AGENDA
DIRECTORS' MEETING
MONDAY, DECEMBER 7, 2009
COUNTY-CITY BUILDING
ROOM 113, 2:00 P.M.

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR

*1. NEWS ADVISORY. Information on City snow operations.
*2. NEWS RELEASE. Lincoln ranks second in digital cities survey.
*3. NEWS ADVISORY. Mayor Beutler will discuss the next steps in the City's "Taking Charge" outcome based budgeting process and the 25th annual Star City Holiday Parade at a news conference on Thursday, November 19, 2009, at Updowntowners new float factory at 10:00 a.m. (Distributed to Council Members on November 18, 2009)
*4. NEWS RELEASE. Fire Officials stress holiday safety.
*5. NEWS RELEASE. Mayor Beutler announces new survey and "City Stat" meetings.
*6. NEWS RELEASE. Super Heroes in Lincoln for 25th Annual Star City Holiday Parade.
*7. NEWS RELEASE. Lincoln receives tree planting grant.
**8. NEWS ADVISORY. Mayor Beutler will announce the City's selection of a developer for the downtown Catalyst project site on "Q" Street at a news conference, Friday, November 20, 2009, 2:00 pm, at 555 South 10th Street in the Mayor's Conference Room. (Distributed to Council Members on 11/20/09)
**9. NEWS RELEASE. Mayor announces developer for major downtown project. (Sent to Council Members on 11/20/09)
**10. NEWS ADVISORY. Mayor Beutler will issue proclamation for Homeless and Hunger Awareness Month on Monday, November 23rd, 10:45 am at 3901 N. 27th, at the Center for People in Need. Following will be a news conference. (Sent to Council Members on 11/20/09)
**11. NEWS ADVISORY. Mayor Beutler's public schedule, week of 11-21/27-09. (Sent to Council Members on 11/20/09)
**12. NEWS RELEASE. Mayor says special session with impact City budget.
   a) NEWS RELEASE. Correction in first paragraph, 4-percent decrease instead of 10 percent.
**13. New homeless program created with stimulus funds.
**14. NEWS RELEASE. Businesses collect 11 tons of material through America Recycles Day efforts.
**15. Washington Report, November 20, 2009.
16. NEWS RELEASE. Separation of grass and leaves ends today.
17. NEWS RELEASE. Nominations now accepted for Mayor's Arts Awards.
18. NEWS RELEASE. City crews preparing for adverse road conditions.

19. NEWS RELEASE. Five new balloons highlight 25th annual Star City Holiday Parade.

DIRECTORS

FINANCE/BUDGET

*1. November Sales Tax Reports memo from Steve Hubka, Budget Officer:
   a) Actual Compared to Projected Sales Tax Collection;
   b) Gross Sales Tax Collections (with refunds added back in) 2004-2005 through 2009-2010;
   c) Sales Tax Refunds 2004-2005 through 2009-2010; and
   d) Net Sales Tax Collections 2004-2005 through 2009-2010.

FINANCE/TREASURER

*1. Investment Report for the year ending August 31, 2009.

HEALTH DEPARTMENT

**1. NEWS RELEASE. Appointments for H1N1 vaccine are available.

LINCOLN LIBRARIES

**1. NEWS RELEASE. The American Indian Heritage Read-In to be held on Thursday, December 3, 2009, 12:00 noon, at the Walt Branch Library, 6701 S. 14th Street.

PLANNING DEPARTMENT

*1. Site Plans and Applications. Administrative Amendment No. 09072 to Special Permit No. 1903.
*2. The Lincoln Metropolitan Planning Organization requests public input for a new public participation plan.
**3. No Administrative Amendments approved for week of 11/17/09 through 11/23/09.
4. No Administrative Amendments approved week of 11/24/09 through 11/30/09.

PLANNING COMMISSION

*1. Action by the Planning Commission, November 18, 2009.
*2. Revised Action by Planning Commission, November 18, 2009.
3. Action by Planning Commission, December 2, 2009.
4. Planning Commission Final Action. Special Permit No. 09025. 2500 Rathbone Road. Resolution No. PC-01183.
5. Planning Commission Final Action. Special Permit No. 09026. Enclosed disassembly operation, N.W. 27th and W. Vine Streets. Resolution No. PC-01184.
6. Planning Commission Final Action. Use Permit No. 117C, Horizon Business Center. South 14th Street and Yankee Hill Road. Resolution No. PC-01185.

POLICE DEPARTMENT

1. Memorandum from Chief Tom Casady on the cost of overtime for UNL football games.

PUBLIC WORKS/ADMINISTRATION

1. Memo on Impact Fee indexing.
   a) Response to Council questions; draft inquiry for Council's decision on Impact Fee indexing.

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

JON CAMP

1. Thank you email from Dave DeBoer regarding restitution of towing expense after a Nebraska football game.
2. Email to Greg MacLean, Public Works & Utilities Director, requesting attention to an underground tile east of S. 27th and Old Cheney reported by Al Schwandt.
3. Email to Attorney Rodney Confer requesting an amendment draft to freeze the current impact fees for the upcoming year.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

*1. Email from Luke Peterson commenting on ordinances which ban employment and housing discrimination.

*2. Letter from Pat Anderson-Sifuentez, Everett Neighborhood Association President, in support of the F Street Community Center and the expansion of the LPD substation at 13th and F Streets. (Each Council Member received individual letter)

**3. InterLinc correspondence from Joseph Tindle with questions regarding railroad quiet zone violations.

**4. Letter and article from Bob Reeves regarding the proposed arena.

5. Email from Lincoln Chamber of Commerce supporting a new arena including a West Haymarket development resolution.

V. ADJOURNMENT

NOTE: ** Held Over from 11/30/09
***Held Over from 11/23/09**

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NEWS RELEASE

CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043

FOR IMMEDIATE RELEASE: December 1, 2009
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043

SEPARATION OF GRASS AND LEAVES ENDS TODAY

Lincoln and Lancaster County residents are no longer required to separate grass and leaves from their household trash.

The Nebraska Integrated Solid Waste Management Act requires that grass and leaves be separated from household trash from April 1 through November 30 of each year. During these months, the grass and leaves are diverted to the City's compost facility, and local waste haulers charge a separate fee for the yard waste collection.

Residents can place their grass and leaves with their household trash from December 1 through March 31, however additional fees may be charged for their regular waste collection based on volume and weight of the leaves and grass collected.

More information on the City's recycling program is available on the city Web site at lincoln.ne.gov (keyword: recycling).

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NEWS RELEASE

MAYOR CHRIS BEUTLER lincoln.ne.gov

CITY OF LINCOLN
NEBRASKA

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: December 1, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Deb Weber, Lincoln Arts Council, 434-2787

NOMINATIONS NOW ACCEPTED FOR MAYOR'S ARTS AWARDS

Nominations are now being accepted for the 32nd annual Mayor's Arts Awards. The awards will be presented by the Lincoln Arts Council (LAC) Monday, June 7 at the Lied Center for Performing Arts. The Mayor's Arts Awards program formally recognizes artistic contributions and achievements in the Lincoln area.

Nomination forms are available by calling the LAC at 434-2787or printing a form from the LAC Web site: www.artscene.org. A list of previous winners also is available at that Web site. **The nomination deadline is January 15, 2010.**

Winner in the following categories will be selected by a panel of arts professionals:

- The **Arts Organization Award** recognizes an arts group that has made significant contributions to Lincoln's arts community over a period of years.
- The **Artistic Achievement Award - Visual Arts** recognizes excellence and accomplishment in any of the visual arts.
- The **Artistic Achievement Award - Youth** recognizes excellence and accomplishment in any arts discipline by a young person age 18 or younger.
- The **Artistic Achievement Award - Performing Arts** recognizes excellence and accomplishment in any of the performing arts.
- The **Gladys Lux Education Award** recognizes special initiatives or dedication to arts' education and is endowed by the Gladys Lux Foundation.
- The **Heart of the Arts Award** recognizes an individual or organization for outstanding volunteer dedication to the arts or for making a major overall impact on the arts in Lincoln.
- The **Outstanding Event Award** recognizes a performance, exhibition or project in the previous year that will be notable in the community memory for years to come because of its content or cultural significance.
- The **Halcyon Allsman Benefactor of the Arts Award** honors an individual, family, organization or business making significant financial contributions to the arts in Lincoln.
- The **Oliva "Arts for Kids" Award** honors an individual from outside of the arts professions whose leadership has enhanced arts activities and experiences for children. The award is sponsored by the Oliva Family.

- more -

Three other awards also are presented at the event::

- The **Literary Heritage Award** recognizes a writer or individual who promotes excellence in writing and literature in Nebraska. The winner is chosen by the Nebraska Literary Heritage Association, which also sponsors the awards.
- The **Larry Enersen Award** recognizes outstanding urban design in Lincoln. It is chosen by the Urban Design Committee and sponsored by Clark Enersen Partners.
- Mayor Beutler will select the recipient of the **Mayor's Choice Award.**

Nominations from the previous year are automatically resubmitted, and updates to the 2009 nominations will be accepted.

The public also is encouraged to submit names of members of the Lincoln arts community who have died since the last awards ceremony in June 2009 for memorial recognition at the event.

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NEWS RELEASE

CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
Street Operations, 901 N. 6th St., Lincoln, NE 68528, 441-7701, fax 441-8194

FOR IMMEDIATE RELEASE: December 2, 2009
FOR MORE INFORMATION: Scott Opfer, Street Maintenance Manager, 441-7701

CITY CREWS PREPARING FOR ADVERSE ROAD CONDITIONS

With the potential for precipitation in the weekend forecast, the City Public Works and Utilities Department will pre-treat all arterial roadways with anti-icing material to prevent the formation of ice patches. Street Maintenance Manager Scott Opfer said that Public Works street crews plan to begin the operation about 8 a.m. tomorrow and again at 8 a.m. Friday.

Public Works will continue to be proactive by applying anti-icing materials. Opfer said the mixture of salt and water acts like a "Teflon coating" to help minimize frost build-up and the development of "black ice" on streets and bridges. The material application also makes removal of snow and ice build-up easier.

The Public Works and Utilities Department urges drivers to use caution and good judgment when driving conditions become hazardous. Information on the City's snow operations plan is available at lincoln.ne.gov (keyword: snow).

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CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: December 2, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Deb Johnson, Parade Executive Director, 434-6901

FIVE NEW BALLOONS HIGHLIGHT 25TH ANNUAL STAR CITY HOLIDAY PARADE

Five giant balloons will make their Lincoln debuts as part of the 25th annual Star City Holiday Parade Saturday, December 5 in downtown Lincoln:

- Mighty Mouse is sponsored by Ameritas.
- A race car balloon is sponsored by Woodhouse Auto.
- Ziggy is sponsored by the Lincoln Journal Star.
- Kermit the Frog, a cold-air balloon, is sponsored by Nelnet.
- A basketball accompanied by large puppets is sponsored by the Fastbreakers.

They will join parade veterans Elmo, sponsored by Union Bank & Trust, and the Capitol Sower, another cold-air balloon, sponsored by the Sowers Club of Lincoln.

"The giant balloons are always a crowd favorite, and we are excited to have so many new ones for our 25th anniversary," said Deb Johnson, Executive Director of Updowntowners, Inc., which produces the parade in conjunction with the City. "We also have more marching bands and pre-parade entertainment than ever before, so we hope to see a large crowd cheering on every entry."

This year's parade theme is "Dreams. Memories. Wishes." Pre-parade entertainment begins at 9:30 a.m. and the parade begins at 11 a.m. Other new entries include the following:

- The "Cleaner Greener Lincoln" initiative is sponsoring the Marvel Super Heroes – Spider-man, Iron Man, Captain America and the Green Goblin. After appearing in the parade, the characters will perform at 1 p.m. in "Operation Green" at the Grand and then meet their fans from 1:30 to 2:30 p.m. Free showings of the Spider-Man movie will begin att 8:30 a.m. and 1:30 p.m., and a free showing of "A Christmas Story" will begin at 9 a.m.
- The Near South Neighborhood Association has created a new float with a 13-foot house to celebrate the area's many historic homes.
- Friends of the Mary Riepma Ross Media Arts Center is sponsoring an entry featuring Charlie Chaplin.
- Lincoln Benefit Life is sponsoring a new walking unit featuring inflatable holiday ornaments.

- more -

- A giant birthday cake is being assembled by the team at Two Men and a Truck.
- A toy train is being created from Kawasaki vehicles.
- The Lincoln Christian marching band will make its first parade appearance.
- A larger-than-life snowman will slide down the parade route on his belly thanks to the Fraternal Order of Eagles.

"This year's parade also will feature some classic favorites such as floats, walking units, clowns, antique automobiles, dogs and equestrian units," said Johnson.

Mayor Beutler and his wife Judy will ride in a horse- drawn carriage and will be joined by two Special Olympics athletes who will compete in the 2010 USA National Games in Lincoln next July. Governor Dave Heineman and his wife, Sally Ganem, also will ride in a carriage again in this year's parade.

The parade begins at 14th and "M" and continues east to Centennial Mall, north to "O" and west to 10th. The City is offering free parking for the parade in its lots and garages, those marked with the green "Park It" signs. Children are encouraged to bring their letters to Santa with a return address. U.S. Postal Service employees will pick up the letters during the parade, and Santa will write back to them before the holidays.

5 CITY-TV, the City government access channel, is coordinating the television coverage of this year's parade, which will be aired live statewide by KOLN-KGIN-TV. The parade will be re-aired at noon Dec. 7 on My TV, Time Warner Cable channel 110. It also will be shown numerous times on 5 CITY-TV, and a schedule will be available at lincoln.ne.gov (click on the 5 CITY-TV logo).

For more information or to volunteer for the parade, visit www.starcityholidayparade.org.

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(MEDIA NOTE: You are invited to cover the Marvel Super Heroes' performance at 1:15 p.m. Friday, December 4 at Prescott Elementary, 1930 S. 20th St. Mayor Beutler will introduce the show and will issue a special proclamation at that time.)

Marvel, Spider-Man, Iron Man Captain America and Green Goblin: TM & © 2009 Marvel Entertainment, Inc. and its subsidiaries. Licensed by Marvel Characters B.V. www.marvel.com. All rights reserved.

Jean Preister

From: Teresa A. McKinstry
Sent: Tuesday, December 01, 2009 9:46 AM
To: Sandy L. Dubas
Cc: Joan E. Ross; Judy A. Roscoe; Jean Preister
Subject: Administrative Amendment approvals

There are no Administrative Amendments that have been approved in the last week, 11/24/09 thru 11/30/09.

