

**IN LIEU OF
DIRECTORS' MEETING
MONDAY, MAY 24, 2010**

I. CITY CLERK

1. Letter received via email. "Allow votes on Important Issues!"

Received from:

- a) Lynne Hansen
- b) Douglas Blum

II. MAYOR & DIRECTORS CORRESPONDENCE TO COUNCIL

MAYOR

1. Fiscal Impact Statement, Finance/Accounting.
2. NEWS RELEASE. Ribbon cut for Development Services Center.
3. NEWS ADVISORY. The Mayor and the Lincoln Community Foundation will hold a news conference on May 19, 2010 to announce Lincoln Community Foundation's major gift to Union Plaza. The conference will be held at the park's amphitheater area, east side of 21st Street between P and Q streets at 1:30 p.m.
4. NEWS ADVISORY. Mayor Beutler, Lincoln Water System (LWS) officials, and Water Conservation Task Force members will hold a news conference on Thursday, May 20th, 10:00 a.m. at the LWS facility, 2021 N. 27th Street to announce winners of the Mayor's Water Conservation Task Force's annual poster contest and discuss City's water supply and conservation efforts.
5. NEWS RELEASE. Union Plaza receives \$600,000 gift.
6. NEWS RELEASE. Biketacular, Capital City criterium set for Saturday.
7. NEWS RELEASE. Mayor announces winners of annual water conservation art contest.
8. NEWS RELEASE. Mayor says city water supply in good shape.
9. Washington Report, May 14, 2010.

DIRECTORS

HEALTH DEPARTMENT

1. Correspondence from Steve Beal, Assistant Health Director, on breakdown of pet licenses.
 - a) Percentage breakdown for altered vs. unaltered licensed dogs and cats.
2. Reply from Dr. Bruce Dart, Health Director, to constituent regarding feral cat populations with the Health Department supporting the Trap-Neuter-Return (TNR) method to manage.

CITY LIBRARIES

1. NEWS RELEASE. One Book - One Lincoln. Library to announce top 5 finalists.
2. NEWS RELEASE. Children's book author, Helen Lester, will visit Bethany Library on Monday, May 24th at 4:00 p.m.

PLANNING DEPARTMENT

1. Administrative amendment approvals from May 11, 2010 through May 17, 2010.

PLANNING COMMISSION

1. Minutes of the Special Public Hearing held by the Lincoln-Lancaster Planning Commission on May 12, 2010.
2. Action by Planning Commission, May 19, 2010.
3. Final action. Adopted Resolution No. PC-01208.

PUBLIC WORKS AND UTILITIES

1. ADVISORY. "A" Street; 63rd - 70th Street stimulus project to start. Project No. LCLC-5220 (3), Control No. 13041, City Project No. 701808.

URBAN DEVELOPMENT/ HOUSING REHAB & REAL ESTATE DIVISION

1. Street and Alley Vacation No. 10005, southeast corner of 14th Street and Salt Creek Roadway.
2. Clinton Thomas' memo on Street and Alley Vacation No. 10001, North 21st Street, north of Vine Street.

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

JON CAMP

1. Wall Street Journal article. "Is a \$1 Trillion Bailout Ahead for State Pension Funds?"

DOUG EMERY

1. Email from Pastor Mike Wooten regarding claim to fix the right front wheel of his car damaged when he hit a pothole.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

1. Correspondence from Roger Cognard on his claim against the city for repair to a sprinkler system broken by a snowplow driver last winter.
2. Email from William Carver, President NSNA, thanking Council for their service and fair decision on the CVS Project at S. 16th and South Streets.
3. Email from Sandra Lab. Take care of what's going on here, stay out of the debate on boycotting Arizona.

V. ADJOURNMENT

W:\FILES\CITYCOUN\WP\DA052410.wpd

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

From: Joan E. Ross
Sent: Wednesday, May 19, 2010 12:53 PM
To: Council Packet
Subject: FW: Allow votes on important issues!

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

From: lynnemhansen@windstream.net [mailto:lynnemhansen@windstream.net]
Sent: Monday, May 17, 2010 10:27 AM
To: Joan E. Ross
Subject: Allow votes on important issues!

Lynne Hansen
1116 West Avon Lane
Lincoln, NE 68505-2159

May 17, 2010

City of Lincoln
555 South 10th Street
Lincoln, NE 68508-2803

Dear City of Lincoln:

Dear Lincoln City Leader:

I am contacting you to let you know I strongly disagree with Mayor Chris Beutler's assessment that the approval of the Haymarket Arena Bond measure was people 'expressing trust in government,' as reported in the Lincoln Journal Star.

Lincolnites, like the majority of Americans, have lost trust in their government. An April 2010 Pew Research poll demonstrates that 80% of Americans have little to no trust in their government. And Lincoln taxpayers have few reasons to blindly trust this Administration.

Under Mayor Chris Beutler's fiscal leadership taxpayers have seen why we do not trust City Leadership:

Beutler supported new taxes on phone lines, making Lincoln one of the highest taxed cities in the country for phone service.

Beutler misrepresented the costs of new fire department policies to the City Council, leading to hundreds of thousands of dollars in extra costs.

"Significant accounting lapses" have been found in the Antelope Valley Project by Auditor Mike Foley, a city-lead project whose costs continue to grow by the millions.

Beutler, under pressure from public employee union leaders, backed away from a pledge to Lincoln taxpayer to lower the City's retirement match to 1-to-1.

Lincolnites passed the proposed arena because they believed it can be an engine for economic growth, not because of a 'trust' our government leaders know best.

Now that the Arena has passed, regardless of what side people were on, I believe we have great responsibility to hold you, our elected leaders, accountable to avoid reckless spending and 'significant accounting lapses' in this new endeavor.

We hope this project will bring economic growth to our city, but please do not view this vote for the arena as a vote of confidence in city leadership.

Sincerely,

Lynne Hansen
4024672970

The above email message also was sent by:

Douglas Blum
5704 Shadow Lane
Lincoln, NE 68516-5222
douglasblum@windstream.net

FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Finance/Accounting

DATE: 5/12/10

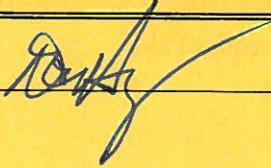
NEED

With passage of the ballot issue for the arena, there is a need to establish a new position to be involved in the collections of new revenues associated with the arena. This position will be responsible for the accounting and reporting for all arena related revenues which will be \$20 million or more annually. Among other things, it will work with approximately 800 restaurants, bars, hotels and car rental businesses to get procedures in place to begin collecting this revenue. The position will be a city employee funded entirely under an operating agreement between the City and the JPA.

FUTURE IMPACT: Ongoing
 Limited Projected Completion Date _____

REVENUES GENERATED	LEGISLATIVE CHANGES		
	City	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	County	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	State	Yes <input type="checkbox"/>	No <input type="checkbox"/>
IMPACT	Current Fiscal Year	Next Fiscal Year Annualized	
PERSONNEL (full time equivalents) 1.0 Assistant City Auditor			
PERSONNEL (cost) business unit: object code description 5021 Regular salaries plus benefits	15,200	78,500	
SUPPLIES business unit: object code description			
OTHER SERVICES & CHARGES business unit: object code description			
EQUIPMENT business unit: object code description			
TOTAL EXPENDITURES	15,200	78,500	
SOURCE OF REVENUES JPA operating contract	 (15,200)	 (78,500)	

DIRECTOR _____



DATE 5/12/10

FINANCE DEPARTMENT COMMENTS	Availability of Appropriations: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	BUDGET OFFICER <u>Steve Walker</u>
PURCHASING AGENT _____	
FINANCE DIRECTOR <u>[Signature]</u> DATE <u>5/12/10</u>	

APPROVED: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MAYOR <u>[Signature]</u>
	DATE <u>5-17-10</u>

WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of fte's the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.



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: May 18, 2010

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Fred Hoke, Building and Safety/DSC, 441-6457

RIBBON CUT FOR DEVELOPMENT SERVICES CENTER

Mayor Chris Beutler today officially opened the City's new Development Services Center (DSC), calling it a "pro-business initiative to spur economic development in Lincoln." The DSC – a "one-stop shop" for the review, permitting and inspection of development projects – has been in operation since March. It co-locates five departments that work with development projects on the second floor of the County-City Building, 555 S. 10th St.

"The DSC represents the City's promise to our community that we are updating our development processes and procedures," Beutler said. "And it sends a strong message to developers and investors that Lincoln is not just 'open for business' – we are here to help you succeed. We are cutting the red tape for project reviews permits, and inspections. That saves everyone time and money."

The five departments represented in the DSC are Building and Safety, Health, Planning, Public Works and Utilities and Urban Development. The directors of those departments make up the Executive Management Team. Fred Hoke, the City's former Building and Safety Director, has served as DSC Manager since October.

"The directors and the entire DSC staff deserve credit for their hard work, focus and flexibility," Hoke said. "Customers have noticed and commented on the easier and faster process, and that means we are accomplishing our goal of providing better service to the development community."

Staff members from the five departments formed three teams responsible for making recommendations on the DSC administration. Hoke said they made operational suggestions and looked at all the technical and software aspects required to operate the DSC efficiently and effectively. Mayor Beutler also appointed a DSC Industry Advisory Committee from the development community, which met monthly for over a year to discuss the DSC concept.

At today's ribbon-cutting, Mayor Beutler also recognized three DSC "firsts":

- The first homeowners permit issued by the DSC went to Jody Schmidt and Kevin Stoddard.
- The first home builder permit went to Anadel Building Corporation.
- The first commercial permit went to Sampson Construction.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

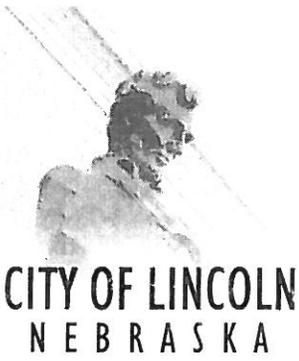
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: May 18, 2010

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

Mayor Chris Beutler and the Lincoln Community Foundation will announce a major gift to Union Plaza, the City's new park in the Antelope Valley Project area, at a news conference at **1:30 p.m., Wednesday, May 19** at the park's **amphitheater area**, the east side of 21st Street between "P" and "Q" streets. On-street parking is available on 21st and 22nd streets.

If the weather is bad, the event will move to the Foundation offices at 215 Centennial Mall.



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: May 19, 2010

FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

Mayor Chris Beutler will be joined by Lincoln Water System (LWS) officials and members of the Mayor's Water Conservation Task Force at a news conference at **10 a.m. Thursday, May 20** at the **LWS facility, 2021 N. 27th St.**

The Mayor will announce the winners of the Mayor's Water Conservation Task Force's annual poster contest and discuss the status of the City's water supply and conservation efforts as the summer approaches.



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: May 19, 2010

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

Lynn Johnson, Parks and Recreation, 441-

Barbara Bartle, Lincoln Community Foundation, 474-2345

Christie Dionisopoulos, Lincoln Parks Foundation, 441-8258

UNION PLAZA RECEIVES \$600,000 GIFT

Lincoln Community Foundation makes largest gift in history on behalf of Grafts

Mayor Chris Beutler and the Lincoln Parks Foundation today announced a \$600,000 gift to Union Plaza from the Lincoln Community Foundation on behalf of the Sheila Dickinson Dinsmore Graf and Burket Graf Fund. The funds will be used to build the park's outdoor amphitheater and surrounding trails.

"The Grafts generosity toward the City of Lincoln is inspiring," said Mayor Chris Beutler. "It's also an indication of the strength of our parks system and the community support for our parks. We understand the importance of parks in both our quality of life and our economic development efforts. We will continue to work diligently to find ways to leverage private resources with public dollars whenever possible to create lasting legacies."

Union Plaza, Lincoln's newest park, is in a three-block area in the heart of Lincoln between 21st and 22nd streets from "O" to "R" streets. Phase one of the project is now complete, and the entire project is expected to open to the public in the fall of 2011. The amphitheater will host musical and cultural performances and community celebrations.

Burket Graf, who passed away in 2007, was an architect for 65 years. Barbara Bartle, President of the Lincoln Community Foundation, said Sheila, who passed away in 1996, had a passion for the environment and for assisting those in economic need, and Burket loved the performing and visual arts.

"Sheila and Burket were well loved by all those who came in contact with them," Bartle said. "This gift is presented on their behalf and will continue their story of generosity toward our community well into the future. This gift mirrors their passions as it will enhance the artistic culture of our community and will help to revitalize an underserved area."

More information on Union Plaza is available on the website of the Lincoln Parks Foundation, lincolnparks.org. More information on the Lincoln Parks and Recreation Department is available at parks.lincoln.ne.gov. More information on the Lincoln Community Foundation is available at lcf.org.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: May 20, 2010

FOR MORE INFORMATION: Jon Carlson, Stronger Safer Neighborhoods, 441-7224
Sean Craig, Capital City Criterium, 402-261-3003

BIKETACULAR, CAPITAL CITY CRITERIUM SET FOR SATURDAY

The public is invited to the City's second annual Biketacular and the Capital City Criterium Saturday, May 22 along Goodhue Boulevard south of the State Capitol. Free parking is available in the lot south of the Capitol off 16th Street.

Free children's activities are scheduled from 10 a.m. to 1 p.m. on "G" Street between 15th and 16th streets (north of McPhee Elementary). The event includes a bike rodeo, bike maintenance and safety stations, face painting and freestyle and unicycle demonstrations as well as kids' bike races beginning at 11:45 a.m. Mayor Beutler will kick off the kids bike parade at 12:15 p.m., and volunteers will help children decorate bikes for the parade. Children completing the bike rodeo and safety stations will receive prizes and be entered into drawings. Kids races begin at 11:45 am.

