Subdivision of Lot 7,  
5 located in the Northeast Quarter of Section 36, Township 10  
6 North, Range 6 East of the 6th P.M., Lancaster County,  
7 Nebraska; and

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 reconstruction of a  
12 nonstandard building into the required front yard will not be adversely affected by granting such  
13 a permit; and

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

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

1           That the application of Barbara J. Burr, hereinafter referred to as "Permittee", to  
2 reconstruct a nonstandard building into the required front yard on property described above be  
3 and the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln  
4 Municipal Code upon condition that construction of said construction be in strict compliance with  
5 said application, the site plan, and the following additional express terms, conditions, and  
6 requirements:

7           1.       This permit approves the reconstruction of a nonstandard building into  
8 the required front yard along Sumner Street.

9           2.       The reconstruction shall not exceed the current building footprint.

10          3.       At least three parking spaces shall be provided on site.

11          4.       The elevations shall substantially conform to those presented to the  
12 Historic Preservation Commission on October 19, 2006.

13          5.       Before occupying the addition all development and construction must  
14 comply with the approved plans.

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

18          7.       This resolution's terms, conditions, and requirements bind and obligate  
19 the Permittee, her successors and assigns.

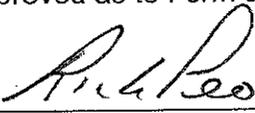
20          8.       The Permittee shall sign and return the letter of acceptance to the City  
21 Clerk within 60 days following the approval of the special permit, provided, however, said 60-  
22 day period may be extended up to six months by administrative amendment. The City Clerk  
23 shall file a copy of the resolution approving the special permit and the letter of acceptance with  
24 the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

1                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
2 Planning Commission on this 12 day of September, 2007.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

## INTEROFFICE MEMORANDUM

TO: Mayor Beutler  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: September 6, 2007

COPIES TO: Teresa J. Meier  
Marvin Krout  
Dana Roper  
Byron Blum, Bldg & Safety  
Jean Walker, Planning

SUBJECT: Street & Alley Vacation No. 07003  
Alley south of South Street between  
9<sup>th</sup> and 10<sup>th</sup> Streets

A request has been made to vacate the east/west alley and a portion of the north/south alley between 9<sup>th</sup> and 10<sup>th</sup> Streets south of South Street. The area was viewed and appears as a paved alley. Numerous utilities were observed including sewer, cable, telephone, and electric lines. Long, narrow strips such as this have little value, in and of themselves, and only take on value when assembled into the abutting property. In this case, that value is significantly reduced by the existence of utilities. The City intends to retain easements for the continued operation and maintenance of these utilities. Given the number of utilities located within the alley, maintenance probably would occur on a somewhat regular basis. As such, the area to be vacated is considered to have only a nominal value of \$0.15 per square foot. The area to be vacated calculates at 6,800 square feet. The calculations as to value are as follows:

$$6,800 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$1,020$$

Therefore, it is recommended, if the area be vacated it be sold to the abutting property owner for \$1,020.

Respectfully submitted,

  
Clinton W. Thomas  
Certified General Appraiser #990023

## INTEROFFICE MEMORANDUM

TO: Mayor Beutler  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: September 6, 2007

COPIES TO: Teresa J. Meier  
Marvin Krout  
Dana Roper  
Byron Blum, Bldg & Safety  
Jean Walker, Planning

SUBJECT: Street & Alley Vacation No. 06010  
Sunny Slope Road east of Avon Lane

A request has been made to vacate that portion of Sunny Slope Road lying east of Avon Lane. The area was viewed and at the time of the viewing Avon Lane was cabled off to access north of Sunny Slope Road. The portion of Sunny Slope Road requested to be vacated appears to be utilized by only the abutting property owner on the north even though it is surfaced with asphalt surfacing similar to the remaining streets in the rural subdivision. The request to vacate Sunny Slope Road was made as a part of the requirement to plat the area to the south and was being done to avoid lots with double frontage. While streets are being platted in the new subdivision to replace the street being vacated, it is this writer's opinion those street would have to be platted anyway and the vacation of Sunny Slope Road is seen as a benefit to the abutting property rather than a trade off for other dedicated roads.

Long, narrow strips such as this do not have great value, in and of themselves, but will generally assume the value of the abutting property once it is assembled. However, the abutting property owner will rarely pay 100% of the value they hope to realize from the assemblage. It is considered they more likely would pay something in the neighborhood of 25% to 35% of the abutting land value. In this case, the abutting land is considered to have a value of \$50,000.00 per acre, or approximately \$1.15 per square foot. Because the area to be vacated lies on the outer edge of the developing property and only benefits to the extent it eliminates lots with double frontage and adds density, a value of 30% of the value of the abutting property is considered to be appropriate. The calculations are as follows:

$$28,769 \text{ sq. ft.} \times \$1.15/\text{sq. ft.} \times 30\% = \$9,925.31$$

Therefore, it is recommended, if the area be vacated it be sold to the abutting property owner for \$9,925.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023



"Dick McMichael"  
<dmc michael@neb.rr.com>  
09/07/2007 02:40 PM

To <council@lincoln.ne.gov>  
cc  
bcc  
Subject Time Warner Cable

**September 3, 2007**

**Time Warner Cable,**

**I believe that enough time has gone by that our cable service should be improving.**

**The weekend of August 24- 25, 2007 we had grandchildren stay with us and we were looking**

**forward to viewing some movies. All we had was difficulty on the 24th. Calling for service regarding not able to get HBO on demand, or the pay per view movie and waiting 10 minutes for assistance I was informed they were having difficulty on our hub. For whatever purpose that meant to me, we went through the steps the person on the other end of the line suggested. Finally stating the movie would be credited to our account and to try again on Saturday, which we did and the movie we never watched was showing to "resume". Still no HBO on demand and calling again I was informed that a technician would have to come out. But, it would not be until Thursday of the following week. When the appointment was for five, and no one shows or calls, I proceeded to call again, around 5:20 p.m. and was on hold for twenty more minutes when the**

**technician called our other line and said he was on his way. Long story short, he cannot fix the**

**issues either, and nothing works for him, the same message (please abort and try again). He**

**explains also that the 'hub' is having problems for over a month and that they are working on it. Well, I was not very pleased to say the least. We have been having issues longer than that, but have tried to be patient because of the so called "UPDATES".**

**Labor Day weekend and still with the same issues and no movies that we are paying for (HBO on demand) and again no movies, same messages. We watch another regular HBO movie and it stops before the end. With another message....**

**Nothing really worked over the weekend with any consistency.. Who wants to watch part of a movie. We work all week and enjoy being able to watch T.V. The \$200.00 plus we pay**

**to have service really stinks when the service stinks also.**

**When do you think your service will be available in a reliable state?**

**I don't believe that we should pay the charges for the pay per view movies on our bill as we never were able to get it. The second movie I believe was a test, also one we did not watch.**

**Therefore I took those charges off of my bill.**

**Please respond to my questions.**

**Suzanne McMichael**

**402-467-2013**

**4801 N 71**

**Lincoln NE 68507**

**cc: City Council Members**



WebForm  
<none@lincoln.ne.gov>  
09/07/2007 02:45 PM

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

InterLinc: City Council Feedback for  
General Council

Name: Suzanne McMichael  
Address: 4801 North 71st Street  
City: Lincoln, NE 68507-1008  
  
Phone: 540-1123 or 467 2013  
Fax:  
Email: dmcmichael@neb.rr.com

Comment or Question:  
September 3, 3007

Time Warner Cable,

I believe that enough time has gone by that our cable service should be improving.

