

**DIRECTORS' MEETING**  
**MONDAY, FEBRUARY 11, 2013**  
**555 S. 10<sup>th</sup> Street, Room 113**  
**2:00 p.m.**

**I. CITY CLERK**

**II. MAYOR & DIRECTORS CORRESPONDENCE**

**MAYOR**

1. NEWS RELEASE. Storytimes to focus on Dental Care at Lincoln City Libraries.
2. NEWS RELEASE. Brick artwork being removed at Near South Park.
3. NEWS RELEASE. Abraham Lincoln birthday celebration features "Lincoln" movie and lecture.
4. NEWS ADVISORY. Mayor Beutler will hold a news conference Thursday, February 7, 2013 to announce selection of a developer for a major new project in the area of 21<sup>st</sup> and N Streets, at the County-City Building, 555 S. 10<sup>th</sup>, Room 303, at 10:00 a.m.
5. NEWS RELEASE. East downtown development to include housing, retail and grocery store.

**III. DIRECTORS**

**CITIZEN INFORMATION CENTER**

1. The Cable Board will meet on Thursday, February 28, 2013 in the County-City Building, 555 S. 10<sup>th</sup> Street, room 303, at 4:00 p.m.

**CITY ATTORNEY**

1. Correspondence from Sue Burgason stating claim sent in error to Lincoln. (Listed on Director's Addendum of 02.04.13, Number 2 under Correspondence from Citizens)
2. City Attorney Confer's memo to Councilman Camp regarding rates and Public Service Commission orders approving for different taxi companies.
  - a) Letter to Councilman Camp on Lincoln Taxicab Rates;
  - b) Copy of Nebraska Public Service Commission application of Servant Cab Company regarding rates;
  - c) Copy of Nebraska Public Service Commission application of Happy Cab Company regarding rates; and
  - d) Opinion and Findings of the Nebraska Public Service Commission for reasonable rates and charges for motor carriers passengers and property for hire.

**PLANNING DEPARTMENT**

1. Administrative Amendment No. 13005 approved by the Planning Director on January 31, 2013.
2. Lincoln Metropolitan Planning Organization, Technical Advisory Committee will meet February 14, 2013, at 555 S. 10<sup>th</sup> Street, Room 113, at 1:30 p.m.

**WEED CONTROL AUTHORITY**

1. Lancaster County Weed Control - City of Lincoln Weed Abatement report for January, 2013. Also available on website.

**IV. COUNCIL MEMBERS**

**V. CORRESPONDENCE FROM CITIZENS**

## LINCOLN CITY LIBRARIES

136 S. 14th Street, Lincoln, NE 68508, 402-441-8500

**FOR IMMEDIATE RELEASE:** February 4, 2013

**FOR MORE INFORMATION:** Vicki Wood, Lincoln City Libraries, 402-441-8565

### STORYTIMES TO FOCUS ON DENTAL CARE

Lincoln City Libraries is putting the spotlight on teeth during February for Dental Health Awareness Month with storytimes focusing on dental care.

Staff from the Ameritas Group Division will provide flyers and bookmarks and present information on dental care during the following preschool storytimes:

- Tuesday, February 19, 7 p.m., Eiseley Branch Library, 1530 Superior Street
- Wednesday, February 20, 10:30 a.m., Eiseley Branch Library
- Thursday, February 21, 10:30 a.m., Eiseley Branch Library
- Tuesday, February 26, 10:30 a.m., Walt Branch Library, 6701 S. 14 Street.

Staff from the office of Dr. Rebecca Scott's Pediatric Dentistry will be visiting libraries with gift bags of stickers, toothbrushes and other dental care items during these storytimes:

- Wednesday, February 20, 10:30 a.m. and 2 p.m., South Branch Library, 27th and South
- Thursday, February 21, 10:15 a.m., Bennett Martin Public Library, 14th and "N"

For more information about Lincoln City Libraries, visit [lincolnlibraries.org](http://lincolnlibraries.org) or call 402-441-8500.

**PARKS AND RECREATION DEPARTMENT**  
2740 "A" Street, Lincoln, NE 68502, 402-441-7847

**FOR IMMEDIATE RELEASE:** February 6, 2013

**FOR MORE INFORMATION:** Jerry Shorney, Parks and Recreation, 402-441-7847

## **BRICK ARTWORK BEING REMOVED AT NEAR SOUTH PARK**

The Lincoln Parks and Recreation Department will begin removing brick artwork this month from Near South Park at 19th and "A" streets. The park has been closed to the public for several months since the discovery that the brick work had become structurally unsafe. The park is expected to reopen in April.

Parks and Recreation has worked with artist Michael Morgan on the decommissioning of the artwork. The decommissioning was reviewed and approved by the Lincoln Partners for Public Art Development.

Morgan also is the artist who created the new carved brick arch adjacent to the Elaine Hammer Trail Bridge across North 27th Street. Morgan designed the arch with the assistance and approval of a structural engineer.

More information on the Parks and Recreation Department is available at [parks.lincoln.ne.gov](http://parks.lincoln.ne.gov).

**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

**FOR IMMEDIATE RELEASE:** February 6, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831

**ABRAHAM LINCOLN BIRTHDAY CELEBRATION**  
**FEATURES “LINCOLN” MOVIE AND LECTURE**

*First 350 to receive free admission to movie*

Mayor Chris Beutler today announced plans for the City’s 13th annual Abraham Lincoln Birthday Celebration Saturday, February 16 at the Grand Theatre in downtown Lincoln. The event includes an 8:30 a.m. showing of the Oscar-nominated film “Lincoln,” which will be free for the first 350 people who arrive. The movie will be followed by a free public lecture at noon by Lincoln native Mike Lux, an author and co-founder of Democracy Partners, a consulting firm in Washington D.C. His lecture is called “Lincoln and the Big Change Moment.”

“The new ‘Lincoln’ movie offers great insight into the leadership of the man for whom our City is named,” said Mayor Beutler. “We are excited to offer a free showing of this important movie with the support of many individual and business sponsors. We also are excited to welcome Mike Lux back to his hometown to share his thoughts about President Lincoln and the lessons we continue to learn from him.”

Doors to the Grand will open at 7:45 a.m. After the free tickets have been distributed, others will be admitted to the movie for \$6. “Lincoln” is rated PG-13. The movie will be followed by a short break before the noon lecture, which is open to the public.

A box lunch will be offered at the theatre for \$8.25. Those wanting a lunch must pre-order and pay at the event. (To order, contact Diane Gonzolas at [dgonzolas@lincoln.ne.gov](mailto:dgonzolas@lincoln.ne.gov) or 402-441-7831.) The Grand will offer concessions before and after the movie.

Lux writes a popular blog and is the author of the book, [The Progressive Revolution: How the Best in America Came to Be](#). His consulting firm is guided by a mission of building the progressive movement through collaborative work between progressive organizations, candidates, issue campaigns and causes. From January 1993 to mid-1995, Lux served as a Special Assistant to the President for Public Liaison in the Clinton White House. He has played a leadership or staff role on five Presidential campaigns.

The annual celebration also will feature free birthday cake and music from Lincoln’s Chris Sayre, who has performed at every Abe Lincoln Celebration. Lobby exhibits will include the following:

- Susan Grace Dittman of Lincoln will be available to discuss her book, “Abraham Lincoln’s Shining Star – the Inspiring Story of Abraham Lincoln and Nebraska.”

- more -

**February 6, 2013**  
**Page Two**

- UNL Art Professor Aaron Holz will display a sketch of his future painting of President Lincoln. The finished painting will be on permanent display in the Mayor's Conference Room.
- Organizations such as the Sons of Union Veterans of the Civil War will have historical displays.

More information will be available on the City website at [lincoln.ne.gov](http://lincoln.ne.gov) or by calling 402-441-7831.

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**MEDIA NOTE: A photo and full bio of Mike Lux are available on request.  
To make arrangements to interview him before the event,  
contact Diane at 402-441-7831.**

**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

**DATE:** February 6, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831

The Mayor will announce the selection of a developer for a major new project in the area of 21st and “N” streets at a news conference at **10 a.m. Thursday, February 7 in Room 303, third floor of the County-City Building, 555 S. 10th Street.**

**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

**FOR IMMEDIATE RELEASE:** February 7, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831  
Wynn Hjermstad, Urban Development, 402-441-8211

**EAST DOWNTOWN DEVELOPMENT TO INCLUDE  
HOUSING, RETAIL AND GROCERY STORE**

Mayor Chris Beutler today announced that the Hoppe Brothers have been chosen to redevelop 6.5 acres of property in the area of 21<sup>st</sup> and “N” streets. The “Exchange at Antelope Valley” will include a variety of housing options, retail space and a 32-000 square foot grocery store. Four proposals were submitted for the project area, and Mayor Beutler said the Hoppe Brothers’ proposed investment of up to \$32 million stood out for several reasons.

“The diversity of housing options is an attractive component,” Beutler said. “Market-rate home ownership and market-rate apartments combined with low-income housing make the Exchange open to virtually any Lincoln resident who wants to live in the area. Downtown residents have long needed grocery service, but have made little headway because finding the necessary parking for a large store is a challenge in an area of high density. A grocery store at 19th and ‘L’ solves the parking problem and allows for convenient access for downtown residents.”

The Mayor praised the Hoppe Brothers proposal for preserving the area’s history and character. The historic municipal pool bathhouse will continue to house Parks and Recreation offices. The historic Windstream warehouse will be renovated into apartments. The “Exchange” takes its name from the area’s history as the site of the Lincoln Telephone and Telegraph Company.

The Exchange will include 64 three-story row houses for purchase. Other proposed housing options include the following.

- The Windstream Lofts at the site of the current Windstream warehouse will include 66 affordable rental apartments. Twenty of the apartments will be available for those with mental health challenges and will include supervision and casework facilities.
- A new building east of the warehouse will be known as the Lofts and will include 32 low-income apartments with geothermal heating and cooling. The Lincoln Housing Authority and CenterPointe will provide voucher rental assistance and onsite case management.
- A three-story building at the site of the former Williamson Honda building will be known as the Suites and will include 24 apartments along with retail and commercial space on the ground floor and a proposed restaurant.

- more -

**21st and “N” Development**

**February 7, 2013**  
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The idea to create a large area for the redevelopment project was raised about two years ago by City Council member Gene Carroll. He proposed moving the Parks and Recreation maintenance facility to the new Municipal Services Center. At the same time, Windstream was looking at the future of its warehouse building. The Lower Platte South Natural Resources District (LPSNRD), which owns the former Williamson building, was another partner in the project.

The Mayor thanked Carroll, Windstream and the LPSNRD for their roles in the project. “The partnership created an innovative and forward-looking plan that will greatly enhance the east downtown area while providing new living choices for your community,” Beutler said.

The City and the Hoppe Brothers will negotiate a redevelopment agreement that will go to the City Council for approval. Construction is expected to begin in a year. Over that year, designs will be finalized, the construction work will be bid and the site will be prepared.

**Mary M. Meyer**

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**From:** Council Packet  
**Subject:** Cable Board meeting

Thank you for responding on which dates work best for our next Cable Board meeting. The date that looks the best for the majority is Thursday, February 28. We will meet at 4 p.m. in room 303 at the County-City Building. You will receive an agenda and the minutes of our last meeting about a week before.

Diane

Diane Gonzolas  
Manager, Citizen Information Center  
Office of the Mayor  
555 S. 10th Street  
Lincoln, NE 68508  
402-441-7831  
cell 402-525-1520  
[dgonzolas@lincoln.ne.gov](mailto:dgonzolas@lincoln.ne.gov)



## Mary M. Meyer

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**From:** Sue K Burgason  
**Sent:** Tuesday, February 05, 2013 11:41 AM  
**To:** samwebster3@gmail.com  
**Cc:** Mary M. Meyer; Council Packet; Marcee Brownlee; Rodney M. Confer  
**Subject:** Claim

This is to advise you that the City Council Office of the City of Lincoln, Nebraska USA received an e-mail from you on 2/2/2013 inquiring about the status of your mold claim. It appears that the e-mail was sent to [none@lincoln.ne.gov](mailto:none@lincoln.ne.gov) in error.

Sue Burgason  
City of Lincoln Law Department  
555 South 10th Street, Suite 300  
Lincoln, NE 68508  
402-441-8802

**Mary M. Meyer**

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**From:** Rodney M. Confer  
**Sent:** Thursday, February 07, 2013 8:15 AM  
**To:** Jon Camp (joncamp@lincolnhaymarket.com)  
**Cc:** Mary M. Meyer  
**Subject:** Taxi rates  
**Attachments:** Camp ltr re cabs.pdf; TR-185.pdf; TR-190.pdf; TR-193.pdf

Dear Jon:

Attached are a letter that explains the rates charged by different taxi companies in Lincoln and the Public Service Commission orders that approved those rates. This is in response to your request at Monday's Organizational Meeting. Please let me know if you have any questions.

Rod

**Rodney M. Confer**  
**City Attorney**





**LAW DEPARTMENT**

555 South 10th Street Suite 300 Lincoln, NE 68508  
402-441-7281 lincoln.ne.gov

Rodney M. Confer, City Attorney Ernest R. (Rick) Peo III, Chief Assistant  
John C. McQuinn II, Chief Prosecutor Tonya L. Peters, Police Legal Advisor

**CIVIL DIVISION**  
Don W. Taute  
Steven J. Huggenberger  
Margaret M. Blatchford  
Marcee A. Brownlee  
Jocelyn W. Golden  
Christopher J. Connolly  
Timothy S. Sieh  
Jeffery R. Kirkpatrick

**PROSECUTION DIVISION**  
Patrick A. Campbell  
Christine A. Loseke  
Connor L. Reuter  
Rob E. Caples  
Jessica A. Kerkhofs

February 7, 2013

Jon Camp  
City Council Member  
555 South 10th Street  
Lincoln, NE 68508

Re: Lincoln Taxicab Rates

Dear Jon:

This is in response to your request at the Council's February 4, 2013, Organizational Meeting that I obtain information about taxicab passenger rates for different companies serving Lincoln. I am enclosing three orders of the Public Service Commission concerning those rates, and I will summarize their terms below. These orders also set out the rates that are charged by the companies currently serving Lincoln and Lancaster County.

The order on Application No. TR-185, entered July 26, 2011, established the rates for Servant Cab Company, which I believe was the only company serving Lincoln or Lancaster County at that time. After hearing and review of the company's operations and financial information, the Commission found the requested rates to be reasonable.

On May 20, 2012, the Commission granted authority to Happy Cab Co., Checker Cab, Yellow Cab Co., Cornhusker Cab and Safeway Cabs to operate in Lincoln. Those companies ("Happy Cab companies") are under common ownership, administration and operation, and were doing business in Omaha before applying for authority to provide taxicab service in Lancaster County and Lincoln. In Application No. TR-193, Happy Cab companies requested authority to charge the same rates in Lincoln that the Commission had already approved for their operations in Omaha. Servant Cab protested the application, and contended that rates should be uniform among all companies serving Lincoln and Lancaster County. In response Happy Cab companies contended that the rates for which they asked approval were substantially lower than the rates being charged by Servant Cab and that Servant Cab's rates were unreasonably high. After hearing evidence of Happy Cab companies' finances and operations, rates charged in other similar communities, and Servant Cab's evidence on why the rates were too low, the Commission approved Happy Cab companies' requested rates on May 22, 2012, in its order in TR-190.

