DIRECTORS' MEETING
MONDAY, NOVEMBER 2, 2009
COUNTY-CITY BUILDING
COUNTY-CITY BUILDING, ROOM 113
2:00 P.M.

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR

*1. NEWS RELEASE. City prepared for winter weather.
*2. Washington Report, October 16, 2009.
3. Message from Mayor Beutler following up on responses received regarding his memorandum on civility.
4. Washington Report, October 23, 2009.

CITY OMBUDSMAN

*1. Letter from Barbara Ramm regarding the city dog laws and irresponsible pet owners with a reply from City Ombudsman Lin Quenzer.

DIRECTORS

FINANCE/TREASURER

1. Monthly City cash report at the close of business on September 30, 2009.

HEALTH DEPARTMENT

*1. NEWS RELEASE. Health Department asks for community's help with 2009 H1N1 flu.
*2. NEWS RELEASE. Health Department no longer has seasonal flu vaccine.
3. NEWS RELEASE. On a night of fun and frights, pedestrian safety should be the primary focus. This Halloween drivers, parents and children should slow down for safety.

PLANNING

1. Map: annexation by ordinance. Effective October 20, 2009; 33.82 acres.

PLANNING COMMISSION

1. Action by Planning Commission, October 21, 2009.
2. Final Action. Waiver No. 09008. Vantage Pointe Estates 1st Addition. S.W. 9th Street and W. Rokeby Road. Resolution No. PC-01180.
3. Final Action. Special Permit No. 07015A. Amend planned service commercial. S. 27th Street and Tamarin Ridge Road. Resolution No. PC-01178.

4. Final Action. Special Permit No. 09022. Planned Service Commercial, S. 33rd Street and Yankee Hill Road. Resolution No. PC-01179.

POLICE DEPARTMENT

1. Chief Casady's response to Robert (Miscellaneous #4 in this agenda) Ordinance 9.36.100, unlawful in Lincoln to possess a firearm if convicted within the past ten years of any of the enumerated offenses.

III. COUNCIL RFI'S AND CITIZEN CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

JON CAMP

1. Correspondence regarding removing parking from both sides of S. 26th Street, south of E Street, on E Street, and east of S. 26th Street from David Pauley with responses from Councilman Camp and Scott Opfer, Street & Traffic Operations Manager.
2. Correspondence to Scott Opfer, Street & Traffic Operations Manager, requesting a positive plan regarding the Local Movers parking on S. 26th Street.
3. Correspondence between Councilman Camp; John Huff, Assistant Fire Chief; and Mark Koller, City/County Personnel Department, on Ordinances 09-142 and 09-143, potential nomenclature of "battalion chief' instead of "deputy fire chief, etc." having implication on pay scales and job classifications in the union contract.

DOUG EMERY

1. Letter from Jennifer Reeder, Winery Manager, Deer Springs Winery. Requesting appeal on the denial of days for the SDL.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

*1. Correspondence from Dan Joyce regarding Terrewalks, a sidewalks replacement system which is 100% recycled, unbreakable, and an interlocking open-grid system.
   a) Information on Terrewalks from Rubbersidewalks, Inc.
   b) Terrewalks advertisement, as seen in GPN, Government Product News.

2. Letter from Attorney Scott Gropp, Kalkwarf & Smith, regarding 340 West Cornhusker. Eliminate the "grandfather" clause that allows buildings to remain inaccessible to handicapped people.

3a. Memo from Coby Mach, Lincoln Independent Business Association (LIBA) President and CEO, on the LES rate increase.

3b. LIBA letter regarding LES rate increase.

4. Question from Robert regarding ordinance not allowing fiream possession if a 10 year old misdemeanor falls under the list of offenses. (Reply from Police Chief Casady listed under Police Department)

V. ADJOURNMENT

***Held Over from October 26, 2009.**

W:\FILES\CITYCOUN\WP\DA110209.wpdmmm

Mary M. Meyer

From: Debbie Engstrom
Sent: Thursday, October 29, 2009 1:41 PM
Subject: Message from Mayor Beutler

Dear Public Servants:

I have heard what you said.

I received a tremendous response to my e-mail on civility.

Most pointed out that they already practice courtesy and civility with everyone they encounter in doing the City's business. **They are proud of their service and wanted me to know they take pride in their jobs and how they present themselves to the public.** They wanted to make sure that in any follow-up, this point was made.

I agree with their sentiments and believe strongly that our City employees go above and beyond the call of duty in providing fair and courteous service to the public. I do not want my statement of expectations to be construed as an admonishment of the City's workforce. **It was simply a reminder of our goals. You do a great job and I assure you that any public discussion on civility will include a strong statement in support of how our employees generally conduct themselves.**

Several respondents thought I was unclear on disengaging from an abusive person. Every employee must decide the proper time to disengage since each situation will be different. My hope is that, until that moment of disengagement, every employee will maintain control and do nothing to fan the flames of discord or to open himself or herself to criticism by joining in the incivility.

Others reminded me that the public shares the responsibility for civil discourse, that civility cannot be a one-way street. They were concerned that a newspaper letter from me which fails to ask the public to be courteous sets up City employees to take abuse without recourse. I understand this concern. The public needs to understand that city employees are also entitled to civil treatment. I pledge to you that any public statement will include a call for citizens to treat city employees respectfully.

With your suggestions and thoughts, I believe that together we have found a level of expectations that meets our vision of how city government ought to function while taking into account the reality faced by our city employees each and every day.

Thank you for thoughtful insights and comments. I appreciate our continuing conversation.

Sincerely,

Chris Beutler
Mayor of Lincoln

CITY OF LINCOLN Washington Office

Volume 15, Issue 33
October 23, 2009

INSIDE:

CONGRESS 1
HEALTH 2
CENSUS 2
CHEMICAL SECURITY 2
TRANSPORTATION 3
STIMULUS WATCH 3
GRANTS & NOTICES 4

Washington Report

Archived at: www.capitaledge.com/archive.html

Carolyn C. Chaney
chaney@capitaledge.com

Christopher F. Giglio
giglio@capitaledge.com

Elizabeth Raines
elizabeth@capitaledge.com

CapitalEdge
1212 New York Ave., NW
Suite 250
Washington, DC 20005

(202) 842-4930
Fax: (202) 842-5051

CHANCES SLIM FOR SECOND STIMULUS IN 2009

CONGRESS

Pelosi dismisses talk of second stimulus this year. House Speaker Nancy Pelosi (D-CA) indicated this week that it was unlikely that the House would consider a second stimulus bill in 2009. With unemployment rates remaining at historically high levels, there have been calls for a second stimulus, but Pelosi and many of her colleagues believe that the effects of the first stimulus have yet to kick-in. In addition, there is hesitancy to add to the growing deficit.

However, while not calling it a stimulus specifically, Democrats in Congress are looking for additional ways to jump-start the economy and assist the unemployed. An expansion of loan limits for Small Business Administration programs is one idea being considered, as is an extension of federal unemployment benefits. Extensions of expiring provisions such as the first-time homebuyer tax credit and increasing loan limits for federally-backed mortgages are also being considered.

Meanwhile, Washington is gearing up for a high profile debate over health care reform in the Senate. Senate Majority Leader Harry Reid (D-NV) has the delicate job of crafting a bill for consideration that will secure the necessary 60 votes for passage in the face of a certain Republican filibuster. The measure approved recently by the Senate Finance Committee does not include a government-run insurance system to compete with private providers, while the bill approved by the Health, Education, Labor, and Pensions panel endorses the "public option."

Also in the Senate, the chief authors of climate change legislation – Senate Environment and Public Works Committee Chairman Barbara Boxer (D-CA) and Senator John Kerry (D-MA) – are reportedly nearing the release of details on their measure. Hearings on the bill are scheduled to begin next week, with formal consideration in Boxer's committee tentatively scheduled for early November.

In the House, there is growing impatience with the slow pace of FY 2010 appropriations bills in the Senate. The House approved all 12 of its FY 2010 spending measures in July with the hope that they could be reconciled with the Senate at or near the start of the new fiscal year on October 1. However, only four bills have been sent to the President, and the Senate has yet to complete action on five of its own spending bills. There are three bills currently in conference negotiations (including Interior-EPA and DOT-HUD), so any "omnibus" appropriations package will likely include four or five measures, and would probably be considered in early December.

While the House waits for the Senate to act on items such as appropriations, climate change, and health care, the workload on the floor has been relatively light. Friday votes have been cancelled in the chamber and 18 non-controversial measures – such as one to authorize a study on encouraging use of solar technologies – were considered this week. The House may also consider a bill that would reauthorize and expand a number of programs at the Small Business Administration, including those that provide assistance in areas such as renewable energy, economic development in low-income areas, and health information and technology.

Finally, the House is expected to consider another Continuing Resolution (CR) to keep government operations running in the absence of the annual spending bills. The current CR will expire on October 31, and there is speculation that the next CR could possibly run through mid-December. Also, House

leadership has indicated that the CR would be presented on the floor as stand-alone legislation, rather than attached to the next House-Senate conference report to be completed (most likely the Interior Department-EPA measure).

HEALTH

Congress clears Ryan White reauthorization for President. The House and Senate this week approved legislation (S 1793) to reauthorize federal HIV/AIDS programs at the Department of Health and Human Services (HHS) through 2013. President Obama is expected to sign the measure once it reaches his desk.

The measure does not contain comprehensive changes to Ryan White programs. It does include annual five percent increases in the program authorization level so that it would reach $2.9 billion in FY 2013. The program received $2.2 billion in FY 2009 appropriations. The bill also:

- Eliminates the sunset provisions of the previous law so that programs can receive appropriations without an authorization
- Provides incentives for early identification of those infected with HIV/AIDS
- Requires states to implement strategies for identifying, diagnosing, and treating those who are unaware that they have HIV/AIDS
- Sets a goal of conducting five million AIDS tests nationally through federal HIV/AIDS treatment and prevention programs

The final bill also includes language opposed by local health officials that is designed to ensure that emergency responders are notified if they will be in contact with a victim of an emergency that has a communicable infectious disease. Those opposing the language are concerned that it could jeopardize patient confidentiality and conflict with state and local notification rules that are already in place.

The White House issued a Statement of Administration Policy (SAP) this week expressing support for the legislation, and the President is expected to sign S 1793 into law prior to the expiration of the current authorization on October 31.

CENSUS

Immigration amendment stalls Commerce-Justice-Science spending bill. Senate consideration of the FY 2010 Commerce-Justice-Science Appropriations Bill (HR 2847) ground to a halt late last week after the Senate voted against limiting debate on the bill in order to stop consideration of a controversial immigration-related amendment.

The amendment by Senator David Vitter (R-LA) would require the Census Bureau to include a question about citizenship and immigration status on the 2010 Census form. Vitter argues that only the population of citizens should be used for purposes of apportionment and drawing of House and state legislative districts. Louisiana does not have a large immigrant population, meaning that using only citizen population could possibly spare Vitter's home state the loss of a House seat after the 2010 Census.

The Vitter Amendment drew the opposition of the Census Bureau, former Census directors of both parties, local government organizations and most Senate Democrats. However, the procedural vote went largely along party lines, with Republicans from high immigration states either voting with their leadership or choosing not to vote. Opponents of the Vitter Amendment argue that including a question about immigration and citizenship status would hurt full count efforts. They also argue that it is too late to reprint 2010 Census forms, which are the result of years of testing to produce a form most likely to be completed and returned.

Senate Majority Leader Harry Reid (D-NV) voted against limiting debate on the measure so that he can move to bring it back to the floor. However, Vitter has made no indication that he is willing to withdraw his amendment. Thus, Reid has few options for passing the Commerce-Justice-Science bill in regular order and the bill becomes a prime candidate for inclusion in an omnibus appropriations bill or for its programs to be funded in a year-long continuing resolution, complicated by the need to dramatically ramp up spending for the Census Bureau.

CHEMICAL SECURITY

House panel marks up chemical security measures. The House Energy and Commerce Committee unanimously approved legislation (HR 3258) this week that would subject water utilities to a chemical security regime administered by the states and the Environmental Protection Agency (EPA). The Committee also approved, by a vote of 29-18, legislation (HR 2868) to reauthorize overall Department of Homeland Security safety regulation of chemical facilities.

The Committee action comes as Congress faces a deadline to reauthorize the Chemical Facility Anti-Terrorism Security Act (CFATS), which expired at the end of September but was kept alive by a short-term extension that expires at the end of this month. The Homeland Security Committee has already approved legislation (HR 2868) to reauthorize CFATS. However, the Energy and Commerce Committee also has jurisdiction over chemical facilities in general and drinking water specifically.

HR 3258 comes largely in response to local government and utility industry concerns that including water utilities in CFATS would place them under conflicting regulatory mandates from two different federal agencies. Under a HR 3258, drinking water utilities would not be brought under CFATS and would therefore not be subject to Department of Homeland Security regulation. Instead, the bill would create a parallel chemical security regime for drinking water utilities under the purview of the states and the Environmental Protection Agency (EPA), which also manages drinking water quality and safety laws and regulations.

HR 3258 would mandate that all water utilities conduct new vulnerability assessments, and prepare site security and emergency response plans. The bill

would require EPA to develop risk-based standards for those assessments and plans and would also give EPA final authority on approving them. However, the bill would give the states primary regulatory responsibility in this area. HR 3258 would also authorize $315 million in FY 2011 and such sums as may be necessary in subsequent years through FY 2015 for formula grants to states and water utilities for administrative costs, security improvements and utility worker training.

Local government and utilities have a number of concerns about the bills as they move forward. These concerns include:

- The lack of an appeal process for disapproved vulnerability assessments and emergency response plans;
- Language that would authorize EPA to require drinking water utilities to use "inherently safer technology" for treating drinking water, which water utilities fear could lead to federal mandates for expensive and even technologically impossible treatment plant upgrades and retrofits;
- Insufficient protection of sensitive water utility information, and
- The continued inclusion of wastewater utilities under CFATS.

Local governments and the utility industry unsuccessfully sought a number of amendments to address their concerns about "inherently safer technology" language, but the Committee turned them all back on party line votes. Democrats argued that the amendments were unnecessary. Saying that HR 3258 addresses this problem through language that would create a mechanism for state regulatory agencies to weigh the safer technologies determination against alternatives based on feasibility, cost and water quality implications.

In response to the last concern, Representative Eddie Bernice Johnson (D-TX), Chairman of the Water Resources and the Environment Subcommittee of the House Transportation and Infrastructure Committee, which has jurisdiction over wastewater utilities (Energy and Commerce does not), has introduced a bill (HR 2883) that would create an EPA chemical security program for wastewater utilities similar to that outlined for water utilities in HR 3258.

HR 3258 will likely be combined with HR 2868 (and possibly HR 2883) for consideration by the full House, though the timing for that action remains uncertain. The Senate has yet to take any action on this issue.

TRANSPORTATION

Senate to move six-month SAFETEA-LU extension. Senate leaders have indicated that they will abandon plans to extend the authorization for federal highway and transit programs for 18 months and instead consider a six-month extension in the near future.

The Senate move confirms reports that leaders of the Senate Environment and Public Works Committee were unable to convince a majority of their colleagues to support the 18-month extension that also had the support of the White House. A shorter term extension will keep the pressure on Congress to come up with a multi-year reauthorization sooner rather than later, something that pleases transportation interests, many of whom were concerned that the 18-month extension would prevent state and local agencies from taking on any serious long -term planning.

While the six-month extension represents a significant concession on the part of the Senate, it still differs from the House proposal of a three-month extension. House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) is adamant about completing a multi-year transportation bill this year, or early 2010 at the latest. House Democrats in particular also point out that a multi-year transportation bill could generate a significant number of jobs.

Left unsaid throughout the debate over the length of the extension is the fact that there is no consensus on a funding source for a multi-year bill. The reason that the Senate and White House favored an 18-month extension was to delay the politically-charged debate over raising the federal gasoline taxes until after the 2010 elections. Thus far, no clear alternative to raising the gas tax has gained momentum in Washington.

Lawmakers will have to make some decision soon on the transportation bill, as the current authorization – after being extended once already – expires on October 31.

STIMULUS WATCH

Department of Education

The Department is seeking public input on the $4.35 billion Race to the Top Fund through six days of meetings in November and December in Boston, Atlanta and Denver: http://www.ed.gov/news/pressreleases/2009/10/10202009.html.

Department of Energy

DOE issued the funding opportunity announcement (FOA) for the competitive portion of the Energy Efficiency and Conservation Block Grants (EECBG) program. Approximately $450 million will be allocated through competitive grants in two topic areas. Communities receiving EECBG formula funding are eligible to apply under Topic 1, the Retrofit Ramp-up Program. This program provides up to $390.04 million for programs of $5 to $75 million. DOE expects to grant 8-20 awards. No cost-share is required, but grants will be awarded to recipients who are able to highly leverage funding. Topic 2, the General Innovation Fund, is reserved for non-entitlement communities. Applicants are requested to submit a letter of intent by November 19, 2009 and applications are due on December 14, 2009. http://www.eecbg.energy.gov/Downloads/EECBGCompetitiveFOA148MON.pdf.

Department of Housing and Urban Development

HUD determined exceptions to the Buy American requirements for the CDBG-R and NSP2 funds in ARRA: http://edocket.access.gpo.gov/2009/pdf/E9-25217.pdf.

Federal Reporting

Phase three of reporting is in effect through October 29, 2009. During this phase, the following occurs: Awarding Agencies review Recipient reports submitted (or updated in Phase 2) and

provide comments as necessary on select reports, and Prime Recipients and Sub Recipients work together on corrections identified/comments made by the Awarding Agencies. Recipient reports will be available on www.recovery.gov on October 30, 2009.

State financial officials plan to collaborate with state ARRA czars to discuss lessons learned from the initial round of recipient reporting and to recommend ways to improve the process for the next round of reporting in January 2010: http://www.grantsinfocenter.com/system/files/NGP%20ARRA.pdf.

Office of the Vice President
Vice President Biden and key leaders in the Administration released the Recovery through Retrofit Report. Though it mentions the release of the competitive portion of EECBG funding, this report is an action plan to address barriers that have prevented home retrofits from taking place: http://www.whitehouse.gov/blog/Going-Green-And-Saving-You-Money/.

President's Economic Recovery Advisory Board
PERAB will hold its next public meeting on November 2, 2009, in the White House Roosevelt Room beginning at 10:00 a.m. Eastern Time. The meeting will be open to the public via live webcast at: http://www.whitehouse.gov/live.