More than 100 adult racers from across the region are expected to compete in the Criterium from 8:30 a.m. to 4 p.m. The north side of McPhee Elementary will serve as the starting and ending location of the .7-mile course. The race is a USA Cycling sanctioned event with six divisions. Medals will be awarded

The event is hosted by the City of Lincoln and the Near South and Everett neighborhood associations. Mayoral Aide Jon Carlson, who manages the Stronger Safer Neighborhoods program, said the goals of the event are to promote safe, healthy lifestyles and foster a friendlier community.

"Biketacular is a way to showcase two of Lincoln's great assets – strong neighborhoods and an energized bicycling community," said Carlson. "We hope to increase community awareness of the importance of walking and biking as well as the convenience and high quality of life you can enjoy in the beautiful neighborhoods near downtown, UNL, and the State Capitol."

"This is a great opportunity to bring the community together and celebrate cycling," said Sean Craig, Race Director and co-owner of Bike Pedalers, one of the event sponsors.

For more information about Biketacular (or to volunteer), contact Jon Carlson at 441-7224. For more information about the Criterium, contact Sean Craig at 402-261-3003 or visit capitalcitycriterium.com.



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: May 20, 2010

FOR MORE INFORMATION: David Norris, Citizen Information Center, 441-7547

Jerry Obrist, Lincoln Water System, 441-7571

MAYOR ANNOUNCES WINNERS OF ANNUAL WATER CONSERVATION ART CONTEST

Mayor Chris Beutler today announced the winners of the annual water conservation poster contest. Lincoln fifth-graders participated in the art contest, sponsored by the Mayor's Water Conservation Task Force. The top two entries were submitted by Olivia Schmidt, Kahoa Elementary School, whose artwork will be displayed on two StarTran busboards; and Alex Rownd, Rousseau Elementary School, whose artwork will be displayed on billboards at various Lincoln locations.

"This annual contest is a terrific way to display the artistic talents of our young people while at the same time, helping to introduce them to the idea that we need to be good stewards of our natural resources and the environment in general," said Mayor Beutler. "Through this effort, our Water Conservation Task Force is reinforcing good water conservation practices for our young people and helping them understand that we need to value and cherish our natural resources in their lifetime. This sets a good example for future generations to follow."

The third-place winner was Kaitlin Sunday of Morley Elementary. Honorable mention awards were presented to Serena Tenhumberg, Pyrtle Elementary; Carly Alley, Morley Elementary; Caroline Startzer, Morley Elementary; Olivia Drennon, Pyrtle Elementary; Katrina Collicot, Humann Elementary; Brian Nguyen, Sacred Heart Catholic Elementary; and Zach Madsen, Humann Elementary.



NEWS RELEASE

MAYOR CHRIS BEUTLER

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

FOR IMMEDIATE RELEASE: May 20, 2010

FOR MORE INFORMATION: David Norris, Citizen Information Center, 441-7547
Jerry Obrist, Lincoln Water System, 441-7571

MAYOR SAYS CITY WATER SUPPLY IN GOOD SHAPE

Mayor Chris Beutler today said that the City's water supply is in better shape as we approach warm weather than it has been in recent years. For that reason, he is not asking residents to follow the voluntary designated day watering schedule implemented seven years ago.

"The aquifer is full, Platte River flows are slightly above normal and precipitation has been at normal levels," Mayor Beutler said. "While we are not asking residents to following the designated day schedule as we have in the past, summer weather can be very unpredictable, and it's always a good idea to practice water conservation.

The Mayor's Water Conservation Task Force recommends the following:

- Water during the cool part of the day, and don't water in windy conditions.
- Install a rain sensor device on automatic sprinklers.
- Adjust sprinklers to water only the lawn, and not the sidewalk or street.
- Use a broom, not a hose and water, for outdoor cleaning.
- Wash your car with a pail of soapy water, using the hose only to rinse the car.

Lincoln Water System (LWS) fees are structured to encourage conservation – the more water you use, the higher the rate. LWS Chief Engineer Jerry Obrist said the City is currently reviewing its water rate structure and its schedule for the replacement of aging infrastructure. "The structure of our rates must take many factors into account," Obrist said. "We must ensure that we always have an ample water supply available for basic health and fire protection needs. At the same time, we need to have the resources for maintenance and replacement of our current infrastructure and for building new infrastructure to meet the needs of a growing city."

Obrist also said that energy conservation continues to be a priority. LWS recently completed construction of a large water transmission main. Obrist said the new main will reduce electricity consumption in its early years of operation while providing extra capacity to meet the city's future growth needs.

A complete description of water rates and the City's Water Management Plan are available on the City website, lincoln.ne.gov (keyword: water).



INSIDE:

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Washington Report

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

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SENATE CLIMATE BILL UNVEILED

CONGRESS

Members rush to approve “must-pass” legislation prior to Memorial Day. The House and Senate have two weeks before they break for a Memorial Day recess, and leaders in both chambers hope to have moved some high priority legislation before the summer arrives and election rhetoric really heats up.

The Senate continues to debate financial services reform on the floor, but a vote to cut off debate and prevent non-germane amendments has been scheduled for Wednesday and Senate leaders are hopeful that a final vote on the measure could take place late next week.

The House hopes to take up a popular tax bill next week that would provide one-year extensions for a number of popular tax breaks, such as the alternative fuels tax credit and the research and development tax credit. House leaders indicated this week that the “extenders” package is also likely to include funding for a 2010 summer youth jobs program (see related story below) and an extension of the popular Build America Bonds (BABs) program (see May 7 [Washington Report](#) for a related story).

If the Senate can dispense with the financial services bill, that chamber may also take up the tax extenders bill, with consideration of a supplemental appropriations bill for overseas military activities and disaster assistance to flooded states occurring the following week. Senator Tom Harkin (D-IA) indicated his intention to offer an amendment to the supplemental bill that would provide \$23 billion for assistance to states to prevent teacher layoffs. The effort would not include funds for any other public employees.

Both the House and Senate are scheduled to begin their Memorial Day recess on Friday, March 28.

CLIMATE CHANGE

Kerry and Lieberman unveil long awaited climate measure. Senators John Kerry (D-MA) and Joe Lieberman (I-CT) unveiled legislation designed to reduce greenhouse gas emissions over the next four decades. The bill is the result of eight months of negotiations between a wide array of interested parties.

Dubbed the American Power Act, the overarching goal of the bill is to incrementally reduce greenhouse gas emissions to 17 percent of 2005 levels by 2050. To achieve that goal, the bill would set mandatory caps on the largest emitters of greenhouse gas emissions, which would include most electric utilities and oil refiners as well as a core group of energy intensive industries. The bill would cap the greenhouse gas emissions of each covered entity and require them to obtain allowances for their remaining greenhouse gas emissions.

Most of the free allowances in the first 15 years would go to electric utilities and natural gas utilities. An additional 10-12 percent of allowances each year would be used to provide assistance to low-income energy consumers, with smaller percentages going towards a wide variety of programs, some of them of direct interest to local governments, and the remainder going towards deficit reduction.

Through 2034, a percentage of allowances would go towards surface transportation programs, beginning with 12 percent from 2013 to 2016 and then gradually declining to 6.69 percent in 2034. One-third of the those funds (up to a maximum allowance value of

\$2.5 billion) would be deposited in the Highway Trust Fund, with the caveat that the funds be used for projects that reduced greenhouse gas emissions from transportation. Another one-third (up to a maximum allowance value of \$1.875 billion) would go towards competitive surface transportation grants modeled on the TIGER Program. The remaining one-third (up to maximum allowance value of \$1.875 billion) would go to competitive grants to states and metropolitan planning organizations to help them develop and implement plans to reduce greenhouse gas emissions from surface transportation.

The proposal, which is largely modeled on the "CLEAN TEA" proposal authored by Senator Thomas Carper (D-DE), has drawn mixed reviews from surface transportation advocates. State transportation officials and road builders say it will shortchange motorists. On the other hand, environmental groups and proponents of transit and "alternative" transportation counter that it will provide communities with the resources they need to reduce greenhouse gas emissions from transportation and reduce dependence on imported oil.

Like its House-passed counterpart (HR 2454) and a previous Senate bill (S 1733), the Kerry-Lieberman proposal would impose considerable new surface transportation planning requirements on states and metropolitan planning organizations (MPOs). The bill would require each state and MPO serving more than 200,000 people to develop plans to reduce reliance on oil, impacts on the environment and greenhouse gas emissions related to surface transportation.

In a blow to local governments, the Kerry-Lieberman bill would not allocate any allowances to the Energy Efficiency and Conservation Block Grant (EECBG). Instead, the bill would direct a portion of allowances from 2013 (2.5 percent) through 2021 (0.5 percent) to a State Renewable Energy and Energy Efficiency Program. The bill would not require that the states share any of the funds with local governments but does outline reporting requirements for local governments that receive funds. One-third of the funds would be divided equally among the states, with the remainder allocated according to a

formula based equally on population and energy use.

With the Senate tied up with financial industry regulatory reform, a Supreme Court nomination and, possibly, immigration reform, the outlook for the Kerry-Lieberman Bill is uncertain at best. However, in what was surely a reminder to Congress that they will act if Congress does not, the Obama Administration this week took another step forward in the formal process of regulating greenhouse gas emissions under the Clean Air Act. As much as some Senators may be concerned about the potential impact of the Kerry-Lieberman bill or other legislative proposals, many of them are exponentially more wary of letting the Environmental Protection Agency regulate greenhouse gas emissions under the Clean Air Act.

Detailed information on the Kerry-Lieberman climate change bill can be found on Senator Kerry's website:

<http://bit.ly/dpGyNC>

SUMMER JOBS

Congress making push for additional 2010 summer jobs program. House leaders have indicated that tax legislation scheduled for floor consideration next week will include funds for a 2010 summer youth jobs program at the Department of Labor.

Proponents of the program have been pushing for \$1.5 billion in summer youth funding to be included in a tax "extenders" bill that is likely to be completed by Congress prior to their Memorial Day recess. The bill includes one-year extensions for popular programs such as the alternative fuels tax credit, as well as an extension of the Build America Bonds program. Supporters of summer youth jobs programs have targeted the bill because it may be the last piece of legislation to become law prior to the break, and any action after that might prove to be too late to start an effective jobs program this summer.

On another front, there was \$600 million in summer youth jobs funding included

in the Senate supplemental appropriations bill to provide additional funds for overseas military activities and disaster assistance in recently flooded states. However, those funds were removed this week during Senate Appropriations Committee consideration of the bill as a cost-cutting measure. Sponsors of the supplemental appropriations bill are also hoping for final approval prior to Memorial Day.

WATER RESOURCES

House bill would reauthorize the drinking water SRF. Leaders of the House Energy and Commerce Committee unveiled draft legislation this week that would reauthorize the Drinking Water State Revolving Loan Fund (SRF) at the Environmental Protection Agency (EPA).

The drinking water SRF was created in 1996 and provides formula funds to states, which in turn make low-interest loans to public entities for drinking water infrastructure projects. The program received \$1.387 billion in FY 2010 and the 2009 stimulus bill provided an additional \$2 billion for the program, on top of an \$829 million FY 2009 appropriation.

The House legislation would reauthorize the drinking water SRF for five years, at a level of \$1.5 billion in FY 2011 and rising each year until it reaches \$5 billion in FY 2015. EPA estimates that more than \$300 billion will be needed over the next 17 years to address the nation's aging water infrastructure needs.

The legislation would also require EPA to identify and test at least 100 chemicals found in drinking water to see if they are "endocrine disruptors," a broad class of chemicals that some scientists believe may affect the human hormone system.

The House Energy and Commerce Subcommittee on Energy and Environment held a hearing on the legislation this week. No companion bill has been introduced in the Senate, where a number of Senators from high-growth states have been critical of the SRF formulas.

Additional information on the legislation can be found on the House Energy and Commerce Committee website:

<http://bit.ly/9VjNHx>

GRANTS & NOTICES

Bureau of Justice Assistance

BJA is accepting applications for FY 2010 Project Safe Neighborhoods (PSN) Grants. This program is designed to create safer neighborhoods by reducing crime, gang and gun violence, and sustaining that reduction. The program necessitates cooperation of local, state, and federal agencies led by the U.S. Attorney in each of the 94 federal judicial districts. Each USA must certify an agent to apply for a PSN grant. Eligible agents include state and local governments, educational institutions, faith-based and other community organizations, and private nonprofit organizations. FY 2010 PSN federal judicial district allocations of the \$11.8 million in available funding can be found at:

<http://bit.ly/chZD5u>

Applications are due June 10, 2010:

<http://bit.ly/bcIlgD>.

Department of Energy

DOE issued a Request for Information (RFI) regarding the current and potential practices and policies surrounding implementation of the Smart Grid. This RFI seeks input regarding “individual utility practices and policies regarding data access and collection; third party access to detailed energy information, and the role of the consumer in balancing the benefits of access and privacy” and seeks guidance for policymakers in determining who can access consumers’ energy information and under what conditions. Comments must be postmarked by July 12, 2010:

<http://bit.ly/aXUBPk>

DOE issued an additional RFI seeking input on what types of communications capabilities that utilities operators and communications carriers think they will need to support the requirements in modernizing and sustaining the Smart Grid. Comments must be postmarked by July 12, 2010:

<http://bit.ly/aI5tUI>

Department of Transportation

DOT is accepting public comment on their Strategic Plan for FY 2010-2015. The plan, *Transportation for a New Generation*, focuses on people and their communities by setting priorities that will transform transportation infrastructure into a multimodal system that offers convenient, affordable, and environmentally sustainable transportation choices. Comments are due by June 15, 2010:

<http://bit.ly/co9iCV>.

Mary M. Meyer

From: Steve R. Beal
Sent: Wednesday, May 19, 2010 8:54 AM
To: Mary M. Meyer
Cc: Bruce D. Dart
Subject: FW: Response to City Council

Dear City Council members,

Thank-you for the opportunity to discuss the proposed Animal Control ordinances on Monday. Councilman Camp had asked about pet licenses and the how that broke down in relation to unaltered and altered dogs and cats. Below are the actual numbers for FY 2008-2009.

Please call or email me if there if there is any additional information I could provide.

