

**DIRECTORS' MEETING
MONDAY, APRIL 21, 2008
COUNTY-CITY BUILDING
11:00 A.M. - ROOM 113**

I. MAYOR

1. NEWS ADVISORY. Governor Heineman Signed LB 912 Sponsored by Mayor Chris Beutler and Senator Bill Avery. News Conference at 2:15 pm, Monday, April 14, 2008 at the Capitol Building. (All Council Members Received on 04/14/08)
2. NEWS RELEASE. Mayor Beutler and Senator Avery Thank Governor for Signing Arena Funding Bill on April 14, 2008.
3. NEWS RELEASE. Public Invited to Earth Day Celebration on Sunday, April 20, 2008 at Noon Until 4:00 PM in Lincoln's Antelope Park.
4. NEWS RELEASE. Clean Your Files Week Begins April 20, 2008.
5. NEWS RELEASE. Public Invited to Celebrate Arbor Day, April 25, 2008
6. NEWS RELEASE. Evaluation Team Praises Nebraska Task Force One.
7. NEWS RELEASE. Football Fans Encouraged to Use Parking Options or Big Red Express.
8. NEWS RELEASE. Lincoln Fire and Rescue to Recognize Employees of Veyance Technologies.
9. Washington Report, April 11, 2008.

II. DIRECTORS

EMERGENCY COMMUNICATIONS - 911

1. Letter and Public Notice Received From Julie Righter, Communications Manager. Lincoln Emergency Communications Center Continued Program Participation to Achieve Public Safety Communications Re-Accreditation.

FINANCE/TREASURER

1. Monthly City Cash Report for March, 2008.

HEALTH DEPARTMENT

1. Air Quality Watch. People with Respiratory Conditions Cautioned.

PLANNING COMMISSION FINAL ACTION

1. Waiver No. 08001. Pedestrian Easement/Sidewalk. N.W. 55th Street and W. Cleveland Avenue. Resolution No. PC-01114.

PUBLIC WORKS AND UTILITIES/ENGINEERING

1. ADVISORY. Water Main Project #702713. Paving Unit #1140. North 36th Street; Vine-W Street.
2. ADVISORY. Water Main Projects. Project #700286, 17th Street, O - R Streets. Project #700287, 12th Street, Q - R Streets and R Street; 12th - 19th Streets.

PUBLIC WORKS/WATERSHED MANAGEMENT

1. Memo from Nicole Tooze on Newsletter Article Regarding Pervious Concrete Project at 27th and F Streets.
 - (a) Newsletter Article on Stephens & Smith Construction Company Being NRMCA Pervious Concrete Contractor Certified.

WEED CONTROL

1. Memo from Russ Shultz, Weed Control Supervisor, on Proposed Height Change to the Weed Abatement Ordinance. (Emailed to Council Members on 04/16/08)
 - (a) Weed Height Change Information Sheet.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

V. MISCELLANEOUS

1. Email from Bob Bonk Regarding Possibly Using Different Vehicles for Buses, Saving Fuel and Helping to Eliminate Pollution.
2. Letter Received from Graylin Gray Regarding His Tort Claim Against the City of Lincoln. (This Letter Distributed to All Council Members on 04/14/08 Before Formal Meeting)
3. Letter from LIBA (Lincoln Independent Business Association), Lincoln Chamber of Commerce, and Home Builders Association of Lincoln Supporting Ordinance to Amend Chapter 2.54 of the Lincoln Municipal Code. (This Letter Distributed to Council Members Through Packet Delivery)
4. Email from Sackschewsky. Thanks for Voting Down Zoning Change for Kabredlo's at 48th and Meredith.
5. Email from Doug Krogman. Thank You for Vote on 48th and Meredith Re-zoning issue.

VI. ADJOURNMENT



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: April 14, 2008

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

Governor Heineman has signed LB 912, a bill expected to return about \$700,000 a year in state sales tax revenues for the City's proposed arena project. Mayor Chris Beutler and State Senator Bill Avery who sponsored the bill will be available to talk to the media at **2:15 p.m. TODAY, Monday, April 14** at the "Gettysburg Lincoln" statue on the west side of the State Capitol.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: April 14, 2008

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

Denise Pearce, Mayor's Office, 441-8044

Joshua Eickmeier, Legislative Aide for Avery, 471-2633

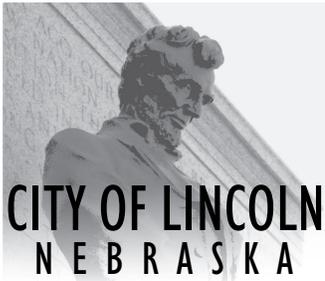
BEUTLER AND AVERY THANK GOVERNOR FOR SIGNING ARENA FUNDING BILL

Mayor Chris Beutler and State Senator Bill Avery today thanked Governor Dave Heineman for signing a bill to provide funding for Lincoln's proposed arena project. The Nebraska Legislature passed LB 912 April 7. Avery sponsored the bill, which will return about \$700,000 per year in state sales tax revenues for the project.

"I am pleased that the Governor signed into law this important legislation, which was passed by the Legislature with the support of nearly every State Senator," said Avery. "This bill helps move Lincoln one step closer to realizing its goal of a new arena, which will become an anchor of economic development in Lincoln and specifically the downtown area and Haymarket."

"The leadership of Senator Avery on this issue was crucial," said Mayor Beutler. "The money the City will receive as a result of this bill will be a piece of the financing plan we will have in place before the arena issue is decided by voters."

The bill goes into effect three months from the signing date, which was April 11. The City will apply to receive the funds at a future date.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: April 16, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Gene Hanlon, City Recycling Coordinator, 441-7043

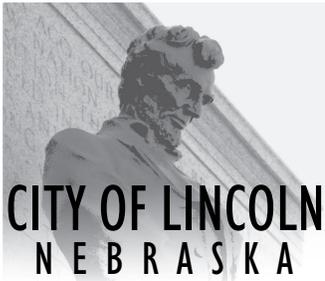
PUBLIC INVITED TO EARTH DAY CELEBRATION SUNDAY

Mayor Chris Beutler invites the public to an Earth Day Celebration from noon to 4 p.m. Sunday, April 20 in Lincoln's Antelope Park. The Mayor will announce two new environmental initiatives for local government at 1 p.m. near the Antelope Park band shell. Activities will take place at the band shell and in the nearby Auld Recreation Center.

Other activities will include live music at the band shell, art displays, environmental exhibits, food samples and interactive attractions for kids. This free, no-litter event is sponsored by the Coalition for the Environment and Earth Day.

As part of the City's observance of Earth Day, Midland Recycling will have bales of recycled plastic on display from April 18 through 25 at four location: Antelope Park, Holmes Lake, the Pioneers Park Nature Center and the County-City Building, 555 S. 10th Street.

Earth Day is celebrated every April with the goal of nurturing life on our planet. The first Earth Day, celebrated in April of 1970, helped lead to the creation of the Environmental Protection Agency. The initial Earth Day event brought 20 million Americans into streets, parks and auditoriums around the country to call attention to the need for a healthy and sustainable environment. Earth Day is officially celebrated this year on Tuesday April 22.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

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

FOR IMMEDIATE RELEASE: April 16, 2008

FOR MORE INFORMATION: Gene Hanlon, City Recycling Coordinator, 441-7043
April Hilpert, WasteCap Nebraska, 434-7376

“CLEAN YOUR FILES WEEK” BEGINS APRIL 20

The ninth annual “Clean Your Files Week” in Lincoln is set for Sunday, April 20 through Saturday, April 26. The program supports Earth Day by offering office workers the opportunity to empty file drawers and fill recycling bins. Recyclable items include computer paper, letterhead, white and colored ledger paper, phone books, cards and envelopes.

City Recycling Coordinator Gene Hanlon said that in the first eight years of “Clean Your Files Week,” businesses, government, office buildings and educational institutions have recycled more than 328,000 pounds of paper. He said the goals of the event are to increase the recovery of office paper and to teach people how to recycle at work every day.

Individuals with home businesses also are encouraged to participate. They can deposit their old files in the residential mixed paper recycling container at recycling drop-off sites located throughout the City. The location of drop-off sites and other recycling information can be found on the City Web site, lincoln.ne.gov (keyword: recycle), and on page 53 in the blue pages in the Windstream phone directory.

“Clean Your Files Week” is organized by Recycling at Work, a campaign of the National Office Paper Recycling Project. This is a public-private partnership managed by the U.S. Conference of Mayors, with the help of “Clean Your Files” national sponsors. Local sponsors include the City of Lincoln, Midland Recycling and WasteCap Nebraska.



NEWS RELEASE

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OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: April 16, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Steve Schwab, City Arborist, 441-7306

PUBLIC INVITED TO CELEBRATE ARBOR DAY APRIL 25

Mayor Chris Beutler invites the public to join him, Belmont Elementary School students and the City's Parks and Recreation Department in celebrating Arbor Day 2008. A public celebration is set for 9 a.m. Friday, April 25 at Belmont Park, 12th and Judson streets.

Mayor Beutler will read an Arbor Day Proclamation, and the Belmont Elementary School students will provide entertainment for the 30-minute program. Weather permitting, the students and others attending will help plant a new tree at Belmont Park in observance of Arbor Day's 136th anniversary and in recognition of the "Re Tree Nebraska" program. The Re Tree Nebraska program is a campaign to plant one million trees in Nebraska in the next 10 years. In case of inclement weather, the celebration will be held in the Belmont Recreation Center gymnasium just east of the park.

Pinnacle Bank and Campbell's Nurseries are corporate sponsors for this year's Arbor Day event. The firms also are sponsoring the planting of 19 additional trees at Belmont Park in early May. The trees will be planted by employees of the National Arbor Day Foundation as a Re Tree Nebraska event on May 2.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN FIRE AND RESCUE

1801 "Q" St., Lincoln, NE 68508, 441-8350, fax 441-7098

FOR IMMEDIATE RELEASE: April 17, 2008**FOR MORE INFORMATION:** Assistant Fire Chief John Huff, 441-7098

EVALUATION TEAM PRAISES NEBRASKA TASK FORCE ONE

Fire Chief Niles Ford said an evaluation team has commended Nebraska Task Force One (NE-TF1), the urban search and rescue team based at Lincoln Fire and Rescue, for being well managed and organized. Ford said a nine-member peer evaluation team from the Federal Emergency Management Agency (FEMA) recently completed an intensive two-day review of all aspects of the task force.

"The team went beyond saying that NE-TF1 is fully operational," said Chief Ford. "They said several of our practices would be recommended for use by other task forces throughout the country."