The weekend of August 24- 25, 2007 we had grandchildren stay with us and we were looking

forward to viewing some movies. All we had was difficulty on the 24th. Calling for service regarding not able to get HBO on demand, or the pay per view movie and waiting 10 minutes for assistance I was informed they were having difficulty on our hub. For whatever purpose that meant to me, we went through the steps the person on the other end of the line suggested. Finally stating the movie would be credited to our account and to try again on Saturday, which we did and the movie we never watched was showing to "resume". Still no HBO on demand and calling again I was informed that a technician would have to come out. But, it would not be until Thursday of the following week. When the appointment was for five, and no one shows or calls, I proceeded to call again, around 5:20 p.m. and was on hold for twenty more minutes when the

technician called our other line and said he was on his way. Long story short, he cannot fix the

issues either, and nothing works for him, the same message (please abort and try again). He

explains also that the 'hub' is having problems for over a month and that they are working on it. Well, I was not very pleased to say the least. We have been having issues longer than that, but have tried to be patient because of the so called "UPDATES".

Labor Day weekend and still with the same issues and no movies that we are paying for (HBO on demand) and again no movies, same messages. We watch another regular HBO movie and it stops before the end. With another

message....

Nothing really worked over the weekend with any consistency.. Who wants to watch part of a movie. We work all week and enjoy being able to watch T.V. The \$200.00 plus we pay to have service really stinks when the service stinks also.

When do you think your service will be available in a reliable state?

I don't believe that we should pay the charges for the pay per view movies on our bill as we never were able to get it. The second movie I believe was a test, also one we did not watch.

Therefore I took those charges off of my bill.

Please respond to my questions.

Suzanne McMichael

402-467-2013

4801 N 71

Lincoln NE 68507

cc: City Council Members



Pamela Ferris  
<rpglorycamedown@yahoo.com>

09/11/2007 10:50 PM

To Mayor Chris Beutler <mayor@lincoln.ne.gov>, Council  
Members <council@lincoln.ne.gov>

cc

bcc

Subject Time Warner Cable -- Service Is Deteriorating

Dear Mayor and City Council Members,

The service provided by Time Warner Cable is NOT improving. It is deteriorating.

At 7 p.m. on Tuesday, September 11, ALL of the TV programs I had scheduled to record on our DVR from Tuesday at 7:00 p.m. through Saturday at 9:30 p.m. were erased -- and NOT by anything I or my family did.

This is the SECOND time this has happened in less than a month.

Call Time Warner Cable? You have got to be kidding. They either tell us to drive to their office and get a new DVR or they tell us to reprogram our DVR and try again.

A credit on our bill? They have never offered us that.

This is a NEW DVR. We did drive to the Time Warner Cable office and we did switch out an old DVR.

**Mayor Beutler, I sincerely hope you are making headway with the attorney regarding the refund Time Warner Cable owes all of its customers -- not through April but through September 2008!**

This has been a NIGHTMARE. There is no reason why our family or any other person in Lincoln, Nebraska, should have to pay over \$100 a month to be a guinea pig.

Pamela Ferris  
2910 NW 7th Street  
Lincoln NE 68521

---

Don't let your dream ride pass you by. [Make it a reality](#) with Yahoo! Autos.



**Sylvania Westinghouse**  
<sylwestinghouse@yahoo.com>

09/13/2007 09:05 AM

To demery@lincoln.ne.gov, reschliman@lincoln.ne.gov,  
jcamp@lincoln.ne.gov, ksvoboda@lincoln.ne.gov,  
dmarvin@lincoln.ne.gov, jcook@lincoln.ne.gov,

cc

bcc

Subject Senior center defunded

Hello,

Attached are two pages of signatures of seniors  
obtained at the Downtown Senior Center. I would  
appreciate your attention in addressing this issue.

Syl

---

Don't let your dream ride pass you by. Make it a reality with Yahoo! Autos.  
<http://autos.yahoo.com/index.html>



Petition 1.tif



Petition 2.tif

DATE: September 5<sup>th</sup>, 2007

TO: City Council Members

RE: Downtown Senior Center

Thank you for the wisdom you have shown in cutting the city budget for seniors.

Your mandates continue to serve our incarcerated population in prison with hot meals on Saturdays while closing the Downtown Senior Center, which had served hot dinners to our law biding elderly.

The elderly will die soon anyway so there is really no reason in wasting all that money keeping them alive with much needed food on the weekend.

It is very reinsuring to know that you are not planning on getting old. Besides, we owe our local felons a certain obligation for their mistreatment of the law.

Interested seniors citizens,

Mary McNamee

Beverly Stretch

Richard Jager

Joe Newman

Jim Gowling

Sam Jones

Bob Jones

Brenda Rose

Ron DeBord

Janet McKee

Joe Martinez

Frank J. Stum

2 Louise J. Hester

Lance Dickinson

Judy Schuetler

Ed Jeter

Audrey M.S. Fetty

Juan D. Sanchez

Margaret Douby

Mae Haffer

Sissy Jenkins

Emmie G. George

Sherry Elson

Paul Bunker

Freda Lick

Harold Elson

Mel Stecker

Howard Kling

David Wachter

R. W. Ryan

DATE: September 5<sup>th</sup>, 2007

TO: City Council Members

RE: Downtown Senior Center

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Your mandates continue to serve our incarcerated population in prison with hot meals on Saturdays while closing the Downtown Senior Center, which had served hot dinners to our law biding elderly.

The elderly will die soon anyway so there is really no reason in wasting all that money keeping them alive with much needed food on the weekend.

It is very reinsuring to know that you are not planning on getting old. Besides, we owe our local felons a certain obligation for their mistreatment of the law.

Interested seniors citizens,

J. Hutchison

James Bennett

Larry Altmeyer

Dan Michel

Merle R. Malcom

Id. Lewis

Rachel Casarella

Alice E. Springer

Emm. Schmidt

Lonia Colberg

John Kitcher

John Bridge

E. Lorena Bridge

George H. Hough

David G. Decker

Robert A. Byington

Robert A. Byington

Jeanne Danker

Nealy Yates

Cherise Nolan

Freda Holman

~~Robert A. Byington~~

Maryann Casens

Don Bauer

E. J. Speck

Lena Hartman

August 25, 2007

J Cook  
City Council  
555 South 10<sup>th</sup> St  
Lincoln, Ne 68508

RECEIVED

AUG 27 2007

CITY COUNCIL  
OFFICE

I have been getting a bunch of crap for Cable Vision again. I pay for basic service, for a HD Cable box and a remote. When I complained about a poor picture quality and contusing trouble with the Navigator system as a bribe I was offered free for one month a digital tier service for no cost. When it appeared on next months bill I told them I did not want it. It consists of channel 104 to 107? at a cost of \$6.95 per month. They took it off and credited my account. This was done from the cable office. This I understood was an optional service.

This month I get by bill with the cost of \$6.95 for the digital tier I did not order or did not want. I wrote them a letter to that effect. Today I get a call and was informed that if I dropped the digital tier my HD service would not work. Also to drop this digital tire I had to bring the cable box into the company. I always under stood that this \$6.95 service was for additional channels and did not have anything to do with HD service.

Can you have the cable advisory board review this problem, as dealing with Cable Vision is an exercise in frustration?

Your help is truly appreciated.

Sincerely:  
Charles Calcaterra  
3421 South 33<sup>rd</sup>  
Lincoln, Ne 68506 402 483 7360



Angie Renae  
<angierenae@yahoo.com>

09/13/2007 01:29 PM

Please respond to  
angierenae@yahoo.com

To council@lincoln.ne.gov

cc

bcc

Subject Time Warner Cable

I was curious when the next action will be regarding TWC. I have had to call them so many times, and complain about their service - to which I was told my complaints would be directed to management to be sure I was taken care of. NOTHING. Tech after tech has had to come to our house - or a couple of weeks ago, didn't even show up. I'm tired of this ridiculous cable service and bill. Please let me know. Thanks.

---

Building a website is a piece of cake.

Yahoo! Small Business gives you [all the tools to get online.](#)

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, SEPTEMBER 17, 2007**

**I. MAYOR -**

1. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule Week of September 15 through 21, 2007 - Schedule subject to change.
2. NEWS ADVISORY - RE: Mayor Beutler news conference on Friday, September 14, 2007 at 10:30 a.m. in Conference Room 113 - will announce an agreement to pave 1.5 miles of roadway to serve two planned schools in north Lincoln (Forwarded to Council on Friday morning, 09/14/07).
3. NEWS RELEASE - RE: Agreement Reached To Pave Alvo Road.
4. NEWS RELEASE - RE: Public Invited To Antelope Valley Meeting On "O" Street Bridge.
5. Letter & Material from J. Todd Hall, Lincoln Electric System to Lin Quenzer - RE: Mr. Richard Moseman Complaint, Before the Mayor's Office and Lincoln City Council dated September 9, 2007.

