

**IN LIEU OF
DIRECTORS' MEETING
MONDAY, OCTOBER 27, 2008**

I. MAYOR

1. NEWS ADVISORY. Mayor Beutler's Public Schedule Week of October 18 through October 24, 2008. (Forwarded to City Council Members, and copy placed in folders, on 10/20/08)
2. NEWS RELEASE. Taute to Return to City Attorney's Office.

II. DIRECTORS

HEALTH DEPARTMENT

1. NEWS RELEASE. Safe Kids Lincoln-Lancaster County Provides Halloween Safety Tips.
2. PHYSICIAN ADVISORY. Bordetella Pertussis.

PLANNING COMMISSION FINAL ACTION

1. Special Permit No. 08036. Hartland Estates 1st Addition Community Unit Plan. S.W. 12th Street and West A Street. Resolution No. PC-01145.

PUBLIC WORKS AND UTILITIES

1. ADVISORY. Storm Water Project to Start. Project #702386.

URBAN DEVELOPMENT

1. North Haymarket Arts and Humanities, Phase II Redevelopment Agreement - Public Infrastructure.
2. Block 85, Redevelopment Agreement - Public Infrastructure.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

ROBIN ESCHLIMAN-

- *1. Request to Greg MacLean, Public Works & Utilities Director and/or Marvin Krout, Planning Director - RE: The Pioneer Greens area - private streets - snow removal, etc. (RFI#16 - 10/23/08)

V. MISCELLANEOUS

- 1a. Email from David Andrews, Oviedo, Florida on the Proposed Segway Ordinance.
- 1b. Article sent by David Andrews from KOLN KGIN Website on the Lincoln City Council Considering Segway Ordinance.
2. Email from Larry and Denise Maack Requesting Deletion of Area 12 from Proposed Annexations for 2009.
3. Email from Sitaram Jaswal, UNL Professor, containing email to StarTran, response from StarTran, and reply to StarTran on the 45 and 46 bus routes and how a low impact change would help get the bus closer to the UNL campus.

VI. ADJOURNMENT

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NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

DATE: October 17, 2008

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

Mayor Beutler's Public Schedule
Week of October 18 through October 24, 2008
Schedule subject to change

Saturday, October 18

- "Heats On" Steamfitters and Plumbers Local Union 464 kick-off event, remarks - 8 a.m., Cornhusker Mariott (Renaissance room), 333 S. 13th St.
- Women and Money Conference, remarks - 9 a.m., Hillcrest Country Club, 9401 "O" St.

Tuesday, October 21

- Perot Systems ground-breaking, remarks - 11:15 a.m., NU Technology Park Development Center, 4701 Innovation Drive
- UNL Emeriti Association, remarks - 12:15 p.m., UNL East Campus Union, 1705 Arbor Dr.
- International Visitors (Tajikistan administrative educators) with Open World Program - Mayor's Conference Room, County-City Building, 555 S. 10th St.
- Lincoln Policy Network meeting, remarks - 6 p.m., Belmont Rec Center, 1234 Judson

Wednesday, October 22

- KLIN Morning Show - 8:10 a.m., Broadcast House, 4343 "O" St.

Thursday, October 23

- KFOR - 7:45 a.m.
- News conference - 10 a.m., topic and location to be announced
- Omaha-Lincoln Joint City Council meeting - 2 p.m., Omaha Public Safety Training Center, 11616 Rainwood Rd. in Omaha
- Opening of "Lewis and Clark and the Indian Country," remarks and medallion presentation - 5:15 p.m., UNL's Love Library (auditorium)



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: October 22, 2008

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

TAUTE TO RETURN TO CITY ATTORNEY'S OFFICE

Mayor Chris Beutler has announced that Lincoln-Lancaster County Personnel Director Don Taute will return to the City Attorney's Office. Taute worked in the City Attorney's Office from 1984 to 2003, when he was appointed Personnel Director.

City Attorney John Hendry said he asked the Mayor to make the change because he was concerned about the loss of experience in his department following a recent retirement and a pending resignation.

"This move will help strengthen our law department, which plays an extremely crucial role in City government," said Beutler. "Don has proven himself to be an excellent administrator and negotiator. His outstanding work on the firefighters contract is just one example. I want to thank him for his willingness to serve where his skills are most needed at this time."

Beutler said Taute would remain as Personnel Director until the pending firefighter contract issue is resolved. The Mayor also said that Taute would remain part of the City's negotiating team on labor contracts. Plans for appointment of a new Personnel Director will be announced at a later time. An appointment will require approval of the City Council and County Board.



NEWS RELEASE

MAYOR CHRIS BEUTLER



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

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

Fax: 441-6229

www.lincoln.ne.gov

FOR IMMEDIATE RELEASE: October 23, 2008
FOR MORE INFORMATION: Brian Baker, 441-8046

SAFE KIDS LINCOLN-LANCASTER COUNTY PROVIDES HALLOWEEN SAFETY TIPS

Pedestrian Safety Awareness Essential for Kids on Dangerous Night of the Year

Halloween is supposed to be a spooky night, but parents don't have to be scared about their kids' safety if they follow some simple safety tips from Safe Kids Lincoln-Lancaster County. It's essential for parents to prepare their children properly to stay safe while trick-or-treating. Over a recent five-year period, twice as many child pedestrians have been killed on Halloween as have been killed throughout the rest of the year.

With the days getting shorter, children are likely to be trick-or-treating in the dark when it is harder for drivers to see them, and the excitement of the holiday can make everyone less cautious. To keep kids safe, parents should remind them about walking safely and ensure that they will be seen by drivers this Halloween.

"Parents need to remind kids about safety while walking before they go out trick-or-treating," says Brian Baker, co-coordinator of Safe Kids Lincoln-Lancaster County. "Children should bring flashlights or glow sticks with them, carry reflective bags, or have reflective tape on their costumes to increase visibility to drivers. Children should not wear masks which may inhibit their ability to see hazards. Ensuring kids are seen this Halloween is essential to keep this holiday fun for everyone." Baker also suggests families participate in one of the many supervised Halloween events being held across the City. These events eliminate many of the hazards that could result in injury.

-more-

Tips for Parents

Safe Kids recommends that children under age 10 do not trick-or-treat without adult supervision. If kids are mature enough to go trick-or-treating without supervision, make sure they go in a group and they stick to a predetermined route with good lighting. Parents must also remind kids to:

- **Cross streets safety.** Cross at a corner, using traffic signals and crosswalks. Try to make eye contact with drivers before crossing in front of them. Look left, right, and left again when crossing, and keep looking as you cross. Walk, don't run, across the street.
- **Walk on well lit sidewalks or paths.** If there are no sidewalks, walk facing traffic as far to the left as possible. Children should walk in familiar areas with minimal street crossings.
- **Be a safe pedestrian around cars.** Watch for cars that are turning or backing up. Never dart out into the street or cross between parked cars.

Tips for Drivers

Drivers need to do their part to keep trick-or-treaters safe from harm. Safe Kids also reminds motorists to be extra careful this Halloween and recommends that drivers:

- **Be especially alert.** Remember that popular trick-or-treating hours are during the typical rush-hour period between 5:30 - 9:30 p.m.
- **Drive more slowly.** Slow down and anticipate heavier than usual pedestrian traffic.
- **Lights on.** Be sure to drive with your full headlights on so you can spot children from greater distances.

Although pedestrian safety is a main concern on Halloween, parents also need to keep in mind that there are other hazards for their children on this holiday. Parents must check treats for choking hazards or signs of tampering before children are allowed to eat them. Safe Kids Lincoln-Lancaster County suggests that parents look for non-flammable costumes and non-toxic designations when choosing Halloween makeup and make sure their children wear well-fitting, sturdy shoes to prevent trips and falls. Finally, children should only go to homes where the residents are known and there are outside lights on as a sign of welcome.

For more tips on how to keep kids safe while walking on Halloween and throughout the year, visit 222.usa.safekids.org/wtw/halloween2008.html.

Safe Kids Lincoln-Lancaster County works to prevent accidental childhood injury, the leading killer of children 14 and under. Its members include AAA Insurance, American Red Cross, BryanLGH Medical Center, CEDARS Youth Services, Coast Guard Auxiliary of Nebraska, Delrae Designs, Inc., FedEx Express, Kiwanis Clubs of Lincoln, Lancaster County Sheriff's Office, Lincoln Fire and Rescue, Lincoln-Lancaster County Health Department, Lincoln Parks & Recreation, Lincoln Police Department, Lincoln Public Schools, Madonna Rehabilitation Hospital, Nebraska Games and Parks Commission, Nebraska Department of Health and Human Services, Nebraska Safety Council, Nebraska State Patrol, St. Elizabeth's Regional Medical Center, Snitily Carr Advertising, SouthPointe Pavilions, and YMCA. Safe Kids Lincoln-Lancaster County is a member of Safe Kids Worldwide, a global network of organizations dedicated to preventing accidental injury. Safe Kids Lincoln-Lancaster County was founded in 1996 and is led by the Lincoln-Lancaster County Health Department.

