

**IN LIEU OF
AGENDA FOR
DIRECTORS' MEETING
MONDAY, JANUARY 26, 2009**

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

PRESENTATIONS BY:

None

MAYOR

- *1. NEWS ADVISORY. Mayor Beutler's Public Schedule. Week of January 10 through January 16, 2009. (Forwarded to Council Members on 01/12/09)
- *2. NEWS RELEASE. Mayor presents December Award of Excellence to Nicholas Wemhoff and Barbara Boggs.
- *3. NEWS RELEASE. Free tickets for Doris Kearns Goodwin Forum available Thursday.
- *4. NEWS ADVISORY. Mayor Beutler and UNL Chancellor Perlman to hold a news conference, Tuesday, January 13, 2009, at 10:45 a.m, Room 113 at 555 S. 10th, updating the City's proposed arena project.
- *5. NEWS RELEASE. Arena vote delayed due to uncertain economy.
- *6. NEWS ADVISORY. Mayor Beutler will hold a news conference, Wednesday, January 14, 2009, 1:00 pm at 555 S. 10th, discussing phase one report of the Impact Fee Study Committee. (Forwarded to Council Members on 01/14/09)
- *7. NEWS RELEASE. Impact Fee Committee issues recommendations.
- 8. NEWS ADVISORY. Mayor Beutler's Public Schedule. Week of January 17 through January 23, 2009. (Forwarded to Council on 01/16/09)
- 9. NEWS RELEASE. Nominations now accepted for Mayor's Arts Awards.
- 10. NEWS ADVISORY. Mayor Beutler available to talk to the media via conference call on Tuesday, January 20, 2009 at 3:00 pm (CST). 5 CITY-TV, cable channel 5, will air the conference call live.
- 11. NEWS ADVISORY. Mayor Beutler and Police Chief Casady will hold a news conference on Friday, January 23, 2009, 575 S. 10th, to release the City crime statistics for calendar year 2008.
- 12. NEWS RELEASE. Contractor to grind holiday trees.
- 13. Citizens Information Center snow notification for Friday, January 16, 2009, 4:30 a.m. (Forwarded to Council Members on 01/16/09)
- 14. Citizens Information Center snow notification for Friday, January 16, 2009, 10:00 a.m. (Forwarded to Council members on 01/16/09)
- 15. NEWS RELEASE. Public invited to open house on water quality improvements in Tierra Park.
- 16. Washington Report, January 16, 2009.

DIRECTORS

CITIZEN INFORMATION CENTER

- *1. Cable TV Advisory Board Meeting Agenda of January 22, 2009.
 - a) Complaints received about Time Warner.
- 2. Cable TV Advisory Board Minutes, July 24, 2008.

CITY LIBRARIES

- 1. NEWS RELEASE. African American Read-In. Readings held at Eiseley Branch Library, 1530 Superior Street, Thursday, February 5, 2009 at 12:00 noon.
- 2. NEWS RELEASE. Title nominations now being accepted to be read as part of the 2009 One Book - One Lincoln community reading program.
- 3. NEWS RELEASE. Sundays at Your Library. Expanded service hours at several locations.

PLANNING

- *1. Action by Planning Commission, January 14, 2009.
- 2. Nebraska Capitol Environs Commission January meeting cancelled.
- 3. Memorandum regarding Bill #09-6. Change of Zone No. 08063, Text amendment relating to electronic copy signs for churches, schools and community playhouses.

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit No. 08050. Expansion of nonstandard dwelling, 827 North 33rd Street. Resolution No. PC-01152.
- 2. Special Permit No. 08041. Stone Haven Community Unit Plan. S.W. 12th Street and West Denton Road. Resolution No. PC-01153.

URBAN DEVELOPMENT

- *1. Reply to Michael Reinmiller from Kenneth D. Smith, City Parking Manager, regarding correspondence of January 4, 2009 on downtown parking (Correspondence included).

III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

ROBIN ESCHLIMAN

- 1. Email from Richard Todd regarding railroad cars parked parallel to Highway 2 and 40th to 48th Street for extended time period.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

- *1. Correspondence through InterLinc from Brendan Evans in support of the proposed sign for the Lincoln Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
- *2. Email from Perry Haralson in support of an electronic sign for the Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
- *3. Email from Anthony Messineo in support of a sign proposed for the Lincoln Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
- *4. Community Health Endowment (CHE) elects officers and welcomes new trustees.
- *5. Letter from Joyce Richter in opposition to Doctor Johns business being permitted to operate.

- *6. Letter from Bob Reeves opposing request by the Lincoln Community Playhouse for a lighted sign.
- *7. LES Legislative Guidelines for 2009.
- *8. InterLinc correspondence from Rick and Jessica Stanton regarding proposed blighted area ownership.
- 9. Correspondence through InterLinc. Question on Elmwood receiving ALS intercept.
- 10. Letter from the Commission on Accreditation for Law Enforcement Agencies reporting re-accredited status to the Lincoln Emergency Communications/911 Center.
- 11. Email from Gerald Brodd regarding gasoline prices set by stations.
- 12. Email from Linda Witfoth regarding issues brought up at the January 12, 2009 City Council Meeting. Change of Zone 08058 and Use Permit 08002.

V. ADJOURNMENT

*** HELD OVER FROM JANUARY 19, 2009.**



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

DATE: January 16, 2009

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

Mayor Beutler's Public Schedule **Week of January 17 through January 23, 2009** *Schedule subject to change*

Saturday, January 17

- Winter meeting of the U.S. Conference of Mayors (USCM) - 9 a.m., opening plenary; 11 a.m., standing committees; noon, opening news conference; 12:30 p.m., luncheon; 2:30 p.m., standing committees; 3:30 p.m., task force meetings; all events at Capitol Hilton Hotel

Sunday, January 18

- USCM - 8 and 9:30 a.m., plenary sessions; 11 a.m., standing committees; 12:30 p.m., luncheon

Monday, January 19 - *City offices closed for Martin Luther King Jr. Holiday*

- USCM - 7:30 a.m., joint meeting of Mayors Water Council and Sustainable Development Task Force; 8 a.m., task force meetings and workshops
- The Nebraska Society of Washington D.C. inaugural brunch reception, remarks - 8:30 a.m., Union Station, Columbus Club, 50 Massachusetts Avenue, N.E.
- USCM - 10:30 a.m., plenaries; 12:30 p.m., closing luncheon
- National Conference of Democratic Mayors - 2:30 p.m., Capitol Hilton
- Democratic Party Reception for Nebraskans - 4 p.m., Phoenix Park Hotel, 520 N. Capitol Street, N.W.
- Sargent Shriver reception - 5 p.m. 9109 Harrington Drive, Potomac, MD

Tuesday, January 20

- Presidential Inauguration - all morning, U.S. Capitol
- Call to Nebraska media - 4 p.m. EST, 3 p.m. CST, instructions will be sent
- Midwest Inaugural Ball - 8 p.m., Washington Convention Center, Hall C, 801 Mt. Vernon Place, N.W.

Wednesday, January 21

- Meeting with Senator Mike Johanns - 9:30 a.m., Room 1, Russell Courtyard
- *Mayor returns to Lincoln*

- more -

Mayor's Public Schedule
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Thursday, January 22

- Parking Advisory Council, remarks - 2 p.m., Downtown Lincoln Association, 13th and "N" streets
- Boys and Girls Club annual meeting - 6 p.m., First Presbyterian Church, 840 S. 17th St.

Friday, January 23

- News conference on 2008 crime statistics - 8:45 a.m., Lincoln Police Department, 575 S. 10th St.
- Annual Albert W. Bauer Awards Banquet, remarks - 6:30 p.m., Firefighters Reception Hall, 241 Victory Lane



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: January 16, 2009

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Deb Weber, Lincoln Arts Council, 434-2787

NOMINATIONS NOW ACCEPTED FOR MAYOR'S ARTS AWARDS

Nominations are now being accepted for the 31st annual Mayor's Arts Awards. The awards will be presented by the Lincoln Arts Council (LAC) in June at the Lied Center for Performing Arts. The Mayor's Arts Awards program formally recognizes artistic contributions and achievements in the Lincoln area. Union Bank and Trust Company will again be the presenting sponsor.

Nomination forms are available by calling the LAC at 434-2787 or printing a form from the LAC Web site: www.artscene.org. A list of previous winners also is available at that Web site. **The nomination deadline is February 23, 2009.**

The award categories are:

- The **Arts Organization Award** recognizes an arts group that has made significant contributions to Lincoln's arts community over a period of years. (Sponsored by Runza)
- The **Artistic Achievement Award - Visual Arts** recognizes excellence and accomplishment in any of the visual arts. (Sponsored by Bob and Marilyn Harris)
- The **Artistic Achievement Award - Youth** recognizes excellence and accomplishment in any arts discipline by a young person age 18 or younger. (Sponsored by Lucy Buntain Comine)
- The **Artistic Achievement Award - Performing Arts** recognizes excellence and accomplishment in any of the performing arts. (Sponsored by Farmers Mutual Insurance Company of Nebraska)
- The **Gladys Lux Education Award** recognizes special initiatives or dedication to arts education. (Sponsored by the Gladys Lux Foundation)
- The **Heart of the Arts Award** recognizes an individual or organization for outstanding volunteer dedication to the arts or for making a major overall impact on the arts in Lincoln. (Sponsored by Talent Plus)
- The **Halcyon Allsman Benefactor of the Arts Award** honors an individual, family, organization or business making significant financial contributions to the arts in Lincoln. (Sponsored by Wells Fargo Bank)

- more -

Mayor's Arts Awards

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- The **Oliva “Arts for Kids” Award** honors an individual from outside of the arts professions whose leadership has enhanced arts activities and experiences for children. (Sponsored by the Oliva Family)
- The **Literary Heritage Award** recognizes a writer or individual who promotes excellence in writing and literature in Nebraska. (Sponsored by the Nebraska Literary Heritage Association)
- The **Larry Enersen Award** recognizes outstanding urban design in Lincoln. (Sponsored by Clark Enersen Partners)
- The **Mayor's Choice Award** is sponsored by Cline, Williams, Wright, Johnson and Oldfather, L.L.P.

Nominations from the previous year are automatically resubmitted, and updates to the 2008 nominations will be accepted.

Except for the Literary Heritage, Larry Enersen and Mayor's Choice awards, honorees will be selected by a panel of arts professionals.

The public also is encouraged to submit names of members of the Lincoln arts community who have died since the last awards ceremony in June 2008 for memorial recognition at the event.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: January 20, 2009

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

Mayor Chris Beutler, who is in Washington, D.C. for inaugural events, will be available to talk to the media during a conference call at **3 p.m. CST TODAY, Tuesday, January 20.**

To be connected, call **402-472-0060**. This call is for **MEDIA ONLY**, and the number should not be distributed. The line will open up just a few minutes before 3 p.m. Call this line directly. Do **NOT** transfer calls to this line because it will cause the system to lock up. If you will be typing during the call, please mute your phone for the benefit of those recording.