The Commission concluded that taxicab rates of all companies serving Lincoln and Lancaster County did not have to be uniform. It stated that its determination that the rates of Servant Cab were reasonable in 2011 was not binding as far as the rates being requested by

Happy Cab companies, and concluded that the requested rates were also reasonable. The primary rationale Servant Cab presented for differences between its rates and Happy Cab companies' rates appears to be that Happy Cab companies' drivers are independent contractors who purchase gasoline for the cabs, whereas Servant Cabs' drivers are employees of the company who receive benefits, and the cab company purchases the gasoline. The Commission's order in TR-190 recognized that different rates were appropriate based on these different business models of the taxi companies.

On October 23, 2012, the Commission approved an application for an additional operator, Leisure Limousine and Sedan Service, Inc., to operate in Lincoln and Lancaster County. Leisure requested authority to charge rates that were identical to the rates approved for the Happy Cab companies. The Commission approved Leisure Limousine's requested rates in its order on Application No. Tr-193, entered October 23, 2012.

Please let me know if you have any additional questions concerning taxi rates or the Public Service Commission proceedings.

Sincerely yours,



Rod Confer  
City Attorney

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. TR-185  
of Servant Cab Company LLC, )  
Lincoln, seeking authority to ) GRANTED  
amend its rates and charges. )  
) )  
) ENTERED: JULY 26, 2011

APPEARANCES:

For the Applicant: For the Commission Staff:

Jack Shultz, Esq.  
P.O. Box 82028  
Lincoln, NE 68501

Mark Breiner, Esq.  
300 The Atrium  
1200 N Street  
Lincoln, NE 68509

BY THE COMMISSION:

On May 27 2011, Servant Cab Company LLC (Servant or Applicant), of Lincoln, Nebraska, filed an application for authority to amend its fuel surcharge taxi rates for transportation between points in Lincoln and a 25 mile radius thereof as follows:

Description	Current Rates	Proposed Rates
First 1/12 <sup>th</sup> mile	\$3.75	
First 1/13 <sup>th</sup> mile		\$4.25
Each additional 1/13 <sup>th</sup> mile	\$0.25	
Each additional 1/13 <sup>th</sup> mile		\$0.30
Waiting time (per minute)	\$0.60	\$0.70
Out-of-town rate per mile	\$3.00	\$3.00

Fuel surcharge -

Current		Proposed
\$1.00-1.25	\$0.10	\$0.10
\$1.25-1.50	\$0.20	\$0.20
\$1.50-1.75	\$0.30	\$0.30
\$1.75-2.00	\$0.40	\$0.40
\$2.00-2.25	\$0.50	\$0.50
\$2.25-2.50	\$0.60	\$0/60
\$2.50-2.75	\$0.70	\$0.70
\$2.75-3.00	\$0.80	\$0.80
\$3.00-3.25	\$0.90	\$0.90

\$3.25-3.50	\$1.00	\$1.10
\$3.50-3.75	\$1.10	\$1.25
\$3.75-4.00	\$1.20	\$1.40
\$4.00-4.25	\$1.30	\$1.55
\$4.25-4.50	\$1.40	\$1.85
\$4.50-4.75	\$1.50	\$1.70
\$4.75-5.00	\$1.60	\$2.00
\$5.00-5.25		\$2.15
\$5.25-5.50		\$2.30
\$5.50-5.75		\$2.45
\$5.75-6.00		\$2.60

Emergency action was requested.

Applicant is a certified common carrier which holds Certificate B-1581. The Certificate authorizes the transportation of passengers by taxicab between points in Lincoln and a 25 mile radius thereof.

The Commission entered an order on June 1, 2011, that denied the application on an emergency basis. The Commission cited that an increase of the magnitude sought by the Applicant could not be approved on an emergency basis without receiving additional information. The Commission's order set a date of July 12, 2011 for a hearing at which the Applicant would present additional evidence and information in support of its application.

The Order of June 1, 2011, set a date of July 12, 2011, and further ordered that a notice of the denial order be published in the Daily Record. The notice of the denial on an emergency basis and a notice of hearing was published in the Daily Record on June 8, 2011. A hearing on the application was held before the Commission on July 12, 2011.

#### E V I D E N C E

Kirby Young appeared on behalf of the Applicant and testified that he is the managing member of Servant Cab. Mr. Young is familiar with the financial status of the Applicant. Mr. Young testified that the primary reason for the proposed rate increase is the rise in costs that the Applicant has experienced and a decline in revenue from a change in Nebraska Department of Health and Human Services (HHS) traffic.

Mr. Young testified that HHS had notified him that a major change was going to be undertaken by HHS in July of 2010. He delayed on filing a rate application in 2010 as he did not know what the impact of these changes might be on his company. The changes stated by HHS to occur in July of 2010 did not occur until May of 2011.

Mr. Young detailed changes that were incurred in the switch from Magellan to the program run through AMR. The total trips run by the Applicant in March were 9,000, with another 8,600 trips performed in April of 2011. After AMR's program began in May, the number of trips performed by the Applicant fell to 323 in May and 808 in June of 2011.

Some of the results of the decline in these trips are a decrease in the number of cabs being operated by the Applicant, the number of drivers that are employed and an increase in overall average costs. The Applicant experienced a decline in revenues with little corresponding decline in expenses for May and June of 2011. Revenues fell to \$166,415 in May and \$134,699 in June, while expenses for those months were approximately \$250,000 and \$234,000.

The Applicant has experienced business dislocations due to the drop in revenue. It has laid off drivers, office staff and has reduced the number of cabs operating on the street. The Applicant ran 30 cabs during the day before May of 2011, but has cut that number to around 12 since that time. Most of the cabs were taken off the street to reduce the insurance costs for the applicant.

Since the change in HHS trips, the Applicant states that it has reduced its workforce in all areas. It has had 11 drivers quit in the past few months due to the decrease in business, as well as the laying off of 14 drivers during this time period. It has also fired or had quit 2 operators and dispatchers and one of its two office staff.

Mr. Young outlined increases in costs that the Applicant has experienced over the past two years. The cost of oil has increased forty percent. Tire costs have increased seventeen percent. Printing expenses have increased eighty-five percent. The Applicant purchased a new phone system that was designed to help with an increased traffic load and improve service to the

general public. The cost of this system increased phone costs by eleven percent.

The Applicant's workers compensation costs also increased dramatically. For the insurance year 2008-2009, the bill for this insurance was \$57,539. In insurance year 2009-2010, the expense increased to \$76,177, and in insurance year 2010-2011 the expense rose to \$91,973. This is an increase of sixty percent in two years.

Mr. Young also reviewed his unemployment insurance costs. In 2008, the total expense for unemployment insurance was \$10,300. In the first quarter of this year, the costs for this insurance were billed at \$8,897. The increase was due in part to an increase in the number of employees and a more than doubling of the charge rate from 1.55% to 3.33%.

Mr. Young states that his requested increase results in a sixty-five cent per mile increase in the rates. This would raise the average costs of a trip in Lincoln around eighteen percent.

Mr. Young stated that he believed that the proposed rates would allow the Applicant to cover its costs of operations while generating a profit to ensure future operations. He stated that he believed that the increase was in the public interest and that a failure to grant the increase could result in a further decrease in services that would not permit the Applicant to properly serve the needs of the general public in the Lincoln area.

On examination by Commissioner Vap, Mr. Young stated that the decrease in trips from HHS was due to a number of factors. Part of the decline was due to the rate issue with AMR, another part the reduction in eligibility of people for trips and the trips that they could take, and also the shifting of people to other means of transportation such as StarTran.

On examination by Commissioner Schram, Mr. Young stated that the number of non-HHS trips had grown somewhat as the city of Lincoln had grown, but that it did come anywhere near replacing the number of trips that have been lost from HHS.

On examination by Commissioner Landis, Mr. Young said that he would expect costs to decrease in the future as insurance costs recede due to the reduction in cabs on the street and layoffs, but that he cannot retrieve what has been lost in the past couple of months and that the increase in their rates was necessary.

O P I N I O N   A N D   F I N D I N G S

A hearing on the application was held before the Commission. The managing member of the Applicant testified as to the number of changes that his company has experienced over the past two years. The most dramatic change it has experienced is the decrease in the traffic from HHS. This decrease has resulted in a significant decrease in revenue, and this lack of business has caused a reduction by the Applicant of its employee pool as well as the number of cars on the street.

It further has experienced a significant increase on some of its costs, most notably in workers compensation insurance, unemployment insurance and in the cost of oil. The combination of the decreases in revenue and the increases in costs will place the Applicant in an economically untenable position without an increase in its rates. The ability of the Applicant to continue its operations and service to the community may be seriously compromised if these factors are not addressed.

In reviewing the application and the circumstances of the Applicant, the Commission finds that the proposed rate increase should be approved. The proposed rate increase is reasonable and necessary and should provide the applicant with the ability to continue to provide service and upgrade the fleet. The Commission is of the opinion that without the proposed increase, Applicant's taxi service to the community could suffer.

Upon consideration of the application, the evidence adduced and being fully advised in the premises, the Commission is of the opinion and finds that the application should be granted as modified effective July 28, 2011.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that effective July 28, 2011, Servant Cab Company LLC, Lincoln, Nebraska, be, and is hereby, authorized to

increase its taxi rates between points in Lincoln and a 25 mile radius thereof as follows:

Description	Rates
First 1/13 <sup>th</sup> mile	\$4.25
Each additional 1/13 <sup>th</sup> mile	\$0.30
Waiting time (per minute)	\$0.70
Out-of-town rate per mile	\$3.00
Fuel Surcharge	
\$1.00-1.25	\$0.10
\$1.25-1.50	\$0.20
\$1.50-1.75	\$0.30
\$1.75-2.00	\$0.40
\$2.00-2.25	\$0.50
\$2.25-2.50	\$0.60
\$2.50-2.75	\$0.70
\$2.75-3.00	\$0.80
\$3.00-3.25	\$0.90
\$3.25-3.50	\$1.10
\$3.50-3.75	\$1.25
\$3.75-4.00	\$1.40
\$4.00-4.25	\$1.55
\$4.25-4.50	\$1.85
\$4.50-4.75	\$1.70
\$4.75-5.00	\$2.00
\$5.00-5.25	\$2.15
\$5.25-5.50	\$2.30
\$5.50-5.75	\$2.45
\$5.75-6.00	\$2.60

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of July, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. TR-185

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increase its taxi rates between points in Lincoln and a 25 mile radius thereof as follows:

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\$1.00-1.25	\$0.10
\$1.25-1.50	\$0.20
\$1.50-1.75	\$0.30
\$1.75-2.00	\$0.40
\$2.00-2.25	\$0.50
\$2.25-2.50	\$0.60
\$2.50-2.75	\$0.70
\$2.75-3.00	\$0.80
\$3.00-3.25	\$0.90
\$3.25-3.50	\$1.10
\$3.50-3.75	\$1.25
\$3.75-4.00	\$1.40
\$4.00-4.25	\$1.55
\$4.25-4.50	\$1.85
\$4.50-4.75	\$1.70
\$4.75-5.00	\$2.00
\$5.00-5.25	\$2.15
\$5.25-5.50	\$2.30
\$5.50-5.75	\$2.45
\$5.75-6.00	\$2.60

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of July, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Dad Johnson*  
*Anne Boyle*  
*Gerald May*

//s//Frank E. Landis  
 //s//Tim Schram

*Tim Schram*  
 Chairman

ATTEST:

*Phil [Signature]*  
 Executive Director

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Happy Cab ) APPLICATION NO. TR-190  
Company d/b/a Checker Cab, Happy )  
Cab Company d/b/a Yellow Cab )  
Company, Happy Cab Company d/b/a )  
Happy Cab Company, DonMark, ) GRANTED  
Inc., d/b/a Cornhusker Cab, and )  
Valor Transportation, Omaha, )  
seeking authority to establish )  
rates for its Lancaster County )  
operations. ) ENTERED: MAY 22, 2012

APPEARANCES

For the Applicant:

Andy Pollock  
Rembolt Ludtke LLP  
1201 Lincoln Mall, Suite 102  
Lincoln, Nebraska 68508

For the Commission Staff:

Mark Breiner  
300 The Atrium  
1200 N Street  
PO Box 94927  
Lincoln, Nebraska 68509

For the Protestants

Servant Cab, Inc. d/b/a Yellow  
Cab and Capitol Cab

Jack Shultz  
Harding & Shultz, P.C., L.L.O.  
800 Lincoln Square  
P.O. Box 82028  
Lincoln, NE 68501

BY THE COMMISSION:

By application filed February 25, 2011, Happy Cab Company, Checker Cab and Yellow Cab Company, DonMark, Inc., d/b/a Cornhusker Cab, and Valor Transportation d/b/a Safeway Cabs of Omaha, Nebraska, seeking approval to establish rates for its services in Lancaster County, and between points in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes, as follows:

<u>Description</u>	<u>Proposed Rates</u>
I. Standard Fare:	
(A) First 1/6 mile	\$2.95
(B) Each add'l 1/11 mile	\$0.20
II. Senior Citizen Fare	

(A) First 1/6 mile	\$2.95
(B) Each add'l 1/8 mile	\$0.21
III. Out-of-town Fare	
(A) Rate per mile	\$2.25
IV. Waiting time	
(A) Per each 86 seconds	\$0.60
V. Cab Hired by the hour	\$22/hour
VI. No Service Charge	\$7.50
VII. Time and Mileage Charge	Waiting time plus meter fare
VIII. Traffic Delay Waiting Time	Same as IV. Waiting time above
<u>Fuel Surcharge</u>	

When fuel price exceeds:

\$4.00/gallon	\$0.60
\$4.30/gallon	\$0.75
\$4.60/gallon	\$0.90
\$4.90/gallon	\$1.05

When fuel price exceeds \$5.20/gallon, the surcharge increases \$0.15 for every \$0.30 increase in the cost of fuel.

Notice of the application appeared in The Daily Record, Omaha, Nebraska, on March 7, 2012. A protest to the Application was timely filed by Servant Cab Company through its attorney of record, Jack Shultz. Notice of this hearing was sent by U.S. Mail on May 10, 2011 to the interested parties.

Evidence was received on this Application during the hearings on the Extension Applications held on April 9, 10, and 11, 2012, in the Nebraska Public Service Commission Hearing Room at 1200 N Street, Suite 300, Lincoln, Nebraska.

## E V I D E N C E

Mr. Mark Mitchell testified for the Applicants. He stated that he is the president and the owner of Happy, Yellow and Checker Cab Company and that he has administrative and operation functions for all of the Applicants. Mr. Mitchell testified

that he is familiar with the rate filing made in this proceeding.

