DIRECTORS' ORGANIZATIONAL MEETING

Monday, February 12, 2018
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' minutes from February 5, 2018

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

V. DIRECTORS CORRESPONDENCE

PUBLIC WORKS & UTILITIES

1. Lincoln Water & Wastewater Systems Fiscal Year 2016-2017 Audits

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. PAC - Lamm, Shobe, Raybould (02.08.18)
2. ISPC - Baird (01.11.18) (02.08.18)
3. Parks and Rec - Gaylor Baird (02.08.18)

VII. CONSTITUENT CORRESPONDENCE

1. LES - Gail Anderson
   Staff response provided by Councilman Camp
   Staff response provided by Lisa Hale, Vice President Customer Service
2. Proposed Change of Zone TX17001 - Betty Ward
3. Dominion/Sky Ranch Acres - Dave Dobesh
   Staff response proved by Councilman Camp
   Staff response provided by George Wesselhoft, AICP, LEED, AP ND, Planning Department
   Response provided by Mark Hunzeker, Baylor Evnen Law Firm
   Response provided by DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO
4. Proposed Change of Zone TX17001 - Robert Peters
5. Dominion/Sky Ranch Acres - James Dobesh
   Staff response proved by Councilman Camp
6. Proposed Change of Zone TX17001 - Charley Friedman
   Staff response provided by Councilman Camp
7. Funding for neighborhood projects - Pat Anderson-Sifuentez
8. Street funding suggestion - Russell Miller

VIII. MEETINGS/INVITATIONS

See invitation list.

IX. ADJOURNMENT

CITY OF LINCOLN NEBRASKA

PUBLIC WORKS AND UTILITIES DEPARTMENT

MEMORANDUM

To: City Council Members

From: Cyndy Roth
Public Works & Utilities Business Manager

Subject: Lincoln Water & Wastewater Systems Fiscal Year 2016 - 2017 Audits

Date: February 6, 2018

cc: Mayor Chris Beutler, Miki Esposito, Donna Garden, Brandon Kaufmann, Angela Birkett, Teresa Meier

RSM US LLP has completed their audit of the Lincoln Water and Wastewater Systems for Fiscal Year 2016 - 2017. Copies of the reports are available at both the City Clerk's office and City Council secretary's office for your review. The reports are also available at:

Water http://lincoln.ne.gov/city/pworks/business/pdf/lws-2017.pdf
Wastewater http://lincoln.ne.gov/city/pworks/business/pdf/lwws-2017.pdf

Attached is the Post Audit Communication and Management letter. RSM US LLP stated in this report they note no matters involving the internal control over financial reporting and its operation that they would consider to be material weaknesses. The results of their tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Should you have any questions regarding the audit, please do not hesitate to contact me at 402-441-7539.

RSM

RSM US LLP

1299 Farnam Street
Suite 530
Omaha, NE 68102-1127

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www.rsmus.com

January 17, 2018

To the Honorable Mayor and Members of the City Council
Lincoln Water System and
Lincoln Wastewater System, Enterprise Funds of the City of Lincoln, Nebraska
Lincoln, Nebraska

This letter is to inform the City Council and management of Lincoln Water System and Lincoln Wastewater System (collectively the Systems), about significant matters related to the conduct of our audits as of and for the year ended August 31, 2017, so that it can appropriately discharge its oversight responsibility and we comply with our professional responsibilities.

The following summarizes various matters that must be communicated to you under auditing standards generally accepted in the United States of America.

The Respective Responsibilities of the Auditor and Management
Our responsibility under auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States have been described to you in our arrangement letter dated August 30, 2017. The audits of the financial statements does not relieve management or those charged with governance of their responsibilities, which are also described in that letter.

Overview of the Planned Scope and Timing of the Financial Statement Audit
We have issued a separate communication dated August 30, 2017 regarding the planned scope and timing of our audits and have discussed with you our identification of, and planned audit response to, significant risks of material misstatement.

Significant Accounting Practices, Including Policies, Estimates and Disclosures
In our meeting with you, we will discuss our views about the qualitative aspects of the Systems' significant accounting practices, including accounting policies, accounting estimates and financial statement disclosures. The following is a list of the matters that will be discussed, including the significant estimates, which you may wish to monitor for your oversight responsibilities of the financial reporting process:

- *Significant Accounting Estimates*
  - Depreciable useful life of capital assets
  - Unbilled revenue
  - Fair value of investments

- *Pending Accounting Pronouncements*
  - GASB 75 – *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*
  - GASB 83 – *Certain Asset Retirement Obligations*
  - GASB 84 – *Fiduciary Activities*

The GASB has issued several statements not yet implemented by the Systems. The Systems' management has not yet determined the effect these Statements will have on the Systems' financial statements. However, the Systems plan to implement all standards by the required dates. The standards noted above may impact the Systems' financials.

RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Visit rsmus.com/aboutus for more information regarding RSM US LLP and RSM International.

Uncorrected Misstatements
We are not aware of any uncorrected misstatements other than misstatements that are clearly trivial.

Internal Control Matters
We have separately issued a report on internal control over financial reporting and on compliance and other matters during our audit of the financial statements, as required by *Government Auditing Standards*, and this communication is attached.

Consultation With Other Accountants
We are not aware of any consultations management had with other accountants about accounting or auditing matters.

Management Representations
Attached is a copy of the management representation letter.

Closing
We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to continue to be of service to the Systems.