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE -**

**A. COUNCIL REQUESTS/CORRESPONDENCE -**

**DAN MARVIN -**

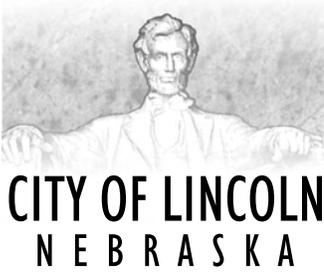
1. E-Mail from Jennifer Cusick-Rawlinson, President, Pine Lake Association - RE: Item 33, 07-132, Pending petition to vacate Pine Lake Road right-of-way.

**B. DIRECTORS AND DEPARTMENT HEADS -**

**PLANNING**

1. E-Mail & Memo from Stephen Henrichsen - RE: Item #36, 07-139 - Property Owner Email on Change of Zone #07045; 84<sup>th</sup> & Old Cheney Road (Forward to Council on 09/14/07)
2. Letter from Kristi Wamstad-Evans to Planning Commission - RE: Bill #07-150-Change of Zone #07049 HP - 2<sup>nd</sup> Reading 09/17/07.

**C. MISCELLANEOUS - NONE**



# NEWS ADVISORY

MAYOR CHRIS BEUTLER

[lincoln.ne.gov](http://lincoln.ne.gov)

---

Date: September 14, 2007

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

**Mayor Beutler's Public Schedule**  
**Week of September 15 through 21, 2007**  
*Schedule subject to change*

Sunday, September 16

- Dedication of the Fred D. Brown Center (Doane College, Lincoln Campus), remarks - 4 p.m., 303 N. 52nd St.

Monday, September 17

- 2015 Community Forum panel - 11:45 a.m., Lincoln Children's Museum, 1420 "P" St.
- Mayor's Award of Excellence presentation - 1:30 p.m., Council Chambers, County-City Building, 555 S. 10th St.

Tuesday, September 18

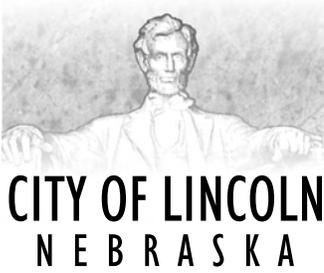
- UNL Law School luncheon, remarks - 12:30 p.m., Ross McCollum Hall, 1875 N. 42nd St., room 125

Thursday, September 20

- League of Women Voters luncheon, remarks - 11:45 a.m., Nebraska Club, 233 S. 13th St., Suite 2000
- Public meeting on master plan and design guidelines for the Antelope Valley Research and Development Corridor - 5:30 p.m., Cornhusker Hotel, Lancaster Room, 333 S. 13th St.

Friday, September 21

- KFOR "Lincoln Live" show - 12:30 p.m., Three Eagles Communications, 3800 Cornhusker Highway



# NEWS ADVISORY

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MAYOR CHRIS BEUTLER

[lincoln.ne.gov](http://lincoln.ne.gov)

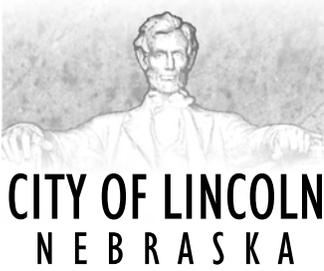
## OFFICE OF THE MAYOR

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

**DATE:** September 13, 2007

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

Mayor Chris Beutler will announce an agreement to pave 1.5 miles of roadway to serve two planned schools in north Lincoln at a news conference at **10:30 a.m., Friday, September 14 in Room 113 of the County-City Building, 555 South 10th Street.**



# NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

## OFFICE OF THE MAYOR

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

**FOR IMMEDIATE RELEASE:** September 14, 2007

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Steve Henrichsen, Planning Dept., 441-6374

### AGREEMENT REACHED TO PAVE ALVO ROAD

Mayor Chris Beutler today announced that the City, Lancaster County and NEBCO have reached a conceptual agreement to provide 1.5 miles of paved road linking two planned schools in north Lincoln. Alvo Road is to be paved from Stonebrook Parkway on the west to North 16th Street on the east by the fall of 2009. Except for one seven-block portion, Alvo Road does not currently exist in that area.

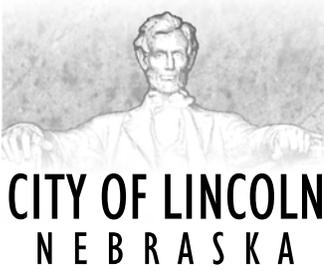
“This area north of Highway 34 and Interstate 80 has seen significant growth in the last few years,” said Mayor Beutler. “With two new schools and a new YMCA scheduled to open in the fall of 2009, providing a safe road became a priority. Alvo Road will literally pave the way for more homes and businesses to be built in this growing area.”

Schoo Middle School and a new YMCA are planned to open near the intersection of Alvo Road and Stonebrook Parkway (approximately N.W. 7th). Lincoln Public Schools owns land near Alvo Road and N. 14th for the future Kooser Elementary School.

Improvements on Alvo Road include the following:

- **N.W. 12th to N. 1st streets** (*no existing road*): The City and NEBCO, the developer of the Fallbrook subdivision, worked out an annexation agreement in 1999 to pave this section, with the City paying about 44 percent of the cost. To help the City stretch public road dollars, NEBCO has agreed to fund the total paving cost for the section from Stonebrook Parkway to N. 1st. NEBCO will provide about \$1.75 million for the project, including grading and design costs. Under the revised agreement, the City will pay part of the design costs. The City also would be responsible for paving Alvo Road from N.W. 12th to Stonebrook Parkway as future development occurs. This agreement will be forwarded to the City Council in October.
- **N. 1st to N. 16th Street** (*no existing road except for gravel from 7th to 14th streets*): The NEBCO agreement makes City funding available for surfacing this section. Under a proposed agreement with Lancaster County, the County Engineer would fund the design, right-of-way acquisition and grading of Alvo Road between 1st and N. 14th Street, and the City would pay all surfacing costs in 2009. The County would contribute its share of the surfacing funds in 2010. The proposed agreement will be forwarded to the City Council and County Board in October.

“I want to thank NEBCO and County officials for working with the City to have this street ready for traffic when the new schools open,” said Beutler. “This kind of cooperation is very important as we work to serve the rapidly growing areas of our community.”



# NEWS RELEASE

MAYOR CHRIS BEUTLER

[lincoln.ne.gov](http://lincoln.ne.gov)

**PUBLIC WORKS AND UTILITIES DEPARTMENT**  
555 South 10th Street, Lincoln, NE 68508, 441-7548, fax 441-8609

**FOR IMMEDIATE RELEASE:** September 14, 2007

**FOR MORE INFORMATION:** Wayne Teten, Antelope Valley Project Manager, 441-4939  
John Springer, Parsons Brinckerhoff, 402-323-6570.

## **PUBLIC INVITED TO ANTELOPE VALLEY MEETING** **ON "O" STREET BRIDGE**

The public is invited to a meeting Wednesday, September 19 to learn about the new "O" Street bridge that will be built from 21st to 22nd streets as part of the Antelope Valley Project. The meeting is from 4:30 to 7:30 at 2143 "O" Street (the former Via Van Bloom Tour/Travel building). Construction on the bridge is scheduled to begin this month, and a temporary roadway will maintain two lanes of traffic in each direction during construction.

No formal presentations will be made at the meeting, but details of the proposed improvements will be discussed. The meeting is sponsored by JAVA, a partnership among the City of Lincoln, the University of Nebraska-Lincoln and the Lower Platte South Natural Resources District. Representatives from JAVA, the construction management team and United Contractors, Inc will be available to answer questions.