NE-TF1 was specifically recognized for its training program to meet commercial drivers license requirements; pharmaceutical cache management procedures; comprehensive personnel record filing system; and management of individual member contracts and memoranda of agreement.

In its written evaluation report, the Operational Readiness Peer Evaluation Team said, "The exceptional attention to detail is evident to the team. This team is clearly integrated into the day-to-day operations of the Sponsoring Agency."

The team made only three 3 recommendations:

- Continue to recruit, roster and train new task force members to increase the number of deployable resources.
- Continue to increase the number of certified disaster canine search teams with an emphasis on locating teams closer to Lincoln.
- Continue to pursue improved warehouse facilities.

"This successful evaluation was the result of hard work by many members of the task force," said Chief Ford. "Their diligence led to a positive outcome for the NE-TF1, Lincoln Fire and Rescue and the City of Lincoln."

More information on NE-TF1 is available on the City Web site at lincoln.ne.gov (keyword: usar).



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: April 17, 2008

FOR MORE INFORMATION: Shane Dostal, Traffic Engineering Operations, 441-7711

FOOTBALL FANS ENCOURAGED TO USE PARKING OPTIONS OR BIG RED EXPRESS

Husker football fans going to the spring game Saturday can take advantage of a \$5 all-day fee for parking at City facilities. The following garages and lots are included:

- Haymarket Garage, 9th and "Q" streets
- Carriage Park Garage, 1128 "L" St.
- Center Park Garage, 1120 "N" St.;
- Cornhusker Square Garage, 1220 "L" St.
- Market Place Garage, 10th and "Q" streets
- Que Place Garage, 1111 "Q" St.
- University Square Garage, 101 N. 14th St.
- Iron Horse Lot, 7th and "Q" streets.

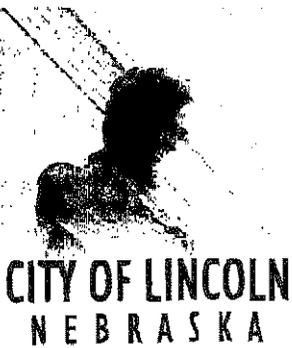
Fans can purchase parking for the Spring Game online until midnight Friday at parkitdowntown.org or the City Web site, lincoln.ne.gov (keyword: parking).

During construction of a new Harris Overpass, those entering Lincoln on West "O" Street are advised to use the signed detour route by traveling south on Highway 77, then east on Rosa Parks Way, which turns into "K" Street at 9th Street. The project also has closed 8th Street at "O."

In addition to its regular routes, StarTran is providing the Big Red Express shuttle service for the game for \$4 each way. The express bus service to and from Memorial Stadium is available from two locations:

- At SouthPointe Pavilions, 27th and Pine Lake Road, buses will load in the loop on the west side of Von Maur.
- At the Slumberland/Toys R Us location, 27th and Superior streets, buses will load on Kensington, just south of Slumberland.

The Big Red Express will begin operating two hours prior to kick-off with continuous shuttle service to the east stadium area. The last buses will leave for the stadium about 45 minutes prior to the 1 p.m. kick-off. Buses will depart immediately after the game from the east stadium area. Passengers will need exact change when boarding the bus. Additional information is available at 476-1234 or on the City Web site at lincoln.ne.gov (keyword: StarTran).



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN FIRE AND RESCUE
1801 "Q" St., Lincoln, NE 68508, 441-8350, fax 441-7098

FOR IMMEDIATE RELEASE: April 17, 2008

FOR MORE INFORMATION: Fire Chief Niles Ford, 441-8350

LINCOLN FIRE AND RESCUE TO RECOGNIZE EMPLOYEES OF VEYANCE TECHNOLOGIES

Fire Chief Niles Ford will present "Honorary Firefighter" awards to nine employees of Veyance Technologies, Inc. (formally Goodyear) at 7:15 a.m. Friday, April 18 at the company, 4021 N. 56th St. They are being honored for their actions after one of their co-workers collapsed and became unresponsive. Their quick response in performing CPR and their use of the on-site AED were vital in saving the life of the worker.

The employees to be recognized are Kris Davison, Mike Dickey, Mike Lauver, Mike Litt, Scott Nichelson, Ron Predoehl, Paul Pearson, Jim Reichwaldt and Cori Watkins.

"This is a great example of how our citizens, combined with the top-quality medical care in Lincoln, help make this community an outstanding place to live," said Chief Ford. "Their life-saving actions contributed to a wonderful outcome and positive ending."

In addition to Chief Ford, members of the Lincoln Fire and Rescue crews who responded to the emergency will attend the award presentation.



INSIDE:

HOUSING & CD.....1
ENVIRONMENT2
PUBLIC SAFETY2

SENATE CLEARS HOUSING FORECLOSURE BILL

HOUSING & CD

Senate clears foreclosure bill; House planning more ambitious measure. The Senate this week overwhelmingly (84-12) passed legislation (HR 3221) designed to address the mortgage foreclosure crisis. As cleared by the Senate, HR 3221 includes:

- \$4 billion in emergency CDBG funding for state and local governments to purchase and rehabilitate vacant and foreclosed properties;
- \$100 million in emergency funding for housing counseling;
- a temporary expansion in the mortgage revenue bond cap and expansion of the eligible uses of the bonds to refinance sub prime loans, and
- language to modernize the Federal Housing Administration (FHA) and to increase the cap on FHA-insured loans.

The bill would also allow homeowners who do not itemize their deductions (largely elderly persons who have paid off their mortgage) to take a deduction of \$500 (\$1,000 for couples) in 2008 to offset state and local property taxes. In a troubling precedent, the Senate bill also includes a provision that would deny the deduction to taxpayers living in a jurisdiction that raises taxes in 2008. Finance Committee Republicans insisted on the provision, arguing that the deduction could give state and local governments an incentive to raise property tax rates this year.

During its consideration of the bill, the Senate approved an amendment offered by Senator John Ensign (R-NV) that would require all profits and revenues generated by state and local governments that are not reinvested as a

result of the bill's emergency CDBG funding be recaptured by the federal government after five years. The Ensign Amendment would also require that each state receive at least 0.5 percent of the \$4 billion and would prohibit the use of the funds for eminent domain.

While the Senate completed work on its foreclosure prevention measure, the House Ways and Means Committee took up a package of tax breaks (HR 5720) designed to address the foreclosure crisis. Many of the tax breaks in the House Ways and Means bill are targeted to consumers and to spurring the construction of affordable housing as opposed to helping the homebuilding industry, the approach taken by the Senate bill.

Similarities between the House and Senate bills include a temporary expansion in the mortgage revenue bond cap and expansion of the eligible uses of those bonds to refinance sub prime loans and allowing homeowners who do not itemize their deductions on their tax return to take a deduction to offset state and local property taxes. The deduction in the House bill is \$350 (\$700 for couples) and it does not include a provision interfering with state and local policymaking authority.

Additional highlights of the bill cleared by the Ways and Means Committee include:

- a tax credit for first-time homebuyers earning less than \$70,000 of up to \$7,000 to assist with downpayment costs (which would have to be paid back over 15 years without interest);
- a temporary increase, through 2009, of the cap on the Low-Income Housing Tax Credit from \$2.00 per person residing in the state to \$2.20;

Washington Report

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

Carolyn C. Chaney
chaney@capitaledge.com

Christopher F. Giglio
giglio@capitaledge.com

Amanda Carvajal
acarvajal@capitaledge.com

Chaney & Associates
1212 New York Ave., NW
Suite 250
Washington, DC 20005

(202) 842-4930
Fax: (202) 842-5051
www.capitaledge.com

- simplification of the Low-Income Housing Tax Credit, and
- temporarily allowing municipal bonds guaranteed by Federal Home Loan Banks to be tax-exempt even if they are not used for housing (designed to help state and local governments obtain financing for infrastructure).

In the coming weeks, the House will likely build on the Ways and Means package of tax breaks to craft a comprehensive bill that most observers think will surpass the Senate bill in size and scope. House Speaker Nancy Pelosi (D-CA) told reporters this week that she will also press for increased bankruptcy protection for homeowners facing foreclosure, a provision that failed to garner enough votes to overcome procedural hurdles in the Senate.

As the week closed, the White House backed off an earlier veto threat, saying that they are open to negotiating the issue with the congressional leadership. The retreat is an acknowledgement of growing public concern about foreclosures.

ENVIRONMENT

Senate approves package of renewable energy tax breaks. The Senate this week approved an amendment to the housing foreclosure legislation (see related article above) that would extend and modify a number of tax credits designed to encourage energy efficiency and renewable energy production. Senators Maria Cantwell (D-WA) and John Ensign (R-NV) believe their amendment will lead to the creation of “hundreds of thousands of jobs” while reducing long-term energy consumption.

The legislation would extend for one year the availability of a renewable energy production tax credit, and adds emerging marine energy sources like wave and tidal power to the list of eligible sources. The 10-year credit would apply to projects placed in service prior to December 2009. The measure would also provide:

- an eight-year extension through 2016 of the 30 percent business investment tax credit for solar energy and fuel cell projects;

- an additional \$400 million in the clean energy renewable bond (CREB) program for public power providers and cooperatives that are not eligible for renewable energy tax credits;
- an extension through 2009 of a credit for residential solar power and water heating, and
- an extension of tax credits for energy efficiency improvements to homes and businesses.

While the energy tax package has wide bipartisan support, there is debate over whether the \$6 billion lost through these tax breaks should be offset. The Cantwell/Ensign plan does not provide any offsets, but House leaders have so far been adamant that the extensions of the tax breaks be offset.

PUBLIC SAFETY

President signs Second Chance Act. Legislation (HR 1593, Public Law #110-199) to create and assist programs to improve outreach to prisoners with the goal of reducing recidivism was signed into law this week by the President.

Nearly 650,000 people are released from federal and state prisons each year, and recent studies indicate that over two-thirds of the released state prisoners will be re-arrested for a felony or serious misdemeanor within three years. According to the legislation, studies also show that: between 15 and 27 percent of prisoners expect to go to a homeless shelter upon release; 70 percent of state prisoners used drugs regularly before going to prison, and less than 32 percent of state prison inmates have at least a high school diploma.

HR 1593 reauthorizes, for two years at \$55 million annually, a Department of Justice program that provides demonstration grants to state and local governments and non-profits for programs that address prisoner reentry issues. Among the other initiatives that the measure authorizes over the next two years include:

- \$15 million per year for programs in jails to continue or improve drug treatment programs;
- \$15 million per year for grants to nonprofit organizations that run mentoring programs for released prisoners and their families;
- \$10 million per year for demonstration projects in jails that provide family-based substance abuse treatment, and
- \$10 million per year for programs that provide alternatives such as mandatory drug treatment to reentry to prison.