Mr. Mitchell testified that Exhibit 102 is the rate filing prepared by Happy Cab with assistance from Mr. Pollock. He also testified that Exhibit 10 is a Commission order approving the rates Happy Cab is currently utilizing. He testified that the rates Happy Cab is now proposing for its proposed Lancaster County operations are the same as those rates approved in the August 30, 2011 order marked as Exhibit 10 for its use in its Omaha operations. Mr. Mitchell identified Exhibit 9 as a Commission order approving Servant Cab's rates on July 26, 2011.

Mr. Mitchell then walked through a comparison of Exhibit 102 (Happy Cab proposed rates) and Exhibit 9 (Servant Cab approved rates). Mr. Mitchell testified, based on the Exhibits, that the rates in general consist of a drop charge, fuel surcharge, and per mile charge. Servant Cab's approved rates, according to Mr. Mitchell's testimony, include a drop charge of \$4.25, a fuel surcharge of \$1.20 (based on \$3.75-\$4 fuel price), and a per-mile charge of \$3.90. He testified that Happy Cab's proposed rates include a drop charge of \$2.95, no fuel surcharge, and a per-mile charge of \$2.20. Mr. Mitchell testified that these numbers showed Servant Cab's rate to be 78 percent higher than Happy Cab's proposed rate. Breaking these numbers down further, Mr. Mitchell testified that Servant Cab's fare is calculated by adding the drop rate of \$4.25, which includes the first 1/13<sup>th</sup> of a mile, the fuel surcharge, and 30 cents per each additional 1/13<sup>th</sup> of a mile (and that Happy Cab's per-mile charge is 20 cents per 1/11<sup>th</sup> of a mile). He testified that the approved waiting time was 70 cents per minute and the out-of-town rate per mile was \$3. He then pointed out that Happy Cab's wait time is 60 cents per 86 seconds, but testified that he did not include waiting time or out-of-town rates in his calculations.

Mr. Mitchell testified that he had run several scenarios to see how the two companies' rates compared to each other. Mr. Mitchell testified that Servant Cab's rates exceeded Happy Cab's rates by \$19.50 for a 10-mile trip, \$36.50 on a 20-mile trip, and \$53 on a 30-mile trip based on typical taxicab fare and not including rates for waiting time or out-of-town travel.

Mr. Mitchell then turned his attention to Exhibit 20, the prefiled testimony of John Davis. Mr. Mitchell testified that the rates now being proposed are the same rates currently being charged in Omaha because nothing in Happy Cab's financial picture has changed since August 30, 2011. He stated that the rates are based on revenues and expenses, allowing for a

reasonable rate of return, which would be around 8 to 10 percent.

Mr. Mitchell then talked about Exhibit 11, which is a confidential exhibit containing Happy Cab's financial information. Mr. Mitchell testified that the exhibit takes several things into account when talking about how the company's income is derived, including credit card fees, mechanical repair of the vehicles, licensing, et cetera. He also testified that Happy Cab uses projected numbers for insurance expenses, including policy expense, personal property, and general liability insurance expense. Mr. Mitchell stated that the projected numbers for Lincoln are the same as those currently used by Happy Cab in Omaha. He testified that there are some differences in variable and fixed expenses and that the projected percentages for Lincoln that were the same as Omaha includes the variable expenses, such as maintenance, repair, and insurance. Mr. Mitchell stated that fixed costs, as a percentage of the total cost, would be different in Lincoln than in Omaha, that even though the dollar value is higher in Omaha, he believes that these costs will be a higher percentage of Happy Cab's income in Lincoln, but that the cost will be fair.

Mr. Mitchell then testified about Exhibit 12, referenced on page 2 of Exhibit 20. Exhibit 12 is a confidential exhibit containing the profit and loss income statements of the Happy Cab companies for 2010 and 2011. Mr. Mitchell testified that the information contained in Exhibit 12 is consistent with the information the company provided during its rate proceeding that culminated with an order approving the rate on August 30, 2011. He testified that Happy Cab submitted Exhibit 12 for purposes of establishing the proposed rates and not for the purpose of showing fitness. Mr. Mitchell stated that he submitted a financial statement for each application and that he has applied for authority with the Commission before. On those previous applications for authority, Mr. Mitchell testified that he had never submitted business expenses and revenues, but that he had provided financial statements as required by the Commission.

Without delving into specific details of Exhibit 12, as it was received under seal, Mr. Mitchell testified in response to Mr. Shultz's question that the rate of return demonstrated in Exhibit 12 is within the 8 to 10 percent range. Mr. Davis testified that this would constitute a reasonable rate of return.

Mr. Mitchell then testified to Exhibits 13 and 14. He stated that he did not put these exhibits together, but that he has had the opportunity to review them and that they were

provided to the Protestants in this case. He further stated that he believed the Protestants had an opportunity to look at these records in Mr. Kirby Young's deposition. Mr. Mitchell testified that Exhibit 13 contains national cab rates compiled by one passenger in November of 2011. This exhibit was compiled by the Washington Post in November of 2011 and lists the rates from 20 different cities for 1-mile, 3-mile, 5-mile, and 10-mile trips. He testified that Exhibit 13 lists Lincoln as the highest cab cost among the 20 cities ranked and that it listed the following rates: 1-mile = \$9.25; 3-mile = \$17; 5-mile = \$24.85; and 10-mile = \$44.85. Mr. Mitchell stated that these numbers appeared consistent with his calculations, though there is a slight variation due to fuel surcharge differentials.

Mr. Mitchell testified that Exhibit 14 is a document prepared by Nicole Canny in Senator Avery's office in reference to LB 889, a bill introduced by Senator Avery to deregulate taxicabs. He stated that the document contains a summary of cab rates, including the drop and per-mile rates and the cost to travel one mile, in Lincoln, Omaha, Madison (Wisconsin), Orlando (Florida), Des Moines (Iowa), and a number of other cities. Further, Mr. Mitchell testified that the document lists the cost to travel one mile at \$9.25 for Lincoln and \$5.15 for Omaha, and that most of the cities in the summary appear to be similar to Lincoln in population, except for Omaha, which is the largest city on the list.

Mr. Mitchell then testified that, if granted authority in Lincoln, Happy Cab would not seek approval for a lower rate than the company proposed in this application. He did state, however, that Happy Cab would seek a lower rate if it was required to charge the same rate as Servant Cab. Mr. Mitchell testified that it was not his goal to run Servant Cab out of business, rather, Happy Cab's goal is to operate a profitable business and take care of the need and necessity of the Lincoln market for improved cab service.

Mr. Mitchell identified Exhibit 15 as the taxi rate ordinances for Des Moines (Iowa), Wichita (Kansas), St. Paul (Minnesota), and Madison (Wisconsin), four relatively Midwestern cities. Mr. Mitchell testified that he did not compile these documents, but that he had a chance to review them fairly thoroughly. He stated that the ordinances do not establish fixed rates for any of those communities, but offer a range of acceptable rates and procedural rules for changing rates and operating taxicabs. Mr. Mitchell stated that the requirements of notice to the appropriate commission and posting the rates within the vehicle are essentially the same requirement that the Commission requires in Nebraska. Mr. Mitchell testified that

Des Moines does list a maximum and minimum per-mile rate, but that these are the only fixed rates in any of the communities and that no communities mandate one single rate to be used in the particular community.

Mr. Mitchell testified that the taxicab companies in Des Moines operate with independent contractors and have a slightly lower rate than Happy Cab. He again testified that Happy Cab's rates are based on its costs of doing business as shown in Exhibit 12 and that the companies have operated with a reasonable rate of return (between 8 and 10 percent) under this model for 12 years, including a five-year period without a rate increase.

Referring to page 4 of Exhibit 20 (Mr. Davis's prefiled testimony) under the heading "Proposed Rates, Policy Basis," Mr. Pollock asked Mr. Mitchell to comment on the Commission looking into whether it should require a uniform rate to be charged by taxicab companies operating in Lincoln or whether it will allow companies to charge different rates. In other words, Mr. Pollock said the question becomes whether Happy Cab will be required to charge Servant Cab rates or whether two sets of rates would be allowed by the Commission. Mr. Mitchell testified that Happy Cab wants to charge rates that allow for a reasonable rate of return, reasonable profits for the drivers, and reasonable, and affordable rates for the customers. He further stated that he believed the proposed rates are both reasonable and affordable.

Mr. Mitchell stated that the proposed rates are based on what the Commission approved in 2011 and was asked whether there were other reasons to support the proposed rate as just and reasonable (other than prior Commission approval). Mr. Mitchell testified that, in addition to the Commission's approval of Happy Cab's rates for Omaha, the company proposed the same rates for Lincoln due to the challenging and time consuming nature of recalibrating meters, which must be inspected and sealed, when taxicabs are transferred between Lincoln and Omaha, for instance, during special events such as Husker football games.

Mr. Mitchell then testified that Happy Cab would have concerns if it were required to charge the same rates as Servant Cab. He stated that Servant Cab's rates are well over 70 percent higher than Happy Cab's and that he believes the rates are unreasonably high. Mr. Mitchell further testified in response to an article in the Lincoln Journal Star (entered as Exhibit 23) that credited Mark Breiner with saying that the Commission wants to keep rates the same to prevent confusion and fraud. He testified that people in Lincoln were smart enough to

not be confused by multiple rates. He also stated that having the rates posted in each vehicle would prevent confusion and would not lead to fraud because the taxi meters are inspected and sealed. Mr. Mitchell testified that drivers are not allowed to deviate from the rates posted and used in the meters under Commission regulations. He testified that the same rule requiring rates to be posted applies to Servant Cab, though he was unsure whether Servant Cab actually posts its rates and he has no control over their actions.

Mr. Mitchell testified that requiring Happy Cab to charge the same rates as Servant Cab would cause its rates to be unreasonably high in relation to its finances and would result in a rate that is not just or reasonable. He testified that, in his opinion, the customer would be the one who loses out under this arrangement and that based on earlier testimony, the customers already believe the rates are too high.

Mr. Mitchell testified that, if required to charge the same rates as Servant Cab, Happy Cab would have to address major issues with setting meters and renegotiate its contracts with all its drivers or consider increasing its rates in Omaha to match those in Lincoln. He further testified that he would expect many consumer complaints if rates were almost doubled in Omaha and that the company would receive a windfall from doing so, resulting in damaged relations with the customers and community. Mr. Mitchell clarified that both the drivers and the company would receive a windfall based on the costs submitted in Exhibit 12.

In summary on the question of rates, Mr. Mitchell testified that other cities the size of Lincoln had minimum and maximum rates, and that he thinks that is fair. He testified that Happy Cab's [independent contractor] model has worked well and been tested at both the state and federal levels, that it is a balanced and fair relationship between the company and the drivers, that it is according to law, and that the drivers do pretty well. Mr. Mitchell summarized the company's goals as getting a reasonable rate of return, making sure the drivers receive reasonable revenue from the work they do, and making sure that customers and the community receive reasonable and affordable rates.

The Commissioners noted that the Lincoln Journal Star was not actually quoting Mr. Breiner in the article, and that the issue of multiple rates in a given location had not been prejudged or determined by the Commission at this time.

Mr. Mitchell testified, in response to a question from Commissioner Schram, that the rates of Safeway Cab, before it was acquired by Happy Cab, were the same as Happy Cab's rates in Omaha. Further, he stated that Safeway Cab had once applied for a rate increase, that Happy Cab had opposed it, and that ultimately the rate was unchanged.

On cross-examination, Mr. Shultz questioned Mr. Mitchell extensively on his rate calculations in comparing the rates of Servant Cab and Happy Cab from Exhibits 9 and 10. Mr. Shultz tried to show that there is not as large of a gap between Servant Cab's rates and the Omaha rates as that calculated by Mr. Mitchell.

Mr. Mitchell testified that about 20 percent of Happy Cab's business in Omaha comes from business travelers, though he was unsure how the percentage of business travelers compares to the total population of Omaha. He stated that the bulk of those business travelers come through the airport and that the company then transports those travelers from their hotels to other locations.

Mr. Mitchell testified that he understood Exhibit 14 to represent cab rates in cities of similar population. Mr. Mitchell said he would be surprised to learn that Lincoln had the lowest airport transportation of the cities on the list, but that he hasn't seen volume statistics for the other airports.

Mr. Mitchell testified that he did not know whether Exhibits 13 or 14 contained information from any cab companies with employee drivers and that he had never dealt with any of the regulatory agencies in the cities listed in Exhibit 15. Mr. Mitchell then testified that the price of fuel had risen between 2005 and 2011, that independent contractor drivers are required to purchase their own fuel, and that Happy Cab did not increase its rates in that time period. He then stated he wasn't sure exactly what the fuel prices were in 2005, but he knew prices went up and down all the time.

Mr. Mitchell then reiterated that he did not believe passengers would be confused by different rates because they could see the posted rates in the vehicle. He testified that an airport traveler paying one rate for a ride from the airport and then a different rate to go back to the airport would not be confused, but would question why the rates were different. He compared this situation to other industries with differing rates, such as hotels, limousines, or rental car companies.

Commissioner Schram questioned Mr. Mitchell about taxicab service in the cities listed in Exhibits 14 and 15, particularly Des Moines. Mr. Mitchell testified that there are different tariffed rates in the City of Des Moines for taxi service and that there is currently one company operating in that city. He was unsure as to how many companies operated in the other cities.

In response to a question from Commissioner Landis, Mr. Mitchell testified that he thinks Servant Cab's rates are high compared to other cities across the country, but that he doesn't know enough about their business model to know whether that is the reason for the rates being at that level.

On redirect, Mr. Mitchell testified that Happy Cab is seeking authority not just in Lincoln, but in all of Lancaster County. He testified that Happy Cab charges \$2.25 per mile for out of town trips and that Servant Cab charges \$3.00 per mile. Mr. Mitchell then testified that for a 1-mile trip, in the city limits, Happy Cab would charge \$5.15, while Servant Cab would charge \$9.40. Mr. Mitchell then testified that he expects over 95 percent of Happy Cab's trips [in Lancaster County] to be within the city limits of Lincoln. Mr. Mitchell then testified that Happy Cab's rates are published on its website and that travelers could check there or text or email Happy Cab to find out the rates in advance. He stated that customers could ask a driver what the rates are before that customer gets in the cab, and that he doesn't know whether Servant Cab has its rates published on the Internet. Mr. Mitchell reiterated that Happy Cab's rates are on file with the Commission.

In closing, Mr. Pollock renewed Happy Cabs motion to compel financial information from Servant Cab. Mr. Pollock acknowledged that such records would be moot if Happy Cab was denied authority or allowed to charge the rates it applied for, but that he thought the Commission should review both companies' financials before making a decision to charge them the same rate. He then reviewed each exhibit received into evidence and offered those that had not yet been received.