GRANTS & NOTICES

Department of Housing and Urban Development
Technical corrections have been made to the FY 2009 HOPE VI Revitalization Grants Program NOFA. The application due date (November 17, 2009) remains unchanged. Applicants who have already submitted have the option to resubmit an updated application to reflect the changes. Correction Notice: http://www.hud.gov/offices/pih/programs/ph/hope6/grants/fy09/rev-tech-corr.pdf.

HUD has also posted FAQs for the FY 2009 HOPE VI Revitalization NOFA: http://www.hud.gov/offices/pih/programs/ph/hope6/grants/fy09/revitfaq.cfm.

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

OCTOBER 28, 2009

TO: **MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS**

FROM: **FINANCE DEPARTMENT / CITY TREASURER**

SUBJECT: **MONTHLY CITY CASH REPORT**

The records of this office show me to be charged with City cash as follows at the close of business September 30, 2009

Balance Forward	$	$184,010,102.13
Plus Total Debits September 1-30, 2009	$	$23,408,920.74
Less Total Credits September 1-30, 2009	$	($27,823,362.24)
Cash Balance on September 30, 2009	**$**	**$179,595,660.63**

I desire to report that such City cash was held by me as follows which I will deem satisfactory unless advised and further directed in the matter by you.

U. S. Bank Nebraska, N.A.	$	$1,351,886.47
Wells Fargo Bank	$	($150,193.30)
Wells Fargo Bank Credit Card Account	$	($51,973.85)
Cornhusker Bank	$	$72,454.01
Pinnacle Bank	$	$71,957.55
Union Bank & Trust Company	$	($1,552,431.19)
West Gate Bank	$	$63,832.49
Idle Funds - Short-Term Pool	$	$51,582,407.71
Idle Funds - Medium-Term Pool	$	$128,176,526.31
Cash, Checks and Warrants	$	$31,194.43
Total Cash on Hand September 30, 2009	$	**$179,595,660.63**

The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Departments' notification to the City Treasurer's office of these deposits; therefore, these deposits are not recorded in the City Treasurer's bank account balances at month end.

I also hold as City Treasurer, securities in the amount of $23,703,185.70 representing authorized investments of the City's funds.

ATTEST:

Joan E. Ross, City Clerk

CITY OF LINCOLN · FOUNDED JULY 29, 1867 · INCORPORATED APRIL 7, 1869 · SEAL · LANCASTER COUNTY, NEBRASKA

Melinda J. Jones, City Treasurer

CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
AS OF SEPTEMBER 30, 2009

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC GOLD POOL A61256	3128KRMD3	11/01/2036	$3,718,920.00	$3,019,304.91	1.06	$3,199,330.66
FNMA FNCL 254725	31371K4J7	05/01/2033	$500,000.00	$204,912.54	1.04	$212,948.94
USBANK NE		**TOTAL PLEDGED**	**$4,218,920.00**	**$3,224,217.45**		**$3,412,279.60**
FHLB 5.0%	3133XMEH0	04/04/2013	$500,000.00	$500,000.00		
FHLB 4.5%	3133XNKG3	12/10/2013	$1,000,000.00	$1,000,000.00		
FFCB 5.45%	31331XNG3	02/05/2014	$1,000,000.00	$1,000,000.00		
CORNHUSKER BANK		**TOTAL PLEDGED**	**$2,500,000.00**	**$2,500,000.00**		
FHLB LOC 16747		12/10/2009	$2,000,000.00			
WEST GATE BANK		**TOTAL PLEDGED**	**$2,000,000.00**			

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
3140 N Street, Lincoln NE 68510 • Phone: 441-8000
Fax: 441-6229

LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT
www.lincoln.ne.gov

FOR IMMEDIATE RELEASE: October 26, 2009
FOR MORE INFORMATION: Brian Baker, 441-8046

On A Night of Fun and Frights, Pedestrian Safety Should Be the Primary Focus

This Halloween - drivers, parents and children should slow down for safety

On a night when many children spend hours in close proximity to cars as they navigate through neighborhoods gathering candy, pedestrian safety should be a top priority for both drivers and parents. On average, twice as many kids are killed while walking on Halloween compared to other days of the year.

Every Halloween night, sidewalks are filled with children trick-or-treating in the dark, making it difficult for motorists to see them. This lack of visibility makes it important for drivers to slow down and watch out for trick-or-treaters, especially around crosswalks. Pedestrian safety is not just the responsibility of the driver, however, parents can do their part to help kids stay out of the emergency room on Halloween by emphasizing safe pedestrian behaviors before they go out trick-or-treating.

"The simple act of slowing down on neighborhood roads will not only make the tricks and treats of Halloween more enjoyable for everyone, but also it could safe lives," said Brian Baker, Safe Kids Lincoln-Lancaster County Coordinator. "Children younger than age 12 should not be alone crossing streets at night without an adult. If older kids are mature enough to go trick-or-treating without adult supervision, parents should make sure they go in a group and stick to a predetermined route with good lighting."

Halloween is an exciting holiday for children, but they can be vulnerable to injury on this night. To ensure trick-or-treaters stay safe, Safe Kids recommends that children:

- **Cross the street safely at corners**, using traffic signals and crosswalks. Look left, right, and left again when crossing and keep looking as you cross. Walk, don't run, across the street.
- **Walk on sidewalks or paths**. If there are no sidewalks, walk facing traffic as far to the left as possible. Children should walk on direct routes with the fewest street crossings.
- **Slow down and stay alert** - watch out for cars that are turning or backing up and never dart out into the street or cross in between parked cars.

-more-

- **Costumes can be both creative and safe**. Decorate costumes and bags with reflective tape or stickers and, if possible, choose light colors. Masks can obstruct a child's vision, so choose non-toxic face paint and make-up whenever possible instead. Have kids carry glow sticks or flashlights in order to see better, as well as be seen by drivers.

Drivers need to do their part to keep trick-or-treaters safe from harm. FedEx, the national sponsor of Safe Kids pedestrian safety efforts, reminds motorists to be extra careful this Halloween and recommends that drivers:

- **Slow down** in residential neighborhoods and school zones. Remember that popular trick-or-treating hours are during the typical rush-hour period of 5:30 to 9:30 p.m.
- **Be especially alert** and take extra time to look for kids at intersections, on medians and on curbs. Children are excited on Halloween and may move in unpredictable ways.
- **Slowly and carefully** enter and exit driveways and alleys.
- **Reduce any distractions** inside your car, such as talking on the phone or eating, so you can concentrate on the road and your surroundings.

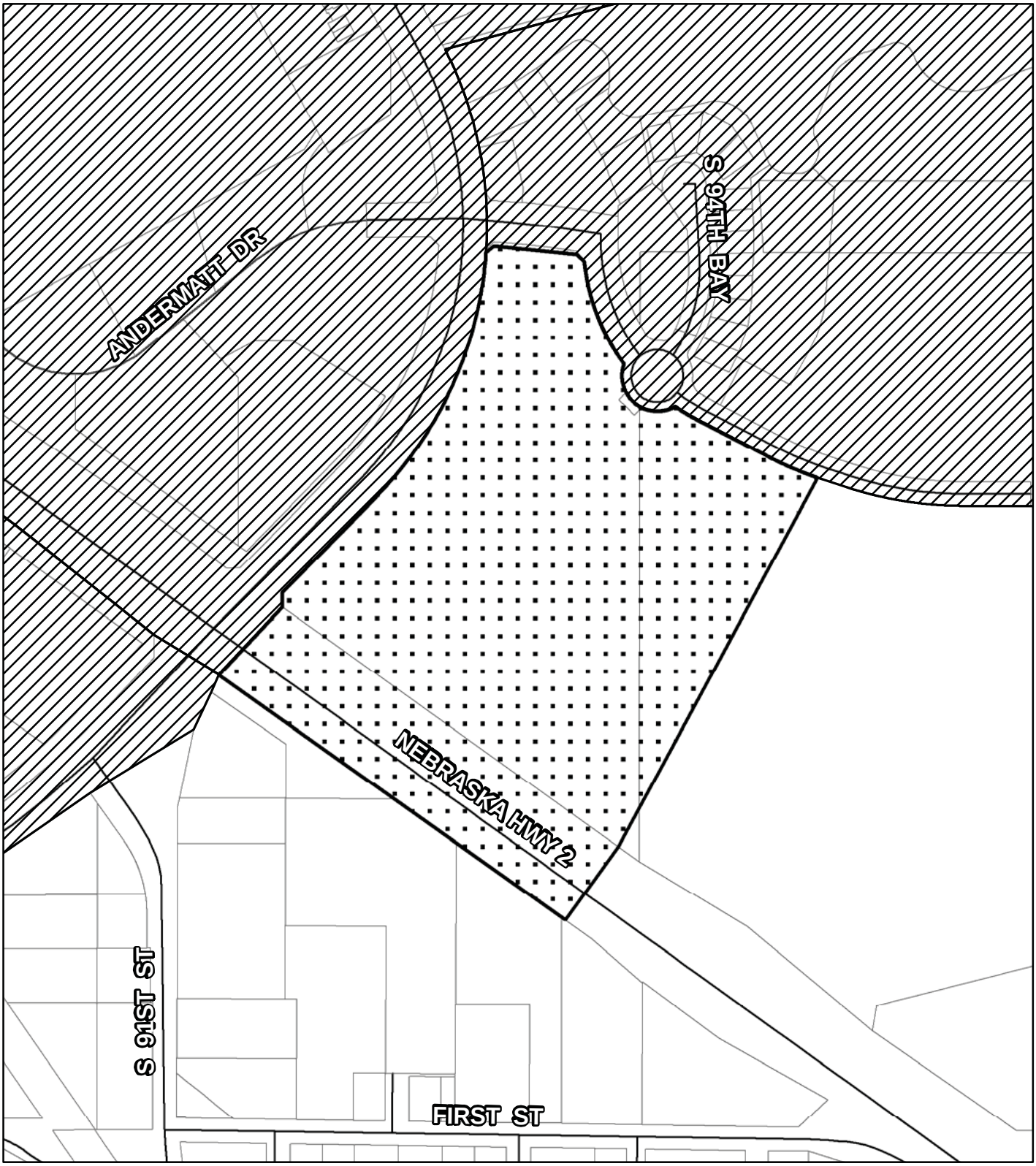
While pedestrian safety is a main concern on Halloween, parents and kids should also be careful when dealing with candy. "While kids never want to wait to dive into their candy, it is best to check sweets for signs of tampering before children are allowed to eat them," added Baker. "Remind children to only eat treats in original and unopened wrappers."

In preparation for Halloween, Safe Kids Lincoln-Lancaster County will provide kids with reflective materials to promote visibility, including trick-or-treat bags and zipper tags that can be attached to costumes, as well as important safety information to children, parents, and drivers. These items will be available Thursday and Friday, October 29th and 30th, 8:00 a.m. to 4:30 p.m. in the clinic reception area at the Lincoln-Lancaster County Health Department, 3140 'N' Street.

FedEx and Safe Kids Worldwide have been working together for ten years to educate children, parents, teachers, and motorists across the country about walking safely and preventing pedestrian-related injury to children.

For more tips on how to help kids become safe pedestrians on Halloween, as well as throughout the year, visit www.lincoln.ne.gov, key word: safekids.

About Safe Kids Lincoln-Lancaster County
Safe Kids Lincoln-Lancaster County works to prevent unintentional childhood injury, the leading cause of death and disability to Lancaster County children ages 1 to 14. Safe Kids Lincoln-Lancaster County is a member of Safe Kids Worldwide, a global network of organizations dedicated to preventing unintentional injury. Safe Kids Lincoln-Lancaster County was founded in 1996, has membership representing 40 public and private organizations, and is led by the Lincoln-Lancaster County Health Department.



Annexation by Ordinance
Effective: October 20, 2009
33.82 Acres

N
W E
S

Area of Annexation

City Limits Before Annexation

Ownership Parcels

0 195 390 780
Feet

m:\plan\ann_notif\an09003.mxd

*** ACTION BY PLANNING COMMISSION ***

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 21, 2009, at 1:00 p.m., in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.**

<u> PLEASE NOTE:</u> The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council by filing a Notice of Appeal with the City Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, OCTOBER 21, 2009

[**<u>Commissioners Larson and Taylor absent</u>**]

Approval of minutes of the regular meeting held October 7, 2009. **<u>**APPROVED, 6-0 (Larson and Taylor absent; Francis abstained)**</u>**

1. <u>CONSENT AGENDA</u>
<u>(Public hearing and Administrative Action):</u>

<u>PERMITS:</u>

1.1 Special Permit No. 07015A, an amendment to the Tamarin Ridge Planned Service Commercial, to allow a 22,000 sq. ft. automobile dealership or other H-4 Planned Service Commercial permitted use on Lot 5 and updating the hotel square footage and parking requirements, on property generally located at S. 27th Street and Tamarin Ridge Road.

Page 01

***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
<u>Removed from Consent Agenda and had separate public hearing.</u>
<u>Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 8, 2009, as revised by staff on October 20, 2009, 6-0 (Larson and Taylor absent; Sunderman declared a conflict of interest).</u>
<u>Resolution No. PC-01178.</u>

2. REQUESTS FOR DEFERRAL: None.

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN:

Page 11

4.1 County Comprehensive Plan Conformance No. 09011, requested by the Lancaster County Engineer, to review the proposed Lancaster County Road and Bridge Construction Program, Fiscal Year 2010 and 2011-2015, as to conformity with the 2030 Lincoln City/Lancaster County Comprehensive Plan.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Mike Brienzo, 441-6369, mbrienzo@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 7-0 (Larson and Taylor absent).
Public Hearing before the Lancaster County Board of Commissioners scheduled for Tuesday, November 17, 2009, 7:00 p.m.

CHANGE OF ZONE WITH RELATED ITEMS:

Page 27

4.2a Change of Zone No. 09025, from R-5 Residential District to H-4 General Commercial District, on property generally located at S. 33rd Street and Yankee Hill Road.

Staff recommendation: Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: APPROVAL, 6-0 (Larson and Taylor absent; Sunderman declared a conflict of interest).
Public Hearing before City Council tentatively scheduled for Monday, November 9, 2009, 3:00 p.m.

Page 33

4.2b Special Permit No. 09022, for Wilderness Place Planned Service Commercial, to allow a 50,000 sq. ft. automobile dealership on property generally located at S. 33rd Street and Yankee Hill Road.

***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Had public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 8, 2009, with amendment to Condition #2.1, as requested by the applicant and agreed upon by staff, 6-0 (Larson and Taylor absent; Sunderman declared a conflict of interest).
Resolution No. PC-01179.

MISCELLANEOUS:

Page 43

4.3 Waiver No. 09008, to waive the requirement of the Land Subdivision Ordinance for street trees, sidewalks, street lights, and street paving, on property generally located at SW 9th Street and Rokeby Road.

***** FINAL ACTION *****

Staff recommendation: Approval

Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

Had public hearing.

Planning Commission 'final action': APPROVAL, 7-0 (Larson and Taylor absent).

Resolution No. PC-01180.

Page 49

4.4 Miscellaneous No. 09009, amending Section 26.31.010 of the Lincoln Municipal Code relating to modification of requirements to grant the Planning Director authority to extend the time for installation of required subdivision improvements and to provide a procedure for appeals of such approvals by the Planning Director; and repealing Section 26.31.010 of the Lincoln Municipal Code as hitherto existing; and amending Section 26.23.140 of the Land Subdivision Ordinance to expand the exceptions to the requirement that every lot shall front upon and take access to a public street; and repealing Section 26.23.140 of the Lincoln Municipal Code as hitherto existing.

Staff recommendation: Approval

Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov

Had public hearing.

Planning Commission recommendation: APPROVAL, 7-0 (Larson and Taylor absent.

Public Hearing before City Council tentatively scheduled for Monday, November 9, 2009, 3:00 p.m.

* * * * * * * * * *

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

* * * * * * * * * *

PENDING LIST: *None*

Planning Dept. staff contacts:

Steve Henrichsen, Development Review Manager 441-6374 . . shenrichsen@lincoln.ne.gov
Mike Brienzo, Transportation Planner . . . . . 441-6369 . . mbrienzo@lincoln.ne.gov
Tom Cajka, Planner . . . . . 441-5662 . . tcajka@lincoln.ne.gov
David Cary, Long Range Planner . . . . . 441-6364 . . dcary@lincoln.ne.gov
Mike DeKalb, Planner . . . . . 441-6370 . . mdekalb@lincoln.ne.gov
Christy Eichorn, Planner . . . . . 441-7603 . . ceichorn@lincoln.ne.gov
Brandon Garrett, Planner . . . . . 441-6373 . . bgarrett@lincoln.ne.gov
Rashi Jain, Planner . . . . . 441-6372 . . rjain@lincoln.ne.gov
Brian Will, Planner . . . . . 441-6362 . . bwill@lincoln.ne.gov
Ed Zimmer, Historic Preservation Planner . . . . . 441-6360 . . ezimmer@lincoln.ne.gov

* * * * *

The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City-TV, Cable Channel 5.

* * * * *

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : October 23, 2009

RE : **Waiver No. 09008**
(Vantage Pointe Estates 1st Addition - S.W. 9th Street and W. Rokeby Road)
Resolution No. PC-01180

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 21, 2009:

> Motion made by Francis, seconded by Cornelius, to approve **Waiver No. 09008,** requested by Vantage Pointe Homes, Inc., to modify the Subdivision Ordinance to waive the required street surfacing in S.W. 9th Street, and to waive street lights, sidewalks and street trees in S.W. 9th Street, S.W. 10th Street and W. Darcie Street, within Vantage Pointe Estates 1st Addition, generally located at S.W. 9th Street and W. Rokeby Road.
>
> Motion for approval carried 7-0: Esseks, Cornelius, Francis, Gaylor Baird, Sunderman, Lust and Partington voting 'yes'; Larson and Taylor absent.