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Teresa McKinstry
Lincoln-Lancaster County Planning Dept.
555 S. 10th St. #213
Lincoln NE 68508
402-441-6162
~~~~~~~~~~~~~~~~~~~~~~~~~

*** ACTION BY PLANNING COMMISSION ***
December 2, 2009

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 2, 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.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, December 2, 2009, 12:00 noon - 12:45 p.m. in Conference Room 113 of the County/City Building, 555 S. 10th St., Lincoln, Nebraska, for a presentation on "Vision of the Development Services Center (DSC)" by Fred Hoke, DSC Manager.

<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, DECEMBER 2, 2009

[**<u>All members present</u>**]

Approval of minutes of the regular meeting held November 18, 2009. **<u>**APPROVED, 8-0 (Gaylor Baird abstained)**</u>**

1. CONSENT AGENDA
(Public hearing and Administrative Action):

PERMITS:

1.1 Special Permit No. 09025, for expansion of a non-standard use into the front yard setback, on property located at 2600 Rathbone Road.
Page 01
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 16, 2009, 9-0.
Resolution No. PC-01183.

1.2 Special Permit No. 09026, for an enclosed disassembly operation, on property generally located at NW 27th Street and West Vine Street.
Page 09
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 18, 2009, 9-0.
Resolution No. PC-01184.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: None

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

PERMITS:

4.1 Use Permit No. 117C, an amendment to increase the square footage of the Horizon Business Center Use Permit to approximately 53,000 sq. ft., including a waiver request to adjust the 40' wide landscape buffer along the western boundary, on property generally located at S. 14th Street and Yankee Hill Road. ***** FINAL ACTION *****
Page 17
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 18, 2009, 9-0.
Resolution No. PC-01185.

*** * * * * * * * * ***

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
Nicole Fleck-Tooze, Long Range Planning Manager	441-6363	ntooze@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 : December 3, 2009

RE : **Special Permit No. 09025**
(2600 Rathbone Road)
Resolution No. PC-01183

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 2, 2009:

> Motion made by Larson, seconded by Gaylor Baird, to approve **Special Permit No. 09025,** with conditions, requested by Richard and Laura McLeod, for authority to expand a nonstandard single-family dwelling into the required front yard in order to add approximately 600 sq. ft. to the second floor of the existing residence, on property located at 2600 Rathbone Road.
>
> Motion for conditional approval carried 9-0: Larson, Taylor, Francis, Partington, Lust, Cornelius, Esseks, Gaylor Baird and Sunderman voting 'yes'.

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

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Jon Newcomer, 2636 Lake Street, 68502
Richard and Laura McLeod, 2600 Rathbone Road, 68502
Jim Pattavina, Country Club Neighborhood Assn., 2828 Sheridan Blvd., 68502
Shirley Doan, Country Club Neighborhood Assn., 2924 Bonacum Drive, 68502
Linda Wibbels, Country Club Neighborhood Assn., 2740 Royal Court, 68502

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RESOLUTION NO. PC-01183

SPECIAL PERMIT NO. 09025

WHEREAS, Richard Moberly and Laura McLeod have submitted an application designated as Special Permit No. 09025 for authority to expand a nonstandard single-family dwelling into the required front yard in order to add approximately 600 sq. ft. to the second floor of the existing residence on property generally located at 2600 Rathbone Road, and legally described as:

Lot 1, Block 3, 2nd Sheridan Park Addition, and the west six feet of vacated Summit Street, Lincoln, Lancaster County, Nebraska;

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 expansion of a nonstandard single-family dwelling 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 Richard Moberly and Laura McLeod, hereinafter referred to as "Permittee", to expand a nonstandard single-family dwelling into the required front yard setback in order to add approximately 600 sq. ft. to the second floor of the existing residence on the property described above, be and the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln Municipal Code upon condition that construction of said addition be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permits approves the expansion of a nonstandard single-family dwelling into the required front yard along the north side of the property for the purpose of adding approximately 600 sq. ft. to the second floor of the existing residence located at 2600 Rathbone Road. The setbacks for the new addition shall be as shown on the site plan.

2. Before receiving building permits the Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. The expansion shall not extend further into the required front yard along Puritan Avenue than the furthest extension of the existing house.

4. The expansion shall meet all other yard and heights requirements of the zoning district.

5. The use of the main structure shall remain a single- or two-family dwelling.

6. Before occupying the expansion of the dwelling all development and construction is to substantially comply with the approved plans.

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 upon the Permittee, and his 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 applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 2nd day of December, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

Special Permit #09025
2600 Rathbone Rd

2007 aerial

Zoning:

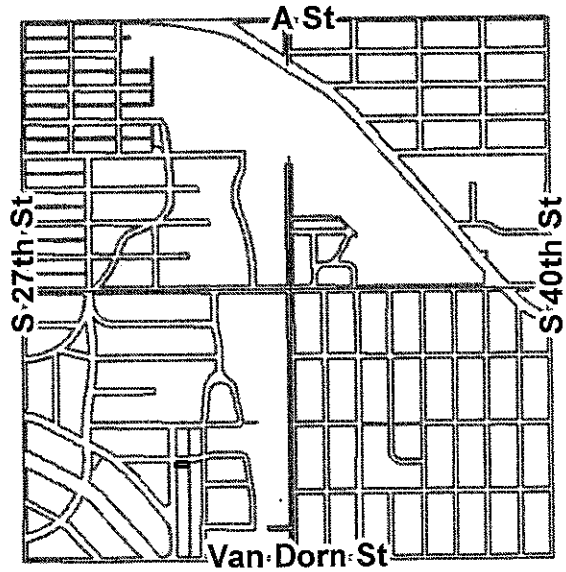
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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. 31 T10N R7E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



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IMPROVEMENT LOCATION REPORT

LANCASTER County, Nebraska

ALLIED SURVEYING AND MAPPING, INC.
LAND SURVEYORS
6120 South 58th Street – Suite "A" – Lincoln, Nebraska 68516
Phone (402) 434-2686 Fax (402) 434-2687 e-mail asm1977@aol.com

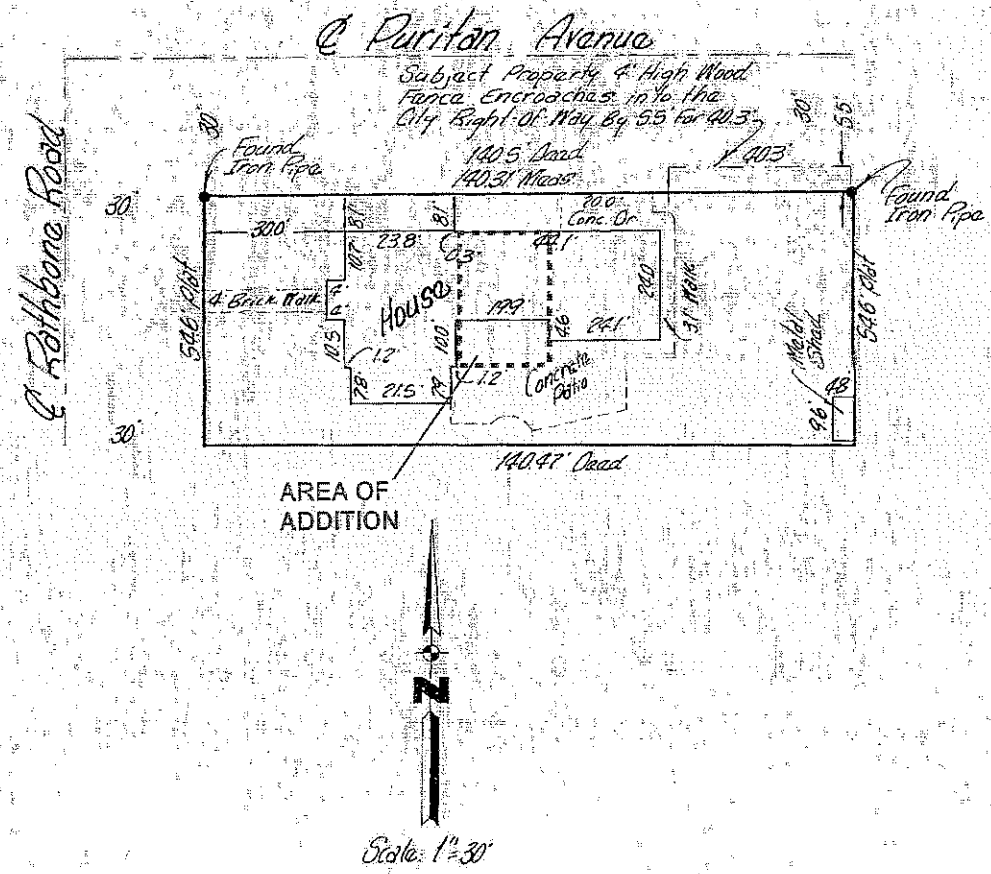
Sheet 1 of 1

2600 Rathbone Road – Lot 1, Block 3 2nd Sheridan Park Addition – Lincoln, Lancaster County, Nebraska together with the West 6' of the vacated Summit Street abutting thereon Section 31 T 10 N, R 7 E of the 6th P.M.

Job No. 33272 May, 2004

Buyer/Richard E. Moberly & Laura A. McLeod

This property appears to be located in ZONE "X" on Flood Insurance Rate Map Community Number 3152731 , Panel 31109C0316 E , Effective September 21, 2001 and DOES NOT appear to be in the 100 year flood plain.



LOCATION CERTIFICATION

This inspection and the accompanying plat are true and correct to the best of our knowledge and belief and were prepared for mortgage title insurance only. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose; no property corners were set, and is not to be used or relied upon for the establishment of any fence, structure or other improvements.

DENNIS D. SIMONDS L.S. #318 Date May 20, 2004

REGISTERED PROFESSIONAL LAND SURVEYOR DENNIS D. SIMONDS LS-343 STATE OF NEBRASKA

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : December 3, 2009

RE : **Special Permit No. 09026**
(Enclosed disassembly operation - N.W. 27th & West Vine Streets)
Resolution No. PC-01184

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 2, 2009:

> Motion made by Larson, seconded by Gaylor Baird, to approve **Special Permit No. 09026,** with conditions, requested by Bargbarn, LLC, for authority to operate an enclosed disassembly operation, on property generally located at N.W. 27th Street and West Vine Street.
>
> Motion for conditional approval carried 9-0: Larson, Taylor, Francis, Partington, Lust, Cornelius, Esseks, Gaylor Baird and Sunderman voting 'yes'.

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

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Bargbarn, LLC, 5355 W. Madison Avenue, 68524
Maksim Osiychuk, 2550 S.W. 17th Street, 68522
Darryl Lightner, Hileaf, LLC, 501 N.W. 27th Street, 68528
Capitol Beach Community Assn., P.O. Box 81141, 68501

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RESOLUTION NO. PC-01184

SPECIAL PERMIT NO. 09026

WHEREAS, Bargbarn LLC has submitted an application, on behalf of HiLeaf LLC, designated as Special Permit No. 09026 for authority to operate an enclosed disassembly operation on property generally located at N.W. 27th Street and West Vine Street, and legally described as:

> Northwest 27th Industrial Park Condo, Unit 2A, located on Lot 70 I.T. in the Southeast Quarter of Section 20, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

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 enclosed disassembly operation 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 Bargbarn LLC, on behalf of HiLeaf LLC, hereinafter referred to as "Permittee", to operate an enclosed disassembly operation be and the same is hereby granted under the provisions of Section 27.63.500 the Lincoln Municipal Code upon condition that the operation of said disassembly operation be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 6,000 square foot enclosed disassembly operation.

2. Before occupying the building or starting the enclosed disassembly operation all development and construction must substantially comply with the approved plans.

3. 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 plat.

4. The operation and use shall comply with the applicable requirements of Chapter 5.41 of the Lincoln Municipal Code regarding Salvaging, Recycling and Composting Operations, and Chapter 8.26 of the Lincoln Municipal Code regarding nuisances, as amended.

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

6. 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.

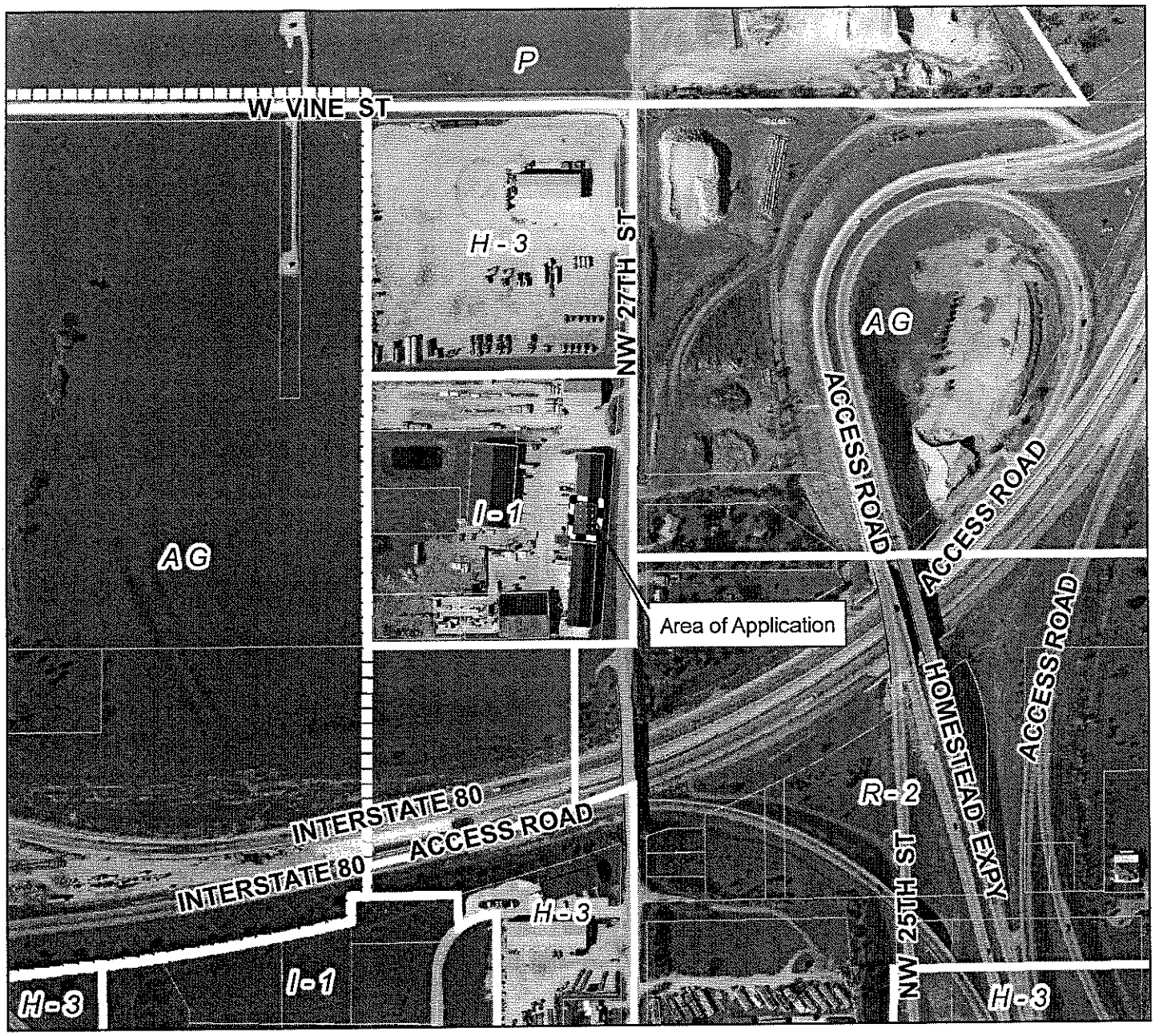
The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 2nd day of December, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney



Special Permit #09026
NW 27th & W Vine St

2007 aerial

Zoning:

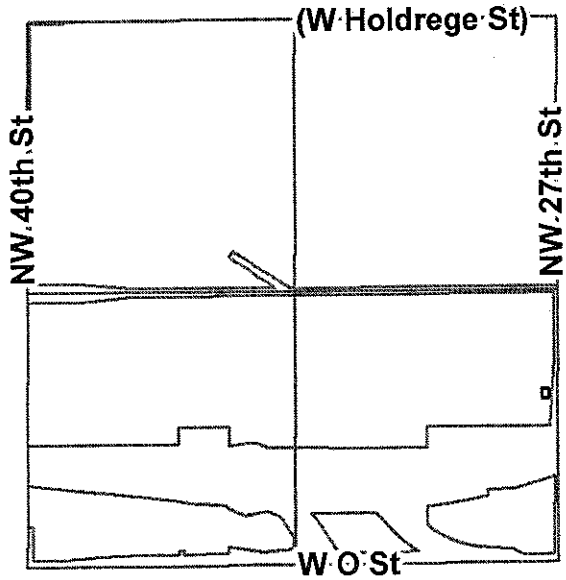
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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. 20 T10N R6E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



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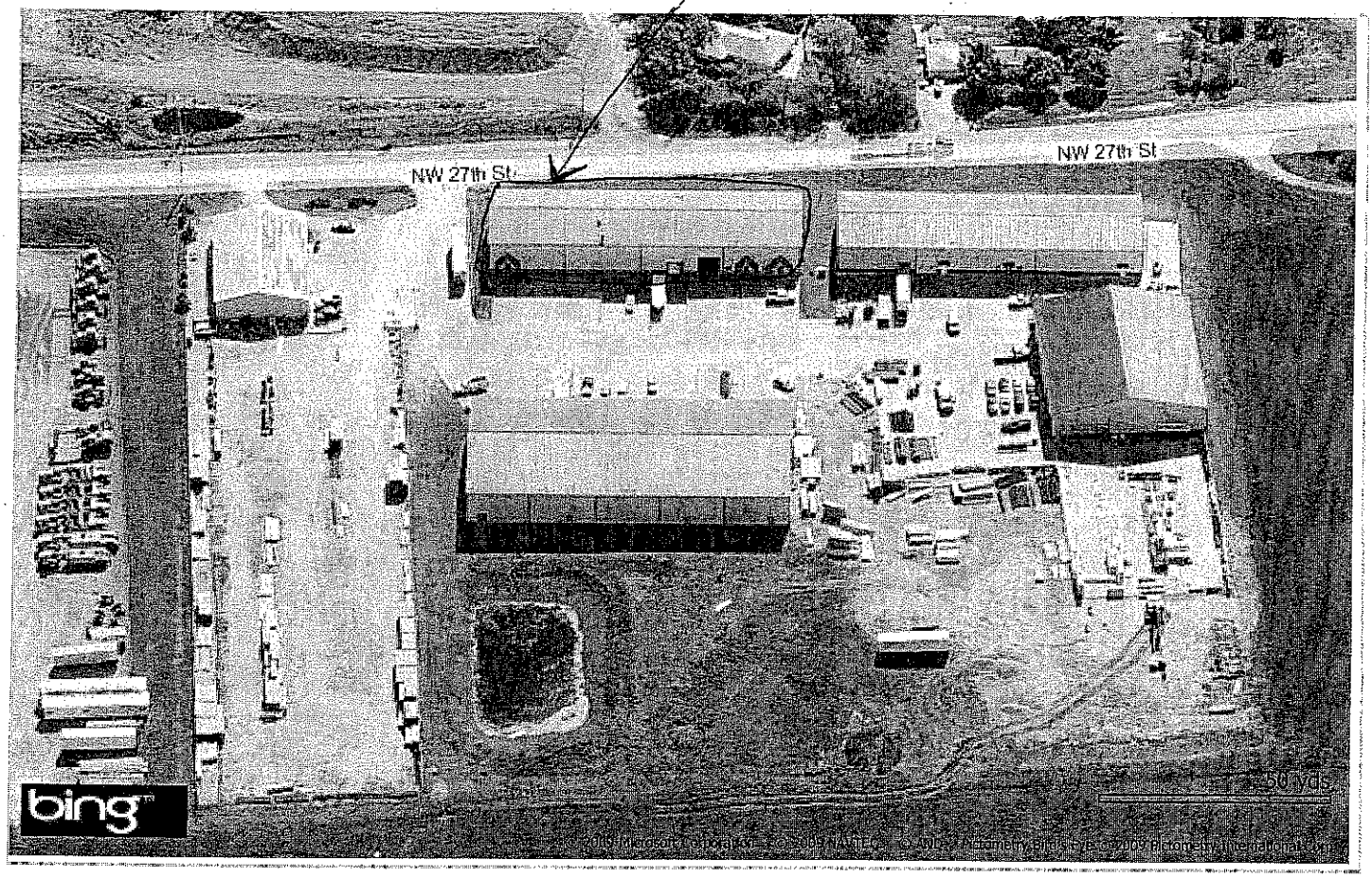
SPECIAL PERMIT #09026

Area of Application



PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : December 3, 2009

RE : **Use Permit No. 117C, Horizon Business Center**
(S. 14th Street and Yankee Hill Road)
Resolution No. PC-01185

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 2, 2009:

> Motion made by Larson, seconded by Taylor, to approve **Use Permit No. 117C,** with conditions, requested by Alan Schroeder, to increase the allowable floor area from 43,765 sq. ft. to 53,000 sq. ft. for mini-warehouse self-storage, to add a dwelling for a watchman/caretaker and to modify the required native vegetation buffer along the west boundary, on property generally located at South 14th Street and Yankee Hill Road.
>
> Motion for conditional approval carried 9-0: Larson, Taylor, Francis, Partington, Lust, Cornelius, Esseks, Gaylor Baird and Sunderman voting 'yes'.

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

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Marcia Kinning, ESP, 601 Old Cheney Road, Suite A, 68512
Alan Schroeder, 2621 N.W. 4th Street, 68521
Christine Jackson, Wilderness Ridge H.O. Assn., 9030 Whispering Wind Rd., 68512

i:\shared\wp\jlu\2009 ccnotice.sp\UP.117C

RESOLUTION NO. PC-01185

USE PERMIT NO. 117C

WHEREAS, Alan Schroeder has submitted an application in accordance with Section 27.51.100 of the Lincoln Municipal Code designated as Use Permit No. 117C to increase the allowable floor area from 43,765 square feet to 53,000 square feet, to add a dwelling for a watchman/caretaker and to modify the required native vegetation buffer on property generally located at South 14th Street and Yankee Hill Road, and legally described as:

Lots 1, 2, and 3, Horizon Business Center 9th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 Alan Schroeder, hereinafter referred to as "Permittee", to increase the allowable floor area from 43,765 square feet to 53,000 square feet, to add a dwelling for a watchman/caretaker and to waive the required native vegetation buffer be and the same is hereby granted under the provisions of Section 27.51.100 of the Lincoln Municipal Code upon condition that the development of said Use Permit be in strict compliance with said

application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 53,000 square feet of floor area, a dwelling unit for a watchman and a modification of the 40 foot wide native vegetation buffer within the Horizon Business Park.

2. Before a final plat is approved the Permittee shall:

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

i. On the site plan add a note that no buildings shall be located within the floodprone area.

ii. On Note 32 of the cover sheet change 38 lots to 37 lots.

iii. Change 573,262 to 582,497 in Note 37 on the cover sheet.

iv. Revise the Lot table on the cover sheet to match the lots shown on the site plan.

v. Specify that Note 33 on the site plan refers to Lot 37.

vi. Dimension the proposed paving as 20 feet wide on Lot 37.

vii. Change Lot 22 in the Lot table to read 11,000 s.f. and retail/office/other uses.

viii. In the Legend add that the native and ornamental grasses shall be planted within a minimum 4 foot wide planting strip along the fence.

ix. Add the "Native Vegetation buffer" to the cover sheet.

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

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

4. Before occupying the dwelling unit/buildings all development and construction shall substantially comply with the approved plans.

5. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.

6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall 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 and Permittee's 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 use 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 use 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 by this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

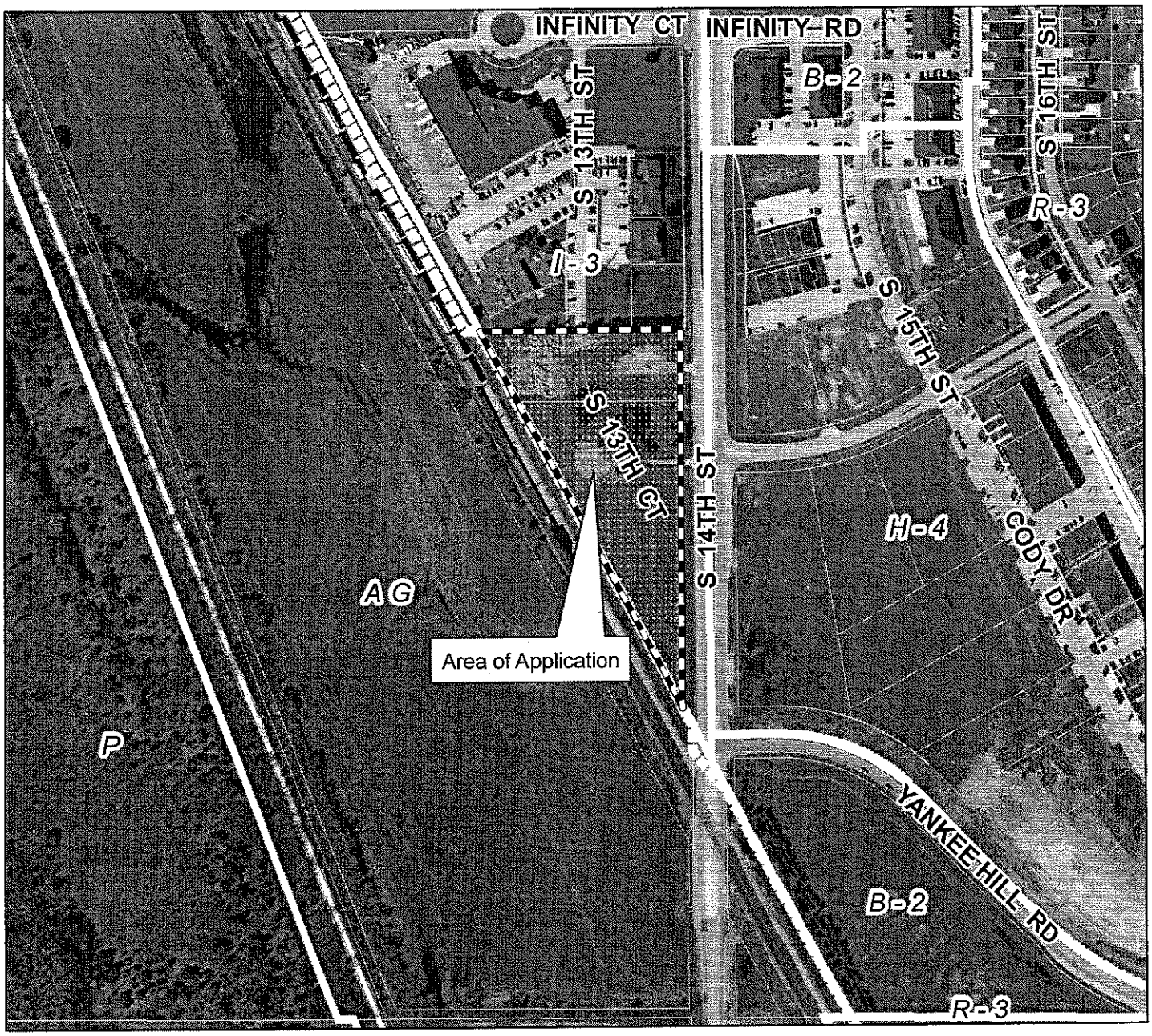
DATED this 2nd day of December, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney



Use Permit #117C
S 14th 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

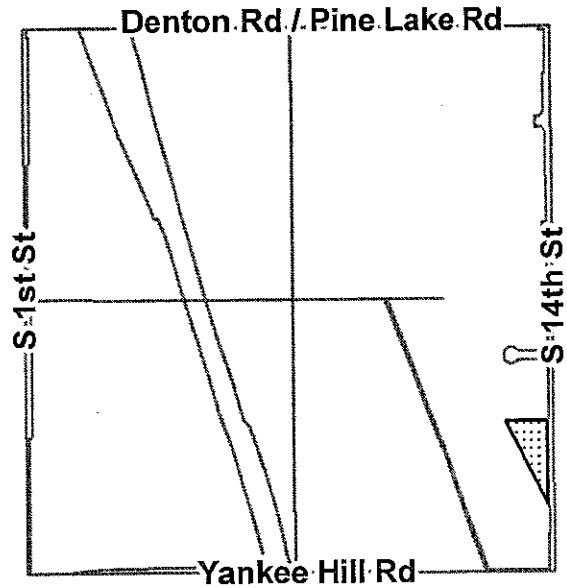
One Square Mile
Sec. 23 T09N R6E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

2007 aerial



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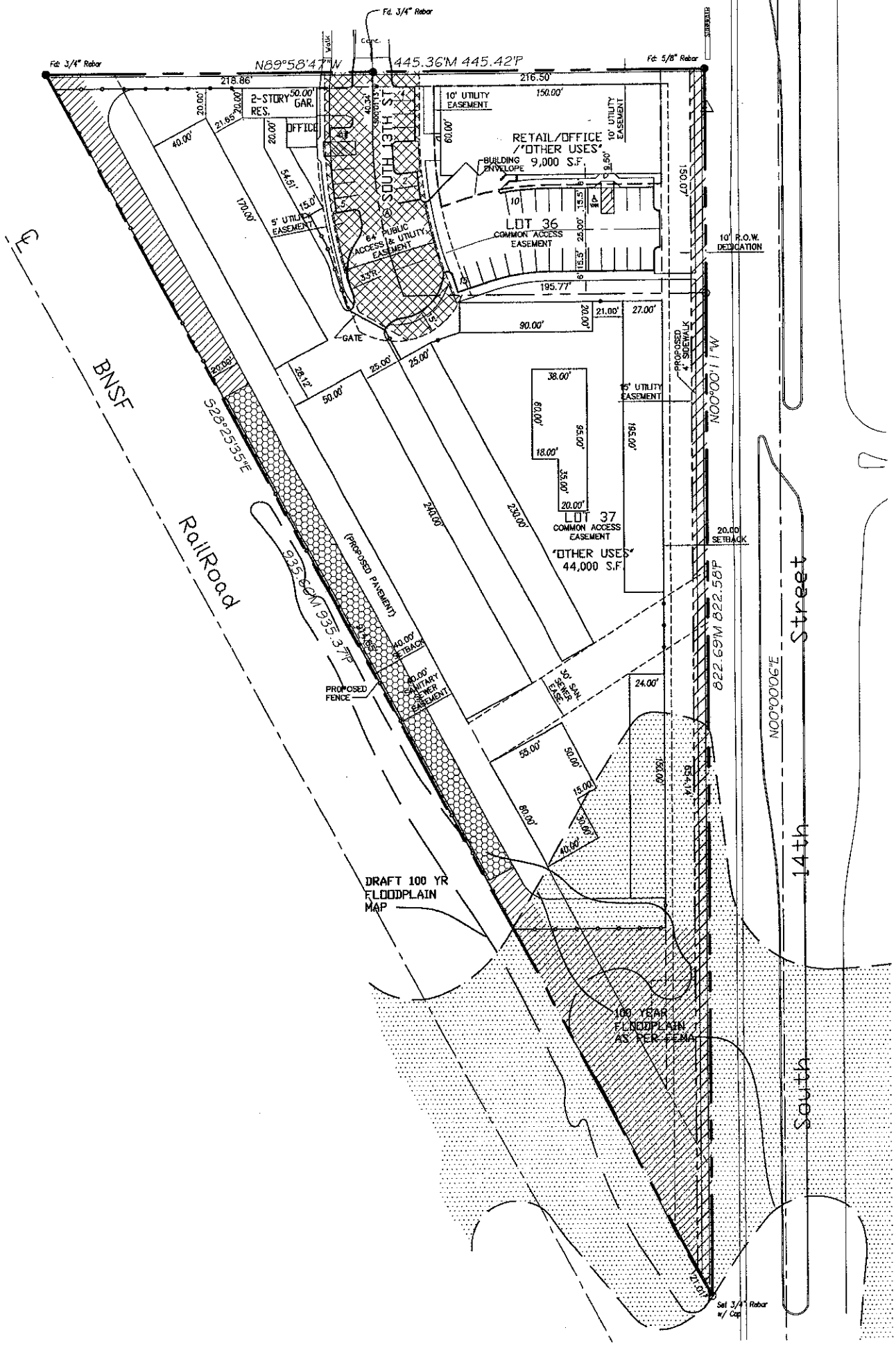
USE PERMIT 117C SITE PLAN



Memorandum

To: Mayor Beutler

CC: City Council Members

From: Chief Tom Casady

Date: December 1, 2009

Re: Cost of Overtime for UNL Football Games

Cost of police overtime per football game, 2002 = $11,592
Cost of police overtime per football game, 2003 = $10,816
Cost of police overtime per football game, 2004 = $10,452
Cost of police overtime per football game, 2005 = $10,600
Cost of police overtime per football game, 2006 = $8,700
Cost of police overtime per football game, 2007 = $5,402
Cost of police overtime per football game, 2008 = $5,419
Cost of police overtime per football game, 2009 = $5,005

The actual dollar amount per game has decreased by 57% during this time period. Base salary during this time period has increased slightly over 22%. Adjusting for the increase in the base, the 2009 cost amounts to a reduction of 65% in overtime expenses per game.

Mary M. Meyer

From: Council Packet
Subject: FW: Response to council questions; draft inquiry for council's decision on Impact Fee indexing
Attachments: Response to council questions..doc

From: Karen K. Sieckmeyer **On Behalf Of** Greg S. MacLean
Sent: Wednesday, December 02, 2009 9:53 AM
To: Council Packet
Subject: FW: Response to council questions; draft inquiry for council's decision on Impact Fee indexing

Dear Council,

Per the Ordinance the fees will automatically adjust to reflect the effects of the economic indicator (CPI), as a -1.48% decrease for 2010 fees if no further action is taken.

> **27.82.110 Miscellaneous Provisions.**
>
> (k) Adjustments for Inflation. Beginning on January 1, 2005, and on January 1 of each following year unless and until the impact fee schedules are otherwise revised or replaced by City Council, each fee amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study by multiplying such amount by a fraction, the numerator of which is the U.S. Consumer Price Index for All Items for the most recent month of August, and the denominator of which is U.S. Consumer Price Index for All Items for the period one year prior to the period reflected in the numerator.

The physical adjustment to the change in fees entails programming and testing within the permitting software, Permits Plus. In addition, it has been the department's internal protocol to send a notification to all active applicants, prior to any fee changes taking place. This period of programming, testing, and notification requires approximately 15 days for successful completion.

We are requesting your input, prior to December 15, 2009, on the topic of the Impact Fee indexing scheduled for January 1, 2010. In the event the fee changes are to take place, this timeline allows the necessary steps to occur in a timely manner.

THANKS!
Michaela Dugan
City of Lincoln - Public Works and Utilities
555 South 10th Street
Lincoln, Nebraska 68508

Phone: 402-441-7559
Cell: 402-429-2897

Response to Council Questions re: Impact Fee Annual Indexing
from
Pre-Council Meeting - November 16, 2009

1. **<u>What was the purpose of the Pre-Council Meeting?</u>**
   The purpose of the Pre-Council Meeting was informational only.
   The following information was provided:
   a. Per the Ordinance the fees will automatically adjust to reflect the effects of the economic indicator (CPI), as a -1.48% decrease for 2010 fees.
   b. Per the Ordinance, with Council action, the 2010 fees can be frozen at the 2007 fee level, as done in prior years 2008 and 2009.

2. **<u>What amount of Impact Fees have been spent, and what amount of fees remain unspent?</u>**
   (Councilman Camp)

	Total Revenue Collected w/o interest earned	Spent on Projects	*Percent of Total Collected Utiliized*	This is what is left….	*Percent of Total Collected Remaining*
Water	$ 5,844,645	$ 5,027,220	86%	$ 817,425	14%
Wastewater	$ 2,668,661	$ 2,017,684	76%	$ 650,977	24%
Arterial Streets	$ 17,972,462	$ 12,055,495	67%	$ 5,916,967	33%
Parks & Trails	$ 1,410,937	$ 482,982	34%	$ 927,955	66%
	$27,896,704	**$19,583,381**	70%	**$8,313,323**	30%

3. **<u>Why haven't the fees that are left not been spent on projects?</u>**
   (Councilman Cook)

   The reason for unspent fees include current restrictions on the segregation of funds within the seven Impact Fee districts, the lack of **total** project funding including matching funding requirements, project timing, design and approval lead times and others.

4. **<u>What were the other funding sources, in addition to Impact Fees, that were expected to cover infrastructure costs at the time of Impact Fee Discussions (2001-2003)?</u>**

WATER AND WASTEWATER (Typical Revenue Sources at the time of discussions.)	ARTERIAL STREETS (Typical Revenue Sources at the time of discussions)
□ Utility and Revenue Bonds □ State Revolving Loan Fund (WW only) □ User Fees □ State and Federal Funds	□ City's Urban Fed Aid □ Wheel Tax □ Gas Tax

2001 INFRASTRUCTURE FINANCE STUDY ADVISORY COMMITTEE SUGGESTIONS
□ General Obligation infrastructure bond (Separate GO Bonds defeated 11/2002 and 09/2004.) □ City Occupation Tax (Requires legislative change.) □ Local Option Fuel Sales Tax (Requires legislative change.) □ Creation of Special Assessment Districts (Not for off-site infrastructure improvements) □ County Wide Wheel Tax (City does not have legal authority to implement.) ✓ Strategic use of Revenue Bonds (City bonds revenue streams to fullest.) ✓ Encouragement of rural to urban city/county road construction cooperation (Implemented) ✓ Gradual Wheel Tax increases (Implemented) ✓ Utilize Highway Allocation Bonds to smooth out revenue over 12 year period (Implemented)

5. **Revise CPI chart to reflect increase each year.** **(Councilman Emery)**

Calendar Year	2003	2004	2005	2006	2007	2008	2009	2010
						Council action froze fees at 2007 level for calendar years 2008 and 2009.		*Course of action to be determined*
Water System	$463	$463	$510	$630	$778	$794	$837	$767
Water Distribution	$287	$287	$317	$392	$483	$493	$519	$476
Wastewater	$375	$375	$409	$505	$624	$636	$670	$615
Parks and Trails	$150	$193	$326	$333	$334	$341	$359	$329
Arterial Street	$1,225	$1,483	$1,876	$2,197	$2,466	$2,515	$2,650	$2,431
	$2,500	$2,801	$3,438	$4,057	$4,685	$4,779	$5,036	$4,619
		+0% CPI	+2% CPI	+3% CPI	+4% CPI			

6. **What is the policy on rounding percentages? What did the City use for indexing each year?** (Councilman Cook)

Calendar year	Percentage of increase	Actual Increases