October 23, 2008

To: All Physicians, Administrators and Laboratory Personnel

From: Bruce Dart, PhD, Health Director

Subject: Physician Advisory

Bordetella pertussis

The Lincoln-Lancaster County Health Department has received reports on three cases of pertussis in Lancaster County this month. The cases involved children 2 months through 9 years of age. All were laboratory confirmed by PCR. Two of the cases, a 4 year old and 9 year old are epidemiologically linked.

Nebraska is experiencing an increase in pertussis activity, particularly in the south central area of the state. At this time, ninety-three cases have been reported in 2008 in Nebraska. Four cases have been reported to date in Lancaster County in 2008. In 2007 there were a total of seventy-three cases reported in the state. Lancaster County had no pertussis cases reported in 2007.

We are asking that health-care providers maintain a high index of suspicion for pertussis in patients presenting with an acute illness characterized by a prolonged cough. Pertussis is highly communicable in the early catarrhal stage and at the beginning of the paroxysmal cough stage (first 2 weeks). Thereafter, communicability gradually decreases and becomes negligible in about three weeks, despite persisting spasmodic cough with whoop. When treated the patient is no longer contagious after the fifth day following initiation of treatment with an appropriate antibiotic.

Serology is NOT recommended as a diagnostic test for *Bordetella pertussis*. Serology is not currently standardized in the U.S. and, therefore, is not considered reliable for laboratory confirmation. The two recommended diagnostic tests for *Bordetella pertussis* infection are PCR and culture. The challenge of laboratory diagnosis is two-fold: specimen collection requires an appropriately collected nasopharyngeal swab, and successful culture requires careful specimen handling, along with the use of special transport and culture media.

All household contacts and others with close extensive contact with a pertussis case should be treated regardless of immunization status or age. Other contacts outside the home that are symptomatic should be evaluated and treated as necessary. In general, asymptomatic contacts outside the home need not be treated. However, the American Academy of Pediatrics (AAP) recommends antimicrobial prophylaxis for all close contacts, such as child care workers and those at high risk for severe or complicated pertussis, regardless of their immunization status. Prophylaxis should be given to exposed healthcare workers and patients.

Close contacts — Close contacts are defined by:

- Face-to-face exposure within three feet of a symptomatic patient
- Direct contact with respiratory, oral, or nasal secretions from a symptomatic patient
- Sharing the same confined space in close proximity with a symptomatic patient for at or greater than 1 hour

Risk factors — Persons at high risk for severe or complicated pertussis include:

- Infants younger than 1 year, particularly those younger than 4 months
- Persons with immunodeficiency
- Persons with underlying medical conditions (chronic lung disease, respiratory insufficiency, cystic fibrosis)
- Because of the risk of severe disease in infants younger than 1 year of age, especially those younger than 4 months of age, women in the third trimester of pregnancy should be given postexposure prophylaxis

***Bordetella pertussis* infections should be reported to the Lincoln-Lancaster County Health Department at 441-8053 (Monday–Friday 8:00–4:30) or after hour and weekends call 441-8000 and ask for the Communicable Disease program.**

PERTUSSIS TREATMENT AND CHEMOPROPHYLAXIS REGIMENS

Age group	Erythromycin (14-day course)	Clarithromycin (7-day course)	Azithromycin* (5-day course)	Alternative
				TMP-SMX
Adolescents And adults	2 g /day in 4 divided doses for 14 days	1 g /day in 2 divided doses for 7 days	500 mg as a single dose on day 1, then 250 mg as a single dose on days 2-5	TMP, 320 mg/day; SMX, 1600 mg/day in 2 divided doses for 14 days
≥6 months	40-50 mg/kg/day in 4 divided doses (maximum 2 gm/day) for 14 days.	15 mg/kg/day in 2 divided doses (maximum 500 mg/dose) for 7 days.	10 mg/kg/day (maximum 500 mg) as a single dose on day 1, then 5 mg/kg/day as a single dose on days 2 –5. day (maximum 250 mg/day)	TMP, 8 mg/kg per day; SMX, 40 mg/kg per day in 2 doses for 14 days
1-5 months	40-50 mg/kg/day in 4 divided doses (maximum 2 gm/day) for 14 days.	15 mg/kg/day in 2 divided doses (maximum 500 mg/dose) for 7 days.	10 mg/kg/day in single daily dose for 5 days.	Contraindicated less than 2 months of age. TMP, 8 mg/kg per day; SMX, 40 mg/kg per day in 2 doses for 14 days
<1 month	Not preferred. Erythromycin is associated with infantile hypertrophic pyloric stenosis. 40-50 mg/kg/day in 4 divided doses (maximum 2 gm/day) for 14 days.	Not recommended	10 mg/kg/day in a single dose for 5 days.	Contraindicated less than 2 months of age. (risk for kernicterus)

***Recommended regimen due to fewer GI symptoms and better compliance.**

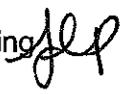
Physician Advisory Available By E-Mail

Physicians, Advance Nurse Practitioners, Physician Assistants, Health-Care and Laboratory Administrators can receive periodic physician advisories by e-mail. Send an e-mail to ttimmons@ci.lincoln.ne.us with your name, type of practitioner (MD, ARNP, PA-C, Administrator, etc.) and location of practice.

PC Mayor Chris Beutler
 Board of Health
 Steven Rademacher, MD, Medical Consultant
 Thomas Stalder, MD, Medical Consultant
 James Nora, MD, Medical Consultant
 Shelley Jones, M.D., Medical Consultant
 Richard Morin, M.D., Medical Consultant
 Joan Anderson, Executive Director, Lancaster County Medical Society

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning 

DATE : October 22, 2008

RE : **Special Permit No. 08036**
Hartland Estates 1st Addition Community Unit Plan
(S.W. 12th Street and West A Street)
Resolution No. PC-01145

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 22, 2008:

Motion made by Larson, seconded by Sunderman, to approve **Special Permit No. 08036**, with conditions, requested by Hartland Homes, Inc., for authority to develop **Hartland Estates 1st Addition Community Unit Plan** for four (4) dwelling units, together with a waiver of the requirements of the Land Subdivision Ordinance and Zoning Code to reduce the required lot depth and to reduce the rear yard setbacks, on property generally located at S.W. 12th Street and West A Street.

Motion for conditional approval carried 7-1: Cornelius, Esseks, Sunderman, Larson, Partington, Taylor and Carroll voting 'yes'; Gaylor Baird voting 'no'; Francis absent.

The resolution adopted by the Planning Commission approves three (3) dwelling units with the potential for one additional unit if one of the Design Standards for Density Bonuses can be met.

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 Letter of Acceptance will be mailed to the permittee by the City Clerk at the end of the 14-day appeal period.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Peter Katt, 1248 "O" Street, Suite 600, 68508
Marcia Kinning, ESP, 601 Old Cheney Road, Suite A, 68512
Duane Hartman, Hartland Homes, Inc., P.O. Box 22787, 68542
William Vocasek, West A Neighborhood Assn., 1903 W. Mulberry Court, 68522
Robert Bowen, West A Neighborhood Assn., 1901 W. South Street, 68522
Chris Cashmere, West A Neighborhood Assn., 3510 W. Plum, 68522
Bill Hergott, West A Neighborhood Assn., 1710 W. Washington Street, 68522
Mark R. Elliott, Eastern Nebraska Baptist Assn., P.O. Box 6157, Omaha, 68106-0157
Angela Antons, 1430 S.W. 14th Street, 68522
Jackie Jones, 1420 S.W. 14th Street, 68522

RESOLUTION NO. PC- 01145

SPECIAL PERMIT NO. 08036

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as
2 Special Permit No. 08036 for authority to develop Hartland Estates 1st Addition Community Unit
3 Plan for four dwelling units, together with a request to waive the requirements of the Land
4 Subdivision Ordinance and Zoning Code to reduce the required lot depth and to reduce the rear
5 yard setbacks, respectively, on property generally located at S.W. 12th Street and West A Street
6 and legally described as:

7 Outlot A, Hartland Estates 1st Addition, Lincoln, Lancaster County,
8 Nebraska;

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

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

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

1 That the application of Hartland Homes, Inc., hereinafter referred to as
2 "Permittee", to develop Hartland Estates 1st Addition Community Unit Plan for three dwelling
3 units, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter
4 27.65 of the Lincoln Municipal Code upon condition that construction of said development be in
5 substantial compliance with said application, the site plan, and the following additional express
6 terms, conditions, and requirements:

7 1. This permit approves three dwelling units with the potential for one additional unit
8 if one of the Design Standards for Density Bonuses can be met.

9 2. The requirement of Section 26.23.140 that residential lots have a minimum lot
10 depth of 90 feet is hereby reduced to 74 feet.

11 3. The requirement of Section 27.13.080 that single-family dwellings have a rear
12 yard setback of 30 feet or 20% of depth whichever is smaller is reduced to 15 feet.

13 4. Permittee shall cause to be prepared and submitted to the Planning Department a
14 revised and reproducible final plot plan including five copies showing the below required
15 revisions.