5 CITY-TV, cable channel 5, will air the conference call live.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: January 22, 2009

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

Mayor Chris Beutler and Police Chief Tom Casady will release the City crime statistics for calendar year 2008 at a news conference at **8:45 a.m. Friday, January 23** in the **Police media briefing room, 575 South 10th Street.**



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

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

FOR IMMEDIATE RELEASE: January 16, 2009

FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043
Scott Hofeling, Hofeling Enterprises, 432-0806

CONTRACTOR TO GRIND HOLIDAY TREES

Local wood processor, Hofeling Enterprises, has given the City a late holiday present by offering free wood chipping for the holiday that the City collected at seven recycling sites. City Recycling Coordinator Gene Hanlon said Scott Hofeling offered to grind the trees as a community service, and his offer will save the City close to \$2,500 in grinding expenses.

“We thought we could save the City a little money by grinding the trees, and we have a use for the mulch that the public doesn't pick up at our operation,” Hofeling said .

Hofeling will grind the trees at each collection site the week of January 19th. The mulch will then be taken to the Hofeling processing center at 2200 South Folsom Court. Residents can pick up the free mulch at that facility from January 26 through February 28.

For more information about the City's recycling program, contact the recycling hotline at 441-8215 or visit the City Web site at lincoln.ne.gov (keyword: recycle).

Diane K Gonzolas/Notes
01/16/2009 04:38 AM

To CIC Snow Notification
cc
bcc
Subject 4:30 a.m. snow report

CITY OF LINCOLN SNOW/TRAFFIC CONDITIONS REPORT

A complete voice report is available at 441-7783. This number is for news media use only.

For more information:
Public Works Snow Center - 441-7644
Diane Gonzolas, cell 525-1520, work 441-7831

Date: Friday, January 16, 2009
Time: 4:30 a.m.

A light, dry snow began falling about 1 this morning, and City crews were out on the streets by 2 a.m.. About 22 material spreaders are salting the main arterials, and heavier traffic will help that salt start to melt the snow. About an inch of snow had accumulated by 4 a.m. and about two inches are expected. Parking bans are not in effect, and drivers are urged to use caution.

Please stay informed on the status of snow operations in Lincoln. Additional information is available on the City Web site at lincoln.ne.gov and in your Windstream phone directory. If you have question, you may call the Public Works Snow Center at 441-7644.

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Diane K Gonzolas/Notes
01/16/2009 10:07 AM

To CIC Snow Notification
cc
bcc
Subject 10 a.m snow report

History:  This message has been forwarded.

CITY OF LINCOLN SNOW/TRAFFIC CONDITIONS REPORT

A complete voice report is available at 441-7783. This number is for news media use only.

For more information:

Public Works Snow Center - 441-7644

Diane Gonzolas, cell 525-1520, work 441-7831

Date: Friday, January 16, 2009

Time: 10 a.m.

City crews began plowing snow about 8 morning with two plows and a sander on every route. The operation will continue until arterial streets and bus routes are clear. Material spreaders were out salting the main arterials at 2 a.m. about an hour after the snow began. Parking bans are not in effect. The Lincoln Police Department reports about 16 accidents since 5 a.m., and drivers are urged to use caution. StarTran buses were running on schedule at mid-morning.

Please stay informed on the status of snow operations in Lincoln. Additional information is available on the City Web site at lincoln.ne.gov and in your Windstream phone directory. If you have questions, you may call the Public Works Snow Center at 441-7644.

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NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68508, 441-7701, fax 441-8194

FOR IMMEDIATE RELEASE: January 21, 2009

FOR MORE INFORMATION: Holly Lionberger, Engineering Services, 441-8400

PUBLIC INVITED TO OPEN HOUSE ON WATER QUALITY IMPROVEMENTS IN TIERRA PARK

The public is invited to an open house on a water quality improvement project in Tierra Park . Tuesday, January 27. The meeting is from 5:30 to 7 p.m. at Hill Elementary School, 5230 Tipperary Trail. Tierra Park is one-half mile south of 27th Street and Highway 2, just east of the Southwood residential district.

The project will address water quality issues and includes the removal of the failing concrete liner. The current channel will be realigned to flow through the park, adding new water quality features and improving the quality of water entering Beal Slough. Preliminary design work has begun for the project, and construction is expected to begin this summer. The project is funded through the 2007 stormwater bond issue.

Representatives from the City of Lincoln and project consultants from Olsson Associates will attend the open house to answer questions and discuss concerns. For more information, contact Travis Figard, Olsson Associates, at 458-5917 or Holly Lionberger, City Public Works and Utilities Department, at 441-8400.



HOUSE RELEASES \$825 BILLION STIMULUS PLAN

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Washington Report

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

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CONGRESS

Washington braces for Inauguration Day.

Facing an unprecedented amount of visitors and unseasonably cold weather, the Washington, DC area is literally in a declared state of emergency (to allow localities to be reimbursed for certain expenses) in preparation for the Tuesday inauguration of Barack Obama as the nation's 44th President. Officials expect up to 2 million people to partake in the many festivities, cover the National Mall for the swearing-in ceremony (Jumbotrons will be placed across the Mall for better viewing), and line Pennsylvania Avenue for the subsequent parade.

In the meantime, Congress has been busy on a number of items, including hearings in the Senate for Obama Cabinet appointees. None of the nominees appear to be facing a difficult confirmation fight as of now, and nomination of Senator Hillary Rodham Clinton (D-NY) to be Secretary of State was cleared for floor consideration by the Senate Foreign Relations Committee yesterday by a vote of 16-1. Obama has yet to nominate a Commerce Secretary to replace New Mexico Governor Bill Richardson.

The Senate also cleared an omnibus lands bill yesterday after several days of debate. The measure contains more than 150 lands-related measures that had been approved in the House last year thought to be relatively non-controversial. However, Senator Tom Coburn (R-OK) objected to a number of bills in the package for a variety of reasons and used parliamentary tactics to hold up the omnibus package. Coburn ran out of roadblocks this week and the 73-21 vote on the bill (S 22) clears it for consideration in the House, where it is expected to be easily approved.

In the House, Members were busy crafting an \$825 billion stimulus package that is likely to be considered in committees beginning next week (see related story below). The House also cleared legislation (HR 2) that would add approximately \$30 billion to the popular State Children's Health Insurance Program (SCHIP) over the next four years.

With the Martin Luther King holiday and inauguration consuming the first part of next week, the House and Senate will have a shorter work week. Items include more Cabinet nominations in the Senate, as well as a wage discrimination bill (see related story below) that was approved by the House last week. The House will consider legislation to place restrictions on the distribution of the second half of the \$700 billion Wall Street bailout package, and markups on the economic stimulus bills will occur on the committee level.

STIMULUS

House leadership unveils \$825 billion stimulus bill that includes several local government victories. The House leadership yesterday unveiled an \$825 million economic stimulus bill that President-elect Obama and the bill's sponsors hope will reverse the economic decline and prevent the loss of millions of jobs. House leaders plan to have the Appropriations, Ways and Means and Transportation and Infrastructure Committees mark up their portions of the proposal next week and to have the House pass the entire package the week of January 26, with the goal of reconciling the bill with the Senate and clearing it for the President's signature no later than mid-February.

In a victory for local governments, the House economic stimulus package would send considerable resources directly to local governments.

Most notably, the package includes:

- \$3.5 billion for the new Energy Efficiency and Conservation Block Grant (EECBG);
- \$1 billion for Community Development Block Grants (CDBG);
- \$1.5 billion for the HOME program;
- \$4.2 billion for the Neighborhood Stabilization Program;
- \$1 billion for LIHEAP;
- \$3 billion for Byrne Justice Assistance Grants, and
- \$1 billion for COPS Hiring Grants,

Overall, the proposal would require that all formula funds be allocated within 30 days of the stimulus bill's enactment and that all discretionary funds be allocated within 90 days of the stimulus bill's enactment, with an allowance in both cases of an extra 30 days for new programs. The proposal calls for the redistribution of all funds not obligated to specific projects within one year and prohibits spending any money appropriated by the economic stimulus bill on casinos, aquariums, zoos, golf courses or swimming pools.

The bill would create an Accountability and Transparency Board to oversee and audit stimulus funds and require all stimulus grantees, including local governments, to establish a website to notify the public of how they are spending economic stimulus funds, including a justification for each specific project, the number of jobs saved or created by each project and the e-mail address for a local and federal contact person associated with the project.

In addition to supplemental unemployment, Medicare and Medicaid funds, the bill would provide \$79 billion for a State Fiscal Stabilization Fund that would be allocated to the states and partially sub-allocated to school districts for the specific purpose of preventing tax increases and cuts to state and local education funding.

An agency-by-agency description of the proposal's highlights for local governments follows:

Transportation

- \$3 billion for the Airport Improvement Program,
- \$300 million for intercity passenger rail corridor improvement grants,
- \$800 million for Amtrak capital,
- \$6 billion for transit formula grants,
- \$2 billion for rail transit modernization and
- \$1 billion for New Starts rail projects.

The bill includes \$30 billion for federal-aid highways, of which 45 percent, or \$13.5 billion, would be distributed through the Surface Transportation Program (STP), but with an altered sub-allocation process that distributes the funding mainly to "economically distressed" areas. The bill would set aside \$1.35 billion of the STP funds for the Transportation Enhancements Program.

Housing and Urban Development

As noted above, the bill would appropriate \$1 billion for CDBG and \$1.5 billion for HOME. The bill specifically states that grantees will not have to develop a supplemental action plan for these funds. The bill would require that grantees obligate the funds to specific projects within 120 days of receiving them.

The bill would also provide \$4.2 billion for the Neighborhood Stabilization Program (NSP), of which \$750 million would be set aside for grants to non-profit organizations. Unlike the first iteration of NSP, which was allocated by a formula developed by the Department of Housing and Urban Development, these funds would be awarded by a competitive discretionary grant process.

The bill also includes \$1.5 billion for Homeless Assistance Grants and \$100 million for Lead Hazard Elimination.

Agriculture

The bill would expand eligibility to participate in the After-School Feeding Program for At-Risk Children under federally-funded nutrition programs to

all states. Currently only eight states are eligible to participate in this program: Delaware, Illinois, Michigan, Missouri, New York, Oregon, Pennsylvania and West Virginia.

Commerce

- \$250 million for Economic Development Administration economic recovery grants,
- \$1 billion for the 2010 Census,
- \$350 million for State Broadband Data & Development Grants and
- \$650 million for Digital-to-Analog Television Converter Boxes.

The bill authorizes a new Wireless & Broadband Development for Un-Served and Underserved Areas administered by the National Telecommunications & Information Administration (NTIA). The bill appropriates \$2.852 billion for this program, which would provide competitive discretionary grants to eligible entities, which would include local governments.

Justice

- \$3 billion for Byrne Justice Assistance Grants, and
- \$1 billion for COPS Hiring Grants.

Army Corps of Engineers

The bill would appropriate \$4.5 billion for ongoing Army Corps of Engineers construction projects and for new projects that can be completed within one year.