Kirby Young testified that his company uses an employee based model for employment. This model raises his costs as he experiences numerous costs that are not experienced by the Applicants. For example, Servant Cabs paid the following expenses that were not incurred by the Omaha taxi companies: Medicare, \$19,046; Social Security, \$81,439; Federal Unemployment Tax, \$42,244; State Unemployment Tax, \$21,222; Vacation Pay, \$37,031; Workers Compensation Insurance, \$55,4623. This is a total amount of \$218,446. These costs are the cause

of the disparity in the rates as currently charged in Lincoln and Omaha.

Mr. Young criticized the comparison information that was placed before the Commission regarding taxi rates in other locations. In almost every instance the city cited is either substantially larger or is part of a population area that is much larger than Lincoln. The airport usage numbers are also skewed due to these factors. He therefore believes that the comparisons listed in the exhibits are unfair and are not informative or useful in this application.

Mr. Young said that while there are periods of high demand time such as football Saturdays and other special events, most other times demand for services in Lincoln is not high. The Lincoln Municipal Airport is not utilized nearly as much as Eppley Airfield, and the services provided to the Nebraska Department of Health and Human Services have dropped substantially in the past year. These business factors have led to a decrease in business for Servant Cab in the last year.

Mr. Young cited a 2010 Texas RioGrande Legal Aid study which showed that independent contract taxi drivers in Austin, Texas, made an average of \$2.75 per hour, with long hour working days, no vacation pay, and no benefits being provided in the process. This amount is much lower than the minimum wage. Another study of similar drivers in Portland, Oregon, found that those drivers earned an average of \$6.22 per hour.

A number of people testified during the public testimony section of the hearing regarding the rates that are currently charged in Lincoln as well as the proposed rates in this application. Essentially every person who testified regarding the rates said that the rates currently charged by Servant Cab were too high, much higher than other locations that they have experienced, and that the rates make travel too expensive. Other testimony involved the reasonableness of the rates as employed by the Applicants, and requested that the Commission allow the use of those rates in the Lincoln area.

#### O P I N I O N   A N D   F I N D I N G S

The Applicants received authority to operate in Lancaster County as set forth in its Order of May 22, 2012. This Application was made in order to establish rates for the new operations of the Applicants.

The rates as proposed in this Application are the same rates as currently approved for the Applicants use in their

Omaha, Nebraska, area operations. The Commission found in an Order August 30, 2011, that the rates as then proposed by the Applicants' were reasonable and approved for use in the Omaha area. There are several issues that the Commission will address in its determination of the proposed rates.

The Commission first points to §75-123. In this section, the Commission is obligated to consider that the lowest rate published or charged by any common carrier for substantially the same kind of service, whether in this state or another state, shall, when introduced into evidence, be accepted as prima facie evidence of a reasonable rate for the services inquired into. In this matter, the Applicants, subject to the rates approved in TR-180, are requesting that it be allowed to have those same tariff fares in its new operations in Lancaster County. Under this statute, the Commission finds that the proposed rates are reasonable and should be approved.

The Commission has found, in TR-185, that the rates charged by Servant Cab were reasonable. This finding is not binding on the rates charged by another entity such as is found in this case. While the higher rate charged by Servant Cab may be due to the costs it incurs as set forth above, it is not incumbent on the Commission to order that another carrier use these higher rates if that carrier is able to operate in a different manner and thus not need that particular tariff.

Indeed, the imposition of the higher rate could result in undue profits being permitted to the Applicants at the expense of the farepaying public. In light of the testimony that the Commission heard in the hearing on this matter, the farepaying public is asking for the relief that could be provided by the Applicants in this Application.

Nebraska Revised Statute §75-126 addresses the issue of unjust discrimination and practices in the rate area. The section reads as follows:

75-126. Unjust discrimination and practices prohibited; exceptions.

(1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service unless required under section [86-465](#);

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever;

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the Commission may prescribe in special cases to prevent manifest injuries, except that no manifest injustice shall be imposed upon any person at intermediate points. This section shall not prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that purpose, except as otherwise provided in section [86-155](#).

(2) This section shall not prohibit any common carrier from, and a common carrier shall not be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) The employees, both present and retired, of such common carrier;

(c) Any person when the object is to provide relief in case of any disaster;

(d) Any person who transports property for charitable purposes;

(e) Ministers and others giving their entire time to religious or charitable work; or

(f) Any person who is legally blind or visually handicapped.

The Commission is of the opinion and finds that the different rate as proposed by the Applicants does not violate

§75-126. That section refers to a "common carrier" in its prohibitions set out in the section. It does not require that all rates be the same for different carriers in different situations as the Applicants and the Protestant are in this matter.

The Commission is of the opinion that each carrier, with its respective business models, should be placed in a position to run its business according to its needs.

An examination of the taxi ordinances provided in this matter show that the jurisdictions cited have a minimum and maximum rate that the carriers can use. It is qualified that the carrier must use a rate that is between these rates and that the rate must be on file with the governing jurisdiction. There is no requirement that there be one, single rate used by all carriers in a given location. It appears from the evidence offered that, in at least these jurisdictions, different rates are allowed in the same area.

The Commission is also of the opinion that there will not be substantial confusion on the part of the general public. Several individuals testified that this is a common circumstance in many areas of commerce, and that the taxi situation should be no different.

The public testimony is such that fairness to the general public is also very important. The competition, both in service and in rates, may help to reduce the fares paid by the public while improving the service at the same time.

The Commission will hereby overrule the Motion to Compel the Review of Financial Information that Mr. Pollock renewed at the close of the hearing. The basis for the Motion was the importance of the Commission reviewing the financial records in the case that the Commission found that this Application should be denied. Inasmuch as the Commission has found the Application should be approved, the Motion has become moot and is therefore overruled.

Upon consideration of the Application, the evidence adduced and being fully advised in the premises, the Commission is of the opinion and finds that the Application should be granted effective May 25, 2012.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Application to establish rates for services in Lancaster County filed by the Happy Cab Companies, DonMark, Inc., d/b/a Cornhusker Cab Company, and Valor Transportation and Checker Cab be approved, effective May 25, 2012, as follows:

Description	Rates
I. Standard Fare	
A. First 1/6 mile (Initial Drop Charge)	\$2.95
B. Ea. Add'l 1/11 mile	\$0.20
II. Senior Citizen Fare:	
A. First 1/6 mile (Initial Drop Charge)	\$2.95
B. Ea. Add'l 1/8 mile	\$0.21
III. Out-of-town Fare:	
A. Rate per mile	\$2.25
IV. Waiting Time:	
A. Per each 86 seconds	\$0.60
V. Flat Rates Between Eppley Airfield and Hotels/Motels based on standard fare.	
VI. Cab Hired by the Hour	\$22/hour
VII. No Service Charge	\$7.50
VIII. Time and Mileage Charge	Waiting time plus meter fare
IX. Traffic Delay Waiting Time	Same as IV. Above

Fuel SurchargeWhen fuel price exceeds:

\$4.00/gallon	\$0.60
\$4.30/gallon	\$0.75
\$4.60/gallon	\$0.90
\$4.90/gallon	\$1.05

When fuel price exceeds \$5.20/gallon, the surcharge increases \$0.15 for every \$0.30 increase in the cost of fuel.

IT IS FURTHER ORDERED that the fuel surcharge as approved by this order shall not be applicable to vehicles powered by compressed natural gas, and that the Applicants' meters will be programmed so that the fuel surcharge cannot and will not be charged on said vehicles.

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of  
May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. TR-190

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MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of  
May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Kim Schram*

Chairman

*Rod Johnson*

*Gerald L. Vop*

ATTEST:

*Jana Buevane*

Deputy Director

//s// Rod Johnson

//s// Frank Landis

In the Matter of the ) APPLICATION NO. TR-193  
Prescription of Reasonable )  
Rates and Charges for Motor )  
Carriers Passengers and ) GRANTED ON AN EMERGENCY  
Property for Hire subject to ) BASIS  
the Provisions of Neb. Rev. )  
Stat. (Reissue 2003), Chapter )  
75, Articles 1 and 3. )  
ENTERED: OCTOBER 23, 2012

BY THE COMMISSION:

OPININON AND FINDINGS

On October 22, 2012, 2012, Leisure Limousine and Sedan Service, Inc., Lincoln, Nebraska, filed an application for authority to establish rates for its use in its operations as follows:

<u>Description</u>	<u>Proposed</u>
I. Standard Fare	
A. First 1/6 mile (Initial Drop Charge)	\$ 2.95
B. Ea. Add'l 1/11 mile	\$ 0.20
II. Senior Citizen Fare:	
A. First 1/6 mile (Initial Drop Charge)	\$ 2.95
B. Ea. Add'l 1/8 mile	\$ 0.21
III. Out-of-town Fare:	
A. Rate per mile	\$ 2.25
IV. Waiting Time:	
A. Per each 86 seconds	\$ .60
V. Flat Rates Between Eppley Airfield and Hotels/Motels based on standard fare.	
VI. Cab Hired by the Hour	\$22/hour
VII. No Service Charge	\$ 7.50
VIII. Time and Mileage Charge	Waiting time plus meter fare
IX. Traffic Delay Waiting Time	Same as IV. Above
<u>Fuel Surcharge</u>	
<u>When fuel price exceeds:</u>	
\$4.00/gallon	\$0.60
\$4.30/gallon	\$0.75
\$4.60/gallon	\$0.90
\$4.90/gallon	\$1.05

When fuel price exceeds \$5.20/gallon, the surcharge increases \$0.15 for every \$0.30 increase in the cost of fuel.

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate Number B-1718, Supplement 3. The certificate allows transportation of passengers by taxicab between points in Lancaster County, and points within said county, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

The Applicant received authority to operate from the Commission under Certificate No. B-1718, Supplement 3, on October 23, 2012. The Applicant is establishing rates for these particular vehicles for use in this certificate.

The Applicant represents to the Commission that the proposed rates are the rates that have been approved and applied to other certificated taxi companies in the Omaha area. The Applicant is requesting that it be allowed to implement these rates in its operations.

In applications such as these, the Commission must find that an emergency situation exists. Such a situation exists in this application as the Applicant cannot begin operations under its certificate as granted until the rates are approved.

Upon consideration of the application and being fully advised in the premises, the Commission is of the opinion and finds that the application should be granted on an emergency basis effective October 26, 2012.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective October 26, 2012, Leisure Limousine and Sedan Service, Inc., Lincoln, Nebraska, be, and it is hereby, authorized to establish rates for its authority for the as follows:

<u>Description</u>	<u>Rate</u>
I. Standard Fare	
A. First 1/6 mile (Initial Drop Charge)	\$ 2.95
B. Ea. Add'l 1/11 mile	\$ 0.20
II. Senior Citizen Fare:	
A. First 1/6 mile (Initial Drop Charge)	\$ 2.95
B. Ea. Add'l 1/8 mile	\$ 0.21
III. Out-of-town Fare:	
A. Rate per mile	\$ 2.25
IV. Waiting Time:	
A. Per each 86 seconds	\$ 0.60
V. Flat Rates Between Eppley Airfield and Hotels/Motels based on standard fare.	
VI. Cab Hired by the Hour	\$22/hour
VII. No Service Charge	\$ 7.50
VIII. Time and Mileage Charge	Waiting time plus meter fare
IX. Traffic Delay Waiting Time	Same as IV. Above

#### Fuel Surcharge

##### When fuel price exceeds:

\$4.00/gallon	\$0.60
\$4.30/gallon	\$0.75
\$4.60/gallon	\$0.90
\$4.90/gallon	\$1.05

When fuel price exceeds \$5.20/gallon, the surcharge increases \$0.15 for every \$0.30 increase in the cost of fuel.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that public notice of this action be published in the Daily Record, Omaha, Nebraska, pursuant to the provisions of Section 75-121. R.R.S. 2011, and the Commissions Rules.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day  
of October, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chair

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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APPLICATION NO. TR-193

PAGE 4

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day  
of October, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle  
//s//Frank E. Landis



Vice Chair

ATTEST:



Executive Director



# *Memorandum*

**Date:** ♦ February 5, 2013  
**To:** ♦ City Clerk  
**From:** ♦ Jean Preister, Planning Dept.  
**Re:** ♦ Administrative Approvals  
**cc:** ♦ Teresa McKinstry

This is a list of the administrative approvals by the Planning Director from January 29, 2013 thru February 4, 2013:

**Administrative Amendment No. 13005** to Special Permit No. 450P, Madonna Rehabilitation Hospital, approved by the Planning Director on January 31, 2013, requested by the Planning Department, to correct the special permit number referenced in Resolution PC-00848 approved in March, 2004, on property generally located at 5401 South St.

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

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





## Technical Advisory Committee Meeting

**DATE:** February 14, 2013  
**TIME:** 1:30 p.m. - 3:00 p.m.  
**PLACE:** Conference Room #113  
County-City Building

### Meeting Agenda:

*Roll call and acknowledge the “Nebraska Open Meeting Act”*

1. Review and action on the draft minutes of the **September 13, 2012** Technical Committee meeting.
2. **Election of the Technical Committee Chairperson.** The Chair position is to be filled by one of three Committee Tri-Chairs for a one-year term; the Director of the Lincoln Public Works & Utilities Department, the Director of Lincoln-Lancaster Planning Department, or the Lancaster County Engineer.
3. Review and action on *revisions* to the ***FY 2013-2016 Transportation Improvement Program***. The approved TIP report is located on the Lincoln MPO web page, [www.lincoln.ne.gov/city/plan/mpo/](http://www.lincoln.ne.gov/city/plan/mpo/).
  - a) Lancaster County: SW 12<sup>th</sup> Street & Old Cheney Road Safety project.
  - b) City of Lincoln: North 10<sup>th</sup> Street & Military Bridge Rehabilitation project.
4. Briefing on the Lincoln MPO request to allow “**Biennial MPO Programs**” or a two year program update cycle to match the local budgeting cycle. According to federal regulations, the development of the Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP) on a two-year cycle is allowed.
5. Review and action on the Lincoln Metropolitan Planning Organization’s ***Project Prioritization and Selection Process*** for the purpose of coordinating priorities and programming projects in the annual update of the ***Transportation Improvement Program***.

(Over)

***Lincoln MPO - Technical Committee Meeting Agenda***

February 14, 2013

*Page 2*

6. Review and action on the Lincoln MPO **Transportation Alternatives Program (TAP)** and program of projects. TAP is a new program identified in *Moving Ahead for Progress in the 21st Century* (MAP-21) which took effect on October 1, 2012. This program provides funding for programs and projects defined as transportation alternatives, including pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, recreational trails projects, and safe routes to school projects. A program of projects for the Lincoln Planning Area has been developed by the TAP Committee in coordination with NDOR and is recommending these to be included in the ***FY 2013-2016 Transportation Improvement Program***.
7. Briefing on the status of the **Memorandum of Agreement** between the Lincoln MPO and Nebraska Department of Roads.
8. Briefing on the development of a regional **Transportation Demand Management (TDM) Strategy** to support individual travel choices as identified in the *2040 Long Range Transportation* .
9. Other topics for discussion.