- 16 a. Show all easements requested by LES.
- 17 b. Show that improvements to the existing frontage meet public street
18 standards including but not limited to required grading, street profile, right-
19 of-way, and hammer head turn around.
- 20 c. Add a note stating "the public street improvement shall be built at the time
21 of final plat."
- 22 d. Add a note stating "access to W. A Street will be relinquished at the time
23 the property to the east develops and alternative access can be provided
24 to these lots."
- 25 e. Revise the grading plan and street system to the satisfaction of Public
26 Works per their memo dated October 13, 2008.
- 27 f. Add to the general notes "Outlot A abutting Lots 4 and 5, Block 1,
28 Heartland Estates 1st Addition will be replatted and added to one or both of
29 the lots.
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- 1 g. Show 3 units instead of 4 unless a density bonus can be achieved.
- 2 h. Show where fire hydrants are located.
- 3
- 4 i. Add a note stating each proposed lot will require a use of State right-of-
- 5 way permit from the Nebraska Department of Roads to construct each
- 6 driveway.
- 7 j. Add to the General Notes "The property owner or owners will be
- 8 responsible for maintaining that portion of the right -of-way between the
- 9 north curb of the frontage road and the south side of the pavement of W. A
- 10 Street."

11 5. Prior to the issuance of a building permit:

- 12 a. The construction plans must substantially comply with the approved
- 13 plans.
- 14
- 15 b. Provide documentation that an avigation and noise easement to the
- 16 Lincoln Airport Authority on all or that part of the land located within the
- 17 Airport Environs Noise District has been received by the Lincoln Airport
- 18 Authority.
- 19
- 20 c. Provide documentation from the Register of Deeds that the letter of
- 21 acceptance as required by the approval of the special permit has been
- 22 recorded.
- 23
- 24 d. Final plats must be approved by the City.

25
26 If any final plat on all or a portion of the approved community unit plan is
27 submitted five (5) years or more after the approval of the community unit
28 plan, the city may require that a new community unit plan be submitted,
29 pursuant to all the provisions of section 26.31.015. A new community unit
30 plan may be required if the subdivision ordinance, the design standards,
31 or the required improvements have been amended by the city; and as a
32 result, the community unit plan as originally approved does not comply
33 with the amended rules and regulations.

34
35 Before the approval of a final plat, the public streets, private roadway
36 improvements, sidewalks, public sanitary sewer system, public water
37 system, drainage facilities, land preparation and grading, sediment and
38 erosions control measures, storm water detention/retention facilities,
39 drainageway improvements, street lights, landscaping screens, street
40 trees, temporary turnaround and barricades, and street name signs, must
41 be completed or provisions (bond, escrow or security agreement) to
42 guarantee completion must be approved by the City Law Department.
43 The improvements must be completed in conformance with adopted
44 design standards and within the time period specified in the Land
45 Subdivision Ordinance. A cash contribution to the City in lieu of a bond,
46 escrow, or security agreement may be furnished for sidewalks and street

1 trees along major streets that have not been improved to an urban cross
2 section. A cash contribution to the City in lieu of a bond, escrow, or
3 security agreement may be furnished for street trees on a final plat with 10
4 or fewer lots.

5 e. Permittee shall enter into an agreement with the City wherein Permittee
6 as subdivider agrees:

- 7 i. to complete the street paving of public streets, and temporary
8 turnarounds and barricades located at the temporary dead-end of
9 the streets shown on the final plat within two (2) years following the
10 approval of the final plat.
- 11 ii. to complete the installation of sidewalks along both sides of the
12 public street as shown on the final plat within four (4) years
13 following the approval of the final plat.
- 14 iii. to complete the public water distribution system to serve this plat
15 within two (2) years following the approval of the final plat.
- 16 iv. to complete the public wastewater collection system to serve this
17 plat within two (2) years following the approval of the final plat.
- 18 v. to complete the enclosed public drainage facilities shown on the
19 approved drainage study to serve this plat within two (2) years
20 following the approval of the final plat.
- 21 vi. to complete land preparation including storm water
22 detention/retention facilities and open drainageway improvements
23 to serve this plat prior to the installation of utilities and
24 improvements but not more than two (2) years following the
25 approval of the final plat
- 26 vii. to complete the installation of public street lights along streets
27 within this plat within two (2) years following the approval of the
28 final plat.
- 29 viii. to complete the planting of the street trees along **streets** within this
30 plat within four (4) years following the approval of the final plat.
- 31 ix. to complete the planting of the landscape screen within this plat
32 within two (2) years following the approval of the final plat.
- 33 x. to complete the installation of the permanent markers prior to
34 construction on or conveyance of any lot in the plat.
- 35 xi. to complete any other public or private improvement or facility
36 required by Chapter 26.23 (Development Standards) of the Land
37 Subdivision Ordinance in a timely manner which inadvertently may
38 have been omitted from the above list of required improvements.
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- xii. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xiii. to complete the public and private improvements shown on the Community Unit Plan.
- xiv. to keep taxes and special assessments on the outlots from becoming delinquent.
- xv. to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.
- xvi. to maintain the landscape screens on a permanent and continuous basis.
- xvii. to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.
- xviii. to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

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- xix. to relinquish direct vehicular access to W. A Street Street from all Lots and Outlots until the frontage road shown on the CUP, a temporary dead-end street, is extended into the abutting property.
- xx. to submit to all potential purchasers of lots a copy of the ground water report.
- xxi. to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

6. Before occupying the dwelling units or starting the operation all development and construction is to substantially comply with the approved plans.

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

8. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

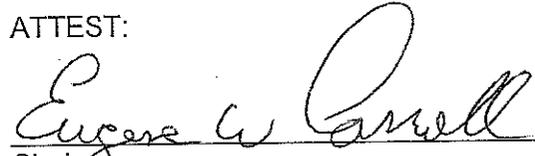
9. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

10. 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 Permittee.

11. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in full force and effect except as specifically amended by this resolution.

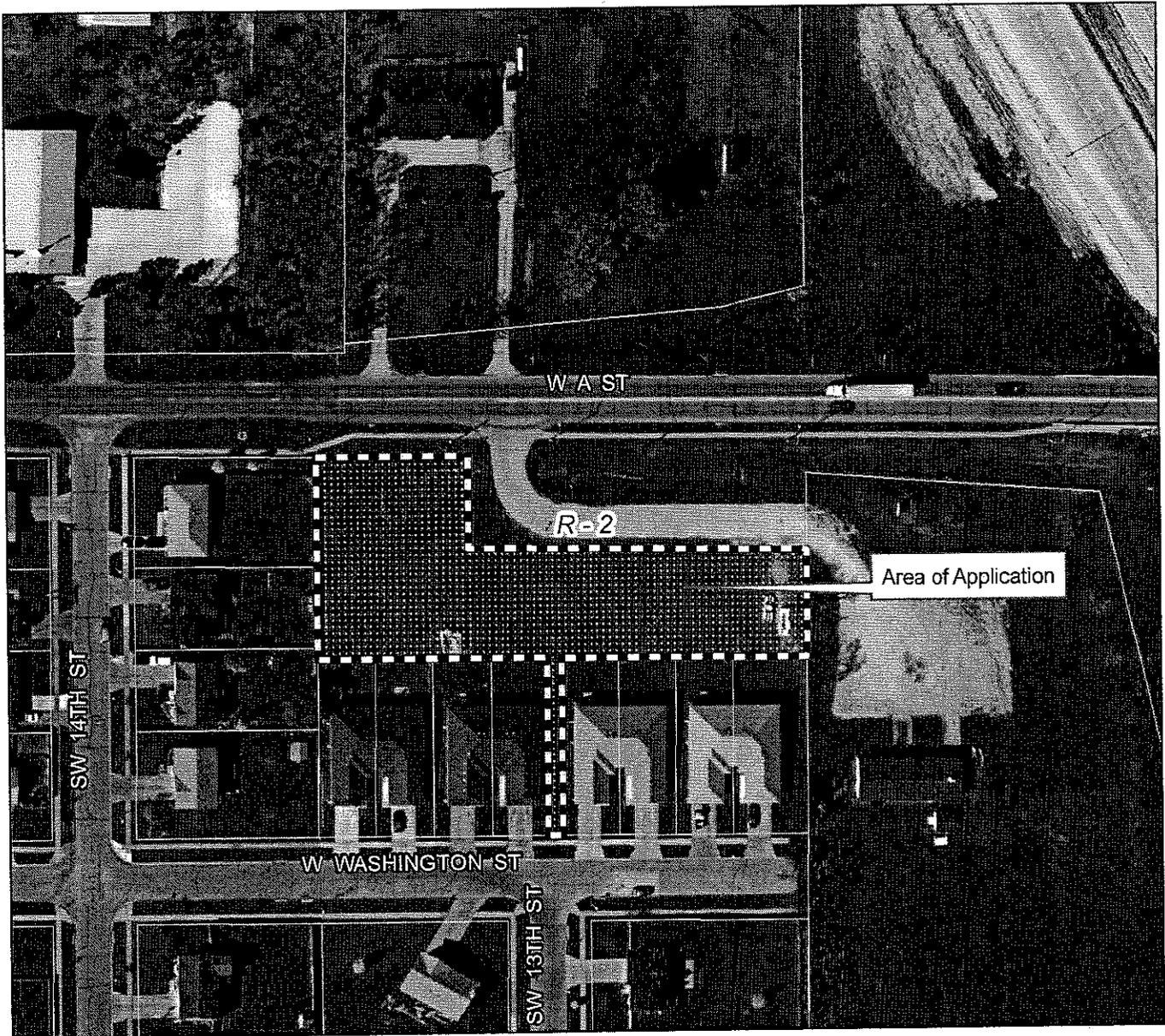
1 12. The foregoing Resolution was approved by the Lincoln City-Lancaster County
2 Planning Commission on this 22 day of October, 2008.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