2004	1.90%	
2005	3.64%	2.00
2006	3.82%	3.00
2007	1.96%	4.00
2008	5.38%	0.00
2009	-1.48%	0.00
2010	TBD	TBD

Adopted 10/04/04
Implemented 01/01/05

Note: We cannot find documentation for a policy to set the changes. The net difference between the CPI index (9.36%) and the actual(9.00%) increases implemented is only 0.36%. Therefore, we propose from now on to use the actual index, rounded to the nearest 1/100th, or 2 decimal places.

7. **Construction costs have incremented up over time. What would the true cost (100% maximum allowable fees) be if Impact Fees were at the 100% collection level, holding all projects equal and including adjustment for inflation?** (Councilman Cook)

2009 costs based on Engineering News Record cost indices applied to installation costs. www.enr.com.

Please see the following page for details.

IMPACT FEE MODEL UPDATES

Facility Type	Original Duncan Study 2002 Maximum Fees	2003 Actual Fees Charged	2004 Actual Fees Charged	2005 Actual Fees Charged
Water **	$ 3,669	$ 750	$ 750	$ 827
Wastewater	$ 1,815	$ 375	$ 375	$ 409
Arterial Streets*	$ 3,212	$ 1,225	$ 1,483	$ 1,876
Parks and Trails	$ 321	$ 150	$ 193	$ 326
Total	$ 9,017	$ 2,500	$ 2,801	$ 3,438
Annual net difference per SFE		**$6,517**	**$6,216**	**$5,579**
Annual lost revenue		**$2,733,299**	**$8,156,028**	**$7,165,746**

Facility Type	Per Ordinance updated 2006 Maximum Fees	2006 Actual Fees Charged	2007 Actual Fees Charged	2008 Actual Fees Charged
Water **	$ 3,858	$ 1,022	$ 1,261	$ 1,261
Wastewater	$ 2,521	$ 505	$ 624	$ 624
Arterial Streets*	$ 2,788	$ 2,197	$ 2,466	$ 2,466
Parks and Trails	$ 593	$ 333	$ 334	$ 334
Total	$ 9,760	$ 4,057	$ 4,685	$ 4,685
Annual net difference per SFE		**$5,703**	**$5,075**	**$5,075**
Annual lost revenue		**$6,641,548**	**$4,171,532**	**$3,186,738**

Facility Type	Per Ordinance updated 2009 Maximum Fees	2009 Actual Fees Charged	2010 Actual Fees Charged	2011 Actual Fees Charged
Water **	$ 4,452	$ 1,261	TBD	TBD
Wastewater	$ 2,653	$ 624	TBD	TBD
Arterial Streets*	$ 4,121	$ 2,466	TBD	TBD
Parks and Trails	$ 537	$ 334	TBD	TBD
Total	$ 11,763	$ 4,685	TBD	TBD
Annual net difference per SFE		**$7,078**	**TBD**	**TBD**
Annual lost revenue		**$3,975,142**		

Tammy J. Grammer

From: Jon Camp
Sent: Thursday, December 03, 2009 1:11 PM
To: Rodney M. Confer
Cc: Tammy J. Grammer
Subject: Amendment to Impact Fees Legislation

Mr. Confer:

Please draft an amendment for this legislation that will "freeze" the current impact fees for the upcoming year, instead of following the CPI Index adjustment, which, this year, would "reduce" Impact Fees.

Thank you,

Jon

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

Tammy J. Grammer

Subject: FW: Lincoln Unfortunate Situation

From: Sonya DeBoer [mailto:srdddd@sio.midco.net]
Sent: Tuesday, December 01, 2009 9:43 PM
To: Jon Camp
Subject: RE: Lincoln Unfortunate Situation

Jon,

Thank you so much for following up on this issue with the business owner. I really appreciate your continued pursuit for justice and restitution of the towing expense. Even though the experience was very disappointing, your due diligence for resolving this matter has restored my faith in your city, and I am looking forward to attending future games in Lincoln. Again, I can't thank you enough for seeing this through.

Thanks again!
Dave DeBoer
(GO BIG RED!!!!)

From: Jon Camp [mailto:JonCamp@lincolnhaymarket.com]
Sent: Tuesday, November 24, 2009 2:51 PM
To: srdddd@sio.midco.net
Cc: cwinchell@siouxfalls.com
Subject: Lincoln Unfortunate Situation

Dave:

I am following up on the unfortunate towing situation of 2 weeks ago.

I took this situation on as a challenge because it is important for Lincoln to show its true hospitality. The police department declined to assist because the incident occurred on private property. The towing company offered no assistance, which was very disappointing to me. I spoke with our Downtown Lincoln Association president and then proceeded to focus on the owner of La Tapatia.

After many attempts, I successfully reached the owner of La Tapatia, who was very polite and apologetic. An employee, on his own initiative, sold parking spaces to you and others, and failed to advise the towing company that routinely monitors the lot. Regardless, Mr. Morales, the owner, offered to reimburse you and others for your towing costs.

Thus, I am emailing this information to assist you in contacting him for reimbursement:

Mr. Abram Morales
1037 L Street
Lincoln, NE 68508

I also want you to know that Ms. Carolyn Winchell of the Forward Sioux Falls office, that is affiliated with the Sioux Falls Chamber of Commerce, was helpful in solving this matter.

If I can be of further assistance, please feel free to contact me. Below is my personal business contact information, which is much faster than through my City Council office.

Please come back and visit Lincoln often—you will find me in Lincoln's Historic Haymarket!

Jon

Jon A. Camp
Lincoln City Council

JON A. CAMP
Haymarket Square/CH, Ltd.
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

If opportunity doesn't knock, build a door.

~Milton Berle

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4634 (20091124)
_____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.426 / Virus Database: 270.14.87/2536 - Release Date: 12/01/09 19:32:00

Tammy J. Grammer

From: Tammy J. Grammer
Sent: Thursday, December 03, 2009 12:37 PM
To: Council Packet
Subject: FW: Briarhurst Outlot Maintenance

From: Jon Camp
Sent: Thursday, December 03, 2009 11:22 AM
To: Greg S. MacLean
Cc: Tammy J. Grammer; awsmrs@gmail.com
Subject: Briarhurst Outlot Maintenance

Greg:
Al Schwandt (5572 Blackpool Road, 68516, 421-8148, awsmrs@gmail.com) called yesterday afternoon concerning a major ditch approximately one block east of S. 27th & Old Cheney. There is an outlot owned by the Briarhurst Neighborhood Association that has a concrete liner that will be repaired very soon at the Briarhurst expense.

Nearby is an underground tile that has settled and apparently needs attention, adjacent to Old Cheney. Mr. Schwandt thought this would be a good time for the City to give attention to its underground tile so that all repairs are made without damage to the other.

Would you please have the appropriate staff person check this situation and explain what actions can be taken to protect the City's investment and remedy the matter?

Thank you. Mr. Schwandt is willing to visit with the City person as he lives adjacent to this outlot, which is just west of the Mormon Church.

Jon

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

Tammy J. Grammer

From: Lincoln Chamber of Commerce - Wendy Birdsall [judi@lcoc.ccsend.com] on behalf of Lincoln Chamber of Commerce - Wendy Birdsall [birdsall@lcoc.com]
Sent: Monday, November 30, 2009 1:41 AM
To: Tammy J. Grammer
Subject: Lincoln Chamber Supports Arena Project

Having trouble viewing this email? Click here

You're receiving this email because of your relationship with The Lincoln Chamber of Commerce. Please confirm your continued interest in receiving email from us.

You may unsubscribe if you no longer wish to receive our emails.

Lincoln Chamber Supports Arena

Project Important to Lincoln's Economic Future

The Lincoln Chamber believes this project is vitally important to our community. The recently released economic analysis of the project estimates thousands of job opportunities will be created during construction. This comes at a time when that industry is suffering through the economic downturn.

"There will also be a number of permanent jobs created and we have heard that we can expect $260 million in annual economic activity, states Wendy Birdsall, President of the Lincoln Chamber of Commerce. "If each Husker football game generates $4 million in economic activity, this project will generate the equivalent of 65 football games each year."

The finance plan is structured as a private-public partnership that saves us millions and still gives the city and its residents all of the benefits. Some 80% of the financing is provided through private investment and from non-Lincoln residents, with no property tax increase.

West Haymarket Development Resolution

(Resolution No: 03-2009)

The Lincoln Chamber of Commerce and its Board of Directors recognizes the positive impact a new arena and associated development in the West Haymarket would have on the entire community. The Board of Directors

Need More Information:

www.westhaymarketarena.org

www.LCOC.com

been put forward for the project. The Board also believes that any new or increased lodging or restaurant taxes related to the project will be justified and offset by the economic impact new jobs, a new arena and associated development in the West Haymarket will generate for Lincoln and its business community.

WHEREAS, a modern arena is critical to a vibrant community, and will help retain and attract people to our City; and

WHEREAS, findings from comprehensive studies conducted by respected industry consultants over the past several years clearly show our current facilities to be at a competitive disadvantage; and

WHEREAS, we believe a modern arena is essential to both retaining our established events and enhancing our ability to recruit new ones; and

WHEREAS, the economic impact new development in the West Haymarket will positively impact city sales tax revenues and business and personal income throughout the community.

NOW THEREFORE BE IT RESOLVED, the Lincoln Chamber of Commerce supports the West Haymarket Development Project, including a new arena, ice center, and associated commercial development.

The Lincoln Chamber of Commerce pledges its resources to support the successful passage of the May 11, 2010 bond issue and asks the citizens of Lincoln for their support in this critical endeavor.

Chamber Board of Directors unanimously supports West Haymarket Development Resolution.

1135 M Street, STE 200 | Lincoln, NE 68508 | 402-436-2350

Forward email

Email Marketing by

This email was sent to tgrammer@lincoln.ne.gov by birdsall@lcoc.com.
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The Lincoln Chamber of Commerce | 1135 M Street, Suite 200 | Lincoln | NE | 68508

ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, DECEMBER 7, 2009

I. CITY CLERK - None

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -

MAYOR -

1. NEWS RELEASE - RE: Artists Needed For Rain Barrel Art Project.

2. NEWS ADVISORY - RE: Mayor Beutler, Department heads and City staff will participate in a series of City Stat Meetings over the next two weeks to review data compiled on City government performance in eight outcome areas - (Forward to Council on 12/04/09).

3. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule for Week of December 5 through December 11, 2009 - Schedule subject to change - (Forward to Council on 12/04/09).

4. City of Lincoln Snow/Traffic Condition Report - December 6, 2009 - 6:30 p.m.

5. City of Lincoln Snow/Traffic Condition Report - December 7, 2009 - 11:00 a.m.

DIRECTORS -

URBAN DEVELOPMENT -

1. Response E-Mail from Dave Landis, Urban Development Director to Councilman Jon Camp's questions - RE: 09R-220 - Resolution on Block 68.

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

JON CAMP -

1. E-Mail to Police Chief Casady - RE: False Alarm Legislation.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL -

1. E-Mail from Stan Mills, Mill's Squeegee Fill Stations - RE: The false alarms fees.

2. LES Report - RE: Rate Schedules and Service Regulations - For Rates Effective January 1, 2010. (Report on file in the City Council Office)

3. Material from Tim Hopkins, Advanced Security - RE: Item #7, Ordinance 09-151, False Alarm.

4. E-Mail from Doug Brobst - RE: Item #7, Ordinance 09-151, Emergency Alarms (Forward to Police Chief Casady on 12/07/09).

daadd120709/tjg

NEWS RELEASE

CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT
Watershed Management Division, 901 N. 6th St., Lincoln, NE 68508, 441-7701, fax 441-8194

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

FOR IMMEDIATE RELEASE: December 4, 2009
FOR MORE INFORMATION: Amanda Meder, Watershed Management, 441-7075
Nancy Furman, Pioneers Park Nature Center, 441-8709

ARTISTS NEEDED FOR RAIN BARREL ART PROJECT

Local artists and teachers are invited to participate in the second Artistic Rain Barrel program to benefit the Pioneers Park Nature Center's scholarship programs. The project is sponsored by the Friends of Pioneers Park Nature Center and the Watershed Management Division of the City Public Works and Utilities Department. The Friends group will choose 25 artists to paint rain barrels, which will be auctioned to the public in April. Rain barrels are above-ground containers modified to receive, store and distribute rooftop runoff for non-drinking uses.

"Last year's project was so successful, we wanted to give more artists a chance to participate this year," said Amanda Meder, Environmental Health Educator for Watershed Management. "This art project is a fun way to educate the community about the benefits of rain barrels and to promote the simple things we can do to protect our environment. Using rain barrels is a great way to save water for dry spells, reduce runoff and stormwater pollution and provide rainwater to use on your lawns and gardens."

Applications, which include a short summary of the intended design, are due January 25, 2010. They are available on the City Web site, lincoln.ne.gov (keyword: rain barrel); at the Parks and Recreation office, 2740 "A" St.; and at the City Watershed Management office, 901 N. 6th St.

The Friends organization will notify selected artists by January 29, 2010. The artists will have four weeks to paint and return the barrels along with the title of the work, the artist's bio and a written description. Decorated rain barrels will be on display at local businesses and libraries during March and early April, and they will all come together for display at the Nature Center from April 10 through 17. The project will conclude with the auction at 9 a.m. Saturday, April 17 at the "Nature's Market" at Pioneers Park. Photos of the barrels and more information also will be posted on the City Web site.

For more information, contact Watershed Management at 441-7075 or the Pioneers Park Nature Center at 441-8709 or visit lincoln.ne.gov (keyword: rain barrel).

- 30 -

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR CHRIS BEUTLER lincoln.ne.gov

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: December 4, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler, Department heads and City staff will participate in a series of **City Stat** meetings over the next two weeks to review data compiled on City government performance in eight outcome areas. City Council members and members of the public have been invited to participate in the City Stat meetings. All meetings are scheduled for **Room 113** on the first floor of the **County-City Building, 555 S. 10th St.**

- Monday, December 7 -
  9 to 11 a.m. - Safety and Security
  11 a.m. to noon - Identity Lincoln

- Thursday, December 10
  noon to 1:30 p.m. - Economic Opportunity
  1:30 to 3 p.m. - Environmental Quality

- Friday, December 11
  8 to 10 a.m. - Healthy and Productive People
  10 to 11 a.m. - Effective Transportation

- Tuesday, December 15
  8 to 10 a.m. - Livable Neighborhoods
  10 to 11 a.m. - Accountable Government

A citizen satisfaction survey also is under way. A scientific phone survey of about 600 randomly selected residents began the first week of December. That will be followed by an online survey on the City Web site, lincoln.ne.gov. The meetings and surveys are part of the City's "Taking Charge" process to implement outcome-based budgeting.

CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR CHRIS BEUTLER lincoln.ne.gov

Date: December 4, 2009
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler's Public Schedule
Week of December 5 through 11, 2009
Schedule subject to change

Saturday, December 5
- 25th Annual Star City Holiday Parade, photos with Executive Clowns - 10:20 a.m., YWCA, 1432 "N" St. (Georgian Room)
- Star City Holiday Parade, riding in horse-drawn carriage with wife Judy and Special Olympics athletes - 11 a.m., downtown

Monday, December 7
- City Stat meeting - 9 a.m., Room 113, County-City Building, 555 S. 10th St.
- Mayor's Award of Excellence presentation - 3 p.m., Council Chambers, County-City Building.
- Holiday Ball (for disabled teens and adults), remarks - 7 p.m., Auld Recreation Center, Antelope Park

Tuesday, December 8
- Mayor's Multicultural Advisory Committee meeting - 4 p.m., Mayor's Conference Room, County-City Building

Wednesday, December 9
- Lincoln Police Department graduation and awards ceremony, remarks - 7 p.m., Holiday Inn Downtown, 141 N. 9th St. (main ballroom)

Thursday, December 10
- KFOR Morning Show - 7:45 a.m.
- City Stat meeting - noon, Room 113, County-City Building
- Human Rights Commissioners meeting, presentation to outgoing Commissioners - 4 p.m., Council Chambers, County-City Building

Friday, December 11
- City Stat meeting - 8 a.m., Room 113, County-City Building
- Invest Nebraska Corporation reception – 5:30 p.m., Del Ray Ballroom, 817 "R" St.

Tammy J. Grammer

From: Diane K. Gonzolas
Sent: Sunday, December 06, 2009 6:33 PM
To: 8@klkntv.com; A. Bowen; A. Bowman; Al R. McCracken; alaukaitis@journalstar.com; alee@action3news.com; amber.smith@1011now.com; B. Oliver; Barb Holder; Beau A. Wolfe; beddy@journalstar.com; bmccoy2@unl.edu; Bub AF. Edwards; cbrogan@threeeagles.com; cernst@action3news.com; Chris Goforth; christie.bett@1011now.com; chuls1@unl.edu; Cindy Wallman; citydesk@journalstar.com; cmurphy@action3news.com; Commish; Connie J. Guilliaume; Council Packet; csimon@threeeagles.com; D. Cantrell ; D. Furstenau; Dave B. Norris; Debbie Engstrom; Dennis Wilden; desk@1011now.com; dhilligoss@threeeagles.com; Diane K. Gonzolas; dick.janda@1011now.com; djohnson@threeeagles.com; Drive Time Lincoln; ehoward@ne.statepaper.com; email@mybridgeradio.net; Gary Johnson; Greg S. MacLean; hkindschuh@journalstar.com; jbishop@broadcasthouse.com; jerry.howard@ 1011now.com; jsponlineeditorial@lee.net; Karen K. Sieckmeyer; kayla@action3news.com; Kevin Morris; kfornews@hotmail.com; knieland@journalstar.com; kristen.waters@ 1011now.com; krnu@unl.edu; Laura McCallister; LeRoy Uglow; Lin Quenzer; lvanhoosen@klkntv.com; M. Burchell; Mallory Hyland; mark.tonjes@nebraska.gov; mbarmann@action3news.com; mhaggar@klkntv.com; Michelle L. Zuhlke; Minette M. Genuchi; mlindell@klkntv.com; modestalincolnasiancenter@yahoo.com; mtaylor@threeeagles.com; news@broadcasthouse.com; news@dailynebraskan.com; news@ketv.com; news@owh.com; news42@kptm.com; newstip@klove.com; nfinken@netnebraska.org; olgamiranda@elcentrodelasamericas.org; omahane@ap.org; Patty Pansing Brooks; programming@kzum.org; ralloway1@unl.edu; Randy W. Hoskins; Rick Koepping; Roger A. Figard; Roger R. Tiedeman; salbertsen@broadcasthouse.com; sbdnsobsupport@nebraska.gov; Scott A. Opfer; shanna.belschner@1011now.com; sixonline@wowt.com; swieska@lps.org; Tammy J. Grammer; tammy.honnor@nebraska.gov; tkirk@journalstar.com; tnelson2@unl.edu; tom.armstrong@nebraska.gov; Trish A. Owen; twolfe3@unl.edu; voicenews@inebraska.com; wellsradio@gmail.com; William Luxford; WOWT
Subject: snow report 6:30 p.m. Dec. 6

CITY OF LINCOLN
SNOW/TRAFFIC CONDITION REPORT

NO VOICE REPORT AVAILABLE AT THIS TIME.

For more information:
Public Works Snow Center - 441-7644
Diane Gonzolas - 525-1520

Date: December 6, 2009
Time: 6:30 p.m.

The City will begin snow removal operations about 7:30 p.m. tonight with about 60 plows covering arterials and snow emergency routes.

City crews have been busy since about noon today, when material spreading began at intersections and on bridges. After about two hours, material spreading operations moved to arterials and snow emergency routes.

Parking bans are not in effect. Motorists are advised to drive with caution.

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

- 30 -

Tammy J. Grammer

From: Diane K. Gonzolas
Sent: Monday, December 07, 2009 11:11 AM
To: 8@klkntv.com; A. Bowen; A. Bowman; Al R. McCracken; alaukaitis@journalstar.com; alee@action3news.com; amber.smith@1011now.com; B. Oliver; Barb Holder; Beau A. Wolfe; beddy@journalstar.com; bmccoy2@unl.edu; Bub AF. Edwards; cbrogan@threeeagles.com; cernst@action3news.com; Chris Goforth; christie.bett@1011now.com; chuls1@unl.edu; Cindy Wallman; citydesk@journalstar.com; cmurphy@action3news.com; Commish; Connie J. Guilliaume; Council Packet; csimon@threeeagles.com; D. Cantrell ; D. Furstenau; Dave B. Norris; Debbie Engstrom; Dennis Wilden; desk@1011now.com; dhilligoss@threeeagles.com; Diane K. Gonzolas; dick.janda@1011now.com; djohnson@threeeagles.com; Drive Time Lincoln; ehoward@ne.statepaper.com; email@mybridgeradio.net; Gary Johnson; Greg S. MacLean; hkindschuh@journalstar.com; jbishop@broadcasthouse.com; jerry.howard@ 1011now.com; jsponlineeditorial@lee.net; Karen K. Sieckmeyer; kayla@action3news.com; Kevin Morris; kfornews@hotmail.com; knieland@journalstar.com; kristen.waters@ 1011now.com; krnu@unl.edu; Laura McCallister; LeRoy Uglow; Lin Quenzer; lvanhoosen@klkntv.com; M. Burchell; Mallory Hyland; mark.tonjes@nebraska.gov; mbarmann@action3news.com; mhaggar@klkntv.com; Michelle L. Zuhlke; Minette M. Genuchi; mlindell@klkntv.com; modestalincolnasiancenter@yahoo.com; mtaylor@threeeagles.com; news@broadcasthouse.com; news@dailynebraskan.com; news@ketv.com; news@owh.com; news42@kptm.com; newstip@klove.com; nfinken@netnebraska.org; olgamiranda@elcentrodelasamericas.org; omahane@ap.org; programming@kzum.org; ralloway1@unl.edu; Randy W. Hoskins; Rick Koepping; Roger A. Figard; Roger R. Tiedeman; salbertsen@broadcasthouse.com; sbdnsobsupport@nebraska.gov; Scott A. Opfer; shanna.belschner@1011now.com; sixonline@wowt.com; swieska@lps.org; Tammy J. Grammer; tammy.honnor@nebraska.gov; tkirk@journalstar.com; tnelson2@unl.edu; tom.armstrong@nebraska.gov; Trish A. Owen; twolfe3@unl.edu; voicenews@inebraska.com; wellsradio@gmail.com; William Luxford; WOWT