FY 08-09 Animal Control sold 58,005 pet licenses.

Dogs: whole license fee: 5,786
altered license fee: 26,082
Senior citizen whole license fee: 534
Senior citizen altered license fee: 4,206

Cats: whole license fee: 538
altered license fee: 17,794
Senior citizen whole license fee: 33
Senior citizen altered license fee: 3,032

Steve Beal
441-8042

Mary M. Meyer

From: Steve R. Beal
Sent: Wednesday, May 19, 2010 9:13 AM
To: Mary M. Meyer
Cc: Bruce D. Dart
Subject: FW: Response to City Council

City Council Members,

As a follow up to my previous e mail, The percentage breakdown for altered vs. unaltered licensed dogs and cats is as follows:

DOGS:

83% altered (30,288)

17%unaltered (6320)

CATS:

97% altered (20.826)

3% unaltered (571)

Steve

Mary M. Meyer

From: Steve R. Beal
Sent: Thursday, May 20, 2010 9:37 AM
To: 'mska53@aol.com'
Cc: Mary M. Meyer; Rick D. Hoppe; Bruce D. Dart; Lin Quenzer
Subject: FW: TNR response

Katherine,

Thank-you for bringing to our attention the cat colony that lives in the arena development area. The Mayor's office has directed the Health Department, Animal Control Division to respond to your e mail. The arena project is in the very early stages and we will do what we can to monitor to this situation with your assistance.

While many communities opt to control feral cat populations via outdated methods, including lethal elimination or relocation, which is not only cruel, they are also highly ineffective; the City of Lincoln and the Lincoln-Lancaster County Health Department support Trap-Neuter-Return (TNR) as a proven and humane and method to manage feral cat colonies. The LLCHD worked with The Cat House (TCH) to conduct a pilot TNR program several years ago and the results of that program indicated that feral cats who live in a managed colony—a colony with a dedicated caretaker who provides spay/neuter services, regular feedings and proper shelter—can live a quite content life.

The LLCHD supported the volunteers on UNL campus and continue to support TNR managed colonies in our communities. The City supports TNR programs because it is a method of humanely trapping feral cats, having them spayed or neutered, vaccinated for rabies and then returning them to their colony to live out their lives. Especially in these tight budget times, TNR has been shown to be the least costly as well as the most efficient and humane way of stabilizing feral cat populations.

TNR helps the community by stabilizing the population of the feral colony and, over time, reducing it. At the same time, nuisance behaviors such as spraying, loud noise and fighting are largely eliminated and no more kittens are born. Animal Control resources are kept intact because the number of kittens that would end up in shelters is reduced.

LLCHD has a history of supporting TNR colonies but does not have the resources to fund animal initiatives while the need is so great amongst our human populations, which must take priority over our animal populations. In saying that LLCHD will continue to support and work closely with community groups that want to volunteer their time and efforts to protect and care for animals in Lincoln and Lancaster County. These issues are best responded to collectively by groups interested in the welfare and passionate about the quality of life our animals can expect. It is important to work collaboratively determine how best to care and manage feral cat colonies currently located at or near the proposed arena site.

The LLCHD animal control division would be happy to be a part of a planning process to respond to this issue. If TCH would like to discuss this with AC staff, please call Steve Beal at 441-8080.

Bruce D. Dart, Ph.D.
Health Director
Lincoln-Lancaster County Health Department
3140 N Street
Lincoln, NE 68510
402-441-8001
bdart@lincoln.ne.gov
Public Health, every one, every day, every where

Mary M. Meyer

From: Barbara Hansen [b.hansen@lincolnlibraries.org]
Sent: Monday, May 17, 2010 3:16 PM
Subject: One Book - One Lincoln Finalists to be Announced

FOR RELEASE: May 17, 2010
CONTACT: Barbara Hansen, Administrative Aide
PHONE: 402-441-8512
E-MAIL: b.hansen@lincolnlibraries.org

One Book – One Lincoln
Library to Announce Top 5 Finalists

Lincoln City Libraries will announce the five finalists for the 2010 One Book – One Lincoln Community Reading program on Monday, May 31st, 10 a.m. at The Mill in the Haymarket.

Library staff will be available at The Mill from 10 a.m. to 12 noon with a limited number of copies available for checkout to customers who bring their library cards.

New to the program this year is the opportunity for the community to vote on the title for the community reading program. Ballots will be available at all libraries and the library website June 1 – July 31st.

The main goal of the One Book – One Lincoln Community Reading Program is to encourage residents to read and discuss the same book. Now in its 9th year, Lincoln's community reading program has featured *Plainsong*, *Bel Canto*, *Peace Like a River*, *Kite Runner*, *Devil in the White City*, *The Worst Hard Time*, *The Thirteenth Tale*, and *People of the Book*.

The Mill located in the Haymarket will be open from 8 a.m. to 12 noon on Monday, May 31st with sales benefiting the Foundation for Lincoln City Libraries.

Contact Barbara at 402-441-8512 if additional information is needed.

###

Barbara Hansen
Administrative Aide

Lincoln City Libraries
402-441-8512

Mary M. Meyer

From: Barbara Hansen [b.hansen@lincolnlibraries.org]
Sent: Wednesday, May 19, 2010 3:34 PM
To: brsupr@lincolnlibraries.org; jswanson@journalstar.com; Mary M. Meyer; Diane K. Gonzolas; info@downtownlincoln.org; newscrew@statepaper.com; amy.adams@wowt.com; eandersen@journalstar.com; bbacon35@yahoo.com; pbeutler@journalstar.com; pbeutler@journalstar.com; voicenews@inebraska.com; dennis.buckley@lee.net; rc34712@windstream.net; chicksdigdeals@gmail.com; ddwinell@klkntv.com; nfinken2@unl.edu; guide@todointhistown.com; troy.frankforter@kolnkgin.com; mhaggar@klkntv.com; njenkins@ap.org; k.jeune@lincolnlibraries.org; johnsong@wowt.com; rjohnson@threeeagles.com; p.jorgensen@mail.lcl.lib.ne.us; calendars@journalstar.com; jkirkpatrick@mchenrylaw.com; clangekubick@journalstar.com; p.leach@lincolnlibraries.org; randy.lube@kolnkgin.com; gm@kzum.org; lincolnkids@diodecom.net; newsdesk@cretenews.net; g.mickells@mail.lcl.lib.ne.us; rmoody@klkntv.com; johanlon1@unl.edu; events@Lincoln55Plus.com; news@owh.com; news42@kptm.com; citydesk@nebweb.com; dn@unl.edu; rshannon@hearst.com; april@eagleprinting.biz; erictaylor@clearchannel.com; lvanhoosen@klkntv.com; maja@nebheavyindustries.com
Subject: Author to Visit Bethany Branch Library

For immediate release: 5-20-10

For further information: Vicki Wood, Youth Services Supervisor

Phone:402-441-8565

E-mail: v.wood@lincolnlibraries.org

Children's Book Author Helen Lester Visits Bethany Library

Beloved children's book author Helen Lester, best known for her Tacky the Penguin books, will give a short presentation for children and families about her work on Monday, May 24 at 4:00 p.m. at Bethany Branch Library, 1810 N. Cotner Blvd. She will be signing copies of her books – bring your own or purchase copies at the event.

Barbara Hansen
Administrative Aide
Lincoln City Libraries
402-441-8512



Memorandum

Date: ♦ May 18, 2010
To: ♦ City Clerk
From: ♦ Teresa McKinstry, Planning Dept.
Re: ♦ Administrative Amendment approvals
cc: ♦ Jean Preister

This is a list of the Administrative Amendments that were approved by the Planning Director from May 11, 2010 thru May 17, 2010:

Administrative Permit No. 10001, approved by the Planning Director on May 11, 2010, requested by Constructors, Inc., to operate a temporary concrete paving plant for the Interstate 80 widening project for three years on property located at 8100 N. 112th Street adjacent to I-80.

Administrative Amendment No. 10021 to Use Permit No. 57D, approved by the Planning Director on May 12, 2010, requested by Carlson Consulting Engineers, to revise the parking lot layout, add a loading canopy and add a canopy over tire and battery storage for the Sam's Club on property generally located northeast of N. 27th Street and Superior Street.

Administrative Amendment No. 10013 to Special Permit No. 1533, approved by the Planning Director on May 13, 2010, requested by Western Manor, LP c/o Mercy Housing, Inc., to revise the parking lot layout, add a community building and a 20 space garage on property generally located at N. Coddington Avenue and West "Q" Street.

Administrative Amendment No. 10022 and Administrative Amendment No. 10023 to Special Permit No. 04069 and Special Permit No. 04070, approved by the Planning Director on May 14, 2010, requested by ESP Engineering, to revise Lot 1, Block 2 and Lot 1, Block 1, and the abutting street on property generally located at SW. 14th Street and W. Bennet Road.

Q:\shared\wp\teresa\AA weekly approvals.wpd

City/County Planning Department
555 S. 10th Street, Rm. 213
Lincoln NE 68508
(402) 441-7491



MEMORANDUM

TO: Mayor's Capital Improvements Advisory Committee
Mayor Chris Beutler
Rick Hoppe, Trish Owen
Marvin Krout, Nicole Fleck-Tooze, David Cary
Don Herz, Steve Hubka
Greg MacLean

FROM: Jean Preister, Planning 

DATE: May 17, 2010

SUBJECT: FY 2010-2016 Capital Improvements Program
FY 2011-2014 Transportation Improvement Program

cc: City Council
Mike Brienzo, Planning
Rod Confer, City Attorney
Don Thomas, County Engineer

I hereby respectfully submit for your information the Minutes of the Special Public Hearing held by the Lincoln-Lancaster County Planning Commission on May 12, 2010, on the **FY 2010/11 - 2015/16 City of Lincoln Capital Improvements Program** and the **FY 2011-2014 Transportation Improvement Program**.

On May 12, 2010, the Planning Commission agreed with the staff recommendations and voted 9-0 to find both the CIP and TIP in full or general conformance with the Comprehensive Plan.

Please note: There was a motion to amend on Project #0818 of the Sidewalk Maintenance and Repair CIP as follows; however, that motion failed on a vote of 4-5 (See Minutes, p.16-17).

Cornelius moved to amend to find Project #0181 of the Public Works & Utilities CIP, Streets and Highways Division, for "Sidewalk Maintenance and Repair", not in conformance with the Comprehensive Plan, seconded by Esseks. After discussion, motion failed 4-5 (Esseks, Cornelius, Taylor and Gaylor Baird voting 'yes'; Larson, Partington, Francis, Lust and Sunderman voting 'no').

Coby Mach testified on behalf of LIBA relating to Pershing Auditorium (p.3) and Parks & Recreation (p.9-10). There was no other public testimony beyond City departmental staff.

These minutes will be approved by the Planning Commission at their regular meeting on June 2, 2010. If you have any questions or need any additional information, please feel free to contact me at 441-6365.

Q:\pc\minutes\2010\CIPMinutes to CIAC

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 12, 2010, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jeanelle Lust, Jim Partington, Lynn Sunderman and Tommy Taylor; Marvin Krout, Nicole Fleck-Tooze, David Cary, Michael Brienzo, and Jean Preister of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Special Public Hearing
Planning Commission Review Edition of the FY2010-11 thru 2015/16 Capital Improvements Program (CIP) and the FY2011-2014 Transportation Improvement Program

Chair Lynn Sunderman called the meeting to order and announced that the Open Meetings Act is posted in the back of the room.

This is a special public hearing on the City's six-year Capital Improvements Program and FY2011-2014 Transportation Improvement Program for the Lincoln Metropolitan Area (MPO).

**THE PLANNING COMMISSION REVIEW EDITION
OF THE CITY OF LINCOLN
DRAFT SIX YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP)
FOR FY 2010/11 - 2015/16.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: May 12, 2010

Members present: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman.

Ex parte communications: None.

Staff presentation: **David Cary of Planning staff** gave a presentation and overview of the CIP. The CIP provides a multi-year list of proposed major capital expenditures for the city and is one of the most important responsibilities of municipal government. The city constantly looks ahead at how to improve major items such as roads, utilities, police, fire parks, libraries and other community buildings. "Capital improvements" consist of the acquisition of real property; the acquisition, construction, reconstruction, improvement,

extension, equipping, or furnishing of any physical improvement, but not routine maintenance work thereon; and equipment with a probable useful life of fifteen or more years. The CIP is not intended to be an all inclusive inventory of the capital needs for the upcoming six years. The City Charter assigns responsibility for assembling the CIP to the City Planning Department.

This process involves coordinating the assessment of the city's capital needs. Each City department projects their capital needs and creates an improvement program for the six year period. The individual requests are assembled by the Planning Department, which then becomes the CIP. Each project is evaluated for conformity with the Comprehensive Plan along with recent funding projections and revenue calculations. The CIP is updated annually. The Mayor's Capital Improvements Advisory Committee guides the development of the document. In accordance with the City Charter, the CIP is reviewed for conformity with the Comprehensive Plan by the Planning Commission. The Planning Commission makes a recommendation as to conformance and that recommendation, along with public testimony and comments, is passed on to the Mayor and City Council for consideration in budget discussions. Year one becomes the capital budget for FY 2010-11, beginning 9/01/10.

The Clerk then proceeded to call the individual department CIP's for public hearing.

A. Building & Safety: David Cary of Planning staff advised that the Building & Safety Department is requesting funding for a Fire Prevention Garage. This garage would be used to house specialized equipment for the Bureau of Fire Prevention. Much of this equipment is sensitive to cold so minimal heating is needed. There is also a requirement for a secure evidence storage area. This project has been in previous CIP's and is found to be in general conformance with the Comprehensive Plan.

Esseks inquired whether this means the project has been postponed in the past. Cary responded that it has been in the out years in previous CIP's. This \$150,000 would be spent beginning September 1, 2010, if it remains in year one.