**Next MPO Technical Committee Meeting: March 21, 2013**

# Lancaster County Weed Control - City of Lincoln Weed Abatement

## 2012 Review

### INSIDE THIS REPORT:

2012 Review	1
Weed Abatement Program	1
2012 Enforcements	2
Noxious Weeds Inside City	2
Lespedeza cuneata	2
Map of All Weed Violations	3
Combined Weed Program	4
Outlook & Recommendations	4

*“This resulted in more payments being received before we had to file a lien on the property”*

The 2012 growing season got off to an early start with above average warm weather during the spring. Weeds started growing quickly and by the end of May we had already completed 18 forced cuttings. I remember worrying if we had moisture like we had in 2011, our budget may not handle it.

As it turned out we received very little rain for most of the summer and we ended the year with a total of 168 forced cuttings. This was down from 261 in 2011 for a 55% decrease. The average for the last 5 years has been 196 per year.

### Ordinance Changes

One of the more positive changes for 2012 was the changing of the Weed Abatement ordinance. A “Possible Notice of Unpaid Weed Assessment” is filed within 5 days of an



enforcement being completed. This keeps any properties from being sold without our office collecting the cost of control. In the past we didn’t have any way to flag a property at the Register of Deeds office to let potential buyers know there was a lien on the property. It had always been done all at one time in December at the Council meeting. This resulted in more payments being received before we had to file a lien on the property. A second change in the

ordinance, implemented in 2012, was the ability to post the property with a sign to notify the owner. We used this in cases where the letters being sent were returned to our office. The last major change introduced was letting properties over 1 acre in size be allowed to grow as long as they were mowed around the perimeter, kept free of weeds and mowed in the fall for a fire hazard. Overall the response to this was positive.

## City of Lincoln Weed Abatement Program

The total number of inspections was up from 4,788 in 2011 to 5,354 in 2012, an 11.8% increase. The total number of properties also increased from 2,158 in 2011 to 2,276 in 2012, a 5.5% increase.

Complaints from the public were down from 1,852 in 2011 to 1,439 in 2012, a 28.7% decrease. This was most likely a result of the dry weather when most of the vegetation stopped growing. Notifications of

violations were made to property owners with 821 legal notices, 340 enforcement warnings, 1,537 reminder letters, and 52 personal contacts.

*“We saw the number of enforcements decrease by 93 in 2012. This was a 55% decrease from 2011”*

## 2012 Enforcements below 5-Year Average

In last year’s annual report I reported that the 2011 enforcements were up 38% from the previous year. Rainfall, more complaints & foreclosures were mentioned as the main reasons. We saw the number of enforcements decrease by 93 in 2012. This was a 55% decrease from 2011. The 168 enforcements in 2012 were also below the 5-year average of 196 for a decrease of 16.7%.

### Weed Abatement Enforcements

- 2008 207
- 2009 157
- 2010 189
- 2011 261
- 2012 168

**Average 196**

Some of the reasons:

Drought – In 2011 several properties were enforced on at least 3 times. In 2012 we didn’t have any properties enforced more than twice.

Allowing large parcels over 1 acre to be only mowed 50 feet around the edge. This was well received by the developers mainly because of cost savings.

## Noxious Weeds Inside Lincoln City Limits

Noxious weeds know no boundaries. They find themselves at home inside the city limits along the creeks, in wetlands and waste areas just as well as in the rural areas.

In 2012, 32.6% of our noxious weed inspections occurred inside the city limits. While these infestations are very small in the total number of acres infested, we continue to find noxious

weeds all around the city.

In the cases of saltcedar, purple loosestrife and the knotweeds they are found more in the city than in rural areas. This is because they were first introduced as ornamentals and planted in our landscapes.

Our city inspectors made 817 inspections on 443 sites and found 371 sites to have noxious weeds present.

### Lincoln’s Noxious Weeds number of sites infested in 2012

- Musk thistle 198
- Leafy spurge 64
- Phragmites 61
- Knotweed 22
- Purple loosestrife 16
- Canada thistle 8
- Saltcedar 2



## Lespedeza cuneata may be added to Noxious List



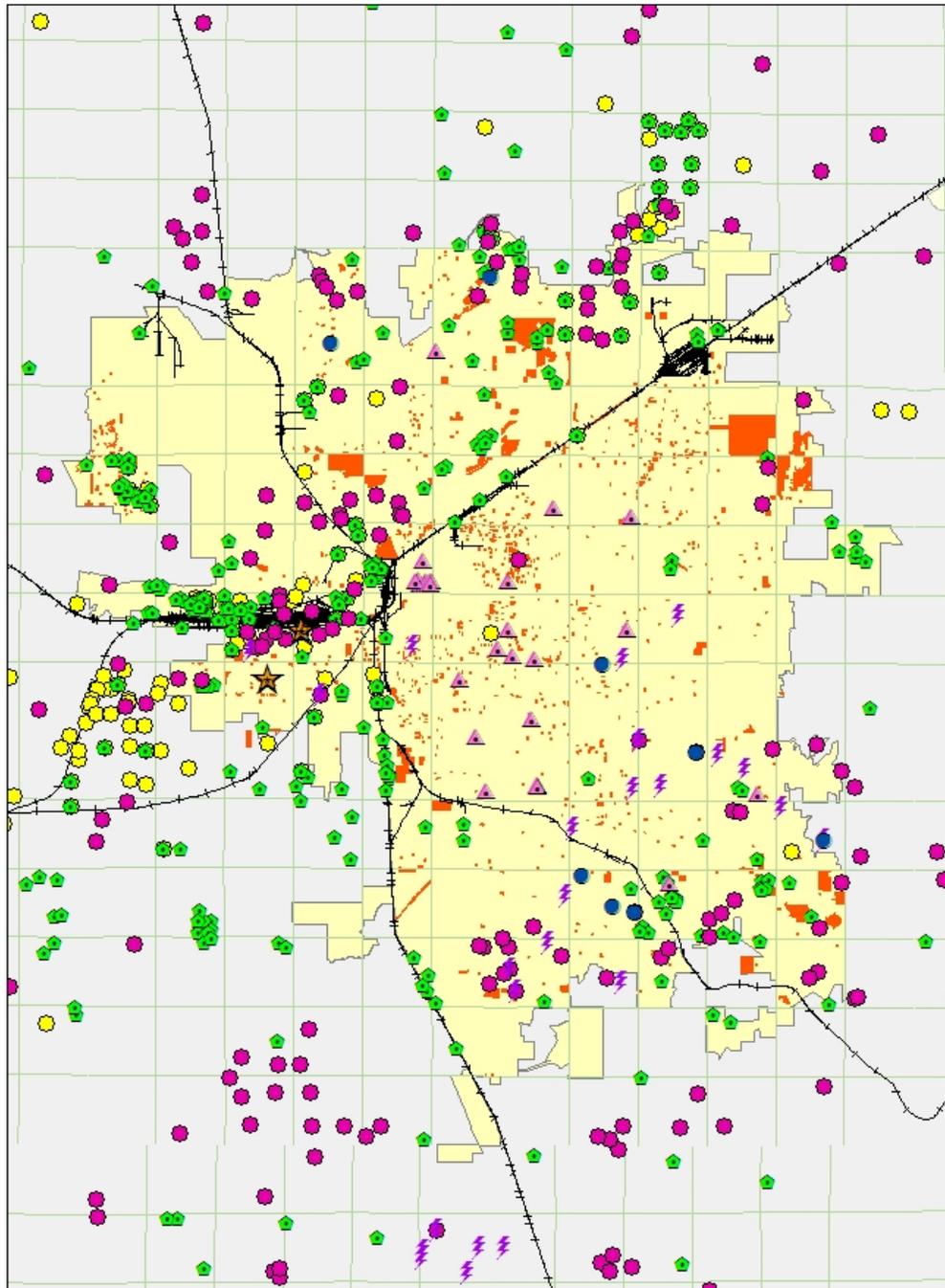
Sericea Lespedeza

Lancaster County Weed Control supports the addition of [Lespedeza cuneata](#), (known as

sericea lespedeza or Chinese bushclover) as a statewide noxious weed. Currently it exists mainly in southeastern Nebraska with approximately 60 acres infested in Lancaster County. *Lespedeza cuneata* has been a noxious weed in Kansas since 2000,

reporting around 650,000 infested acres. Nebraska’s Early Detection Rapid Response (EDRR) plan is to find new invaders early and eradicate them before they spread across our county and state. Waiting too long could end up costing property owners millions to control.

### 2012 City of Lincoln Weed Abatement & Noxious Weeds



**Legend**

- 2012WeedAbatement
- ⚡ 2012PurpleLoosestrife
- +— RailroadLines
- ★ 2012Saltcedar
- 2012Phragmites
- sections
- ▲ 2012Knotweed
- 2012MuskThistle
- 2012CanadaThistle
- 2012LeafySpurge

map by: Lancaster County Weed Control

**Lancaster County Weed Control**  
 444 Cherrycreek Rd. Bldg B  
 Lincoln, NE. 68528

**Phone:** 402.441.7817  
**Fax:** 402.441.8616  
**E-mail:**  
[weeds@lancaster.ne.gov](mailto:weeds@lancaster.ne.gov)

*Good Neighbors –  
 Control Invasive Weeds !!!*



**We're on the Web!**  
[www.lancaster.ne.gov/weeds](http://www.lancaster.ne.gov/weeds)

## Combined Weed Program

Almost every ownership parcel outside of developed residential lots has or had one or more kinds of noxious weeds present. The key to noxious weed control is not allowing the plants to seed. This requires persistence and follow-up. Most of the public and private landowners understand this and are keeping their noxious weeds under control. It is the job of noxious weed control authority staff to assist landowners in the job of controlling noxious weeds. Many landowners are accomplishing control without any assistance or contact from the authority. The authority carries out a strong information and awareness program along with an extensive inspection program to encourage voluntary compliance of the Nebraska Noxious Weed Control Act.

The authority has also provided the inspection and administration of the City of Lincoln's Weed Abatement program since entering into an Interlocal agreement with the City in 1996. The County Commissioners serve as the Lancaster County Noxious Weed Control Authority. Brent Meyer serves as the superintendent and supervises a seasonal staff of six weed inspectors with the assistance of Chief Inspector Patrick Dugan and Julie Manske, Account Clerk.

## Outlook & Recommendations for 2013

Each year as we review the previous season we look at ways to make improvements for the next year. As we do this we always have to look at what it will cost and how it will affect the budget.

Every year we have some of the same repeat offenders that know how the process works. They will usually wait as long as possible before they cut their property. If they do that 3 or 4 times each year it will save them 1 or 2 cuttings and that is a big cost savings for them. Usually they get it done at the very last minute and in those cases we don't receive any reimbursement for our efforts, but still have all the time in inspections, mailings, etc. It has been our goal to not have to do the enforcements if we

can get the owner to cut their weeds. There are some owners, however, that I feel we need to be more aggressive with in 2013. With these owners we need to shorten the time frame on our process. The [Weed Abatement ordinance](#) allows us a 5 day window to enforce on a property. For most owners this is pretty quick. If we enforced all violations in 5 days our budget would not handle it. However, for those we know as repeat offenders we will no longer send a courtesy letter first. Instead, they will receive the legal notice first thing. This will shorten up the process about 1 week and cut down one inspection on those properties. Our ordinance also allows for a fine of up to \$100 per day of

violation. The down side to this is that it would take time gathering evidence, plus City Attorneys time as well as time in court. Plus, we would more than likely still have to spend money on the enforcement.

**LMC 8.46.060 Penalty.**  
*Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any order authorized by this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.*

**DIRECTORS' AGENDA  
ADDENDUM  
MONDAY, FEBRUARY 11, 2013**

**I. CITY CLERK**

**II. MAYOR & DIRECTORS CORRESPONDENCE**

**MAYOR**

1. NEWS ADVISORY. Mayor Beutler's public schedule for the week of February 9, 2013 through February 15, 2013.
2. NEWS ADVISORY. Mayor Beutler will discuss the introduction of the "good government" resolution to the City Council at a news conference Monday, February 11, 2013 at 555 S. 10<sup>th</sup> Street, Room 303, 10:00 a.m.
3. NEWS RELEASE. Mayor says contract ban is good government.

**III. DIRECTORS**

**PARKS AND RECREATION DEPARTMENT**

1. Parks Recreation Advisory Board meeting agenda for Thursday, February 14, 2013 at 4:00 p.m. Minutes for meeting of December 13, 2012 with supporting documents.
  - a) Rate information for pools and centers.

**PLANNING DEPARTMENT**

1. Urban Design Committee meeting agenda for Wednesday, February 13, 2013, 3:00 p.m., in Room 214, County-City Building, 555 S. 10<sup>th</sup> Street.
2. Anna Brazer question on Ascentia hearing with response from Jean Preister, Administrative Officer, Planning Department.

**IV. COUNCIL MEMBERS**

**JON CAMP**

1. Comments from Councilman Camp on the Mayor's proposed title for the good government resolution.

**LLOYD HINKLEY**

1. Memo from Councilman Hinkley with thoughts on the Mayor's good government resolution.

**V. CORRESPONDENCE FROM CITIZENS**

1. Les Administrative Board meeting agenda for Friday, Friday, February 15, 2013. Full agenda and support materials can be found at [www.les.com](http://www.les.com).
2. Kurt and Wendi Beck correspondence regarding the Northwoods re-zoning vote.

Date: February 8, 2013

Contact: Diane Gonzolas, Citizen Information Center, 402-441-7831

**Mayor Beutler's Public Schedule**  
**Week of February 9 through 15, 2013**  
*Schedule subject to change*

Monday, February 11

- News conference on introduction of Good Government Resolution - 10 a.m., room 303, County-City Building, 555 S. 10th St.
- Mayor's Neighborhood Roundtable meeting - 5:30 p.m., Mayor's Conference Room, County-City Building

Tuesday, February 12

- Sadoff Iron and Metal Company groundbreaking, remarks - 10 a.m., 4400 W. Webster Street (Airpark)
- Downtown Lincoln Rotary Club #14 Nebraskan of the Year luncheon, medallion presentation to J. Paul McIntosh, Nebraskan of the Year, remarks - 11:30 a.m., Embassy Suites, 1040 "P" St.
- Mayor's Multicultural Advisory Committee - 4 p.m., Mayor's Conference Room, County-City Building

Wednesday, February 13

- Face the Chamber luncheon, remarks - noon, Country Club of Lincoln, 3200 S. 24th St. (Ballroom)

**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

**DATE:** February 8, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Beutler will discuss the introduction of the “good government” resolution to the City Council at a news conference at **10 a.m. Monday, February 11 in Room 303, third floor of the County-City Building, 555 S. 10th Street.** The resolution would allow voters to decide in May if elected City officials and Department Directors should be banned from having contracts with the City.

**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

**FOR IMMEDIATE RELEASE:** February 11, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831

**MAYOR SAYS CONTRACT BAN IS GOOD GOVERNMENT**

Mayor Chris Beutler today said the “good government” resolution being introduced to the City Council today will end conflicts of interest at City Hall and create a level playing field for contract bids. If the Council passes the resolution, voters will decide May 7 whether to ban elected City officials and City Department Directors from having contracts with the City.