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Dan Kubr, Vantage Pointe Homes, 1000 W. Rokeby Road, 68523
Frank Sobotka, 9105 South 1st Street, 68512

i:\shared\wp\jlu\2009\ ccnotice.wvr\WVR.09008

Waiver 09008

RESOLUTION NO. PC-01180

WHEREAS, Vantage Pointe Homes, Inc. has requested a modification of the Subdivision Ordinance to waive the required street surfacing in S.W. 9th Street, and to waive street lights, sidewalks and street trees in S.W. 9th Street, S.W. 10th Street and W. Darcie Street, within Vantage Pointe Estates 1st Addition, generally located at S.W. 9th Street and W. Rokeby Road; and

WHEREAS, the Planning Director has recommended approval of the requested modification to the Subdivision Requirements; and

WHEREAS, the Planning Commission finds that the strict application of the street surfacing, installation of street lights and sidewalks, and the planting of street trees at said locations would result in actual difficulties or substantial hardship or injustice to the property owner.

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

1. That the requirement in Lincoln Municipal Code § 26.27.010 which requires street surfacing, is hereby waived for S.W. 9th Street north of West Darcie Street and S.W. 8th Street.

2. That the requirement in Lincoln Municipal Code § 26.27.020 which requires sidewalks in S.W. 9th Street, S.W. 10th Street, W. Darcie Street and W. Rokeby Road, is hereby waived.

3. That the requirement of Lincoln Municipal Code 26.27.070 which requires installation of street lights along S.W. 9th Street, S.W. 10th Street, W. Darcie Street, and West Rokeby Road, is hereby waived.

4. That the requirement in Lincoln Municipal Code 26.27.090 which requires the planting of street trees along S.W. 9th Street, S.W. 10th Street, W. Darcie Street and W. Rokeby Road, is hereby waived.

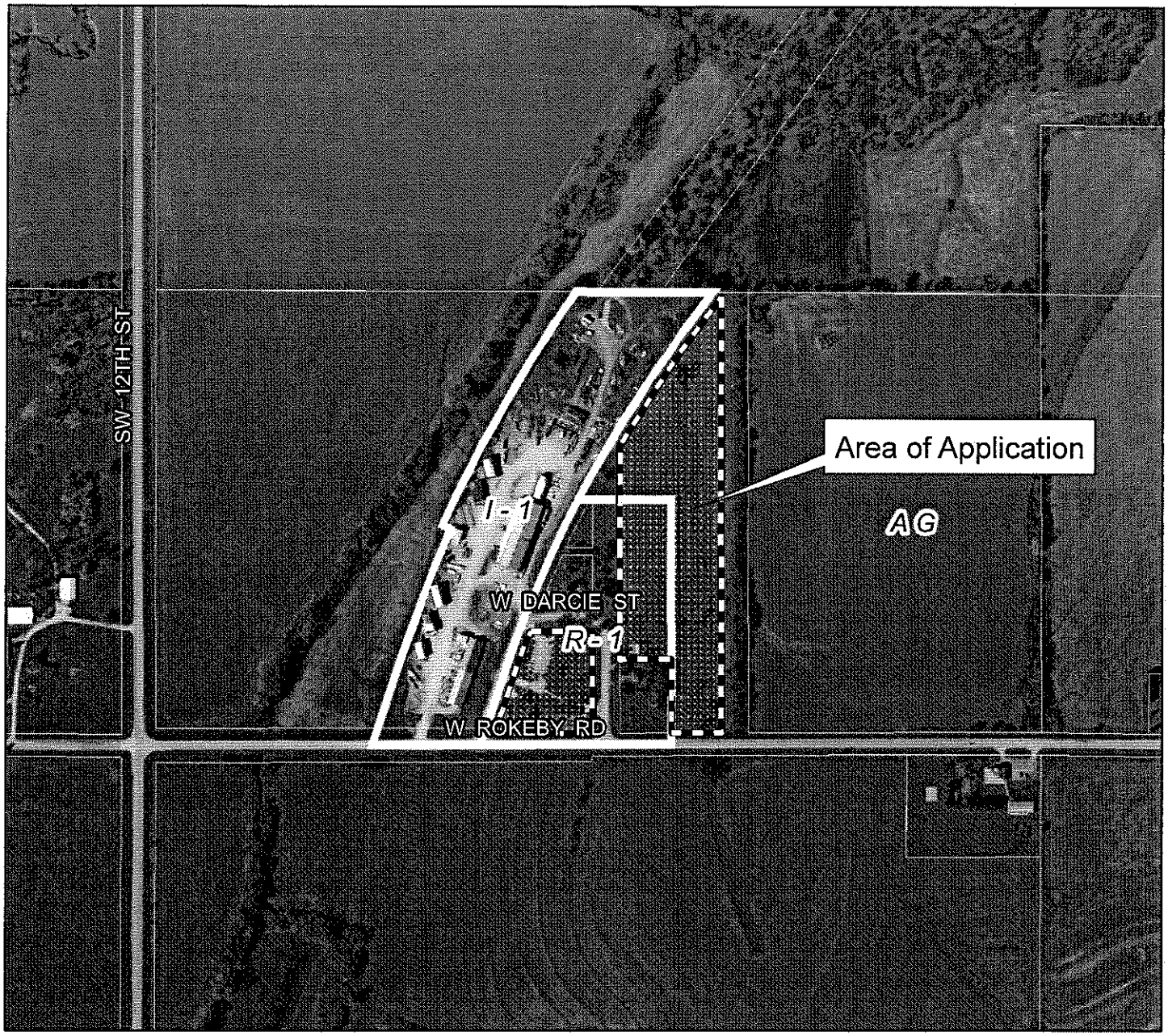
The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 21st day of October, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney



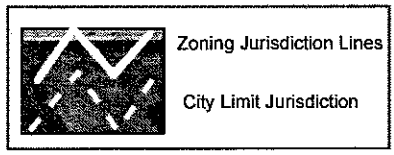
Waiver #09008
Vantage Pointe Estates 1st
SW 9th St & Rokeby Rd

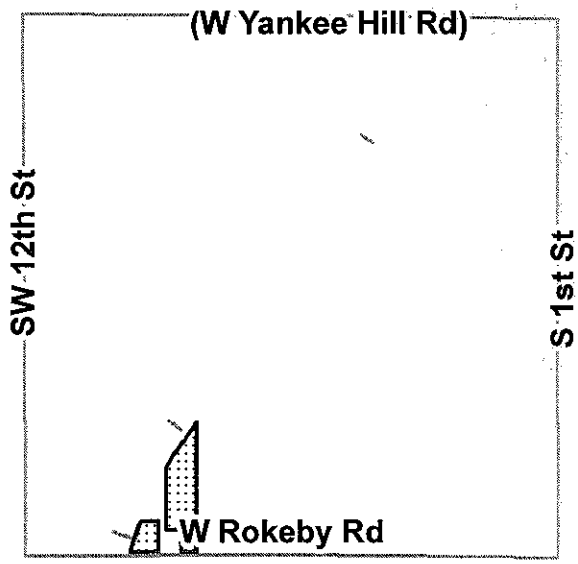
2007 aerial

Zoning:

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

One Square Mile
Sec. 27 T09N R06E





m:\plan\arcview\09_w\w09008.mxd

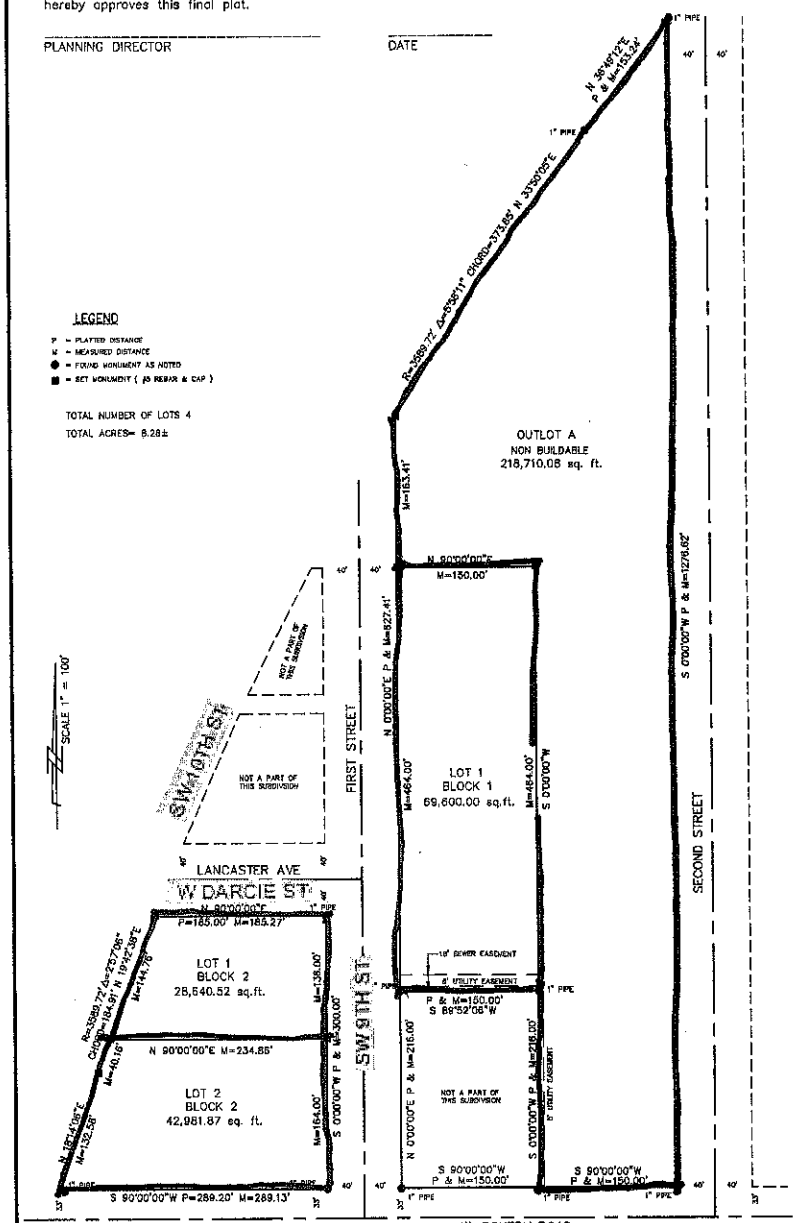
FPR 09069

VANTAGE POINTE ESTATES 1st ADDITION
FINAL PLAT

PLANNING DIRECTOR'S APPROVAL

The planning director pursuant to Section 26.11.060 of the L.M.C., hereby approves this final plat.

PLANNING DIRECTOR _____ DATE _____



PROJ. #0903011

DEDICATION

The Foregoing plat of VANTAGE POINTE ESTATES 1st ADDITION, in the Southwest Quarter of Section 27, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and being more fully described by metes and bounds in the Surveyors Certificate. This Dedication is made with free consent and in accordance with the desires of the under signed, sole owners and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Nebraska, a municipal corporation, Windstream Nebraska, Inc., Time Warner Entertainment-Advance/Newhouse, Black Hills Energy, Norris Public Power, their successors and assigns to allow entry for the purpose of construction, reconstruction, replacement, repairs, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes and equipment for distribution of electric power and gas; telephone, cable television, wastewater collectors; storm drains; water mains, and all appurtenances thereto, over, upon, or under the easement as shown on the foregoing plat.

The construction or location of any building or structure, excluding fences over, upon or under any easement shown thereon shall be prohibited The City of Lincoln, its successors and assigns are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon or under any easement shown thereon. Any relocation of existing facilities will be at the owner/developers expense.

Any construction or grade changes in Lincoln Electric System or Norris Public Power transmission line easement corridors are subject to Lincoln Electric System or Norris Public Power approval and must be in accordance with Lincoln Electric System or Norris Public Power design and safety standards.

WITNESS my hand this _____ day of _____, 2009.

_____ _____

DAN KUBR
VANTAGE POINTE HOMES, INC.
A NEBRASKA CORPORATION

ANNE C. KUBR

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA
LANCASTER COUNTY

On this _____day of _____ 2009, before me the undersigned, a notary public, duly commissioned, qualified for and residing in said county, personally came to me DAN KUBR and ANNE C. KUBR, husband and wife, known to be the identical persons whose names are fixed to the dedication to the foregoing plat and they acknowledge the same to be their voluntary act and deed.

My Commission Expires the _____day of _____, _____.

_____
NOTARY PUBLIC

LIEN HOLDER CONSENT

The undersigned, holder of that certain lien against the real property described in the plat known as VANTAGE POINTE ESTATES 1st ADDITION (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Lancaster County, Nebraska, as Instrument No. 2000-25044 & 2000-56566 (hereinafter) "Lien"), does hereby consent to the dedication of the Lien to any utility (sewer water, electric, cable TV, telephone, natural gas) easements, or streets, or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the Lien to any other person.

FIRST STATE BANK

By: _____

Title: _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA }
LANCASTER COUNTY } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, of FIRST STATE BANK.

Notary Public _____

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FOREGOING PLAT, TO BE KNOWN AS VANTAGE POINTE ESTATES 1st ADDITION, A SUBDIVISION OF OUTLOT "A" VANTAGE POINTE ESTATES AND LOT 18 IRREGULAR TRACT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BLOCK 1 AND OUTLOT "A"
BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT "A", VANTAGE POINTE ESTATES; THENCE WESTERLY ON THE SOUTH LINE OF OUTLOT "A", ON AN ASSIGNED BEARING OF S 90°00'00"W, A DISTANCE OF 150.00', TO THE SOUTHEAST CORNER OF LOT 1 VANTAGE POINTE ESTATES; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 1, N 0°00'00"E 216.00', TO THE NORTHEAST CORNER OF SAID LOT; THENCE WESTERLY ON THE NORTH LINE OF SAID LOT 1, S 90°00'00"W 150.00', TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTHERLY ON THE WEST LINE OF SAID OUTLOT "A", N 0°00'00"E 627.41', TO THE NORTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 3589.72' AND A CENTRAL ANGLE OF 5°58'11"; THENCE ON THE NORTH LINE OF SAID OUTLOT "A" FOR THE NEXT TWO COURSES, ON SAID CURVE WITH THE CHORD BEARING N 33°50'05"E 373.85', TO THE POINT OF TANGENCY; THENCE NORTHEASTERLY ON SAID TANGENT, N 36°49'12"E 153.24', TO THE NORTHEAST CORNER OF SAID OUTLOT "A", THENCE SOUTHERLY ON THE EAST LINE OF SAID OUTLOT "A", S 0°00'00"W 1276.62', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 6.62 ACRES, MORE OR LESS.

BLOCK 2
BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 IRREGULAR TRACT; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 18, ON AN ASSIGNED BEARING OF S 90°00'00"W, A DISTANCE OF 289.13', TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 18 FOR THE NEXT TWO COURSES, N 18°14'06"E 132.58', TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 3589.72' AND A CENTRAL ANGLE OF 2°57'06"; THENCE ON SAID CURVE WITH THE CHORD BEARING N 19°42'38"E 184.91', TO THE NORTHWEST CORNER OF SAID LOT 18; THENCE EASTERLY ON THE NORTH LINE OF SID LOT 18, N 90°00'00"E 185.27', TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 18, S 0°00'00"W 300.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1.64 ACRES, MORE OR LESS.

PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS, LOT CORNERS, STREET INTERSECTIONS, BLOCK CORNERS, POINTS OF TANGENCY AND CURVATURE AS SHOWN ON THIS FINAL PLAT IN ACCORDANCE WITH TITLE 26 OF THE LINCOLN MUNICIPAL CODE. ALL DIMENSIONS ARE CORD MEASUREMENTS UNLESS OTHERWISE SHOWN, AND ARE IN FEET AND DECIMALS OF A FOOT.

SIGNED THIS _____ DAY OF _____, 2009.

_____

BILLY JOE KERR, LS #483
K & M LAND SURVEYING INC.
6811 SOUTHFORK CIRCLE
LINCOLN, NEBRASKA

Waiver #09008
Vantage Pointe Estates 1st
SW 9th St & Rokeby Rd

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning jep

DATE : October 26, 2009

RE : **Special Permit No. 07015A**
(Amend Planned Service Commercial - S. 27th Street & Tamarin Ridge Rd.)
Resolution No. PC-01178

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 21, 2009:

> Motion made by Lust, seconded by Esseks, to approve **Special Permit No. 07015A,** with conditions, as amended, requested by Tamarin Lodging, LLC, for authority to amend the existing Planned Service Commercial Development by revising the site layout and the use restrictions to allow an auto dealership or any other permitted use for a Planned Service Commercial Development, on property generally located at South 27th Street and Tamarin Ridge Road.
>
> Motion for conditional approval, as amended, carried 6-0: Gaylor Baird, Esseks, Francis, Partington, Lust and Cornelius voting 'yes'; Sunderman declaring a conflict of interest; Larson and Taylor absent.

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

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Dr., Suite 200, 68512
Tamarin Lodging, LLC, 4803 S. 189th Street, Omaha, NE 68130
Sue and Don Brouse and Thomas Folsom, 6501 Campbell Dr., 68510
Peter Katt, Baylor Evnen Law Firm, 1248 O Street, Suite 600, 68508
Dan Carlson, Porter Ridge Neighborhood Assn., 2840 Sissel, 68516
Cory Frey, Porter Ridge Neighborhood Assn., 7530 Brummond Drive, 68516

i:\shared\wp\jlu\2009 ccnotice.sp\SP.07015A

RESOLUTION NO. PC-01178

SPECIAL PERMIT NO. 07015A

WHEREAS, Tamarin Lodging LLC has submitted an application designated as Special Permit No. 07015A for authority to amend the existing Planned Service Commercial Development approved by Special Permit No. 07015 by revising the site layout and the use restrictions to allow an auto dealership or any other permitted use for a Planned Service Commercial Development on property generally located at S. 27th Street and Tamarin Ridge Road and legally described as:

> A portion of Lot 1 and Lot 2, Tamarin Ridge First Addition in the South Half of the Northeast Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:
>
> Beginning at the northeast corner of said Lot 1; thence in a southerly direction, along the west right-of-way line of South 27th Street, on an assumed bearing of south 00 degrees 44 minutes 05 seconds east, for a distance of 124.91 feet; thence south 00 degrees 09 minutes 07 seconds east, continuing along the west side of South 27th Street, a distance of 123.63 feet; thence south 49 degrees 47 minutes 27 seconds west, for a distance of 40.73 feet; thence along the northerly right-of-way of Tamarin Ridge Road, north 89 degrees 40 minutes 55 seconds west, for a distance of 344.48 feet; thence continuing along the northerly right-of-way of said Tamarin Ridge Road, on a curve to the right having a radius of 264.00 feet and an arc length of 195.07 feet, being subtended by a chord of north

68 degrees 30 minutes 53 seconds west, for a distance of 190.66 feet; thence continuing along the northerly right-of-way of said Tamarin Ridge Road, on a curve to the left having a radius of 336.00 feet and an arc length of 236.49 feet, being subtended by a chord of north 67 degrees 30 minutes 37 seconds west, for a distance of 231.64 feet; thence north 02 degrees 19 minutes 33 seconds east, for a distance of 197.35 feet; thence south 72 degrees 29 minutes 32 seconds east, for a distance of 265.60 feet to a corner of said Lot 6; thence south 89 degrees 40 minutes 59 seconds east, for a distance of 503.79 feet to a corner of said Lot 6 to the point of beginning; said property contains 4.32 acres, more or less;

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment of the Planned Service Commercial Development area will not be adversely affected by granting such a permit; and

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

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

That the application of Tamarin Lodging LLC, hereinafter referred to as "Permittee", to amend the existing Planned Service Commercial Development approved by Special Permit No. 07015 by revising the site layout and the use restrictions to allow Lot 5 to be used for an auto dealership or any other permitted use for a Planned Service

Commercial Development, be and the same is hereby granted under the provisions of Sections 27.63.470 of the Lincoln Municipal Code upon condition that development of commercial uses be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a 22,000 square foot automobile dealership or any other permitted use for Planned Service Commercial Development on Lot 5.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies with all required revisions and documents as listed below before receiving building permits:

   a. Note that parking stalls on Lot 5 are conceptual and some stalls may be used for vehicle display provided required parking is provided. Show required parking in the parking table. Parking is not permitted in the side yard.

   b. Show a 20 foot rear yard setback to the north and a 20 foot side yard to the west. Revise the building envelope accordingly.

   c. Add a note that if cars will exit the building to the west, then a minimum 10 foot setback will be provided between the building and any sidewalk or driveway, or other alteration to the building to provide adequate viewing distance, as approved by the Planning Department.

   d. Show a pedestrian walkway from the north to the south property line in the western half of the site.

   e. Remove signs from site plan.

   f. Remove note #11 under Notes – Special Permit.

3. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.

4. Before occupying buildings or starting the operation all development and construction is to substantially comply with the approved plans.

5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee.

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

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

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

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

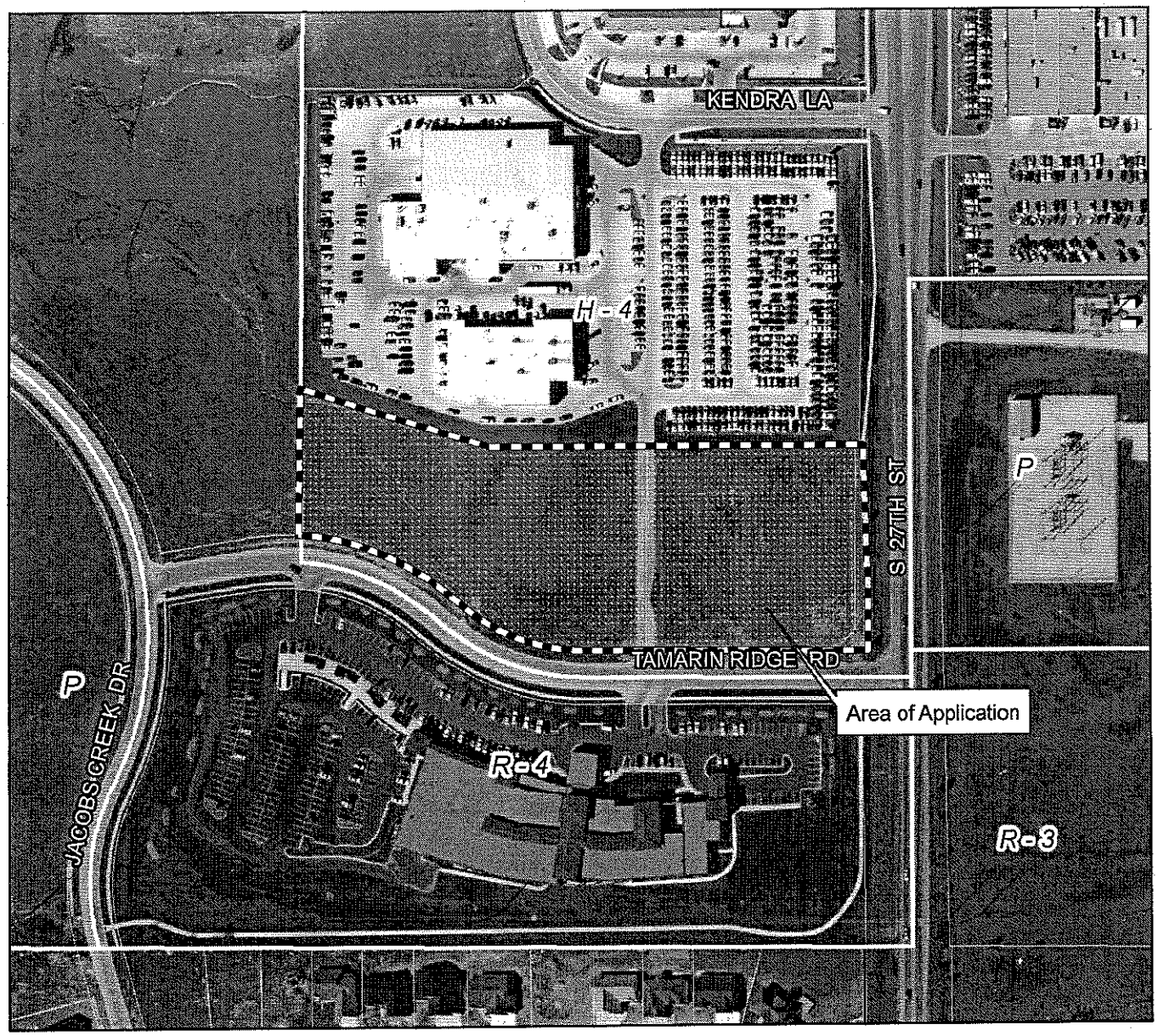
The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 21 day of October, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney



2005 aerial

Special Permit #07015A
S 27th St & Tamarin Ridge Rd

Zoning:

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

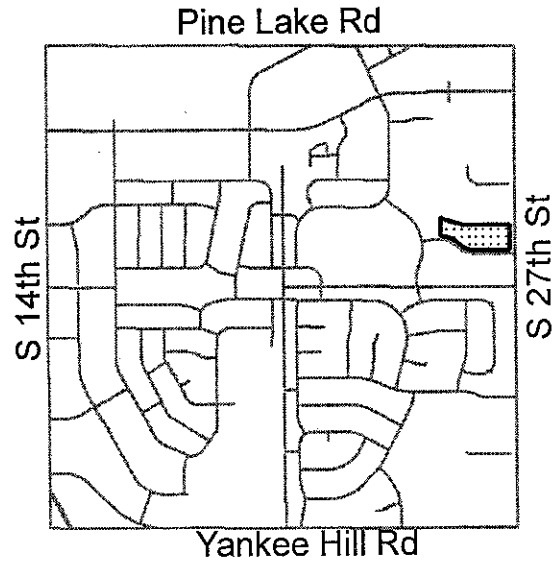
m:\plan\arcview\07_sp\sp07015A

One Square Mile
Sec. 24 T09N R06E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



TAMARIN RIDGE - GENERAL NOTES

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE REQUIRED SETBACKS AS PER THE L.M.C. OR AS SHOWN ON THIS PLAT.
2. DIRECT VEHICULAR ACCESS TO SOUTH 27TH STREET IS HEREBY RELINQUISHED EXCEPT AT TAMARIN RIDGE ROAD AND KENDRA LANE.
3. ALL OUTLOTS, MEDIANS, CENTER ISLANDS AND PRIVATE ROADWAYS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY AN ASSOCIATION OF HOMEOWNERS AND/OR THE PROPERTY OWNERS.
4. COMMON AND PUBLIC ACCESS EASEMENT HAS BEEN DEDICATED OVER THE PRIVATE DRIVEWAY BETWEEN LOTS 5 & 7.
5. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S.
6. BLANKET UTILITY EASEMENTS ARE HEREBY GRANTED ON ALL LOTS EXCEPT BUILDING ENVELOPES. ANY CONSTRUCTION OR GRADE CHANGES IN LES TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS. LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
7. FRONT, SIDE AND REAR YARD SETBACKS SHALL BE IN ACCORDANCE WITH THE INDIVIDUAL ZONING DISTRICT UNLESS OTHERWISE NOTED.
8. ALL PAVEMENT RADII TO BE 20' AND PAVEMENT WIDTH TO BE 27' UNLESS NOTED OTHERWISE.
9. SIDEWALKS SHALL BE LOCATED ON BOTH SIDES OF ALL INTERIOR STREETS. SIDEWALKS SHALL ALSO BE LOCATED ALONG THE WEST SIDE OF SOUTH 27TH STREET. SIDEWALKS SHALL BE A MINIMUM OF 4 FEET IN WIDTH. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 5 FEET IN WIDTH IF LOCATED ADJACENT TO THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES THICK CONCRETE, 6 INCHES THICK AT DRIVEWAY CROSSINGS.
10. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PVC RESPECTIVELY UNLESS SHOWN OTHERWISE AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
11. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
12. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988 DATUM.
13. ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT WIDTHS.
14. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.
15. ANY RELOCATION OF EXISTING LES FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.

NOTES - SPECIAL PERMIT

1. THIS SPECIAL PERMIT CONTAINS 2 BUILDABLE LOTS:
   ONE LOT WITH 22,000 S.F. AUTO-DEALER/H-4 PLANNED SERVICES COMMERCIAL PERMITTED USES
   ONE LOT WITH A 90 UNIT HOTEL, 3,200 S.F. ATTACHED RESTAURANT & 3,000 S.F. MEETING ROOM.
2. THE CURRENT ZONING IS "H-4" W/ SPECIAL PERMIT.
3. THE OWNER/DEVELOPER SHALL COMPLY WITH THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATED TO NOISE, EMISSION, DUST, ODOR, GLARE AND HEAT AS ADOPTED BY THE CITY OF LINCOLN.
4. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
5. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS "A" PORTLAND CEMENT OR 6 INCHES OF ASPHALT CONCRETE. A 6" INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
6. THE CONSTRUCTION PLANS SHALL COMPLY WITH THE APPROVED PLANS.
7. THE OPERATION AND THE PREMISES ARE TO MEET APPROPRIATE LOCAL AND STATE LICENSING REQUIREMENTS, INCLUDING COMPLIANCE WITH HEALTH CODES.
8. THERE SHALL BE NO OFF PREMISE ALCOHOL SALES AND ALL ALCOHOL SALES WILL BE ACCESSORY TO THE RESTAURANT, MEETINGS, WEDDINGS OR SIMILAR EVENTS AND CONSUMPTION IN THE HOTEL BUILDING.
9. LANDSCAPING WHICH MEETS DESIGN STANDARDS WILL BE SHOWN AT THE TIME OF BUILDING PERMITS.
10. SIGNAGE SHALL BE AS PER SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
11. THE OWNER OF LOT 4, BLOCK 1 (AUTO DEALERSHIP) HAS THE RIGHT TO PROHIBIT VEHICULAR ACCESS THROUGH THE SITE DURING NON-BUSINESS HOURS, 8:00 P.M. TO 7:00 A.M.
12. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS SPECIAL PERMIT.

APPROVED WAIVERS

1. WAIVER OF BUILDING HEIGHT FROM 45 FEET TO 55 FEET.
2. SIDE YARD SETBACK ABUTTING RESIDENTIAL WAIVER FROM 50 FEET TO 20 FEET.
3. SIDE YARD SETBACK WAIVER ABUTTING COMMERCIAL FROM 20 FEET TO 12 FEET.

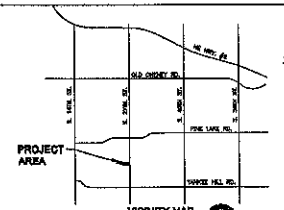
SPECIAL PERMIT - LEGAL DESCRIPTION

A legal description of a portion of Lot 1 and Lot 3, Tamarin Ridge First Addition as platted in the South One-Half of the Northwest Quarter of Section 24, Township 9 North, Range 5 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northwest corner of said Lot 11 thence in an Southerly direction, along the West Right-of-Way line of South 27th Street, on an assumed bearing of South 00 degrees 44 minutes 05 seconds East, for a distance of 124.91 feet;
THENCE South 00 degrees 09 minutes 07 seconds East, continuing along the west side of South 27th Street, a distance of 123.83 feet;
THENCE South 19 degrees 47 minutes 27 seconds West for a distance of 40.73 feet;
THENCE along the northerly Right-of-Way of said Tamarin Ridge Road, North 89 degrees 40 minutes 53 seconds West for a distance of 344.48 feet;
THENCE continuing along the northerly Right-of-Way of said Tamarin Ridge Road, on a curve to the right having a radius of 294.50 feet and an arc length of 122.07 feet, being subtended by a chord of North 69 degrees 30 minutes 53 seconds West for a distance of 121.22 feet;
THENCE continuing along the Northerly Right-of-Way of said Tamarin Ridge Road, on a curve to the left having a radius of 336.00 feet and an arc length of 238.49 feet, being subtended by a chord of N 87 degrees 20 minutes 37 seconds West for a distance of 233.54 feet;
THENCE North 08 degrees 19 minutes 33 seconds East for a distance of 197.35 feet;
THENCE South 72 degrees 32 minutes 32 seconds East for a distance of 285.60 feet to a corner of said Lot 5;
THENCE South 89 degrees 40 minutes 59 seconds East, for a distance of 503.79 feet to a corner of said Lot 5 to the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 4.32 acres more or less.



VICINITY MAP
SCALE: NONE

HOTEL PARKING REQUIREMENTS

PARKING REQ. BY BLDG & SAFETY	
90 UNIT HOTEL	152
3,200 S.F. RESTAURANT	
3,000 S.F. MEETING ROOM	

* 5,000 S.F. RESTAURANT APPROVED

OWNERS & DEVELOPERS:
DR. THOMAS L. FOLSOM
1399 ARDEN VIEW DRIVE
ARDEN HILLS, MN 55112
(651)633-8410

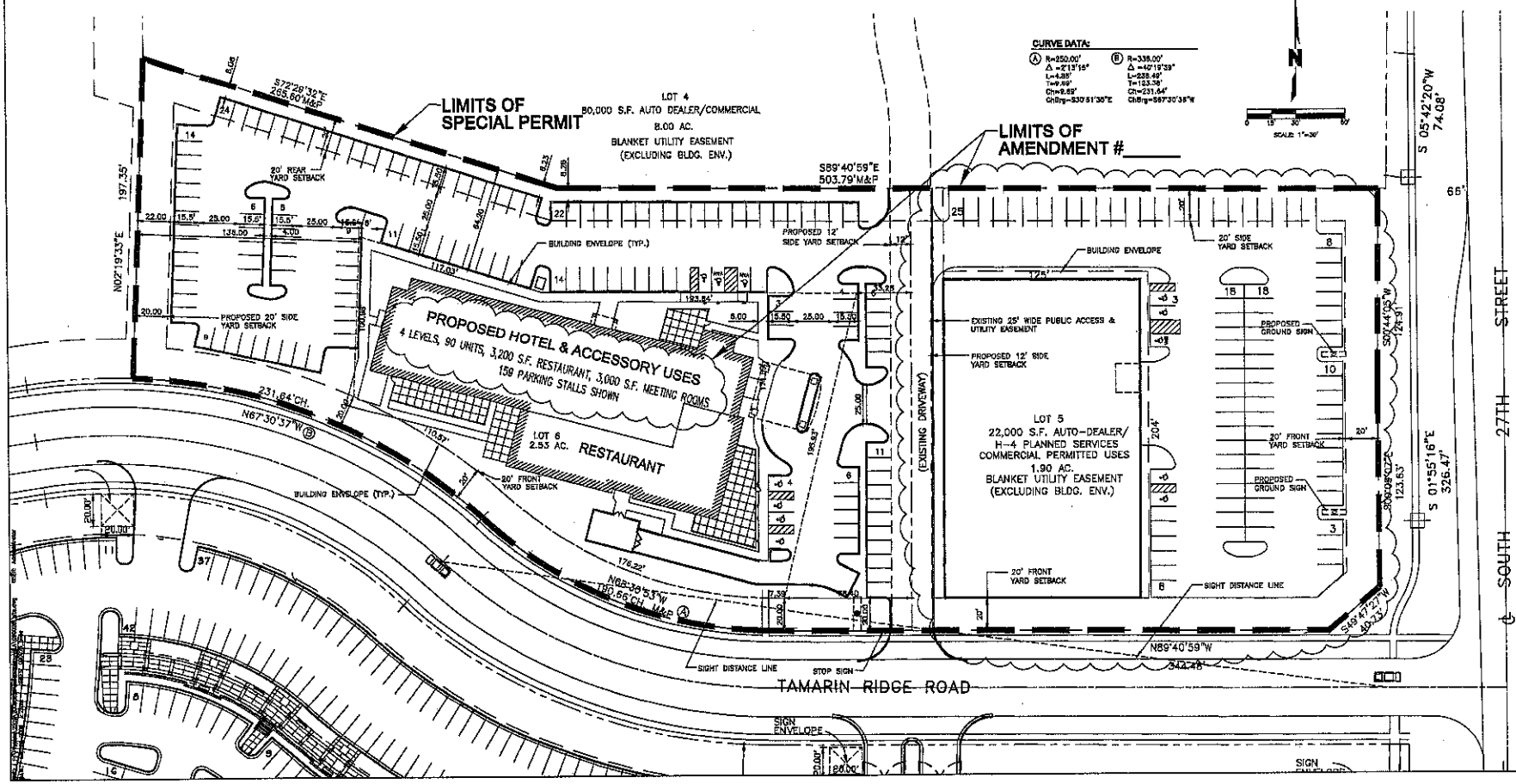
SUSAN G. AND DONALD R. BROUSE
6501 CAMPBELL DRIVE
LINCOLN, NE 68510
(402)488-7328

TAMARIN LODGING, LLC
5221 THE KNOLLS
LINCOLN, NE 68512

APPLICANT:
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NE 68512 (402)434-8494

ATTORNEY:
PETER KATT
BAYLOR, EVNEN, CURTISS, GRANT & WITT, LLP
1248 "O" STREET, SUITE 600
LINCOLN, NE 68508 (402)475-1075

SURVEYOR:
ALLIED SURVEYING & MAPPING, INC.
6120 S. 56TH STREET, SUITE "A"
LINCOLN, NE 68516 (402)434-2686



Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, Nebraska 68512
Ph. 402-434-8494 Fax 402-435-8217
www.civildg.com
CONSULTING ENGINEERS & LAND USE PLANNERS
CIVIL DESIGN & SITE DEVELOPMENT & PLANNING AND ZONING

REVISIONS

#	DATE	DESCRIPTION

TAMARIN RIDGE
AMENDMENT #
TO
PLANNER SERVICE COMMERCIAL #07015

SITE PLAN

LINCOLN, NEBRASKA

2009

drawn by:	jdb
checked by:	mfw
approved by:	mks
project no.:	2009-0029
drawing no.:	
date:	09/23/2009

SHEET
1 OF 1

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : October 26, 2009

RE : **Special Permit No. 09022**
(Planned Service Commercial - S. 33rd Street & Yankee Hill Road)
Resolution No. PC-01179

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 21, 2009:

> Motion made by Francis, seconded by Esseks, to approve **Special Permit No. 09022,** with conditions, as amended, requested by Lincoln Federal Bancorp, for a planned service commercial development consisting of 50,000 sq. ft. of retail for an automobile dealership or other permitted commercial uses, on property generally located at South 33rd Street and Yankee Hill Road.
>
> Motion for conditional approval, as amended, carried 6-0: Gaylor Baird, Esseks, Francis, Partington, Lust and Cornelius voting 'yes'; Sunderman declaring a conflict of interest; Taylor and Larson absent.