**CITY OF LINCOLN
NEBRASKA**

MAYOR CHRIS BEUTLER

lincoln.ne.gov

Emergency Communications - 911
Julie J. Righter, ENP

Communications Coordinator
575 South 10th Street
Room 46

Lincoln, Nebraska 68508
402-441-7005
fax: 402-476-0528



April 11, 2008

RECEIVED

APR 15 2008

**CITY COUNCIL
OFFICE**

Dear Councilman Marvin,

The Lincoln Emergency Communications Center is proud to announce our continued participation in a program to achieve Public Safety Communications re-accreditation.

The accreditation program, administered by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), requires public safety communications centers to comply with national standards in six basic areas: organization, direction and authority, human resources, recruitment and selection, training, and operations.

I have included a public notice containing specific information concerning our upcoming on-site assessment, which is scheduled for April 27-30, 2008.

On behalf of the Lincoln Emergency Communications Center, I would appreciate any support you can give our agency as we move forward in the process to achieve re-accreditation.

Sincerely,

Julie J. Righter

Encl:



Lincoln Emergency
Communications Center
Accreditation Public Notice



Accreditation Assessment Team Invites Public Comment

The Lincoln Emergency Communications Center is scheduled for an on-site assessment to verify that they have continued to meet professional standard required by Public Safety Communications Accreditation. The Accreditation program is administered by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), and requires agencies to comply with up to 216 state-of-the-art standards in six basic areas: organization, direction and authority, human resources, recruitment and selection, training, and operations. Lincoln is one of the few cities in the United States that Police, Fire and Communications have received national accreditation. Lincoln Emergency Communications Center was the 13th Public Safety Answering Point to receive national Accreditation.

The assessors are Chief (Retired) Robin D. Geis, Dublin Division of Police, Dublin, Ohio and Communications Manager Ms. Zeta Fail of the College Station Police Department, College Station, Texas. The assessors will review written materials, interview individuals, and visit offices, tower sites, and other locations where compliance can be witnessed. Once the Commission's assessors complete their review of the Communications Center they report back to the full Commission, who will decide if the agency is to be granted reaccreditation status. Accreditation is awarded for three years, during which time the agency must submit annual reports attesting continued compliance with the standards under which they were initially accredited.

As part of the on-site assessment, agency employees and members of the community are invited to offer comments to the assessment team by calling (402) 441-7654 on April 28, 2008, between the hours of 1:00 p.m. and 3:00 p.m.

Telephone comments are limited to ten (10) minutes, and must address the agency's ability to comply with CALEA's standards. A copy of the standards is available at the Lincoln Emergency Communications Center, 575 South 10. Local contact is Linda Thurber or Linda Flaherty, Co-Accreditation Managers, 402-441-6000.

Anyone wishing to submit written comments about the Lincoln Emergency Communications Center's ability to comply with the standards for accreditation may send comments to the Commission on Accreditation for Law Enforcement, Inc. (CALEA), 10302 Eaton Place, Suite 100, Fairfax, VA, 22030-2215.

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

APRIL 14, 2008

TO: MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS
FROM: FINANCE DEPARTMENT / CITY TREASURER
SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business March 31, 2008:

| | | |
|---------------------------------------|-----------|-------------------------|
| Balance Forward | \$ | \$207,116,213.69 |
| Plus Total Debits March 1-31, 2008 | \$ | \$20,964,711.97 |
| Less Total Credits March 1-31, 2008 | \$ | (\$27,347,569.57) |
| Cash Balance on March 31, 2008 | \$ | \$200,733,356.09 |

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

| | | |
|--|-----------|-------------------------|
| U. S. Bank Nebraska, N.A. | \$ | (\$2,716,663.38) |
| Wells Fargo Bank | \$ | \$32,068.33 |
| Wells Fargo Bank Credit Card Account | \$ | (\$8,634.47) |
| Cornhusker Bank | \$ | \$3,608.63 |
| Pinnacle Bank | \$ | \$55,759.29 |
| Union Bank & Trust Company | \$ | \$267,801.77 |
| West Gate Bank | \$ | \$63,096.23 |
| Idle Funds - Short-Term Pool | \$ | \$48,625,031.45 |
| Idle Funds - Medium-Term Pool | \$ | \$153,792,203.93 |
| Cash, Checks and Warrants | \$ | \$619,084.31 |
| Total Cash on Hand March 31, 2008 | \$ | \$200,733,356.09 |

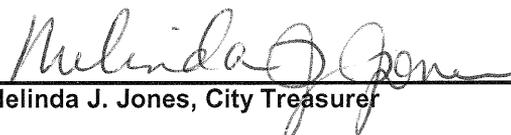
The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Departments' notification to the City Treasurer's office of these deposits; therefore, these deposits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

I also hold as City Treasurer, securities in the amount of \$23,303,181.90 representing authorized investments of the City's funds.

ATTEST:


Joan E. Ross, City Clerk




Melinda J. Jones, City Treasurer

**CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
AS OF MARCH 31, 2008**

| DESCRIPTION | CUSIP | MATURITY DATE | ORIGINAL FACE | CURRENT PAR | MARKET PRICE | MARKET VALUE |
|----------------------------|-----------|----------------------|------------------------|------------------------|--------------|------------------------|
| FHLMC GOLD POOL G11502 | 31283KU30 | 12/01/2018 | 9,265,000.00 | 4,926,675.79 | 1.00 | 4,905,161.49 |
| FHLMC FGLMC D67795 | 3128F7UU6 | 12/01/2009 | \$1,191,991.00 | \$25,958.44 | 1.03 | \$26,611.95 |
| FHLMC GOLD POOL A61256 | 3128KRMD3 | 11/01/2036 | \$3,168,920.00 | \$3,007,146.32 | 1.02 | \$3,075,593.48 |
| FNMA FNCL 254725 | 31371K4J7 | 05/01/2033 | \$500,000.00 | \$264,124.39 | 0.99 | \$260,405.76 |
| FNMA FNCL 254592 | 31371KXV8 | 12/01/2032 | \$3,100,000.00 | \$1,429,464.90 | 0.99 | \$1,410,403.13 |
| FNMA FNARM 303824 | 31373UPH4 | 07/01/2025 | \$1,600,000.00 | \$23,788.78 | 1.03 | \$24,410.24 |
| FHLMC 3015 HF | 31395XN68 | 08/15/2035 | \$8,095,000.00 | \$7,002,314.07 | 0.90 | \$6,334,923.52 |
| FNMA FNCL 703944 | 31401CBM4 | 05/01/2033 | \$8,365,000.00 | \$3,797,181.50 | 0.99 | \$3,743,720.60 |
| FNMA FNARM 725674 | 31402DFP0 | 07/01/2034 | \$7,285,000.00 | \$4,321,342.96 | 1.00 | \$4,304,453.43 |
| FNMA POOL 725772 | 31402DJR2 | 09/01/2034 | \$8,500,000.00 | \$5,688,669.12 | 0.99 | \$5,604,919.39 |
| FNMA POOL 761335 | 31403XY82 | 04/01/2019 | \$7,275,000.00 | \$4,104,914.09 | 0.99 | \$4,083,480.29 |
| FNMA FNCL 805211 | 31406BR85 | 01/01/2035 | \$3,520,000.00 | \$2,788,119.73 | 0.96 | \$2,672,597.62 |
| USBANK NE | | TOTAL PLEDGED | \$61,865,911.00 | \$37,379,700.09 | | \$36,446,680.90 |
| FNCL 886966 6.0% | 31410EMP0 | 07/01/2036 | \$290,000.00 | \$238,862.53 | | \$244,936.73 |
| G2SF 3274 6.50% | 36202DT76 | 08/20/2032 | \$800,000.00 | \$54,751.19 | | \$57,946.62 |
| WELLS FARGO BANK NE | | TOTAL PLEDGED | \$1,090,000.00 | \$293,613.72 | | \$302,883.35 |
| US TREAS NOTE 4.625% | 912828FT2 | 09/30/2008 | \$250,000.00 | \$250,000.00 | | |
| FHLB 4.30% | 3133XBNR2 | 04/18/2008 | \$400,000.00 | \$400,000.00 | | |
| UNION BANK | | TOTAL PLEDGED | \$650,000.00 | \$650,000.00 | | |
| FHLB 4.10% | 3133X8SD5 | 10/13/2009 | \$1,000,000.00 | \$1,000,000.00 | | |
| FHLB 5.77% | 3133XFY67 | 06/30/2011 | \$400,000.00 | \$400,000.00 | | |
| FHLB 5.25% | 3133XMLQ2 | 10/22/2012 | \$1,000,000.00 | \$1,000,000.00 | | |
| FHLB 5.75% | 3133XLV75 | 08/20/2012 | \$1,000,000.00 | \$1,000,000.00 | | |
| CORNHUSKER BANK | | TOTAL PLEDGED | \$3,400,000.00 | \$3,400,000.00 | | |
| FHLB STEP UP 2.4% | 31339XUE2 | 01/09/2009 | \$2,000,000.00 | | | |
| FHLB STEP UP 5.00% | 3133X5C97 | 03/28/2011 | \$1,000,000.00 | | | |
| FHLB LOC 14457 | | 03/27/2009 | \$1,000,000.00 | | | |
| WEST GATE BANK | | TOTAL PLEDGED | \$4,000,000.00 | | | |
| FHLB DISCOUNT NOTE | 313384WH8 | 05/02/2008 | \$1,950,000.00 | \$1,950,000.00 | | |
| TIER ONE BANK | | TOTAL PLEDGED | \$1,950,000.00 | \$1,950,000.00 | | |



NEWS RELEASE

MAYOR CHRIS BEUTLER



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

FOR IMMEDIATE RELEASE: April 15, 2008
FOR MORE INFORMATION: Rick Thorson: 402-441-6236

Air Quality Watch PEOPLE WITH RESPIRATORY CONDITIONS CAUTIONED

“Due to winds from the south and extensive agricultural burning in the Midwest, especially the Flint Hills area of Kansas, people may be exposed to smoke and elevated levels of particulate matter and ozone in the air in Lincoln and Lancaster County. Agricultural burning commonly occurs in the spring,” said Rick Thorson, Air Quality Supervisor, with the Lincoln Lancaster County Health Department.