Gaylor Baird noted that this is the second most costly item in the number of projects that draw on the general fund revenues, and she wondered whether it is believed that this project deserves that sort of priority and dedication. Cary acknowledged that the source of funding can always be further considered and discussed. In this case, it is difficult for Building & Safety to have a large capital budget so the general fund is the revenue source. It will be discussed during the budget process.

There was no other public testimony.

B. Finance Department:

1. Communications/911 Center: David Cary of Planning staff advised that the proposed CIP for the Communications/911 Center includes three projects designed to enhance operations over the six-year period. These projects include a new Emergency Communication Center, upgraded radio system and a Communications Command Post to provide support in the field. The three projects are part of a proposed Public Safety Bond Issue planned to go before voters in FY 2011/12. This proposed CIP is found to be in general conformance with the Comprehensive Plan.

There was no other public testimony.

2. Pershing Auditorium: David Cary of Planning staff advised that Pershing Auditorium's proposed CIP includes funds for the continued minimal maintenance of the Auditorium over the six-year period. There has been much discussion about the new arena facility, and with yesterday's vote, we now have direction with the arena so the future of Pershing will be discussed in more detail. We need to keep in mind that it will still need to be maintained and operable for at least the next 5-6 years before the new facility is up and running. This funding is for that purpose. This project was found to be in general conformance with the Comprehensive Plan.

Public Testimony

Coby Mach appeared on behalf of **LIBA** in a neutral capacity. He pointed out that there are some things in this proposed CIP that need further consideration in light of the arena bond passing last night. He acknowledged that we do not want to see the building deteriorate, but there are some things such as curtains, for example, that perhaps could be postponed and those expenses saved. Also as an example, the folding chairs – perhaps the City Council should consider whether or not those chairs are something that could be used in the new arena or if we truly have to purchase them at this time. Mach expressed appreciation to the community for yesterday's vote.

C. Fire and Rescue: David Cary of Planning staff advised that the Fire and Rescue CIP includes five projects. These projects involve one new fire station; a relocated fire station; a replaced third station; an educational, training and fleet service campus to enhance operations; and a general use fire station modifications and repairs project. All projects are proposed to be part of a Public Safety Bond Issue planned to go before voters in FY 2011/12. All projects are found to be in general conformance with the Comprehensive Plan.

Esseks noted that there have been some real changes from the previous two CIP's in such important questions as the number of new stations and the location of new stations. In light of the provisions in the Comprehensive Plan under Public Safety, Esseks believes it important to have some discussion as to why these changes have occurred. Cary stated

that the changes are based on the Fire Department's determination of the best use of their capacity to fund certain projects. These projects are definitely being funded by a future bond issue requiring voter approval. There have been many discussion within the Fire Department on the best locations for fire stations and whether they should be replaced, based on fire response times. He is certain that their discussions have informed them on the changes in the proposed projects.

Esseks pointed out that two years ago, there was going to be a new Station 16 as well as Station 15. Here he sees only Station 15 and wants to know what happened to Station 16.

John Huff, Assistant Fire Chief, offered that the Fire Department is constantly monitoring response times, which is what drives everything they do. They are looking for opportunities to maximum utilization of existing personnel and resources and minimize capital outlay. It became apparent that if we relocated Station 10 on Adams Street to a location further north and east, we could improve the response time significantly. By relocating Station 10, they did not have to add Station 16. The Fire Department believes that a relocation is more cost effective than a new and additional facility. Station 15 would be the next to be built. The Fire Department continues to try to number them sequentially by priority. By relocating Station 10, the response times are improved and Station 15 becomes the location at Eiger Drive and Hwy 2.

Esseks inquired as to the last time the Fire Department was able to build a new station. Huff believes that would have been Station 14 in the Highlands in 1995. They have tried to maintain the existing facilities with some improvements throughout the operating budget, so they have not had any capital investment for quite a long time.

Gaylor Baird pointed out that these are urgent and important projects, especially new fire stations. She knows they are slated for 2011-12, but we need to be aware of the compromise in service that we all face until these stations are built. On a regular basis, the Planning Commission receives comments back from the Fire Department on projects that involve annexation on exterior parts of the city stating that, "There is a lack of fire facilities in the area that does not allow the Fire Department to provide timely emergency response that the community expects to receive". This is an urgent issue for our community.

Huff suggested that as we continue to reach further and further, we need to add facilities to continue to provide rapid response.

There was no other public testimony.

D. Lincoln City Libraries: **David Cary of Planning Staff** advised that the Lincoln City Libraries are proposing five projects in the six year CIP. The largest single project in the Department's proposed capital improvement program is the replacement of the Bennett Martin Library in FY 2014/15. This project is proposed for a combination of a general obligation (GO) bond and other financing, likely to include private fund raising. The

Bookmobile is planned to be replaced in 2010/11, new HVAC systems are proposed in both the Gere branch and the Anderson branch in 2010/11 and 2011/12 respectively, and the Bethany branch is slated for a roof replacement in 2012/13. These projects are found to be in full or general conformance with the Comprehensive Plan.

There was no other public testimony.

E. Lincoln Electric System (LES): David Cary of Planning staff advised the Lincoln Electric System's proposed \$272 million capital program embodies a substantial investment in electrical power supply and distribution for the community over the six-year period. Underground Distribution, with the majority going to new residential and commercial development, new transformers and meters, and power supply, including LES's investment in the Laramie River Station, account for the largest portions of the program. This year's LES program is significantly higher than last year's program with implementation of Smart Grid technology such as advanced metering infrastructure, new base load generation startup costs for a future plant, and environmental equipment at the Laramie River Station accounting for most of this increase. There is a question on the level of impact new and replaced transmission lines will have on the built environment based on whether or not they are installed above or below ground, and based on their exact locations. Other review boards staffed by the Planning Department will have an opportunity to review these projects and advise the community as needed. All projects are found to be in general conformance with the Comprehensive Plan.

Gaylor Baird asked Cary to speak to the issue of the built environment from a planning perspective. Cary stated that some of the locations are in an area of the city that is not easily redone as far as the electrical system is concerned – existing buildings, housing, infrastructure – unlike in a newly developed area that is very often buried power lines. The point being made in the staff report is how those projects in the built environment are going to be discussed with the community and planned out and implemented. The staff report points out that there are other review boards – Historic Preservation Commission, Nebraska Capitol Environs Commission – that will have opportunities to review some of the specific projects in the built environment.

Gaylor Baird inquired whether staff has a strong preference for burying as opposed to above ground. Cary would not say it is a strong preference, but staff wants to look at each project on a case-by-case basis and look at the impacts of above versus below ground.

There was no other public testimony.

F. Aging: David Cary of Planning staff noted that the Aging Partners department is within the Mayor's Office and is proposing one project in the six years of the CIP programming period. The capital program totals approximately \$3.8 million for the construction of a new Northeast ActiveAge Center, including planning work to develop a strategy to best serve the Lincoln community. The new facility is programmed for the third

and fourth year of the CIP. Funding for the program consists of City General Revenue funds, funding from Lancaster County, and Other Funding made up largely of private donations. No funds are requested in FY 2010/11. This project is found to be in general conformance with the Comprehensive Plan.

There was no other public testimony.

G. Police Department: David Cary of Planning staff advised that the proposed capital program for the Police Department involves five projects – relocation of the LPD K9 Training Facility; a study for a new assembly station in south Lincoln and construction of that facility; and a master plan for a new LPD Garage-Maintenance & Repair Facility and construction of that facility. The first project is shown in 2010/11 using Other Financing to relocate the existing K-9 facility. The Team Assembly Station, Phase I, II, & III, and the LPD Garage, Maintenance and Repair Facility are part of a proposed Public Safety Bond Issue planned to go before voters in FY 2011/12. All projects are found to be in general conformance with the Comprehensive Plan.

Lust inquired as to the specific source of the “other financing” for the canine unit. Cary believes that it is a grant that they have received. They have been waiting for that to materialize in order to determine the location.

There was no other public testimony.

H. Urban Development: David Cary of Planning staff advised that the Urban Development Department’s proposed CIP includes twelve projects totaling over \$23 million over the six-year period. The funding for the program consists of Community Improvement Financing (or Tax Increment Financing), Community Development Block Grants, Revenue Bonds, City General Revenue funds, and Service Charges. This is the third year that Parking projects, which were formerly part of the Public Works and Utilities CIP, are part of Urban Development’s CIP. Notable projects included in the Urban Development CIP are the Civic Plaza project at 13th and P Streets, the Centennial Mall reconstruction project, and a Streetscape design project for M and 11th Streets in Downtown Lincoln. The Urban Development CIP is found to be in full or general conformance with the Comprehensive Plan.

Esseks expressed an interest in the Havelock revitalization project. **David Landis, Director of Urban Development**, stated that the most active part of that is the facade program, which is the new piece. There is a surface parking lot that the City maintains; they have done some streetscape work already; but the piece that is now in progress is to link the merchants there with the other design palate for Havelock Avenue. We have told the merchants that there are some things we would like them to do for which Urban Development has grants available; secondly, there are other things that Urban Development wants to participate in with their participation in return, including the facade, awnings, updating signage, palate of design put together by Scott Sullivan, etc. There are

almost 20 businesses participating in one form or another. You can now see the beginning of that project and it will take a year or more, but when it is done it will be a very handsome improvement of the street face and creation of recurring design up and down the street that will be attractive for the neighborhood and the business district.

Gaylor Baird was curious about the N. 27th Redevelopment projects. Landis stated that this is one of the TIF districts in which they simply use the TIF proceeds on a year by year basis, so there was not a front-loading of resources, but the span of 15 years of the district itself. It generates now because of the growth over time of \$713,000 a year. Currently, we have four locations where we have reached out to property owners. It is required upon us to do an appraisal. We are not permitted to simply ask for a price. We have to start from a market based number. We have done four appraisals for locations and properties along that area and we have had conversations with three of those owners and he is encouraged on all three fronts and hopes to be able to do those transactions. The most logical is to demolish the structures. These are blighted structures, and even an empty green lot would be a better purpose for the land than the kinds of structures there currently. When they are demolished and zoned for business, it is possible that the market place comes back and says they will pay for the lot that is now vacant. Here are the mathematics of how this works – we pay for a blighted structure, we pay for the demolishing, we then have a much more commercially attractive opportunity to jump start private investment that is not taking place now to get investment there and on those sites. The money that we use is the money that we have from the TIF district up and down that realm. That money comes to us because of the growth in that area.

Gaylor Baird expressed interest in the Centennial Mall project and what that entails, which is found in both the Urban Development and Parks CIP's. Landis explained that the opportunities to do Centennial Mall came from Urban Development's own analysis of an existing TIF district that did not include the mall per se. But we understood that at the end of the 15 years we would have resources not planned for the area between this building and the State Capitol. We realized that we would have resources for extending the boundaries of the Centennial Mall. The City Council has altered the boundaries of that district so that the money collected can now be used for the Centennial Mall. The request to change the boundaries comes from Urban Development. It does away with the steps, which have been a safety hazard; it does away with the fountains that have been vandalized; it has added ornamental lighting; it has landscaping. The design has been done because of the Parks Department. Parks will be responsible for the transition to the private sector fund-raising.

Gaylor Baird believes there are a lot of really exciting projects included in the CIP, many of which support the Downtown Master Plan, such as the Civic Plaza, which has the possibility of transforming the Downtown community and creating space where people come together for recreation and cultural activities. The M Street corridor, which not only

has visual impact on Downtown, contributes to enhancing pedestrian access and eventually bicycle access Downtown and connects Antelope Valley to the Haymarket. Gaylor Baird is glad to see that these projects are rated in conformance.

Landis explained that the tool that will be used for both is actually the same tool used in Centennial Mall. The resources exist in the form of resources available in an existing TIF district, the boundaries of which, if modified, would make those resources available. This is true for Civic Plaza and the M Street Promenade. There are two parts to M Street – the promenade, which is a significant investment in pedestrian friendly usage of M Street linking Antelope Valley with the Haymarket. The second aspect is the “park block” aspect. Here the city has control of two of those 11 blocks that would be the easiest and most achievable opportunities to use that idea of a Master Plan. The money that you see identified exists, but it exists for a project on the other side of M Street without a plan to be used and would be accessible to do the design aspect of the promenade.

Esseks asked Landis to describe the boundaries of the area along N. 27th where progress is now being made. Landis believes it is from O Street north, perhaps stopping at Cornhusker Highway.

Lust noted that one of the projects slated to begin in 2010-11 is public parking garages in the Haymarket District. With the passage of the Arena bond, is this part of the step of spurring development in the area or do you expect any developer to want to build parking garages? Landis stated that it is meant to be a spur to development, but it is not meant to be the West Haymarket Arena area development. There are needs downtown for parking, whether we did the arena or not. Last year, we were allowed to include a parking structure in the CIP on 13th to 14th, P to Q, next to the Civic Plaza. We are working on about 600 stalls. This CIP project is a second garage in the Haymarket area. There are three locations being considered. This parking garage is meant very much to spur development. It won't be full, but parking can be a tool that is a magnet for development.

There was no other public testimony.

I. City-County Health Department. The Health Department did not submit a CIP for this planning period.

J. Parks and Recreation: David Cary of Planning staff advised that the proposed capital improvements to the City's parks and recreation system are projected to cost over \$46 million over the six-year period. General obligation (GO) bonds, general revenue, revenue bonds, keno funds, transportation enhancement funds, impact fees, and the Parks & Rec repair/replacement fund account for the majority of funds programmed for the CIP. Funds from private sources are also being shown for a substantial portion of the six year improvement program. Athletic fees and tennis fees account for the balance. A general

obligation (GO) "Quality of Life Bond Issue" request amounting to \$19.9 million is requested for 2013/14 for various improvements to the Parks & Recreation system. All projects are found to be in full or general conformance with the Comprehensive Plan.

Esseks commented that he lives in the northeast and there is a park associated with Kahoa Elementary that needs to be rehabilitated. The children are getting splinters from the jungle gym there. Esseks inquired whether that park will be repaired at some point. Cary advised that there is a general program for neighborhood park facility repair and maintenance and replacement.