Antelope Valley is a flood control, traffic improvement and community revitalization project in the core of the City. More information is available at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: antelope). This Web site will have the most current information regarding the construction schedule and traffic accommodations.

The meeting room is accessible for persons with disabilities. Those needing special accommodations are asked to call Parsons Brinckerhoff at 402-323-6570.



L I N C O L N   E L E C T R I C   S Y S T E M

September 14, 2007

RECEIVED

SEP 14 2007

CITY COUNCIL  
OFFICE

Ms. Lin Quenzer  
Ombudsman, Mayor's Office  
City of Lincoln, Nebraska  
555 S. 10<sup>th</sup> St. Suite 208  
Lincoln, Nebraska 68508

Subject:                    Mr. Richard Moseman Complaint  
                                  Before the Mayor's Office and Lincoln City Council  
                                  Dated September 9, 2007

Dear Ms. Quenzer,

The following represents the Lincoln Electric System (LES) response to Mr. Moseman's letter, dated September 9, 2007, to the Mayor and City Council. In summary, Mr. Moseman presented three complaints against LES and three requests of LES. It is LES' policy not to provide public information regarding its customer accounts and its relationships with customers. It is the policy and practice to hold this information in confidence. In this case, however, Mr. Moseman made these requests directly to the Mayor and City Council. Therefore, LES will respond to you as requested.

LES staff has a history of contacts with Mr. Moseman, most recently dealing with his refusal to pay late fees on accounts that remain unpaid beyond their due date. Mr. Moseman claims LES "overstepped its authority and charging of fees". However, since February 13, 2006, LES has been obligated to assess and collect late payment (and other service) fees on delinquent accounts and it has done so. When Mr. Moseman neglected or refused to pay these fees as they were due, the accounts became delinquent and subject to service termination.

Mr. Moseman asserts that LES staff "lied" to his tenants regarding nonpayment of the account, an assertion which LES denies categorically. LES follows requirements of Lincoln Municipal Code section 16.04.030 and LES Policy #11, requiring actual notice to all affected tenants of a potential disconnection of service in facilities where the electricity is master or "house" metered. Such is the case with the service at 6602 and 6608 Ballard. On August 31, 2007, LES posted "Potential Tenant Electric Service Termination Notice(s)" due to the owner's [Mr. Moseman] refusal to pay the late pay fees on his accounts as required by the provisions cited above.

Ms. Lin Quenzer  
Page 2  
September 14, 2007

Mr. Moseman requests an explanation of the reasons prompting LES to request the Lincoln Police Department to intervene on its behalf. LES staff had recent experiences with Mr. Moseman wherein he made a number of veiled (and some not so veiled) threats regarding LES facilities to LES employees.. On September 7, 2007, after speaking with an LES account clerk, Mr. Moseman was transferred to a department manager.

Mr. Moseman stated to the department manager that if LES disconnected the service (6602 & 6608 Ballard) for non-payment, he would retaliate. Mr. Moseman warned the department manager that if LES sent a credit representative to his property to disconnect, the LES representative would have a "physical altercation" with a baseball bat, and that LES should also send the National Guard to stop it, and that we should consider ourselves warned. Mr. Moseman said further that we were screwing with him and that after he used the baseball bat on the credit representative, he would look the department manager up also. Mr. Moseman repeatedly wanted to know when LES would be were coming to disconnect the service.

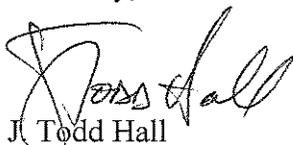
After meeting with LES legal counsel that afternoon, it was agreed that LPD should be contacted. The LPD was indeed contacted and a case number was set by LPD. The lead LPD officer is Officer Aksamit. The LPD case number is A7-097870.

In his letter to the Mayor and City Council, Mr. Moseman also made requests for information: 1) a summary of his accounts; and 2) a copy of the LES late payment fee policy. Both of these items are attached.

Lastly, Mr. Moseman requests that LES waive all late fees he has accumulated. LES is, as required by action of the LES Administration Board and the Lincoln City Council, obligated to assess and collect these service fees in their current format.

If there is other information or clarification, please let me know.

Sincerely,



J. Todd Hall  
Vice President, Consumer Services

c: Mr. Richard Moseman  
Lincoln City Council Members

Attach(s):

Mr. Richard Moseman-Account Owner  
 7 active accounts as of 9/14/2007

700 BRIDGER RD, BARN

Date	Total Charges	Payment		Balance
		Date	Amount	
8/23/2007	\$ 11.34			\$ 11.34
7/25/2007	\$ 9.88	8/17/2007	\$ 9.88	\$ -
6/26/2007	\$ 10.70	7/17/2007	\$ 10.70	\$ -
5/24/2007	\$ 10.14	6/14/2007	\$ 10.14	\$ -
4/26/2007	\$ 10.61	5/17/2007	\$ 10.61	\$ -
3/27/2007	\$ 10.05	4/19/2007	\$ 10.05	\$ -
2/28/2007	\$ 11.35	3/29/2007	\$ 11.35	\$ -
1/25/2007	\$ 11.41	2/23/2007	\$ 11.41	\$ -
12/27/2006	\$ 10.35	1/25/2007	\$ 10.35	\$ -
11/27/2006	\$ 11.17	1/4/2007	\$ 11.17	\$ -
10/24/2006	\$ 11.41	11/17/2006	\$ 11.41	\$ -
9/25/2006	\$ 11.29	10/19/2006	\$ 11.29	\$ -

3011 NW 7th

Date	Total Charges	Payment		Balance
		Date	Amount	
8/23/2007	\$ 98.99	9/13/2007	\$ 72.00	\$ 107.53
7/26/2007	\$ 89.95	8/15/2007	\$ 72.00	
6/26/2007	\$ 85.26	7/13/2007	\$ 72.00	
5/24/2007	\$ 62.15	6/14/2007	\$ 72.00	
4/26/2007	\$ 58.35	6/14/2007	\$ 38.74	
3/27/2007	\$ 54.75	5/15/2007	\$ 72.00	
2/28/2007	\$ 76.14	5/8/2007	\$ 38.74	
1/25/2007	\$ 64.60	4/13/2007	\$ 72.00	
12/27/2006	\$ 63.11	3/15/2007	\$ 72.00	
11/27/2006	\$ 62.56	2/15/2007	\$ 72.00	
10/24/2006	\$ 47.54	1/15/2007	\$ 55.00	
9/25/2006	\$ 51.31	12/14/2006	\$ 55.00	

Transfer from OLD address

On Budget Billing; no late fees assessed as long as customer pays budget amount each month

2617 S 53rd St, GARAGE

Date	Total Charges	Payment		Balance
		Date	Amount	
9/4/2007	\$ 31.89			\$ 31.89
8/3/2007	\$ 30.23	8/17/2007	\$ 30.23	\$ -
7/5/2007	\$ 28.76	7/17/2007	\$ 28.76	\$ -
6/5/2007	\$ 27.02	6/14/2007	\$ 27.02	\$ -
5/2/2007	\$ 12.90	5/17/2007	\$ 12.90	\$ -
4/5/2007	\$ 12.16	4/19/2007	\$ 12.16	\$ -
3/8/2007	\$ 10.91	3/29/2007	\$ 10.91	\$ -
2/5/2007	\$ 10.11	2/23/2007	\$ 10.11	\$ -
1/4/2007	\$ 10.58	1/25/2007	\$ 10.58	\$ -
12/5/2006	\$ 11.99	1/4/2007	\$ 11.99	\$ -
11/1/2006	\$ 11.35	11/17/2006	\$ 11.35	\$ -
10/3/2006	\$ 12.82	10/19/2006	\$ 29.51	\$ -