The majority of people will not be affected; however, individuals with asthma, allergies, lung disorders, or other respiratory conditions may need to take extra precautions, such as avoiding extensive physical activity outdoors. Keeping windows and doors closed when smoke is in the air can reduce the impact in the home. If health effects are experienced, remain indoors, and consult your doctor.

The Health Department monitors air quality 24 hours a day for Carbon Monoxide, Ozone, and PM2.5 (fine particles), high levels of which can affect people’s health. If air quality conditions present a significant health risk to the general public, the Health Director will issue a health advisory. Individuals who are interested in monitoring the intensity of burning activities can search for “NOAA fire map” on the internet and then click on SSD Fire Web–GIS page.

###

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning 

DATE : April 16, 2008

RE : **Waiver No. 08001**
(Pedestrian easement/sidewalk - N.W. 55th Street and W. Cleveland Avenue)
Resolution No. PC-01114

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 9, 2008:

Motion made by Taylor, seconded by Gaylor Baird, to partially approve **Waiver No. 08001**, requested by Hartland Homes, Inc., to modify the provisions of the Land Subdivision Ordinance to waive the requirement to construct a sidewalk in the pedestrian way easement on Lot 9, Block 3, Hartland Homes Northwest 1st Addition, generally located at N.W. 55th Street and W. Cleveland Avenue.

The Planning Commission voted 8-0 to waive the requirement to construct the sidewalk, but to retain the pedestrian way easement (Taylor, Esseks, Larson, Cornelius, Francis, Gaylor Baird, Sunderman and Carroll voting 'yes').

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

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Lyle Loth, ESP, 601 Old Cheney Road, Suite A, 68512
Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, 68508
Duane Hartman, Hartland Homes, P.O. Box 22787, 68542

i:\shared\wp\jlu\2008 ccnotice.wvr\WVR.08001

Waiver 08001

RESOLUTION NO. PC- 01114

1 WHEREAS, the final plat of Hartland Homes Northwest 1st Addition was
2 previously approved by the City of Lincoln; and

3 WHEREAS, pursuant to Lincoln Municipal Code § 26.27.020 the conditions of
4 approval required that a sidewalk be constructed in the pedestrian way easement
5 located on Lot 9, Block 3, Hartland Homes Northwest 1st Addition; and

6 WHEREAS, the applicant, Hartland Homes, Inc. has requested a modification to
7 waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

8 WHEREAS, the Planning Director has recommended approval of the requested
9 modification to § 26.27.020 of the Lincoln Municipal Code; and

10 WHEREAS, the Planning Commission finds that the strict application of the
11 sidewalk in the pedestrian way easement requirement would result in actual difficulties
12 or substantial hardship or injustice to the property owner.

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

15 That the provisions of Section 26.27.020 of the Lincoln Municipal Code which
16 requires that a sidewalk be constructed in the pedestrian way easement on Lot 9,

1 Block 3, Hartland Homes Northwest 1st Addition is hereby waived upon condition that
2 the applicant pay the cost of filing this Resolution with the Register of Deeds for
3 Lancaster County. This Resolution does not release the pedestrian access easement
4 on Lot 9.

5 All other conditions for approval of the final plat of Hartland Homes Northwest 1st
6 Addition shall remain in full force and effect.

7 The foregoing Resolution was approved by the Lincoln City-Lancaster County
8 Planning Commission on this 9th day of April, 2008.

ATTEST:

*/s/ Original signed by
Eugene Carroll*

Chair

COPY

Approved as to Form & Legality:



Chief Assistant City Attorney



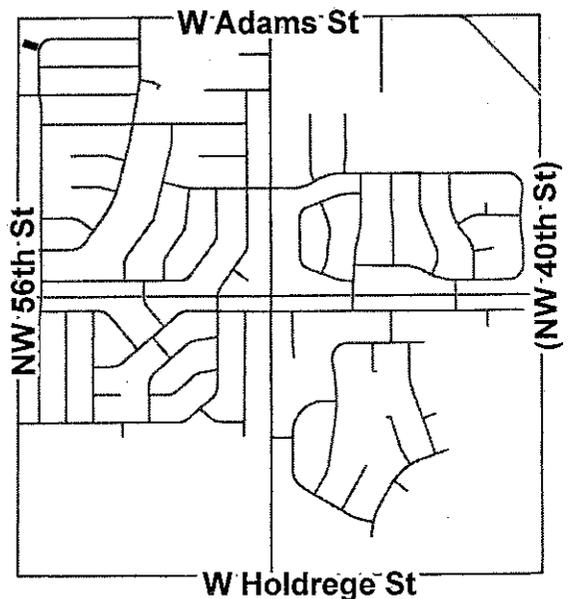
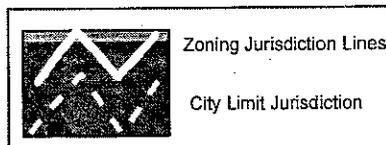
2007 aerial

Waiver #08001 NW 56th & W Adams St

Zoning:

One Square Mile
Sec. 18 T10N R06E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District





PUBLIC WORKS & UTILITIES ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

March 3, 2008

**WATER MAIN PROJECT #702713
PAVING UNIT #1140
North 36th Street; Vine - W Street**

In April 2008 Constructors Inc. of Lincoln will be starting construction (weather permitting) of a water main replacement project and paving project for the Engineering Services Division of the Public Works and Utilities Department.

The scope of the work involves replacing a water main in 36th Street from Vine to X Street and then paving of 36th Street from Vine to W Street. The construction will be complete in July 2008 barring weather or unforeseen conditions.

The City of Lincoln realizes this project may temporarily inconvenience you. Notifications of closure or access to your property will be given to you in a timely order as the contractor progresses through the project.

If you have any problems or questions during the construction period, please contact Constructors Inc. Superintendent Larry Tramp or the City of Lincoln Project Manager Warren Wondercheck.

Larry Tramp, Superintendent
Constructors Inc.
Phone: (402) 430-3351

Warren Wondercheck, Senior Engineering Specialist
Engineering Services, Public Works and Utilities
Phone: (402) 441-7014
Cell: (402) 540-2750
Email: wwondercheck@lincoln.ne.gov



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

April 18, 2008

WATER MAIN PROJECTS

Project #700286 - 17th Street; O - R Streets

Project #700287 - 12th Street; Q - R Streets and R Street; 12th - 19th Streets

Late in the week of April 14, 2008, K2 Construction of Lincoln will be starting construction (weather permitting) of a replacement water main for the Engineering Services Division of the Public Works and Utilities Department.

The construction limits are noted above with a construction completion date of August 1, 2008 barring weather or unforeseen conditions.

Project #700286 (starting week of April 14, 2008) - K2 Construction will be required to maintain traffic on 17th Street with lane closures on the east side from O to P Streets and lane closures on the west side from P to R Streets after the east side is opened to traffic. The intersections of 17th and P Street and 17th and Q Street will be required to maintain two lanes of traffic during construction.

Project #700287 (starting week of May 12, 2008 @ 12th Street; Q - R Streets) - Q Street will have one lane closed for five days for the connection in the intersection at 12th Street. The 12th and R Street intersection will then be closed for seven days for connection to the existing main. These closures will be scheduled around UNL and Lied Center Events. After the closure at 12th Street is completed, K2 is required to maintain two lanes of traffic on R Street at all times, except for a three week closure from 16th to 17th Street. The intersections of 16th and 17th Streets will maintain two lanes open at all times.

The City of Lincoln realizes these projects may temporarily inconvenience tenants, motorists and pedestrians. Notifications of closures or access will be given in a timely order as the contractor progresses through the projects. These projects are funded from the Selected Replacement Main Projects of the Lincoln Water System.

If you have any problems or questions during the construction period, please contact K2 Construction Project Manager Tom Rogge or the City of Lincoln Project Manager Charlie Wilcox.

Charlie Wilcox, Project Manager
Engineering Services, Public Works and Utilities
Cell Phone: (402) 440-6067
Email: cwilcox@lincoln.ne.gov

Tom Rogge
K2 Construction
Cell Phone: (402) 770-5728
Office Hours: 8:00 a.m.- 5:00 p.m.
Office Phone: (402) 467-2355



Nicole Tooze/Notes

04/15/2008 11:16 AM

To CouncilPacket/Notes@Notes

cc willa@newslink.com, Diane K Gonzolas/Notes@Notes, Trish A Owen/Notes@Notes, Greg S MacLean/Notes@Notes, Karen K Sieckmeyer/Notes@Notes, Kenneth D
bcc

Subject Council Packet - Newsletter Article

Attached for your information is copy of a newsletter article from Stephens and Smith Construction Co. regarding the pervious concrete project at 27th and F street City parking lot completed last year. This project is a great example of a stormwater "best management practice" demonstration project. It was a cooperative effort between Parking and Watershed Management completed with assistance from grant funding from the Department of Environmental Quality.

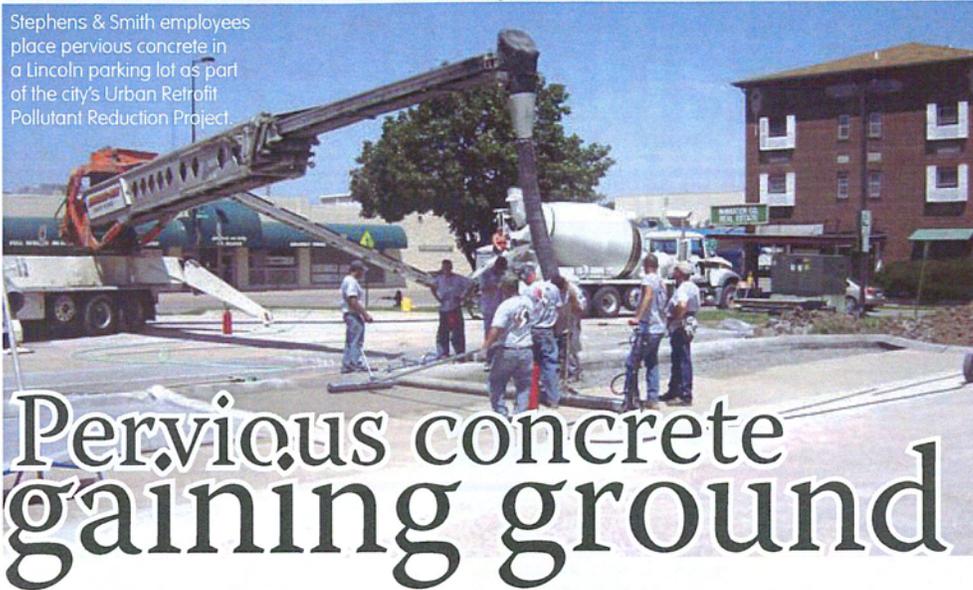
If you have any questions regarding the project, they can be directed to Ed Kouma in Watershed Management at 441-7018.