Energy

In addition to the \$3.5 billion for EECBG, the bill would provide \$6.2 billion for Weatherization Assistance, a program which received \$225 million in FY 2008. In addition to the massive expansion of funding for this program, the bill would increase eligibility for assistance to households at 200 percent or less of area median income, up from the current level of 150 percent of area median income. In addition, the bill would double the maximum amount of assistance per household under the program to \$5,000.

Department of Homeland Security

The bill would provide \$200 million for Emergency Food and Shelter grants.

Environmental Protection Agency

- \$6 billion for the Clean Water State Revolving Loan Fund,
- \$2 billion for the Drinking Water State Revolving Loan Fund and
- \$100 million for Brownfields.

Department of Labor

- \$500 million for Adult Job Training,
- \$1.2 billion for Youth Job Training,
- \$1 billion for Dislocated Worker Assistance and
- \$50 million for Youthbuild.

The bill also appropriates \$500 million for a reserve emergency fund to help dislocated workers and \$750 million for job training in high-growth and emerging industry jobs, with \$500 million of that amount set aside for “green” job training.

Health and Human Services

- \$500 million for community health centers,
- \$1 billion to modernize community health centers,
- \$1 billion for the Low-Income Home Energy Assistance Program, which would be available after October 1, 2009,
- \$2 billion for the Child Care and Development Block Grant,
- \$2.1 billion for Head Start, including \$1.1 billion to expand Early Head Start and
- \$1 billion for the Community Services Block Grant.

Department of Education

The bill would authorize a new 21st Century Green High-Performing School Facilities Program and would appropriate \$14.1 billion to implement it. The program would direct funding to modernize schools and make them more energy efficient. The bill also authorizes a similar program for public universities and colleges and appropriates \$6 billion to implement it.

FINANCE

Tax portion of stimulus contains some relief for local governments. The House Ways and Means Committee announced broad outlines of its \$275 billion portion of an economic stimulus program, and the package is expected to include some bond provisions that will assist local governments, as well as energy efficiency tax incentives.

Details of the plan were expected to be released late Friday, but the committee did indicate that it would include a one year delay (until 2012) on the implementation of the three-percent withholding tax that governments are required to collect from their vendors. There is some speculation that the Senate Finance Committee may be looking at a permanent repeal of the provision in its stimulus package.

Other items of interest in the tax plan include:

- lifting caps on the ability of banks and other financial institutions to purchase municipal bonds;
- repealing alternative minimum tax (AMT) limits on private activity bonds;
- creating school construction bonds;
- expanding clean renewable energy bonds (CREBs);
- extending the renewable energy tax credit;
- expanding the Earned Income Tax Credit;

The committee also refers to providing tax exempt bonds and tax credit bonds to “recovery zones.” They would be used for public purposes with a goal of stimulating economic development in areas that have exhibited high unemployment, foreclosures or poverty. The bonds would be allocated to States and large municipal governments (“large” not defined in release) based on the number of unemployed individuals within that area.

There are also some provisions of legislation pending in the House regarding the \$700 billion Troubled Asset Relief Program (see related story) that would be of assistance to issuers of municipal securities that are having difficulty accessing capital markets.

The House Ways and Means Committee plans on marking up their tax stimulus late next week.

FINANCE/HOUSING

Frank bill would expand TARP to municipal securities, foreclosure prevention and the automobile industry.

The Troubled Assets Relief Program (TARP) once again took center stage this week as the Senate defeated a resolution that would block the release of the second \$350 billion installment of TARP, the much-maligned \$700 billion program designed to stave off the collapse of the financial services industry.

The House spent much of the week debating a measure (HR 384) introduced that would place guidelines on the second TARP installment.

In a nod to the financing problems faced by many state and local governments, the Frank bill would authorize the Treasury Department to use TARP to provide support to issuers of municipal securities that are facing difficulty in accessing capital markets. The bill specifies that such assistance would include the direct purchase of municipal securities as well as providing credit enhancements for municipal securities.

HR 382 would also require that at least \$40 billion and as much as \$100 billion of the second installment of TARP be directed to foreclosure prevention. Treasury would have to develop a comprehensive foreclosure prevention and mitigation plan for owner-occupied houses by March 15. The plan would have to include:

- A guarantee program for loan modifications under a systematic plan, which Treasury could delegate to the Federal Deposit Insurance Corporation or another contractor;

- A plan to reduce the costs of Hope for Homeowner loans;
- A program to help homeowners pay down second lien mortgages that are impeding a loan modification;
- Loan servicer incentives/assistance, and
- The purchase of whole loans for the purpose of modifying or refinancing the loans.

The bill would also make a number of technical changes to the Hope for Homeowners program designed to make that program cheaper and easier to use for both lenders and homeowners. Created by last year's Housing and Economic Recovery Act, Hope for Homeowners increased the Federal Housing Administration's loan limit to \$300 billion specifically for the purpose of refinancing mortgages facing foreclosure. However, financial institutions have been slow to use the program largely because of the losses they would have to incur. In addition, the bill placed a number of restrictions on participating homeowners that may further dampen enthusiasm for the program.

EMPLOYMENT

Senate to consider wage discrimination measure. The Senate is scheduled next week to debate legislation (S 181) that would overturn a 2007 Supreme Court decision concerning wage discrimination.

In the decision (*Ledbetter v. Goodyear*), the court ruled in a 5-4 vote that an Alabama woman, who learned that she had been paid less than her male colleagues for nearly 20 years, could not sue her employer because more than 180 days had transpired since her pay level was first set. Under S 181, that 180-day statute of limitations would begin with the most recent paycheck in question.

The Senate bill differs from the House version (HR 11, see January 9 [Washington Report](#) for details) approved by that chamber last week in that it omits language that would place the burden of proof on employers to prove that gender-pay disparities were for business and not discriminatory reasons. In addition, the Senate bill does not include a provision of

the House bill that bars retaliation by an employer against an employee who shares salary information with colleagues. It also does not include language in the House bill that would allow employers to seek both compensatory and punitive damages in discrimination cases.

If the Senate does approve the bill, the differences will require a House-Senate conference committee to reconcile the two bills.

GRANTS AND NOTICES

Department of Agriculture

The Department of Agriculture announced the Conservation Innovation Grants Program (CIG) for FY 2009. CIG is a vehicle to stimulate the development and adoption of conservation approaches or technologies that have been studied sufficiently to indicate a likelihood of success. The amount available in FY 2009 will be approximately \$20 million, with a \$2 million award ceiling. A total of 60 awards are expected. Funds will be awarded through a nationwide competitive grants process. Applications must be received by March 2, 2009. To view more information and program guidance go to:

[http://www.nrcs.usda.gov/programs/cig/pdf_files/Fiscal Year 2009 Announcement for Program Funding.pdf](http://www.nrcs.usda.gov/programs/cig/pdf_files/Fiscal%20Year%202009%20Announcement%20for%20Program%20Funding.pdf)

Department of Justice

The Office on Violence Against Women has announced guidance for the Education, Training and Enhanced Services to End Violence Against Abuse of Women with Disabilities Grant Program for FY 2009. Funding will be provided for projects that support education, cross training, capacity building and the establishment of multi-disciplinary teams at the local level. There is approximately \$600,000 available. All deadlines for letters of intent must be submitted by February 3, 2009, and all applications are due February 25, 2009. For more information, see:

http://www.ovw.usdoj.gov/docs/fy09_disabilities_solicitation.pdf

Departments of Education, Health and Human Services, and Justice

The Safe Schools/Healthy Students Initiative is a discretionary grant program that provides students, schools, and communities with federal funding to implement an enhanced, coordinated, comprehensive plan of activities, programs, and services that focus on promoting healthy childhood development and preventing violence and alcohol and other drug abuse. The estimated available funding for this discretionary grant is \$30.9 million. An estimated 28 awards at various levels will be granted. Applications are due on March 4, 2009. For more information, see:

<http://www.sshs.samhsa.gov/apply/kit.aspx>

Natural Resources Conservation Service

NRCS, an agency of the U.S. Department of Agriculture (USDA), announced the availability of \$58.4 million in funding for the Agriculture Water Enhancement Program (AWEP). This funding is available for state, county and local governments to promote the conservation of ground and surface water and the improvement of water quality. There is no match requirement and no limit on the amount of funding awarded to individual applicants. Applications must be electronically submitted or postmarked by March 2, 2009. For more information regarding this opportunity, see:

http://www.nrcs.usda.gov/programs/farm_bill/2008/pdfs/awep2009.pdf.

Cable TV Advisory Board Minutes

July 24, 2008

Members Present: Herb Friedman, Mary Herres, Jerrod Jaeger, Jim Johnson, Laurie Lee, Stuart Long, Jon Rehm, Herb Schimek, Art Zygielbaum (There is currently one vacancy on the board, due to Scott Young's resignation.)

Members Absent: Donna Behlen (excused)

City Staff: Steve Huggenberger, Diane Gonzolas, Connie Guillaume

Representatives of Time Warner: Ann Shrewsbury, Jamie Wenz

Others Present: Del Stork, President of Bestorq, Inc.

Meeting was called to order at 4:03 p.m. by chair Art Zygielbaum.

Minutes from the April meeting were read. Stuart Long made a correction. Minutes had said that he was considering being on the Public Comments Committee; he says he does not want to be on that Committee. Also, Jerrod Jaeger is on the Access Channels Committee; his name had been omitted from the list. Friedman moved approval with that correction, Long seconded, motion passed unanimously.

Update on Channel 10 Technical Problems

Steve Huggenberger reported that he had met with Bill Luxford, Beth Scarborough, and Jamie Wenz to discuss the need for a new Character Generator system. CIC has had second thoughts about the need for it. They have scheduled a meeting to discuss the issue, but it has not yet happened. They will probably talk to Zygielbaum when they have a proposal for a solution.

Long asked if the 100 or so messages which are on the system at any one time are playing in order. Guillaume said that she can't give a guarantee; she says it kind of seems OK but is not able to guarantee that there are no problems.

Huggenberger said that the issue is where the server would be. If the server is in the City-County Building, then the City has to maintain it, whereas if it's at the Time-Warner Cable office, then TWC would have to do the maintenance.

Competitiveness Committee: The Competitiveness Committee has met. They looked at the idea of doing a cost comparison, but have decided that due to the complexity of the issue, they won't be doing that type of survey.

Access Channels Committee: The Access Channels Committee had a meeting prior to the full board meeting; short discussion on what we'll be doing but no decisions to report at this time.

Digital Conversion Committee: The Digital Conversion Committee has not met.

Public Comments Committee: Jon Rehm is on the Public Comments Committee; was not able to attend the April meeting when the Committees were created, so his name was not on that list.

OLD BUSINESS

Regarding the Cable TV Bill of Rights, Huggenberger reported that he has been in contact with Beth Scarborough about the document. They have accepted the document, but discussion has not been had about where it will be posted (i.e. on the TWC Web site or the City's Web site.)