Subject: release - Snow Operations Update

CITY OF LINCOLN
SNOW/TRAFFIC CONDITION REPORT

A COMPLETE VOICE REPORT IS AVAILABLE AT 441-7783. THIS NUMBER IS FOR NEWS MEDIA USE ONLY.

For more information:
Public Works Snow Center -- 441-7644
Citizen Information Center -- 441-7547

Date: December 7, 2009
Time: 11 a.m.

City snow operations wrapped up plowing and sanding efforts on all major arterial routes at about 8 a.m. today. Crews are currently cleaning up areas where drifting has occurred as well as continuing to plow and spread material around schools. Other problem areas will be addressed throughout the remainder of the day. Street operations staff are also working to prepare for more snowfall expected in the next 24 to 48 hours.

The snow removal operations effort began at about 7:30 p.m. Sunday with about 60 plows covering the city's major arterials and snow emergency routes.

Parking bans are not in effect. Motorists are advised to continue to drive with caution.

Please stay informed on traffic conditions and the status of snow operations in Lincoln. Additional information is available on the City Web site at lincoln.ne.gov and on pages 48 and 49 in the blue pages of your Windstream phone directory. If you have questions, you may call the Public Works Snow Center at 441-7644.

-30-

Tammy J. Grammer

From: David Landis
Sent: Thursday, December 03, 2009 3:28 PM
To: Tammy J. Grammer
Cc: Jon Camp
Subject: FW: 09R-220 Resolution on Block 68
Attachments: Block 68 TIF attach.doc

Council Members:

Please find the questions sent by Councilman Camp on the Block 68 Project and the Urban Development Department's responses to his questions below.

Sincerely,
David Landis

From: Jon Camp
Sent: Thursday, November 26, 2009 12:32 PM
To: David Landis
Cc: Tammy J. Grammer
Subject: 09R-220 Resolution on Block 68

Director Landis:

I have reviewed the above noted legislation and have several questions.

1. Please detail the anticipated TIF dollars that will be available--both total and an estimated itemization of how the TIF will be applied. (See Paragraph 14 of Resolution). Please define by "Priority" in terms of dollars allocated out of the proposed $4,383,000 TIF). Exhibit B attached to the redevelopment agreement itemizes how the TIF will be applied in order of priority.

2. Please explain the "Public Enhancements" that are envisioned within the Redevelopment Agreement. Façade upgrades and energy efficiency improvements are listed as public enhancements in Exhibit B and as the last two priorities. Current codes and standards lay out the minimums that the developer must perform by law. To the extent that the developer exceeds those standards and creates a façade more substantial and attractive with a higher grade of materials and/or utilizes energy saving features more efficient than the code requires, the City will recognize these as public enhancements.

3. Please explain the anticipated Public Art--location and cost allocation.
   a. How will the Public Art be funded? Public art will be funded with TIF funds and is expected to be located in the public right-of-way or in a location that is accessible/visible to the public through a public easement. The location is expected to be mutually acceptable to the City and the developer.

4. Please explain the difference between "Public Improvements" and "Public Enhancements". Generally public improvements are those aspects of the project that the City owns or take place on city-owned property (i.e., right-of-way), but also includes those improvements that are typically publicly bid (i.e., site preparation). Public enhancements are used for property owned by the developer, generally not publicly bid, which exceeds standards set by the City in a way that benefits the general public, as well as the developer. These definitions help separate the priorities for TIF. Exhibit B lists the public improvements and public enhancements in order of priority and its associated cost. To the extent that TIF is available, these improvements will be funded with TIF.
   a. It will be helpful to have (1) a description/itemization of each, (2) the cost for each item and (3) the source of funds for each item

5. Use Restrictions--what value do you place on these restrictions? The value of the use restrictions is the social benefit to the quality of life in Downtown Lincoln. We do not place a monetary value on these restrictions. They are part of the "price" in using TIF.

6. Paragraph 13--"Redeveloper Purchased TIF Bond"--do you consider this proposed TIF Bond to be a "developer purchased"? It also reads that the "Redeveloper's lender" which is not merely the Developer. Yes, all financial risk associated with the bonds rests with the developer and their lender. The City in no way backs nor is responsible for the bonds, except to pay back TIF to the developer in installments as it accrues.

7. Please provide your calculation worksheet detailing your computation to arrive at the $4.383 million TIF proceeds. The calculation is attached to this e-mail.

8. Since this project will be part of the Lincoln Center Redevelopment Plan, please explain how this project will be monitored to ensure the full assessed valuation is achieved, thereby supporting the TIF $4.838 million. If the total TIF projected is not realized, the developer will be responsible for paying back the portion of the developer-purchased TIF bond that is not reimbursed with TIF.

9. Please provide evidence that the Acher Arms, LLC has the ability to develop this property, i.e. please explain the disposition of current lease arrangements for the property. See response to "a."

a. Is there a cost involved to terminate the existing parking lease? The parking is currently on month-to-month leases; therefore, there will be no cost to terminate leases prior to demolition.

b. If so, what is the "source of the funds" to pay for the termination of the parking lease? No costs are expected. The City has no burden with respect to lease terminations.

10. Please explain the City's plans to provide for alternative parking to meet the needs of the businesses currently served by Block 68.

a. What cost is estimated? The City is currently planning the construction of two new garages Downtown. We anticipate these garages will provide 900 to 1100 additional parking stalls. We realize these garages will not be complete by the time the Block 68 project begins. We are already working to relocate existing parkers. There are four public garages within two blocks of the Gold's Building, Carriage Park, Center Park, Market Place, and Que Place that could be used, as well as private parking facilities and other public facilities in the surrounding area.

b. What is the source of the funds to pay for the alternative parking? n/a

c. What are the implications on other downtown parking projects? This project further justifies the need to provide additional public parking.

d. Is any of the TIF being used for these parking needs? No.

e. How many parking spaces currently exist on Block 68? Approximately 300 spaces, 265 of which are leased.

f. How many parking spaces will be created on Block 68? A minimum of 220, according to the agreement.

g. How many parking spaces will be needed for the hotel, commercial tenants and residential tenants on the new development on Block 68? The parking spaces created will be used by the tenants on the block to support the residential, hotel, and commercial purposes. No additional monthly public parking will be created.

h. How much of the TIF proceeds are anticipated to be used for the underground parking created on Block 68? Please see i and j.

i. Site preparation? $1,339,000 is allocated toward site preparation, including demolition, excavation, surveys, and remediation of the entire site.

j. Construction? No TIF has been allocated toward the construction of the parking garage.

11. Has an economic analysis been prepared on this Block 68 Project detailing the outcome for employment, sales tax, job creation (during construction and long term full-time and part-time), compensation levels of created jobs? No, except for the Cost Benefit Analysis already provided during the plan amendment process.

12. What impact will the Block 68 hotel have on existing hotels and their tax base? With the City of Lincoln and other taxing authorities suffer tax losses and/or erosion due to this new project? Because the property tax base is based upon the assumed ability to generate income from the property and not the actual income generated, the property tax base of other hotels is not expected to increase or decline as a direct result of this project. The City has not conducted a study on the impact the proposed hotel will have on the projected revenues of the existing hotels.

Thank you for your response as soon as possible on these questions.

Jon

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

ec: Lincoln City Council Members

Tax Increment Finance Analysis - Block 68

Comparison		Amount
Base Value	*Current Assessed Value*	$1,350,000
Construction/Land Acquisition Costs	*Cost to Purchase Land/Construct Project)*	$29,267,500
Estimated New Assessed Value	*New Assessed Value (100% of Construction/Land Acquisition Costs)*	$29,267,500
Increment Value	*= New Assessed Value - Base Assessed Value*	$27,917,500
Annual TIF Generated	*= Increment x 0.020295140 (2008 Tax Rate)*	$566,590
Funds Available - Dev Purchased	*= Annual TIF Generated x 13.5 years @ 7%*	**$4,383,485**

Construction/Private Improvements	Costs
Hotel	$13,467,500
Apartment	$11,200,000
Garage	$3,250,000
Total	**$27,917,500**

Tammy J. Grammer

From: Jon Camp [JonCamp@lincolnhaymarket.com]
Sent: Monday, December 07, 2009 9:44 AM
To: Tom K Casady
Cc: Tammy J. Grammer
Subject: False Alarm Legislation

Chief:

Would you please be prepared to discuss some statistics on LPD's experience with false alarms. In particular:

1. numbers of calls per year during recent years
2. of those calls, how many have been "actual" problems/events. . .versus "false"
3. business calls--% of total
4. residential calls--% of total
5. any statistics on alarm companies
   a. Essentially I am interested in whether "certain" firms are possibly less "thorough" in the manner in which their clients' alarms are installed
   b. If some companies are not as thorough, then more stringent registration might be in order to encourage responsible management and installation
6. Any other statistics you feel will be beneficial to our discussion.

Thank you,

Jon

JON A. CAMP
Haymarket Square/CH, Ltd.
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

Security is mostly superstition. It does not exist in nature, nor do the children of men as a whole experience it.

Avoiding danger in the long run is no safer than outright exposure. Life is either a daring adventure or it is nothing.

- Helen Keller

Tammy J. Grammer

From: Stan Mills [stan@squeegeestation.com]
Sent: Thursday, December 03, 2009 3:11 PM
To: Tammy J. Grammer
Subject: alarms

Please consider the option that LIBA has brought to the table for the false alarm fees. The original thought of security systems was for the safety and well being of our employees, customers, any other individuals that may be present on our premises, to deter criminal behavior and provide a better chance of apprehending criminals while on the property if a crime is committed. It seems that providing too stiff a penalty for the false alarms could in some cases create the need for businesses or home owners to cancel services. This would not be in the best interest of the city or the Police Department that will need to spend the extra time of investigation should a crime be committed. How much is that worth in the grand scheme of things?
Thanks for your consideration.

Stan Mills
Mill's Squeegee Fill Stations
402.435.8200 ext. 6
402.435.8230 (fax)

Rate Schedules and Service Regulations

For Rates Effective January 1, 2010

RECEIVED
DEC 04 2009
CITY COUNCIL OFFICE

LES

Report on file in the City Council Office.

ADVANCED SECURITY

P. O. Box 6341 Lincoln, Nebraska 68506-0341 (402) 486-3322 FAX (402) 483-6186

4 December 2009

Dear Council Member:

Please find enclosed some of my concerns and notes in regard to the False Alarm Ordinance 09-151.

I want my interests to be heard and also note taken of clean up or other potential flaws as written.

I know the original document is dated, it needs to be updated and done right.

At this time I also feel the impact of registration is burden full and fines and registration costs are absorbanate.

Thank you for your time and consideration.

Tim Hopkins

RECEIVED
DEC 04 2009
CITY COUNCIL OFFICE

My customers that have brought this to my attention are very unhappy with these fees. These are hardworking responsible local business and property owners they feel like there being treated as criminals.

Many customers desperately need security and have been unable to afford their monitoring service; I have recently experienced an increase in cancellations. This will add to their burden.

There are also other situations that constitute unnecessary responses are we going to charge citizens for reporting a barking dog that is no longer barking when officials arrive? Or someone saw smoke thinking there was a fire but there was not a fire present?

If there is truly a issue with low end national vendors we need to address that problem separately and not take it out on hard working alarm dealers and my customers.

Page2 During thanksgiving week there were between 5 and 14 calls per day for alarms recorded as false. For a population of way more than 200,000 citizens is this really an issue? I do agree improvements can be made through customer education and using quality equipment properly installed and maintained. Though given high expectations equipment is subject to degradation, installation errors, equipment failures, and user errors. Nothing last forever no matter how good it is or how well it is maintained.

And from this false alarm response rate how many properly operated systems and users were protected and caused no such problem. Acknowledging the benefit to the citizens and their property. Responsible users and installation companies are being asked to compensate for those who are not! Just like a pet license.

Baker Hardware was recently burglarized. Apparently they had no alarm. Want to bet they get one soon? How much does it cost the city and it's citizens when we have no alarms?

I also have the concern users will be deterred from having police response and responding to their own alarms and putting themselves a personal risk. We need to be very careful how far this is pushed, Customers now know when they have 4 and it does get their attention. Scheel's is a perfect example of self response. It consisted of no police response, a customer self responding, had the customer arrived sooner it could have ended potentially much worse.

Page 3 line 9 Alarm system appears to be a similar definition to "burglar alarm" on page 5 line 3 ? ? ?

Page 4 Line 12 answering service. "Alarm answering service" not defined nor "alarm" Documents repeatedly mentions "alarm answering service" ? ? ?

Page 5 line 3 Burglar alarm system see notes above page 2 line 9

Page 5 line 5 central station only refers to 5.56.060 which may be outdated??

Page 5 Line 19 and 20False alarm burden of proof since when? Innocent until proven guilty!

Page 6 line 6 is only listed in central station. And if so Nfpa by not be necessary??

Page 6 line 18 Eliminate handicapped if possible? I would not want to turn anyone away for a legitimate need and do have a stroke patient in my home. However there are life line units available from aging services (life office) and are paid by Medicaid and by need and are answered by medical staff. This may be out dated and unnecessary.

Page 7 line 9 5.56.020 Was telephone answering service overlooked? It only says alarm business. Or alarm answering service which again is undefined.

Page 9 line 8 So an alarm company is revoked all the customers are denied response?

Page 10 line 2 $100 seems excessive for a residence!

Is this a prorated amount? What if the customer installs equipment in the 23rd month is the customer whacked the full $100 for past 22 months they never had an alarm?

Page 11 Alarm user response lines 12 thru 15 keep existing text and ADD "unless the premise is secure"

Page 12 line 3 designated alarm answering service???? And Or alarm business???

Line 7 (c) Why are we doing this? The alarm company should be able to manage this? Again enabling more false dispatches. Does this apply to only a new installation? What if the customer upgrades to equipment he or she is still learning to use does this count too?? How do we figure out that part?

Line 16 (1) report by telephone numbers? This is the year 2009 lets do it right or other electronic notification??? Dedicated circuit, Internet, text, fax, email etc???????

Line 18 /19 Fire alarm this is a security document so who slipped this in here? FIRE alarm????

Same for lines 25 / 26 fire alarm????

Page 14 line 5 We want to eliminate false alarms but the current level is 4 and seemed reasonable, will now be 6 per 2 years?

We also need to keep in mind COURT costs that are added and considered the fine too.

Or can they be eliminated to parking ticket status and no court fees???? THAT'S an issue!

Define Alarm answering service????? Telephone answering service? I'm comfused?

Another person I spoke with Responded by saying good luck with the verification process NON ONE ever answers when we call.

I also have a concern for wasting time or high risk customers like those that deal cash, banks, check cashing services, pawns, jewelry, where you typically have a high risk and high level of care.

Can a customer with an Excellent level of discipline apply or earn non verification required status?

I also have concern for business owners that do respond to their alarms and the police have already left making the customer a little puzzled.

How do we deal with cancellation policies????

Can we have false alarm boot camp for problem users allowing users to avoid or refund alarm fees? Like a diversion program????

Were perfectly fine with whacking someone over the head but are unwilling to help them learn understand and grow for the positive. This piece is MISSING!

When fines or violation notices are mailed out I think it would be helpful to provided guidelines of how false alarms impact the city. What can cause false alarms and basic tips on equipment, maintenance, etc. Providers should be doing this but they also may not be doing it. This is A GOLDEN OPPORTUNITY when you have the customer's attention to improve the situation.

If you are reinstated do you start over at zero?????

There is no such provision in place to deny service or to stop anyone just keep fining them?

Everyone who owns a business or commercial property is supposed to be already registered. So what's the point? The chief of police has also been responsible to notify property owners upon receipt of an alarm. Has he been doing that? Has anyone read the existing ordinance?

It used to be almost impossible to call downtown and get someone to send an alarm registration form because NO ONE even knew what it was. I finally made a suggestion of having them available on Interlink. Had I not done that they would probably be still difficult to obtain. I provide them to all my customers as a courtesy upon installation or upgrades including residential that are not required to do so. And further suggest they fill them out.

Other cities with exception of Omaha charge $25 registration, Beatrice, Bellevue, Pappillion.

Renewal every 2 years in going to cause and avalanche of paperwork for someone how do you plan to handle it ????

GENERAL FACT SHEET

BILL NUMBER 09-151

BRIEF TITLE	APPROVAL DEADLINE	REASON
False Alarm Ordinance		

DETAILS