PEERLESS-08041414190.PDF

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

Stephens & Smith employees place pervious concrete in a Lincoln parking lot as part of the city's Urban Retrofit Pollutant Reduction Project.



Pervious concrete gaining ground

Stephens & Smith Construction Co., is one of few concrete contractors in Nebraska ready to go green with pervious concrete. Four Stephens & Smith supervisors received instruction from the National Ready Mixed Concrete Association and Stephens & Smith is now NRMCA pervious concrete contractor certified.

The City of Lincoln chose Stephens & Smith for a pervious concrete placement at 27 and F streets in conjunction with its Urban Retrofit Pollutant Reduction Project.

"We were really impressed with the professionalism and expertise Stephens & Smith showed while installing the pervious concrete," said Ed Kouma, watershed management engineer with Lincoln Public Works and Utilities.

Stephens & Smith placed a stone

recharge bed covered with approximately 3,000 square feet of pervious concrete. The system replaces a conventional curb and gutter stormwater collection system, capturing and treating stormwater to eliminate automobile fluids, grease, fertilizers and other organic materials.

More than 100 guests gathered at the site last summer to watch Stephens & Smith place pervious concrete and listen to Nebraska Concrete and Aggregates Association's presentation on advantages of pervious.

Stephens & Smith also supervised construction of a bioswale for the City of Lincoln's American Legion Park at 27th and Randolph streets. The bioswale is a vegetated ditch-like area that captures and treats pollutants like oil and fertilizers that run off during a rainfall's "first flush." ❏

What is pervious concrete?

Pervious concrete has a number of environmental, economic and structural benefits including:

- Better drainage; decreases or eliminates run-off and standing water.
- Saves money by reducing need for detention ponds and drainage systems.
- Widely recognized as the lowest life-cycle cost option available for paving.
- Smaller amount of drying shrinkage and faster developing time
- Parking lots made of pervious last 20 to 40 years with little or no maintenance.
- Achieves strengths in excess of 3000 psi.
- Textured surface and better drainage enhance driving conditions in rain, snow and ice.
- Allows rainfall to filter into the ground where water pollutants such as automobile oil are eliminated in the soil.
- Light color and open pore structure stores less heat and lowers heat island effects.
- Allows water and air to reach roots of neighboring plant life.
- May help obtain a Leadership in Energy and Environmental Design project certification from the U.S. Green Building Council by earning a LEED credit point in the Green Building Rating System.

To learn more about pervious concrete, visit: <http://www.perviouspavement.org>.



Leader in field makes sure job is done right

Placing concrete for military buildings at Fort Riley gives Sean Schrod, foreman, the opportunity to do something for his country.

"U.S. soldiers ship out to help citizens,



Foundation employees place supports for beams at Marshall Airfield.

and I like doing my part to help them," he said. "I also like the thought that I'm building something that will be here a long time."

Schrod takes a leadership role in the Fort Riley project. He is most proud of the walkway that connects memorials and the fountain bottom on the lawn of the First Infantry Division Headquarters in Fort Riley.

"When people see my company's name on something," he said, "I want them to think: They're Stephens & Smith, they'll do it right."

Schrod joined Stephens & Smith

in May 1995. He became an employee owner after less than two years when nominated by Steve Willis, Specialty Products vice president.

Schrod also takes a leadership roll in the Stephens & Smith safety council. Each morning he checks that all employees are wearing required personal protective equipment. This attention to safety not only saves lives but helps reduce costs, which means more saving for customers. ❏



Sean Schrod



This newsletter appears under the direction of Stephens & Smith Construction Company, Inc.. For news coverage, call Willa at the newsletter office at 402-475-6397, fax 402-475-6398, mail information to 1845 S 11th St, Lincoln, NE 68502-2211 or e-mail willa@newslink.com. This newsletter is intended to be an overview of Stephens & Smith Construction Company, its employees and products. Any discrepancies between this newsletter and any other official Stephens & Smith literature, price list or descriptions, those documents govern. Stephens & Smith Construction Company continues to maintain the right, at any time, to alter, suspend, discontinue or terminate all plans and programs described in this newsletter.

Tammy J Grammer/Notes

04/16/2008 02:59 PM

To CouncilPacket/Notes@Notes

cc

bcc

Subject

----- Forwarded by Tammy J Grammer/Notes on 04/16/2008 02:57 PM -----

Russ L Shultz/Notes

04/15/2008 11:46 AM

To Tammy J Grammer/Notes@Notes, mayor@lincoln.ne.gov

cc <JRupp@ci.lincoln.ne.us>, Rick A Noyes/Notes@Notes

Subject

City Council and Mayor,

I have attached an information sheet on the proposed height change to the weed abatement ordinance. As I have pointed out in this information sheet, I believe that the weed abatement program would be improved by this change. It would allow us to direct our efforts at the most significant problems, reduce number of inspections that do not address violations and improve our response time. I certainly appreciate your consideration in this matter. Please let me know if you desire more information or have any questions.

Thanks,

Russ



ordinance change.doc

Weed Height Change Information Sheet

Amendment of Chapter 8.46 Weed Abatement of the LMC

The proposed amendment would raise the height of weeds or worthless vegetation that must be cut from six inches to twelve inches above the ground.

Height change would

1. Be more reflective of a height that contributes to health concerns,
2. Direct the program at the more significant problems and
3. Improve the efficiency and effectiveness of the weed abatement program.

Lincoln Municipal Code

Chapter 8.46 WEED ABATEMENT is under Title 8 HEALTH AND SANITATION of the Lincoln Municipal Code. Therefore weed abatement is directed at situations that may contribute to health and sanitation problems such as offer vector or rodent harborage. The Health Department has indicated that this would be expected to be when vegetation is **12 inches** or more high. Title 8 makes reference to "heavy growth of weeds or other noxious vegetation over **twelve inches** in height" in section 8.02.010 and to "Uncontrolled or uncultivated growth of weeds, brush, vines, grasses, or other vegetation which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, or unreasonably interfere with the use and enjoyment of abutting public or private property" in section 8.02.030.

State Statute

The state statute does not make reference to a specific height for primary class cities but does establish any growth of **twelve inches** or more in height of weeds, grasses, or worthless vegetation may be considered a nuisance in cities of the first class.

OTHER CITIES HEIGHT REQUIREMENTS:

OMAHA – 18 INCHES

SOUTH SIOUX CITY – 12 INCHES

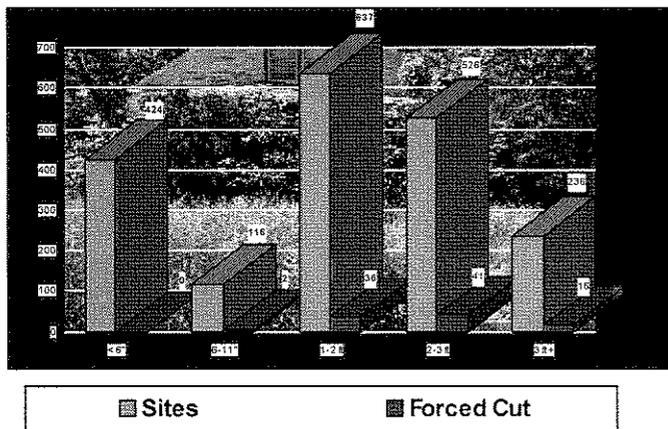
TOPEKA, KS – 12 INCHES

JOPLIN, MS – 12 INCHES

Weed Abatement Operations

2007 Weed Abatement

2,103 Sites Inspected, 1,656 Violations



The currently budgeted staff of three seasonal inspectors has a workload capacity of about 2,250 sites and 5,000 inspections. Each inspection takes about 18 minutes of field and office time combined for a total of about 80 inspections a day. Each violation takes about 2.3 inspections – the initial inspection and follow-up inspections. In 2007 over 700 inspections were used to respond to complaints on 540 sites that either were not in violation (424) or were at 6 to 11 inches high (116). This resulted in almost 30% of our inspections utilized for non-violations or sites not contributing to a health hazard and not likely needing a notification or follow-up. The changing of the height to twelve inches would direct the available inspections at significant problems that need notification and follow-up while reducing percent of inspections directed at non-violations and sites that would be taken care of without a notification. It also needs to be remembered that public properties must abide with the ordinance also.



"Bob" <rbonk@neb.rr.com>
04/14/2008 08:41 AM

To <council@lincoln.ne.gov>
cc
bcc
Subject Empty Buses

Dear Council members:

I have made an effort to see how many people ride the bus and a majority of the time they are running empty. I'm not saying we don't need the system but why are we driving these huge buses around when a van or something smaller would work? Not only is this a waste of taxpayers' money but what about the waste of fuel and the pollution that everyone is so worried about. Seems to me we could take the gas wasting buses and use something much more efficient.

Thank you!

Bob Bonk

I am new to Lincoln and just want to help make this a better place if I can.

Thank you!

①

Chair of the City Council
Dan Marvin
555 S. 10th
Lincoln, NE 68508

RECEIVED
APR 14 2008
CITY COUNCIL
OFFICE

RE: Tort Claim Against the City of
Lincoln

Dear Mr. Marvin:

Please be advised that on March 28, 2008, I received a letter in response to my claim filed on March 11, 2008, against the City of Lincoln in which I make a demand of one million dollars. Essentially my claim alleges that on May 2, 2006, Lincoln officials improperly caused my detainment and associated shame, humiliation, disgrace, and mental anguish.

The letter informs me that my claim will be forwarded to the City Council with a recommendation that they deny the claim. The Lincoln City Council will consider my claim at its regularly scheduled meeting on March 31, 2008, at 5:30 p.m. in the Council Chambers, 555 S. 10th, Suite 112. I may appear in person at that date and time

(2)

to discuss my claim and/or I may contact the City Council in writing prior to that date by emailing you, or by contacting ~~you~~ my individual council person.

First of all, I have exhibits that I would like to offer at this meeting; I do not have access to a computer in order to email you; also, I received the Assistant City Attorney letter on Friday, March 28, 2008, and the meeting is scheduled for March 31, 2008, which gives me no time, due to the week-end, to file the proper paperwork to be present and offer exhibits, or to write and send my exhibits in support of my claim.

This letter that I received on 3-28-08, from the Assistant City Attorney, is suspicious because it was open out of my presence, and it was signed by (skb) for Connor L. Reuter.