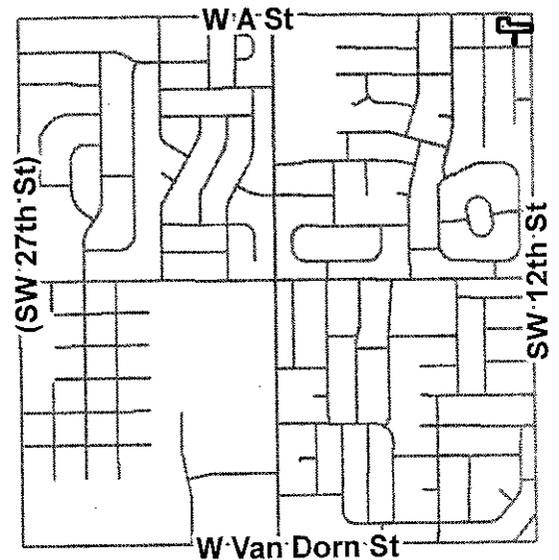
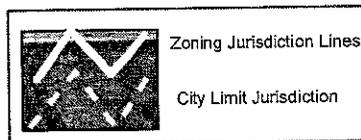
2007 aerial

Special Permit #08036
SW 12th & W A St

Zoning:

One Square Mile
 Sec. 33 T10N R06E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District





PUBLIC WORKS & UTILITIES ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

October 17, 2008

STORM WATER PROJECT TO START PROJECT #702386

Next week the City of Lincoln Public Works and Utilities Department will be starting a storm water project in your area. We are issuing this advisory because your neighborhood will be affected by this construction.

- **The reason for the work and limits of the construction are as follows:**
This construction will add new pipes and inlets to the existing storm water system which will increase the capacity and improve storm water drainage. The limits of construction will be in Sumner Street from 53rd Street to 55th Street.
- **Construction Schedule:**
The contractor for this project is Pavers Inc. Their schedule will begin with sawing the pavement and delivering materials (which will affect parking) October 23, 2008. Weather permitting and barring unforeseen conditions, they plan to be completed with the project in approximately three to four weeks.
- **Temporary Inconvenience:**
The City of Lincoln realizes this construction project may temporarily inconvenience you. The contractor will try to maintain access to individual properties but at times may have to close the access during that portion of the project. Please contact the contractor if you need special access arrangements or if you need to schedule fence removals.
- **Commonly Asked Questions:**
Q: Will this project cost me directly?
A: No not directly, but as a taxpayer we all share in the costs of community improvements.

Q: If my driveway or sidewalk is damaged or removed, will it be replaced?
A: Yes.

Q: If my lawn is disturbed by the construction activities, will it be restored to its original condition?
A: Yes, the earthwork will be completed as needed and vegetation will be restored in the disturbed areas.
- **Contacts for this project if you have questions:**
Manuel "Manny" Martinez
Pavers Inc.
(402) 430-1344

Brian Dittmann, Project Manager
City of Lincoln, Engineering Services
(402) 525-5646

MEMORANDUM

To: David Landis, Director, Urban Development Department
From: Greg MacLean, Director, Public Works & Utilities *Steve Masters for GM*
CC: City Clerk, Mike Lang, Hallie Salem, Steve Masters, Roger Figard
Date: October 22, 2008
Subject: North Haymarket Arts and Humanities - Phase II Redevelopment Agreement--
Public Infrastructure

The North Haymarket Arts and Humanities - Phase II agreement creates an opportunity to construct improvements to public facilities (pipelines and paving) in advance of the timing that our capital improvements budget would be able to provide. The following points are noteworthy:

- Urban Development has facilitated sessions with the developer and Public Works & Utilities to create mutual opportunities to enhance service to the development project and to publicly owned infrastructure.
- Pipelines in the vicinity of this project were among some of the earliest constructed in the City.
- Pipelines and street surfaces adjacent to the development site are in need of repair and/or replacement.
- The improvements anticipated with this work will directly benefit publicly owned and maintained facilities.
- TIF is an appropriate source of funding for projects such as this, given that other funds are not available to complete the work within a time frame that fits the project schedule.
- Without TIF, Public Works would need to redirect funding from other areas of the City, including the extension of service to new commercial and residential areas, in order to improve infrastructure in Downtown and Antelope Valley.

We have read the agreement for the North Haymarket Arts and Humanities - Phase II Project and support the use of TIF for the proposed infrastructure improvements.

MEMORANDUM

To: David Landis, Director, Urban Development Department
From: Greg MacLean, Director, Public Works & Utilities *Steve Masters for GM*
CC: City Clerk, Mike, Lang, Hallie Salem, Steve Masters, Roger Figard,
Date: October 22, 2008
Subject: Block 85-- Redevelopment Agreement--Public Infrastructure

The Block 85 agreement creates an opportunity to construct improvements to public facilities (pipelines and paving) in advance of the timing that our capital improvements budget would be able to provide. The following points are noteworthy:

- Urban Development has facilitated sessions with the developer and Public Works & Utilities to create mutual opportunities to enhance service to the development project and to publicly owned infrastructure.
- The late-1800's marks the original construction of the water main slated for replacement with this project.
- Water and sewer pipelines in the vicinity of this project were among some of the earliest construction in the City.
- Pipelines and street surfaces adjacent to the development site are in need of repair and/or replacement.
- Improvements anticipated with this work will directly benefit publicly owned and maintained facilities.
- TIF is an appropriate source of funding for projects such as this given that other funds are not available to complete the work within a time frame that fits the project schedule.
- Without TIF, Public Works would need to redirect funding from other areas of the City, including the extension of service to new commercial and residential areas, in order to improve infrastructure in Downtown and Antelope Valley.

We have read the agreement for the Block 85 Project and support the use of TIF for the proposed infrastructure improvements.



David Andrews
<dba@redbug.org>
10/21/2008 11:12 PM

To <council@lincoln.ne.gov>
cc
bcc
Subject Proposed Segway ordinance

Hello,

I am David Andrews, a resident of central Florida, and not one of your constituents -- so I don't have much standing with you folks. But may I comment on a news item that I read tonight? According to:

<http://www.kolnkgin.com/home/headlines/31964654.html>
the Council is contemplating relaxing its Segway laws.

This is a *really* good idea. In the 20 months that I've owned my Segway I've averaged about 200 miles a month on it -- I use it for my daily commute, and we have become a one-car family. (It happens that in my area the sidewalks are very good, and that I can go most everywhere I want within a 10 mile radius.)

That works out to 160 gallons of gasoline that I didn't burn!

In Florida, Segways are classified as pedestrians (actually "EPAMDs" -- mobility devices) and can in general be used on sidewalks, bike paths, and streets where the posted speed limit is 25mph or less.

At about 4,000 miles of travel I haven't once collided with -- or even touched -- another person. I've given well over a hundred demo rides, one of which was to a local city commissioner whose own pet project is sidewalk maintenance. I'm well thought of by the local gendarmes, who wave to me as I pass. I've been welcomed into the neighborhood Home Depot and Lowe's stores, and the Target and Borders stores allow me to park at their front counters.

Now I generally don't care to ride the Segway indoors because I'm able-bodied -- but I once gave a demo to a man wearing a prosthetic leg, and I clearly see the value a Segway might have to a disabled person.

The Segway community is still relatively small, and most of us are eager to make a good impression. I think you'll find that Segway owners in Lincoln are no less conscientious.

Thanks for your consideration, and Keep up the Good Fight,

--

David Andrews
2128 Knollview Ct.
Oviedo, FL 32765
dba@redbug.org

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Wednesday October 22, 2008 8:57 AM

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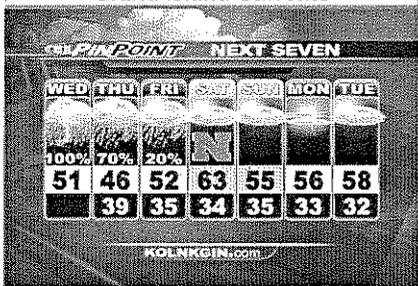


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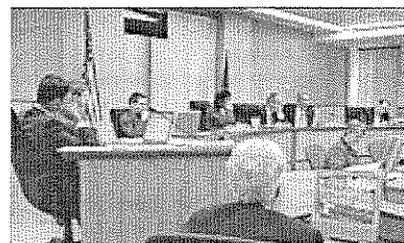


City Council Considers Segway Ordinance

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Lincoln
 Posted: 5:55 PM Oct 21, 2008
 Last Updated: 7:20 PM Oct 21, 2008
 Reporter: Keller Russell
 Email Address: Keller.Russell@kolnkgin.com



0 comments

Council Considers Segway Ordinance

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 or other employers.