Regarding the changes to the Complaints Reporting process which had been suggested at the last meeting, Huggenberger has had that conversation with Scarborough as well. She said that it can be brought up as a topic for discussion at the end of the one-year trial period which TWC had agreed to as part of the settlement after the Navigator discussions. Huggenberger says that a report is available. Stuart moved that the report be made available to the public by the City in whatever way seems appropriate. Herres seconded, motion passed unanimously.

NEW BUSINESS

- Bestorq, Inc:

Del Stork, from Bestorq, Inc, a manufacturer of rubber products, came before the Board to request better cable service. He is building an office at 70th & McCormick. They need redundant Internet service; as it is now they have a DSL Internet connection but if that connection goes down he can't do business. Time Warner Cable doesn't currently serve that area. Stork is not needing television service, but he thinks that they should be able to find a way to get broadband Internet service. Shrewsbury said that TWC looks at areas that Lincoln is expanding, and they do tend to build out with the City as it expands, but this area currently doesn't have the growth potential to support expanding. Shrewsbury said that the Nebraska School Activities Association has paid for cable to be installed out to their outlying location; that's an option.

Huggenberger said that action by the Cable Advisory Board wouldn't be appropriate; the franchise agreement doesn't allow for the CAB to act on broadband service, just on cable television.

Herres commented that Stork's company may want to get involved with the petition that's being circulated which would allow LES to rent out dark fiber. Rehm said that he would be interested to see a map showing where businesses can be located and get services. Herres said that the City should be more proactive on this. Shrewsbury said that this type of thing had been an issue in the past in the Haymarket too, where there is only one type of service; however they now have more options. Herres said that the City of Lincoln should think about getting on the ball with legislators, to persuade them to allow LES to use their dark fiber. Long said that LES has told him that they put dark fiber in everywhere they dig.

Huggenberger said he'll talk to someone who's doing some business in the area of 70th & Cornhusker, to see if he can find ideas about other options.

- **Franchise Transfer:**

TWC has notified the City that their cable company is spinning off from Time Warner Inc. TWC has asked for approval of the spinoff.

Huggenberger said that the City has the option of examining transfers in terms of whether it will affect technical or other issues. Friedman asked if the City would have power to stop this transfer if we chose to. Huggenberger said he doesn't think we would.

Friedman moved, Lee seconded, that we resolve to approve the transfer; Friedman commented that he is moving this because of the belief that we don't have the power to stop it. Johnson said that he would be voting against the resolution; he doesn't think it's necessary to pass such a resolution if we don't have the power to stop it, but he doesn't want to give the appearance that the City necessarily endorses the spinoff either, particularly without formally asking for public comment. Motion passed 4-2 (Friedman, Herres, Lee, and Zygielbaum in favor; Johnson and Long opposed.)

- **Espejo complaint:**

A complaint had been forwarded to the Board from Kathy Espejo. Espejo's son had an outstanding cable bill; bill has been taken care of now, but Espejo objected to the threatening tone of the bill collector's caller, and particularly to the fact that the collector had allegedly threatened to pull the service of the son's elderly grandparents, with whom he had lived briefly following his move from the location where the cable bill had been owed.

Zygielbaum asked Shrewsbury to comment. Shrewsbury said that company policy is that if a cable customer has not paid a final bill, they are not allowed to have cable at the new address until the complaint is resolved. Shrewsbury said that they have the right to refuse service at the new address.

Zygielbaum asked if, in the Espejo case, the grandparents had any problems with outstanding bills. Shrewsbury said no. Zygielbaum asked if there might have been other remedies to collect the amount the son owed, rather than threatening to stop service at the grandparents' address. Friedman said "sue him." Shrewsbury said that's one option; sue, or send to a collection agency. However, she said that stopping service at the new address is also an option that TWC is entitled to.

Friedman said that he's satisfied with the explanation. Zygielbaum said he's a little queasy about going after an innocent party for the actions of a guilty party. He would like to see TWC send a response to Espejo. Friedman suggested that Shrewsbury might draw up a response, which could be forwarded to the Espejo's by the City. Shrewsbury said that she'd draw up a letter, Zygielbaum and Shrewsbury could take it from there.

- **Channel Guide:**

The Lincoln Journal Star has recently pared down their printed TV channel guide, and are now just printing the prime time shows; furthermore they're printing them once each day rather than collecting a week's shows in a separate TV section. Guillaume reported that numerous callers have complained about the cut in service. Offline, Guillaume had asked Shrewsbury if TWC would be willing to take up the slack by issuing a guide; Shrewsbury had said no. There is a TV Guide channel online. Johnson also pointed out that TWC has an online guide on their web site, at <http://www.timewarnercable.com/CustomerService/TvListings/TvListings.ashx>. Guillaume said that those solutions are inconvenient for people who don't have Internet capability or who are more comfortable with a printed guide. Board consensus was that this is not an issue that we can act on.

- **Cable Outage:**

On July 18, there was a large cable outage. Zygielbaum said that there were many complaints, also news reports mentioned that a lot of people complained that their service calls went unanswered. He asked Shrewsbury for comments. Shrewsbury said that the problem was on the TWC head end; it took about three hours to recover service. The phone problem stemmed from the fact that they have only a certain number of lines open, and circuits get jammed in the case of a major outage. The number of lines is sufficient for normal outages, but will not work in a major outage. If they expanded the number of phone lines they could take more calls in an emergency, but they would have to pass through more costs to customers because the larger number of phone lines and service personnel would be unused most of the time. She said that if all lines are busy there's usually a recording saying that, but on the 18th the phone system wasn't even able to keep up with the customers in that aspect. Shrewsbury said that TWC is always willing to discuss giving credit to people for service outages.

Lee said that sometimes utility companies such as LES call radio stations to report their status in the case of emergency outages. Shrewsbury agreed, and said that TWC would do that if the status was known, but for LES it's generally a cable cut or a fallen power line that causes problems, and in those cases it's easier to make an estimate of the time that it will take to recover the system.

- **Returning Members:**

Zygielbaum reported that the three members whose terms expire in July 2008 have all been asked if they wanted reappointment, all have agreed to do so although the formal Council approval has not yet taken place. An appointment is underway for the vacant position which was created by Scott Young's resignation, but that name is not yet public.

TWC Reports: Shrewsbury thanked all the board members who joined them at Spotlight on Education Night. Wenz passed out copies of his report.

City Reports: Gonzolas distributed copies of her report.

- **Adjournment**

Long moved adjournment, Herres seconded. Motion passed 6-0. Meeting adjourned at 5:30 p.m.

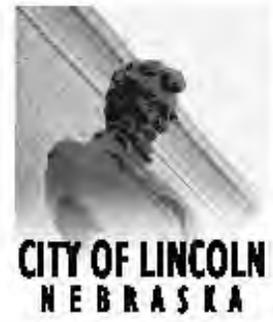
Next meeting scheduled for October 23, 2008 at the City-County Building, room TBA.

Secretary's note: October meeting was cancelled; next meeting will be January 22, 2009.

Respectfully submitted,

Jim Johnson, secretary

NEWS RELEASE



Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
402-441-8500; library@lincolnlibraries.org; www.lincolnlibraries.org

FOR RELEASE: January 16, 2009
CONTACT: Sheila Jacobs, Outreach Supervisor, Lincoln City Libraries
PHONE: 402-441-8546
E-MAIL: s.jacobs@lincolnlibraries.org

AFRICAN AMERICAN READ-IN Lincoln City Libraries

As part of Black History Month events, Lincoln City Libraries, Clyde Malone Community Center and University of Nebraska Libraries are co-hosts for the 20th National African American Read-In. Guests from the community will read a variety of excerpts from works by or about African Americans. The readings will be held at the Eiseley Branch Library, 1530 Superior Street, on Thursday, February 5th, at 12:00 noon.

The event is free of charge with readings being of most interest to middle school age and above.

The goal of the National Read-In is to make the celebration of African American literacy a traditional part of Black History month activities. Additional information about the national read-in event is at www.ncte.org/prog/readin/107901.htm.

For more information about this or any related events, contact Lincoln City Libraries at 441-8500, www.lincolnlibraries.org.

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NEWS RELEASE

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
402-441-8500; library@lincolnlibraries.org; www.lincolnlibraries.org

FOR RELEASE: January 20, 2009
CONTACT: Barbara Hansen, Administrative Aide
PHONE: 402-441-8512
E-MAIL: b.hansen@lincolnlibraries.org

TITLE NOMINATIONS NOW BEING ACCEPTED

One Book - One Lincoln Community Reading Program

Nominations are now being accepted for the title to be read as part of the 2009 One Book - One Lincoln community reading program.

The One Book - One Lincoln community reading program has been a great success over the past seven years. The community has enjoyed reading and discussing *Plainsong*, *Bel Canto*, *Peace Like a River*, *Kite Runner*, *Devil in the White City*, *The Worst Hard Time*, and most recently *The Thirteenth Tale*.

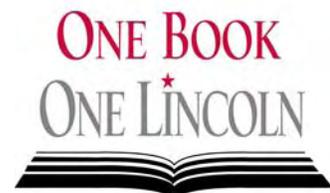
Plans are now underway to offer the program again. Selecting a book for all of Lincoln to read is the first step. Only titles nominated by the community are considered. A committee of community readers relies on these nominations to make the choice for One Book - One Lincoln.

Here's what we're looking for in a book:

- *Fiction or Nonfiction
- *Addresses universal themes of life
- *Sparks thoughtful discussion
- *Of general interest to adults and young adults

Nomination forms can be found at Lincoln City Libraries locations or online at www.lincolnlibraries.org. Nominations are being accepted through February 20, 2009.

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NEWS RELEASE

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
402-441-8500; library@lincolnlibraries.org; www.lincolnlibraries.org



FOR RELEASE: January 21, 2009
CONTACT: Pat Leach, Library Director
PHONE: 402-441-8510
E-MAIL: p.leach@lincolnlibraries.org

SUNDAYS @ YOUR LIBRARY

Lincoln City Libraries

With expanded service hours at several locations, Sunday is a great evening for you and your family to visit Lincoln City Libraries. Visit the library on a Sunday three times between January 25th and March 1st and you will be entered in a prize drawing. Pick up a brochure at the library for details.

Plan to attend the following events when you visit the library.