I am still going to send you copies of my exhibits in support of my claim.

offer →

3

Graylin Gray #67456
P.O. Box 22800
Lincoln, NE 68542

Dated: 3-29-08

P.S. How can I have a fair hearing/meeting to discuss my claim when I wasn't notified within a reasonable time?

Notice: this correspondence was mailed from an institution operated by the Nebraska Department of Corrections. Its contents are uncensored
Inmate Name: Legg, Gary
Inmate #: 67456
P. O. Box 22800
Lincoln, NE 68542-2800

2009 0024700000



RECEIVED
APR 14 2008
CITY COUNCIL
OFFICE

Chair of the City Council
Dan Marvin
555 S. 10th
Lincoln, NE 68508

Legg

RECEIVED

APR 15 2008

CITY COUNCIL



LINCOLN

The Community of Opportunity

Chamber of Commerce



To: City Council Members
From: LCOC, HBAL & LIBA
Date: April 21, 2008

The Board of Directors of the Lincoln Chamber of Commerce, Home Builders Association of Lincoln and the Lincoln Independent Business Association, support the ordinance to amend Chapter 2.54 of the Lincoln Municipal Code. If adopted, this amendment will bring additional transparency and accountability to the city contracting process.

We believe these are the types of changes citizens want in order to ensure local government is open and accountable while remaining inclusive to all segments of our community. We also believe this type of change should occur through the ordinance process, not the city charter.

First, this amendment is inclusive rather than exclusive. The Charter Revision proposal was exclusionary in that it strictly forbade only elected officials with business interests from participating in the contracting process, while allowing city employees with business interests the continued freedom to do so. We believe that neither group should be excluded from opportunities, but rather both should be subjected and accountable to rules and regulations that ensure a fair, competitive, and transparent process.

Second, this amendment encourages participation in both the contracting and political processes. As most people who believe in the free enterprise system would agree, competition is good. Competition encourages businesses to offer quality goods and services for reasonable prices. This amendment allows for local businesses to participate in the process, and in turn, the City benefits by maintaining control over the process and purchasing goods and services at the most reasonable prices for the taxpayer.

It also allows for participation in the political process. As you well know, running and winning an elected office often is an arduous task that consumes your time, energy, and resources. It is increasingly difficult to find candidates who are willing to subject themselves and their families to the scrutiny of the public eye. However, despite all the drawbacks, there are still individuals willing to do so, and prohibiting those willing and eligible individuals from participating in the political process is fundamentally contrary to the basic principles of individual liberty.

Again, this amendment provides the best that can be offered—freedom for individuals to seek office, opportunity to vote for the candidate of choice, and a process that ensures accountability and transparency.

Wendy Birdsall
For the LCOC Board

Fred Hoke
For the HBAL Board

Coby Mach
For the LIBA Board



ksackschewsky@aol.com

04/15/2008 12:00 AM

To council@lincoln.ne.gov

cc

bcc

Subject heart felt thank you

I want to give all of you a heart felt thank you for voting down the zoning change for Kabredlo's expansion at 48th and Meredith, this comes to you through teary eyes as this makes me happy that i don't have to move from my long time family home and can finally get a good nights rest. I really, really want to thank all of you on the City Council for this decision. Sincerely
Sackschewsky

P.S. This news has been a hit in the neighborhood, thank you all.

Get the [MapQuest Toolbar](#), Maps, Traffic, Directions & More!



KTILE1@aol.com
04/16/2008 12:48 PM

To: Lincoln.Ne.gov@dpinfo.ci.lincoln.ne.us
cc
bcc
Subject: 48th & Merideth

I would personally like to thank all of you for your vote on the 48th and Merideth rezoning issue. All of us in the area would definitely like a new station but not on the size of proposed station or the encroachment on residential area.....

I was told by many people that we were just wasting our time..... but with your no vote I am going back to every single one that said that and tell them that there's always a chance if people stand together.... I believe we have the best city Council that we have had in a long time///// not for just this vote but in the way you all cared about the people first before big business.... that is the way a town should always be run. The betterment for the community
Again thank you

Doug Krogman
4723 Lowell
Lincoln, Nebraska

It's Tax Time! Get tips, forms and advice on [AOL Money & Finance](#).

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, APRIL 21, 2008**

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule Week of April 19 through April 25, 2008 - Schedule subject to change.
2. NEWS RELEASE - RE: 9TH Street Lanes To Be Open For Spring Game.
3. NEWS ADVISORY - RE: Mayor Beutler and the University of Nebraska Public Policy Center will release the results of the scientific phone survey on the City budget Monday, April 21st .
4. Response E-Mail from Diane Gonzolas, CIC to Kevin & Diana - RE: Prayer breakfast inquiry.
5. NEWS RELEASE - RE: Mayor Announces Environmental Initiatives At Earth Day Celebration.
6. NEWS RELEASE - RE: Citizens Rank Safety and Security, Economic Opportunity High In Scientific Poll - Citizens show trust in City government and rate all services as important.

II. CITY CLERK - NONE

III. CORRESPONDENCE -

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

COUNTY WEED CONTROL AUTHORITY

1. E-Mail from Russ Shultz - RE: Item #27, 08-43, relating to Weed Abatement.

C. MISCELLANEOUS -

1. E-Mail from Peter Katt, Attorney at Law - RE: West "O" Soil Mining Permit - Emerald Wellhead Protection Plan.
2. E-Mail & Attachment from LeRoy W. Sievers, Attorney at Law - RE: West "O" Soil Mining Permit - Emerald Wellhead Protection Plan.



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

Date: April 18, 2008

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

Mayor Beutler's Public Schedule **Week of April 19 through April 25, 2008** *Schedule subject to change*

Sunday, April 20

- Earth Day Festival, remarks - 1 p.m. (Event is noon to 4 p.m.), Antelope Park band shell
- Knights of Columbus annual banquet, remarks and presentation of the Police and Fire Person of the Year awards - 6:30 p.m., North American Martyrs Church Social Hall, 1101 Isaac Dr.

Monday, April 21

- News conference, budget survey results - 9 a.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.
- Pre-council meeting, remarks on budget survey results - 9:45 a.m., room 113, County-City Building
- Mayor's Award of Excellence presentation - 1:30 a.m., Council Chambers, County-City Building

Tuesday, April 22

- Friendship Home project announcement with Verizon and Kiwanis - 11 a.m., Mayor's Conference Room
- PRIORITY LINCOLN: We're listening. Town Hall meeting on City Budget - 6 p.m. (Doors open at 5:30 p.m.), Lincoln Southwest High School, 7001 S. 14th St.

Wednesday, April 23

- Lincoln Chamber of Commerce/Young Professionals Group summit, remarks, presentation of awards - 11:30 a.m., Holiday Inn Downtown, 141 N. 9th St.
- 10th anniversary of "Plains Song Review," reading and reception - 7 p.m., Great Plains Art Museum, 1155 "Q" St., first floor

Thursday, April 24

- KFOR morning show - 7:45 a.m.
- American Mothers National Convention, remarks - 8:10 a.m., Cornhusker Marriott, 333 S. 13th St. (Lancaster Room, lower level)
- Crime Victims Rights open house, remarks and proclamation - 5:30 p.m., Auld Recreation Center, 3140 Sumner
- PRIORITY LINCOLN: We're listening. Town Hall meeting on City Budget - 6 p.m. (Doors open at 5:30 p.m.), LPS Offices, 5901 "O" St.

Friday, April 25

- Arbor Day celebration, remarks - 9 a.m., Belmont Park, 14th and Judson streets
- Volunteer Partners, proclamation signing - 10 a.m., Mayor's Conference Room
- Dedication of Carl and Mildred Curtis Center at People's City Mission, remarks - 3 p.m., People's City Mission, 110 "Q" St.



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: April 18, 2008

FOR MORE INFORMATION: Roger Figard, Public Works and Utilities, 441-7567
Hallie Salem, Urban Development, 441-7866

9TH STREET LANES TO BE OPEN FOR SPRING GAME

A combination of improvement projects has led to recent lane closures on 9th Street in downtown Lincoln. Officials with the Public Works and Utilities Department say most lanes of 9th Street will be open Saturday when traffic is expected to be heavy in the area due to the spring football game. The only lane that will remain closed in the west turning lane between "O" and "P" streets, which has been closed for reconstruction of the Harris Overpass.

Public Works has been working with utilities and other City departments to time improvements to coincide with the Harris Overpass project. Aquila scheduled the installation of a new gas main on the west side of 9th Street at this time because the lanes it needed were already closed for the overpass project. Time Warner Cable's work to extend and upgrade service downtown has moved from 8th and 9th streets eastward to 12th, 13th, and 14th Streets.

The City's Urban Development Department is working with Clark Enersen Partners and Nemaha Landscape Construction to improve the streetscape in the Haymarket area, including 9th Street. Lane closures have been necessary for the installation of new pedestrian lights, relocation of utility poles, reconstruction of sidewalks and construction of new landscaping beds. Wet weather has delayed the project, which is expected to be completed this month.

An irrigation contractor working on the streetscape project caused damage that led to several days of lane closures on 9th between "P" and "Q" streets:

- Crews damaged underground plumbing and property Wednesday, March 26 when they bored through a vault under the sidewalk on the west side of 9th Street.
- Crews cut through Windstream communication cables Monday, April 7 causing a major disruption of phone service.

Repairs have been made and the lanes have re-opened. At the time of the borings, the irrigation contractor did not have a valid permit or permission to be in the right of way. The City is working with the general contractor and its subcontractor to recoup damages and ensure that such a violation does not happen in the future.

More information on City projects is available at lincoln.ne.gov (keyword: projects).



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

DATE: April 18, 2008

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

Mayor Beutler and the University of Nebraska Public Policy Center will release the results of the scientific phone survey on the City budget **Monday, April 21** at the **County-City Building, 555 South 10th Street.**

The Mayor will have a news conference at **9 a.m. in the Mayor's Conference Room** on the second floor. He will brief the City Council on the results at **9:45 a.m. in Room 113** on the first floor.

The survey is part of "PRIORITY LINCOLN: We're listening." The project also includes an online survey and a town hall series. More information is available at lincoln.ne.gov.

Diane K Gonzolas/Notes

04/17/2008 10:21 AM

To kjddrp@earthlink.net

cc Tammy J Grammer/Notes@Notes, Linda K
Quenzer/Notes@Notes, Rick Peo/Notes@Notes, Denise K
Pearce/Notes@Notes

bcc

Subject Prayer breakfast inquiry

Kevin and Diana -

Thank you for your question on the Mayor's Interfaith Prayer Breakfast. I am responding to your e-mails to the City Council and the Mayor's Office.