“The good government resolution is a statement of our commitment to high standards and a guide for our ethical expectations of government,” Beutler said. “With the contract ban, citizens have a significantly higher assurance that no elected official or director is using his or her position for personal gain at the expense of the public good. The good government resolution does not prohibit business owners from running for office or serving in office. It simply requires that during the period of public service, the elected official or director give up that contract.”

If passed, the Charter Amendment would prohibit elected officials and department heads from having a “significant financial interest” in a contract or business dealing with the City. That interest would include having at least \$5,000 or a five-percent ownership in the company holding a contract. In the case of a publically-traded company seeking to do business with the City, the ban would not apply unless the official owned more than five percent of the company’s stock. Omaha’s City Charter was amended in 1957 to prohibit elected officials, officers or employees of the City from holding a City contract.

The Mayor said the contract ban also would prevent a difficult situation in dealing with contract liquidated damages. “The Mayor has the power to forgive or waive liquidated damages in some circumstances,” Beutler said. “If the contract in question belongs to a Council member, the Mayor is put into a no-win situation. If the liquidated damages are implemented, the public may believe it was done for political motives or to embarrass the Council member. If the Mayor does grant a waiver, the public may believe it was done in return for support of the Mayor’s agenda. In either circumstance, it calls into question the motivations of public officials in their actions and undermines our citizens’ trust in City Hall.”

When the contract ban was discussed several years ago, the Mayor said there was concern that it seemed directed at certain individuals. He said May is a good time to vote on the issue because no current City Council members have a contract with the City.

- more -

**Good Government**

**February 11, 2013**  
**Page Two**

Mark Whitehead, whose company has a contract with City, has declared his candidacy for the Council, but the Mayor said it would be unfair to subject him to a new set of rules. To solve the issue, the resolution language makes the contract ban effective June 7, 2013. If Whitehead is elected, the City Charter will not require him to give up his contract.

The City Council will hold a public hearing on the resolution at its meeting Monday February 25. That meeting begins at 5:30 p.m. at the County-County Building, 555 S. 10th Street.

The resolution is item number 51 on today's City Council agenda and can be found at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: council). Click on "Weekly Council Meetings/Agendas/Minutes," then "Agenda."

## **NOTICE OF ADVISORY BOARD MEETING**

**TO:** Parks and Recreation Advisory Board, Mayor, City Council, City Clerk, Media  
**FROM:** Lynn Johnson, Director, Lincoln Parks & Recreation Department  
**MEETING DATE:** February 14, 2013  
**LOCATION:** Parks & Recreation Dept. (Large Conference Room)  
**TIME:** 4:00 - 5:30 p.m.  
**CHAIR:** Anne Pagel

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### **A G E N D A**

1. **Call to Order and Recognition of 'Open Meetings Act'**
2. **Approval of Minutes:** \* December 13, 2012, meeting
3. **Comments from the Public for Items not Listed on the Agenda**
4. **Committee Reports**
  - A. **Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224**
    - \* Review of proposed fees for wedding sites, rental facilities, and pools.
  - B. **Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131**
    - No report.
  - C. **Golf Report**
    - Rounds and revenue report
    - Establishment of Lincoln Municipal Golf Committee working subcommittees
      - Marketing & Promotions
      - Grounds & Facilities
      - Budget & Finance
    - \* Review of proposed Golf fees
  - D. **Executive Committee - Anne Pagel (Chair) - 402-570-9194**
    - Report regarding renaming of Iron Horse in tribute to Bill Harris as "Bill Harris Iron Horse Park".
    - Parks and Recreation Advisory Board representative(s) on Lincoln Municipal Golf Committee
7. **Staff Report:**
  - Bowling Lake accessible fishing pier project update
  - Pioneers Park Nature Center 50<sup>th</sup> Anniversary events and activities
  - Calendar of Department and Foundation events for 2013
  - Idylwild master planning
  - Near South Park brick artwork removal
8. **Announcements:**
  -

*\* Denotes Action Items*

# MINUTES

## *Parks & Recreation Advisory Board Meeting*

Parks & Recreation Conference Room

Thursday, December 13, 2012

### **Members Present:**

Molly Brommond	Justin Carlson	Jonathan Cook	Susan Deitchler
Caitlyn Do	Todd Fitzgerald	Karen Hand	Peter Levitov
Cleo Mullison	Anne Pagel	Jane Raybould	Bob Ripley
Jeff Schwebke	Joe Tidball		

### **Members Absent:**

Jim Crook                      Dennis Scheer

**Recognition of 'Open Meetings Act':** As per law, Chairperson Anne Pagel announced that the Board follows the regulations of this Act, as posted.

\* **APPROVAL OF MINUTES:** *Minutes were approved by unanimous vote of members present, with no corrections or additions.*

**PUBLIC COMMENTS FOR ITEMS (other than those listed on the current Agenda):** none

### **COMMITTEE REPORTS**

#### **Fees & Facilities Committee - Susan Deitchler, Chair - 488-4224**

- \* **Recommendation re: declaring Willard Community Center, West 'B' St. & So. Folsom St., and adjoining property as surplus:** Susan Deitchler brought forward, from the Committee, a recommendation to declare Willard Community Center, located at West "B" Street & So Folsom Street, and adjoining property as surplus. Nicole Fleck-Tooze briefed the Board on the history/background of the Center and detailed the exact perimeters included in the surplus request. ***After Nicole's presentation, it was moved (Ripley) and seconded (Carlson) to declare Willard Community, West B Street & South Folsom Street, and adjoining property, as surplus.*** This item will now be placed on the Planning Commission agenda for their review and action. It will then be forwarded to the City Council along with an agreement from Willard Community Center that could be approved at the same time.

#### **Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131**

- \* **Recommendation re: adoption of Rules and Regulations for Urban Gardens in Public Parks:** Proposed rules and regulations for urban gardens in public parks provides policy direction regarding establishment and management of urban/community gardens in park areas including: site selection, organizational management, layout of plots, acceptable plantings, garden practices, approval process, and decommissioning of the gardens. The 2040 Lincoln-Lancaster County Comprehensive Plan states that urban gardens can be an appropriate land management approach for areas of public parkland not committed to active recreation uses. The proposed rules and regulations provide guidance for development of such privately managed garden areas located on public parkland. Nicole Fleck-Tooze distributed copies of the proposed rules and also a copy of some minor amendments to the rules. She gave a powerpoint presentation to the Board on this agenda item and a copy of the Rules and Regulations will be attached to the file copy of these minutes. Nicole referred to concerns from the Health Department on this agenda item and. ***It was moved (Levitov) and seconded (Cook) to change the***

*language that states a minimum size of an urban garden as 10,000 sq. ft. to 6,000 sq. ft. Motion carried by unanimous vote of members present.* A copy of all amendments will be attached to the file copy of these minutes.

*It was also moved (Cook) and seconded (Levitov) to change the language under 'Process for Approval, B, to read 'include distribution of flyers by the organization to residents within 300' of the park boundaries and add the sentence at the end of section B to read: The Parks Director may modify the area based on circumstances.*

*After general discussion among members and neighborhood representatives, it was moved (Ripley) and seconded (Carlson) that the Rules and Regulations for Urban Gardens in Public Parks move forward by a vote of the Parks & Recreation Advisory Board as amended, including recommendations from the Health Department.. Motion carried by unanimous vote of members present.*

The next step in the process, after the Board's approval, will be to send a recommendation to the Mayor to approve by executive order and also to get feedback from the County Extension Office. The City would then move forward with the Neighbors Park location and discussion for an agreement for that particular park.

#### **Golf Report:**

- **Rounds and revenue report for October:** Dale Hardy reported that a Golf Committee has finally been formed and Todd Fitzgerald will serve as the Chairperson and Tom Nesbitt will serve as Vice Chair. Cleo Mullison, a student member of the Parks and Recreation Advisory Board, is also a member of the committee. The Mayor appointed the three at-large members to the committee. A sub-committee met on Dec. 12<sup>th</sup> and selected National Golf Foundation to do the golf sustainability study.
- Rounds were down 12% in October as it was the 8<sup>th</sup> coldest October on record, but they rebounded a little in November (7% for the fiscal year). The 10 rounds for \$100 punch card sales were good with well over 100 being sold.
- The Holmes Clubhouse constructed is on schedule with a completion date of April 30, 2013.

#### **Executive Committee - Anne Pagel (Chair) - 570-9194**

- **Discussion regarding executive sessions** - Jocelyn Golden (City Attorney's Office) went over the Roberts Rules of Order regarding executive sessions for the PRAB and said that about the only time this would pertain to the Board would be if the issue pertained to a personnel issue or if there was a potential bid for real estate. A copy of her remarks will be attached to the file copy of these minutes.
- **\*Election of Officers - 2013:** *It was moved (Deitchler) and seconded (Raybould) to elect Anne Pagel and Chair and Todd Fitzgerald as Vice Chair of the Parks & Recreation Advisory Board for a 2-year term. Motion carried by unanimous vote of members present.*
- **Appointment of Board member to the Lincoln Cares Advisory Committee:** Bob Ripley and Anne Pagel will represent the PRAB on this Committee.

#### **Staff Report:**

- **Presentation by the Plant Oasis Group re: proposal for an indoor plant conservatory:** Anne Vidaver, Tom Tallman, Janene Dodson and Dave Erickson were present to brief the Board on a proposal for an indoor plant conservatory to be located in

Lincoln in the area of 21<sup>st</sup> & N Street. Two of the most important reasons they feel there is a need for an indoor conservatory is the need for a green refuge and the need for a place to grow and display unusual and exotic plants. It would also be a contribution to the economy of Lincoln due to a large amount of visitors who would go to the conservatory. The group responded to questions asked by Board members. Lynn Johnson said the next step in the process will be to take the staff recommendation to the Fees & Facilities Committee and representatives of the Plant Oasis Group and begin working on a guidance statement.

- **2012 Swimming Pool Operations Report:** Holly Lewis went over the 2012 Swimming Pool Operations Report with Board members. The report included attendance, subsidized swims, admission fees, gate revenue, concession revenue, expenses to revenues, safety statistics, pool closings, special programming, rentals, admission reimbursement, donated admission, aquatics staff and individual cost per swim. Holly then responded to questions from the members. A copy of the report will be attached to the file copy of these minutes.
- **Review of LMC Title 12:** Lynn Johnson said the Mayor has asked Departments to review the Lincoln Municipal Code items that pertain to their Department. One of the changes he would like to see in Parks & Recreation section of the LMC is the one that talks about weapons and/or projectiles in parks. Model rockets and airplanes have caused the safety concerns in park areas previously. The suggestion is to withdraw that section from the amendments and bring it back to the Parks & Recreation Advisory Board for further review and a recommendation. It will go to the Futures Committee at their next meeting.

**Announcements:**

- None

There being no further business, the meeting adjourned at 6:00 p.m.

## Parks & Recreation Advisory Board Action Item Fact Sheet

Meeting Date: February 14, 2013

**Request:** Recommend adoption of fee schedules for pools, wedding locations in parks, Auld Pavilion, cross country course at Pioneers Park, labor charges for special events in parks, the community room at the Jayne Snyder Trails Center, and the Union Plaza amphitheater.

**Discussion:** Fees associated with Parks and Recreation programs and facilities are reviewed and updated on a regular basis. Parks and Recreation Department staff are proposing updated fees for pools, identified park facilities, and labor charges associated with special events in parks.

**Conformance with Adopted Plans and Guidelines:** Proposed fees are based on comparable facilities in the community or cost-recovery goals.

**Staff Recommendation:** Recommend approval of the proposed updated fees.

**Committee Discussion and Recommendation:** Recommend approval of the updated fees.

**Committee:** Fees and Facilities

**Chair:** Susan Deitchler, 402-488-4224

**Date:** \_\_\_\_\_

**Parks & Recreation Advisory Board Action:**



## Parks & Recreation Advisory Board Action Item Fact Sheet

Meeting Date: February 14, 2013

**Request:** Recommend adoption of the 2013 fee schedule for Lincoln City Golf Courses.

**Discussion:** Fees associated with Parks and Recreation programs and facilities are reviewed and updated on a regular basis. Parks and Recreation Department staff are proposing updated fees for golf courses. The proposed fees have been reviewed and recommended by the Lincoln Municipal Golf Committee (LMGC) during their regularly monthly meeting on February 7, 2013. The LMGC is recommending that green fees and cart rental fees remain the same as 2012 pending review and recommendations as part of the preparation of the sustainability study for the golf program. Please note that:

- a new twilight fee is being proposed for the 3 hour period before sunset;
- new cart fees are being proposed for a spectator of a 9 hole round, and a rider during a round of golf; and
- a provision is being included to allow for the Parks and Recreation Director or designee to offer adjusted pricing for short-term specials and to promote tournament play.

**Conformance with Adopted Plans and Guidelines:** Proposed fees are based on comparable facilities in the community or cost-recovery goals.

**Staff Recommendation:** Recommend approval of the proposed updated fees.

**Committee Discussion and Recommendation:** Recommend approval of the updated fees.

**Committee:** Golf

**Chair:** Todd Fitzgerald, 402-327-3659

**Date:** \_\_\_\_\_

**Parks & Recreation Advisory Board Action:**

The following fees for the use of the facilities at the Lincoln Municipal Golf Course and for the convenience in connection therewith are hereby established as follows:

<u>Standard Golf Rates</u>	<u>18 Hole</u>	<u>9 Hole</u>
Saturday/Sunday/Holiday	\$30.50	\$21.00
Senior Citizen/Junior	\$25.00	\$17.00
Saturday/Sunday/Holiday after 1:00 p.m.	\$19.00	\$14.75
Senior Citizen/Junior	\$15.75	\$12.50
Weekdays	\$19.00	\$14.75
Senior Citizen/Junior	\$15.75	\$12.50

Twilight Green Fees (Highlands, Holmes, Mahoney, Pioneers)

18 Hole Twilight Fee - Good 3 hours before sunset (S S H)	\$14.75	
9 Hole Twilight Fee - Good 1 1/2 hours before sunset		\$8.50

Unlimited Golf Pass - No Daily Fee

Adult Unlimited Golf Pass	\$1,470.00
Second Family Member	\$920.00
Senior Unlimited Golf Pass (55 and over)	\$1200.00
Second Family Member	\$735.00
Senior Limited Pass (Monday-Friday)	\$735.00
Second Family Member	\$450.00
Teen Unlimited Pass (13-17 years old)	\$190.00
Junior Unlimited Pass (6-12 years old)	\$125.00

Discount Memberships

Young Adult Limited Golf Pass (18-29 years old)		\$395.00
Green fee for 18 holes	\$6.00	
Green fee for 9 holes	\$3.00	
Adult Limited Golf Pass		\$790.00
Second Family Member		\$500.00
Green fee for 18 holes	\$6.00	
Green fee for 9 holes	\$3.00	

Adult Passport	\$25.00	15% off daily green fee
Senior Passport* (55 and over)	\$25.00	15% off daily green fee

\*Percent off is from daily senior rate

Jim Ager Memorial Junior Golf Course Fees

	<u>9 Hole</u>	<u>2nd 9 Hole</u>
Junior	\$6.50	\$3.00
Senior	\$7.50	\$3.00
Adult	\$8.50	\$4.00

Ager Only Membership Options (no daily fee)

Adult Unlimited Golf Pass	\$350.00
Senior Unlimited Golf Pass	\$275.00

City Golf Cart Fees

Adult	½ 18 hole cart	\$15.75
	½ 9 hole cart	\$8.50
Unlimited Cart Card		\$840.00
Senior	½ 18 hole cart	\$13.00
	½ 9 hole cart	\$7.00
Unlimited Cart Card		\$685.00
Spectator Cart (18 Holes)		\$21.50
Spectator Cart (9 Holes)		\$11.00
Rider Fee		\$ 6.00
Private Golf Carts		
Annual Fee ( limited availability)		\$185.00
Daily Cart Fee		\$ 12.00
Golf League Reservation		
Deposit per player		\$12.00
School Golf Teams		
Universities/Colleges	\$2,354.00 per season	
Lincoln Public Schools	\$10,000.00 per season	
Private High Schools		
Boys	\$1,000.00 per season	
Girls	\$1,000.00 per season	
UNL Professional Golf Management Student	\$10.00 – per round	

Surcharge Fees

The following is for a Fuel Surcharge Fee

Average price of regular unleaded fuel goes to \$4.00 and up , surcharge \$.50

The surcharge will be adjusted on Monday morning for the week.