- January 25th Family Movie Night – Anderson & South Branch Libraries; 6:00 – 7:30 p.m.
Family film and seed planting. Visit Anderson Branch Library, 3635 Touzalin Avenue, or South Branch Library, 2675 South St. for a family movie night. Watch misfit robots as they travel the galaxy in this G-rated motion picture.
- February 1st – Family Game Night – Eiseley Branch Library, 1530 Superior Street, 6:00 – 7:30 p.m..
A variety of board games will be available to play. Compete against family members and friends.
- February 8th – Family Game Night – Walt Branch Library; 6701 So. 14th Street 5:30 – 7:30 p.m.
Join your family and friends at Walt Branch and compete in Mario Cart or Guitar Hero.
- February 15th – Living Chess – Gere Branch Library, 2400 So. 56th St., 6:00 – 7:30 p.m.
Don't be bored, get on board. Sign up to be a chess piece. Call 441-8560 to be part of the royal game.
- February 22nd – Family Game Night – Anderson Branch, 3635 Touzalin Avenue, 6:00 – 7:30 p.m.
A variety of board games will be available to play. Compete against family and friends.
- February 22nd – Family Movie Night – South Branch, 6:00 – 7:30 p.m.
It's all about chocolate. Watch winners tour the most eccentric and wonderful candy factory of all in this family film. Followed by chocolate crafts.
- March 1st – Celebrate Dr. Seuss' Birthday – Bennett Martin Public Library, 1:00 p.m.
Enjoy film animations of his books. Come in costume as your favorite Seuss character. Make an edible "Cat in the Hat" hat and a Grinch mask. Play "Pin the Eggs on the Plate" and see if you can be the "Three Cats in a Row" champion. Get your picture taken for our Web site doing your best Cat in the Hat imitation. ###



Michele M Abendroth/Notes

01/16/2009 03:23 PM

To: csteward1@unl.edu, jeff@searcyteam.com,
jhewitt@nebrwesleyan.edu, jkay@sinclairhille.com,
ktodd2@unl.edu, larry@atwoodhouse.com,

cc

bcc

Subject: Nebraska Capitol Environs Commission - January meeting
cancelled

The **January 2009 Nebraska Capitol Environs Commission** meeting has been cancelled as no applications were received.

If you have any questions, please feel free to call the Planning Department at 441-7491.

Michele Abendroth
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6164

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MEMORANDUM

TO: City Council

FROM: Marvin Krout, Director of Planning

SUBJECT: Bill #09-6 - Change of Zone No. 08063 - Text Amendment relating to electronic copy signs for churches, schools and community playhouses

DATE: January 22, 2009

cc: Mayor Chris Beutler
John Hendry, City Attorney

During the January 12 City Council meeting Council members asked staff for some clarifications regarding the text amendment to allow electronic copy signs for Churches, Schools and Community Playhouses.

1. Why can't the Council just amend the special permit for the Playhouse to allow it to have an electronic copy sign?

The Lincoln Community Playhouse is permitted under a special permit for a Recreational Facility. This particular special permit, like others, does not provide for the Council to waive sign rules. It appears as though the only other way to deal with the request of the Playhouse is to rezone to a Business zoning classification. This lot does not meet the usual criteria that would lend support to that action.

2. Why did staff take such a global approach to providing an electronic copy sign for the Playhouse?

In 2004, the Community Playhouse was granted its request that "playhouses" be added to the sign provisions for Churches and Schools, because they are similar in function and character to churches and schools. Prior to 2004, as a special permit in a residential district, under provision 27.69.160, the Playhouse was limited to one sign, outside the front yard, 20 square foot in area and 8 foot in height.

Several churches have inquired about installing a digital message board during the time leading up to the Playhouse filing its latest request. Staff thought that sooner or later, one of these churches would make a request similar to the Playhouse, so this was an appropriate time to consider all three uses in this category. We also noted that several public high schools and other public uses which are exempt from local zoning rules have installed digital signs subject to the proposed restrictions on how often a sign can change. So, with the restrictions of 150 foot spacing to residential and only allowed on arterial streets, it seemed reasonable to allow digital signs for all 3 uses. The Mayor's Neighborhood Roundtable was briefed on this proposal prior to the Planning Commission hearing and did not raise any objections.

3. Where did the 150 foot spacing requirement come from?

The 150 foot spacing requirement was based on the current minimum spacing requirement for off-premise electronic copy sign from a residential district.

4. Are there other communities that allow electronic copy signs in similar situations?

Yes. Staff found other communities such as Rochester, MN and Carrollton, TX that recently amended their code to allow, by right with conditions, electronic copy signs for churches and schools. Other cities allow electronic copy signs only by special permit.

Also regarding this proposal, an amendment is being prepared by Law that would allow the digital sign to remain illuminated but static after 11PM, rather than shut off.

Q:\pc\cz\08000\CZ08063 memo to CC

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning 

DATE : January 20, 2009

RE : **Special Permit No. 08041 - Stone Haven Community Unit Plan**
(S.W. 12th Street and West Denton Road)
Resolution No. PC-01153

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 14, 2009:

Motion made by Sunderman, seconded by Francis, to approve **Special Permit No. 08041**, with conditions, as amended, requested by Reserve Development, LLC, for authority to develop **Stone Haven Community Unit Plan**, consisting of 84 single family lots and 72 attached single family lots, together with a request to waive the requirements of the Land Subdivision Ordinance and Zoning Code to waive the required pedestrian way when a block exceeds 1,000 feet in length and to reduce the rear yard setback from 30 feet or 20% of the depth to 20 feet, respectively, on property generally located southwest of S.W. 12th Street and West Denton Road.

Motion for conditional approval, as amended, carried 8-0: Esseks, Francis, Cornelius, Sunderman, Larson, Partington, Taylor and Carroll voting 'yes' (Gaylor Baird absent).

The Planning Commission's action on the special permit/community unit plan 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.

On January 14, 2009, the Planning Commission also voted 8-0 to recommend approval of the associated Annexation No. 08023, subject to an Annexation Agreement, and voted 8-0 to recommend approval of the associated Change of Zone No. 08051, from AGR Agricultural Residential to R-3 Residential. The public hearing before the Lincoln City Council on these applications will be scheduled when the associated annexation agreement has been completed.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., #200, 68512
Reserve Development, LLC, 3700 S. 14th Street, 68502
Danny Walker, 427 E Street, 68508
Bob Miller, 1250 W. Cademon Court, 68523
Richard Hill, 6705 S.W. 16th Street, 68512

RESOLUTION NO. PC- 01153

SPECIAL PERMIT NO. 08041

1 WHEREAS, Reserve Development LLC has submitted an application designated
2 as Special Permit No. 08041 for authority to develop Stone Haven Community Unit Plan for 84
3 single family lots and 72 attached single family lots, together with a request to waive the
4 requirements of the Land Subdivision Ordinance and Zoning Code to waive the required
5 pedestrian way when a block exceeds 1,000 feet in length and to reduce the rear yard setback
6 from 30 feet or 20% of the depth to 20 feet, respectively, on property generally located southwest
7 of S.W. 12th Street and West Denton Road and legally described as:

8 Outlot B, Cardwell Reserve First Addition, Lot 8, Lot 19, Lot 20,
9 and Lot 21 of Irregular Tracts, all located in the Northeast Quarter
10 of Section 21, Township 9 North, Range 6 East of the 6th P.M.,
11 Lincoln, Lancaster County, Nebraska and more particularly
12 described as follows:

13 Referring to the northeast corner of the Northeast Quarter of said
14 Section 21; thence in a westerly direction, along the north line of
15 the Northeast Quarter of said Section 21, on an assumed bearing
16 of north 89 degrees 39 minutes 08 seconds east for a distance of
17 49.41 feet; thence in a southerly direction of south 00 degrees 20
18 minutes 52 seconds west to the northeast corner of said Lot 21, a
19 distance of 50.00 feet and point of beginning; thence south 00
20 degrees 20 minutes 04 seconds east, along the westerly 50 foot
21 right-of-way line of S.W. 12th Street, for a distance of 1276.03 feet;
22 thence north 89 degrees 46 minutes 18 seconds west for a
23 distance of 10.00 feet; thence south 00 degrees 20 minutes 04
24 seconds east, along the westerly 60 foot right-of-way line of S.W.
25 12th Street, for a distance of 253.17 feet; thence on said bearing of
26 south 50 degrees 28 minutes 59 seconds west, for a distance of
27 91.00 feet; thence on a curve to the right, with an arc length of

1 270.43 feet, with a radius of 488.61 feet, with a chord bearing of
2 south 66 degrees 20 minutes 16 seconds west, a chord length of
3 266.99 feet; thence on a curve to the right, with an arc length of
4 224.17 feet; with a radius of 859.95 feet, with a chord bearing of
5 south 89 degrees 39 minutes 41 seconds west, a chord length of
6 223.54 feet; thence on a curve to the left, with an arc length of
7 217.44 feet, with a radius of 3538.83 feet, with a chord bearing of
8 north 84 degrees 37 minutes 51 seconds west, a chord length of
9 217.41 feet; thence on a curve to the left, with an arc length of
10 344.86 feet, with a radius of 990.74 feet with a chord bearing of
11 south 83 degrees 38 minutes 04 seconds west, a chord length of
12 343.22 feet; thence north 73 degrees 40 minutes 29 seconds west
13 for a distance of 3.60 feet; thence south 84 degrees 44 minutes 52
14 seconds west for a distance of 250.53 feet; thence south 51
15 degrees 16 minutes 49 seconds west for a distance of 315.96
16 feet; thence south 59 degrees 32 minutes 59 seconds west, for a
17 distance of 79.87 feet; thence north 52 degrees 06 minutes 05
18 seconds west for a distance of 274.89 feet; thence south 54
19 degrees 26 minutes 12 seconds west for a distance of 237.04
20 feet; thence north 40 degrees 54 minutes 11 seconds west for a
21 distance of 133.48 feet; thence south 88 degrees 27 minutes 21
22 seconds west for a distance of 262.08 feet; thence north 85
23 degrees 41 minutes 44 seconds west for a distance of 118.92
24 feet; thence south 78 degrees 13 minutes 03 seconds west for a
25 distance of 121.88 feet; thence north 00 degrees 38 minutes 07
26 seconds west, along the west line of the Northeast Quarter of said
27 Section 21, for a distance of 1824.93 feet to a point on the
28 southerly right-of-way line of West Denton Road; thence south 88
29 degrees 50 minutes 53 seconds east, along the southerly right-of-
30 way line of West Denton Road, for a distance of 253.68 feet;
31 thence south 89 degrees 39 minutes 08 seconds east, along the
32 southerly right-of-way line of West Denton Road, for a distance of
33 800.95 feet; thence north 89 degrees 25 minutes 03 seconds east,
34 along the southerly right-of-way line of West Denton Road, for a
35 distance of 1266.12 feet; thence south 89 degrees 39 minutes 08
36 seconds east, along the southerly right-of-way line of West Denton
37 Road, for a distance of 293.00 feet to a point on the westerly 50
38 foot right-of-way line of S.W. 12th Street; said property contains
39 104.54 acres more or less;

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

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

1 WHEREAS, said site plan together with the terms and conditions hereinafter set
2 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and
3 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
4 general welfare; and

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

7 That the application of Reserve Development LLC, hereinafter referred to as
8 "Permittee", to develop Stone Haven Community Unit Plan for 84 single-family lots and 72
9 attached single-family lots, in three phases, be and the same is hereby granted under the
10 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition
11 that construction of said development be in substantial compliance with said application, the site
12 plan, and the following additional express terms, conditions, and requirements:

13 1. This permit approves 156 dwelling units contingent upon the annexation and
14 rezoning of Phases 1, 2 and 3 as shown on sheet 8 of 8 of the site plan. Specific approval of
15 Phase 1 is conditioned upon the City Council approving Change of Zone #08051, Annexation
16 #08023 and Annexation #08024. Approval of Phases 2 and 3 are conditioned upon the City
17 Council annexing the property encompassing those two phases and rezoning said property from
18 AG Agricultural District to R-3 Residential District.