This annual event was for many years sponsored by the Lincoln Interfaith Council. When this group disbanded, a group of volunteers worked with Interchurch Ministries of Nebraska to continue this interfaith tradition. This year's breakfast will be the second organized by this group. The group strives to be inclusive of all beliefs.

No City funds are used to support this event. All costs are covered by ticket sales.

Please let me know if you have any further questions.

Diane Gonzolas 441-7831

Manager, Citizen Information Center

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NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: April 20, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 525-1520

MAYOR ANNOUNCES ENVIRONMENTAL INITIATIVES AT EARTH DAY CELEBRATION

As part of today's Earth Day celebration at Antelope Park, Mayor Chris Beutler announced that local government will be taking several steps to further improve Lincoln's environment. They include a commitment to enact fiscally sound policies and programs to reduce emissions associated with climate change; a contest to solicit ideas from City and County employees; and a reduction in City's use of bottled water.

"We are very fortunate to live in a City with clean air and clean water, but there is still much more we can do to improve our environment," said Mayor Beutler. "I'm a strong believer that City government needs to lead the way in setting a good example for families and businesses."

Beutler asked the Mayor's Environmental Task Force to identify projects the City can undertake to better manage its environmental resources and reduce its carbon footprint in a fiscally sound manner. As a result of its initial work, the Mayor signed an executive order reaffirming the City's commitment to foster sustainability and the health of the physical environment. The action is a follow-up to the U.S. Mayors' Climate Protection Agreement signed by Mayor Coleen Seng.

"I have directed City Departments to assess City operations and to develop action plans to reduce greenhouse gas emissions," said Beutler. "I've also asked our Public Works and Utilities Department to investigate a landfill gas utilization project. If it is technically and fiscally feasible, it will be implemented."

Departments also are being asked to use energy efficient appliances and lighting, fuel efficient vehicles and landscaping that conserves water. Sustainable building practices will be used for all new City facility construction and for the renovation of existing buildings. City employees are encouraged to conserve water, reduce waste and recycle whenever possible.

The Mayor said the Lancaster County Board of Commissioners is joining him in a campaign called "Lincoln Lancaster Goes Green." City and County employees are being asked to suggest ways to reduce consumption of energy, water and materials. The winner will receive a year of free curbside recycling.

- more -

Mayor's Earth Day Initiatives

April 20, 2008

Page Two

The ideas will be judged by a panel of experts from the Lincoln Electric System, the Nebraska Center for Energy Sciences Research and the University of Nebraska's Department of Natural Resources. The Mayor thanked Midwest Refuse and Recycling Services, Recycling Enterprises, Star City Recycling and the Lincoln Journal Star for donating prizes.

Mayor Beutler also signed an executive order prohibiting City funds from being used to provide bottled water for departments unless specifically approved by the Mayor. An exception would be a workplace where City water is not readily available.

"We are here today because we understand that all of us have a role to play in protecting our planet," said Beutler. "Let's make every day Earth Day and help our community become an environmental leader in the State and nation."



**CITY OF LINCOLN
NEBRASKA**

NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

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

FOR IMMEDIATE RELEASE: April 21, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Elizabeth Neeley, Public Policy Center, 472-5678

CITIZENS RANK SAFETY AND SECURITY, ECONOMIC OPPORTUNITY HIGH IN SCIENTIFIC POLL

Citizens show trust in City government and rate all services as important

Mayor Chris Beutler today said a scientific telephone survey shows Lincoln citizens rank safety and security and economic opportunity as high priorities for City funding. The survey of 600 randomly selected residents was conducted earlier this month as part of the first phase of "PRIORITY LINCOLN: We're listening." The project is an effort to solicit public opinion on how the City should spend tax dollars.

"The survey information is important to us as we deal with another tough budget year," said Mayor Beutler. "This is a significant part of an unprecedented effort to find out what citizens want City government to accomplish with our limited resources." Other components of PRIORITY LINCOLN are an online survey and a series of town hall meetings (see attachment).

The Mayor outlined three other key findings from the results:

- More than 50 percent of the respondents said they were satisfied with local government and felt officials could generally be trusted to make decisions that are right for residents as a whole.
- Respondents rated all City services as important.
- When given choices about how to solve the budget deficit, two-thirds of the respondents chose to maintain current spending on the programs offered.

When asked about funding major new projects for the City, 12.48 percent chose increased taxes; 15.99 percent chose to cut funds from other areas; 18.28 percent did not want new projects; and 53.25 percent wanted "some other approach."

"This indicates that the majority of respondents want to see the City explore new projects, but they want us to be innovative in how we fund them," said Mayor Beutler.

- more -

PRIORITY LINCOLN**April 21, 2008****Page Two**

The Mayor thanked the City's partners on PRIORITY LINCOLN: the University of Nebraska Public Policy Center; the University of Nebraska - Lincoln Bureau of Sociological Research; Leadership Lincoln, Inc.; and the Lincoln Community Foundation. "The Foundation made this project possible by providing the majority of the funding, and we appreciate its support of our efforts," said Beutler.

Elizabeth Neeley, Ph.D., Senior Research Manager for the Public Policy Center, said, "When respondents are forced to prioritize services, something has to come out on the bottom. However, low rankings for certain services do not mean those services are considered unimportant. On the contrary, a primary finding of the phone survey is that Lincoln residents appear to value and rate all City services with fairly high importance."

Neeley also cautioned about making conclusions based on the responses to a single question. "The survey results should be considered in their entirety, like a book. Each question is like a chapter, which is only one part of the larger story," she said.

One part of the survey asked which priority areas should be funded by the non-profit sector. The top three outcomes were economic opportunity, healthy people and quality of life.

Results also were released for the follow-up discussion April 12. About 50 of the residents who took the phone survey participated. Mayor Beutler said the event was educational for City directors and for those citizens participating.

"The phone survey shows that City government needs to do a better job of telling the budget story," said Mayor Beutler. "The April 12th event demonstrated that citizen knowledge increased dramatically after City leaders had the opportunity to get the facts out. Keeping the public informed about the budget is very important if citizens are to play an active role in the process."

Portions of the follow-up discussion were taped for viewing on 5 CITY-TV (cable channel 5) and through video-on-demand on the City Web site, lincoln.ne.gov.

PRIORITY LINCOLN: We're listening.

KEY FINDINGS FROM TELEPHONE SURVEY

Service importance

Average score - rated from 1 (little importance) to 10 (extreme importance):

- Fire and ambulance service - 9.09
- Police - 8.96
- Management of sewage and storm water - 7.94
- Maintenance and management of traffic flow - 7.79
- Health department services - 7.79
- Job creation and economic development - 7.75
- Libraries - 7.66
- Human services - 7.52
- Parks, trails and recreation - 7.14
- Building permits and safety - 7.14
- Zoning and growth planning - 7.05
- Public bus and transportation services - 6.88

Service priorities (Ranking of 12 listed above.)

1. Police
2. Fire and ambulance services

11. Libraries
12. Park, trails and recreation

Paying for services

How would you recommend the City fund your two service priorities?

- Make no change in spending - 9.41 %
- Increase taxes - 15.16 %
- Cut funds from bottom priorities - 33.62 %
- Some other approach - 41.81 %

Outcome priorities

Percentages of those wanting to maintain or increase funding and services:

- Economic opportunity - maintain 41.2 %, increase 50.2 %
- Effective transportation - maintain 52.6 %, increase 43.0 %
- Environmental quality - maintain 69.7 %, increase 8.7 %
- Equal access and diversity - maintain 59.0 %, increase 17.5 %
- Healthy people - maintain 51.4 %, increase 42.4 %
- Livable neighborhoods - maintain 62.7 %, increase 28.9 %
- Quality of life - maintain 61.3 %, increase 25.5 %
- Safety and security - maintain 51.6 %, increase 47.0 %

Outcome priorities (Ranking of eight listed above.)

1. Safety and security
2. Economic opportunity

7. Effective transportation
8. Equal access and diversity

Paying for priorities

How would you recommend the City fund your top priority goal areas?

- Make no change in spending - 16.18 %
- Increase taxes - 16.7 %
- Cut funds from bottom priorities - 34.25 %
- Some other approach - 32.87 %

Philanthropy

To which one of the priority areas should business and community organizations focus their charitable funding?

- Economic opportunity - 23.5 %
- Health people - 21.6 %
- Quality of life - 16.5 %
- Other (liveable neighborhoods 11.3 %, safety and security 9.9 %, equal access and diversity 8.8 %, environmental quality 4.1 %, effective transportation 4.1 %)

Major new projects

If the City of Lincoln were to undertake a new, major project, how would you want it funded?

- Increase taxes - 12.48 %
- Cut funds from other areas - 15.99 %
- No new project - 18.28 %
- Some other approach - 53.25 %

Public knowledge

Only 20.6 percent of respondents knew that City government receives less than 15 percent of each dollar collected in property taxes.

Public trust and confidence

Percentage of respondents who answered "agree" or "strongly agree" with the following statements about Lincoln City government -

- Officials treat residents with respect. 67.9
- Officials care about what people like me think. 59.7
- Local government can usually be trusted to make decisions that are right for residents as a whole. 54.4
- I am satisfied with local government. 53.5
- Officials have residents' best interests in mind when they make decisions. 52.8

PRIORITY LINCOLN: We're listening.

OPPORTUNITIES FOR PUBLIC PARTICIPATION

The online survey is available on the City Web site at lincoln.ne.gov. The survey is designed to allow citizens to prioritize City services and provide comments on their decisions. Printed copies of the online survey also will be available at all Lincoln libraries.

The City is partnering with Leadership Lincoln, Inc. on a series of town hall meetings to allow residents another venue to express their opinions about budget priorities. Doors will open at 5:30 p.m., and the meetings will be from 6 to 8 p.m. The schedule is:

- **April 22, Lincoln Southwest High, 7001 S. 14th Street**
- **April 24, LPS District Offices, 5901 "O" Street (This town hall is hosted by the Mayor's Youth Advisory Council, and young people are encouraged to attend.)**
- **April 29, North Star High School, 5801 North 33rd Street**
- **May 6, Lincoln High School, 2229 "J" Street**

The City is borrowing an audience response technology system from UNL to allow for instant feedback from those attending the town hall meetings. Citizens will be able to participate, using small remote devices to register their opinions

The Mayor is scheduled to make his decisions on the 2008-2009 City budget in May, and the budget is released to the public in June. The City Council votes on tentative changes to the Mayor's budget in July. The public hearing is scheduled for August 11, and the Council is scheduled to adopt the budget August 25.