JJ Yost of Parks & Recreation acknowledged that there have been discussions about alternative uses or joint uses for that park facility, but there are no definite plans at this time. He agreed that there is a need for renovation of the playground and it is on a list of facilities identified for repair and replacement but this one is a little bit down on that list, approximately three or four years out for rehabilitation. There are 85 playgrounds in the system with an average life span of about 20 years, so we need to be doing about three or four playgrounds a year. Financially, we are not able to do that – we are only able to do one or two per year. Yost agreed to take a closer look at moving Kahoa up the list.

Gaylor Baird inquired whether there are places in the parks that have inadequate lighting for safety. Yost responded in the affirmative. The Parks Department gets requests quite frequently from neighbors or neighborhood associations wanting additional lighting in parks, primarily associated with playgrounds. By design, neighborhood parks typically do not have lighting within them. We only program lighting for community and regional parks that have more drive-in or programmed uses. However, there are some exceptions – there are parks that have lighting where there is a real need for safety. This year, the Lincoln Cares Program is funding solar lighting applications at a couple of parks with need for lighting by the playground. Yost pointed out that when you add lighting, you add operation costs and long term maintenance costs. Parks is looking at alternative sources and materials.

Gaylor Baird asked whether the Parks Department considers crime statistics. Yost stated that Parks does take advice from the Police Department on where lighting would be advisable for recreational areas.

Coby Mach, appeared on behalf of **LIBA**. He acknowledged that the Planning Commission's purpose is to determine whether the projects are in conformance with the Comprehensive Plan, and that today, LIBA is not commenting on the proposals for Libraries or the new active age centers because they want to do more study. LIBA is also not commenting on the new fire stations because they have been invited to join the Fire Chief in some discussions and studies.

But, in relation to the Parks Department, LIBA recognizes that our parks, trails, bridges, and neighborhood amenities need to be maintained; however, LIBA questions the

philosophy behind the Comprehensive Plan itself, which indicates that there should be one park for every one square mile of residential property. Since the Comprehensive Plan is coming up for review later this summer, LIBA suggests that the community consider: 1) is a city park for every square mile a realistic venture that the City should continue to pursue; 2) can the taxpayers afford to continue to maintain those parks – in the last 15 years, the amount of park land has grown in Lincoln by 64%; and 3) would Lincoln be better off creating expansive, larger parks that are easier to maintain and require fewer personnel, thus reducing the expenditure but maintain a park system of which we can be proud? Mach agreed that what is before the Planning Commission today does comply with the Comprehensive Plan, but suggested that it is a good time to perhaps start reviewing the overall policy.

Larson inquired as to how much of the 64% increase in park land was donated land. Mach did not have that information, but the Urban Land Institute has done a comparison and found that in the average city, there are 19 acres of park land per 1,000 population. In Lincoln, we have 27 acres per 1,000 residents, but how much of that was donated, he did not know.

Esseks expressed interest in LIBA's proposal, but he believes it could have very serious implications, both good and bad. One of the selling points for Lincoln is that there is a lot of good park space. We need some evidence that we could go to a different ratio. Mach reiterated that LIBA is not making a proposal today – just presenting some “thought-starters” as we head into a study of the Comprehensive Plan. LIBA is happy to discuss all thoughts.

K. Public Works and Utilities: The Public Works and Utilities Department's capital program includes projects for seven divisions: (1) StarTran; (2) Streets and Highways; (3) Watershed Management; (4) Street Maintenance Operations; (5) Water; (6) Wastewater; and (7) Solid Waste Operations.

1. StarTran: David Cary of Planning staff explained that StarTran's six-year, \$12.5 million proposed capital improvement program is funded largely through Federal transportation money with \$10.4 million in funds, with the balance coming from City general revenue funds and special reserves. The largest single capital item is the accumulation of funds for replacement of 20 buses in 2015. No General Revenue funds are programmed in the first year of this year's CIP. All projects are found to be in full or general conformance with the Comprehensive Plan.

Sunderman inquired why the replacement of 15 buses in 2011 doesn't show any dollar amount. Cary explained that the funding for that was accounted for in previous budgets. StarTran is showing it in this CIP due to a timing issue in the actual purchasing of the buses for the purpose of showing as much information as desirable for the federal agencies.

There was no other public testimony.

2. Streets and Highways: **David Cary of Planning staff** advised that the Streets and Highways capital program proposed by Public Works & Utilities identifies a program totaling \$155.8 million over the six year programming period, a decrease from last year's CIP. These projects range from resurfacing projects to pedestrian facilities to system management programs to the construction of major new roadway facilities.

With the adoption of the 2030 Comprehensive Plan in November of 2006, a list and map of specific street projects were included as part of the Plan. The "Streets and Highways" CIP submittal has been closely coordinated with the 2030 Comprehensive Plan which was used in determining Comprehensive Plan conformity.

A variety of Federal, State and City revenues are utilized to fund the program, including Impact Fees that began 2003, City Wheel Tax revenues, and Federal transportation funds. The Public Works & Utilities Department anticipates decreasing Highway Allocation Funding (gas tax revenues) over the next six years that will ultimately reduce the City's ability to obtain future available Federal transportation funding.

The notable projects in the first year of the program include continuing the Antelope Valley roadway improvements, the Southwest 40th Viaduct, widening Old Cheney Road from 70th to 82nd Street, and arterial street projects within impact fee districts.

All projects are found to be in full or general conformance with the Comprehensive Plan.

Francis inquired whether the funds allocated for the East Beltway are for acquisition of land. **Thomas Shafer of Public Works** advised that those funds are being set aside for corridor protection – for negotiating the purchase of property. The East Beltway is a joint project with the County, thus \$500,000 a year to take advantage of opportunities that may come about. Francis suggested that this funding is reactionary as opposed to proactive. Shafer agreed that it would be used in response to some sort of building permit being filed. The right-of-way costs will be much more in excess of \$250,000/year for six years. Hopefully some day we will have the funds to finish the project and that right-of-way money will be there. The only property acquired so far is Tractor Supply – they had filed for corridor protection and left a piece open for building the interchange, and that is the only piece that Shafer is aware of that has been purchased.

Esseks noted that the CIP for sidewalk maintenance and repair is 50% less than it was last year. He wanted to know why there has been a decrease in priority given to sidewalk maintenance. Shafer indicated that it is due to lots of competing needs and very limited funds. This last winter was very hard on infrastructure in terms of streets. The lack of maintenance that we put towards arterials caught up with us this winter. We decided that we still needed to make sidewalks somewhat of a priority but that money needed to be shifted. It's a priority balancing act – do we put it on arterials or sidewalks? It's the

balance that came about through working with the Mayor's Capital Improvements Advisory Committee.

Gaylor Baird inquired whether it is the lack of maintenance that caused so many potholes or the extreme weather and machines used to clear snow. Shafer stated that it is undoubtedly the lack of maintenance. Shafer then explained how a pothole forms, and the City has been unable to do crack sealing and overlays to keep moisture out. The City did 14.8 miles of arterial rehabilitation from 2005-09. There is a need to do 60 miles a year. "We reaped in what we sowed."

There was no other public testimony.

3. Watershed Management: David Cary of Planning staff explained that the proposed Watershed Management CIP contains approximately \$45 million in improvements over the six year period. The passage of three general obligation (GO) bond issues (in FY 2010/11, FY 2012/13, and FY2014/15) would constitute the bulk of the funding for these improvements. The remaining watershed management projects are proposed to be funded through State/Federal Funds and Other Financing. These projects include city subsidy to storm drainage construction in paving districts, preliminary planning efforts, miscellaneous storm sewer improvements, implementation of watershed master plan projects, water quality projects, stream rehabilitation, floodplain/floodprone engineering and projects, and the continued development of a Comprehensive Watershed Master Plan. All projects are found to be in full or general conformance with the Comprehensive Plan.

There was no other public testimony.

4. Street Maintenance Operations: David Cary of Planning staff explained that the Street Maintenance Operations' proposed CIP involves the replacement of the HVAC system and electrical lighting at the 3180 South Street facility and the 3200 Baldwin Ave. facility, the resealing of the roof at the 901 North 6th Street facilities, and a new salt storage shed at 3200 Baldwin Ave. All projects were found to be in general conformance with the Comprehensive Plan.

There was no other public testimony.

5. Water Supply and Distribution: David Cary of Planning staff stated that the proposed Lincoln Water System CIP contains approximately \$100 million in water supply, treatment, storage and distribution improvements over the six-year period. This is a higher total amount compared to last year's CIP. Included in this year's submittal are projects intended to enhance water services to the existing City, while others will serve developing areas of Lincoln. The CIP has been prepared based upon information and recommendations contained in the 2030 Comprehensive Plan and 2002 Lincoln Water System Facilities Master Plan. Funding sources for projects include community improvement financing (TIF), revenue bonds, utility revenues, and impact fees. This

proposed CIP assumes a 5% per year increase in water utility rates. It should be noted that a comprehensive rate study of the City's utilities is underway and the findings of that study will be discussed later this year.

Continued in this year's program is more general programming of projects intended to serve growth in the community in years 2 through 6 of the program. Specific programming of funding for these projects will be identified as planning and need become more apparent in future years. At this time, \$18.5 million in impact fees and revenue bond funding has been programmed for a list of potential projects that total \$27.8 million in costs. Notable in the first year of the Water program is the limited amount of funding available for capital projects.

All proposed projects are found to be in general conformance with the Comprehensive Plan.

There was no other public testimony.

6. Wastewater: David Cary of Planning staff advised that the proposed Lincoln Wastewater CIP contains approximately \$66.8 million in projects, encompassing both the Theresa Street and Northeast Treatment Plants, construction of new sanitary sewer mains, and the selective replacement of existing mains over the six-year period. This amount is similar to last year's program, but is significantly lower than previous CIP programs. The CIP has been prepared based on information and recommendations contained in the 2030 Comprehensive Plan and the recently adopted Lincoln Wastewater Facilities Master Plan. Funding sources for projects include community improvement financing (TIF), revenue bonds, utility revenues, and impact fees. This proposed CIP assumes a 5% per year increase in wastewater utility rates. It should be noted that a comprehensive rate study of the City's utilities is underway and the findings of that study will be discussed later this year.

Continued in this year's program is more general programming of projects intended to serve growth in the community in years 3 through 6 of the program. Specific funding for projects will be identified as planning and need become more apparent in future years. At this time, \$5.1 million in impact fees, revenue bonds, and utility revenues have been programmed for a list of potential projects that total \$23.2 million in costs.

All projects are found to be in either full or general conformance with the Comprehensive Plan.

Esseks inquired about the possibility of a new treatment facility in the west or southwest. He sees no reference in the CIP. Gary Brandt, Utilities Coordinator for Wastewater and Solid Waste, stated that a new treatment facility is not foreseen in the Wastewater Facility Master Plan adopted as part of the Comprehensive Plan for a considerable number of years, based upon the growth in the city and the efforts that would need to be made in

the plan for the sanitary sewer system to handle the peak flows in a different manner. That is not in the plan for a long time.

Larson inquired as to the progress with the northeast treatment facility that is moving generally south and east. Brandt explained that will be completed within the plan period. They are currently in phase two of that trunk sewer extension from Fletcher to just south of the trail on the south side of the Lancaster County Event Center near Salt Creek. Phase three extends further south and phase four will end up at 98th and O Streets. Larson confirmed that in the six year plan it will reach 98th and O Streets. Brandt agreed. It is project #316 and #317.

There was no other public testimony.

7. Solid Waste Operations: David Cary of Planning staff advised that the proposed capital improvements for the Solid Waste Operations program include projects related to the Bluff Road Sanitary Landfill, the North 48th Street Landfill and Transfer Station, and the Solid Waste Management System. The CIP totals approximately \$27.7 million over the six-year period which is an increase from last year.

Notable projects include liner and leachate collection systems for new phases and final caps for older phases of the Bluff Road landfill, development of a landfill gas collection system, expansion of recycling facilities, park development for the N 48th Street landfill after closure, and a new access road paving project to serve the Bluff Road Landfill site. All projects are found to be in general conformance with the Comprehensive Plan.

Larson inquired whether we are getting any methane gas production out of the landfill. Gary Brandt stated that the landfill has generated methane every day from the day it started. We are not collecting the landfill gas and utilizing it at this time. We do have a project under design to collect the landfill gas and flare that gas initially. The further step is how to develop the utilization of that product. That collection system is anticipated to be constructed this summer and into the winter.

There was no further public testimony.

Partington believes it appears that Public Works and Utilities has made the necessary and appropriate compromises between new investment and maintenance of infrastructure, except in roads. That just seems to be such a big issue that no one can come to grips with. Cary agreed that roads is a very big issue. It is something that many different committees and the community have been talking about for many years. In this current CIP we have learned that we do have an issue with the decrease in funding sources and growing needs. It is something that needs to be addressed and it is being addressed as well as possible at this time. It needs to be addressed on the revenue side as well as prioritization of projects.

Esseks wondered whether it is so important that it may be time for a special task force. Cary stated that there have been many task forces in recent years with some good ideas. We do have good information.

This concluded the public hearing on the Capital Improvements Program.

**THE DRAFT FY2011-2014
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
FOR THE LINCOLN AND LANCASTER COUNTY AREA
(LINCOLN MPO).
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 12, 2010

Members present: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman.

Ex parte communications: None.

Staff presentation: **Mike Brienzo of Planning staff** appeared on behalf of the Lincoln Metropolitan Planning area (MPO), which is also the City of Lincoln. The Transportation Improvement Program (TIP) is a document that is assembled every year to coordinate with the development of several CIP's. It is a document that is required if a project is to be developed using federal funds, so any transportation projects that would like to pursue federal funding are placed in this program, which must be accepted by the Federal Highway Administration as a viable document. This Planning Commission hearing is a step in that process.

The TIP reflects projects that are gathered from the state, the county and the city and other coordinating agencies in the planning area for the MPO, which is the entire county. It is a four-year document with fiscally constrained projects.