The following is the Holmes Clubhouse Surcharge Fee

\$.50 will be added to all 9 Hole green fees

\$1.00 will be added to all 18 Hole green fees

The above surcharges will be added to each daily green fee, including membership daily green fee.

All fees specified herein shall be paid in advance.

As used herein, All memberships will expire one year from date issued. "Adult" means any person 18 to 54 years of age, unless stated otherwise. "Junior" means any person 17 years of age and under, or still in high school. "Young Adult" means any person 18 to 29 years of age. "Senior Citizen" means any person 55 years of age and above.

"Holiday" fees will be charged on Memorial Day, Fourth of July and Labor Day.

. Any visiting P.G.A. Professionals, P.G.A. Assistants, L.P.G.A. Professionals, L.P.G.A. Assistants, G.C.S.A.A. members will play at no charge on a limited basis and will be tracked by association membership card number.

The Boy's City, Girl's City, Women's City, Senior Men's City and Men's City will be held once each year and will not be charged a daily green fee.

Birthday on or before July 1st of each year will determine age for membership.

The Director of Parks and Recreation Director or designated representative shall have the ability to create unique pricing for short term golf specials and to promote tournament rounds based on market values.

**PARKS AND RECREATION DEPARTMENT**

2740 "A" Street, Lincoln, NE 68502, 402-441-7847

**FOR IMMEDIATE RELEASE:** February 5, 2011

**FOR MORE INFORMATION:** Jerry Shorney, Parks and Recreation, 402-441-7847

**BRICK ARTWORK BEING REMOVED AT NEAR SOUTH PARK**

The Lincoln Parks and Recreation Department will begin removing brick artwork this month from Near South Park at 19<sup>th</sup> and "A" streets. The park has been closed to the public for several months since the discovery that the brick work had become structurally unsafe. The park is expected to reopen in April.

Parks and Recreation has worked with artist Michael Morgan on the decommissioning of the artwork. The decommissioning was reviewed and approved by the Lincoln Partners for Public Art Development.

Morgan also is the artist who created the new carved brick arch adjacent to the Elaine Hammer Trail Bridge across North 27<sup>th</sup> Street. Morgan designed the arch with the assistance and approval of a structural engineer.

More information on the Parks and Recreation Department is available at [parks.lincoln.ne.gov](http://parks.lincoln.ne.gov).

# 2013 Calendar of Events



## January

2<sup>nd</sup> LPF Exec Board  
15<sup>th</sup> 4:00 pm- 6:00 pm LPF New Board Orientation  
& Social at PPNC

## February

6<sup>th</sup> LPF Finance Cmte Meeting & Exec Board  
13<sup>th</sup> LPF BOD Meeting

## March

1<sup>st</sup> Centennial Mall event  
6<sup>th</sup> LPF Exec Board  
Date TBD \$2 for Trees! & Lincoln Cares Launch

## April

Arbor Day event  
Earth Day event  
3<sup>rd</sup> LPF Exec Board  
7<sup>th</sup> Sertoma Walk at Holmes to benefit Trails  
10<sup>th</sup> LPF BOD Meeting  
17<sup>th</sup> Sherman Field Dedication  
21<sup>st</sup> 2:00pm Emma dedication-Jan Pitsch Green  
27<sup>th</sup> 10am -3pm Natures Market-PPNC (or 21<sup>st</sup>??)

## May

1<sup>st</sup> LPF Exec Board  
1<sup>st</sup> - Mini grant roll out  
11<sup>th</sup> 8:30 am Wake Up the Beds-Sunken Gardens  
17<sup>th</sup> Give to Lincoln Day  
23<sup>rd</sup> 5:00 pm Legacy Tree Planting Mahoney  
27<sup>th</sup> 8pm Memorial Day Program Veterans  
Memorial Garden  
30 or 31<sup>st</sup> Union Plaza Timeless Tile Event

## June

5<sup>th</sup> LPF Exec Board  
12<sup>th</sup> LPF BOD Meeting  
15<sup>th</sup> LPF Spring/Summer Newsletter  
8<sup>th</sup> 10am Veterans Memorial Garden Brick  
Installation Ceremony  
? Trail Trek  
12<sup>th</sup> LPF BOD Meeting

## July

3<sup>rd</sup> LPF Exec  
LPF Trustee Event  
3<sup>rd</sup> Uncle Sam Jam-Oak Lake  
11<sup>th</sup> -PRAB & LPF Joint Meeting & Tour Haines  
Branch project and celebrate 50<sup>th</sup> Anniversary  
PPNC  
July 11-14, 18-21 Hairspray at Pinewood Bowl

## August

2<sup>nd</sup> 6-8pm Volunteer Appreciation Event, Woods  
Pool  
7<sup>th</sup> LPF Exec Board  
11<sup>th</sup> Dog Splash-Star City Shores  
3<sup>rd</sup> Annual Mike Sucha Golf Memorial Tournament  
14<sup>th</sup> LPF BOD Meeting

## September

4<sup>th</sup> LPF Exec Board  
? Streets Alive  
11<sup>th</sup> 10am Patriot Day Program Veterans Memorial  
Garden  
LPF Golf Tournament  
LPF Signature Event (Jun Kaneko-Civic Plaza  
dedication event)  
LPF Family Challenge Adventure Race  
28<sup>th</sup> Art in the Gardens –Sunken Gardens

## October

Volunteer Tree Planting Event Pioneers Park  
2<sup>nd</sup> LPF Exec BD  
9<sup>th</sup> LPF BOD Meeting

## November

6<sup>th</sup> LPF Exec Board  
2<sup>nd</sup> 8:30am Put the Beds to Bed Sunken Gardens  
11<sup>th</sup> 11am Veterans Day Program-Auld  
LPF Fall/Winter Newsletter  
Woods Tennis Turkey Tournament

## December

4<sup>th</sup> LPF Exec Board  
7<sup>th</sup> 11:55am Pearl Harbor Memorial program, Auld  
11<sup>th</sup> LPF BOD Meeting  
15<sup>th</sup> LPF Annual Appeal



AQUATICS BUDGET REVENUE INCREASE

**POOLS FEE INCREASE 13-14**

REVENUE CODE 3602	13-14 Proposal	Increase	12-13 fee
Daily Admissions			
Youth Neigh	3.75	0.25	3.50
Youth Hlds/UNI	4.25	0.25	4.00
Youth SCS	4.50	0.25	4.25
Adult Neigh	5.00	0.25	4.75
Adult Hlds/UNI	5.50	0.25	5.25
Adult SCS	5.75	0.25	5.50

REVENUE CODE 3602			
Low Income	50% of Daily Admission		
Youth Neigh	1.90	0.15	1.75
Youth Hlds/UNI	2.15	0.15	2.00
Youth SCS	2.25	0.10	2.15
Adult Neigh	2.50	0.10	2.40
Adult Hlds/UNI	2.75	0.10	2.65
Adult SCS	2.90	0.15	2.75

REVENUE CODE 3604			
Coupons	66% of Daily Admission		
Youth Neigh	74.00	6.00	68.00
Youth Hlds/UNI	84.00	6.00	78.00
Youth SCS	89.00	6.00	83.00
Adult Neigh	33.00	1.00	32.00
Adult Hlds/UNI	37.00	2.00	35.00
Adult SCS	38.00	1.00	37.00

REVENUE CODE 3602			
Season Passes			
Youth Neigh	65.00	0.00	65.00
Youth Hlds/UNI	74.00	0.00	74.00
Youth SCS	80.00	0.00	80.00
Adult Neigh	88.00	3.00	85.00
Adult Hlds/UNI	98.00	3.00	95.00
Adult SCS	102.00	3.00	99.00
Family Neigh	181.00	12.00	169.00
Family Hlds/UNI	203.00	12.00	191.00
Family SCS	215.00	16.00	199.00

REVENUE CODE 3515			
Pool Rentals			
Neighborhood Pools	130.00	5.00	125.00
Highlands Pool	165.00	5.00	160.00
UNI Pool	190.00	5.00	185.00
SCS	510.00	15.00	495.00
Woods	220.00	20.00	200.00

REVENUE CODE 3601			
Swim and Dive Team			
City Team Reg	62.00	2.00	60.00
Private Teams	30.00	0.00	30.00

REVENUE CODE 3603			
Swim Lessons (NA)	8.00	2.00	6.00
Swim Lessons (Arn & Belm)	63.00	3.00	60.00
Swim Lessons (from ARC)	43.00	3.00	40.00
Swim Lessons (from ARC)	23.00	3.00	20.00
Swim Lessons (from ARC)	63.00	3.00	60.00

REVENUE CODE 3602			
Family Night Swims	7.00	1.00	6.00

**CENTERS SS FEE INCREASE 2013-2014**

Rev Code 3630	13-14 PROPOSED	INCREASE AMOUNT	12-13 FEE
<b>AFTER SCHOOL RECREATION</b>			
Air Park	103.00	3.00	100.00
Belmont	103.00	3.00	100.00
Calvert	103.00	3.00	100.00
Everett	103.00	3.00	100.00
McPhee	103.00	3.00	100.00

**Rev Code 3630**

<b>AFTER SCHOOL RECREATION DROP IN</b>			
Belmont	7.00	1.00	6.00

**Rev Code 3630**

<b>BEFORE SCHOOL RECREATION</b>			
Air Park	95.00	3.00	92.00
Belmont	95.00	3.00	92.00
Calvert	95.00	3.00	92.00
McPhee	95.00	3.00	92.00

**Rev Code 3630**

<b>BEFORE SCHOOL RECREATION DROP IN</b>			
Belmont	9.00	3.00	6.00

**Rev Code 3630**

<b>SCHOOL'S OUT DAY</b>			
Air Park	31.00	3.00	28.00
Belmont	31.00	3.00	28.00
Calvert	31.00	3.00	28.00

**Rev Code 3630**

<b>SUMMER DAY CAMP LICENSED</b>			
Air Park	107.00	3.00	104.00
Belmont	107.00	3.00	104.00
Goodrich	107.00	3.00	104.00
Calvert	107.00	3.00	104.00
F St	107.00	3.00	104.00
McPhee	107.00	3.00	104.00
Irving	107.00	3.00	104.00

**Rev Code 3630**

<b>SUMMER DAY CAMP UNLICENSED</b>			
Bethany	107.00	3.00	104.00
Playgrounds	25.00	3.00	22.00

**CENTERS LN FEE INCREASE 2013-2014**

<b>Rev Code 3610</b>	<b>13-14 PROPOSED</b>	<b>INCREASE AMOUNT</b>	<b>12-13 FEE</b>
AGER ADMISSIONS			
Coupons	23.00	3.00	20.00
Daily	3.50	0.50	3.00

<b>Rev Code 3631</b>			
B-BALL RESERVATIONS			
Air Park	14.00	3.00	11.00
Belmont	14.00	3.00	11.00
Calvert	14.00	3.00	11.00
F Street	14.00	3.00	11.00
Irving	14.00	3.00	11.00

<b>Rev Code 3615</b>			
DROP-IN Open Gym			
Air Park	2.00	0.50	1.50
Belmont	2.00	0.50	1.50
Calvert	2.00	0.50	1.50
E-Day	2.00	0.50	1.50

<b>Rev Code 3623</b>			
ADAPTIVE REC			
Bowling Membership	7.00	2.00	5.00
Club Fee	2.00	0.75	1.25

<b>Rev Code 3633</b>			
CLASS FEE			
Air Park Karate .5hr	18.00	3.00	15.00
Air Park Karate .45	28.00	3.00	25.00
Air Park Karate Family	33.00	3.00	30.00
Calvert Pre-school 4-5	97.00	3.00	94.00
Calvert Pre-school 3	69.00	3.00	66.00
Calvert Preschool Sum	97.00	3.00	94.00
Calvert Fit by Five	24.00	3.00	21.00
Calvert Dance	38.00	3.00	35.00
F St Adult	27.00	3.00	24.00
F Pre-School	27.00	3.00	24.00
Irving Scout Badge	63.00	3.00	60.00
Irving Robotics summer	59.00	3.00	56.00
Irving Evening Tutoring	59.00	3.00	56.00
Irving Pre-school	24.00	3.00	21.00

<b>Rev Code 3512</b>			
FACILITY RENTAL			
Ager After Hours	81.00	3.00	78.00
Ager Room	30.00	3.00	27.00
Calvert Room	28.00	3.00	25.00
Belmont	28.00	3.00	25.00
F Sreet	28.00	3.00	25.00
Irving	28.00	3.00	25.00

<b>Rev Code 3630</b>			
FITNESS DAILY			
F St	25.00	3.00	22.00
F St	3.00	1.00	2.00
F St	3.00	0.75	2.25

# Program Fee Schedule 2012-13

\$10.00 Increase

Programs	FY 11-12 Fee	Fy 12-13 Fee Increase	Proposed FY 12-13 Fee	Percent Increase	
3 on 3 Basketball	\$ -	\$ 125	\$ 125		New Program
Kickball	\$ -	\$ 225	\$ 225		New Program
Spring Flag Football	\$ -	\$ 70	\$ 70		New Program
Summer Softball					
O/W SP	\$ 410	\$ 10	\$ 420	2.44%	
Coed Sun	\$ 340	\$ 10	\$ 350	2.94%	
Men's Ext.	\$ 620	\$ 10	\$ 630	1.61%	
Coed Ext	\$ 560	\$ 10	\$ 570	1.79%	
Youth Church	\$ 280	\$ 10	\$ 290	3.57%	
Fall Softball	\$ 340	\$ 10	\$ 350	2.94%	
Basketball Adult	\$ 370	\$ 10	\$ 380	2.70%	
Horseshoes	\$ 12	\$ 2	\$ 14	16.67%	
Volleyball-Fall	\$ 245	\$ 10	\$ 255	4.08%	
Volleyball Winter	\$ 245	\$ 10	\$ 255	4.08%	
Basketball-Youth	\$ 60	\$ 5	\$ 65	8.33%	
Youth Flag Football-Fall	\$ 65	\$ 5	\$ 70	7.69%	

## Field Use

Team reg.	FY 11-12 Fee	Fy 12-13 Fee Increase	Proposed FY 12-13 Fee	Percent Increase
Select Reg.	\$ 300	\$ 10	\$ 310	3.33%
LABL	\$ 485	\$ 15	\$ 500	3.09%
YMCA League	165	5	170	3.03%
Game Fees				
Dens/Kiwan Grass	\$ 100	\$ 5	\$ 105	5.00%
Sherman	\$ 135	\$ 5	\$ 140	3.70%
Skinned Fields	\$ 30	\$ 5	\$ 35	16.67%
Soccer	\$ 50	\$ 5	\$ 55	10.00%
Tournament				
Dens/Kiwan Grass	\$ 350	\$ 10	\$ 360	2.86%
Sherman	\$ 425	\$ 15	\$ 440	3.53%
Skinned Fields	\$ 80	\$ 5	\$ 85	6.25%



## URBAN DESIGN COMMITTEE

Notice is hereby given that a meeting of the **URBAN DESIGN COMMITTEE** will be held on Wednesday, February 13, 2013, 3:00 p.m., in **Room 214, Second Floor**, County/City Building.