Amending Chapter 5.56 of the Lincoln Municipal Code relating to Emergency Alarm Systems by amending Section 5.56.010 to add and revise definitions; amending Section 5.56.020 to make words and phrases consistent with the definitions; adding a new Section 5.56.025 to specify procedures relating to the permitting of alarm businesses, to specify the length of time a permit remains valid, to specify the fee for an alarm business permit, to specify the time period allowed for renewal of alarm business permits, and to provide a fee for failure to obtain a permit; amending Section 5.56.030 to require permits for all alarm users, to specify the length of time a permit remains valid, to specify the time period allowed for renewal of alarm user permits, and to provide for a permit fee; amending Section 5.56.040 to require an alarm business to immediately notify the alarm user of an alarm, to provide a procedure for notification of the Emergency Communications/911 Center of an emergency alarm, and to delete requirements that notification be made by the Chief of Police; amending Section 5.56.050 to establish a fee schedule for false alarms to be assessed to the alarm user during the alarm user permit term and other fees; adding a new Section 5.56.055 to provide an appeal process; adding a new Section 5.56.065 relating to the process for notices and service of the same; amending Section 5.56.080 to change the penalty language to include a $50-$500 fine for violation of Section 5.56.020; adding a new Section 5.56.090 to establish a severability section for Chapter 5.56; and repealing Sections 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050 and 5.56.080 of the Lincoln Municipal Code as hitherto existing.

POSITIONS/RECOMMENDATIONS

Sponsor	Lincoln City Council member John Spatz
Program Departments, or Groups Affected	
Applicants/ Proponents	Applicant: - - John Spatz City Department: - - City Council Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommend.	❑ For ❑ Against Reason Against

Discussion (Including Relationship to other Council Actions)

	Board or Commission Recommend.	BY ❑ For ❑ Against ❑ No Action Taken ❑ For with revisions or conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council Use Only)	❑ Pass ❑ Pass (As Amended) ❑ Council Sub. ❑ Without Recommendation ❑ Hold ❑ Do not Pass

DETAILS

POLICY/PROGRAM IMPACT

	POLICY OR PROGRAM CHANGE	❑ NO ❑ YES _____ _____ _____
	OPERATIONAL IMPACT ASSESSMENT	_____ _____ _____ _
	FINANCES	
	COST AND REVENUE PROJECTIONS	COST of total project: $ COST of this Ordinance/ Resolution $
		RELATED annual operating Costs $
		INCREASE REVENUE EXPECTED/YEAR $
	SOURCE OF FUNDS	CITY [Approximately] _____ $_____ %____ - _____ $_____ %____ - _____ $_____ %____ - NON CITY [Approximately] _____ $_____ %____ - _____ $_____ %____ - _____ $_____ %____ -

LIBA Concerns

We asked for:

1. Two-year permit-term for both alarm businesses and users.

2. Fee Schedule for false alarms during a two-year permit term:
   1-10 = $0
   11-19 =$100 ($50 for homeowners)
   20+ =$250

3. Alarm Review Board
   a. 2 local alarm co. representatives
   b. 1 police officer
   c. 1 business person
   d. 1 neighborhood assc. person
   e. 1 firefighter

4. Allow 90 day for false alarm payment, rather than 30.

5. Recommended an appeals process for a denied permit to operate.

Proposed Ordinance

Ordinance proposes:

1. Two-year permit term for both alarm businesses and users. Renewals only occur between January 1-31 of even numbered years. See p. 6, lines 10-12.

2. Fee schedule for false alarms during a two year permit term:
   1-6 =$0
   7-15 =$100
   16+ =$250
   Late fee for each false alarm invoice which is delinquent =50% of false alarm invoice fee

   There may be additional fees for failure to verify ($100);intentional cause of false alarm ($250); fails to disclose was not a permit holder ($100) See p. 14, lines 1-21.

   There will be no false alarm fee assessed during the first seven days after an installation given all proper documentation is in place and procedures were followed. See p. 12, lines 7-15.

3. Alarm Review Board
   a. 2 local alarm co. representatives
   b. 1 police officer
   c. 1 business person
   d. 1 neighborhood assc. person
   See p. 3, lines 1-8.

4. Allows 90 days for false alarm payment. See p. 14, lines 1-14.

5. Includes appeals process:
   1. File a written appeal;
   2. Pay a $25 filing fee;
   3. ARB schedules hearing w/in 14 days;
   4. Alarm business/user may appear in person to make case, should provide written documentation;
   5. ARB may grant or deny appeal;
   6. ARB sends written notice to alarm business/user & Chief of Police.
   7. If granted, notifies City to refund. If not, the alarm business/user may seek judicial remedies permitted by law. The Chief of Police may also reinstate a permit if a new application is submitted and filing fee paid, pays all outstanding fines, and submits a certificate the alarm system has been inspected and repaired (if necessary). See p. 14-16, lines 25-9.

ADVANCED SEC Main Identity

From: "optima2400" <optima2400@windstream.net>
To: <andre@liba.org>
Cc: "Mary Jane Nielsen" <mjn@necosecurity.com>
Sent: Wednesday, December 02, 2009 3:41 PM
Subject: alarms liba

Andre:

I will only respond to the current document sent with LIBA concerns addressed from my perspective.

Liba 1 Renewing every two years is going to create an avalanche of paper work for someone every two years. I also have concern for interim permits or new installations. If I purchase a system in the 22 second month do I pay $100 for the next two months or is this going to be prorated?

I also think the amount of registration is excessive for a resident.

Liba 2 The current ordinance allows 4 in a 12 month period if I understand it correctly. Liba proposal enables 2 more responses which is what I would think is the purpose of avoiding, right? It also does not give a reasonable rollover point (12 months) to start over.

If a user is not a permit holder who ever at the city who holds all of the records ought to be able to figure that fact out. You are bogging down the alarm dispatch and 911 dispatch process.

Further we are again enabling for unnecessary dispatch with free response for the first seven days of installation. WHY? The alarm company could handle this internally....

What constitutes a new installation? A customer may upgrade or replace equipment that he or she is learning to use. And if we do this process how is that acknowledged?

Liba 3 I am sorry but I have no idea what a firefighter has to do with any of this. The entire document relates to burglary / intrusion systems.

Liba 4 I am neutral However I would like the fine process limited to parking ticket status. These fines or fees add Court costs which may as well be part of the fine. Making it $145 or $ 295 estimating $ 45 court fees which are even likely More!

Liba 5 I find these voluntary boards and groups rather difficult to coordinate even on a regular basis with several parties yet alone in 14 days.

On Monday I reviewed the entire document and the next morning compiled notes of my concerns about the entire document. I may also have more at this point. I have shared them with Neco.

It is my feeling that if Scheel's would have not been responding to their own alarms in the first place (to avoid fines) and likely because they were irresponsible and over their limit this may have never happened. This document could also force other alarm system owners to respond to their own alarms creating very dangerous situation(s) and putting themselves at further risk of personal injury.
Not very smart.

Again thank you very much for sharing and I still think a lot of things need to be aired out.

Tim Hopkins

ADVANCED SEC Main Identity

From: "Andre Mick" <andre@liba.org>
To: "optima2400" <optima2400@windstream.net>
Sent: Wednesday, December 02, 2009 3:25 PM
Subject: Re: Alarm Ordinance Comparison

Hi Tim,

Well, Councilman John Spatz is the introducer and it's my understanding that he became concerned when, after the Scheel's incident (the major gun theft) Chief Casady reported on alarm systems. During that conversation, Councilman Spatz became aware that there are some Lincoln businesses that have an excessive number of false alarms to which LPD must respond.

It's my understanding that Councilman Spatz believed that LPD could better use its limited resources, so he drafted legislation that would encourage businesses to be more responsible and provide additional funding to LPD (through increased fees).

However, some of our LIBA members were concerned about the potential of significantly reducing the number of free false and the associated increased fines. So, there were a number of interested parties that met to help formulate some reasonable ideas as to what might work for the business community as well.

I think the proposed ordinance seems to be pretty reasonable. You may want to contact Councilman Spatz if you have any other concerns. It's been my experience that he is always willing to discuss concerns and questions citizens have.

Hope this helps.
Andre'

> ----- Original Message -----
> **From:** optima2400
> **To:** Andre Mick
> **Sent:** Wednesday, December 02, 2009 2:59 PM
> **Subject:** Re: Alarm Ordinance Comparison
>
> Andre,
>
> Thank you for keeping me informed. Why was this originated? And what were initial concerns that brought all this on?
>
> Tim
>
>> ----- Original Message -----
>> **From:** Andre Mick
>> **To:** Andre Mick
>> **Sent:** Wednesday, December 02, 2009 2:26 PM
>> **Subject:** Alarm Ordinance Comparison
>>
>> All,
>>
>> I have provided a summary comparison of issues our group was concerned with v. what the proposed amended ordinance states.
>>
>> You will notice on item #2 that there is still some disparity. We will likely still ask the Council for our original request. Otherwise, I think most of our concerns were addressed.
>>
>> Please email or call me with your thoughts.
>>
>> Have a good day,
>> Andre'

Home / News / Local News / Local Crime & Courts

Baker Hardware reports overnight burglary

- Story
- Discussion

By the Lincoln Journal Star | Posted: Monday, November 30, 2009 5:00 pm | Loading...

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An employee arriving at Baker Hardware early Monday found the remnants of an overnight burglary that will cost the store thousands of dollars, police say.

An overhead garage door to the store at 801 N St. was open when the employee arrived just after 7 a.m., and carts were filled with inventory ready to be wheeled out, Lincoln Police Capt. David Beggs said.

Police believe a burglar or burglars got into the store by prying open a door on the east side of the building.

Monday morning, a considerable number of tools and other items were missing, as was an undisclosed amount of cash from the safe, Beggs said.

Police estimate the value of the stolen items and cash at more than $20,000. Damage is estimated at $2,605.

The store reopened about noon Monday.

Posted in Crime-and-courts on *Monday, November 30, 2009 5:00 pm* Updated: 5:37 pm. | Tags: Crime,

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Home / News / Local News

Scheels burglary prompts talk of false alarms

The burglary of a local sporting goods store caught the attention of city officials and prompted talk of tightening ordinances governing false alarms.

- Story
- Discussion

DEENA WINTER / Lincoln Journal Star | Posted: Tuesday, October 9, 2007 7:00 pm | No Comments Posted

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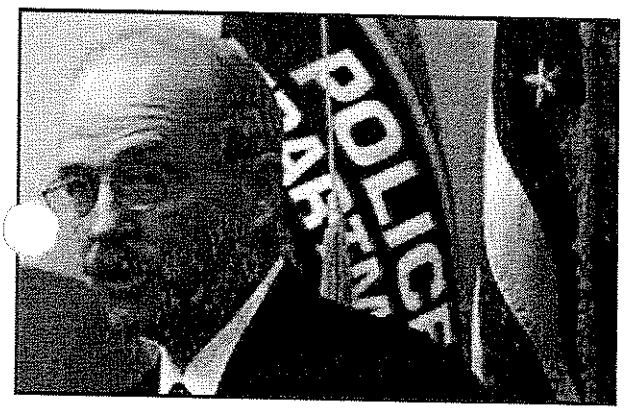

Buy this photo Police Chief Tom Casady

The burglary of a local sporting goods store caught the attention of the Lincoln City Council and has prompted talk of tightening the city's ordinance governing false alarms.

During an informal council meeting Monday, Councilman Doug Emery asked the police chief about the Oct. 1 theft of more than 80 guns from Scheels All Sports.

Casady said Scheels' alarm went off at 1:40 a.m. and went to a security company's central monitoring station. A Scheels manager was contacted at 1:52 a.m., and the manager went to the store to check things out. Police were notified at 2:12 a.m., he said.

"We were there in three minutes," Casady said.

Police have said the culprits left the store eight minutes after shattering the glass doors. Casady didn't know why it took 12 minutes for the security company to notify the manager.

He said he's sure if the Scheels manager could do things over again, he'd have alerted police

/news/local/crime-and-courts

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immediately.

Some businesses have repeated false alarms — one, which Casady declined to name, has had 37 so far this year — he said. He said Scheels has had one false alarm so far this year and had four last year.

"This was just a fluke," Casady said of the successful break-in.

Discussion of the break-in led to talk of tightening Lincoln's ordinance governing false alarms.

So far this year, Lincoln police have responded to more than 3,000 false alarms, each of which ties up at least two police cruisers that respond in full emergency mode.

Casady estimated "way less than 10 percent" of alarms are "true alarms." False alarms are a headache in many cities, and in some areas police stop responding after repeated false alarms. Some cities also require businesses and homes with alarms to pay a fee to register with the city.

Casady said Lincoln's alarm ordinance hasn't changed since it was enacted in 1982. It allows four false alarms without repercussion; the fifth brings a $25 fine. Most cities allow one or two false alarms before triggering escalating fines, Casady said.

"We have one of the more liberal alarm ordinances that you'd find anywhere," he said.

In Omaha, for example, you get one freebie and then get hit with a $100 fine for the second false alarm, $100 for the third and $250 for the fourth.

Casady believes Omaha's strict ordinance has actually helped reduce the number of false alarms in Lincoln due to the number of businesses that operate in both communities and have changed their practices to avoid false alarms. Lincoln police responded to 4,848 false alarms in 2002.

Casady met with security companies in July to talk about stiffening Lincoln's alarm ordinance. He said he expected them to oppose the idea, but they supported it because they also want to reduce the number of false alarms.

Some council members seemed interested in the idea. Councilman Dan Marvin asked Casady to get statistics on Lincoln and Omaha's alarms, saying, "if we were going to change the ordinance, the purpose would be to cut down on false alarms."

Reach Deena Winter at 473-2642 or dwinter@journalstar.com.

Posted in Local on *Tuesday, October 9, 2007 7:00 pm* Updated: 2:56 pm.

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Chapter 5.56

EMERGENCY ALARM SYSTEMS

Sections:

5.56.010	**Definitions.**
5.56.020	**Registration Required.**
5.56.030	**Registration.**
5.56.040	**Alarm User Response.**
5.56.050	**False Alarms.**
5.56.060	**Automatic Dialing Devices.**
5.56.070	**Exception for Severely Handicapped.**
5.56.080	**Penalties.**

5.56.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Alarm business shall mean any business operated by a person which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, servicing, testing, monitoring, or responding to an emergency alarm system, or which causes any of these activities to take place within the city jurisdiction.

Alarm system shall mean emergency alarm system as hereinafter defined as an assembly of equipment, devices and component, or any one self-contained device, arranged to automatically signal the present occurrence of a robbery or other unlawful intrusion by audible alarm or direct connections to central station, answering service, or direct dialer to which the Lincoln Police Department is expected to respond.

Alarm user shall mean any person, firm, or corporation on whose premises an alarm system is maintained within the city and within three miles of the corporate limits of the city, except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm user.

Answering service shall mean and refer to a telephone answering service providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems; and thereafter immediately relaying the message by live voice to an emergency communications center, maintained by local government thereby inducing emergency response.

Automatic dialing device shall mean and refer to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Burglar alarm system shall mean and refer to an alarm system signaling an entry or attempted entry into the area protected by the system.

Central station system shall mean an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and where runners are dispatched to investigate signals, and which has been certified as complying with "UL and NFPA" standards for central station facilities, equipment, and operation.

Chief of Police shall mean the chief of the Lincoln Police Department or a duly appointed authorized representative.

Emergency communications center shall mean the combined emergency communications center maintained by the City of Lincoln and Lancaster County in the County-City Building or any other place or location from which elements of the Police Department or Fire and Rescue Department are dispatched.

False alarm shall mean the activation of an alarm system, except those caused by acts of God, including but not limited to extraordinary electrical storms, tornadoes, or floods, or actual emergency to which the Lincoln Police Department gave an emergency response.

Holdup alarm system shall mean and refer to an alarm system signaling a robbery or attempted robbery.

Location shall mean the street address of the premises in which an alarm system is installed.

NFPA shall mean and stand for the National Fire Protection Association.

Primary trunkline shall mean a telephone line leading directly into the communications center maintained by local government that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the Police and Fire and Rescue Department's jurisdiction.

Severely handicapped individual shall mean a handicapped individual who has a severe physical or mental disability which seriously limits mobility or communication and who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke), paraplegia, quadriplegia, other spinal cord conditions, or any other condition which causes substantial functional limitation.

UL shall mean and stand for Underwriters' Laboratories. (Ord. 18170 §21; April 28, 2003: prior Ord. 15482 §1; March 5, 1990: P.C. §5.15.010: Ord. 13438 §1; August 30, 1982).

5.56.020 Registration Required.

It shall be unlawful for the owner or lessee or any alarm system to utilize such alarm system without first registering such system with the Chief of Police as hereinafter provided. (Ord. 15482 §2; March 5, 1990: P.C. §5.15.020: Ord. 13438 §2; August 30, 1982).

5.56.030 Registration.

The owner or lessee of any alarm system shall register said system with the Chief of Police, unless said alarm system protects a private residence, in which case no registration shall be required. The registration shall show:

(a) The name and address of the owner or lessee of the alarm system;

(b) The name, address, and telephone number of the authorized representative;

(c) The location at which the alarm system is installed;

(d) The alarm business servicing the alarm system.

Upon receipt of said registration, the Chief of Police shall keep said registration on file. The Chief of Police shall designate upon such registration the date and time of any false alarms received at that location, and the officers who responded. Said registration shall be open for the inspection of the alarm

user or authorized representative of the alarm user on regular business days, between the hours of 8:00 a.m. and 4:00 p.m. at the office of the Chief of Police.

Nothing in this section shall relieve the owner or lessee of any alarm system protecting a private residence from other duties or obligations imposed by this chapter. (Ord. 15482 §3; March 5, 1990: P.C. §5.15.030: Ord. 13438 §3; August 30, 1982).

5.56.040 Alarm User Response.

Upon receiving an emergency alarm signal, the Chief of Police shall immediately notify the alarm user or an authorized representative of the alarm user. Upon being notified of an activated alarm, the alarm user or an authorized representative of the alarm user shall immediately respond to the premises in person without delay. (Ord. 15482 §4; March 5, 1990: P.C. §5.15.040: Ord. 13438 §4; August 30, 1982).

5.56.050 False Alarms.

It shall be unlawful for the owner or lessee of any alarm system to accumulate more than four false alarms, per location, in any twelve-month period. (Ord. 15482 §5; March 5, 1990: P.C. §5.15.050: Ord. 13438 §5; August 30, 1982).

5.56.060 Automatic Dialing Devices.

(a) Except as otherwise provided in this chapter, no automatic dialing device shall be interconnected to any trunkline, terminating in the emergency communications center.

(b) Within ninety days after the effective date of this ordinance, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of such device shall be responsible for having the device disconnected within the ninety day time period.

(c) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitted directly to:

(1) a central station;

(2) an answering service;

(3) automatic dialing devices may also be interconnected to one or more telephone numbers available to the owner or lessee of the devices, or their designated representatives, at another location. (Ord. 15482 §6; March 5, 1990: P.C. §5.15.060: Ord. 13438 §6; August 30, 1982).