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

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

Note: On October 21, 2009, the Planning Commission also voted 6-0 to recommend approval of the associated Change of Zone No. 09025, from R-5 Residential to H-4 General Commercial, which is a condition of approval of this special permit and is tentatively scheduled for public hearing before the City Council on ***Monday, November 9, 2009, at 3:00 p.m.***

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Luke Summers, EDC, 1021 D Street, 68502
Jerry Maddox, Lincoln Federal Bancorp, 1100 N Street, 68508
Christine Jackson, Wilderness Ridge Homeowners Assn., 9030 Whispering Wind, 68512
Michael Rierden, 645 M Street, Suite 200, 68508
Mike Anderson, Anderson Ford, 2500 Wildcat Drive, 68521

RESOLUTION NO. PC-01179

SPECIAL PERMIT NO. 09022

WHEREAS, Lincoln Federal Bancorp has submitted an application designated as Special Permit No. 09022 for a planned service commercial development consisting of 50,000 square feet of retail for an automobile dealership or other permitted commercial uses on property generally located at South 33rd Street and Yankee Hill Road, and legally described as:

> Part of Outlot A, Wilderness Hills Addition, City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:
>
> Commencing at the North Quarter corner of said Section 30; thence south 88 degrees 45 minutes 38 seconds west on the north line of said Section 30, a distance of 192.82 feet; thence south 01 degrees 14 minutes 22 seconds east, a distance of 70.00 feet to the south right-of-way of Yankee Hill Road and the point of beginning; thence south 00 degrees 09 minutes 12 seconds east, a distance of 156.07 feet; thence south 02 degrees 26 minutes 38 seconds east, a distance of 197.90 feet; thence on a curve to the right having a radius of 1966.50 feet and an arc length of 161.95 feet, being subtended by a chord of south 04 degrees 30 minutes 38 seconds west, a distance of 161.91 feet; thence north 83 degrees 07 minutes 49 seconds west, a distance of 499.11 feet; thence on a curve to the left having a radius of 350.00 feet and an arc length of 38.40 feet, being subtended by a chord of north 86 degrees 16 minutes 23 seconds west, a distance of 38.38 feet; thence north 89 degrees 24 minutes 57 seconds west, a distance of 76.23 feet to the west line of said Outlot A; thence north 00

degrees 09 minutes 34 seconds west on the west line of Outlot A, a distance of 448.90 feet to the south right-of-way of Yankee Hill Road and the north line of said Outlot A; thence north 88 degrees 45 minutes 38 seconds east on the south right-of-way of Yankee Hill Road and the north line of said Outlot A, a distance of 289.09 feet; thence south 01 degrees 16 minutes 03 seconds east on the south right-of-way of Yankee Hill Road and the north line of said Outlot A, a distance of 9.98 feet; thence north 88 degrees 45 minutes 38 seconds east on the south right-of-way of Yankee Hill Road and the north line of said Outlot A, a distance of 326.01 feet to the point of beginning, said tract contains 6.77 acres, more or less;

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this planned service commercial development will not be adversely affected by granting such a special permit; and

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

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

That the application of Lincoln Federal Bancorp, hereinafter referred to as "Permittee", for a special permit for a planned service commercial development consisting of 50,000 square feet of retail for an automobile dealership or other permitted commercial

uses on property described above be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction of said planned service commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 50,000 square feet of retail space for an automobile dealership or other permitted commercial uses as part of a planned service commercial development.

2. The City Council must approve the following associated requests, Change of Zone 09025.

3. Before receiving building permits, the Permittee shall:

a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies with all required revisions listed below:

i. Add the following note to the site plan "This special permit will comply with the design standards of Use Permit 154C Wilderness Hills Commercial Center for major tenants and will be reviewed and approved for compliance by the Planning Director prior to building permit approval. However, the north/front facade shall not be required to comply with the requirement that at least 35% of the facade shall be masonry or stone veneer as the primary building material. Said north/front facade shall be similar in design to the front facade as shown on Exhibit "A" which is attached hereto.

ii. Revise the design of Crescent Drive and S. 33rd Street to the satisfaction of Public Works.

iii. Address the phasing of the required storm water detention to the satisfaction of Public Works.

iv. Revise the grading and drainage plan to the satisfaction of Public Works.

v. Show the water main in Crescent Drive to be 8" instead of 6".

vi. Remove Site Specific Notes #2, #3, and #7 and revise General Note #21 to state "Car Dealership or Commercial Use".

vii. Number the General Site Notes correctly.

viii. Remove "except as shown" from General Site Note #14.

ix. Show a fire hydrant at the Crescent Drive entrance.

b. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.

5. Before occupying the buildings or starting the operation all development and construction must substantially comply with the approved plans.

6. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee or an appropriately established property owner association approved by the City.

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

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

9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day

period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 21 day of October, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

"Exhibit A"

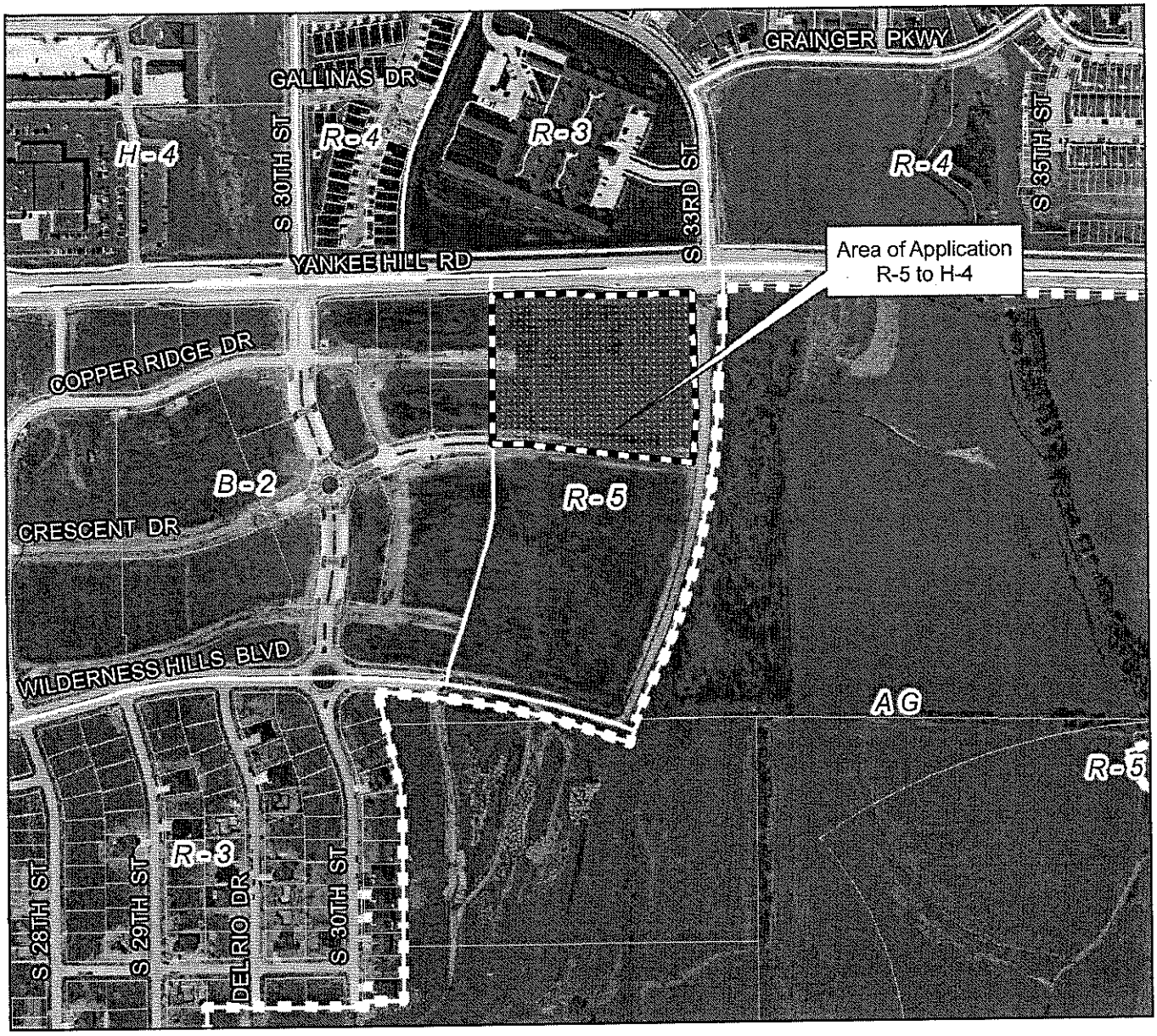
LINCOLN Ford MERCURY

MEGINNIS FORD LINCOLN MERCURY

LINCOLN, NE

RENDERING - 10/15/09

FORDLAND
Dealership Facility Services
Planning, Design, Construction



2007 aerial

Change of Zone #09025 & Special Permit #09022
S 33rd St & Yankee Hill Rd

Zoning:

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

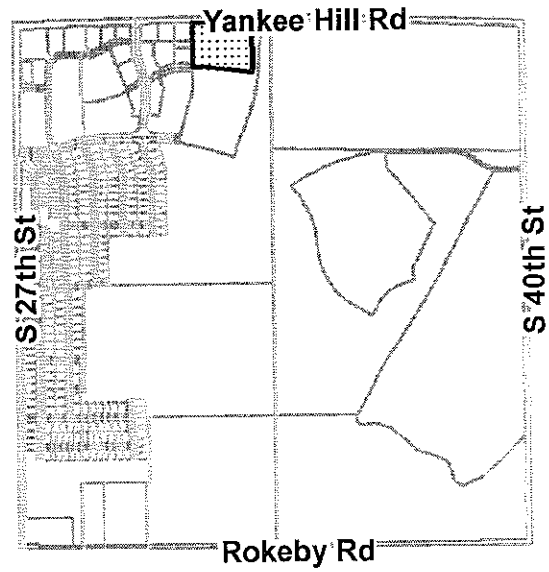
m:\plan\arcview\09_cz\cz09025

One Square Mile
Sec. 30 T09N R07E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



WILDERNESS PLACE
SPECIAL PERMIT

GENERAL SITE NOTES

1. PARKING LOT LIGHTING, IF PROVIDED, WILL BE IN ACCORDANCE WITH THE CITY OF LINCOLN AND L.E.S. STANDARDS.
2. ALL PARKING STALLS FOR THE DISABLED SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 56, NO. 144/RULES AND REGULATIONS).
3. AS PART OF THE FINAL PLAT, SPECIFIC UTILITY EASEMENTS WILL BE PROVIDED TO THE SATISFACTION OF L.E.S.
4. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT DEVELOPER'S EXPENSE.
5. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A REVIEWED AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETED.
6. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
7. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
8. ALL PAVING RADII ARE TO BE 25 FEET UNLESS OTHERWISE NOTED.
9. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
10. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
11. SIDEWALKS ARE TO BE CONSTRUCTED ALONG BOTH SIDES OF CRESCENT DRIVE.
12. ALL SIDEWALKS AD-HOCKIT TO RAMPS ARE TO BE 4' FT. WIDE & LOCATED IN PUBLIC R.O.W. OR PUBLIC ACCESS EASEMENTS.
13. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT. SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH THE CITY OF LINCOLN SIGN CODE. INDIVIDUAL SIGNS WHICH MEET THE ZONING REQUIREMENTS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLANS AND THAT NO ADMINISTRATIVE AMENDMENT WILL BE REQUIRED.
14. DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD FROM ALL LOTS IS HEREBY RELINQUISHED, EXCEPT AS SHOWN.
15. RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, SHEET 3.
16. LANDSCAPING AND MAINTENANCE OF STREET MEDIANS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR HOME OWNERS ASSOCIATION.
21. LOTS & USE

    LOTS 1 H-4 CAR DEALERSHIP
22. LOCATION AND LAYOUT OF BUILDINGS MAY BE CONSTRUCTED ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
23. ALL LANDSCAPING AND SIGNAGE WILL BE LOCATED OUTSIDE OF THE CRITICAL SIGHT TRIANGLE. LOCATION AND PLACEMENT OF LANDSCAPE TREES AND SHRUBS MAY CHANGE WITHIN THE GUIDELINES OF THE CITY OF LINCOLN PARKS DEPARTMENT, AND THE DESIGN STANDARDS FOR ZONING.
24. LANDSCAPE PLAN TO BE PROVIDED AT TIME OF BUILDING PERMIT.

SITE SPECIFIC NOTES

1. THE EXISTING ZONING IS R-5, THE PROPOSED ZONING IS H-4.
2. INDIVIDUAL SITE LAYOUTS FOR BUILDING, OPEN SPACE, PARKING, DRAINAGE AND LANDSCAPE WILL BE APPROVED AT THE TIME OF BUILDING PERMITS.
3. PROVIDE A 20' SETBACK AND A LANDSCAPE PLAN OR SOUTH BUILDING FACADE DESIGN THAT MEETS WITH THE PLANNING DIRECTOR'S PRIOR WRITTEN APPROVAL.
4. EVES, OVERHANGS, WINDOW SILLS, DOOR AWNINGS, AIR CONDITIONER UNITS, ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
5. PARKED VEHICLES MAY OVERHANG WITHIN THE FRONT YARD SETBACK.
6. ALL SERVICE USES ON LOT 1, SUCH AS AUTO REPAIR AND CARWASH FACILITIES ARE TO BE LOCATED ON THE WESTERN PORTION OF THE PROPERTY.
7. THE HEIGHT OF THE BUILDINGS IN LOT 2 SHALL NOT EXCEED 50 FEET.

LEGAL DESCRIPTION

A TRACT OF LAND COMPRISED OF PART OF OUTLOT A, WILDERNESS HILLS ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

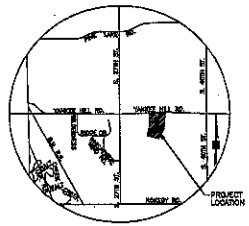
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 30; THENCE S88°49'39"W ON THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 192.82 FEET; THENCE S01°14'22"E, A DISTANCE OF 70.00 FEET TO THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE POINT OF BEGINNING; THENCE S00°04'12"E A DISTANCE OF 128.07 FEET; THENCE S02°26'31"E, A DISTANCE OF 197.90 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1968.50 FEET AND AN ARC LENGTH OF 181.88 FEET, BEING SUBTENDED BY A CHORD OF S04°30'38"W A DISTANCE OF 181.81 FEET; THENCE N88°07'49"W, A DISTANCE OF 499.11 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET AND AN ARC LENGTH OF 38.40 FEET, BEING SUBTENDED BY A CHORD OF N85°19'23"W A DISTANCE OF 38.38 FEET; THENCE N82°31'57"W A DISTANCE OF 78.23 FEET TO THE WEST LINE OF SAID OUTLOT A; THENCE N00°09'34"W ON THE WEST LINE OF OUTLOT A, A DISTANCE OF 448.90 FEET TO THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A; THENCE N88°49'39"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 288.09 FEET; THENCE S01°18'03"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 9.98 FEET; THENCE N88°49'39"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 328.01' FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 6.77 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

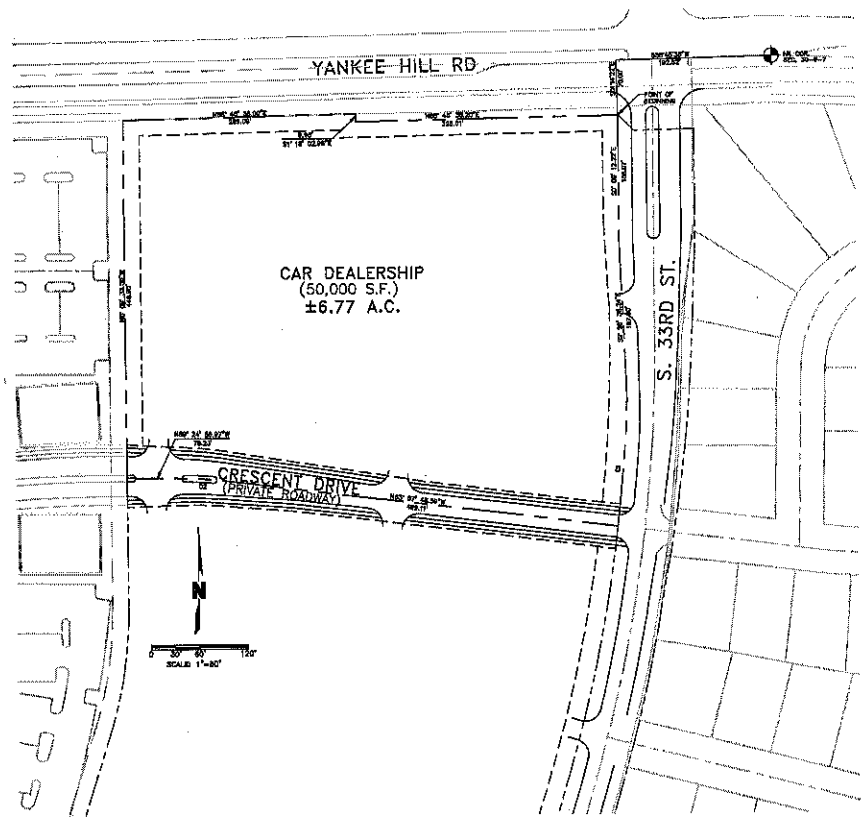
I, JOEL S. JACOBSEN L.S., A REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA, CERTIFY THAT THE ABOVE SURVEYS WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE

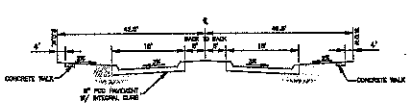
JOEL S. JACOBSEN L.S. 534



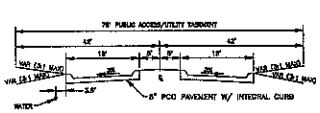
VICINITY MAP
NO SCALE



TYPICAL STREET CROSS SECTION
SOUTH 33RD STREET TO WILDERNESS HILLS BLVD.
NOT TO SCALE



TYPICAL STREET CROSS SECTION
SOUTH 33RD STREET @ YANKEE HILL ROAD INTERSECTION
NOT TO SCALE



PRIVATE ROADWAY CROSS SECTION
(PRIVATE ROADWAY)
NOT TO SCALE

LEGEND

- SETBACK LINE
- EASEMENT
- BOUNDARY

SHEET INDEX

1. COVER SHEET
2. SITE PLAN
3. UTILITY PLAN
4. GRADING PLAN
5. PAVEMENT PLAN

BENCH MARKS

1. NORTHWEST CORNER OF THE SECTION 30 AT THE INTERSECTION OF 27TH STREET AND YANKEE HILL RD. ELEV. 1231.09
2. WEST 1/4 CORNER OF THE SECTION 30 ELEV. 1278.33

ENGINEER

ENGINEERING DESIGN CONSULTANTS
2200 FLETCHER AVE. STE. 102
LINCOLN, NE 68521
PHONE: (402)438-4014

OWNER/DEVELOPER

LINCOLN FEDERAL BANCORP, INC.
1101 'N' STREET
LINCOLN, NEBRASKA 68508
702-474-1400

PLANNING COMMISSION APPROVAL

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____, 20__.