For more information, please contact the Lincoln City/Lancaster County Planning Department, 441-7491.

### **AGENDA**

February 13, 2013

1. Adoption of meeting records from the UDC meeting of January 9, 2013.
2. Review of design progress, 18<sup>th</sup> & Q parking/housing project (Urban Development Dept./America First Real Estate Group).
3. Review of Retail Corridor (P St.) project (Urban Development, Design Team/The Clark Enersen Partners)
4. Enersen Urban Design Award.
5. Staff report/misc.

## Jean Preister

---

**From:** Jean Preister  
**Sent:** Monday, February 11, 2013 9:24 AM  
**To:** 'Anna Brazer'  
**Cc:** Marvin S. Krout; Steve S. Henrichsen; Tom J. Cajka; 'Thomas C. Huston'; Joan E. Ross  
**Subject:** Hearing today CPA12003, CPC12020, CZ12029 - Ascentia - 1st & Cornhusker

Dear Ms. Brazer:

I am forwarding your inquiry to the City Council, for their information, as well as to the applicant's representative who can provide you with the information that was provided to the City Council about the neighborhood meeting held on January 22, 2013.

While the public hearing on this project will occur at the City Council meeting at 3:00 today, February 11<sup>th</sup>, the Council is not scheduled to vote on the project elements until Monday, February 25<sup>th</sup>. The Council meeting on February 25<sup>th</sup> is a 5:30 p.m. meeting and can be viewed live on Channel 5. You may also contact the City Clerk (402-441-7438) to inquire about the outcome on Tuesday, February 26<sup>th</sup>; the action by the City Council will be available on-line sometime on Tuesday, February 26<sup>th</sup>, at <http://lincoln.ne.gov/city/council/agenda/history.htm>; or you may contact me for assistance.

Please let me know if you have any further questions.

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

---

**From:** Anna Brazer [<mailto:annabrazer64@gmail.com>]  
**Sent:** Monday, February 11, 2013 9:13 AM  
**To:** Jean Preister  
**Subject:** Hearing today CPA12003, CPC12020, CZ12029

I know at a previous hearing Ascentia was instructed to hold another meeting and make it clear to all the tenants, what the plans were. It was to be mailed and it was to be in Spanish too. The notices were not mailed and when my husband checked to see when this meeting was going to be, it had already happened.

We both have to be at work and cannot make the hearing again. How can we hear the outcome of today?

There is a lot at stake here for us.

--

**I am who God is making me!!**

Anna B.

## Mary M. Meyer

---

**From:** Jon Camp [joncamp@lincolnhaymarket.com]  
**Sent:** Friday, February 08, 2013 4:17 PM  
**To:** Council Packet; Carl Eskridge; DiAnna R. Schimek; Doug Emery (Dougemerypm@aol.com); Eugene Carroll (euwc@aol.com); Jonathan A. Cook; Lloyd Hinkley (lhinkley@aol.com); Lloyd Hinkley (lhinkley1@neb.rr.com)  
**Subject:** RE: News Conference Monday at 10 a.m. re: good Government" resolution

Can the Mayor pick a more apropos title for his proposal? Would be greatly appreciated by this Council member. I am tired of the insinuation and perpetuation that people in business are bad and have to be restricted from public service.

## JON A. CAMP

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

**Office:** 402.474.1838/402.474.1812  
**Fax:** 402.474.1838  
**Cell:** 402.560.1001

**Email:** [joncamp@lincolnhaymarket.com](mailto:joncamp@lincolnhaymarket.com)  
**Website:** [www.lincolnhaymarket.com](http://www.lincolnhaymarket.com)

**“The American Republic will endure until the day Congress discovers that it can bribe the public with the public's money”**

~ *Alexis de Tocqueville* ([French Historian](#) and [Political scientist](#). [1805-1859](#))

**Check our reception and event venues at:**

<http://www.facebook.com/pages/Apothecary-Lofts-Ridnour-Room/173175799380032>

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**From:** Mary M. Meyer [<mailto:mmmeyer@lincoln.ne.gov>] **On Behalf Of** Council Packet  
**Sent:** Friday, February 08, 2013 3:45 PM  
**To:** Carl Eskridge; DiAnna R. Schimek; Doug Emery ([Dougemerypm@aol.com](mailto:Dougemerypm@aol.com)); Eugene Carroll ([euwc@aol.com](mailto:euwc@aol.com)); Jonathan A. Cook; Jon Camp; Lloyd Hinkley ([lhinkley@aol.com](mailto:lhinkley@aol.com)); Lloyd Hinkley ([lhinkley1@neb.rr.com](mailto:lhinkley1@neb.rr.com))  
**Subject:** News Conference Monday at 10 a.m. re: good Government" resolution

Mayor Beutler will discuss introduction of "good government" resolution to the City Council at a news conference, Monday, 10 a.m., room 303.

---

**From:** Diane K. Gonzolas  
**Sent:** Friday, February 08, 2013 2:52 PM  
**To:** Council Packet  
**Subject:** advisory

## Mary M. Meyer

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**From:** Lloyd Hinkley [lhinkley1@neb.rr.com]  
**Sent:** Friday, February 08, 2013 5:02 PM  
**To:** Council Packet  
**Subject:** Re: News Conference Monday at 10 a.m. re: good Government" resolution

Mayors office: I will be in a Wyuka Trustees meeting until noon. I would have preferred the Mayor make his case for introduction of the Charter change at the Council meeting. Why magnify the issue, If we make this a "Business vs. City Government" it is not going to be pleasant. I ran into a buzz saw with a former City Council person who just happens to have a radio show. Please think this through for you need to show how the system is broken to justify this fix. Lloyd

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

**From:** [Council Packet](#)

**To:** [Carl Eskridge](#) ; [DiAnna R. Schimek](#) ; [Doug Emery \(Dougemerypm@aol.com\)](#) ; [Eugene Carroll \(euwc@aol.com\)](#) ; [Jonathan A. Cook](#) ; [joncamp@lincolnhaymarket.com](#) ; [Lloyd Hinkley \(lhinkley@aol.com\)](#) ; [Lloyd Hinkley \(lhinkley1@neb.rr.com\)](#)

**Sent:** Friday, February 08, 2013 3:45 PM

**Subject:** News Conference Monday at 10 a.m. re: good Government" resolution

Mayor Beutler will discuss introduction of "good government" resolution to the City Council at a news conference, Monday, 10 a.m., room 303.

---

**From:** Diane K. Gonzolas

**Sent:** Friday, February 08, 2013 2:52 PM

**To:** Council Packet

**Subject:** advisory

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1040 O Street, P.O. Box 80869  
Lincoln, NE 68501-0869

**AGENDA**  
**LES ADMINISTRATIVE BOARD**  
Friday, February 15, 2013 – 9:30 A.M.  
LES Board Room  
1040 “O” Street

**9:30 A.M.**

- 1. Call to Order**
- 2. Approval of Minutes of the January 18, 2013 Regular Meeting of the LES Administrative Board**
- 3. Comments from Customers**
- 4. Introduction and Recognition of Staff**
  - A. Gerald Szudlo, Relay/Electronic Specialist, Substation
- 5. Appointment of 2013 LES Administrative Board Committees**
- 6. Committee Reports**
  - A. Operations & Power Supply Committee
  - B. Finance & Audit Committee
  - C. Personnel & Organization Committee
  - D. Legislation & Governmental Affairs Committee
- 7. Administrator & CEO Reports**
  - \*A. Authorization of Board Attendance at the 2013 APPA National Conference and Pre-Conference Seminars in Nashville, TN, June 14-19, 2013
  - B. State Legislative Report
- 8. Chief Operating Officer’s Reports**
  - A. 2012 Interruption/Outage Report
  - B. Transmission Ratings and Survey (NERC Alert)
  - C. Line 1099 Rebuild Update
  - D. Southwest Power Pool Integrated Market Update
  - E. Generation Fuels Update
- 9. Other Business**
  - A. Monthly Financial and Power Supply Reports
  - B. 2012 Unaudited Financial Report
  - C. Miscellaneous Information
- 10. Adjournment**

\* Denotes Action Items

**Next Regular Administrative Board meeting Friday, March 15, 2013.**

## Mary M. Meyer

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**From:** Wendi Beck [kwahk05@gmail.com]  
**Sent:** Sunday, February 10, 2013 4:14 PM  
**To:** Doug Emery; Jon Camp; Jonathan A. Cook; Carl B. Eskridge; Eugene W. Carroll; Lloyd D. Hinkley; DiAnna R. Schimek; Mary M. Meyer  
**Cc:** wendi.beck@nelnet.net; Kurt □ Beck  
**Subject:** Northwoods Re-zoning

As you vote on the Northwoods re-zoning tomorrow - we that live in this neighborhood would ask that you keep the apartment building to a maximum of 80 units, as agreed upon over a year ago, rather than the newest proposal of 150. We are extremely concerned about the increased traffic flow for our neighborhood as there are only two entrances to this area, neither one have a stop light and with the continued development of this area we have already seen a large increase traffic over the past couple of years.

Thank you,

Kurt and Wendi Beck  
8240 Rainy River RD

**MINUTES**  
**DIRECTORS' MEETING**  
**MONDAY, FEBRUARY 11, 2013**

**Present:** Carl Eskridge, Chair; Jon Camp, Vice Chair; Gene Carroll; Jonathan Cook; Doug Emery; Lloyd Hinkley; and DiAnna Schimek

**Others:** Joan Ross, City Clerk; Rick Hoppe, Chief of Staff; and Trish Owen, Deputy Chief of Staff

Chair Eskridge opened the meeting at 2:05 p.m. and announced the location of the Open Meetings Act.

**I. CITY CLERK**

Ross stated on the formal agenda, page 2, Public Hearing, 2 new liquor resolutions, Sam & Louie's and Vina Market, Items 11 & 12 which will be called together. Items 13 & 14 will be called together.

Items 17 & 18 will be called together, the Active Living Center Condominium Association. Items 19, 20, & 21 will be called together. The Wrap Project from 18<sup>th</sup> Street to K Street.

Ross stated on page 4, Items 23, 24, 25, & 26, are one project on North 1<sup>st</sup> Street and Cornhusker Highway, which includes the trailer court.

Items 27, 28, & 29 will be called together, regarding property at West B Street and S. Folsom Street, including the Willard Community Center.

Ross continued stating on page 5, under Ordinances, Item 34 has a Motion to Amend, No.1, to include landscaping and screening. On page 7, Resolutions, 1<sup>st</sup> Reading, Items 46 & 47, are requests from the Health Department and intended to be on the consent agenda for February 25<sup>th</sup>.

**II. MAYOR & DIRECTORS CORRESPONDENCE**

**MAYOR**

1. NEWS RELEASE. Storytimes to focus on Dental Care at Lincoln City Libraries.
  2. NEWS RELEASE. Brick artwork being removed at Near South Park.
  3. NEWS RELEASE. Abraham Lincoln birthday celebration features "Lincoln" movie and lecture.
  4. NEWS ADVISORY. Mayor Beutler will hold a news conference Thursday, February 7, 2013 to announce selection of a developer for a major new project in the area of 21<sup>st</sup> and N Streets, at the County-City Building, 555 S. 10<sup>th</sup>, Room 303, at 10:00 a.m.
  5. NEWS RELEASE. East downtown development to include housing, retail and grocery store.
- No comment

Hoppe stated on Item 37, 3<sup>rd</sup> Reading of the Public Works & Utilities Assistant Director classification. Did receive questions and want to take time to gather information and ask Council to delay a week, two weeks since there is a holiday next week. Delay to February 25<sup>th</sup>. Eskridge replied they would postpone.

**II. DIRECTORS**

**CITIZEN INFORMATION CENTER**

1. The Cable Board will meet on Thursday, February 28, 2013 in the County-City Building, 555 S. 10<sup>th</sup> Street, room 303, at 4:00 p.m.
- No comment

### **CITY ATTORNEY**

1. Correspondence from Sue Burgason stating claim sent in error to Lincoln. (Listed on Director's Addendum of 02.04.13, Number 2 under Correspondence from Citizens)
2. City Attorney Confer's memo to Councilman Camp regarding rates and Public Service Commission orders approving for different taxi companies.
  - a) Letter to Councilman Camp on Lincoln Taxicab Rates;
  - b) Copy of Nebraska Public Service Commission application of Servant Cab Company regarding rates;
  - c) Copy of Nebraska Public Service Commission application of Happy Cab Company regarding rates; and
  - d) Opinion and Findings of the Nebraska Public Service Commission for reasonable rates and charges for motor carriers passengers and property for hire.

No comment

### **PLANNING DEPARTMENT**

1. Administrative Amendment No. 13005 approved by the Planning Director on January 31, 2013.
2. Lincoln Metropolitan Planning Organization, Technical Advisory Committee will meet February 14, 2013, at 555 S. 10<sup>th</sup> Street, Room 113, at 1:30 p.m.

No comment

### **WEED CONTROL AUTHORITY**

1. Lancaster County Weed Control - City of Lincoln Weed Abatement report for January, 2013. Also available on website.

No comment

### **IV. COUNCIL MEMBERS**

No requests or comments

### **V. CORRESPONDENCE FROM CITIZENS**

None received

Chair Eskridge adjourned the meeting at 2:09 p.m.