5.56.070 Exception for Severely Handicapped.

(a) A severely handicapped individual may have an automatic dialing device interconnected to a trunkline other than 911, terminating at the emergency communications center; provided that the individual secures a permit therefor from the Mayor's office. Under no circumstances may the automatic dialing device be interconnected to the 911 trunkline.

(b) Any severely handicapped individual wishing to utilize an automatic dialing device interconnected to a trunkline terminating in the emergency communications center shall make written application for a permit therefor upon forms provided for that purpose by the Mayor's office. Said application shall contain:

(1) The name and address of the applicant;

(2) A statement of disability by applicant; and

(3) A statement from a licensed physician certifying the disability.

(c) Such permits shall be good for one year from the date of issuance and may be renewed by filing a current physician's certification on or before (but not more than one month) the expiration date of said permit.

(d) It shall be unlawful for a severely handicapped individual to interconnect an automatic dialing device to a primary trunkline, terminating at the emergency communications center without such permit being in full force and effect. (Ord. 15482 §7; March 5, 1990: P.C. §5.15.070: Ord. 13438 §7; August 30, 1982).

5.56.080 Penalties.

Any person, firm, or corporation upon whom a duty is placed by Sections 5.56.020, 5.56.030, 5.56.040, 5.56.060, or 5.56.070 of this chapter who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of those sections, shall be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed $100.00.

Any person, firm, or corporation who shall violate the provisions of Section 5.56.050 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of twenty-five dollars.

Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 15482 §8; March 5, 1990: P.C. §5.15.080: Ord. 13438 §8; August 30, 1982).

City of Beatrice
www.beatrice.ne.gov
400 Ella Street - Beatrice, Nebraska 68310
Phone: (402)228-5200 - Fax: (402)228-2312

Registration of Security and Fire Alarm Systems

City Ordinance # 09-021 requires registration of security and fire alarm systems within the zoning limits of the City of Beatrice

☐ **Initial** Alarm Registration ☐ **Renewal** Alarm Registration

☐ Intrusion/Security Alarm ☐ Fire Alarm*

Business Name: _____ Alarm Address: _____

Name of Principal: _____

Principal's Address: _____ Ph/s: _____

Use of Protected Property: _____ Is Alarm System Monitored? Yes ☐ No ☑

Alarm Monitoring Company: _____

Monitoring Company Address : _____ Ph: _____

Emergency Contact Information: PLEASE PRINT (Three Contacts Required)

1. Contact: _____ Address: _____ Ph: _____
2. Contact: _____ Address: _____ Ph: _____
3. Contact: _____ Address: _____ Ph: _____

Annual Registration Fee: $25

Annual registration is from August 1 – July 31

False Alarm charges range from free for the first one and up to $250 for subsequent False Alarms

Please read the reverse side of this form for more information and the fee schedules

I, _____ (please print) known as the registrant, verify that the information furnished on this Registration Form is correct and that the alarm system is in conformance with the provisions of City Ordinance # 09-021. I further state that I will file an amendment to my application setting forth the currently accurate information to the City of Beatrice within ten (10) days, upon any change of circumstances which renders obsolete any information submitted. I also certify that the appropriate onsite employees have been given training which includes procedures and practices to avoid false alarms and steps to follow in the event the alarm system is accidently activated.

Signed: _____ Date: _____

*Does the protected property have a **Knox Box** located on the exterior of the building, adjacent to entrance to building, with all necessary keys for the complete access to the building and fire alarm panel? Yes ☐ No ☑

*Initial applications for a fire alarm system installed in a commercial, industrial or multi-family dwelling must include an inspection report from a State of Nebraska licensed inspector certifying the alarm system has been installed in accordance with applicable fire codes and is operating properly.

PUBLIC NOTICE

RE: Alarm system registration

Dear Business Owners/Operators:

On May 18, 2009 the Beatrice City Council approved City Ordinance 09-021 requiring the registration of alarm systems. Now all burglar alarms, robbery alarms, hold up alarms, panic alarms, and fire alarms which, when activated, cause notification to be made directly or indirectly to the Police Department or Fire Department, must be registered. The registration of these alarms was to begin August 1, 2009; however, the City has extended the initial registration deadline to October 1, 2009. If your property is protected by any of the aforementioned alarm systems, please complete a registration form and return it to the City Clerk at 400 Ella Street, Beatrice, Nebraska **by October 1, 2009**.

You can find additional information regarding the registration requirements and fees, including a registration form and fee schedule for false or nuisance alarms by visiting the City's website at http://www.beatrice.ne.gov/departments/city/clerk/forms.shtml or by stopping by the City Clerk's office at 400 Ella Street.

SECURITY/FIRE ALARM REGISTRATION REQUIREMENTS

- *A "False Alarm" is* an alarm signal that elicits a response by police or fire personnel when a situation requiring a response does not exist, but does not include an alarm signal caused by acts of God or other extraordinary circumstances not reasonably subject to control by the alarm user.

- *A "Nuisance Alarm" is* an alarm signal caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.

- The holder of the alarm system registration shall at all times, be responsible for the proper maintenance and repair of the system and for the repair and replacement of any component, method of installation, design feature or like condition which may be responsible for a false alarm.

The fee schedule for alarm registration shall be as follows:

1. Initial registration fee for alarm systems (not to include single family homes and duplexes)	$25.00
2.Annual renewal fee per alarm system (not to include single family homes and duplexes)	$25.00
3. Late registration fee (30 days or more)	$35.00

The fee schedule for false and nuisance alarms generated during the registration year (from August 1st -July 31st) shall be charged as follows:

Number of false or nuisance alarms	False/nuisance alarm charges
1st false/nuisance alarm	No Charge
2nd ----------	$50.00
3rd ----------	$100.00
4 or more ----------	$250.00 each

False alarm fee for alarm systems without registration - $250.00 per false/nuisance alarm after the first false/nuisance alarm (not to include single family homes and duplexes).

All false alarm fees will be doubled if a representative from the business or residence does not respond to the property at the request of Police or Fire personnel.

Failure to Pay Fees

(A) For all *non fire* alarm systems, if the alarm user fails to pay the registration fee or false alarm fees, written notice shall be sent to the user by certified mail. If payment is not made within ten days from the date of the mailing, then the user's permit to maintain an alarm shall be revoked by the Coordinator. The system must be removed from the protected premises within 15 days, unless a decision by the Coordinator allows for reinstatement of the alarm systems registration.

(B) In the case of a fire alarm system, for which the registration fees or false/nuisance alarm fees have not been paid, upon determination of the Coordinator, or his designee, registration may be revoked and the State Fire Marshal notified. If such action is taken in a location required by state law to have an operable fire alarm system, the premises may be closed until the alarm is brought into compliance, and/or fees have been paid, or an approved fire watch must be implemented.

BELLEVUE

This section does not contain the entire volume of City ordinances, only those which inspire the most frequent questions. If you need help on a specific ordinance, call the City Clerk at 293-3007. To search for specific questions, click here.

CITY OF BELLEVUE ORDINANCES AND POLICIES

. ALARM SYSTEMS

(Section 8-88 to 8-96, City Code)

1. All alarm systems within the City of Bellevue must be registered within 10 days following installation. Existing alarms must be registered by 60 days after the effective date of Ordinance #3238 (December 9, 2002). Download and complete a registration form here.

2. Fee for registration is $25. $50 is charged for any late registration or late renewal.

3. The registration will expire 12 calendar months from the date of issuance or whenever there is a change in the owner. Registration shall be renewed 10 days prior to expiration.

4. Fees for false alarms are as follows:

First - No Charge

Second - $ 100.00

Third and subsequent - $ 250.00

Fees must be paid within 30 days of invoice.

5. City may revoke the registration of any alarm system. Alarm must be removed from the protected premises within 15 days thereafter unless the decision is appealed. It is also a criminal violation to install, use, or maintain an alarm system in violation of this ordinance.

BAR-B-QUE GRILLS

(Uniform Fire Code, 1997 edition)

1. No charcoal burning grills are permitted on wooden decks.
2. Hot ashes shall not be deposited in a combustible receptacle.

BURNING:

(Section 12-45, Bellevue City Code)

1. There will be no burn barrels allowed in the Bellevue city limits.

2. Small fires for cooking purposes, i.e. grills, cooking ring, outdoor fire place with cooking grates or underground cooking pits are allowed.

3. The only materials that can be burned with a burn permit are trees, brush, weeds, garden waste, and natural vegetation. Burning of these materials shall be in small piles, and may be inspected at any time.

4. Burning of manufactured wood, such as pallets, deck wood, or any type of structural materials; any type of paper, plastic, or rubber, or any types of vehicles or parts of vehicles are not allowed.

5. A burn permit may be obtained Monday through Friday, 8:00 am to 4:00 pm, at District #1 Fire Station, 211 West 22nd Ave, Bellevue (directly behind City Hall). Call (402) 293-3153 with questions. The burn permit fee is $5.00.

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(http://www.egovlink.com/p

Police Department

Community Awareness

Alarm Ordinance

Ordinance 1408 (http://www.e-codes.generalcode.com/codebook_frameset.asp?ep=fs&t=ws&cb=1746_A)
Alarm Registration Form (http://www.egovlink.com/public_documents300/papillion/published_documents/Police%20Department/forms/Copy%20of%20Alarm%20Registration%20Form.xls)
Alarm Ordinance FAQ (http://www.egovlink.com/public_documents300/papillion/published_documents/Police%20Department/forms/Alarm%20-%20FrequentAskQuestions.pdf)

False Alarm Ordinance Now in Effect

On June 3, 2003 , Ordinance #1408 was approved by the Papillion City Council. This ordinance enacted a business and residential alarm code within Papillion City Limits. With passage, the ordinance creates a registration process, provides for fees to be charged for registration of residential and business alarms, and provides for graduated fees for excessive false alarms to encourage improvement in the reliability of alarm systems. Nationwide, 99% of the time when police are dispatched for an alarm call, it is false. Papillion is no different. In 2002, 99% of our alarm calls were also false. Responding to false alarms cost citizens like you a lot of money. In addition, a relatively low number of business and residential addresses generate the vast majority of repeat false alarm calls.

How much will this cost me?

The ordinance requires business and residential alarm users to register their systems with the city, pay a $15 annual registration fee, and pay a fee for excessive false alarms during each registration period as follows: 2-5 alarms - $50 each; 6 to 10 alarms - $100 each; 11 or more alarms - $150 each. In addition, late fees and fees for non-compliance from alarm principal and alarm businesses may be assessed. Each alarm will receive one "free" false alarm response per year.

Are there exceptions?

Infrequent severe weather may result in sporadic invalid alarm activations. In such cases, the false alarm fee may be waived. An appeal process is included in the ordinance and will be provided to you in writing if you are assessed a fee for which you believe an exception should be made.

What do I need to do to register my alarm?

2e

Nothing. The city has contracted with ATB Services in Colorado Springs , Colorado to work with your alarm company to identify all alarm system users in the City of Papillion . Once identified, you will receive a registration notice on behalf of the city from ATB Services. ATB's notification will provide instructions on how to properly register alarms. All other communications regarding applicable false alarm fees will also be made in writing and will be mailed to you.

Why do I send my alarm registration and false alarm fees out of state?
It would be cost prohibitive for our city to build, operate, and maintain a false alarm tracking and ticketing system. Therefore, the city has contracted with a firm which has expertise in providing this service to Papillion. This service is provided at no cost to the taxpayers of Papillion.

Who can I call if I have more questions?
Two places. You can contact ATB Services in Colorado Springs toll-free at 800.861.5944, or contact Officer Kurt McClannan of the Papillion Police Department at 403.597.2035. We encourage you to obtain a copy of the ordinance from Papillion City Hall, or by clicking on the link above.

Copyright City of Papillion. All rights reserved.
Questions or Comments? Email the Webmaster (mailto:nbrown@papillion.org) .

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§ 80-1 Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

ALARM BUSINESS

Any person who installs alarm systems, other than a principal, or who, pursuant to an agreement with a principal, communicates the presence of an emergency by an alarm system sound or signal to the City Public Safety Department Communications Center (PSDCC).

ALARM SYSTEM

Any device (other than a device installed upon premises occupied by the City) to detect, deter, prevent, sound, or otherwise signal an intrusion, other criminal activity, fire, rescue, or other emergency situation (collectively "emergency") which, when activated, employs the use of:

A.

An audible annunciator; or

B.

A visual signal or other means to alert the PSDCC of an emergency, whether directly or indirectly.

AUDIBLE ANNUNCIATOR

That part of an alarm system which, when activated, sounds or signals an emergency by means of a bell, siren, buzzer or similar sound-producing device which is audible at a distance of 50 feet from the protected premises.

COORDINATOR

The Papillion City Administrator or the individual or department designated by the City Administrator to perform such duties as are imposed by this chapter.

FALSE ALARM

Any sound or signal from an alarm system resulting in a response by the Police, Fire and/or Rescue Department when an emergency does not exist.

PRINCIPAL

The person, firm, partnership, association, corporation, company, or organization whose premises are or will be protected by an alarm system. If the premises are leased, the principal shall be the person in possession or control of the protected premises, unless more than one tenant is served by a single alarm system, in which event, "principal" shall mean the owner of the protected premises.

PROTECTED PREMISES

The area to be covered by an alarm system.

§ 80-6 Maintenance of alarm systems.

A.
The principal shall, at all times, be responsible for the proper maintenance and repair of the alarm system, including the repair or replacement of any component or design feature.

B.
Each alarm system shall be maintained so that each audible annunciator will automatically silence within 15 minutes after being activated and will not be reactivated unless a new emergency occurs.

C.
An alarm system incorporating an audible annunciator shall not be tested between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

Frequently Asked Questions about the False Alarm Ordinance Alarm Registration, False Alarm Fees, and ATB Services

Question 1:

Why did the city pass a false alarm ordiance

Answer 1:

99% of the time when the police are dispatched for an alarm call it is false. Responding to false alarms costs the citizens of our community like you a lot of money.

Question 2:

Why do I register my alarm every year.

Answer 2:

The information in the alarm registration process is needed to track and ticket false alarm charges. Alarm registration information changes often and it needs to be updated and maintained at least yearly. There is a cost associated with notifying and maintaining alarm registration information and that is why there is an alarm registration fee.

Question 3:

Why do I send my alarm registration and false alarm fees out of state.

Answer 3:

It would be very cost prohibitive for our City to build, operate, and maintain a false tracking and ticketing system. Therefore the city has contracted with a firm that are experts in providing this service to cities and can track and process tickets much cheaper and more effectively.

Questions 4:

If I have a specific question about my ticket where do I call.

Answer 4:

You can call the city's false alarm tracking and ticketing service at 800-861-5944

ALARM REGISTRATION FORM
CITY OF RALSTON
C/O FEH Billing, LLP
P.O. Box 27111
Ralston, NE 68127
(866) 367-9112

1. ❑ Initial Alarm Registration ❑ Renewal Alarm Registration

2. ❑ Intrusion Alarm ❑ Fire Alarm*

3. Name of the principal: _____

Address: _____

City, State, Zip _____

Telephone _____

FOR OFFICE USE ONLY

DATE RECEIVED: _____
REGISTRATION #: _____
DATE CERTIFICATE SENT: _____
PROCESSED BY: _____

4. Name of the protected premises (other than home): _____

5. Street address of the protected premises: _____

6. Use of the protected premises: _____
(home, office, business, apartment building, etc)

7. Is this alarm system monitored? ❑ Yes ❑ No

8. Names, addresses and telephone numbers of at least three persons who have access to the protected premises:
(Please type or print)

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____	City, State, Zip: _____
Tel # Home: _____	Tel # Home: _____	Tel # Home: _____
Tel # Business: _____	Tel # Business: _____	Tel # Business: _____

9. Alarm business who may have access to the protected premises: (If applicable)
Alarm Company Name: _____ Tel # _____

10. I certify that the immediate family, tenants, or employees (as appropriate) who have access to the protected premises have been given training which includes procedures and practices to avoid ***false alarms*** and steps to follow in the event the alarm system is accidentally activated.

Signature of the principal: _____
Registration Fee: $25.00 Payable to the City of Ralston
Please enclose your registration fee and mail the original to the address at the top of this form.

False alarm charges range from free for the first one to up to $250 for subsequent false alarms.

ADDITIONAL INFORMATION REQUIRED FOR FIRE ALARMS
*** Does the protected property have a Knox box located on the exterior, adjacent to the main door, with all necessary keys for complete access to the building and fire alarm panel?** ❑ Yes ❑ No

*** Initial applications for a fire alarm system installed in a commercial, industrial or multifamily dwelling must have an inspection report from an inspector licensed by the State of Nebraska certifying the alarm has been installed and is working properly.**

City of Omaha
PO Box 30159
Omaha, NE 68103-1259

ALARM REGISTRATION

Business or Residence Name	Address of Protected Premises	Location Type
		Business ☐ Residence ☐

Principal (responsible party or business)

Principal Billing Address		Alarm Type
Address:		Burglar ☐ Fire ☐ Other ☐ Specify Other
City, State & Zip:		
Home Phone:		
Work Phone:		

In Event of an Alarm, Contact (in order):

Name	Home Phone	Work Phone	Pager or Mobile Number

Alarm Company:	

NOTICE

For intrusion alarms: If responding officers find the building secure, they may return to service before the contact person arrives.

Any changes in contact information should also be communicated to your alarm service provider. Alarm Tracking and Billing Services does not inform alarm companies of changes pertaining to this information.

This is to certify that as the applying principal, my immediate family, tenants, or employees who have access to the protected premises have been given training which includes procedures and practices to follow in the event that the alarm system is accidentally activated.

Principal's Signature:		Date:	