2726 W St, Hse Mtr

Date	Total Charges	Payment		Balance
		Date	Amount	
8/30/2007	\$ 16.99			\$ 16.99
8/2/2007	\$ 17.25	8/17/2007	\$ 17.25	\$ -
7/2/2007	\$ 14.81	7/17/2007	\$ 14.81	\$ -
6/1/2007	\$ 20.09	6/14/2007	\$ 20.09	\$ -
5/2/2007	\$ 19.75	5/17/2007	\$ 19.75	\$ -
4/4/2007	\$ 22.12	4/19/2007	\$ 22.12	\$ -
3/6/2007	\$ 21.62	3/29/2007	\$ 21.62	\$ -
2/2/2007	\$ 22.61	2/23/2007	\$ 22.61	\$ -
1/3/2007	\$ 17.48	1/25/2007	\$ 16.18	\$ -
11/30/2006	\$ 18.55	1/4/2007	\$ 17.25	\$ -
10/30/2006	\$ 17.83	11/17/2006	\$ 16.53	\$ -
9/29/2006	\$ 17.94	10/19/2006	\$ 16.64	\$ -

6602 & 6606 BALLARD AVE

Date	Total Charges	Payment		Balance
		Date	Amount	

Summary of Accounts  
 Mr. Richard Moseman

9/11/2007	\$ 2.13	Late Fee		\$ 73.14
8/16/2007	\$ 31.57		8/17/2007 \$ 33.35	\$ 71.01
8/15/2007	\$ 2.12	Late Fee		\$ 104.36
7/18/2007	\$ 38.35			\$ 72.79
7/13/2007	\$ 2.26	Late Fee		\$ 70.67
6/18/2007	\$ 45.22		7/17/2007 \$ 45.22	\$ 32.32
6/11/2007	\$ 1.70	Late Fee		\$ 77.54
5/16/2007	\$ 28.33			\$ 75.28
5/15/2007	\$ 2.33	Late Fee	6/14/2007 \$ 28.33	\$ 30.06
4/18/2007	\$ 51.76			\$ 58.39
4/16/2007	\$ 2.18	Late Fee	5/17/2007 \$ 51.76	\$ 56.69
3/20/2007	\$ 48.87			\$ 108.45
3/16/2007	\$ 3.01	Late Fee	4/19/2007 \$ 48.87	\$ 80.12
2/19/2007	\$ 79.61			\$ 77.79
2/14/2007	\$ 2.95	Late Fee	3/29/2007 \$ 79.61	\$ 126.66
1/19/2007	\$ 80.32			\$ 74.90
1/12/2007	\$ 2.72	Late Fee	2/23/2007 \$ 80.32	\$ 103.46
12/18/2006	\$ 75.60			\$ 100.45
12/11/2006	\$ 2.11	Late Fee	1/24/2007 \$ 75.60	\$ 180.77
11/14/2006	\$ 57.19			\$ 101.16
10/16/2006	\$ 35.95		1/4/2007 \$ 57.19	\$ 98.21
10/13/2006	\$ 2.64	Late Fee		\$ 173.81
9/15/2006	\$ 77.64			\$ 93.49
9/11/2006	\$ 1.88	Late Fee	11/17/2006 \$ 35.95	\$ 90.77
8/16/2006	\$ 54.14			\$ 147.96
8/14/2006	\$ 1.37	Late Fee	10/19/2006 \$ 77.64	\$ 72.36
7/18/2006	\$ 38.66			\$ 70.25
7/12/2006	\$ 1.49	Late Fee	9/18/2006 \$ 54.14	\$ 106.20
6/16/2006	\$ 43.82			\$ 49.01
6/12/2006	\$ 0.85	Late Fee	8/29/2006 \$ 38.66	\$ 126.65
5/16/2006	\$ 23.55			\$ 90.70
5/12/2006	\$ 1.25	Late Fee	8/3/2006 \$ 43.82	\$ 88.06
4/17/2006	\$ 38.24			\$ 142.20
4/13/2006	\$ 1.39	Late Fee	6/22/2006 \$ 23.55	\$ 64.56
3/17/2006	\$ 43.98			\$ 62.68
3/13/2006	\$ 1.35	Late Fee	8/18/2006 \$ 54.14	\$ 101.34
2/16/2006	\$ 44.18			\$ 47.20
1/18/2006	\$ 48.17		8/3/2006 \$ 43.82	\$ 89.65
				\$ 50.99
			6/22/2006 \$ 23.55	\$ 49.50
				\$ 73.05
			6/5/2006 \$ 38.24	\$ 29.23
				\$ 28.38
			5/2/2006 \$ 43.98	\$ 66.62
				\$ 43.07
				\$ 41.82
				\$ 85.80
				\$ 47.56
				\$ 46.17
			3/17/2007 \$ 44.18	\$ 2.19
				\$ 46.37
			2/17/2006 \$ 48.17	\$ 45.02
				\$ 93.19
				\$ 49.01

6600 Ballard, Garage

Date	Total Charges	Payment		Balance
		Date	Amount	
8/15/2007	\$ 18.85	9/13/2007	\$ 16.00	\$ 22.79
7/17/2007	\$ 18.85	8/15/2007	\$ 16.00	
6/15/2007	\$ 18.85	7/13/2007	\$ 16.00	
5/15/2007	\$ 22.45	6/14/2007	\$ 16.00	
4/17/2007	\$ 18.97	5/15/2007	\$ 16.00	
3/16/2007	\$ 19.35	4/13/2007	\$ 16.00	
2/16/2007	\$ 17.99	3/15/2007	\$ 16.00	
1/16/2007	\$ 17.87	2/15/2007	\$ 16.00	
12/15/2006	\$ 17.99	1/15/2007	\$ 16.00	
11/13/2006	\$ 18.34	12/14/2006	\$ 16.00	

Summary of Accounts  
Mr. Richard Moseman

10/13/2006	\$ 18.93	11/16/2006	\$ 16.00
9/14/2006	\$ 17.87	10/13/2006	\$ 16.00

On Budget Billing; no late fees assessed as long as customer pays budget amount each month

4326 N 66th Street

Date	Total Charges	Payment		Balance
		Date	Amount	
9/11/2007	\$ 7.15 Late Fee			\$ 245.52
		8/17/2007	\$ 180.66	\$ 238.37
8/16/2007	\$ 183.85			\$ 419.03
8/15/2007	\$ 6.85 Late Fee			\$ 235.18
7/18/2007	\$ 180.66			\$ 228.33
		7/17/2007	\$ 111.99	\$ 47.67
7/13/2007	\$ 4.65 Late Fee			\$ 159.66
6/18/2007	\$ 111.99			\$ 155.01
		6/14/2007	\$ 56.31	\$ 43.02
6/11/2007	\$ 2.89 Late Fee			\$ 99.33
		5/17/2007	\$ 55.03	\$ 96.44
5/16/2007	\$ 56.31			\$ 151.47
5/15/2007	\$ 2.77 Late Fee			\$ 95.16
		4/19/2007	\$ 52.25	\$ 92.39
4/18/2007	\$ 55.03			\$ 144.64
4/16/2007	\$ 2.61 Late Fee			\$ 89.61
		3/29/2007	\$ 44.75	\$ 87.00
3/20/2007	\$ 52.25			\$ 131.75
3/16/2007	\$ 2.32 Late Fee			\$ 79.50
		2/23/2007	\$ 51.70	\$ 77.18
2/19/2007	\$ 44.75			\$ 128.88
2/14/2007	\$ 2.45 Late Fee			\$ 84.13
		1/25/2007	\$ 62.23	\$ 81.68
1/19/2007	\$ 51.70			\$ 143.91
1/12/2007	\$ 2.69 Late Fee			\$ 92.21
		1/4/2007	\$ 52.68	\$ 89.52
12/18/2006	\$ 62.23			\$ 142.20
12/11/2006	\$ 2.33 Late Fee			\$ 79.97
		11/17/2006	\$ 54.20	\$ 77.64
11/14/2006	\$ 52.68			\$ 131.84
		10/19/2006	\$ 123.37	\$ 79.16
10/16/2006	\$ 54.20			\$ 202.53
10/13/2006	\$ 4.32 Late Fee			\$ 148.33
		9/18/2006	\$ 221.50	\$ 144.01
9/15/2006	\$ 123.37			\$ 365.51
9/11/2006	\$ 7.05 Late Fee			\$ 242.14
		8/29/2006	\$ 132.42	\$ 235.09
8/16/2006	\$ 221.50			\$ 367.51
8/14/2006	\$ 4.25 Late Fee			\$ 146.01
		8/3/2006	\$ 111.07	\$ 141.76
7/18/2006	\$ 132.42			\$ 252.83
7/12/2006	\$ 3.51 Late Fee			\$ 120.41
		6/22/2006	\$ 36.56	\$ 116.90
6/16/2006	\$ 111.07			\$ 153.46
6/12/2006	\$ 1.23 Late Fee			\$ 42.39
		6/5/2006	\$ 36.71	\$ 41.16
5/16/2006	\$ 36.56			\$ 77.87
5/12/2006	\$ 1.20 Late Fee			\$ 41.31
		5/2/2006	\$ 58.41	\$ 40.11
4/17/2006	\$ 36.71			\$ 98.52
4/13/2006	\$ 1.80 Late Fee			\$ 61.81
3/17/2006	\$ 58.41			\$ 60.01
		3/17/2007	\$ 53.38	\$ 1.60
3/13/2006	\$ 1.60 Late Fee			\$ 54.98
		2/17/2006	\$ 59.80	\$ 53.38
2/16/2006	\$ 53.38			\$ 113.18
1/18/2006	\$ 59.80			\$ 59.80