19 2. This permit waives the requirement in Section 26.23.125 of the Lincoln Municipal
20 Code that a pedestrian way shall be required when a block exceeds 1,000 feet in length and
21 where needed for pedestrian traffic, and reduces the rear yard setback requirements of the R-3
22 Residential District from 30 feet or 20% of the depth to 20 feet.

23 3. Permittee shall cause to be prepared and submitted to the Planning Department a
24 revised and reproducible final plot plan including five copies showing the below required
25 revisions.

- 1 a. General note #27 needs to be revised to state 41 lots can be platted
2 before paving improvements at the intersections of S.W. 12th and West
3 Denton Road and S.W. 12th and West Stove Haven Blvd.
- 4 b. Note 28 should be revised to state, "Developer may plat up to 110 lots
5 before connecting the subdivision to West Denton Road via S.W. 16th
6 Street. Platting more than 110 lots will require the developer to install the
7 west bound left-hand turn lane in West Denton Road at S.W. 16th Street.
8 If a voluntary connection to West Denton Road is made at S.W. 16th
9 Street before platting 110 lots, the developer shall construct the west
10 bound left-hand turn lane in West Denton Road at that time."
- 11 c. Add to the General Notes, "Signs need not be shown on this site plan, but
12 need to be in compliance with chapter 27.69 of the Lincoln Zoning
13 Ordinance, and must be approved by Building & Safety Department prior
14 to installation."
- 15 d. Show the additional easements required by the LES memo from Emily
16 Koenig dated September 25, 2008 and add to General Notes,
17 "Ornamental street lights for private roadways and pedestrian way
18 easements must be approved by L.E.S."
- 19 e. Address to the satisfaction of the County Engineer all comments stated in
20 the County Engineers memo from Ken D. Schroeder dated September
21 22, 2008.
- 22 f. Change Carrie Court to W. Carrie Court.
- 23 g. Include a note under General Notes, similar to the note for improvements
24 in the minimum flood corridor, for vegetation enhancements for the
25 preserved floodplain areas.
- 26 h. Add a note under General Notes stating "Prospective buyers of the lots will
27 be informed regarding the presence of the underground petroleum pipeline
28 and the LLCHD's recommended 150 foot buffer."
- 29 i. Show delineation of the floodprone area as documented by the Division of
30 Watershed Management of Public Works & Utilities and submitted to
31 FEMA on behalf of the City of Lincoln.
- 32
- 33 4. Prior to the issuance of a building permit:
- 34 a. The construction plans must substantially comply with the approved
35 plans.
- 36 b. Provide documentation from the Register of Deeds that the letter of
37 acceptance as required by the approval of the special permit has been
38 recorded.
- 39 c. Final plats are approved by the City.
- 40

1 If any final plat on all or a portion of the approved community unit plan is
2 submitted five (5) years or more after the approval of the community unit
3 plan, the city may require that a new community unit plan be submitted,
4 pursuant to all the provisions of section 26.31.015. A new community unit
5 plan may be required if the subdivision ordinance, the design standards,
6 or the required improvements have been amended by the city; and as a
7 result, the community unit plan as originally approved does not comply
8 with the amended rules and regulations.

9 Before the approval of a final plat, the public streets, private roadway
10 improvements, sidewalks, public sanitary sewer system, public water
11 system, drainage facilities, land preparation and grading, sediment and
12 erosions control measures, storm water detention/retention facilities,
13 drainageway improvements, street lights, landscaping screens, street
14 trees, temporary turnaround and barricades, and street name signs, must
15 be completed or provisions (bond, escrow or security agreement) to
16 guarantee completion must be approved by the City Law Department.
17 The improvements must be completed in conformance with adopted
18 design standards and within the time period specified in the Land
19 Subdivision Ordinance. A cash contribution to the City in lieu of a bond,
20 escrow, or security agreement may be furnished for sidewalks and street
21 trees along major streets that have not been improved to an urban cross
22 section. A cash contribution to the City in lieu of a bond, escrow, or
23 security agreement may be furnished for street trees on a final plat with 10
24 or fewer lots.

- 25 d. Permittee must enter into an agreement with the City wherein Permittee
26 as Subdivider agrees:
- 27 i. to complete the street paving of public streets, and temporary
28 turnarounds and barricades located at the temporary dead-end of
29 the streets shown on the final plat within two (2) years following the
30 approval of the final plat.
 - 31 ii. to complete the paving of private roadway, and temporary
32 turnarounds and barricades located at the temporary dead-end of
33 the private roadways shown on the final plat within two (2) years
34 following the approval of this final plat.
 - 35 iii. to complete the installation of sidewalks along both sides of all
36 streets as shown on the final plat within four (4) years following the
37 approval of the final plat.
 - 38 iv. to complete the installation of sidewalks along any improved major
39 street as shown on the final plat within two (2) years following the
40 approval of this final plat.
41

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- v. to construct the sidewalk in the pedestrian way easements at the same time as Stone Haven Blvd. is paved and to agree that no building permit shall be issued for construction on Lots 12, 13, 35 and 36, Block 7, abutting both sides of the pedestrian way easement until such time as the sidewalk in the pedestrian way easement is constructed.
- vi. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- vii. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- viii. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- ix. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- x. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- xi. to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of the final plat.
- xii. to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- xiii. to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- xiv. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- xv. to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- xvi. to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

- 1 xvii. to comply with the provisions of the Land Preparation and Grading
2 requirements of the Land Subdivision Ordinance.
- 3 xviii. to complete the public and private improvements shown on the
4 Community Unit Plan.
- 5 xix. to keep taxes and special assessments on the outlots from
6 becoming delinquent.
- 7 xx. to maintain the outlots and private improvements in a condition as
8 near as practical to the original construction on a permanent and
9 continuous basis.
- 10 xxi. to maintain the plants in the medians and islands on a permanent
11 and continuous basis.
- 12 xxii. to maintain the street trees along the private roadways and
13 landscape screens on a permanent and continuous basis.
- 14 xxiii. to maintain the sidewalks in the pedestrian way easements on lots
15 12, 13, 35 and 36, Block 7 and all of its elements in a condition as
16 near as practical to the original or as constructed condition in order
17 to provide the user with a safe and convenient facility on a
18 permanent and continuous basis.
- 19 xxiv. to maintain and supervise the private facilities which have
20 common use or benefit in a condition as near as practical to the
21 original construction on a permanent and continuous basis, and to
22 recognize that there may be additional maintenance issues or
23 costs associated with providing for the proper functioning of storm
24 water detention/retention facilities as they were designed and
25 constructed within the development and that these are the
26 responsibility of the land owner.
- 27 xxv. to retain ownership of and the right of entry to the outlots in order to
28 perform the above-described maintenance of the outlots and
29 private improvements on a permanent and continuous basis.
30 However, Subdivider may be relieved and discharged of such
31 maintenance obligations upon creating in writing a permanent and
32 continuous association of property owners who would be
33 responsible for said permanent and continuous maintenance
34 subject to the following conditions:
- 35 (1) Subdivider shall not be relieved of Subdivider's
36 maintenance obligation for each specific private
37 improvement until a registered professional engineer or
38 nurseryman who supervised the installation of said private
39 improvement has certified to the City that the improvement
40 has been installed in accordance with approved plans.

1 (2) The maintenance agreements are incorporated into
2 covenants and restrictions in deeds to the subdivided
3 property and the documents creating the association and
4 the restrictive covenants have been reviewed and approved
5 by the City Attorney and filed of record with the Register of
6 Deeds

7
8 xxvi. to inform all purchasers and users that the land is located within
9 the 100 year floodplain and that the grading of the lots and outlots
10 shall be in conformance with the approved grading plan or as
11 amended by the Director of Planning. The volume of fill material
12 brought into each lot and outlot from outside the floodplain shall not
13 exceed that shown on the approved grading plan accompanying
14 the preliminary plat.

15 xxvii. to protect the trees that are indicated to remain during construction
16 and development.

17 xxviii. to relinquish the right of direct vehicular access to W. Denton road
18 and S.W. 12th Street except as shown on the Special Permit.

19 xxix. to submit to all potential purchasers of lots a copy of the ground
20 water report.

21 5. Before occupying the dwelling units all development and construction is to
22 substantially comply with the approved plans.

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

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

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

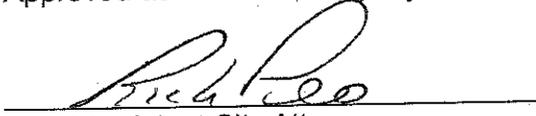
1 9. The site plan as approved with this resolution voids and supersedes all previously
2 approved site plans, however all resolutions/ordinances approving previous permits remain in
3 full force and effect except as specifically amended by this resolution.