ATTEST: _____
CHAIR

CITY COUNCIL APPROVAL

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE CITY COUNCIL RESOLUTION # _____ ON THIS _____ DAY OF _____, 20__.

ATTEST: _____
CITY CLERK

EDC
Engineering Design Consultants
234 Fletcher Ave. Lincoln, NE 68521
Ph: 402-438-4014 Fax: 402-438-4018
Civil Engineers • Land Planners
Site Development • Surveyors

Project #: 06-022
Drawing: 06-022 cup cover.dwg
Date: 05/26/2006

Revisions

Date | By

Design: By: MJD
Drawn: By: JJZ
Checked: By: PJD

WILDERNESS PLACE
SPECIAL PERMIT
LINCOLN, NEBRASKA

Cover Sheet

PRELIMINARY
NOT FOR CONSTRUCTION

SHEET
1 OF 5

DWG: G:\Projects\Lincoln Federal\06022\DRAWINGS\Civil\cup Sheets\CUP 01-11\06-022 CUP COVER.dwg USER: jmyk
DATE: Sep 26, 2006 8:26am XREFS: CP-BASE CUP Base

Tammy J. Grammer

From: Tom Casady [tcasady@lincoln.ne.gov]
Sent: Thursday, October 29, 2009 9:29 AM
To: RETRVER@gmail.com
Cc: Tammy J. Grammer
Subject: RE: InterLinc: Council Feedback

Robert:

I have been directed by the City Council office to reply to your email of October 22nd, in which you inquired "Is it really true a 10-year old misdemeanor that falls under the below list of offenses can get your registered firearms taken away?" It appears to me that the text of Lincoln Municipal Ordinance 9.36.100, which you included in your email, is true to the original. I am assuming that it was copied and pasted from the online edition of the ordinance book. As you have correctly surmised, it is unlawful in Lincoln to possess a firearm if you have been convicted within the past ten years of any of the enumerated offenses. This ordinance was originally adopted by the City Council in 2003.

Regards,

Tom Casady
Chief of Police
Lincoln Police Department
575 S. 10th Street
Lincoln, NE 68508
402.441.7237
mailto:tcasady@lincoln.ne.gov

-----Original Message-----
From: Tammy J. Grammer [mailto:tgrammer@lincoln.ne.gov]
Sent: Thursday, October 29, 2009 8:48 AM
To: Tom K Casady
Subject: FW: InterLinc: Council Feedback

Chief Casady,

Please see email below. Could you please respond to the email below from Robert and send a copy of the response to the Council Office. If you have any questions, please let me know. Thanks.

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

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

From: WebForm [mailto:none@lincoln.ne.gov]
Sent: Thursday, October 22, 2009 2:27 PM
To: Tammy J. Grammer
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Robert
Address: South 70th Street
City: Lincoln, NE 68508

Phone:
Fax:
Email: RETRVER@gmail.com

Comment or Question:
Would the council or a member of the council who is knowledgeable about this ordinance please provide some clarification (if there is any) on this subject? Is it really true a 10-year old misdemeaner that falls under the below list of offenses can get your registered firearms taken away? Thank you for the time in advance.

Also, permission to cross post your reply on the forum below?

http://www.nefga.org/forum/nebraska-hunting-forum/26987-city-lincoln-infringes-2nd-amendment.html

9.36.100 Unlawful Possession of Firearms.
(a) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years:
Stalking in violation of
Neb. Rev. Stat.
? 28-311.03 or any other comparable or similar state statute from another state; Violation of a protection order as set forth in Neb. Rev. Stat. ? 42-924 or Violation of a foreign protection order as set forth in Neb. Rev. Stat. ? 42-931; False imprisonment in the second degree in violation of Neb. Rev. Stat. ? 28-315; Sexual assault in the third degree in violation of Neb. Rev.
Stat. ? 28-320; Impersonating a peace officer in violation of Neb. Rev.
Stat. ? 28-610; or,
Impersonating police officer in violation of Lincoln Municipal Code ?
9.08.060; Debauching a
Minor in violation of Neb. Rev. Stat. ? 28-805; Obstructing government operations in violation of

Neb. Rev. Stat.
? 28-901; Resisting arrest in violation of Neb. Rev. Stat. ? 28-904; Resisting officer in violation of Lincoln Municipal Code ? 9.08.030; Obstructing a peace officer in violation of Neb.
Rev. Stat. ? 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal Code ? 9.08.020; Carrying concealed weapon in violation of Neb. Rev. Stat. ?
28-1202; Criminal
child enticement in violation of Neb. Rev. Stat. ? 28-311; Implements for escape in violation of Neb.
Rev. Stat. ? 28-913; Unlawful possession of explosives, second degree in violation of Neb.
Rev. Stat.

? 28-1216; Use of explosives without a permit in violation of Neb. Rev. Stat. ? 28-1218; Concealing the death of another person in violation of Neb. Rev. Stat. ? 28-1302; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code ? 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code ? 9.36.010; Assault in the third degree in violation of Neb. Rev. Stat. ? 28-310; Assault and battery, menacing threats in violation of Lincoln Municipal Code ?9.12.010; Unlawful intrusion in violation of Neb. Rev. Stat.

? 28-311.08; Violation of custody in violation of Neb. Rev. Stat. ? 28-316; Domestic assault in violation of Neb. Rev. Stat. ? 28-323; Criminal trespass in the first degree in violation of Neb. Rev. Stat. ? 28-520; Contributing to the delinquency of a child in violation of Neb. Rev. Stat. ? 28-709; Public indecency in violation of Neb. Rev. Stat. ? 28-806; Public indecency or indecent exposure in violation of Lincoln Municipal Code ? 9.16.180; Operating a motor vehicle or vessel to avoid arrest in violation of Neb. Rev. Stat. ? 28-905; Fleeing in a vehicle to avoid arrest in violation of Lincoln Municipal Code ? 10.14.280; any violation of the Uniform Controlled Substances Act as set forth in Neb. Rev. Stat. ?? 28-401 to 28-456.01; Toxic compounds, unlawful use in violation of Lincoln Municipal Code ?9.16.110; Criminal attempt in violation of Neb. Rev. Stat. ? 28-201 for any of the state crimes set forth in this subsection (a).

(b) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of two or more of the following offenses within the last ten years: Driving under the influence of alcoholic liquor or drugs in violation of Neb. Rev. Stat. ? 60-6,196; Driving under the influence of alcoholic liquor or drugs in violation of Lincoln Municipal Code ? 10.16.030; Implied consent to submit to chemical test, refusal in violation of Neb. Rev. Stat. ? 60-6-197; Chemical test, refusal in violation of Lincoln Municipal Code ?10.16.040; or any conviction under a law of another state or municipality if at the time of the conviction under said law the offence for which the person was convicted would have been a violation of Neb. Rev. Stat. ?? 60-6,196 or 60-6,197.

(c) The provisions of this section shall not apply to (1) the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (2) a peace officer as defined by Neb. Rev. Stat. ? 28-109(14). (Ord. 19060 ?1; March 24, 2008: prior Ord.

18793 ?1; August 21, 2006: Ord. 18158 ?1; April 7, 2003)

Mary M. Meyer

From: Karen K. Sieckmeyer
Sent: Tuesday, October 27, 2009 11:31 AM
To: Jon Camp
Cc: Council Packet; Scott A. Opfer; Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli
Subject: FW: Local Movers parking on S. 26th Street

Councilman Camp,

We can sign any street in the City. Our policy is to allow the adjacent property owners to dictate the parking along their side of the street. In this case, this is City property and as I stated in my previous response to you, as well as what has been told to Mr. Pauley for several years, there is not a valid reason to prohibit these trucks from parking on this street. Mr. Pauley has never stated a need for the parking to be available for his or any other of the neighboring property owners' needs. This is simply a burr under his saddle. With respect to your statement that "streets and their repair are typically assessed to adjacent property owners", this would only be the case if a "Repaving District" was created at the request of the property owners and, the City would be one of the adjacent property owners. So, this is not a valid reason to suggest that these trucks shouldn't be parked along this street. Finally, the way we must look at this situation, the folks who own the Local Movers Company are taxpaying citizens and deserve as much consideration as does Mr. Pauley. Therefore, we continue to believe that restriction of parking along S. 26th Street or on 'E' Street is an unnecessary cost to the taxpayers and should not be done.

Thanks.

Scott A. Opfer, Manager
Street & Traffic Operations

From: Jon Camp
Sent: Wednesday, October 14, 2009 1:56 PM
To: Karen K. Sieckmeyer; 'dpauley1@neb.rr.com'
Cc: Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli
Subject: RE: Local Movers parking on S. 26th St.

Mr. Opfer:

Thank you for responding to David Pauley.

One idea suggested by Mr. Pauley was to limited parking to non-trucks. Is this possible? The adjacent property owners appear to be agreeable to this designation and such parking would, using common sense, otherwise be for those adjacent property owners, their businesses and their tenants. Since those property owners have provided for off-street parking for trucks, can we sign the street to restrict truck parking?

While this is not in your department, a bigger question is the residency of the business. Since streets and their repair and/or replacement are typically assessed to adjacent property owners, one could conclude that a foreign business, i.e. one having no business address in the vicinity, should not have the "privilege" of parking its vehicles on a routing basis unless it had a local business purpose for that particular adjacent property.

Thank you,

Jon

Jon A. Camp
Lincoln City Council

402.474.1838 (personal office)

From: Karen K. Sieckmeyer
Sent: Wednesday, October 14, 2009 10:52 AM
To: 'dpauley1@neb.rr.com'
Cc: Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli; Jon Camp
Subject: Local Movers parking on S. 26th St.

Mr. Pauley,

My name is Scott Opfer, Manager of Street & Traffic Operations, for the City of Lincoln. I have been asked to respond to your latest request to remove parking from both sides of S. 26th Street, south of 'E' Street and on 'E' Street, east of S. 26th Street.

As you are aware, you have made similar requests in the past to remove this parking. Our records indicate we received a letter and parking petition signed by you, to remove the parking completely on the west side of S. 26th Street and the south side of 'E' Street, as well as to restrict the parking to specified hours along the east side of S. 26th Street and the north side of 'E' Street. This letter and petition was received in 2005, but stated that if we were not going to remove the parking on the west and south sides of the streets, then you didn't wish to restrict the parking on the east and north sides of the streets. At that time, we explained to you that even though the Local Movers trucks are annoying to you, there are no good reasons to prohibit them from parking along these streets. The area is obviously zoned for commercial purposes and the parking of these trucks has not caused any proven hazards to the traveling public. As long as the vehicles are moved daily, they are not violating the law. In the past, you have insinuated that these trucks have contributed to vandalism and other crimes in the area. As we explained to you then and after consulting with our Police Department again, there are few, if any, calls for service in this immediate area and certainly nothing that would be related to the legal parking of these trucks.

Therefore, just as we communicated to you back in 2005, we cannot justify removing the parking adjacent to the City owned property along the west side of S. 26th Street or on the south side of 'E' Street.

However, we have no record of ever receiving anything in writing from you, since 2005. If you would like to have the parking removed from the east side of S. 26th Street and the north side of 'E' Street, we would be glad to do so if you would please re-send the parking petition signed by yourself and the Cheevers. In the mean time, please do not hesitate to contact me directly and I will be glad to answer your questions and ensure that your request is processed in a timely manner.

Sincerely,

Scott A. Opfer, Manager
Street & Traffic Operations

From: Jon Camp
Sent: Friday, October 02, 2009 1:22 PM
To: Greg S. MacLean
Cc: Tammy J. Grammer; dpauley1@neb.rr.com; Doug Emery; John Spatz; Jayne L. Snyder; Jonathan A. Cook; Adam A. Hornung; Eugene W. Carroll; joncamp@lincolnhaymarket.com; Douglas L. Schwartz; Wynn S. Hjermstad
Subject: FW: Local Movers parking on S 26th Street

Greg:

Please see the email below. I think the proposal of Mr. Pauley makes a lot of sense. Would you please respond?

Best regards,

Jon

From: David Pauley [dpauley1@neb.rr.com]
Sent: Wednesday, September 30, 2009 3:07 PM
To: Jon Camp
Subject: Local Movers parking on S 26th Street

Jon,

Sorry it took me a while to email regarding the trucks parking along 26th Street. Here is my proposed solution:

Put up signs on both sides of the street that say "No Truck Parking". That would allow cars to continue to park there and prevent the Local Movers guy from running his business tax free off the streets of Lincoln (he by-passes
payroll taxes by paying his employees in cash). Also, this would prevent the street from being used as semi-truck
parking on weekends.

The Local Movers guy has added to his fleet. He now parks 3 trucks on that street on a daily basis. As for the "No Truck Parking" sign, I've seen one down near Judah Caster. I'm not sure if it was put up by the city, or put up
illegally by a private person, but it sure would make a lot of sense in my situation.

Jay and Sharrell Merritt down the street have also been completely frustrated with this guy—as well as the city's lack of
response. Here's an email I got from them recently:

Dave,

The gentleman that we contacted and sent a letter of request plus the form that you, Jay and Wes at Cheevers signed.

Also included pictures and a map of requested area for the signs. Mailed 9-11-08 we have not heard from them.

Doug Schwartz

Engineering Specialist

Engineering Services

Public Works & Utilities Department

531 Westgate Blvd, Suite 100

Lincoln, NE 68528

Please let me know when, where, and what time the meeting is with the city.

Thanks

Jay and Sharrell Merritt

I'm going to be meeting with Wynn Hjermstead and the Merritt's this Friday regarding getting some CDBG $ for our area.
That meeting is at 2 PM. Is there any chance we could meet with you at 1:30 PM?

Thanks,

David Pauley
489-4909

Mary M. Meyer

From: Jon Camp
Sent: Tuesday, October 27, 2009 4:59 PM
To: Karen K. Sieckmeyer; Scott A. Opfer
Cc: Council Packet; Scott A. Opfer; Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli; dpauley1@neb.rr.com
Subject: RE: Local Movers parking on S. 26th Street

Mr. Opfer:

I am addressing this to you as you penned the last email.

Under normal situations I might agree that a "taxpaying citizen" deserves to drive and park wherever. But, this particular situation has some unusual parameters. As I understand the fact, there is no "place of business" for this particular business. Rather, several trucks of this business utilize the City streets and are "consistently" parked each evening and overnight and weekends at this same location, constituting a de facto place of business. I question whether the streets of Lincoln are an appropriate place to consistently park business vehicles and employees' vehicles on a daily basis.

Does it not seem rational to question how a business can operate without its own parking facilities "consistently" and infringe upon areas well away from any residences of the business operators?

I have observed truck drivers who park their tractors at their place of residence overnight and could understand the owners of this business parking their vehicles in their own personal drive-ways, if they do not have an off-street parking facility or office.

From the City's standpoint, we construct streets for mobility, not parking by one business or entity on a consistent and routine basis without direct compensation.

In summary, Mr. Opfer, please advise me of action to remedy this once and for all. . .and I mean for "all of Lincoln". I do not want to have this situation repeated in another location. A business owner does have the responsibility of providing appropriate premises, whether office or parking, for its operation.

I would like this matter resolved immediately. As you have noted, Mr. Pauley has made inquiries for some period of time. We need "action" and to stop consuming City staff time on such a simple matter. I am sure you have many more urgent matters to which you would prefer to focus your time.

I look forward to a positive plan of remedy.

Thank you,

Jon

Jon A. Camp
Lincoln City Council
402.474.1838 (personal office)

From: Karen K. Sieckmeyer
Sent: Tuesday, October 27, 2009 11:31 AM
To: Jon Camp
Cc: Council Packet; Scott A. Opfer; Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli
Subject: FW: Local Movers parking on S. 26th Street

Councilman Camp,

We can sign any street in the City. Our policy is to allow the adjacent property owners to dictate the parking along their side of the street. In this case, this is City property and as I stated in my previous response to you, as well as what has been told to Mr. Pauley for several years, there is not a valid reason to prohibit these trucks from parking on this street. Mr. Pauley has never stated a need for the parking to be available for his or any other of the neighboring property owners' needs. This is simply a burr under his saddle. With respect to your statement that "streets and their repair are typically assessed to adjacent property owners", this would only be the case if a "Repaving District" was created at the request of the property owners and, the City would be one of the adjacent property owners. So, this is not a valid reason to suggest that these trucks shouldn't be parked along this street. Finally, the way we must look at this situation, the folks who own the Local Movers Company are taxpaying citizens and deserve as much consideration as does Mr. Pauley. Therefore, we continue to believe that restriction of parking along S. 26th Street or on 'E' Street is an unnecessary cost to the taxpayers and should not be done.