commercial, heating or cooling purposes through the sequential use of energy. Cogeneration facilities must satisfy the FERC requirement for ownership described in Section 292.206, and the operating and efficiency standards described in Section 292.205 (a) and (b), and other applicable requirements outlined in the FERC rules and regulations.

### **3. CUSTOMER-Owned Non-Qualifying Generation (e.g., standby and emergency)**

If the CUSTOMER does not meet the above criteria and has or wishes to install generation capacity for supplying needs during a LES service interruption, then an approved transfer switch shall be installed in the CUSTOMER's wiring as specified in the Policy Statement and Guidelines Regarding Non-Qualifying Generation (e.g., standby and emergency). The transfer switch shall be capable of disconnecting the load from wiring connection to the SERVICE WIRES and transferring the load to the non-qualifying generator. The transfer switch shall break the circuit with the SERVICE WIRES before making the circuit with the CUSTOMER's generation or be an LES approved closed-transition switch. The CUSTOMER must prepare and submit to LES an "Application for Electric Service" form. Installations will not be connected without SYSTEM approval.

## **M. BILLING RESPONSIBILITY AND SERVICE CONNECTIONS**

### **1. Orders for Connections**

The SYSTEM requires each connected electrical service to be in the name of the CUSTOMER who is responsible for charges relating to the rendering of electric service to a POINT OF DELIVERY. The SYSTEM will accept orders for connection and/or to change the name of the responsible party for billing with verbal or written notice from the financially responsible party or their representative. A new account service fee of \$25.00 is applicable to every new account, move, transfer, etc., upon the request for service initiation. Accounts managed under a Landlord's Agreement are excluded from the new account service fee. The SYSTEM will impose to the PROPERTY OWNER, when a reconnection of electric service or load control equipment at an address is made, a \$40.00 minimum charge to be paid in the LES business offices during the SYSTEM's business hours or \$75.00 after business hours. The reinstatement of a load control credit shall be treated in the same manner as a reconnection. In the case of current transformer metering installations or if a conductor reconnection is required, a charge to cover the actual labor, material and equipment expenses required for performing the disconnection and reconnection will be assessed. Termination of service, or any part thereof, by the CUSTOMER followed by reconnection of service at the same address by the same CUSTOMER within a period of 12 months from the date of disconnection will

not suspend or eliminate the minimum bill charges specified in the rate schedule under which the CUSTOMER is taking service which would have been in effect during the BILLING PERIODS of the termination of service.

## **2. Tenant/PROPERTY OWNER Provisions**

Upon termination of service to a tenant, the SYSTEM will place the account in the name of the PROPERTY OWNER. If the PROPERTY OWNER advises the SYSTEM in writing that the PROPERTY OWNER will not be responsible for electric service while the unit is not occupied the service will be disconnected. The PROPERTY OWNER will not be responsible for any amount owed to the SYSTEM for electric service furnished the tenant during the tenant's occupancy. In subdivided situations that are not separately metered as required in Paragraph E, the PROPERTY OWNER shall be the financially responsible party for the electric service furnished to the tenants therein.

## **3. Security Deposit, Bad Checks and Mislabeled METERS**

A CUSTOMER may be required to make a security deposit to guarantee payment of the account (LES policy 11 and procedure 155). A \$30.00 charge shall be assessed to the CUSTOMER for all checks needed to be returned for insufficient funds or no account checks. The SYSTEM shall not be responsible for erroneous billing resulting from mislabeled METERS, or other problems resulting thereof, when the mislabeling of the meter socket to its appropriate load lies at fault with the electrician or any other party not under the direct supervision of the SYSTEM.

## **4. Billing Demand Responsibility**

A new CUSTOMER taking service from an account with an existing demand history will not be responsible for the billing demands of the previous CUSTOMER. If the new CUSTOMER only represents a name change for the existing PROPERTY OWNER, they will be responsible for the billing demand established by the previous CUSTOMER unless waived by the Vice President of Consumer Services.

## **5. Forms of Payment**

Payment of electric bills must be made in "money" which is defined as U.S. Legal Tender in the form of checks, drafts, money orders or currency. Coins will not be accepted in amounts greater than \$25.00. A late payment fee of 3.0% of the past due amount will be applied to all accounts not paid by the due date. The late payment fee will be applied on or after the first business day past the due date. A reread fee of \$20.00 will be charged for LES to return to CUSTOMER'S service location more than once monthly to

reread the meter, either by CUSTOMER request or due to restricted meter access. The reread charge applies when the original reading was not in error.

## **N. DISCONNECTION OF SERVICE**

### **1. At the PROPERTY OWNER's Request**

The SYSTEM will remove or physically disconnect a service only after written notice has been received from the PROPERTY OWNER.

### **2. By the SYSTEM Without Notice**

Service may be refused or disconnected by the SYSTEM for any of the following reasons:

- a. Without notice in the event of a condition determined by the SYSTEM to be hazardous.
- b. Without notice in the event of CUSTOMER use of equipment in such a manner as to adversely affect the SYSTEM's equipment or the SYSTEM's service to others.
- c. Without notice in the event of tampering with the equipment furnished and owned by the SYSTEM.
- d. Without notice in the event of energy theft or any unauthorized use.

### **3. By the SYSTEM With Appropriate Notice**

Subject to provision of the termination of electric service policy as established by the Administrative Board (currently Policy No. 11):

- a. For violation or noncompliance with the SYSTEM's Service Regulations, except those listed in Paragraph N-2 above.
- b. For failure of the CUSTOMER to provide and maintain to the SYSTEM unobstructed access to its equipment.
- c. For nonpayment of any account, provided the SYSTEM has made a reasonable attempt to effect collection and has given the CUSTOMER prior written notice to make settlement on the account(s) or have service disconnected. Disconnection will

**Addendum to Service Regulations  
SUMMARY OF LES SERVICE FEES**

Below is a listing of service fees set forth in these Service Regulations with a reference to the paragraph(s) in which the fee is described:

<u>Item</u>	<u>Fee</u>	<u>Reference</u>
AID-TO-CONSTRUCTION:	A fee charge for a portion of construction cost	A-10, B, G, G-2-b, H-4, H-6-b
Temporary Service	\$70.00 minimum	F-1
Underground Extension (Subdivisions):	*\$400.00 for lots with rear lot lines 100 ft. in width or less  *\$4.00 per rear lot foot for lots with rear lot line greater than 100 ft. In width, not to exceed \$800 per lot	H-3-a
Underground Extension (Mobile Home Parks):	\$42.00 per lot	H-3-b
Connection Charge: In LES' Business Office:	\$40.00 minimum	M-1, N-3-c
Outside LES' Business Office:	\$75.00 minimum	M-1, N-3-c
Security Deposit:	Subject to the discretion of LES Credit Department	M-3
Returned Check:	\$30.00	M-3
New Account Service Fee:	\$25.00	M-1