MAKE CHECKS PAYABLE TO: CITY OF OMAHA

Return This Form and Registration Fee To:
City of Omaha
PO Box 30159
Omaha, NE 68103-1259

CONFIDENTIAL

For service call: 1-800-861-5944

For Office Use Only	
Registration No.	
Expiration Date:	
Fee Paid:	
Date Entered:	

Intrusion Alarm Policies

New home owners or businesses will be registered by the installer when the alarm is inst
annually.

The alarm company will notify the City of Omaha Finance Department, Revenue Division
Intrusion Alarms Form for new and renewal clients and send required fees at the same ti

The alarm companies may access this form online. In addition the website provides a sta
ordinance passed by the City Council July 16, 2002, and a List of the Most Frequently As

The Alarm Companies assign a registration number, the first three characters are the co
alarm company retains a copy of the number for use by its monitors to notify 911 of an al
companies are given an electronic form through email or disk of the Alarms Registration

Once the City of Omaha verifies payment has been received, an electronic file is sent da
911 system.

If during the interim an alarm communication system company calls for 911 services due
recorded and 911 responds to the call. The registration is verified at a later date by the C

If the registration number proves to be false, fines will be enforced.

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Intrusion Alarm System & Registration FAQ's

(Page and line cites are references to the City Ordinances)

Q: Whom does the alarm user pay?
Q: How much is the application fee?
Q: Can I transfer my alarm registration to another principal or protected premise?
Q: Can I get a refund?
Q: How much are the false alarm fees?
Q: What is my registration number?

Q: Whom does the alarm user pay?
A: The alarm user must annually submit a registration fee and registration application:

City of Omaha
P.O. Box 30159
Omaha, NE 68103

Please ensure that checks are made payable to the City of Omaha.

return to top

Q: How much is the application fee?
A: The annual application fee for residential alarm users shall be $25.00. The commercia
37574, page 2, line 6)

return to top

Q: Can I transfer my alarm registration to another principal or protected premise?
A: No. (Ordinance 35997, page 8, line 10)

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Q: Can I get a refund?
A: No. Refunds will not be given on termination of any alarm system registration for any r
12)

return to top

Q: How much are the false alarm fees?
A: 1st false alarm during the registration term $0.00
2nd false alarm during registration term $100.00
3rd false alarm during the registration term $100.00
4th and subsequent false alarms during $250.00
registration term
(Ordinance 37574, page 2, lines 17-22)

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Q: What is my registration number?
A: The alarm company assigns and retains registration numbers. The first three characte followed by numerical characters. (Ordinance 35997, page 4, line 24)

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City of Omaha
Jim Suttle, Mayor

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OMAHA, NEBRASKA

Fire Department
1516 Jackson Street
Omaha, Nebraska 68102-3110
(402) 444-5700
FAX (402) 444-6378
Michael F. McDonnell
Fire Chief

Honorable President

and Members of the City Council,

Attached please find an Ordinance which amends portions of Chapter 25 of the Omaha Municipal Code addressing alarm registration so that the requirement will now apply to fire alarms. The Ordinance is written so that the additional requirements of registration for fire alarms shall not take effect for forty-five (45) days to allow the covered entities to register them. In addition, the Ordinance is written so that the fire alarm registration requirements do not apply to single family residences and duplexes, but do apply to any other building.

The Fire Department has observed that the number of false alarms to which it responds has increased. The response to the fire alarms results in units being called out of service to respond, leaving other parts of the city requiring response from greater distances. The result is that the Fire Department uses valuable time responding to false alarms. The hope is the imposition of this fire alarm registration and fees for false alarms will ensure better monitoring of this system.

Your favorable consideration of this amendment is requested.

Respectfully submitted,

6-15-09
Michael F. McDonnell
Fire Chief
Date

Referred to City Council for Consideration:

25 June 09
Mayor's Office
Date

Respectfully submitted,

6/24/09
Carol A. Ebdon
Finance Director
Date

p:\law - city council documents\2009\10154dae.doc

ORDINANCE NO. 38468

AN ORDINANCE to amend Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25. 25-26, 25-27, 25-29, 25-30 and 25-31 of the Omaha Municipal Code, dealing with the registration, forms, fees, and methods for alarms so that it applies to fire alarms as described; to provide that the application for alarm registration and payment of fees therefor shall be made to an official City alarm registration contractor; to provide for repealing Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29, 25-30 and 25-31 of the Omaha Municipal Code as heretofore existing; and providing for the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Chapter 25, Article 2 of the Municipal Code currently entitled "Article II. Intrusion Alarm Registration and Regulations" shall be renamed, "Article II. Alarm Registration and Regulations."

Section 2. That Section 25-20 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-20. Definitions.
As used in this section, unless the context otherwise requires:

(1) *Alarm company* shall mean a business providing among its services alarm sales, installation, service, monitoring, or billing alarm users (or fire alarm users) or the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and fire alarm systems, and thereafter immediately relaying the message by live voice to the Douglas County 911 Center or such other place as directed by the city.

(2) *Alarm review board* shall mean a five member committee comprised of persons appointed or selected as follows: Two citizens of the city appointed by the mayor of the city; and three members of local alarm companies appointed by the alarm companies licensed under this ordinance; provided that, however, no alarm company shall have more than one person on the alarm review board at any one time. The

alarm company members of the alarm review board shall be appointed as follows: (a) Alarm companies with less than 750 alarm users in the city shall appoint one member; (b) Alarm companies with 750 but less than 5,000 alarm users in the city shall appoint one member; and (c) Alarm companies with more than 5,000 alarm users in the city shall appoint one member. In the event that no alarm company within a specific category volunteers to fill an appointment as a member, then the largest alarm association in the State of Nebraska shall appoint an officer of such association who is affiliated with an alarm company as an appointee to fill such position. In the event that more than one person from any specific alarm company category volunteers to fill such position, then, in such event, the coordinator shall select one person from such volunteers to fill the position, and such selection shall be final. Members of the alarm review board shall serve for two year terms.

(3) *Alarm system* shall mean any device used to detect or prevent intrusion, criminal activity or other such emergency situations which, when activated, causes notification to be made directly or indirectly to the Omaha Police Department, or any device or system designed primarily for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity or other such emergency.

For purposes of this section, an alarm system shall not include an alarm installed on a motor vehicle.

(4) *Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility who purchases, leases, contracts for or otherwise obtains an alarm system and thereafter contracts with or hires an alarm company to monitor and/or service the alarm device, or who owns or operates an alarm system, which is not monitored, maintained or serviced under contract with an alarm company.

(5) *Annunciator* shall mean that part of an alarm system which communicates the fact that the system has been triggered.

(6) *Arming station* shall mean a device that allows control of an alarm system.

(7) *Audible annunciator* shall mean an annunciator, which gives an alarm by means of a bell, siren, buzzer or similar sound-producing device mounted at some location which, when activated, is clearly audible at a distance of 50 feet or more outside of any building in which it is mounted. Any non-monitored system with one or more audible annunciations shall constitute a local alarm system.

(8) *Chief* shall mean the chief of police or fire chief, or any member under his/her jurisdiction designated by him/her to exercise any power or duty conferred under this chapter.

(9) *City* shall mean the City of Omaha, Nebraska.

(10) *Coordinator* shall mean the individual designated by the chief and the city finance director to issue registrations and enforce the provisions of this ordinance.

(11) *Duplex* shall mean a site with two dwelling units, each occupied by one family, within a single building, except a mobile home unit.

(12) *Duress alarm* shall mean a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

(13) *Emergency Response* shall mean a response by law enforcement or the fire department to any type of request for service.

(14) *Enhanced verification* shall mean two verifications within a 90 second period from the time the alarm company or its alarm answering service receives an alarm signal. Enhanced verification shall be required commencing on January 1, 2003.

(15) *False alarm* shall mean an alarm signal eliciting an urgent response by police or fire when a situation requiring an urgent response did not exist at or about the time; that is, no unauthorized intrusion, attempted intrusion, or fire. The burden of proving that such alarm was not a false alarm shall be on the alarm user.

(16) *Fire alarm* shall mean an alarm signal intended to signal a fire, smoke or intense heat.

(17) *Fire Alarm system* shall mean any device used to detect or prevent fires which, when activated, causes notification to be made directly or indirectly to the Omaha Fire Department, or any device or system designed primarily for the purpose of giving an audible or visual signal of a fire.

(18) *Fire Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility who purchases, leases, contracts for or otherwise obtains a fire alarm system and thereafter contracts with or hires an alarm company to monitor and/or service the alarm device, or who owns or operates an alarm system, which is not monitored, maintained or serviced under contract with an alarm company, except that, for purposes of 25-20 to 25-31, it shall not include those buildings that are single family residences or duplexes.

(19) *Holdup alarm* shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(20) *Local alarm system* shall mean an alarm system which when activated causes an audible and/or visual signaling device to be activated and which is intended to be seen and/or heard by others inside and/or outside of the protected premises.

(21) *Monitoring* shall mean the process by which an alarm company or its designated alarm answering service receives signals from an alarm system and relays an alarm dispatch request to the Douglas County 911 Center for the purpose of summoning law enforcement to the alarm site.

(22) *Panic alarm* shall mean an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring emergency response.

(23) *Principal* shall mean the person, firm or corporation whose premises are protected by an alarm system. In the event that a building having more than one tenant is protected by a single alarm system, the term "principal" means the alarm system owner.

(24) *Registration term* shall mean a 12-month period beginning on the date of issuance of the alarm system registration and ending 12 months thereafter.

(25) *Single family residence* shall mean a site with one dwelling unit, occupied by one family, excluding a mobile home unit.

(26) *Verify* or *verification* shall mean an attempt by the alarm company or its designated alarm answering service to contact the alarm user by telephonic or other electronic means, whether or not actual contact with an alarm user is made, to determine whether an alarm signal is valid before requesting the Omaha Police Department dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purposes of this ordinance, telephone verification shall require, at a minimum, that a second call be made to a different number, if the first attempt fails to reach an Alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch."

Section 3. That Section 25-21 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-21. Required information when reporting alarm and verification duties.

(1) Any alarm company or its designated alarm answering service reporting an alarm to the Douglas County 911 Center shall give the following information:

(a) The principal or business name, the address of the protected premises, and the type of premises, if any, by which the premises are known.

(b)The name and telephone number of the principal or agent having ready access to the protected premises; and

(c)The type of emergency response indicated.

(2) (a)The alarm company or its designated alarm answering service or a person reporting annunciation for a local alarm system may report to the Douglas County 911 Center any non-registered alarms. For alarm systems, It shall then report the fact that it is non-registered and the Omaha Police Department shall determine whether to respond to any non-registered reported alarms for criminal activity; provided that, if the alarm company, or its designated alarm answering service, happens to receive positive confirmation from the alarm user or a third party that Omaha Police Department response is necessary, the alarm company shall report such information to such 911 Center.

(b)It will be the responsibility of the alarm company to provide the names and locations of alarm users and fire alarm users with current, valid alarm system registrations to their designated alarm answering service. The Alarm Administrator may provide written notice, through letter, email, or similar means, to each alarm company on any non-registered Alarm User request for the Omaha Police Department or the Omaha Fire Department response violation.

(3) The alarm company or its designated alarm answering service on a report related to annunciation for a local alarm system shall not make an alarm dispatch request of the Omaha Police Department in response to a burglar alarm signal, excluding panic, duress, holdup and fire signals, during the first seven days following an alarm system installation. The coordinator may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption. In addition, the alarm company or alarm answering service shall:
(a) Report alarm signals by using telephone numbers designated by the coordinator;
(b) Verify every alarm signal, except a duress, holdup, panic or fire alarm activation before requesting law enforcement response to an alarm system signal;
(c) Communicate alarm dispatch request to the municipality in a manner and form determined by the coordinator;
(d) Communicate cancellations to the municipality in a manner and form determined by the coordinator;
(e) Provide that all alarm users and fire alarm users of alarm systems equipped with a duress, holdup, panic or fire alarms are given adequate training as to the proper use of the duress, holdup, panic or fire alarm;
(f) Communicate any available information on zone and location (e.g., back basement door, 2nd floor, northeast window, etc.) about the location on an alarm signal related to the alarm dispatch request;

(g) Communicate type of alarm activation (silent or audible, interior or perimeter, smoke, heat, manual pull, or water flow);
(h) Provide an alarm user or fire alarm user registration number when requesting emergency responder dispatch;
(i) After an alarm dispatch request, promptly advise the Douglas County 911 Center if the alarm company or its designated alarm answering service knows that the alarm user, fire alarm user or its agent is on the way to the alarm site;
(j) Attempt to contact the alarm user, fire alarm user or its agent within 24 hours via mail, fax, telephone or other electronic means after an alarm dispatch request is made; and
(k) Upon the effective date of this section, alarm company and its designated alarm answering service, if applicable, must maintain for a period of at least two years from the date of the alarm dispatch request, records, relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user or fire alarm user, the alarm system or fire alarm system activated, the time of alarm dispatch request and evidence of an attempt to verify. The coordinator may request copies of such records for individually named alarm user or fire alarm user. If the request is made within 60 days of an alarm dispatch request, the alarm company or alarm answering service shall furnish requested records within three business days of receiving the request. If the records are requested between 60 days and two years after an alarm dispatch request, the alarm company or its designated alarm answering service shall furnish the requested records within 30 days of receiving the request."

Section 4. That Section 25-22 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-22. System requirements.

(1) No alarm system or fire alarm system shall be installed, used or maintained in violation of any of the requirements of this section.
(2) The alarm user or fire alarm user shall be responsible for training and retraining all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the alarm system or fire alarm system is accidentally triggered.
(3) The alarm user or fire alarm user shall, at all times, be responsible for the proper maintenance and repair of the alarm system/fire alarm system and for the repair or replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.
(4) Each alarm system shall be so programmed that each audible annunciator will automatically silence within five minutes after being activated, and will not sound again

unless a new act or circumstance triggers a sensor. Each fire alarm system shall be so programmed that each audible annunciator will automatically silence within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(5) No test of an alarm system/fire alarm system incorporating an audible annunciator shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

(6) The application for an alarm system/fire alarm system registration shall list the name and phone number of three natural persons, or an alarm answering service, having access to the premises and who may be notified to assist the Omaha Police Department or Omaha Fire Department in the event the alarm is activated. The principal shall immediately notify the coordinator of any changes in this information."

Section 5. That Section 25-23 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-23. Registration required.

(1) From and after the effective date of this ordinance, it shall be unlawful for any person within the jurisdiction of the city to use or operate any alarm system or fire alarm system without a current valid alarm system registration therefor. Any person found to be in violation of this section 25-23 may be required to pay a fee of $100.00 in addition to any required application fees. Notwithstanding the foregoing, with respect to any property, which has been, or may be in the future, annexed by the city, persons have a period of 90 days from the effective date of such annexation to comply with the requirements of this ordinance.

(2) Any person within the jurisdiction of the city installing a new alarm system or fire alarm system after the effective date of this section shall have 30 days from the date of installation to obtain an alarm system registration therefor as required in this section."

Section 6. That Section 25-24 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-24. Application for registration; fee.

Each application for an alarm system or fire alarm system registration or renewal shall be made by the official alarm registration contractor. The application shall be on a form prescribed by the coordinator and shall contain, at a minimum, the following information:

(1) The name, address and telephone number of the principal of the protected premises and of the alarm company, and if known, its alarm answering service.

ADVANCED SECURITY

P. O. Box 6341 Lincoln, Nebraska 68506-0341 (402) 486-3322 FAX (402) 483-6186

4 December 2009

Dear Council Member:

Please find enclosed some of my concerns and notes in regard to the False Alarm Ordinance 09-151.

I want my interests to be heard and also note taken of clean up or other potential flaws as written.