Bicycles and pedestrians aren't the only thing drivers need to be looking for on the road.

A | A | A

The Lincoln City Council is considering an ordinance that would allow segways to have access to roads and sidewalks too.

Currently, segways are not allowed on city sidewalks and roads because they're motorized and are not registered.

But the city attorney's office and some residents are proposing Lincoln adopt an ordinance to change that.

Michael Hendel owns two segways. He's put on about 500 miles over the last year or so.

"We love it. Because not only is it a great form of transportation but it's also a lot of fun," said Hendel.

But the 500 miles of fun is something Michael wouldn't be able to take on, on his own.

"Well, I have Multiple Sclerosis. I have problems with balance. I have problems with fatigue. I can't go for long walks with my wife. Now, the whole worlds open to me. I can go anywhere," said Hendel.

But Lincoln's law limits Michael and his wife Cynthia's only source of transportation.

So, they're asking for the city council to make a change. To allow segways on city sidewalks and streets.

"There's a reason why hundreds of police departments and security firms and airports have chosen the segway. It's because of it's great mobility and control in crowded spaces," said Hendel.

City council member Robin Eschliman is concerned about the space on the street with this proposal.

"Do you see any value in keeping this language in the ordinance that says it's OK to go in the street cause it sounds dangerous to me, to allow that," said Eschliman during Monday's council



meeting.

Captain Doug Srb with the Lincoln Police Department says he doesn't think people will use the roads other than to go from sidewalk to sidewalk.

"We pretty much gave them (the segways) a road test, if you will. We don't have any particular problem with the passage of this ordinance. We don't think it's going to be a big problem," said Srb.

The city council will vote next Monday night on the ordinance. If passed, the change would most likely go into effect a few weeks later.

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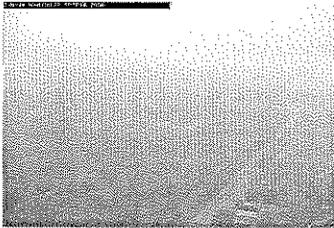
City Council Considers Segway Ordinance

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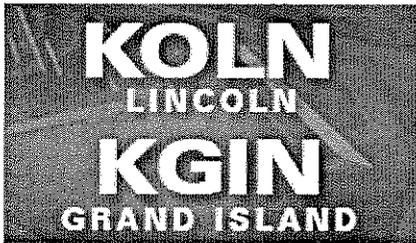
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<flyingflowers@msn.com>

10/22/2008 03:51 PM

To <council@lincoln.ne.gov>

cc

bcc

Subject Proposed Annexations

October 2008

Dear City Council Members:

My letter is sent to request that you delete Area 12 from your proposed annexations for 2009.

Nearly all of this land is in acreages and we intend to keep it that way. We are not interested in sub-dividing. During the September 25th Open House, Steve Hendrichsen repeatedly commented that "the developer" could do this or that. Considering the attitude of the land owners, the city is not going to gain the additional revenue they are hoping for.

Many acreage owners are retired and live on fixed incomes. The additional costs of annexation would be an unfair hardship, with minimal benefit, during this time of economic turmoil with increasing energy cost and the financial markets. The City of Lincoln is facing its own financial problems.

Mr. Krout of the Planning Commission, stated the city has enough developable lots within the City limits to last 8 to 10 years.

As Mr. Hendrichsen undoubtedly reported, most of the objections to annexation at the September 25th meeting were from residents in Area 12. Out of respect for Area 12 residents, we respectfully ask that you delete Area 12 from your list of 2009 annexations and delay any thought of annexation for many more years until economic times are better... for both the City and for us.

Sincerely,

Larry and Denise Maack
535 Pennsylvania Ave.
Lincoln NE



<sjaswal@unlserve.unl.edu>

10/23/2008 12:18 PM

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

cc jcook <jcook@lincoln.ne.gov>, <council@lincoln.ne.gov>

bcc

Subject Re: Routes 45-46

Thanks for your response. Please consider the following:

1. 45-Arapahoe does not stop at 11 and O. It stops at 11 and N which is two blocks and a traffic light away from 11 and P.
2. Star Shuttle at Gold's is going away from the campus. Thus catching Star Shuttle and wandering all over downtown in it before getting to campus will take lot more time that walking to most of the places on campus.
3. Since my suggested stop at 11 and P will add only couple of minutes to the time of this route as pointed out in my earlier email below, this change will have essentially no impact on the operation of this route. Since this minimal-impact change will help tremendously the UNL community, I urge you to implement it as a friendly and caring gesture to your patrons at UNL.

Sitaram Jaswal
UNL Professor

Quoting StarTranInfo@ci.lincoln.ne.us:

> Thank you for your comments. The 45-Arapahoe would get you as close
 > as 11th & "O", that is just one block to "P" Street, or you could
 > catch the Star Shuttle at Gold's which would take you closer to UNL.
 > Again, thank you for your comments and patronage.
 > -----Sitaram Jaswal <sjaswal@unl.edu> wrote: -----

>
 > To: <StarTranInfo@lincoln.ne.gov>
 > From: Sitaram Jaswal <sjaswal@unl.edu>
 > Date: 10/17/2008 04:35PM
 > cc: SITARAM S JASWAL <sjaswal@unlserve.unl.edu>
 > Subject: Routes 45-46

>
 > Hi, I work at UNL and am a regular rider of Arapahoe bus. The route
 > change has adversely affected those of us who work at UNL since this
 > bus stays far away from UNL now. Originally a P street stop by the
 > YMCA was on the route of 45-46 bus somehow it got dropped. I am
 > writing to request that this stop be added to this route to help the
 > UNL community. It could be added now to the 45 route. After 45 and 46
 > routes are combined, it could be added to the part of the route when
 > 46 bus is coming into town along 'O' by taking a left turn at 10 and
 > 'O' streets to come by the YMCA stop on P street. These changes should
 > add no more than couple of minutes to the route time. I am sure that
 > the UNL community would greatly appreciate this thoughtful gesture on
 > your part. The process of combining another downtown route with 45 bus
 > to meet my transportation needs results in wasting as much time as it
 > takes me to get to downtown from my home. I would very much appreciate
 > your thoughtful consideration of this proposal and your response.
 > Sitaram Jaswal UNL Professor

>
 * Sitaram Jaswal *
 * Emeritus Professor *
 ***** * Dept. of Physics and Ast. *
 * 213AA Ferguson Hall *
 * University of Nebraska *
 * Lincoln, NE 68588-0111 *
 * Ph: 402 472 2787 *
 * Fax: 402 472 2879 *

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, OCTOBER 27, 2008**

I. MAYOR -

1. NEWS RELEASE - RE: Public Invited To Meeting On Future Of Pershing.
2. NEWS RELEASE - RE: Mayor Beutler's Public Schedule Week of October 25 through October 31, 2008 - Schedule subject to change (E-Mailed to Council on 10/24/08).
3. NEWS ADVISORY - RE: Snow Operation Reports.
4. NEWS RELEASE - RE: Part Of MoPac Trail To Close Monday.
5. NEWS RELEASE - RE: City Receives "Trees For Nebraska Towns" Grant.

II. CITY CLERK -

1. E-Mail Letter from Thomas E. Henning, Assurity Life Insurance Company - RE: North Haymarket Arts & Humanities Phase II Redevelopment Project.

III. CORRESPONDENCE -

A. COUNCIL REQUESTS/CORRESPONDENCE - None

B. DIRECTORS AND DEPARTMENT HEADS -

COUNTY COMMISSIONERS

1. Letter from Kerry Eagan, Chief Administrative Officer to the Lancaster County Board of Commissioners - RE: Selection of New Personnel Director.

URBAN DEVELOPMENT

1. Letter from David Landis, Director - RE: North Haymarket Arts and Humanities - Phase II Redevelopment Project Agreement.
2. Letter from David Landis, Director - Block 85 Redevelopment Project Agreement.

C. MISCELLANEOUS -

1. E-Mail Letter from Bob Stephens, Heritage Square Partners - RE: In Support of the Block 85 project.
2. Letter from Clayton Anderson, Commonwealth Electric Company - RE: Stonebridge Creek 8th Addition.
3. E-Mail and Letter from Mark Hunzeker - RE: North Haymarket Arts & Humanities Redevelopment Phase II.
4. E-Mail from Scott Baird - RE: Arts & Humanities Hotel Block and Color Court Redevelopment.



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: October 24, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Kent Morgan, Planning Department, 441-7491

PUBLIC INVITED TO MEETING ON FUTURE OF PERSHING

Mayor Chris Beutler encourages citizens to attend “The Future of Pershing: A Community Discussion” Wednesday, October 29 at the Pershing Center. The open house is from 5 to 7:30 and includes presentations on the history of event facilities in Lincoln at 5:15, 5:45, 6:15 and 6:45 p.m.