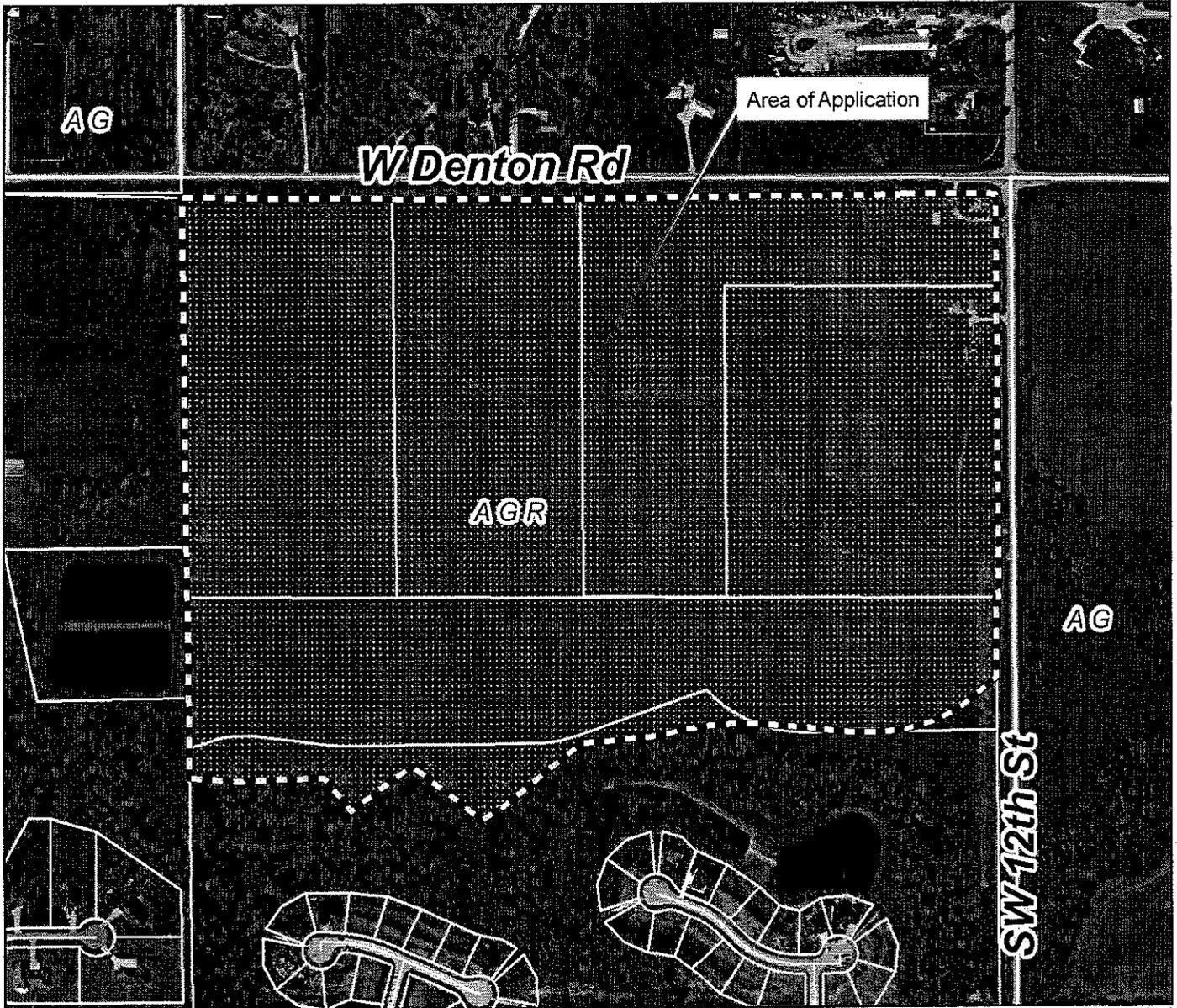
4 10. The foregoing Resolution was approved by the Lincoln City-Lancaster County
5 Planning Commission on this 14 day of January, 2009.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



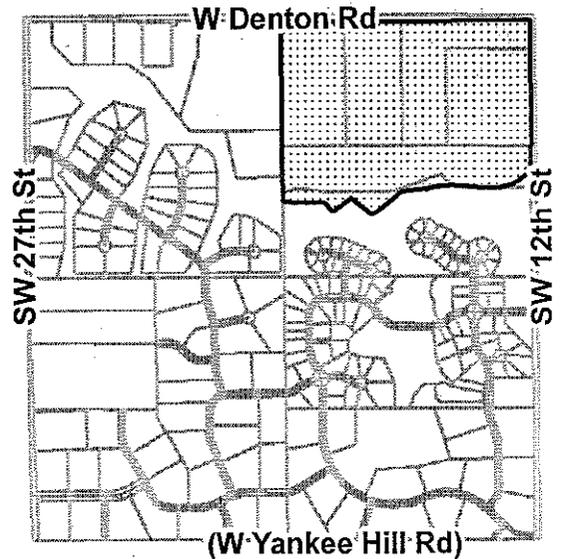
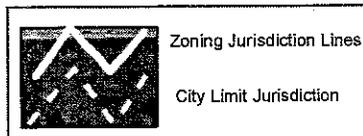
**Special Permit #08041
Stone Haven CUP**

2007 aerial

Zoning:

One Square Mile
Sec. 21 T09N 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





<ritualrich@windstream.net>

01/16/2009 04:31 PM

To <council@lincoln.ne.gov>

cc

bcc

Subject ATTN: ROBIN ESCHLIMAN

History:

 This message has been forwarded.

This is in regard to the unsightly group of railway cars parked on the spur that parallels Hiway 2 from 40th to 48th. In addition, cars are parked from just West of 40th to approximately 27th street, but our concern is the group first mentioned.

These are old grafitti marked railcars that completely obliterate the view from our house and many other homes, including the Lodge Apartments and mar the appearance of the entire area. Further it is certainly an unsightly view to all motorists driving Hiway 2, one of the main arteries into the city from the East.

These cars were moved into the 40th to 48th area on January 5 or 6. The other group has been in place since before Thanksgiving.

I suggest that the railroad can find a more isolated area than this to hide their old cars.

Thank you for any help you can provide in moving these cars out at the earliest possible time.

Richard Todd
5330 Stonecliffe Dr.
Lincoln, NE 68516
402/421-6932



WebForm
<none@lincoln.ne.gov>
01/19/2009 02:05 PM

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

InterLinc: City Council Feedback for
General Council

Name: eagle fire /rescue
Address: po box 126
City: eagle .ne 68347

Phone: 402-781-2745
Fax:
Email: rmt010@alltel.net

Comment or Question:
just wondering why and how elmwood recieves als intercept when they dont pay
how can this be when we are not allowed to because we do not pay?

COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES
Incorporated



10302 Eaton Place, Suite 100 • Fairfax, Virginia 22030-2215 • Local (703) 352-4225 • (800) 368-3757 • FAX (703) 591-2206 • calea@calea.org

RECEIVED

JAN 20 2009

CITY COUNCIL
OFFICE

January 16, 2008

Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

Dear Lincoln City Council:

We are happy to report that during the Tulsa Conference the Commission awarded **Reaccredited** status to the following agency in your state.

Lincoln Emergency Communications/911 Center

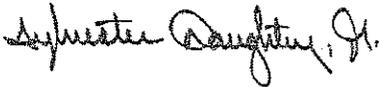
This action was taken in Tulsa, Oklahoma on December 6, 2008. This agency belongs to an elite group of public safety agencies in the United States, Canada, Mexico and Barbados that have received this prestigious, international award. Citizens in your state deserve to know that this agency, like schools and hospitals, has taken extraordinary steps to demonstrate their professionalism and pride in delivering quality law enforcement service to their community.

The Commission is an independent, nonprofit organization, founded by the four law enforcement membership associations: the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriff's Association and the Police Executive Research Forum. The Commission is comprised of Chiefs, Sheriffs, elected officials and community leaders appointed by the four founding organizations. CALEA maintains a body of professional, law enforcement standards and administers a voluntary process for participation.

The agency must meet all applicable standards according to its size and function. The standards address all areas of administration, operation, and technical support activities. Following a thorough self-assessment, the agency receives a vigorous on-site assessment by a team of assessors, trained by CALEA. The assessors carefully review policies, observe procedures, interview personnel, and seek public input from the community. The team's final report forms the basis for a post-assessment hearing before the Commission. The three-year award requires an agency's commitment to maintain compliance with standards and offers an opportunity for reaccreditation of their compliance into the future.

You should be tremendously proud of the men and women in this agency.
Congratulations!

Respectfully yours,

A handwritten signature in black ink that reads "Sylvester Daughtry, Jr." in a cursive style.

Sylvester Daughtry, Jr.
Executive Director

SD/cs



Gerald Brodd
<ghbrodd@windstream.net>

01/21/2009 06:43 PM

To <council@lincoln.ne.gov>

cc

bcc

Subject gasoline prices

how do difference gas stations set their price on gasoline when one sells unleaded for the lower price and others sell super unleaded for the lower price. this seems like the price must be the same for both grades. is there any way for you to check into this.

thank you

gerald brodd
5418 greenwood st.
lincoln ne



Linda Witfoth
<lmwitfoth@gmail.com>
01/22/2009 12:32 PM

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 Pilot Aijji <PilotAijji@gmail.com>, Michael Barna
<mbarna7@gmail.com>, <douglas_kerns@yahoo.com>

bcc

Subject RE: Change of Zone 08058 and Use Permit 08002

In Regard to the following issues brought up at the January 12th City Council meeting:

- 17) 08-170 Change of Zone 08058 - Application of Brian and Debra Marshall and Earl Visser for a change of zone from R-2 Residential District to R-T Residential Transition District on property generally located at 3333 A Street and 3345 A Street. (Related Items 08-170, 09R-8) (12/15/08 - 1st Reading Suspended; to be Introduced 1/5/09 w/UP 08002) Fact Sheet (772K)
- 18) 09R-8 Use Permit 08002 - Appeal of Linda M. Witfoth from the Planning Commission approval of Use Permit 08002 to allow office and residential uses as permitted uses on property located at 3333 A Street and 3345 A Street. (Related Items 08-170, 09R-8) (Action Date: 1/26/09) Fact Sheet (894K)

We were under the impression that we would be hearing something in the form of negotiations or further discussion on the above since Miss Eschliman asked Tracey Corr to mediate at the meeting. After the City Planning Meeting we were contacted and told when the next action would take place, but have yet to hear anything since the council meeting on January 12th.

The Marshalls concluded their argument with false statements that we were unable to answer. We'd like an opportunity to protect our peace and our investment in this neighborhood.

I thank you in advance for your timely response.

Linda M. Witfoth (on behalf of myself, Mike Barna and Seth Witfoth)
3336 Washington St.
Lincoln, NE 68506
Cell phone: 402-202-9189

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, JANUARY 26, 2009**

I. MAYOR -

1. NEWS RELEASE - RE: Reported Crime Falls 13 Percent In Lincoln - Crime rate at lowest point since 1970s.
2. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule for Week of January 24 through January 30, 2009 - Schedule subject to change -(Forward to Council on 01/23/09).

II. CITY CLERK -

1. E-Mail from Tim Gergen - RE: Change of Zone #08063 - signs for churches, schools, playhouses.

III. CORRESPONDENCE -

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS - NONE

C. MISCELLANEOUS -

1. E-Mail from Linda M. Witfoth, Michael C. Barna, Seth A. Witfoth - RE: Opposed to Change of Zone #08058 and Use Permit #08002.
2. E-Mail Letter from Tracy J. Corr, 40th & A Neighborhood Association President - RE: In Support of Change of Zone 08058 and Use Permit #08002.
3. Letter & Material from Brian & Deborah Marshall - RE: Change of Zone & Use Permit - From R-2 Residential District to R-T Residential Transition District on property located at 3333 and 3345 A Street. (Council received on 01/26/09, before their Formal Meeting) (Copy of this Material on file in the City Council Office)



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: January 23, 2009

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Chief Tom Casady, 441-7237

REPORTED CRIME FALLS 13 PERCENT IN LINCOLN

Crime rate at lowest point since 1970s

Mayor Chris Beutler and Police Chief Tom Casady today released crime statistics for calendar year 2008 showing that the City's overall reported crime fell by 13 percent compared to 2007. The number of crimes fell from 13,063 to 11,381 — that's the lowest number since 1985, despite a 70,000 increase in Lincoln's population. When adjusted for population, the crime rate (the number of crimes divided by the population) is at its lowest point since the early 1970s.

The Mayor said efficient and effective policing has been an important factor in lowering the crime rate. “The number of total arrests, traffic citations and drunk driving arrests all increased during 2008,” he said. “The percentage of crimes cleared also reached its highest level in recent decades.”