Thanks.

Scott A. Opfer, Manager
Street & Traffic Operations

From: Jon Camp
Sent: Wednesday, October 14, 2009 1:56 PM
To: Karen K. Sieckmeyer; 'dpauley1@neb.rr.com'
Cc: Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli
Subject: RE: Local Movers parking on S. 26th St.

Mr. Opfer:

Thank you for responding to David Pauley.

One idea suggested by Mr. Pauley was to limited parking to non-trucks. Is this possible? The adjacent property owners appear to be agreeable to this designation and such parking would, using common sense, otherwise be for those adjacent property owners, their businesses and their tenants. Since those property owners have provided for off-street parking for trucks, can we sign the street to restrict truck parking?

While this is not in your department, a bigger question is the residency of the business. Since streets and their repair and/or replacement are typically assessed to adjacent property owners, one could conclude that a foreign business, i.e. one having no business address in the vicinity, should not have the "privilege" of parking its vehicles on a routing basis unless it had a local business purpose for that particular adjacent property.

Thank you,

Jon

Jon A. Camp
Lincoln City Council
402.474.1838 (personal office)

From: Karen K. Sieckmeyer
Sent: Wednesday, October 14, 2009 10:52 AM
To: 'dpauley1@neb.rr.com'
Cc: Michael S Woolman; Roger A. Figard; Melissa M. Ramos-Lammli; Jon Camp
Subject: Local Movers parking on S. 26th St.

Mr. Pauley,

My name is Scott Opfer, Manager of Street & Traffic Operations, for the City of Lincoln. I have been asked to respond to your latest request to remove parking from both sides of S. 26th Street, south of 'E' Street and on 'E' Street, east of S. 26th Street.

As you are aware, you have made similar requests in the past to remove this parking. Our records indicate we received a letter and parking petition signed by you, to remove the parking completely on the west side of S. 26th Street and the south side of 'E' Street, as well as to restrict the parking to specified hours along the east side of S. 26th Street and the north side of 'E' Street. This letter and petition was received in 2005, but stated that if we were not going to remove the parking on the west and south sides of the streets, then you didn't wish to restrict the parking on the east and north sides of the streets. At that time, we explained to you that even though the Local Movers trucks are annoying to you, there are no good reasons to prohibit them from parking along these streets. The area is obviously zoned for commercial purposes and the parking of these trucks has not caused any proven hazards to the traveling public. As long as the vehicles are moved daily, they are not violating the law. In the past, you have insinuated that these trucks have contributed to vandalism and other crimes in the area. As we explained to you then and after consulting with our Police Department again, there are few, if any, calls for service in this immediate area and certainly nothing that would be related to the legal parking of these trucks.

Therefore, just as we communicated to you back in 2005, we cannot justify removing the parking adjacent to the City owned property along the west side of S. 26th Street or on the south side of 'E' Street.

However, we have no record of ever receiving anything in writing from you, since 2005. If you would like to have the parking removed from the east side of S. 26th Street and the north side of 'E' Street, we would be glad to do so if you would please re-send the parking petition signed by yourself and the Cheevers. In the mean time, please do not hesitate to contact me directly and I will be glad to answer your questions and ensure that your request is processed in a timely manner.

Sincerely,

Scott A. Opfer, Manager
Street & Traffic Operations

From: Jon Camp
Sent: Friday, October 02, 2009 1:22 PM
To: Greg S. MacLean
Cc: Tammy J. Grammer; dpauley1@neb.rr.com; Doug Emery; John Spatz; Jayne L. Snyder; Jonathan A. Cook; Adam A. Hornung; Eugene W. Carroll; joncamp@lincolnhaymarket.com; Douglas L. Schwartz; Wynn S. Hjermstad
Subject: FW: Local Movers parking on S 26th Street

Greg:

Please see the email below. I think the proposal of Mr. Pauley makes a lot of sense. Would you please respond?

Best regards,

Jon

From: David Pauley [dpauley1@neb.rr.com]
Sent: Wednesday, September 30, 2009 3:07 PM
To: Jon Camp
Subject: Local Movers parking on S 26th Street

Jon,

Sorry it took me a while to email regarding the trucks parking along 26th Street. Here is my proposed solution:

Put up signs on both sides of the street that say "No Truck Parking". That would allow cars to continue to park there and prevent the Local Movers guy from running his business tax free off the streets of Lincoln (he by-passes
payroll taxes by paying his employees in cash). Also, this would prevent the street from being used as semi-truck
parking on weekends.

The Local Movers guy has added to his fleet. He now parks 3 trucks on that street on a daily basis. As for the "No Truck Parking" sign, I've seen one down near Judah Caster. I'm not sure if it was put up by the city, or put up
illegally by a private person, but it sure would make a lot of sense in my situation.

Jay and Sharrell Merritt down the street have also been completely frustrated with this guy—as well as the city's lack of
response. Here's an email I got from them recently:

Dave,

The gentleman that we contacted and sent a letter of request plus the form that you, Jay and Wes at Cheevers signed.

Also included pictures and a map of requested area for the signs. Mailed 9-11-08 we have not heard from them.

Doug Schwartz

Engineering Specialist

Engineering Services

Public Works & Utilities Department

531 Westgate Blvd, Suite 100

Lincoln, NE 68528

Please let me know when, where, and what time the meeting is with the city.

Thanks

Jay and Sharrell Merritt

I'm going to be meeting with Wynn Hjermstead and the Merritt's this Friday regarding getting some CDBG $ for our area.
That meeting is at 2 PM. Is there any chance we could meet with you at 1:30 PM?

Thanks,

David Pauley
489-4909

Tammy J. Grammer

From: Mark A. Koller
Sent: Wednesday, October 28, 2009 12:55 PM
To: Jon Camp
Cc: Niles R. Ford; John E. Cripe; Tammy J. Grammer; Rick D. Hoppe; John Huff
Subject: RE: LF&R response to Councilman Camp regarding Ordinances 09-142 and 09-143

Councilman Camp:

Thank you for your inquiry regarding potential nomenclature of "battalion chief" instead of "deputy fire chief, etc." that may have an implication on pay scales and job classifications. We job match by job 'description', not job 'title', therefore there should be no effect to comp analysis based on job title changes.

I hope this answers your question – let me know if you need further explanation.

Mark A. Koller
City/County Personnel Department

From: John Huff
Sent: Wednesday, October 28, 2009 9:47 AM
To: Jon Camp
Cc: Niles R. Ford; John E. Cripe; Mark A. Koller; Tammy J. Grammer; Rick D. Hoppe
Subject: RE: LF&R response to Councilman Camp regarding Ordinances 09-142 and 09-143

Councilman Camp,

I will defer your question to the personnel office since they are better qualified to answer your question. I have copied Mark Koller to respond.

Sincerely,

John Huff
Assistant Fire Chief
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
402-441-8351

From: Jon Camp
Sent: Tuesday, October 27, 2009 5:06 PM
To: John Huff
Subject: RE: LF&R response to Councilman Camp regarding Ordinances 09-142 and 09-143

Chief Huff:

Thank you for appearing the City Council meeting. Regarding your email, is there any possibility that using nomenclature of "battalion chief" instead of "deputy fire chief, etc." will have an implication on pay scales and job classifications in our union contract?

Jon

Jon A. Camp
Lincoln City Council

402.474.1838 (personal office)

From: John Huff
Sent: Monday, October 26, 2009 10:05 AM
To: Jon Camp
Cc: Tammy J. Grammer; Niles R. Ford; Mark A. Koller; Rick D. Hoppe; John E. Cripe; John Huff
Subject: LF&R response to Councilman Camp regarding Ordinances 09-142 and 09-143

Councilman Camp,

In response to your questions,

The pay range changes under 09-142 is intended to re name these positions to more accurately reflect the positions duties and to be synonymous with fire service industry standards. There is no financial impact to these proposed changes.

The pay range for the position affected by 09-143 is an increase in the pay range as a result of broadened and additional duties assigned to this position. Currently only 1 person is in this classification, which is 100% federally funded for the purpose of supporting the FEMA Urban Search & Rescue team pre deployment efforts. There is no financial impact to the city as a result of this change.

Sincerely,

John Huff
Assistant Fire Chief
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
402-441-8351

From: Jon Camp
Sent: Sunday, October 25, 2009 6:48 PM
To: John Huff
Subject: FW: Ordinances 09-142 and 09-143

Jon A. Camp
Lincoln City Council
402.474.1838 (personal office)

From: Jon Camp
Sent: Sunday, October 25, 2009 6:26 PM
To: Niles R. Ford
Cc: Tammy J. Grammer
Subject: Ordinances 09-142 and 09-143

Chief Ford:

Please explain the financial impact of these two proposed ordinances.

Please explain the pay range changes under 09-142.

Regarding 09-143, why is the job class being increased $5-6,000 per year?

Thank you,

Jon

Jon A. Camp
Lincoln City Council
402.474.1838 (personal office)

DEER SPRINGS

WINERY

RECEIVED
OCT 27 2009
CITY COUNCIL
OFFICE

Oct. 26, 2009

Joan Ross

City Clerk

555 S. 10th St
Lincoln Ne 68508

Dear Ms. Ross,

I have received your letter regarding the SDL Application dates approved by your office. I would like to request an appeal before the City Council as soon as possible regarding the denial of more than 12 days for the SDL under Rule 2-013.06 of Nebraska Liquor Control Commission. My initial request was for approval from the time period of Oct 31, 2009 through Dec. 31, 2009 to encompass the Holiday shopping season in which we wish to sell our wines, in conjunction with Hollenbeck Farms Gift Baskets, from a leased enclosed and secured kiosk at Westfield Shopping Town.

As previously discussed, the objective of this request is to allow the sales and inclusion of bottles of Deer Springs wines as an option to customers with the purchase of gift baskets from Hollenbeck Farms, a local beef producer. No wine will be sampled or served. Bottles will be stored in locked display cases, and included in packaged gift baskets. All wine sales will be conducted in accordance with Nebraska Liquor Laws.

The time frame requested allows the best opportunity to maximize sales and marketing exposure to both Deer Springs Winery and Hollenbeck Farms, as well as increase consumer traffic to Westfield Shopping town during this difficult economic period, both locally and nationally.

As local business owners, we appreciate the opportunity to contribute to the economic development and support of the City of Lincoln, and do so with the highest degree of integrity and professionalism.

Sincerely,

Jennifer Reeder

Jennifer Reeder
Winery Manager
Deer Springs Winery

Cc: Trish Owen, Deputy Chief of Staff, Office of the Mayor
City Council Chairman Doug Emery

KALKWARF & SMITH

LAW OFFICES L.L.C.

Farmers & Merchants Bank Bldg.
321 South Main, P.O. Box 905
Wilber, NE 68465-0905
Tel (402) 821-2001
Fax (402) 821-3368

BRADLEY T. KALKWARF
SHAYLENE M. SMITH
SCOTT RYAN GROPP - ASSOCIATE

1240 Ivy Avenue
P.O. Box 272
Crete, NE 68333-0272
Tel (402) 826-5136
Fax (402) 826-5140

October 23, 2009

RECEIVED
OCT 27 2009
CITY COUNCIL OFFICE

To: City Council

RE: 340 West Cornhusker

Dear City Council Members:

I was recently contacted by a client who expressed concern about the property located at 340 West Cornhusker in Lincoln, Nebraska. I am writing this letter to express my clients concerns.

During the prior ownership of the property, when patrons with disabilities attempted to enjoy concerts or other activities at this location there were almost no accommodations for people with disabilities. The entrance ramps inside the building are not the proper grade, and it is virtually impossible for anyone in a wheelchair to use the restrooms in this building. When the building was operated as Uncle Ron's Wild West Saloon, inquiry was made as to why it was such a inaccessible facility. The staff indicated that they were "grandfathered" by purchasing the existing business from the prior operator. Further inquiry to City Hall gave somewhat similar answers about the design of the building and the ability of the renter to operate while it was in that state.

While the staff there attempted to accommodate the disabled by helping them in through other doors or assisting them down the steep ramps, it still did not solve the issue of the restroom facilities. It is undignified to physically handicapped people to have to leave the premises to use a restroom. It is also a violation of their rights.

It is my clients understanding that the building has remained dormant for some time now. Should a new business decide to open in that location, I sincerely hope that the Lincoln City Council can do something to eliminate the "grandfather" clause that allows buildings like that to remain inaccessible to handicapped people.

If you have any specific questions about this letter, please do not hesitate to contact my Crete office listed above.

Sincerely,

Scott Ryan Gropp
Attorney at Law

Tammy J. Grammer

From: Coby Mach - LIBA [cm@liba.org]
Sent: Wednesday, October 28, 2009 3:34 PM
To: Tammy J. Grammer
Subject: Lincoln Electric
Attachments: LES Rate Increase (Oct. 2009).doc

Dear Council Members,

I have attached the LIBA position statement on the proposed LES rate adjustment. Thank you for your time and attention to this very important matter. Coby

Coby Mach
President & CEO
Lincoln Independent Business Association
620 No. 48th St., Suite 205
Lincoln, NE 68504
402-466-3419 - Office
402-430-5554 - Cell
402-466-7926 - Fax
www.liba.org

The salvation of the state is the watchfulness in the citizen.

To: LES Board Members
From: LIBA Board of Directors
Date: 12 October 2009
Re: LES Rate Increase October 2009

LES has gone to great lengths to have an open budget process. Thank you! We want to thank the LES staff which has gone through a tremendous loss of its leader and yet continued to meet the needs of its customers and community.

This year, LIBA encourages the LES Board to eliminate as much of the rate increase as possible. Some would say that times are tough. We will tell you, that for many Lincolnites, times are horrible. Sure we are optimistic, but businesses in Lincoln are closing. Businesses in Lincoln are laying off workers. Most people with jobs are not seeing an increase in pay; many are seeing decreases. Homeowners are struggling!

Today, LES still has the same number of employees as a year ago. We are not advocating eliminating employees, but even the city has eliminated positions through attrition. Why isn't LES tightening its budget and leaving open spots to be filled at a later time?

This coming year we must focus on necessities!

Last year we thought the Sustainable Energy program was a fine investment. However, it is not a necessity during these times. Setting the program aside for a year would save $2 Million.

Additionally, the new LES budget adds $2 Million to the reserve account. In the past 10 years, LES had only one year with a shortage that reached $4 Million. This was in 2007 due to costs incurred because of the Nebraska ice storm. LES currently has $4 Million in reserve and LES is forecast to add another $4 Million this budget year. All added together, this would give LES a $10 Million reserve.

If the LES Board were to stop collecting $4 Million in funds for these two areas, they could lower the rate increase from 2.9% to .9%.[1]

During these difficult economic times, we believe LES should not replenish these important, but non-critical funds. LES's main goal should be to defer any rate increase until economic times improve.

[1] Source: A $1 Million reduction in expense will reduce the rate increase by and estimated .5%. Conversation on 10/12/09 with Todd Hall, LES Vice President of Consumer Services.

Tammy J. Grammer

From: WebForm [none@lincoln.ne.gov]
Sent: Thursday, October 22, 2009 2:27 PM
To: Tammy J. Grammer
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Robert
Address: South 70th Street
City: Lincoln, NE 68508

Phone:
Fax:
Email: RETRVER@gmail.com

Comment or Question:
Would the council or a member of the council who is knowledgeable about this ordinance please provide some clarification (if there is any) on this subject? Is it really true a 10-year old misdemeaner that falls under the below list of offenses can get your registered firearms taken away? Thank you for the time in advance.

Also, permission to cross post your reply on the forum below?

http://www.nefga.org/forum/nebraska-hunting-forum/26987-city-lincoln-infringes-2nd-amendment.html

9.36.100 Unlawful Possession of Firearms.
(a) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years: Stalking in violation of Neb. Rev. Stat.
? 28-311.03 or any other comparable or similar state statute from another state; Violation of a protection order as set forth in Neb. Rev. Stat. ? 42-924 or Violation of a foreign protection order as set forth in Neb. Rev. Stat. ? 42-931; False imprisonment in the second degree in violation of Neb. Rev. Stat. ? 28-315; Sexual assault in the third degree in violation of Neb. Rev.
Stat. ? 28-320; Impersonating a peace officer in violation of Neb. Rev. Stat. ? 28-610; or, Impersonating police officer in violation of Lincoln Municipal Code ? 9.08.060; Debauching a Minor in violation of Neb. Rev. Stat. ? 28-805; Obstructing government operations in violation of

Neb. Rev. Stat.
? 28-901; Resisting arrest in violation of Neb. Rev. Stat. ? 28-904; Resisting officer in violation of Lincoln Municipal Code ? 9.08.030; Obstructing a peace officer in violation of Neb.
Rev. Stat. ? 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal Code ? 9.08.020; Carrying concealed weapon in violation of Neb. Rev. Stat. ? 28-1202; Criminal child enticement in violation of Neb. Rev. Stat. ? 28-311; Implements for escape in violation of Neb.
Rev. Stat. ? 28-913; Unlawful possession of explosives, second degree in violation of Neb. Rev. Stat.

? 28-1216; Use of explosives without a permit in violation of Neb. Rev. Stat. ? 28-1218; Concealing the death of another person in violation of Neb. Rev. Stat. ? 28-1302; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code ? 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code ? 9.36.010; Assault in the third degree in violation of Neb. Rev. Stat. ? 28-310; Assault and battery, menacing threats in violation of Lincoln Municipal Code ?9.12.010; Unlawful intrusion in violation of Neb. Rev. Stat.