“As the community looks into building a new arena in the West Haymarket, we also need to address the future of this historic building which has been successfully holding events for more than 50 years,” Beutler said. “The meeting is a great opportunity to tour Pershing, to have your questions answered and to offer your own ideas.”

Mayor Beutler and UNL Athletic Director Dr. Tom Osborne will attend the event to hear from residents. Members of the Pershing Advisory Board also will be available to meet with those attending.

The meeting is part of the Pershing Adaptive Reuse and Site (PARS) Study which began earlier this year. The study is being managed through the Lincoln-Lancaster County Planning Department in cooperation with the Pershing Advisory Board and Pershing Center staff. Helping with the study is a design team of local architects and facility experts lead by the firm of Bahr Vermeer Haecker Architects.

The PARS Study includes a design contest among UNL architecture students. The student entries will be on display at the meeting. Other displays will include information on Pershing’s current condition and the redevelopment concepts for the West Haymarket.

More information on the PARS Study is available on the City Web site at lincoln.ne.gov (keyword: pars).



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

DATE: October 24, 2008

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

Mayor Beutler's Public Schedule
Week of October 25 through October 31, 2008
Schedule subject to change

Monday, October 27

- Lincoln Public Schools news conference with Lord Mayor of Westminster, England on Lincoln high schools' participation in London Parade, Mayor to present medallion - 9:30 a.m., Embassy Suites, 1040 "P" St.

Tuesday, October 28

- KFOR "Lincoln Live" - 11 a.m., 3800 Cornhusker Hwy.
- International visitor from Brazil - 3 p.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.

Wednesday, October 29

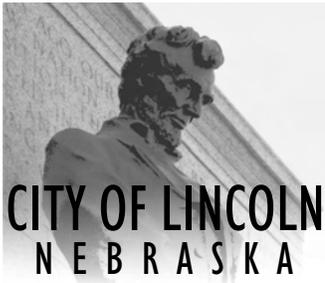
- Wal-Mart ribbon-cutting, remarks - 7:30 a.m., 3400 N. 85th St.
- Public open house on future of Pershing - 5 to 7:30 p.m., Pershing Center

Thursday, October 30

- KFOR - 7:45 a.m.
- International visitors from Tajikistan and other countries - 1:30 p.m., Mayor's Conference Room
- Nebraska League of Conservation Voters Annual Awards Gala - 5:30 p.m., Chez Hay, 210 N. 14th St.

Friday, October 31

- Downtown Lincoln Association 2008 Downtown Impact awards luncheon, remarks - noon, Embassy Suites, 1040 "P" St.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

TO: Editors, News Directors, Reporters
FROM: Diane Gonzolas, Citizen Information Center (CIC)
DATE: Oct. 24, 2008
RE: Snow operation reports

Thank you in advance for helping us relay the latest information on City snow operations to the public. The City's goal is to keep the streets cleared and safe. Residents are encouraged to help by not parking on the street during any snow storm, and your assistance in getting this word out is greatly appreciated.

This memo clarifies a few points regarding City snow operations so that you can help us provide the most accurate information possible. **I ENCOURAGE YOU TO MAKE COPIES OF THIS MEMO FOR YOUR ENTIRE STAFF.** The City Web site (lincoln.ne.gov) and the Windstream phone book blue pages 48 and 49 also are good references.

- The Mayor can declare two types of parking bans:
 - * **SNOW EMERGENCY:** Parking is banned on both sides of emergency snow routes, arterial streets and City bus routes. A map can be found on the City Web site and in the Alltel/Windstream phone book. The ban is in effect until the Snow Emergency declaration is rescinded by the Mayor.
 - * **RESIDENTIAL PARKING BAN:** Parking is banned first on the even-numbered (north and east) sides of the street. Once the Mayor has terminated that ban, parking will be banned on the odd-numbered (south and west) sides of the street, and parking is again permitted on the even side.
- CIC will issue regular reports at 4:30 a.m., 8 a.m., 11 a.m., 4 p.m., 7 p.m. and at other times as needed. We also will issue immediate reports when parking bans are declared or rescinded. All reports will be e-mailed and recorded on the media line, 441-7783. During regular business hours, reports also will be faxed. ***Check the time and date on these reports to make sure you have the latest information.***
- CIC should be your first contact for snow reports. CIC has four people who handle snow information in shifts -- phone numbers and a schedule are listed at the end. We realize there are times when you need to contact the Snow Center directly at 441-7644. ***Please avoid calling the Snow Center before 7:30 a.m.*** Any information available at that time will be in 4:30 a.m. report that is e-mailed and recorded on the media line.
- Because weather conditions can change rapidly, please be cautious when using interviews that are more than a few hours old -- they may no longer be accurate.

- more -

Snow Operations
Oct. 24, 2008
Page Two

PHONE NUMBERS AND CIC SNOW SCHEDULE:

Diane Gonzolas (manager)	office 441-7831	home 421-1247	cell 525-1520
Dave Norris	office 441-7547	home 474-4061	
Rick Koepping	office 441-7317	home/cell 304-3799	
Heather Bennett	office 441-6801	home 742-0180	

Diane will be snow duty from 5:30 p.m. Sundays to 5:30 p.m. Fridays unless noted below with asterisks.
Below is the rest of the on-call schedule, which runs from 5:30 p.m. the first day to 5:30 p.m. the last day:

Oct. 24 - 26: Dave
Oct. 31 - 2: Rick
Nov. 7 - 9: Diane
Nov. 14 - 16: Heather
Nov. 21 - 23: Rick
* Nov. 25 - 30: Dave
Dec. 5 - 7: Diane
Dec. 12 - 14: Heather
Dec. 19 - 21: Rick
Dec. 26 - 28: Diane
Jan. 2 - 4: Heather
Jan. 9 - 11: Dave
* Jan. 16 - 19: Rick
Jan. 23 - 25: Diane
Jan 30 - Feb. 1: Diane
Feb. 6 - 8: Dave
* Feb. 11 - 16: Heather
Feb. 20 - 22: Rick
Feb. 27 - March 1: Dave
March 6 - 8: Heather
March 13 - 15: Rick
March 20 - 22: Dave
March 27 - 29: Heather



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

PARKS AND RECREATION DEPARTMENT
2740 "A" Street, Lincoln, NE 68502, 441-7847, fax 441-8706

FOR IMMEDIATE RELEASE: October 27, 2008

FOR MORE INFORMATION: J.J. Yost, Parks and Recreation, 441-8255

PART OF MOPAC TRAIL TO CLOSE MONDAY

Lincoln Parks and Recreation officials announced today that Mopac Trail between 33rd and 35th streets will close for about two weeks (weather permitting) beginning Monday, November 3 for reconstruction of an existing retaining wall.

The aging retaining wall is failing and has been deemed hazardous. The wall will be removed and a new wall built in its place.

The Mopac Trail runs from 33rd and Vine streets to 72nd and "O" streets.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

PARKS AND RECREATION DEPARTMENT

Forestry Division, 2740 "A" Street, Lincoln, NE 68502, 441-7847, fax 441-8706

FOR IMMEDIATE RELEASE: October 27, 2008

FOR MORE INFORMATION: Steve Schwab, City Arborist, Parks and Recreation, 441-7035

CITY RECEIVES "TREES FOR NEBRASKA TOWNS" GRANT

The City of Lincoln has received a \$7,500 grant from the "Trees for Nebraska Towns" (TNT) program. The TNT grant, which will be matched by the City, will be used to fund Lincoln's ReTree Nebraska Street Tree Voucher Program for planting shade trees in City rights of way.

The TNT program is funded by the Nebraska Environmental Trust and coordinated by the Nebraska Statewide Arboretum. The program recently awarded more than \$300,000 in landscape beautification funds to 23 Nebraska communities.

Lincoln property owners who are interested in planting street trees on City rights of way should contact the Lincoln Parks and Recreation Forestry Division at 441-7035.

ReTree Nebraska is a 10-year cooperative initiative to raise public awareness of the value of trees, reverse the decline of Nebraska's tree and forest resources and improve the health and sustainability of trees and forests across the state for future generations. The primary goal of ReTree Nebraska is to work in partnership with people across Nebraska to foster the proper planting and maintenance of one million new trees by 2017.

More information on the City's Forestry Division is available on the City Web site at lincoln.ne.gov (keyword: trees).



Thomas E. Henning, CLU, ChFC, CFA
Chairman, President and C.E.O.
(402) 437-4415 • thenning@assurity.com

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October 27, 2008

The Honorable Robin Eschliman
Chair
Lincoln City Council
555 South 10th Street
Lincoln, Nebraska 68508

RE: North Haymarket Arts & Humanities Phase II Redevelopment Project

Dear Councilperson Eschliman:

I want to encourage your active support of the North Haymarket Arts and Humanities redevelopment project. The benefits of this project are wide spread. The first component to be completed will be a \$25 million extended stay hotel that will have an art focus. The hotel will be designed with complementary services and shared opportunities for the new Sheldon Haymarket project, a second related component that could approach another \$10 million capital investment for the Lincoln community.