<u>Item</u>	<u>Fee</u>	<u>Reference</u>
Late Payment Fee:	3.0% of past due amount	M-5
Field Collection of Payment:	\$20.00	N-3-C
Rereads:	\$20.00	M-5



"Dan Marvin"  
<dmarvin@neb.rr.com>  
09/14/2007 12:33 PM

To "Tammy Grammer" <tgrammer@lincoln.ne.gov>  
cc  
bcc  
Subject FW: Pending petition to vacate Pine Lake Road right-of-way

Tammy,

Put a copy of this with the addendum

Dan

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

**From:** Jennifer Cusick-Rawlinson [mailto:jcrawlinson@bisoninc.com]  
**Sent:** Friday, September 14, 2007 9:27 AM  
**To:** jcamp@lincoln.ne.gov  
**Cc:** demery@lincoln.ne.gov; jcook@lincoln.ne.gov; jspatz@lincoln.ne.gov; reschliman@lincoln.ne.gov; ksvoboda@lincoln.ne.gov; dmarvin@lincoln.ne.gov; BWill@ci.lincoln.ne.us; JRoss@ci.lincoln.ne.us  
**Subject:** RE: Pending petition to vacate Pine Lake Road right-of-way

At last night's Pine Lake Association board meeting, the board voted to approve the purchase of the Pine Lake Road right-of-way at the appraised price. We hope this clears the way for approval of our petition to vacate and look forward to a vote at the September 17th City Council Meeting.

Thank you to all for your patience,

Jennifer Cusick-Rawlinson  
President, Pine Lake Association  
(402) 474-3353

---

**From:** Jennifer Cusick-Rawlinson [mailto:jcrawlinson@bisoninc.com]  
**Sent:** Thursday, September 06, 2007 2:33 PM  
**To:** 'jcamp@lincoln.ne.gov'  
**Cc:** 'demery@lincoln.ne.gov'; 'jcook@lincoln.ne.gov'; 'jspatz@lincoln.ne.gov'; 'reschliman@lincoln.ne.gov'; 'ksvoboda@lincoln.ne.gov'; 'dmarvin@lincoln.ne.gov'; 'BWill@ci.lincoln.ne.us'; 'JRoss@ci.lincoln.ne.us'  
**Subject:** Pending petition to vacate Pine Lake Road right-of-way

Dear District 2 Council Member Jon Camp, City Council Members, and City Staff:

It is my understanding that the best situation for all parties involved would be for the City Council to approve the pending petition to vacate the right-of-way associated with Pine Lake Road between Eastshore and Westshore Drive and that the Pine Lake Association would agree to purchase it at the appraised value of \$7,350. However, it has come to my attention that the City Council is likely to deny the vacation request if the Pine Lake Association chooses not to purchase the land because the City would then retain title of the land and, therefore, the potential for maintenance and liability costs.

The purpose of this letter is to clarify that the Pine Lake Association would like to see the vacation request approved even if our subsequent request to reduce the value of the land is not approved. Although I currently only have

authorization from the Pine Lake Association board of directors to submit a check for the full value to the City Clerk (which is being held pending Council action) and request the reduced value, I believe the Pine Lake Association is likely to approve purchase at the appraised value if the Council chooses not to reduce the value. If the Council requires a decision from the Pine Lake Association regarding the purchase of the land before deciding whether or not to vacate the right-of-way, we would like to request delaying a vote on this issue until the September 17th City Council meeting to allow us to discuss the issue at our September 13th board meeting. Perhaps another option would be to approve the vacation request under the condition that the Pine Lake Association agrees to purchase the property at a value no more than the appraised value of \$7,350.

I feel obligated to mention that, when our co-applicant brought this petition to vacate option to the attention of the Pine Lake Association, we were not aware that the Association would bear any of the costs associated with accepting title to this property. So, if it seems unusual that Pine Lake was not initially willing to pay the full appraised price, please know that this cost came as a surprise and our volunteer board struggled to make a responsible decision based on this new information and the reality of the significant costs Pine Lake has incurred as a result of the sediment that entered the lake during development of the surrounding areas. We are currently in the middle of a \$60,000+ project to dredge two of our holding ponds and we have yet to address the dredging of the lake itself, so you can see there is a lot of competition for Association dollars. Although we understand there may be the potential for future development of this land, Pine Lake is not in a position to do anything other than add this land to the adjacent outlot due to CUP and density restrictions.

I also want to take this opportunity to thank you for your service to our community and for your patience in finding a workable solution in regards to this petition. Homeowners at Pine Lake have endured several years of development adjacent to the Pine Lake Association boundaries and this is just one of many instances where we find ourselves very thankful to have such knowledgeable City staff members available to help us unravel the intricacies of government.

Jon, please call me at my office or on my cell at 560-3319 with any questions you may have. If you could let me know whether the vote will be this Monday or on the 17th, it would be much appreciated. Everyone at Pine Lake is very much looking forward to a successful resolution of this matter and we thank you for your time.

Respectfully submitted,  
Jennifer Cusick-Rawlinson  
President, Pine Lake Association  
(402) 474-3353

**Tammy J Grammer/Notes**  
09/14/2007 02:48 PM

To campjon@aol.com, jcookcc@aol.com, robine@neb.rr.com,  
ksvoboda@alltel.net, dmarvin@neb.rr.com,  
cc dougemerypm@aol.com, jspatz@johnspatz.com,  
Joan E Ross/Notes@Notes  
bcc  
Subject Fw: Property Owner Email on Change of Zone #07045; 84th  
& Old Cheney Road

Council,

Please see email and attachment below regarding Item 36, 07-139 on Monday Council Agenda. I will also list it on the Directors' Addendum. Thanks.

Tammy Grammer  
City Council Office  
441-6867

----- Forwarded by Tammy J Grammer/Notes on 09/14/2007 02:44 PM -----



**SHenrichsen@ci.lincoln.ne.us**

09/14/2007 02:34 PM

To <councilpacket@lincoln.ne.gov>  
cc MKrout@ci.lincoln.ne.us, JWalker@ci.lincoln.ne.us,  
<realtytrustgroup@aol.com>  
Subject Property Owner Email on Change of Zone #07045; 84th &  
Old Cheney Road

To City Council Members:

The attached email and staff response about Change of Zone #07045 at 84th and Old Cheney Road was presented to Planning Commission prior to their public hearing. This email and response was inadvertently left out of the fact sheet for the change of zone sent to the City Council.

The email is from Jason Gillespie an adjacent property at S. 83rd Street and Wendell Way. The point by point response from staff is listed first with Mr. Gillespie's email without the response shown at the end.

(See attached file: cz07045 CC Memo Missing email.pdf)

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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. cz07045 CC Memo Missing email.pdf

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# MEMORANDUM

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**TO:** City Council

**FROM:** Stephen Henrichsen, Planning Department 

**SUBJECT:** *Property Owner Email on Change of Zone #07045; 84<sup>th</sup> & Old Cheney Road*

**DATE:** September 14, 2007

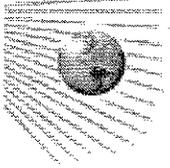
**COPIES:** Mayor Beutler  
Trish Owen, Mayor's Office  
Mike Marsh  
Joan Ross, City Clerk

---

The attached email and staff response about Change of Zone #07045 at 84<sup>th</sup> and Old Cheney Road was presented to Planning Commission prior to their public hearing. This email and response was inadvertently left out of the fact sheet for the change of zone sent to the City Council.

The email is from Jason Gillespie an adjacent property at S. 83<sup>rd</sup> Street and Wendell Way. The point by point response from staff is listed first with Mr. Gillespie's email without the response shown at the end.