? 28-311.08; Violation of custody in violation of
Neb. Rev. Stat. ? 28-316; Domestic assault in
violation of Neb. Rev. Stat. ? 28-323; Criminal trespass in the first degree in violation of Neb. Rev.
Stat. ? 28-520; Contributing to the delinquency of a child in violation of Neb. Rev. Stat. ? 28-709;
Public indecency in violation of Neb. Rev. Stat. ? 28-806; Public indecency or indecent exposure
in violation of Lincoln Municipal Code ? 9.16.180; Operating a motor vehicle or vessel to avoid
arrest in violation of Neb. Rev. Stat. ? 28-905; Fleeing in a vehicle to avoid arrest in violation of
Lincoln Municipal Code ? 10.14.280; any violation of the Uniform Controlled Substances Act as set forth in Neb. Rev. Stat. ?? 28-401 to 28-456.01; Toxic compounds, unlawful use in violation of
Lincoln Municipal Code ?9.16.110; Criminal attempt in violation of Neb. Rev. Stat. ? 28-201 for
any of the state crimes set forth in this subsection (a).
(b) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of two or more of the following offenses within the last ten years: Driving under the
influence of alcoholic liquor or drugs in violation of Neb. Rev. Stat. ? 60-6,196; Driving under the
influence of alcoholic liquor or drugs in violation of Lincoln Municipal Code ? 10.16.030; Implied
consent to submit to chemical test, refusal in violation of Neb. Rev. Stat. ? 60-6-197; Chemical test,
refusal in violation of Lincoln Municipal Code ?10.16.040; or any conviction under a law of another
state or municipality if at the time of the conviction under said law the offence for which the person
was convicted would have been a violation of Neb. Rev. Stat. ?? 60-6,196 or 60-6,197.
(c) The provisions of this section shall not apply to (1) the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National
Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (2) a peace
officer as defined by Neb. Rev. Stat. ? 28-109(14). (Ord. 19060 ?1; March 24, 2008: prior Ord.

18793 ?1; August 21, 2006: Ord. 18158 ?1; April 7, 2003)

ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, NOVEMBER 2, 2009

I. CITY CLERK - None

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -

MAYOR -

1. NEWS RELEASE - RE: Heritage School To Move.

2. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule for Week of October 31, 2009 through November 6, 2009 - Schedule subject to change.

DIRECTORS -

URBAN DEVELOPMENT -

1. Material from Dave Landis - RE: Haymarket Hotel and Tool House Redevelopment Project - Amendment to the Lincoln Center Redevelopment Plan.

2. Response E-Mail from Dave Landis to Councilman Camp's questions - RE: Item 25, 09R-195, the Haymarket Hotel and Tool House Redevelopment Project Area - (Forward to Council on 11/02/09).

III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS - None

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL - None

daadd110209/tjg

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER lincoln.ne.gov

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

FOR IMMEDIATE RELEASE: October 30, 2009
FOR MORE INFORMATION: Terry Genrich, Parks and Recreation, 441-7939

HERITAGE SCHOOL TO MOVE

City Parks and Recreation officials today announced that Heritage School will be moved to Pioneers Park on Sunday, November 1. The school will be moved today to a temporary location at the City Wastewater Treatment facility on Theresa Street just north of State Fair Park. The move on Sunday is scheduled to begin around 9 a.m.

A dedication will take place once the school has been set up at the Pioneers Park location. Lincoln Public Schools is scheduled to begin using the facility around the end of November.

-30-

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR CHRIS BEUTLER lincoln.ne.gov

Date: October 30, 2009
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler's Public Schedule
Week of October 31 through November 6, 2009
Schedule subject to change

Sunday, November 1

- Williams Branch Library grand opening, remarks - 2 p.m., Arnold Elementary, 5000 Mike Scholl Street

Tuesday, November 3

- Community Summit for Prevention of Childhood Obesity, remarks - 6 p.m., BryanLGH Plaza, 1600 S. 48th St. (upper main classroom)

Wednesday, November 4

- International visitors (26 high school teachers from Argentina, Armenia, Azerbaijan, Bangladesh, Columbia, Haiti, India, Senegal, Turkmenistan and Ukraine) - 1:30 p.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.
- 14th annual Governor's Lecture in the Humanities presents Matt Miller - 5:30 p.m. reception and dinner, 7:30 p.m. lecture, Joslyn Art Museum in Omaha

Thursday, November 5

- KFOR Morning Show - 7:45 a.m.

Friday, November 6

- Ribbon cutting for first LEED Gold Certified Building in Lincoln, remarks - 2 p.m., (open house noon to 6 p.m.), 2436 N. 48th St.

Tammy J. Grammer

From: Tammy J. Grammer
Sent: Friday, October 30, 2009 8:43 AM
To: Adam A. Hornung; Doug Emery; Eugene W. Carroll; Jayne L. Snyder; John Spatz; Jon Camp; Jonathan A. Cook
Subject: FW: Haymarket Hotel and Tool House Attachment - Letter to Council and Cost Benefit Analysis
Attachments: Letter to Council Hay Hotel.pdf; Hay Hotel Cost Benefit Analysis.pdf

Importance: High

Council,

Please see email and attachments. I will list this on the Directors Addendum for 11/02/09 and have the documents attached as well. Thanks.

Tammy Grammer
City Council Secretary

From: Hallie E. Salem
Sent: Thursday, October 29, 2009 3:13 PM
To: Tammy J. Grammer
Cc: Don R. Herz; Dallas A. McGee; David Landis; Tonya L. Peters; Rick R. Peo; Trish J. Babb; Trish A. Owen
Subject: Haymarket Hotel and Tool House Attachment - Letter to Council and Cost Benefit Analysis

Please find that the letter to Council and Cost Benefit Analysis has been attached for review on the Haymarket Hotel and Tool House. Please include these items in Council packets.

Hallie E. Salem, AICP
Development Specialist - Downtown Lincoln
Urban Development Department
808 P Street, Suite 400
Lincoln NE 68508
402.441.7866 402.441.8711 (FAX)

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.

CITY OF LINCOLN
NEBRASKA
MAYOR CHRIS BEUTLER
lincoln.ne.gov

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

To: Lincoln City Council Members
From: David Landis, Director
Date: October 29, 2009
Subject: Haymarket Hotel and Tool House Redevelopment Project
Amendment to the Lincoln Center Redevelopment Plan

Submitted for your review is an amendment to the Lincoln Center Redevelopment Plan to reflect the Haymarket Hotel and Tool House Redevelopment Project.

Section 18-2113, of the Community Development Law requires the City to review the project and find that the proposed land uses and building requirements in the Project Area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the City and its environs, which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. On October 7, the Project Area and project components, including proposed land uses and buildings were found to be in conformance with the Comprehensive Plan, the City's guiding plan for the protection of public health and safety and sound planning. The Urban Development also finds that the project is in conformance with the existing Lincoln Center Redevelopment Plan, which outlines the redevelopment goals and activities planned for the prevention and elimination of blight in Downtown Lincoln, and Downtown Master Plan.

Section 18-2114 of the Community Development Law requires that proposed amendments to the plan be accompanied with a statement that addresses the following areas: 1) Proposed method and costs of acquisition, 2) proposed methods and costs of redevelopment of the project area; 3) estimated proceeds or revenue from disposal to developers; 4) methods proposed for financing projects; and 5) feasible method proposed for relocating families to be displaced by the project.

1. If this project requires the City to acquire property, the funding source for this acquisition would be tax increment financing generated within the project area. The City would not use eminent domain to acquire property.

2 & 3. The total estimated public cost for the project is $2.85 million. This may be a more conservative estimate than a financing entity may calculate on the developer's behalf. The total public cost will be funded through tax increment financing generated by the private development within the project area.

LINCOLN
The community of opportunity

4. Following City Council approval of the redevelopment agreement negotiated between the City and developer(s), the City will either issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to these projects, or permit the developer to finance the project through a Developer-Purchased debt instrument.

5. There will be no relocation of families as a result of the project or project amendment.

In addition, Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- the redevelopment project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- the redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.

Per Section 18-2116, the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed and found to be in the long-term best interest of the City. The Urban Development Department believes that the public improvements proposed in this plan amendment would not occur "but for" the Tax Increment Financing generated by private redevelopment within the project area. The attached cost benefit analysis of the Haymarket Hotel and Tool House Redevelopment Project shows the TIF funds estimated to be generated by the project.

The revitalization of Downtown Lincoln is in the best interest of the entire Lincoln community. The public investments in infrastructure, amenities, and other public enhancements will complement and encourage future redevelopment projects. The Urban Development Department recommends your approval of the Haymarket Hotel and Tool House Redevelopment Project Amendment to the Lincoln Center Redevelopment Plan.

Following the approval of the Plan Amendment, the following steps will occur in the implementation of the project:

- Negotiate redevelopment agreement with the developers and submit to City Council for approval.
- Request approval from City Council for the issuance of Community Improvement Financing bonds or notes, and issue and sell bonds or notes, if needed.
- Select architects/engineers pursuant to city standard practice to design public improvements.
- Approve the public improvement design.
- Competitively select primary contractor to construct public improvements.
- Construct public improvements.

encl.

Cost Benefit Analysis
Haymarket Hotel and Tool House Redevelopment Project

As required by Nebraska Community Development Law (Nebr. Res. Stat # 18-2147), the City has analyzed the costs and benefits of the proposed Haymarket Hotel and Tool House Redevelopment Project including:

A. Tax Revenues

The Haymarket Hotel and Tool House Redevelopment Project is located between 8th, 9th, Q, and R Streets, and includes the city-owned Haymarket Parking Garage and surrounding public right-of-way. The area's privately-owned property has a 2009 assessed value of $1.55 million. Two of the three private parcels are either owned or under option by B&J Partnership, LTD the redeveloper of the project. The third parcel is owned by Fritz N Heimer, LLC. Improvements made to the property owned by Fritz N Heimer, LLC will be those necessitated by the redevelopment project.

The assessed value of the property within the project area will increase by an estimated $18 million as a result of a projected $18 million private investment. This will result in an estimated increase of $361,000 in property tax collections starting in year three that will be available for the construction of public improvements related to these projects during the 15-year TIF period.

Tax Increment Finance Analysis - Haymarket Hotel and Tool House

Description		Amount
Base Value	*Current Assessed Value*	$1,546,895
Construction/Land Acquisition Costs	*Cost to Purchase Land/Construct Project)*	$19,317,275
Estimated New Assessed Value	*New Assessed Value (100% of Construction/Land Acquisition Costs)*	$19,317,275
Increment Value	*= New Assessed Value - Base Assessed Value*	$17,770,380
Annual TIF Generated	*= Increment x 0.020295140 (2008 Tax Rate)*	$360,652
Funds Available - Dev Purchased	*= Annual TIF Generated x 13.5 years @ 6.5%*	**$2,845,772**

As shown in the table below, the City will forgo 14.18 percent of these collections (or approximately $51,000 per year). The tax increment gained from this redevelopment project area would not be available for use as City general tax revenues over that time, but would be used for eligible public improvements to enable the project to be realized.

Tax District 1, Property Tax Allocations as a Percentage of All Allocations, 2008

Description	Percentage
Lancaster County	13.22
Public Building Commission	.84
City of Lincoln	14.18
Lincoln Public Schools	62.42
Educational Service Unit 18	.74
Lower Platte South NRD	2.02
Railroad Trans. Safety District	1.28
Southeast Community College	4.79
LC Agricultural Society	.07
LC Agricultural Society JPA	.19
Lanc Co Correctional Facility JPA-Co	.52
Lanc Co Correctional Facility JPA-Linc	.96

B. Public Infrastructure and Community Public Service Needs

Public infrastructure will be enhanced to support the continued redevelopment of Downtown Lincoln. City involvement may include the relocation of and improvements to utilities on or around the site. Utilities should be relocated from the alley to the public right-of-way. Additional City involvement may include acquisition, demolition, and site preparation; utility improvements, including water, sanitary sewer, and storm sewer improvements, as well as improvements to dry utilities (i.e., electric, cable, telephone, fiber); right-of-way and surplus property improvements, including street, alley, sidewalk, and dock improvements; façade and historic rehabilitation improvements; skywalk; parking and related amenities; and, other related public improvements. The right-of-way and surplus property improvements may also include vault removal, other excavation, overland flow improvements, dock construction and enhancements, accessibility improvements, sidewalk and pavement construction, curb and gutter construction, parking and loading reconfiguration, and streetscape enhancements, including landscaping, pedestrian lighting, benches, trash receptacles, signage, public art, other street furniture, etc. The improvements will be financed with tax increment financing generated from the project area.

The use of TIF is being pursued, because the developer is choosing to redevelop in an area with existing blighted and substandard conditions. Without the use of TIF, the City feels that the hotel and residential redevelopment of this site would not be undertaken, and that the site would continue to be underutilized.

C. Employment within the Project Area

In 2007, there were approximately 18,222 persons employed by 889 non-governmental establishments (not including federal, state, local government or the University) within the Downtown and Haymarket (68508 zip code area) according to the Census, County Business Patterns, North American Industry Classification System.

In total the project is expected to generate 57 to 72 full-time equivalent (FTE) positions. The hotel portion of the project is expected to generate new employment estimated at 25 to 40 FTEs. The addition of the 105 hotel keys is expected to meet unmet demand for hotel beds and, therefore, create a net gain in employment. Approximately 30 FTEs will be employed as part of the estimated 20,000 square feet of additional retail space. Employment in the residential component of the project will be approximately 2 FTEs. Employment will also be related to the construction and renovation of the private property and related public improvements. Indirectly, we expect to see an increase in future private sector employment as a result of other redevelopment or new business growth encouraged by this investment.

D. Employment in City outside the Project Area

Approximately 142,145 were employed in private business establishments in the City of Lincoln, Metropolitan Statistical Area, according to the 2007 Census, County Business Patterns, North American Industry Classification System. The 2006 median household income for the City was $45,982, according to the American Community Survey.

The impact of an additional 57 to 72 full-time equivalent employees directly related to the project equates to less than one-tenth of a percent increase in the total jobs in Lincoln. The project is expected to increase overall employment in the tourism industry, because there is unmet demand for hotel rooms during peak usage. Additionally, not only the hotel, but also the residential portion of the project are expected to support, if not enhance, employment in related industries, including retail services.

E. Other Impacts

There are expected to be many district-wide benefits resulting from the Haymarket Hotel and Tool House Redevelopment Project. The redevelopment projects will strengthen Haymarket's position as one of the region's premier mixed-use districts. The project, along with other development in the district, will support the long-term goals of revitalizing the distinctive character of the Haymarket Historic district and strengthening the Haymarket as an entertainment corridor. The public improvements will integrate these projects with existing areas of the district and will provide additional amenities for those who live and work in the district as well as the many visitors the district attracts annually.

City-wide benefits include the generation of additional tax and other revenues to the City as a whole. This project is expected to generate additional sales tax revenue, by increasing the number of overnight stays in Lincoln. Additionally, increasing the number of hotel rooms Downtown will support existing events, and assist Lincoln in attracting major events to the Downtown and City.

Tammy J. Grammer

From: Tammy J. Grammer
Sent: Monday, November 02, 2009 10:46 AM
To: Adam A. Hornung; Doug Emery; Eugene W. Carroll; Jayne L. Snyder; John Spatz; Jon Camp; Jonathan A. Cook
Cc: Joan E. Ross
Subject: FW: 09R-195

Importance: High

Council,

Please see email below regarding on Item on this afternoon's Council agenda. Thanks.

Tammy Grammer
City Council Secretary
441-6867

From: Kristi K. Nydahl
Sent: Monday, November 02, 2009 10:43 AM
To: Tammy J. Grammer
Cc: Mayor; Trish A. Owen
Subject: FW: 09R-195

Tammy, please forward to Council members' emails. This information is for this afternoon's Council meeting.

Per Dave Landis:

Jon,

Please find the responses to the questions you asked on the Haymarket Hotel and Tool House Project Amendment below.

1. Summarize parking requests for this property that will be provided in the Haymarket Garage.
   a. Hotel component
   b. Residential component

Discussions are just getting underway on items that will need to be addressed in the redevelopment agreement including parking. The developer has expressed a need for a total of 170 parking stalls. These include: 90 for the garage, 60 for residential, and 20 for retail.

2. Which previous tax increment financing districts are overlapped for this project?

This block (block 30) was originally Phase V of the QOPR North Haymarket Redevelopment project. That district expired in 2008.

3. What public parking will be lost as a result of proposed street modifications
   a. Please include on-street parking meters?

Currently there are 6 on street parking stalls on R Street, 12 on 8th Street (including 6 parallel and 6 angle stalls) and 1 on Q Street. At this point, we only have conceptual plans for the project. The impact on parking is subject to change

when more detailed plans are developed. However, based on the conceptual plans it appears that additional parking would be located along Q Street, increasing the 1 stall today, while the some or all of the 6 stalls on R Street would be removed for the hotel drop off. The 6 parallel stalls on 8th street would likely remain unchanged while the 6 angle stalls on 8th Street would likely be converted to parallel stalls. Overall, there would likely be less on street parking around the site than is present today.

4. Can the $2.9 million of projected TIF be used to finance part of a new Haymarket parking facility?

Yes, TIF can be used to finance part of a new Haymarket parking facility if it is located within the project area which is 8th to 9th, Q to R Streets. It cannot be used on facilities that are not within the project boundaries. We have investigated the possibility of adding a floor to the Haymarket garage and found that it was not built to accommodate the additional weight of another floor of parking. We are looking into other ways of providing additional parking on the site.

5. Please provide information on hotel studies that have been conducted regarding the need for additional hotel rooms and the absorption rate.
   a. As part of this, please provide the absorption rate in Lincoln for lodging rooms the past 10 years.
   b. Please detail the number of lodging rooms added during each of the last 10 years.

Jeff Maul of the Lincoln Convention and Visitors Bureau has indicated that the Smith Travel Research Report (STAR Report) shows that hotel occupancy in the Midwest region is down 11% for 2009 to date. The report also indicates that the hospitality sector is expected to rebound within the next 12 months, with a full recovery expected in 2011. The report indicates that Lincoln ranks 4th from the bottom in total hotel rooms among similar markets in the region. We do not have Lincoln's absorption rate or the number of rooms added in the next 10 years. The last hotel added in the Downtown was Embassy Suites, which opened in 2000. We are still working with Jeff to answer additional questions.

6. Which 8th Street improvements, made within the last few years with TIF funds, will have to be rebuilt, are affected, or will be eliminated?

The 8th street improvements that will be impacted by this project include the sidewalk that was built along the street, the brick that was added to the corners of 8th and R and 8th and Q Streets, and the pedestrian light that was installed midblock. The light may need to be repositioned and the sidewalk and brick work may be damaged during the construction and, if it is, would need to be rebuilt.

Dave