Brienzo explained that there is a slight change from last year. The first four years of the TIP have always been adopted and the fifth and sixth years were for informational purposes. This year the program focuses on just four years. All of the projects in the TIP are available for funding and implementation. The TIP is an outgrowth of the transportation plan contained in the Comprehensive Plan.

The purpose of the Planning Commission review is a finding of conformity. The proposed program has been reviewed by the MPO Technical Advisory Committee and, on May 6, 2010, the proposed program was found to be in compliance with federal regulations and is an outgrowth of the transportation plan.

Upon recommendation of the Planning Commission, comments will be gathered and the program will be taken to the MPO policy board made up the Mayor, representatives of the City Council and County Board and a representative of the state. From that point it becomes an active document.

There was no further public testimony.

This concluded the public hearing on the TIP.

**THE PLANNING COMMISSION REVIEW EDITION
OF THE DRAFT SIX-YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP).**

ACTION BY PLANNING COMMISSION:

May 12, 2010

Esseks moved to approve the staff recommendation for a finding of full or general conformance with the Comprehensive Plan, seconded by Francis.

Cornelius agreed with the concerns expressed by Esseks about the Public Works allocation of funds to sidewalk maintenance. The Comprehensive Plan calls for consistent maintenance and rehabilitation of sidewalks in our community. We are not decreasing the number of sidewalks we have by 50%. We have the same or greater amount of sidewalks. We are already running a backlog in maintenance, and a 50% cut does not reflect the Comprehensive Plan.

Cornelius moved to amend to find that the Project #0181 of the Public Works & Utilities CIP, Streets and Highways Division, for "Sidewalk Maintenance and Repair", is not in conformance with the Comprehensive Plan, seconded by Esseks.

Sunderman does not disagree that sidewalks are falling behind and the funding is necessary; but he disagrees to pull out one item. Street maintenance itself is way behind. He believes that many items could be pulled out of this entire package and micro manage the staff's efforts to balance the budget, but he is hesitant to go down that path.

Larson agreed with Sunderman. We should not micro manage and he will vote against the amendment.

Esseks believes that in order for the Planning Commission to have a real impact in representing the public, they should look not just at individual projects but also at prioritization. The sidewalks where he lives are in crummy shape and children are using them every day to and from school. We need to make a point here that "consistent maintenance of sidewalks" should be a high priority public purpose.

Lust stated that while she agrees that a 50% cut in sidewalk maintenance is not in the best interest of the city or in the goals we have set forth in the Comprehensive Plan, she believes that we have to recognize that what we are dealing with is a limited budget and

the gentleman that testified made it very clear that we are way behind on street maintenance and that all of the pothole problems are a result of lack of maintenance. She is concerned with calling out one item and saying that it is not in conformance because of the budget cut when there are other urgent needs that are not being funded adequately. The Planning Commission is not being asked to address concerns about the funding. We are just being asked whether a project is in conformance with the Comprehensive Plan.

Taylor commented that this has been a persistent problem and it is getting worse. It is a very major part of our infrastructure. This is a serious red flag that signals some serious problems with our infrastructure. This is a very precarious time, but he will not support the amendment. Perhaps the Commission should find some other way or avenue to approach this concern. We need to find a way to address this issue.

Partington commented that sometimes in the process, smaller projects like sidewalks can fall behind in terms of priority, and that is frustrating because in many cases they don't move them up. However, he does not believe it is the Planning Commission's role to solve that problem – it's more the role of the administration.

Gaylor Baird agrees that the Planning Commission focus is not the budget, but it is the role of the Planning Commission to comment on conformity with the Plan, and anyone would look at the sidewalk issue and say it is not in conformance. She will vote in favor of the amendment because it is the Planning Commission's job to highlight these concerns. While sidewalks seem small, they are sort of the skeleton of our community and they are really important for connectivity and the health of our community. They are a very visible, tangible project that citizens can wrap their arms around. A lot of the projects are things that the public will never see. From a public citizen perspective, sidewalks are a big deal and would be something that as a governmental entity we'll hear a lot of feedback upon if they are not in good shape. While there are balancing acts to be weighed in the funding decisions, she does not believe it is unwise to highlight this issue as a body that looks at conformance with the Comprehensive Plan.

Francis stated that she is inclined to vote against the amendment, but would hope that this discussion will be brought to the City Council to look at this issue in greater detail when considered in the budget.

Motion to amend to find Project #0181, "Sidewalk Maintenance and Repair," not in conformance with the Comprehensive Plan failed 4-5 (Esseks, Cornelius, Taylor, and Gaylor Baird voting 'yes'; Larson, Partington, Francis, Lust and Sunderman voting 'no').

Sunderman appreciates the discussion about sidewalks because it is a testing ground for what is happening on the entire budget – there is a balancing act. Maybe it is appropriate that we are going to be getting into the Comprehensive Plan review quickly and some of these things can be discussed. Sunderman extended appreciation to staff for their work on this CIP.

Main motion for finding of full or general conformance with the Comprehensive Plan carried 9-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman voting 'yes'.

**THE DRAFT FY2011-2014
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
FOR THE LINCOLN AND LANCASTER COUNTY AREA
(LINCOLN MPO).**

ACTION BY PLANNING COMMISSION:

May 12, 2010

Lust moved to approve the staff recommendation for a finding of general conformance with the Comprehensive Plan, seconded by Francis and carried 9-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman voting 'yes'.

There being no further business, the meeting was adjourned at 2:35 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their regular meeting on June 2, 2010.

**** ACTION BY PLANNING COMMISSION ****
May 19, 2010

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 19, 2010, 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, May 19, 2010, in Conference Room 113 of the County/City Building, 555 S. 10th St., Lincoln, Nebraska, from 12:00 noon - 12:45 p.m. for a briefing on the "2040 Comprehensive Plan Process and Advisory Committee".

**** PLEASE NOTE:** 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, MAY 19, 2010

[Commissioner Sunderman absent]

Approval of minutes of the regular meeting held May 5, 2010. ****APPROVED, 8-0 (Sunderman absent)****

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

ANNEXATION:

Page 01 1.1 Annexation No. 08013, to annex approximately 15 acres, more or less, generally located at Warlick Boulevard and Homestead Expressway.
Staff recommendation: Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Sunderman absent).
Scheduling of Public Hearing before City Council pending.

MISCELLANEOUS:

Page 07 1.2 Waiver No. 10014, to waive the requirement of the Land Subdivision Ordinance for the installation of sidewalks on the south side of the 600 block of West "E" Street, on property generally located at S. Folsom Street and West E Street. ***** FINAL ACTION *****
Staff recommendation: Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Removed from Consent Agenda and had public hearing.
Planning Commission 'final action': APPROVAL, 8-0 (Sunderman absent).
Resolution No. PC-01208.

2. **REQUESTS FOR DEFERRAL: None.**

4. **CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

PERMITS:

Page 17 ~~4.1 County Special Permit No. 10020, to allow a campground facility, on property generally located at N. 176th Street and Adams Street.
Staff recommendation: Conditional Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
****APPLICATION WITHDRAWN BY THE APPLICANT****~~

**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

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**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.**

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**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

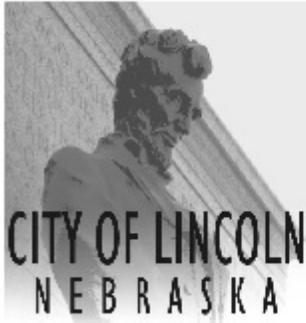
DATE : May 20, 2010

Please be advised that on May 19, 2010, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

Resolution No. PC-01208, approving the request of Lincoln Industries to modify the Land Subdivision Ordinance to waive the required sidewalk on the south side of West E Street, within Lincoln Plating Addition, between South Folsom Street and S.W. 6th Street (**Waiver No. 10014**).

This is final action unless appealed to the City Council within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the "Search Selection" screen and search by application number (i.e. WVR10014). The Resolution and Planning Department staff report are in the "Related Documents" under the application number.



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

May 24, 2010

**“A” STREET; 63RD - 70TH STREET
STIMULUS PROJECT TO START
PROJECT NO. LCLC-5220 (3) CONTROL NO. 13041
CITY PROJECT NO. 701808**

As part of the American Recovery and Reinvestment Act (ARRA), the City of Lincoln Public Works and Utilities Department is planning to resurface/rehabilitate “A” Street from 63rd Street to 70th Street. This work will be completed by a private contractor and will include milling off and replacing the existing driving surface, base repair, curb repair and sidewalk repair as needed. “A” Street will be closed to through traffic and you may be inconvenienced by the temporary loss of access, but traffic will be maintained to local businesses and residents.

The contractor for this project is Constructors Inc. They are scheduled to begin work on June 1, 2010. The construction will take approximately 3 - 4 weeks to complete (weather permitting).

If you have any questions, please contact one of the following people:

Constructors Inc.
Steve Samuelson
(402) 430-8314

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

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

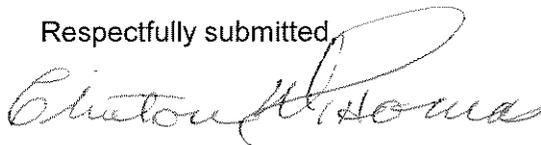
DATE: May 18, 2010

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 10005
southeast corner of 14th Street and
Salt Creek Roadway

A request has been made to vacate a small portion of 14th Street at the intersection of Salt Creek Roadway. The writer did not view the area to be vacated, but is familiar with the street. This vacation is being done to clean up the small parcels of land which were left in various ownerships upon the completion of the Antelope Valley channel and roadway projects. The area will be included in the final plat of Antelope Valley First Addition and the resulting lots will be transferred to the appropriate final owner by the partners. As such, it is recommended the area be vacated at no cost to the abutting property owner with the final transfer of properties accounting for any consideration which might be placed on the land.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: May 18, 2010

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 10001
North 21st Street, north of Vine Street

A request has been made to vacate a portion of North 21st Street north of Vine Street. The writer did not view the area to be vacated, but is familiar with the street. This vacation is being done to clean up the small parcels of land which were left in various ownerships upon the completion of the Antelope Valley channel and roadway projects. The area will be included in the final plat of Antelope Valley First Addition and the resulting lots will be transferred to the appropriate final owner by the partners. As such, it is recommended the area be vacated at no cost to the abutting property owner with the final transfer of properties accounting for any consideration which might be placed on the land.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

- May 19, 2010, 10:13 AM ET

Is a \$1 Trillion Bailout Ahead for State Pension Funds?

The budget woes facing U.S. states may not be as overwhelming as the troubles in Greece. But in a [new paper](#), Northwestern University economist Joshua Rauh says at least seven states are heading toward crushing crises — of the magnitude that would require U.S. bailouts in the next decade — from one cause: **state pension liabilities**.

In some state constitutions, promised pension benefits to state and local government workers take a higher priority than general obligation bonds. Rauh, with the University of Chicago's Robert Novy-Marx, previously estimated that state pension liabilities stood at \$3 trillion at the end of 2008 compared to \$1 trillion in other forms of debt.

Even if pension funds received 8% annual returns, many large states would run so short — without any overhaul today — that raising state taxes to make up for it would be insufficient, he says. Illinois, for instance, would run out of money in its three primary pension funds by 2018. In the years after, the payments owed to existing state workers would be \$14 billion, or more than half of the total revenue Illinois projects in 2010.

Other state pension funds expected to dry up by 2020: Louisiana, New Jersey, Connecticut, Indiana, Oklahoma and Hawaii. By 2030, 31 states could be in similar trouble, Rauh said in a report released Wednesday. He says the ultimate cost of a federal rescue could top \$1 trillion. "This scenario could happen sooner if taxpayers flee to other states with lower taxes and higher services, if contributions are deferred or not made, or if returns are lower than expected," said Rauh, an associate professor of finance at Northwestern's Kellogg School of Management.

His prescription: Allow states to issue tax-subsidized pension funding bonds — similar to the Build America Bonds programs — for the next 15 years if they agree to major reforms. **States would need to close defined-benefit pension plans and offer new hires a defined-contribution plans** as well as guaranteed access to Social Security (which only a quarter of all public workers contribute to now). The net cost to the federal government, he estimates, would be about \$75 billion.

Mary M. Meyer

From: vmissions@juno.com
Sent: Monday, May 17, 2010 11:00 AM
To: Mary M. Meyer
Subject: Reimbursement for damages received.

Dear Mr. Emery,

I am writing to you in hopes of recovering the \$100 that I had to spend on fixing the right front wheel of my car when I hit a huge pothole near 70th & P streets in January.

I understand that the city receives many requests such as this one. Some legit and some are not.

This is my first (and hopefully my last) attempt of receiving reimbursement from the city for anything.

The loopholes for the city that are recorded in the letter I received from City Attorney Marcee Brownlee are numerous. Nevertheless, the fact remains that my wheel was damaged to the extent of \$100 caused by a "huge" pothole near the above location.

i don't not know if the city had repaired it before, or how many times, or how quick they respond, etc..... I would hope the city would have those records.

I have hit many potholes in the over 30 years I have lived in Lincoln but none of them have damaged any vehicle I have owned like the pothole I hit in January.

I would appreciate your sincere consideration and intervention as City Attorney Brownlee has stated that she will recommend to the City Council that my claim be denied.

Thank you for your time and service to the City of Lincoln and it's people.

Blessings.....Pastor Mike Wooten Elevate Church Lincoln, NE 402.310.7729

p.s. I have guest speakers in town and am unable to attend today's meeting.

Mary M. Meyer

From: rcognard@windstream.net
Sent: Monday, May 17, 2010 10:02 AM
To: Mary M. Meyer
Subject: claim decision on 5/17/10

Dear Mr. Emery,

You will of course deny my claim for the city to repair a sprinkler head broken off by its snowplow driver during the last winter, since you've been advised by the city attorney's office to do so.