As you know, the Arts and Humanities project is one of the ten 2015 Vision pillars. Implementation will accomplish many goals for the Lincoln community, provide new jobs and economic development opportunities; help retain young people to stay in Lincoln; and leverage the fine attributes of the University of Nebraska-Lincoln. Combined, the project will leverage public dollars with new private sector investments and philanthropic gift.

The project has been in the planning and development stages for over two years. When completed, the Arts and Humanities block will be a major tourist and cultural attraction for our city. Thank you for your consideration and support of this important matter.

Sincerely,

A handwritten signature in black ink that reads 'Thomas E. Henning'. The signature is written in a cursive style with a large, prominent 'T' and 'H'.

Thomas E. Henning, CLU, ChFC, CFA
Chairman, President, CEO

cc: City Clerk, Mayor Beutler, Chancellor Perlman, 2015 Vision Steering Committee



LANCASTER COUNTY BOARD OF COMMISSIONERS

Bernie Heier Larry Hudkins Deb Schorr Ray Stevens Bob Workman
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Administrative Officer*

October 24, 2008

RECEIVED

OCT 24 2008

**CITY COUNCIL
OFFICE**

Honorable Mayor Chris Beutler
City of Lincoln
555 South 10th Street, Suite 208
Lincoln, NE 68508

RE: Selection of New Personnel Director

Dear Mayor Beutler:

Pursuant to the Interlocal Agreement governing the operation of the Lincoln-Lancaster County Personnel Department, "The city-county personnel administrator shall be subject to appointment by the mayor and by the county board of commissioners. No appointment shall be final and valid until the city council shall have acted affirmatively thereon." The County Board is interested in working closely with you in selecting the new Personnel Director to replace Don Taute. In this regard, Commissioners Deb Schorr and Ray Stevens have been designated as the Board's representatives to work with your office in the screening and interviewing of potential candidates.

Please contact me if you have any questions regarding this letter or would like to speak directly to the Board regarding the selection process. The Board looks forward to working with you to select the best candidate for this important position.

Sincerely,


Kerry P. Eagan
Chief Administrative Officer

cc: County Board
City Council ✓

F:\files\COMMISS\KPE>Select Personnel Director.wpd



To: Lincoln City Council Members
From: David Landis, Director 
Date: October 27, 2008
Subject: North Haymarket Arts and Humanities - Phase II
Redevelopment Project Agreement

**CITY OF LINCOLN
NEBRASKA**

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Urban Development Department
David Landis, Director
808 "P" Street
Suite 400
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

In response to questions raised by City Council on the North Haymarket Arts and Humanities - Phase II Redevelopment Project Agreement, the Urban Development Department is providing the following information.

The North Haymarket Arts and Humanities - Phase II Redevelopment Project Agreement proposes a project valued at approximately \$25 million: \$2.7 million in TIF supported by a \$22.2 million private investment. The initial estimation of TIF when previously before City Council was \$2.4 million for a \$16.2 million investment. The project costs increased when a fifth floor was added to the project.

Redevelopment activities include the construction of a 166-room hotel, with 8,000 square feet of retail space. Exhibit C of the agreement attached to this letter lists the estimated costs of the private improvements, as well as the public improvements. The public improvements are listed as equal priority in the agreement. Public improvements proposed to be located within the public right-of-way include: utilities and infrastructure improvements, streetscape and dock improvements, and public art, totaling approximately \$1.6 million. Public benefit improvements proposed to be constructed on private property include demolition and site preparation, façade improvements, and courtyard/plaza improvements, totaling approximately \$1.1 million. Provisions for "pour-over" TIF are not included in the agreement.

In addition to TIF funded activities, the City included language in the agreement for first rights of refusal for 100 spaces from City garage at the monthly parking rate at the time of the lease. The developer will be required to pay the monthly parking rate required of all monthly parkers. Those who have signed redevelopment agreements dated prior to the date of the proposed agreement are "first in line" for parking rights. The Haymarket Hotel Development Projects Parking Study completed on October 24, 2008 by Carl Walker Parking indicates that during peak weekday use, there is a surplus of 355 spaces in the area; on a peak weekday evening that availability increases to 587 spaces; and, on peak weekend evening 557 spaces are available. This availability meets the needs of this development project.

The project is located in the core of the City. The Lincoln City Council declared the Downtown Area, including the proposed redevelopment area, blighted in 1984 and affirmed the area "blighted and substandard" in 1987. Public improvements made per the redevelopment agreement will assist in the removal of blighted and substandard conditions.

The current assessed value of the project area is approximately \$977,000. The City taxes collected on the base value will continue to be paid into the general fund. The annual TIF generated on this project is expected to be \$311,000, \$45,000 of which would otherwise have been allocated to the City. The annual property tax collection on the increment will be used to retire the bond used to construct the public improvements. The bond will be “developer purchased.” Therefore, the risk of retiring the bond within the 15-year period will be born by the developer.

The Urban Development Department invites the Council to ask any additional questions about the project at the public hearing.

To: Lincoln City Council Members
From: David Landis, Director 
Date: October 27, 2008
Subject: Block 85 Redevelopment Project Agreement

In response to questions raised by City Council on the Block 85 Redevelopment Project Agreement, the Urban Development Department is providing the following information.

The Block 85 Redevelopment Project Agreement proposes a project valued at over \$10 million: \$9 million in TIF supported by a \$9.1 million private investment. The initial estimation of TIF when previously before City Council was \$.8 million for a \$7.6 million investment. The project costs increased when the developer obtained more precise construction estimates.

The private investment includes the redevelopment of three existing buildings and construction of a new building in an existing parking lot. Exhibit C of the agreement attached to this letter lists the estimated costs of the private improvements, as well as the public improvements. The public improvements are listed in the exhibit in order of priority. Improvements proposed for public right-of-way include: utilities and infrastructure improvements, streetscape improvements, and parking improvements on 8th Street. Those improvements which may take place in public right-of-way and on private property include demolition and site preparation. Provisions for "pour-over" TIF are not included in the agreement.

The project is located in the core of the City. The Lincoln City Council declared the Downtown Area, including the proposed redevelopment area, blighted in 1984 and affirmed the area "blighted and substandard" in 1987. Public improvements made per the redevelopment agreement will assist in the removal of blighted and substandard conditions.

The current assessed value of the project area is approximately \$1.4 million. The City taxes collected on the base value will continue to be paid into the general fund. The annual TIF generated on this project is expected to be \$117,000, \$17,000 of which would otherwise have been allocated to the City. The annual property tax collection on the increment will be used to retire the bond used to construct the public improvements. The bond will be "developer purchased." Therefore, the risk of retiring the bond within the 15-year period will be born by the developer.

The parking for the project will largely be satisfied by on-site parking. The developer is reconfiguring parking on their private property, as well as the adjacent private properties. The developer has requested that the parking on 8th Street be reconfigured using TIF funds to accommodate several additional spaces of public parking.

The Urban Development Department invites the Council to ask any additional questions about the project at the public hearing.



CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Urban Development Department
David Landis, Director
808 "P" Street
Suite 400
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711



LINCOLN
The Community of Opportunity

Exhibit "C"

**CITY OF LINCOLN SUPPORT FUNDING
DEVELOPER PURCHASED TIF BONDS
Tax Increment Finance Analysis**

Project Name: Block 85 - Color Court, Booth Fishery, Peanut Butter Factory
Project Location: 8th and M St

Tax Increment Financing Analysis

ITEM	DESCRIPTION	AMOUNT
Base Value	Current Assessed Value	\$ 1,427,800.00
Redeveloper		\$ 8,108,630.53
Discount	Discounted (80%)	\$ 6,486,904.42
Increment Value	New Assessed Value - Base Assessed Value	\$ 5,059,104.42
Annual TIF Generated	Increment \times 0.0209031 (2007 Tax Rate)	\$ 101,638.98
Coverage Rate (Required by Lender for Mill Levy Risk)	Annual TIF Increment Generated / 1.1DSC for Mill Levy risk	\$ 92,399.07
Bond Note Issues	Coverage Rate \times 13 years @ 6.5% (first 2 yrs of loan is interest only)	\$ 809,503.99
	Funds Available for Construction	\$ 809,503.99
	TOTAL FUNDS AVAILABLE	\$ 809,503.99

Project Name: Block 85 - Airspace
Project Location: 8th and M St

Tax Increment Financing Analysis

ITEM	DESCRIPTION	AMOUNT
Base Value	Current Assessed Value	\$ 34,470.00
Air Space Construction Total		\$ 1,000,000.00
Discount	Discounted (80%)	\$ 800,000.00
Increment Value	New Assessed Value - Base Assessed Value	\$ 765,530.00
Annual TIF Generated	Increment \times 0.0209031 (2007 Tax Rate)	\$ 15,379.74
Coverage Rate (Required by Lender for Mill Levy Risk)	Annual TIF Increment Generated / 1.1DSC for Mill Levy risk	\$ 13,981.58
Bond Note Issues	Coverage Rate \times 13 years @ 6.5% (first 2 yrs of loan is interest only)	\$ 122,491.98
	Funds Available for Construction	\$ 122,491.98
	TOTAL FUNDS AVAILABLE	\$ 122,491.98