Russ L Shultz/Notes
04/18/2008 03:56 PM

To demery@lincoln.ne.gov, reschliman@lincoln.ne.gov,
ksvoboda@lincoln.ne.gov, campjon@aol.com,
jspatz@lincoln.ne.gov, Tammy J Grammer/Notes@Notes,
cc mayor@lincoln.ne.gov, Rick A Noyes/Notes@Notes

bcc

Subject

City Council Members,

My only intent in recommending a change in the height requirement for the weed abatement program was to improve the effectiveness and efficiency of the program and to make the height requirement more in keeping with intent of the overall Health and Sanitation Title of the Lincoln Municipal Code.

I am providing you with a summary of my conclusions and background information so that you can reach your own conclusions. If you concur with me, I request that you reconsider the delay for the second reading of the proposed amendment.

1. The violations with 6 to 11 inch height over the past three years have only amounted to 3% of all the violations – 60 of 1,834 per year. All but three cut their overgrowth after notification and probably would have done so with out the notification. This is not a significant impact on our workload. The complaints that we receive for non-violations is having an adverse impact.
2. The six inch height is contributing to complaints that do not result in a violation or a minimal violation that probably would have been cut without violation. Over the past three years an average of 364 complaints were received that were found not to be in violation 1 to 3 days later when the inspection was made. Many of these complaints were received during the early spring flush of growth of growth and rainy season. Mowing is a delayed but is done when the weather allows. The 514 inspections used to inspect the 364 non-violation complaints and the 60 6 to 11 inches violations could have been used to address 205 more serious violations.
3. The 6 inch height requirement is not in keeping with the rest of Title 8 Health and Sanitation of the Lincoln Municipal Code. It makes reference to vegetation growth of over 12 inches as a possible health hazard.
4. Neighboring cities in the region all have height requirements of 12 inches or more. South Sioux City, Joplin, MS, Topeka, KS and Des Moines, IA have 12 inch requirement while Omaha has an 18 inch requirement.
5. The maximum workload of the three budgeted seasonal inspectors is about 5,000 weed abatement inspections a growing season. This is one inspection in 18 minutes of their combined field and office time resulting in 27 inspections a day each, or a total of 81 inspections per day. It takes about 2.5 inspections per violation. This is the initial inspection plus required follow-up inspections. The past 3-year average 4,957 inspections dealt with 1,834 violations. The height change to 12 inches would reduce inspections that have been required to address the number of non-violation complaint sites. This inspection time could be directed to problem areas and follow-up.

Following is some information and figures on the weed abatement program over the past three years. The figures quoted are the average for the three years.

Inspections were made of 1,834 violations.

- About 62% of the inspections were in response to public complaints
- About 38% were the result of the pre-selection of problem sites and inspector observation
- Residences made up 62% of the violations
 - Owner occupied 25%
 - Tenant occupied 20%
 - Unoccupied 16%
- Commercial sites were only 3% of the violations
- Public sites were less than 1% of the violations

- Undeveloped lots made up 31% of the violations
- Road right-of-ways were 3% of the violations
- Forced cutting was required on 7% of the violations

I appreciate your consideration in this matter.

No matter what your decision, we will continue to operate the program in a responsive, efficient and effective manner.

Thanks,

Russ



"Peter W. Katt"
<PKatt@baylorevenen.com>

04/17/2008 06:01 PM

To "City Council" <council@ci.lincoln.ne.us>,
<MDekalb@ci.lincoln.ne.us>
cc "Leroy Sievers" <lsievers@knudsenlaw.com>

bcc

Subject West "O" Soil Mining Permit - Emerald Wellhead Protection Plan

Council Members:

After Monday's hearing, Mr. Sievers advised me that SID # 6 did in fact have a Well Head Protection Plan. He delivered an electronic copy of it to me and the City today. I suspect that Staff will make it available to you if you request it.

I apologize for my misstatement of fact to you at the hearing that there was no Plan adopted by Emerald. My client was not aware one existed either. The only notice provided to the public in general or my client in particular about the plan was a notice posted at Merles Tavern, Emerald Mini Mart and Nebraska Truck and Equipment, not places my client happened to frequent in July or August 2006. In my opinion, my client was entitled to an individualized notice of this plan since it placed his property in a Wellhead Protection Area. I have asked Mr. Sievers to provide an explanation as to why this was not done. Had we been given notice of the plan, we could have objected to the property being included within the area as there is no scientific evidence or basis to conclude that my client's property has any hydrologic connection to the well proposed to be protected.

The plan does not contemplate or suggest restricting soil mining on my client's property and in fact includes a copy of the City's AG zoning ordinance which provides for such mining operations. Clearly when the plan was adopted they were aware of the fact that soil mining was a lawful and permitted use. The only land use or operational restrictions contemplated in the approved plan are all within a 1,000' radius of the wells and outside of my client's proposed soil mining area.

If you have any questions, please feel free to contact me.

Peter

Baylor, Evnen, Curtiss, Gruit & Witt, LLP
Wells Fargo Center
1248 "O" St., Suite 600
Lincoln, NE 68508
Telephone: 402.475.1075
Fax: 402.475.9515

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"LeRoy W. Sievers"
<LWS@knudsenlaw.com>

04/18/2008 08:25 AM

To "Peter W. Katt" <PKatt@baylorennen.com>, "City Council"
<council@ci.lincoln.ne.us>, <MDekalb@ci.lincoln.ne.us>

cc

bcc

Subject RE: West "O" Soil Mining Permit - Emerald Wellhead
Protection Plan

I am also available to answer questions that you might have. The existence of the plan was made known to Mr. Katt I believe when objections to the soil mining operation were raised. However I was not personally involved at that time so perhaps I am mistaken. Given that this issue was before you previously, it is my assumption that Mr. Katt knew about this prior to Monday.

The content of the plan is one thing, but the issue of risk to contamination of the only water supply to those dependent upon the SID's system is another. If Mr. Katt wants to challenge the validity of the Wellhead Protection Plan, he is free to do so. Candidly that is a red herring. The issue is not the content of the plan, but how to assure that the sole supply of water is not harmed. It is of no benefit for the SID to sue someone after the supply is damaged. Filing a lawsuit does provide an immediate substitute supply.

The City of Lincoln has the legal ability to provide the protection needed. You have the ability to assure that other people's water supply is not contaminated by a money making enterprise. You have been asked to issue a permit to allow Mr. Katt's client to engage in a business enterprise and you have been advised that the operation of that enterprise until a permanent alternate supply is obtained, poses the potential for harm to the supply.

I am attaching a copy of the report received on April 17th from the State of Nebraska's Department of Environmental Quality. I did not ask for this report and I do not know who did. Mr. Katt has advised me that he believes that it contains some factual errors. I do not know if that is correct. What I do know is that the report says: "...the clearance creates a potential vulnerability to ground water contamination."

Mr. Katt and I have been in contact with each other in an effort to reach mutually agreeable terms that can be provided to you for your consideration. At this point an agreement has not been reached, but I am sure that we will continue to talk.

LeRoy W. Sievers

Attorney at Law

Office: 402-475-7011

Fax: 402-475-8912

Mobile: 402-429-8251

lsievers@knudsenlaw.com

Knudsen, Berkheimer, Richardson & Endacott LLP
3800 VerMaas Place, Suite 200, Lincoln, NE 68502
<http://www.knudsenlaw.com>

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

From: Peter W. Katt [mailto:PKatt@baylorevnen.com]
Sent: Thursday, April 17, 2008 6:02 PM
To: City Council; MDekalb@ci.lincoln.ne.us
Cc: LeRoy W. Sievers
Subject: West "O" Soil Mining Permit - Emerald Wellhead Protection Plan

Council Members:

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If you have any questions, please feel free to contact me.

Peter

Baylor, Evnen, Curtiss, Gritmit & Witt, LLP
Wells Fargo Center
1248 "O" St., Suite 600
Lincoln, NE 68508
Telephone: 402.475.1075
Fax: 402.475.9515

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- 20080417151645.pdf

Possible Impacts on Ground Water of Soil Mining in SW ¼, Section 24, T10N, R5E,
Lancaster County

The proposed soil-mining site includes seven soil-mapping units according to the National Cooperative Soil Survey. Two of these (the Kennebec and Nodaway silt loams) are alluvial in origin and include more than five feet of silt loam. One (the Morrill Clay loam) is developed on glacial till and outwash, and is completely clay loam. The remaining soil units are developed on loess and are mostly silty clay loam.

Various parts of the site are underlain by 0-15' of Wisconsinan to Recent alluvium, 0-15' of Wisconsinan Peoria Loess, 0-5' of Pleistocene Loveland Loess, and 0-15' of Early Pleistocene glacial till and outwash. Beneath the glacial materials are 10-80' of Early Pleistocene sediments extending completely under the site, mostly silt but with sand or gravel lenses here and there. These Early Pleistocene sediments directly overlie the shales and sandstones of the Cretaceous Dakota group.

Ground water is not abundant beneath the site. Based on nearby wells, the water table ranges from 1164' amsl. in the SE corner of the site to 1170' amsl. in the NW corner. The aquifer is probably discontinuous, less than about 20' thick, and of around 100 ft./day hydraulic conductivity. Due mostly to the topography of the site, depths to ground water range from about 20' at the railroad bridge to 50' at the NE corner of the site.

The proposed removal of 762,232 yd³ of soil from the site would create a depression whose bottom would be about 16' above the average water table. The nearest point where runoff into this depression could be disposed of by gravity is about 500' south of the south property line. NDEQ has not been informed of the eventual use of the site, but the presence at the lower edge of the manmade "mini-watershed" of a depression with the soil profile removed and about 16' of clearance above the water table creates a potential vulnerability to ground water contamination.

The proposed excavation would be entirely within the Wellhead Protection Area of the Lancaster County SID#6. The boundaries of this Wellhead Protection Area are specified in the Emerald Wellhead Protection Plan, approved by Nebraska Department of Environmental Quality 3/2/06. The railroad line is tangent to the 1000' regulatory radius of the east SID well. Although our ground water modeling in the area indicates the ground water pumped by the SID originates west of the excavation area, the modeled ground water flow direction is very uncertain due to the small number of measured wells in the vicinity. If our flow direction were about 90° too far west, the proposed excavation would be about 3 years (ground water) time-of-travel upgradient from the Public Water Supply wells.

Bruce Hanson
Wellhead Protection Coordinator
Nebraska Department of Environmental Quality
Suite 400, The Atrium
1200 N Street
Lincoln, NE 68509-8922
(402)471-3376

4-15-08

RECEIVED APR 17 2008