Q:\PC\CZ\07000\cz07045 CC Memo Missing Email.wpd



Stephen S Henrichsen/Notes

08/14/2007 03:07 PM

To NavyHusker03 <navyhusker03@yahoo.com>

cc realtytrustgroup@aol.com, Jean L Walker/Notes@Notes

bcc

Subject Re: Lots 90, 91, and 113 at South 84th and Old Cheney

To: Jason Gillespie

RE: Reply to Questions Regarding Change of Zone 07045; 84<sup>th</sup> & Old Cheney Road

Thank you for your email in regards to Change of Zone 07045 from R-3 Residential in a Planned Unit Development (PUD) to B-2 Planned Neighborhood Business. In regards to your email questions of August 11<sup>th</sup>, listed below is each question in bold and our response.

1. ***As a homeowner with property lines that border the discussed property, what does the change in zoning mean and what exactly is "Planned Neighborhood Business District?"***

**Response:** The Realty Trust Group application is to re-zone their entire 5.8 acres to B-2 Planned Neighborhood Business district. There is a not a use permit or site plan accompanying a change of zone request. The site could potentially develop with 50,000 to 60,000 square feet of commercial space on the 5.8 acres, with access to S. 83rd Street and Wendell Way. A future use permit would be required prior to any development. As part of the use permit, additional conditions could be proposed. At this time there is no guarantee on acceptance of any future conditions since there is not a use permit. If the re-zoning is approved, the site could be developed with any permitted use under the B-2 zoning, including but not limited to;

**Examples of Permitted Uses in the B-2 district** (meaning they are permitted without any further conditions)

- Banks, savings and loan associations, credit unions, and finance companies;
- Garden centers;
- Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- Service stations;
- Hospitals and clinics for animals, but not open kennels;
- Self-service laundromats;
- Office buildings;
- Restaurants; (including restaurants with drive thru facilities)
- Stores or shops for the sale of goods at retail, but not including motor vehicles;

**Examples of Conditional Uses** (meaning that if all the conditions are met, the use is allowed)

- Automobile wash facility:

- Motels and hotels:
- Early childhood care facilities:
- Sale of alcoholic beverages for consumption on or off the premises:

2. ***With this in mind, I am curious to know what options are or would be available in regards to the current property line and tree line that is the south border of my property and the north border of the property being discussed.***

There are not any standards that would require the existing trees to be retained, they could be removed at any time. Currently, the property is zoned R-3 PUD. The approved PUD plan permits only residential uses adjacent to your property line to the south. The approved plan also required that the adjacent trees to your lot would be preserved with 3 new Colorado Spruce trees planted in a 20 foot setback to the new residences.

If this property is re-zoned to B-2 this would permit commercial uses to develop adjacent to the property line. The B-2 district requires a 20 foot side yard setback to residential or 50 foot rear yard setback to residential. Parking for commercial uses are permitted in the rear yard setback. Any parking would have to meet screening standards.

3. ***With the change in zoning, what can be expected in regards to the future of my property value as well as property taxes?***

We can't speculate about the value of your property after development. You may want to consult a realtor or an appraiser for an opinion.

4. ***What is the planned thinking for 83rd Street? It is currently a dead end street and I would like to see it remain as such but did not know if there were plans to put it all the way through to Old Cheney or leave it as is.***

The currently approved PUD site plan showed that 83<sup>rd</sup> Street would be extended past the future residences and end in a cul-de-sac. There was a driveway from the side of the extended 83<sup>rd</sup> Street that provided access to the commercial uses after two turns. This provided the neighborhood access to the few commercial uses on the south end of the PUD plan. The PUD plan also limited the amount of commercial floor area to 22,000 square feet and limited type of commercial uses to less intensive uses which generate less traffic. The following uses were specifically prohibited: restaurants with drive thru facilities, banks and savings and loan associations, convenience stores and gasoline stations, car wash facilities, warehousing, self-storage and industrial uses.

If the B-2 zoning is approved, the PUD plan would be voided, including the restrictions on uses and floor area. This site could develop with access to 83<sup>rd</sup> Street and Wendell Way. For commercial uses, access to Wendell Way and the current median opening would be an enhancement to the development since it would allow customers to go north bound exiting the site.

5. *What type of business(es) is being thought to be put into the property?*

**Response:** Any discussion of potential uses or a potential site plan for the site at this date is non-binding. Only a use permit site plan when approved would apply to the property. Since there is not a use permit plan that would address the traffic impact or impacts on adjacent residential properties or the day care center, the Planning Department and Public Works and Utilities Department have recommended denial of the application to change the property to B-2. The current R-3 PUD zoning which allows townhomes, plus a minor amount of selected retail uses provides a more appropriate buffer to the existing neighbors and addresses the traffic impact, while providing for some residential and commercial use of the property.

If you have any further questions, please free to call me at 441- 6374. We would be glad to provide any additional information.

Sincerely

Stephen Henrichsen  
Lincoln/ Lancaster County Planning Department

NavyHusker03 <navyhusker03@yahoo.com>



**NavyHusker03**  
<navyhusker03@yahoo.com>

08/11/2007 04:37 PM

To: realtytrustgroup@aol.com, shenrichsen@lincoln.ne.gov,  
plan@lincoln.ne.gov

cc

Subject: Lots 90, 91, and 113 at South 84th and Old Cheney

To Mr. Marsh, Mr. Henrichsen, and Lincoln City/Lancaster Count Planning Commission:

I would like to thank-you first of all for the notification of the change of zoning of Lots 90, 91, and 113 of the northwest lot of South 84th and Old Cheney. I currently am the resident and landowner for a lot located on the northwest corner of 83rd and Wendell Way; directly north of the lot being discussed. I have several questions and concerns that I would like to propose to you all as I am unable to attend the public hearing pursuant to the change in zoning. I look forward to hearing back from all you with your comments and in looking forward to working with you and especially Mr. Marsh as this zoning proceeds.

1. As a homeowner with property lines that border the discussed property, what does the change in zoning mean and what exactly is "Planned Neighborhood Business District?"
2. With this in mind, I am curious to know what options are or would be available in regards to the current property line and tree line that is the south border of my property and the north border

of the property being discussed.

3. With the change in zoning, what can be expected in regards to the future of my property value as well as property taxes?

4. What is the planned thinking for 83rd Street? It is currently a dead end street and I would like to see it remain as such but did not know if there were plans to put it all the way through to Old Cheney or leave it as is.

5. What type of business(es) is being thought to be put into the property?

These are the main questions and concerns I have at this time in regards to this property. As stated above, I look forward to hearing back from you all.

Sincerely,  
Jason Gillespie

**"One Team One Fight---Anytime, Any Place. Serving with Pride and Purpose"**

Jason M. Gillespie LT, USN RN,BSN  
8301 Wendell Way  
Lincoln, NE 68516  
Cell: 402.430.7998

---

Be a better Heartthrob. Get better relationship answers from someone who knows.  
Yahoo! Answers - Check it out.

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August 29, 2007

City of Lincoln Planning Commission  
Lincoln, NE

To Whom It May Concern:

I am writing in support of the petitioners for Change of Zone No. 07049 HP and Special Permit No. 07034, historic designation of property at 1204 Peach Street and special permit to use the property as a tea room.

My husband and I own a house across the street from this property. Several years ago, when I heard that Lisa and Matt planned to open a tea room, I could not have imagined the level of effort they would go to in order to make their dream a reality. They truly dedicated themselves to "bringing the past alive."

The care and attention paid to the architectural detail of restoring their turn-of-the-century home reflects the respect they pay to their customers and their neighbors. Certainly, they are operating a business, but Lisa can make it feel like you've just being invited next door for afternoon tea... even if you live across town.

I have seen bridal groups, Red Hat society gatherings, baby showers, and little girl birthday parties come and go from the Tea Room. Honestly, it makes me feel proud to have a place that people want to come and celebrate their fond memories so close to my house.

Certainly, traffic and parking can be an issue. But the "sittings" typically take place during the late morning and/or early afternoon. On the weekdays, most neighbors are not at home anyways... and on the weekends, the inconvenience is brief, lasting only a few hours. In my opinion, the benefit of creating this neighborly sense of place outweighs the bother.

Please vote in support of both the historical designation and the permitting of continued operation of a very successful neighborhood business.

Sincerely,

Kristi Wamstad-Evans  
1209 Peach Street  
Lincoln, NE 68502