Sources of Funds

Redeveloper	\$ 8,108,630.53
Airspace Project	\$ 1,000,000.00
TIF Funds	\$ 931,995.97
	GRAND TOTAL \$ 10,040,626.50

Uses of Funds

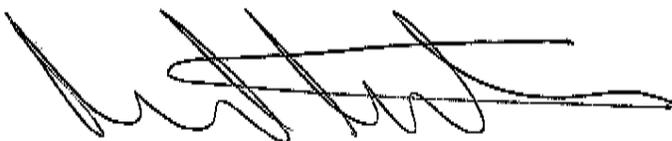
Redeveloper	\$ 8,108,630.53
Airspace Project	\$ 1,000,000.00
Public sector	\$ 200,000.00
	\$ 185,000.00
	\$ 425,000.00
	\$ 121,000.00
	\$ 931,000.00
	TOTAL \$ 10,039,630.53
	TOTAL USES AVAILABLE \$ 10,039,630.53

Heritage Square Partners
1542 South 1st Street
Lincoln, NE 68502

Dear City Council

As owners of the parking lot in the Southwest corner of Block 85, we wish to express our support for the proposed improvements & related TIF funding. We are also the developers & owners of the Heritage Square Office Building located at 421 South 9th. We understand the difficulty in redeveloping & maintaining older buildings in downtown Lincoln. We admire the efforts of WRK to re-develop Block 85 & believe it to be a great improvement to the area.

For the Partners

A handwritten signature in black ink, appearing to read 'Bob Stephens', written over a horizontal line.

Bob Stephens

Members of the City Council

First I would like to thank all you for the time you have allotted us.

As community leaders you have a moral and civil responsibility to the individuals who purchased lots and built homes in the Stonebridge Creek 8th addition, to keep it as it was designed, larger lots for medium sized and medium priced homes.

We should not let the economics of the short term direct the decisions for the long term of our neighborhood. 38' lots with 22' curb cuts, only leaves 16' for a car to park, and does not allow for any on street parking. A Ford Taurus for example is 16' 8" in length.

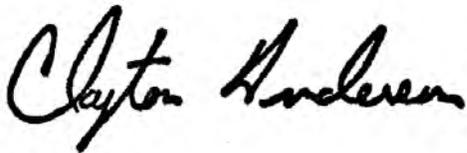
We already have parking issues at the end of Torrey's Drive due to the overpopulation of the Townhomes on 15th street. We do not need to complicate this in other areas of our Neighborhood.

I feel this area will develop as designed given the time for the infrastructure to develop. IE: Schools and Businesses.

Do not de-value out lot prices or our home prices by restructuring the neighborhood to smaller lots. I chose to build in the Stonebridge Creek 8th addition because of the lot sizes and the potential for the Neighborhood as a whole.

Let us bring to the North side of Lincoln the type of development that has come to South Lincoln and not short change our North Lincoln Neighborhoods.

Sincerely,

A handwritten signature in black ink that reads "Clayton Anderson". The signature is written in a cursive, flowing style.

Clayton Anderson

1550 Torreys Drive

Lincoln, NE 68521



"Mark A. Hunzeker"
<MHunzeker@baylorevnen.com>
10/27/2008 04:07 PM

To <tgrammer@lincoln.ne.gov>
cc
bcc
Subject Fwd: RE: North Haymarket Arts & Humanities
Redevelopment (Phase 2)

Tammy:

Attached is an email I sent to Council members. Please see that everyone gets a copy of both the email and attachment prior to the meeting this evening.

Thank you!

Mark

Baylor, Evnen, Curtiss, Gritit & Witt, LLP
Wells Fargo Center
1248 "O" St., Suite 600
Lincoln, NE 68508
Telephone: 402.475.1075
Fax: 402.475.9515

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Date: Mon, 27 Oct 2008 15:43:58 -0500

From: "Mark A. Hunzeker" <MHunzeker@baylorevnen.com>

To: "Jon Camp" <joncampcc@aol.com>, "Jonathan Cook" <jcook@ci.lincoln.ne.us>, "Doug Emery" <demery@lincoln.ne.gov>, "John Spatz" <jspatz@lincoln.ne.gov>, "Ken Svoboda" <ksvoboda@lincoln.ne.gov>, "Robin Eschliman" <reschliman@lincoln.ne.gov>, "Dan Marvin" <dmarvin@neb.rr.com>

Subject: RE: North Haymarket Arts & Humanities Redevelopment (Phase 2)

Mime-Version: 1.0

Content-Type: multipart/mixed; boundary="=__Part1139531E.1__="

John:

As I mentioned on the phone this morning, I represent B&J Partnership. B&J generally supports the above project, and believes that additional redevelopment activity in the Haymarket will be beneficial to all property owners in the area. We have reviewed the proposed agreement for this project, as well as the parking study which concludes that there is sufficient space in the Haymarket garage to accommodate the request for 100 parking stalls to be granted to that project. As explained below, we are concerned that such conclusion is not well founded.

We note that only passing mention is made of pre-existing commitments of parking spaces in the Haymarket garage. We believe the language in the agreement being brought before the council should be amended or modified to clearly place all prior commitments ahead of any parking space commitment to this project. Our concern over this issue is heightened by

the fact that B&J gave the city written notice of its exercise of pre-existing rights to 63 parking stalls in the Haymarket garage on September 30, 2008 (see attached). To date, there has been no response from the city to that notice. B&J also holds unexercised pre-existing rights to an additional 60 parking stalls in the Haymarket garage.

There is vague reference in the parking study to "fulfillment of the current lease agreements for existing parking in the Haymarket Garage" not being expected to change the results or recommendations of the study. However, like the language of the redevelopment agreement, the language of the study is not comforting because, for example, it does not specifically acknowledge B&J's pre-existing rights to 123 parking stalls in the Haymarket garage.

We have contacted Mr. Seacrest, who served as legal counsel for B&J in the creation of the aforementioned parking stall commitments and who has indicated that he is receptive to modified language. We have not had the opportunity to draft or discuss specific amendments with him or the Urban Development Department; however, we would anticipate doing so before you act on this redevelopment agreement next Monday, November 3rd. Our goal will be to have something worked out in time for council members to review well in advance of your next meeting.

Thank you for taking the time to discuss this issue this morning. We do not expect to make a formal appearance at the hearing this evening, but hope to have a mutually acceptable amendment worked out before the end of the week.

Mark

Baylor, Evnen, Curtiss, Grimit & Witt, LLP
Wells Fargo Center
1248 "O" St., Suite 600
Lincoln, NE 68508
Telephone: 402.475.1075
Fax: 402.475.9515

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- Speedway Properties.pdf



P.O. Box 81906
Lincoln, NE 68501

September 30, 2008

City of Lincoln Department of Public Works & Utilities
Attn: Mr. Greg MacLean, Director
555 South 10th Street
Lincoln, NE 68508

RE: Haymarket Garage Parking

Dear Greg:

As a follow up to recent conversations with Ken Smith regarding parking in the Haymarket area, we have determined it to be in our best interest to make commitments now for parking spaces in the Haymarket Garage.

Pursuant to the Exchange Subagreement between B&J Partnership, Ltd. and the City of Lincoln dated October 1, 2001, a copy of which accompanies this letter, B&J hereby exercises its collective options to lease 63 parking stalls in the Haymarket Garage. We request these 63 stalls be specifically assigned stalls. We are delivering this notice to you as required under Section 8.4 of the Agreement.

Ken Fougeron, B&J Operations Manager, will be in touch with Ken Smith, City Parking Manager, in the next few days to make the necessary arrangements for access to and payment for these parking stalls effective as soon as possible.

Sincerely,

Clay F. Smith
General Partner

Cc: City Attorney's Office
575 South 10th Street
Lincoln, NE 68508

Mr. David Landis
Urban Development
808 P Street
Lincoln, NE 68508

Mr. Ken Smith, Parking Manager
Urban Development
850 Q Street
Lincoln, NE 68508

Mr. Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508



Scott Baird
<scottbaird2@gmail.com>

10/27/2008 04:05 PM

Please respond to
<scottbaird@aya.yale.edu>

To <council@lincoln.ne.gov>

cc

bcc

Subject Arts and Humanities Hotel Block and Color Court
Redevelopment

Dear Council,

I am writing to encourage your support of two developments - the Arts & Humanities Hotel Block and the Color Court Redevelopment. Both projects significantly upgrade prominent parts of our city. The hotel will also add jobs to our economy. Those are the direct benefits.

Indirectly, both projects will contribute significantly to Lincoln's ability to attract young people. We want our college students to stay in Lincoln, we want to attract young professionals to Lincoln and we want to make it easy for Lincoln's business owners to attract the nation's brightest employees - people who could afford to work and live anywhere. Attracting talented young people will take much more than one hotel and one exceptional environmental building, but these developments certainly will contribute to Lincoln's appeal, and supporting these projects will send a strong signal to others interested in helping to develop this important element of Lincoln's future.

I hope that you will vote in favor of both developments. Thank you.
Scott Baird