At the same time, the Mayor said the entire community plays a role in keeping Lincoln safe and in reducing the impact of crime. He cited the Stronger, Safer Neighborhoods Initiative as an example.

“Community residents are energized and are volunteering their time and effort to improve properties and increase safety,” Beutler said. “We are fortunate to live in a community with attractive neighborhoods, vibrant businesses, and involved citizens. All of those factors are important in keeping this a safe community and in preserving and protecting the quality of life we treasure here.”

Mayor Beutler said residents of Lincoln chose safety and security as their top priority a year ago through the PRIORITY LINCOLN public involvement process. “These statistics tell us that we continue to do a great job in this area,” he said. “We also must consider that safety and security contribute to nearly all of the other community outcomes we are trying to achieve: economic development, livable neighborhoods, healthy and productive people and effective transportation.”

Casady said the decline in crime over the past 20 years is a national phenomenon in the U.S. Crime statistics are compiled by the Lincoln Police Department as part of the FBI's national Uniform Crime Reporting program, which tracks murder, rape, robbery, aggravated assault, burglary, auto theft and larceny theft. In Lincoln, all crime categories fell except for a 30-percent increase in the number of robberies from 167 to 217. Casady said the increase was largely driven by street robberies, and added that 32 percent of the reported robberies were cleared.

- more -

2008 Crime Statistics

January 23, 2009

Page Two

Burglaries dropped by 19 percent in 2008, with 367 fewer offenses. While felony arrests fell 5 percent, criminal arrests were up by 1,622, and misdemeanor arrests increased by 1,766. "A major factor specific to Lincoln is the improved ability of our department to manage information, conduct investigations and formulate problem-oriented strategies based on knowledge," Casady said. "We engage in strategies that go beyond taking the next report. Problem solving is part of our organizational culture."

Traffic citations and DWI arrests also have increased, while the number of traffic accidents investigated by LPD was the lowest in decades. Over the past 15 years, the crash rate (crashes per million miles driven) in Nebraska has fallen by more than one third. "Lincoln's decline has been particularly impressive," Casady said. "Good engineering is critical, but enforcement of traffic laws also contributes to enhanced safety. Making traffic stops and issuing citations may not be glamorous, but it reduces property losses, prevents injury and truly saves lives. It probably has a more immediate impact on safety than almost anything we do."

Crime data are reported to the FBI by more than 17,000 law enforcement agencies nationwide and serve as the basis for most published crime statistics, crime rate comparisons and historical comparisons of crime reported to the police in the U.S.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

DATE: January 23, 2009

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

Mayor Beutler's Public Schedule Week of January 24 through 30, 2009 *Schedule subject to change*

Saturday, January 24

- Lincoln Neighborhood Alliance's "Talk to Elected Officials" and presentation of Neighborhood Hero Award - 2 p.m., First United Methodist Church, 2723 N. 50th St.
- Abraham Lincoln Bicentennial Celebration preview reception and short performance of "Civil War Voices," remarks - 5:30 p.m., Lincoln Community Playhouse, 56th and Normal Blvd.

Tuesday, January 27

- Nebraska Children's Home open house, remarks - 7:30 a.m., 4700 Valley Road
- KFOR "Lincoln Live" - 11:10 a.m., Three Eagles Communications, 3800 Cornhusker Hwy.
- Lincoln Fire & Rescue Spring Recruit Graduation Ceremony, remarks and badge presentations - 6 p.m., Lincoln-Lancaster County Health Department training center, 3140 "N" St.

Thursday, January 29

- Haydon Art Center birthday celebration of Benjamin Haydon, remarks - 6 p.m., Haydon Art Center, 335 N. 8th St. - Suite A
- Citizens Against Racism and Discrimination (CARD) recognition honoring Dan Williams, remarks - St. Paul Presbyterian Church, 12th and "M" streets



"Joan E. Ross"
<jross@lincoln.ne.gov>
01/26/2009 09:05 AM

To: Tammy J Grammer <TBogenreif@ci.lincoln.ne.us>
cc: "Mary M. Meyer" <MMMeyer@lancaster.ne.gov>, "tgergen@oaconsulting.com" <tgergen@oaconsulting.com>
bcc:
Subject: FW: COZ 08063, signs for churches,schools, playhouses

Tammy,

For Council's information for the meeting today.

Tim - Will do.

From: Tim Gergen [mailto:tgergen@oaconsulting.com]
Sent: Monday, January 26, 2009 8:38 AM
To: Joan E. Ross
Cc: ceichorn@lincoln.ne.gov
Subject: COZ 08063, signs for churches,schools, playhouses

Joan-

I would like to submit additional information pertaining to a possible amendment mentioned by Councilman Cook at the public hearing. At the public hearing Councilman Cook mentioned revising the text amendment to the sign code by having the sign turn off at 10:00 pm instead of 11:00 pm.

The schedule for the community playhouse has most performances ending at 10:00 and would prefer to have the sign on when patrons are leaving the building. However all patrons are usually gone by 10:30 with only the actors and staff still at the building till about 11:00.

I would appreciate it if you could forward this information along to the appropriate people.

Thank you

Tim

Tim Gergen | Land Development | Olsson Associates

1111 Lincoln Mall, Suite 111 | Lincoln, NE 68508 | tgergen@oaconsulting.com

TEL 402.474.6311 | DIR 402.458.5914 | CELL 402.525.6588 | FAX 402.474.5160

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

Tammy J Grammer/Notes

01/26/2009 08:42 AM

To Linda Witfoth <lmwitfoth@gmail.com>

cc demery@lincoln.ne.gov, dmarvin@lincoln.ne.gov,
douglas_kerns@yahoo.com, jcamp@lincoln.ne.gov,
jcook@lincoln.ne.gov, jspatz@lincoln.ne.gov,
bcc

Subject Re: Change of Zone 08058 and Use Permit 08002 

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

Tammy Grammer
City Council Secretary
555 South 10th Street - Room 111
Lincoln, NE 68508
Phone: 402-441-6867
E-Mail: tgrammer@lincoln.ne.gov

Linda Witfoth <lmwitfoth@gmail.com>



Linda Witfoth
<lmwitfoth@gmail.com>

01/25/2009 07:38 PM

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>,
<tgrammer@lincoln.ne.gov>, <mmmeyer@lincoln.ne.gov>,
<jspatz@lincoln.ne.gov>

cc <switfoth@gmail.com>, Michael Barna
<mbarna7@gmail.com>, <douglas_kerns@yahoo.com>

Subject Change of Zone 08058 and Use Permit 08002

TO: Lincoln City Council
FROM: Linda Witfoth, Seth Witfoth, and Michael Barna

RE: Change of Zone 08058 and Use Permit 08002

City Council Members:

We write to oppose the change of zone and use permit, from residential to residential-transitional. We feel that a change from family homes to light commercial properties at this location will have negative impacts on our neighborhood for the following reasons:

1. An R-T zone would allow the properties to be used for future purposes out of keeping with the character of our neighborhood and would allow, and in the Marshalls' example does allow, a business to operate that does not necessarily provide services to our neighborhood, but draws too much traffic from other areas. A traffic study may shed light on the effects of potential future uses that would depend on a high volume of customers and the corresponding heightened congestion on 33rd and A. Drawing too much traffic and moving forward without proper planning seems out of step with the Comprehensive Plan.

2. The Marshalls will not live on the property, which will be unoccupied at night. We do not like the prospect of having another unoccupied building with an empty parking lot between our home and A Street and Moran's Liquor. Each future owner could apply for a similar use permit. As neighbors, we would of course prefer that the properties be occupied at all hours by conscientious residential owners.

3. Lincoln business owners as a whole, and even the Marshalls in particular, would not suffer undue financial burdens by having to look for business space among the open properties already zoned for that purpose, many within mere blocks of this location.

4. Too many use restrictions are needed to make this change livable with the surrounding community of neighbors, as the area is congested as to traffic and parking and the lot sizes are too small to allow for sufficient parking for businesses while still preserving the quality of the neighboring yards.

5. Constructing a parking lot or lots in the backyard of the properties raises serious concerns as to drainage, the nuisance to neighbors from lighting needed for safety, car exhaust, and the potential litter and disturbing of our peace by the clientele of the business.

6. The Marshalls' have already alienated many neighbors and established an unnecessary and unproductive antagonism that creates a negative atmosphere in the neighborhood, and that bodes ill for future interactions.

We feel that if this should pass, to preserve our peace and quiet, we would require an 8' wooden fence, the parking lot to be surveyed with flooding and drainage issues considered in the design, and proper lighting that does not blare into our yard, as well as trees and a 30' landscape break from the fence to their parking lot that would provide adequate noise and environmental protection.

We love our neighborhood. We have owned our home for nearly eight years and have worked hard to beautify our property and keep up with repairs. We know many of our neighbors well. We want neighbors who add value to our neighborhood, but in a way that maintains our neighborhood's character. We feel that this business will further lessen our property value and affect our quality of life that we've worked so hard to achieve.

Approximately 50 neighbors signed a petition against this change of zone. We ask that you, the Lincoln City Council, in the interests of the multiple single family home and business owners who signed our petition, to deny the proposed change of zone and use permit for the homes at 3333 A and 3345 A Street.

Thank you for taking the time to consider our position on this issue. It is very dear to us and your careful thought is greatly appreciated.

Linda M. Witfoth
Michael C. Barna
Seth A. Witfoth
3336 Washington St.
Lincoln, NE 68506

Cell phone: 402-202-9189



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Tammy J Grammer/Notes
01/26/2009 08:48 AM

To Tracy Corr <tlines24@hotmail.com>
cc
bcc
Subject Re: 3333 A Street Zoning 

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

Tammy Grammer
City Council Secretary
555 South 10th Street - Room 111
Lincoln, NE 68508
Phone: 402-441-6867
E-Mail: tgrammer@lincoln.ne.gov

Tracy Corr <tlines24@hotmail.com>



Tracy Corr
<tlines24@hotmail.com>
01/25/2009 09:00 PM

To <council@lincoln.ne.gov>
cc
Subject 3333 A Street Zoning

Council:

Attached is a letter from the 40th & A Neighborhood Association board indicating our conditional support of Change of Zone 08058 and Use Permit 08002.

Thank you for all of your input and attention to this matter. I sincerely appreciate it!

--Tracy

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- 3333 A St CoZ Letter (2).pdf



1001 S. 37th Street
Lincoln, NE 68510

January 25, 2009

City of Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

RE: 3333 A Street Change of Zone

Dear City Council Members:

The 40th & A Neighborhood Association Board would like to change its unconditional support on Change of Zone application 08058 and Use Permit 08002 to conditional with the following limitations:

- (1) Prohibit financial institutions;
- (2) Limit hours of operation to 7 a.m. to 6 p.m.; and
- (3) Prohibit day laborers.

Please note that our support is only on the property located at 3333 A Street.

We are happy to work with the Marshall's on their zoning application as well as the surrounding residential and business neighbors.

Regards,

Tracy J. Corr
40th & A Neighborhood Association President