But that denial, of course, will not make the decision fair. Nothing short of astounding is the fact that an ordinance exists indemnifying the city from any responsibility for destroying residents' sprinkler system heads. (Yes, I know the city owns the parking space between the curb and our sidewalk. Would the city like to come out once a week to mow it?) Even more astounding is the fact that the city attorney's clerk encouraged me to file a claim--without ever mentioning that a city ordinance made my claim's succeeding impossible. She could--and should--at least have saved both me and you hours of wasted time.

Sincerely,

Roger Cognard
7530 Nemaha St.
Lincoln, NE 68506

Mary M. Meyer

From: William Carver [williamc@myapplemail.com]
Sent: Monday, May 17, 2010 5:10 PM
To: Mary M. Meyer
Subject: CVS Project

Dear Council Members,

Thank you for hearing our opposition to the special permit and change of zone related to the CVS Project at S 16th St and South St. A special thanks to Jonathan Cook for going on record in support of the neighborhood.

Thank all of you for recognizing there is a potential problem with this type of zone change to meet the 100 foot buffer for alcohol sales. We look forward to the loophole being closed in the near future and believe you will do all you can to see that this does not set a bad precedent.

We believe you made a fair decision in support of the project and that it is a win win scenario for everyone. We look forward to partnering with the developer to ensure the successful conclusion of the project. One that will enhance the neighborhood.

Thank all of you for your service to the City and its citizens.

Thank You,

William Carver
President NSNA

Mary M. Meyer

From: bluevortex07 [bluevortex07@yahoo.com]
Sent: Tuesday, May 18, 2010 5:28 PM
To: Mary M. Meyer
Subject: Copy to all council persons

I have heard on the news that the council is planning on debating a boycott of Arizona. I am asking everyone to stay out of it. Why in the world would you be in favor of allowing illegals to reside in the US? Are you really aware of what a burden this poses to Arizona? Maybe this will prompt the Feds to step up and take care of it. Ne should maybe take note here. Again, I am asking the council to take care of what is going on here. You have enough to do without getting involved with something like this. Sandra Lab

**DIRECTORS' AGENDA
ADDENDUM
MONDAY, MAY 24, 2010**

I. CITY CLERK

1. Correspondence from June Pederson, Aging Partners Director, to indefinitely postpone Item #10.

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS

MAYOR

1. NEWS ADVISORY. Mayor Beutler's public Schedule for week of May 22nd through May 28, 2010.
2. NEWS RELEASE. Fountains to be converted to lawn areas on three inoperable fountains on Centennial Mall.

DIRECTORS

PLANNING

1. Nebraska Capitol Environs Commission Meeting Agenda for Thursday, May 27, 2010.
2. Email received from Pat Anderson-Sifuentez regarding the Change of Zone #1003.
3. Map for Annexation Ordinance #19381. Effective May 18, 2010, 1.02 acres.

PLANNING COMMISSION

1. Change of Zone No. 10012. Proposed text amendment to Chapter 27.63 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on and off the premises.

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

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

1. Email from Richard Slama regarding the Janice Hahn letter.

V. INVITATIONS

- | | |
|--|---|
| 1. NeighborWorks Lincoln invitation to the unveiling of
The Everett Community Mural
Everett Elementary, 11 th & C Streets | Thursday
May 27, 2010
7:00 p.m. - 7:30 p.m. |
| 2. Chamber Ribbon Cutting for
Mr. Goodcents
1400 Old Cheney Road | Wednesday
June 2, 2010
10:30 a.m. |
| 3. Chamber Ribbon Cutting for
Christine Vanderford Law Offices
2320 S. 48 th Street, Suite 101 | Thursday
June 10, 2010
4:00 p.m. |

Mary M. Meyer

From: Joan E. Ross
Sent: Friday, May 21, 2010 8:33 AM
To: Council Packet
Subject: FW: Council Agenda Item #10, May 24, 2010
Attachments: image002.jpg

Request from June Pederson. Because I was aware of June's request, you will see this request on Item #10.

From: June Pederson
Sent: Thursday, May 20, 2010 1:45 PM
To: Doug Emery; Jon Camp; Eugene W. Carroll; Jayne L. Snyder; Adam A. Hornung; Jonathan A. Cook; John Spatz
Cc: Rick D. Hoppe; Joan E. Ross; Rodney M. Confer
Subject: Council Agenda Item #10, May 24, 2010

Dear Council Members:

I would ask that you move to indefinitely postpone Item #10 on the May 24, 2010, Council Agenda.

The item would approve a lease agreement for office space in Wahoo in Saunders County to house an Aging Partners care management staff member who provides service under an interlocal agreement between Saunders County and the City of Lincoln.

We believe there is a possibility that the Saunders County Board of Supervisors may not renew our interlocal agreement for the coming year. It will be best if this contract for office space housing our care management staff member is not confirmed at this time.

On Tuesday, May 11, Saunders County voters soundly rejected a request to increase the county levy to help with the significant shortfall in the County budget. Aging Partners staff met with a committee of Supervisors three times this spring to discuss modifications of the program, however the decision was tabled until after the May 11 vote. It would be a significant loss to Aging Partners to lose Saunders County as a partner, however, if they do not participate financially, we cannot rent space for a program in their county, which Item #10 would authorize. If it works out positively, we will bring the rental contract back for discussion and approval.

Please call or e-mail if you have questions about this request.

S. **June Pederson**, Director

**AGING
PARTNERS**

A Pioneering Area Agency on Aging

1005 "O" Street
Lincoln, NE 68508-3628
Office: 402-441-6157
Direct Line: 402-441-6132
Cell Phone: 402-430-1535
junepederson@lincoln.ne.gov
aging.lincoln.ne.gov



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

CITY OF LINCOLN
NEBRASKA

Date: May 21, 2010

Contact: Diane Gonzolas, Citizen Information Center, 441-7547

Mayor Beutler's Public Schedule
Week of May 22 through 28, 2010
Schedule subject to change

Saturday, May 22

- Biketacular, remarks - 12:15 p.m., 820 Goodhue Blvd. (near McPhee Elementary, south of the State Capitol)

Tuesday, May 25

- KFOR Lincoln Live - 11 a.m., Three Eagles Communications, 3800 Cornhusker Hwy.

Wednesday, May 26

- Lincoln Police Department graduation and awards ceremony, remarks and award presentations - 7 p.m., Holiday Inn Downtown, 141 N. 9th St.

Thursday, May 27

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



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN PARKS AND RECREATION

2740 "A" Street, Lincoln, NE 68502, 441-7847, Fax 441-8706

FOR IMMEDIATE RELEASE: May 21, 2010

FOR MORE INFORMATION: Jerry Shorney, Parks and Recreation, 441-8259

FOUNTAINS TO BE CONVERTED TO LAWN AREAS

The City Parks and Recreation Department will begin work next week on converting three inoperable fountains on Centennial Mall to lawn areas. Two of the fountains are between "P" and "Q" streets and the third is the north fountain between "K" and "L" streets. The fountains have not been in operation for two years due to deteriorating structural and electrical conditions. The south fountain on the "K" to "L" block will continue to operate.

A major renovation is planned for Centennial Mall, which extends from the State Capitol seven blocks north on what would be 15th Street to the UN-L City Campus. The renovation would create durable accessible walkways along with expanded lawn and landscape areas and updated fountains.

The City has committed \$3 million to assist in funding essential improvements to Centennial Mall. The project includes new landscaping and green spaces and addresses safety and accessibility issues. The City is seeking other financial partners including the State of Nebraska and private donors.

Centennial Mall was built in 1967 to commemorate the State's centennial and is part of the City Parks system. More information is available at NECentennialMall.org.



**City of Lincoln
Planning**

**Nebraska Capitol Environs
Commission Agenda**

The Nebraska Capitol Environs Commission will hold a scheduled public meeting on Thursday, May 27, 2010. The meeting will convene at **8:00 a.m.** in **Development Services Center Room 203, 2nd Floor, County-City Building, 555 S. 10th Street**, Lincoln, Nebraska, to consider the following agenda. For more information, please contact the Lincoln/Lancaster County Planning Department at 441-7491.

Agenda of May 27, 2010

1. Approval of meeting notes of [March 25, 2010](#)

Update and Discussion

2. [Central Lincoln Reliability Project](#), Rob Schmidt, LES
3. Centennial Mall redesign, Design team/ Parks & Rec
4. [Goodhue Blvd street tree planting](#), City Forestry
5. Staff report/misc.:The Gathering Place, etc.

 [History List](#)

Jean Preister

To: Reynaldo Sifuentez
Cc: Marvin S. Krout; Steve S. Henrichsen; Christy J. Eichorn
Subject: RE: April 7.10 CVS

Dear Ms. Anderson-Sifuentez:

I notice your e-mail is dated April 7, 2010, but for some reason unknown to me, I just received it on Friday evening, May 21st.

Please be advised that on April 7, 2010, the Planning Commission voted 5-2 to recommend approval of the change of zone and special permit. The special permit was appealed to the City Council and on May 17, 2010, the City Council also approved the change of zone, subject to a conditional zoning agreement, and also adopted the special permit for the sale of alcohol for consumption off the premises.

If you have any questions, please let me know.

--Jean Preister, Administrative Officer
Planning Department
402-441-6365

From: Reynaldo Sifuentez [mailto:rsifuentez@neb.rr.com]
Sent: Friday, May 21, 2010 8:32 PM
To: Jean Preister
Subject: April 7.10 CVS

Please Vote no to Change of Zone 1003

2010

April 7,

Dear Planning Commission:

I am writing this letter as an independent member of South Street Business and Civic Board. I voted against the CVS proposal at 16th and South/ Change of Zone 1003. My primary concern is the proposal to change residential zoning of 2

properties north of the planned development from R5 to O2. I feel that this is a bad precedent. There are a lot of nice bungalows adjacent to this area – mostly owner occupied. Such a change of zone could lead to a dangerous precedent of more “up” zone changing. The additional traffic in an already congested area is also a concern.

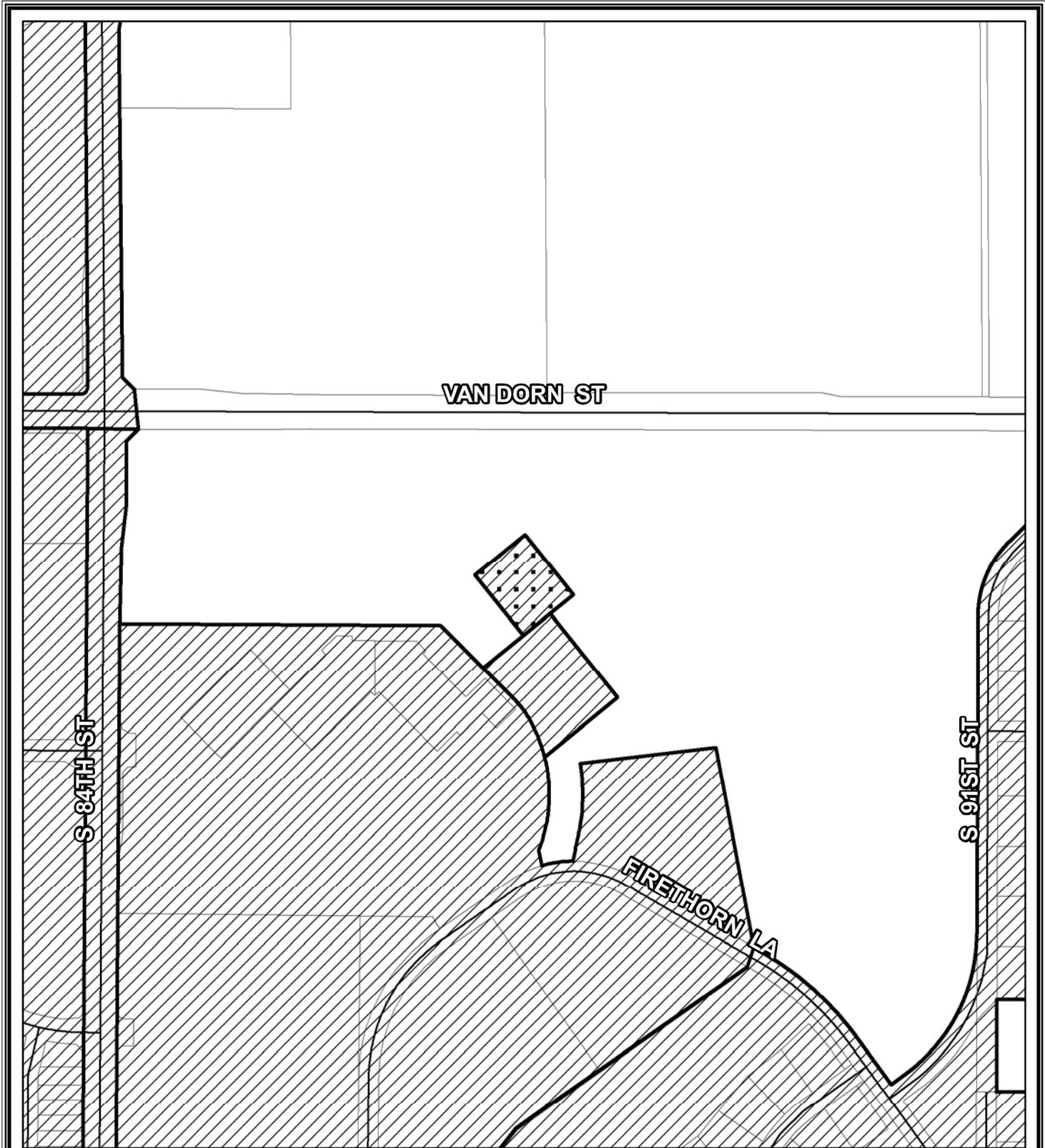
The goal of South Street a Business AND Civic organization has always been to encourage a positive, pedestrian-friendly environment for both the residential area and the local businesses along South Street. It is disconcerting to me that a representative from B&J Partnership has sat on the South Street Business and Civic Board since the beginning and brings such a proposal forth. Surely, a plan can be brought forth that does not infringe on the residential area.