I know the original document is dated, it needs to be updated and done right.

At this time I also feel the impact of registration is burden full and fines and registration costs are absorbanate.

Thank you for your time and consideration.

Tim Hopkins

PLEASE FIND ATTACHED DOCUMENTS FROM BINDERS THAT WERE FILED 12-4-2009 PM THEY ARE DOCUMENTS FROM OMAHA ORDINANCE THAT WERE OMITTED.

WITH MY APOLOGIES & SINCERE THANK YOU

TM

RECEIVED
DEC 07 2009
CITY COUNCIL OFFICE

unless a new act or circumstance triggers a sensor. Each fire alarm system shall be so programmed that each audible annunciator will automatically silence within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

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(1) The name, address and telephone number of the principal of the protected premises and of the alarm company, and if known, its alarm answering service.

(2) The type of premises (home, office, variety store, etc.) and any business name by which the premises are known.

(3) The address of the protected premises to the extent registration is required by the definition of alarm user and fire alarm user, including if it is in a residential (including individual apartment houses or residences), commercial or industrial complex (office building, shopping center, etc.), and any name by which the complex is commonly known.

(4) The names, current addresses and current telephone numbers, including home phone numbers, of three natural persons, or an alarm answering service.

(5) The remittance address including names, addresses, city, state and zip code.

(6) Where the initial registration is made, by the official city alarm registration contractor, then the foregoing minimum information, as prescribed by the coordinator, shall be given to the official city alarm registration contractor by the alarm company to expedite such initial registration. The annual application fee for residential alarm users shall be $25.00, and the application fee for commercial or industrial alarm users and fire alarm users shall be $50.00.

(7) None of the fees or fines contained within this division of the Omaha Municipal Code shall apply to alarm systems or fire alarm systems installed upon premises occupied by the City or any public agency as defined in R.R.S. 1943 §23-2203."

Section 7. That Section 25-25 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-25. Issuance of registration.

Upon receipt of the alarm system or fire alarm system registration application and application fee, the coordinator shall, if it appears that the proposed alarm system or fire alarm system will comply with the provisions of this section, issue to the applicant alarm user or fire alarm user an alarm system or fire alarm system registration bearing an identifying number, and setting forth the expiration date. The city shall not, by the issuance of any alarm system or fire alarm system registration, be obligated to respond or accord any priority to an alarm from such system. The coordinator shall not be obligated to accept any alarm system or fire alarm system registration application, or any renewal thereof, if the alarm user or fire alarm user has failed to pay any false alarm fees charged to such alarm user or fire alarm user as described in section 25-29."

Section 8. That Section 25-26 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-26. Term of registration; transfer; termination; renewal.

(1) All alarm system registrations (including fire alarm system registrations) shall expire 12 calendar months from and after the date of their issuance; all registrations may be renewed for consecutive additional registration terms in the same manner as original registrations were obtained.

(2) An alarm system or fire alarm system registration shall automatically terminate upon any change of the principal or protected premises. No alarm system or fire alarm system registration may be transferred to another principal or protected premises. No refunds will be given on termination of any alarm system or fire alarm system registration for any reason.

(3) Renewal alarm system or fire alarm system registrations shall be dated on the date of issue. The renewal registration will not be issued until the fee is paid, and a late charge of $25.00 will be assessed on all registration holders who do not pay the renewal fee prior to expiration of their existing registrations. The renewal application shall contain the principal's signed statement that there have been no changes in the principal or protected premises."

Section 9. That Section 25-27 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-27. Verification of registration information.

Prior to issuing an alarm system or fire alarm system registration, and at any time thereafter during the term thereof, the coordinator may conduct such investigation as determined necessary to verify that the information furnished by the application or permittee is correct, and that the system is in conformance with the provisions of this article. All information obtained by such inspection shall be maintained confidentially by the coordinator."

Section 10. That Section 25-29 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-29 False Alarm fees.

(1) (a) As a condition of any alarm system registration issued under the provisions of this ordinance, the alarm user shall pay to the City, within 30 days of

invoice, for any false alarm generated by the Alarm-user's alarm system, a false alarm fee in accordance with the following schedule:

The first false alarm during the registration term	$ 0.00
The second false alarm during the registration term	$100.00
The third false alarm during the registration term	$100.00
The fourth and subsequent false alarm during the registration term	$250.00
Late fee for each false alarm Invoice which is delinquent	$ 25.00

The Omaha Police Department may not answer any subsequent alarm of the alarm user if the false alarm fee is not received by the City within 30 days of the original invoice by the City or the final decision of the administrative appeal process, whichever is later.

(b) As a condition of any fire alarm system registration issued under the provisions of this ordinance, the fire alarm user shall pay to the City, within 30 days of invoice, for any false alarm generated by the Fire Alarm-user's alarm system, a false alarm fee in accordance with the following schedule:

The first false alarm during the registration term	$ 0.00
The second false alarm during the registration term	$200.00
The third false alarm during the registration term	$200.00
The fourth and subsequent false alarm during the registration term	$500.00
Late fee for each false alarm Invoice which is delinquent	$ 25.00

(2) An alarm user or fire alarm user who has been assessed a false alarm fee may appeal the assessment of the false alarm fee to the alarm review board. The alarm user or fire alarm user shall remit an appeal fee of $10.00 (the "Appeal Fee") along with the appeal. If the alarm user or fire alarm user's appeal is upheld, the Appeal Fee will be returned to alarm user or fire alarm user. The filing of an appeal with the alarm review board stays the assessment of the false alarm fee until the alarm review board makes a final decision.

(a) The alarm user or fire alarm user shall file a written appeal to the alarm review board by setting forth the reasons for the appeal within 10 days after receipt of the alarm fee notice. In making its decision, the alarm review board can take into account items it believes to be relevant, including severe acts of nature, but may uphold the appeal only if there was no false alarm or if the false alarm was not contributed to by the act(s) or omission(s) of the user and/or its family, pets, guests, employee(s) and/or invitees.

(b) If the alarm review board denies the alarm user or fire alarm user's appeal, then the alarm review board shall send written notice of the action and a statement of the right to an appeal to the alarm user or fire alarm user and the alarm company. If the alarm review board upholds the appeal, the alarm review board shall send a written notice of the action to the alarm user or fire alarm user, alarm company and the coordinator, and shall send to the alarm user or fire alarm user a check in the amount of the false alarm fee if it

was paid. The decision of the alarm review board is final as to administrative remedies of the City.

(3) If the alarm user or fire alarm user is not satisfied with the decision of the alarm review board, the alarm user or fire alarm user may seek judicial remedies permitted by law. Filing of an appeal shall stay the action by the alarm review board suspending a registration, until the judicial remedies have been exhausted or otherwise terminated. If no appeal is made within the prescribed period, then the action of the alarm review board is final.

(4) The coordinator may suspend law enforcement response to the premises of an alarm user by revoking the alarm system registration if it is determined that:

(a) The alarm user has 5 or more false alarms in a 12 month period excluding duress, holdup, panic or fire alarms;

(b) There is a statement of a material fact known to be false in the application for an alarm system registration; or

(c) The alarm user has failed to make timely payment of false alarm fees.

Unless there is separate indication that there is a crime in progress, the Omaha Police Department may refuse law enforcement response to an alarm dispatch request at any alarm site for which the alarm system registration is revoked. If the alarm system registration is reinstated pursuant to (5) below, the coordinator may again suspend law enforcement responses to the alarm site by again revoking the alarm system registration if it is determined that false alarms have occurred with 30 days after the reinstatement date.

(5) A person whose alarm system registration has been revoked may, at the discretion of the coordinator, have the system registration reinstated by the coordinator if the person:

(a) Submits a new application and pays a reinstatement fee in the amount of the registration fee in effect on the date of filing such new application;

(b) Pays, or otherwise resolves, all outstanding false alarm fees and other fees;

(c) Submits a certificate from an alarm company, stating that the alarm system or fire alarm system has been inspected and repaired (if necessary) by the alarm company.

(6) The Alarm Company, or its designated alarm answering service, shall be issued a No Verification Fee of $100.00 for each failure to Verify Alarm System signals as described in section 25-21(3)(b).

(7) The alarm company, or its designated alarm answering service, shall be assessed a fee of $250.00 if the Omaha Police Department or Omaha Fire Department, responding to the false alarm, determine that an on-site employee of the alarm company, or its designated alarm answering service, directly caused the false alarm. In this situation, the false alarm shall not count against the alarm user or fire alarm user.

(8) The alarm company, or its designated alarm answering service, shall be assessed a fee of $100.00 if the alarm company, or its designated alarm answering service, after receiving notice under Section 25-21(2)(a) that an alarm user or fire alarm user is not registered, reports an alarm signal and fails to inform the Douglas County 911 Center that such alarm signal is from a non-registered alarm user or fire alarm user."

Section 11. That Section 25-30 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-30. Notices.

(1) Notice or billing from the City or the Official City Alarm Registration Contractor to any alarm user or fire alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm user or fire alarm user and alarm company at their respective addresses shown in the City's registration records. A certificate signed by the person who mailed the notice shall be *prima facie* evidence of the facts stated therein with respect to such notice. Notice from the City to any alarm company shall be deemed to have been given or rendered 3 business days after the date such notice is deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm company at its address shown in the City's registration records.

(2) Notice to the City or payment under this ordinance shall be effective when received at the City Lock Box; provided that, any alarm user/fire alarm user registration fees required to be paid by the user to an alarm company shall be effective retroactively 5 business days prior to the date the same is received by the City."

Section 12. That Section 25-31 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-31. Alarm Business Registration.

(1) Any person engaging in an alarm business, except for those businesses who only sell or install alarm systems that are not intended to be monitored by a third party other than the respective alarm user or fire alarm user and alarm systems or fire alarm systems with one or more audible annunciations, in the City must apply annually to the coordinator or the designee specified on the application form for a registration to operate as an alarm company or alarm answering service. Such application must be signed by either (a) the owner of the business for a sole proprietorship, (b) 1 general partner for a

partnership, or (c) 1 manager or member for a limited liability company, or (d) a corporate officer for a corporation, and must be approved by the coordinator or designee.

The registration application must include, but is not limited to:

(a) The name, address, fax, and telephone number of the alarm company or alarm answering service, its business entity type (sole proprietorship, partnership, limited liability company or corporation), and employer identification number (EIN).

(b) The name, address, and telephone number of the person or persons responsible for the operation of the alarm company or alarm answering service in the City.

(c) Complete list of associated (contracted) alarm businesses, including name, address, telephone number and alarm business registration number, that may alter, install, lease maintain, monitor, repair, replace, sell at retail, serviced, or respond to an alarm system in the City.

(d) An alarm business that is incorporated or organized in a state other than Nebraska must include on the alarm business license application form the name and address of the resident agent located in Nebraska.

(e) The remittance address including zip code.

(2) Registration applications must be accompanied by an annual, non-refundable processing fee of $250.00, which will be due and payable each year on the anniversary of the issuance of the alarm business license. If the alarm business license has been revoked or suspended, or has expired and been subsequently renewed, a reinstatement fee of $250.00 must accompany a reinstatement application.

(a) An applicant must not conduct business in the City until the alarm business registration is approved.

(b) An applicant must give written notice of any changes to the information contained in the application to the Coordinator or designee within 10 days of the change.

(3) Should an alarm business registration be suspended, revoked or refused, the alarm company or alarm answering service must notify, by first class mail, within 5 days, each of its alarm users that the alarm company or alarm answering service is unable to request Omaha Police Department dispatch to the alarm user system for the duration of the suspension, revocation or refusal.

(4) A registered alarm business must not enter into a contract regarding its business in the City with an alarm business that does not have a valid alarm business registration.

(5) Any licensee or applicant who requests a hearing to show cause why an alarm business registration should not be revoked or suspended or the license application should be granted or renewed, must include an appeal filing fee of $50.00."

Section 13. That Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29, 25-30 and 25-31 of the Omaha Municipal Code, as heretofore existing, are hereby repealed.

Section 14. That the changes made in this Ordinance shall take full force and take effect forty-five (45) days from the date of its passage.

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

7/23/09
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUL 21 2009 6-0

ATTEST:

7/23/09
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

6/25/09
ASSISTANT CITY ATTORNEY DATE

p:\law - city council documents\2009\10155due.doc

Tammy J. Grammer

From: WebForm [none@lincoln.ne.gov]
Sent: Saturday, December 05, 2009 2:06 PM
To: Tammy J. Grammer
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Doug Brobst
Address: 5500 Old Cheney Rd, St 18
City: Lincoln, NE 68516

Phone: 402-421-2253
Fax:
Email: thegoldsmithco@windstream.net

Comment or Question:
Attn: Members of Lincoln City Council and Chief Tom Cassady

Re: Ordinance 09-151 Emergency Alarms

As a local business owner and user of an alarm system, I would like to address issues with parts of the proposed ordinance changes to municipal codes, and ask other questions I feel are pertinent to the proposed changes. Whereas the council feels that the cost of responding to the alarm calls are excessively expensive to the local police department, it needs to:

A) Require permits that previously been needed to handle alarm systems
B) Reduce the number of allowable false alarms that are not paid for by the users
C) Increase the amount of penalty the user pays for false alarms
D) Create a beaurocratic Board previously unneeded
E) Establish penalties for non-compliance
F) Increase legalese and additional unnecessary pages to the municipal code

Please help me to understand and sort out these issues and questions.

1) Can Chief Cassady provide statistics related to:

A. The number of total alarm calls in Lincoln and breakdown to:
1. Businesses
2. Residence/Individuals
3. City-Public Offices
B. Can he attribute the number of false alarms to each of the above?
C. Provide costs and time estimated to respond to alarm calls in relation to total officer shift times
D. Show a formula used to establish false alarm fees and permit fees
E. Show permit costs and false alarm fees in comparable cities
F. Show where this enormous amount of money would be used
G. Explain how a permit fee will reduce false alarms

2) What is the purpose of the Alarm Review Board. This sounds like unnecessary beaurocracy. Will these people be paid? How often does the board meet? Will they have access to sensitive information concerning alarm systems, business owners and homeowners with alarm systems? If Chief Cassady can reinstate permits as stated on pg 16 line 3-9, why the Review Board?

3) What are the circumstances under which a permit would be denied, revoked or suspended? You have an entire appeal process in place without defining any indications. Who writes this stuff? Pg 14, line 25-26, pages 15 & 16.

4) Do these changes to the ordinance propose to create a position of Official City Alarm Permit Contractor? pg 16

5) Why such a short notification period by the city to alarm users and alarm businesses? This doesn't allow for out-of-town or out of country times when people are gone on vacation or business trips. US Congress just dealt with the credit card companies for the same type of practice. Pg 16, line 13-21

6) Why are motor vehicle alarms, city-public office alarms and fire alarms excluded from these ordinance changes? Do Police responses to these systems take less time? Are they better systems?

7) If someone wants an alarm that is not monitored and doesn't request Police response why is it included in alarm user definition?

8) Does a cell phone, computer, or land line qualify as an alarm system as defined in pg 3, line 9-17? If I notify 911 of a fire or call Police because someone is being assaulted, would I be fined for not registering or obtaining a permit for my phone or computer?

9) As set forth in appeals procedure, pg 14, line 24, pg 15 and pg 16, line 1-2, would this process possibly increase the burden on the local judicial system?

My wife and I have done business in Lincoln for 27 years. We have used an alarm system the entire time with minimal false alarms. We have never paid a permit fee and never a false alarm fee that I am aware of. These changes seem to be a blatant grab for money to help fill city coffers. Where would these permit fees go? Possibly extra officers to answer these false alarms or to general funds to be spent willy nilly! The cost of doing business is high enough, business owners don't need more permits and fees. If there are habitual false alarms by selected parties let them pay an increased amount to the police department for their time! An ordinance change like this is not about improving the system in place, it's about greed pure and simple! I would propose the council postpone these ordinance changes and get more public input. These changes would amount to quite a bit of money. I for one would like to have more information before these changes are made.

Respectfully

Doug Brobst
Gold Smith Jewelers

www.GoldSmithJewelers-NE.com