Pat Anderson-Sifuentez

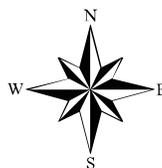
1500 South 11th Street

Lincoln, NE, 68502

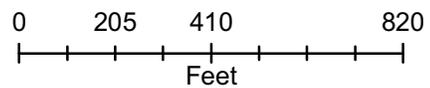
CC: South Street Board Members

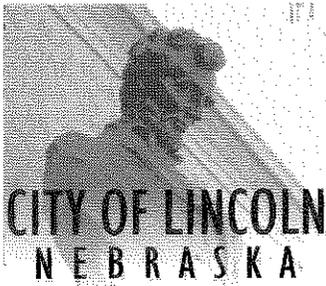


Annexation by Ordinance
Effective: May 18, 2010
1.02 Acres



-  Area of Annexation
-  Ownership Parcels
-  City Limits Before Annexation





Lincoln-Lancaster County 555 South 10th Street / Suite 213 Lynn Sunderman, Chair
Planning Department Lincoln, Nebraska 68508 City-County
Marvin S. Krout, Director 402-441-7491 / fax: 402-441-6377 Planning Commission



MAYOR CHRIS BEUTLER

lincoln.ne.gov

May 21, 2010

RE: **CHANGE OF ZONE NO. 10012**

(Proposed Text Amendment to Chapter 27.63 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on and off the premises)

Please be advised that City Council Member, Jonathan Cook, and the Director of Planning have proposed the following:

CHANGE OF ZONE NO. 10012, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.680 and 27.63.685 regarding the sale of alcoholic beverages for consumption on and off the premises, respectively, to add a requirement that the licensed premises must be located no closer than 100 feet from the property line of a premises which is occupied in whole or part by a first-floor residential use and to clarify that the required 100-foot separation from a day care facility, park, church, or state mental institution is measured from the licensed premises to the property line of the premises used for the day care facility, park, church, or state mental health institution; and repealing Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto existing.

The public hearing on this application will be held before the Lincoln City/Lancaster County Planning Commission on **Wednesday, June 2, 2010**. The public hearing is your opportunity to appear and speak upon the merits of this proposal. The Planning Commission meeting commences at 1:00 p.m. in the Council Chambers on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska. A copy of the proposed text is attached for your information. The Planning Commission action is a recommendation to the City Council.

If you would like additional information, you are encouraged to contact the project planner, Brian Will, at 402-441-6362 or bwill@lincoln.ne.gov. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by e-mail to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, May 27, 2010, after 3:00 p.m. The "Planning Commission Agenda", including the staff report on these applications, will also be available on Internet at that time: lincoln.ne.gov (Keyword = pcagenda).

This notice is being provided as a courtesy to the Planning Department neighborhood and homeowner association contact e-mail list and development community contact e-mail list.

Sincerely,

Jean Preister
Administrative Officer

cc: Neighborhood and Homeowner Association Contact e-mail List
Development Community Contact e-mail List
Lincoln City Council

Q:\pc\notif\2010\CZ10012 text

MEMORANDUM

TO: Developer Contact List
Neighborhood Association Contact List

FROM: Brian Will, Planning Department

SUBJECT: Proposed Text Amendment to LMC 27.63.680 and 27.63.685
Special Permits for On and Off-sale Alcohol

DATE: May 19, 2010

An amendment to Lincoln Municipal Code Sections 27.63.680 and 27.63.685 regarding special permits for on and off-sale alcohol has been proposed. A copy of the proposed text is attached for your information. The amendment is scheduled to be considered by the Planning Commission on June 2, 2010.

The original amendment as proposed by Council member Jonathan Cook seeks to include a provision in both special permits which requires a premises licensed to sell alcohol to be "100 feet away from the property line of a premises used in whole or in part for a first-floor residential use."

Staff is recommending that two additional changes be included to add clarity and to help avoid potential conflicts with previously approved special permits for on and off-sale alcohol to the proposal. The first change specifies that measurements for the purpose of determining the 100 foot separation to a licensed premises (selling alcohol) are taken from the property line of the premises used for a day care facility, park, church, or state mental health institution to help eliminate any ambiguity regarding how measurements are taken. The second change involves adding the statement "The provisions of this ordinance shall not apply to any special permit approved prior to the effective date hereof." This is being included so it is clear that the new requirements aren't applied retroactively to previously approved special permits.

If you have any questions, you can contact Brian Will at 441-6362, or at bwill@lincoln.ne.gov.

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.63 of the Lincoln Municipal Code
 2 relating to Special Permits by amending Section 27.63.680 and 27.63.685 regarding the sale of
 3 alcoholic beverages for consumption on and off the premises, respectively, to add a requirement
 4 that the licensed premises must be located no closer than 100 feet from the property line of a
 5 premises which is occupied in whole or part by a first-floor residential use and to clarify that the
 6 required 100-foot separation from a day care facility, park, church, or state mental institution is
 7 measured from the licensed premises to the property line of the premises used for the day care
 8 facility, park, church, or state mental health institution; and repealing Sections 27.63.680 and
 9 27.63.685 of the Lincoln Municipal Code as hitherto existing.

10 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

11 Section 1. That Section 27.63.680 of the Lincoln Municipal Code be amended to
 12 read as follows:

13 **27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption**
 14 **On the Premises.**

15 (a) The sale of alcoholic beverages for consumption on the premises may be allowed in
 16 the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a
 17 restaurant in the O-3 district upon the approval of a special permit subject to the requirements of
 18 the respective districts, all applicable ordinances, and the following conditions:

19 (1) Parking shall be in conformance with Chapter 27.67.

20 (2) The sale of alcoholic beverages for consumption off the premises shall not
 21 be permitted without issuance of a separate special permit under Section 27.63.685 of this code.

22 (3) The designated area specified in a license issued under the Nebraska

23 Liquor Control Act of any building approved for such activity must be located no closer than (i)

24 100 feet from the property line of a premises used in whole or in part for a first floor residential

1 use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a
2 residential district (except where such use is accessory to a golf course or country club).

3 (4) Any lighting on the property shall be designed and erected in accordance
4 with all applicable lighting regulations and requirements.

5 (5) Vehicle stacking for a drive-through window used as any part of the
6 permitted business operation shall not be located in any required building setback from a
7 residential district.

8 (6) The use shall not have any amplified outside sound or noise source,
9 including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential
10 district. This shall not apply to sound sources audible only to the individual to whom they are
11 directed, such as personal pagers, beepers, or telephones.

12 (7) No access door to the business, including loading or unloading doors, shall
13 face any residential district if such doors are within 150 feet of the residential district. This shall
14 not apply to emergency exit doors required by building or safety codes. No door facing a
15 residential district shall be kept open during the operation of the establishment.

16 (8) Vehicular ingress and egress to and from the property shall be designed to
17 avoid, to the fullest extent possible, disruption of any residential district. Particular attention
18 shall be given to avoiding designs that encourage use of residential streets for access to the site
19 instead of major streets.

20 (9) All other regulatory requirements for liquor sale shall apply, including
21 licensing by the state.

22 (b) In addition, a special permit may be granted to allow alcoholic beverages to be
23 sold for consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2,
24 and I-3 districts subject to the requirements of the respective districts, all applicable ordinances,
25 and the following conditions:

26 (1) The Permittee as the holder of any liquor license issued on the premises
27 pursuant to a special permit for the sale of alcoholic beverages for consumption on the premises
28 of a restaurant shall agree in writing to voluntarily surrender and consent to the cancelling of the
29 liquor license in the event the special permit is revoked by the City. If the Permittee is not the
30 holder of the liquor license, the Permittee shall require such holder to agree in writing to
31 voluntarily surrender and consent to the cancelling of the liquor license in the event the special
32 permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor
33 Control Commission issue the liquor license contingent upon the premises having such special
34 permit.

35 (2) The restaurant shall be located at least 25 feet away from a residential
36 zoning district.

1 (3) Gross sales from the sale of alcoholic beverages shall not exceed forty
2 percent (40%) of the gross sales of food and beverages. Upon request of the City, the license
3 holder/ operator shall provide sales receipts for the past six (6) months for the purpose of
4 demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of
5 alcohol

6 (4) The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.*
7 § 53-123.04(c)(3) during the hours of operation.

8 (5) Hours of operation must not commence prior to 8:00 a.m. and shall end no
9 later than 11:00 p.m.

10 (6) Hours of outdoor operation must not commence prior to 8:00 a.m. and
11 shall end no later than 10:00 p.m.

12 (7) The restaurant shall not have any gaming devices or self-serve vending.
13 Gaming devices include pool tables, dart boards, keno. Self-serve vending includes candy
14 machines and drink machines that use electricity.

15 (8) No drive-through windows shall be allowed.

16 (9) The sale of alcoholic beverages for consumption off the premises shall not
17 be permitted without issuance of a separate special permit under Section 27.63.685 of this code.

18 For the purposes of this subsection (b), restaurant shall mean any place (i) which is kept,
19 used, maintained, advertised, and held out to the public as a place where meals are served and
20 where meals are actually and regularly served; (ii) which has no sleeping area; and (iii) which has
21 adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number
22 and kind of employees to prepare, cook, and serve suitable food for its guests.

23 (c) Alcoholic beverages may also be sold for consumption on the premises as an
24 accessory use to a golf course or country club as part of a separate special permit under Section
25 27.63.130 approving the golf course or country club in any district where recreational facilities
26 are allowed as a permitted use, permitted conditional use, or permitted special use.

27 (d) The City Council may consider any of the following as cause to revoke the special
28 permit approved under these regulations:

29 (1) Revocation or cancellation of the liquor license for the specially permitted
30 premises;

31 (2) Repeated violations related to the operation of the permittee's business; or

32 (3) Repeated or continuing failure to take reasonable steps to prevent
33 unreasonable disturbances and anti-social behavior on the premises related to the operation of the
34 permittee's business including, but not limited to, violence on site, drunkenness, vandalism,
35 solicitation, or litter.

36 Notwithstanding the above, no special permit or amendment thereto shall be required for
37 interior expansions of existing licensed liquor premises.

1 Section 2. That Section 27.63.685 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **27.63.685 Permitted Special Use: Sale of Alcoholic Beverages for Consumption**
4 **Off the Premises.**

5 Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1,
6 H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special
7 permit for such use may be granted subject to the requirements of the respective districts, all
8 applicable ordinances, and the following conditions:

9 (a) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal
10 Code.

11 (b) The sale of alcoholic beverages for consumption on the premises shall not be
12 permitted without issuance of a permit under Section 27.63.680 of this code.

13 (c) The licensed premises of any building approved for such activity must be located
14 no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first
15 floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100
16 feet from a residential district.

17 (d) Any lighting on the property shall be designed and erected in accordance with all
18 applicable lighting regulations and requirements.

19 (e) Vehicle stacking for a drive-through window used as any part of the permitted
20 business operation shall not be located in any required building setback from a residential
21 district.

22 (f) The use shall not have any amplified outside sound or noise source, including
23 bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This
24 shall not apply to sound sources audible only to the individual to whom they are directed, such as
25 personal pagers, beepers, or telephones.

26 (g) No access door to the business, including loading or unloading doors, shall face
27 any residential district if such doors are within 150 feet of the residential district. This shall not
28 apply to emergency exit doors required by building or safety codes. No door facing a residential
29 district shall be kept open during the operation of the establishment.

30 (h) Vehicular ingress and egress to and from the property shall be designed to avoid,
31 to the fullest extent possible, disruption of any residential district. Particular attention shall be
32 given to avoiding designs that encourage use of residential streets for access to the site instead of
33 major streets.

34 (i) All other regulatory requirements for liquor sale shall apply, including licensing
35 by the state.

1 (j) The City Council may consider any of the following as cause to revoke the special
2 permit approved under these regulations:

3 (1) Revocation or cancellation of the liquor license for the specially permitted
4 premises; or

5 (2) Repeated violations related to the operation of the permittee's business.
6 Notwithstanding the above, no special permit or amendment thereto shall be required for
7 interior expansions of existing licensed liquor premises.

8 Section 5. That Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code
9 as hitherto existing be and the same are hereby repealed.

10 Section 6. That this ordinance shall take effect and be in force from and after
11 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
12 City, according to law.

13 Section 7. That the provisions of this ordinance (CZ10012) shall not apply to any
14 special permit approved prior to the effective date hereof.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2010:

Mayor

Mary M. Meyer

From: dick42 [dick42@windstream.net]
Sent: Friday, May 21, 2010 10:37 AM
To: Mary M. Meyer
Subject: How are you going to respond to the Janice Hahn letter?

Are you going to give Miss Hahn, a vigilante, your silent support like the state of California and do nothing?
or
Are you going to take action that will let her know that people in Lincoln don't like people taking the law into their own hands?

As far as I know, the leaders of at least seven California communities have taken action to punish Arizona in some way before the courts have decided if Arizona has a legal or illegal law. California says nothing to these cities. This fester is now starting to spread to the rest of the Nation. Are we seeing the end of law and order in America?

Therefore, **it seems to me the least Lincoln can do is send a strongly worded letter to California and Miss Hahn expressing Lincoln's disgust with the lawlessness that is occurring in California.**

Further, for the protection of Lincoln and to make a more effective response; **Lincoln should send a clear message to the Nation that Lincoln will not enter into future business with anyone from a community or any state that has more than five communities that have decided to punish Arizona.** If the leaders of a community will go around the law how can Lincoln trust anyone from these communities wanting to do business with Lincoln?

I plan to address this issue Monday, May 24

Richard Slama
4930 Larkwood Rd
Lincoln
432-3915

The seven California communities are: Baldwin Park, South El Monte, West Hollywood, Oakland, San Francisco, San Diego, and Los Angeles
Other communities in America are: Austin, TX; Boston, MS; St. Paul, MN; Boulder, CO; Hartford, CT; Seattle, WA

It might be wise to remember the saying, "The only thing necessary for evil to triumph is for good men to do nothing."