This report is intended solely for the information and use of the City Council and management and is not intended to be, and should not be, used by anyone other than these specified parties.

RSM US LLP

CITY OF LINCOLN NEBRASKA

PUBLIC WORKS & UTILITIES DEPARTMENT
555 South 10th Street Suite 208 Lincoln, NE 68508
lincoln.ne.gov

January 17, 2018

RSM US LLP
1299 Farnam St. Suite 530
Omaha, NE 68102

This representation letter is provided in connection with your audits of the basic financial statements of the Lincoln Wastewater System and the Lincoln Water System, Enterprise Funds of the City of Lincoln, Nebraska (collectively the Systems) as of and for the years ended August 31, 2017 and 2016 for the purpose of expressing an opinion on whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

We confirm, to the best of our knowledge and belief, that as of January 17, 2018:

Financial Statements

1. We have fulfilled our responsibilities, as set out in the terms of the audit arrangement letter dated August 30, 2017, for the preparation and fair presentation of the financial statements referred to above in accordance with U.S. GAAP.

2. We acknowledge our responsibility for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

3. We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud.

4. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable and reflect our judgment based on our knowledge and experience about past and current events, and our assumptions about conditions we expect to exist and courses of action we expect to take.

5. Related-party transactions, including those with the primary government having accountability for the Systems and interfund transactions, including interfund accounts and advances receivable and payable, sale and purchase transactions, interfund transfers, long-term loans, leasing arrangements and guarantees, have been recorded in accordance with the economic substance of the transaction and appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.

6. All events subsequent to the date of the financial statements for which U.S. GAAP requires adjustment or disclosure, have been adjusted or disclosed.

7. The effects of all known actual or possible litigation and claims, if any, have been accounted for and disclosed in accordance with U.S. GAAP.

8. The following have been properly recorded and/or disclosed in the financial statements:

    a. Arrangements with financial institutions involving restrictions on cash balances.

    b. Net position classifications.

c. Expenses and revenues have been appropriately classified in the statement of revenues, expenses and change in net position.

9. We have no direct or indirect legal or moral obligation for any debt of any organization, public or private, that is not disclosed in the financial statements.

10. We have complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance. In connection therewith, we specifically represent that we are responsible for determining that we are not subject to the requirements of the Single Audit Act because we have not received, expended or otherwise been the beneficiary of the required amount of federal awards during the period of this audit.

11. We have no knowledge of any uncorrected misstatements in the financial statements.

12. We believe the implementation of GASB Statement Nos. 74, 77, 80 and 82 is appropriate, and the adopted standards had no impact on the financial statements, therefore no disclosures were made in the financial statements of the Systems.

Information Provided

13. We have provided you with:

    a. Access to all information of which we are aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters;

    b. Additional information that you have requested from us for the purpose of the audits;

    c. Unrestricted access to persons within the Systems from whom you determined it necessary to obtain audit evidence; and

    d. Minutes of the meetings of the governing board and committees, or summaries of actions of recent meetings for which minutes have not yet been prepared.

14. All transactions have been recorded in the accounting records and are reflected in the financial statements.

15. We have disclosed to you the results of our assessment of risk that the financial statements may be materially misstated as a result of fraud.

16. We have no knowledge of allegations of fraud or suspected fraud affecting the Systems' financial statements involving:

    a. Management.

    b. Employees who have significant roles in internal control.

    c. Others where the fraud could have a material effect on the financial statements.

17. We have no knowledge of any allegations of fraud or suspected fraud affecting the Systems' financial statements received in communications from employees, former employees, analysts, regulators or others.

18. We have no knowledge of noncompliance or suspected noncompliance with laws and regulations whose effects were considered when preparing financial statements.

19. We are not aware of any pending or threatened litigation and claims whose effects should be considered when preparing the financial statements.

20. We have disclosed to you the identity of the Systems' related parties and all the related-party relationships and transactions of which we are aware.

21. We are aware of no significant deficiencies, including material weaknesses, in the design or operation of internal controls that could adversely affect the Systems' ability to record, process, summarize and report financial data.

22. We are aware of no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

23. During the course of your audits, you may have accumulated records containing data that should be reflected in our books and records. All such data have been so reflected. Accordingly, copies of such records in your possession are no longer needed by us.

Supplementary Information

24. With respect to supplementary information presented in relation to the financial statements as a whole:

    a. We acknowledge our responsibility for the presentation of such information.

    b. We believe such information, including its form and content, is fairly presented in accordance with U.S. GAAP.

    c. The methods of measurement or presentation have not changed from those used in the prior period.

    d. When supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and the auditor's report thereon.

25. With respect to management's discussion and analysis presented as required by the Governmental Accounting Standards Board to supplement the basic financial statements:

    a. We acknowledge our responsibility for the presentation of such required supplementary information.

    b. We believe such required supplementary information is measured and presented in accordance with guidelines prescribed by U.S. GAAP.

    c. The methods of measurement or presentation have not changed from those used in the prior period.

Compliance Considerations

In connection with your audit conducted in accordance with *Government Auditing Standards*, we confirm that management:

26. Is responsible for the preparation and fair presentation of the financial statements in accordance with the applicable financial reporting framework.

27. Is responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to the auditee.

28. Is not aware of any instances that have occurred, or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.

29. Is not aware of any instances that have occurred, or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that have a material effect on the determination of financial statement amounts.

30. Is not aware of any instances that have occurred, or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements.

31. Is responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

32. Acknowledges its responsibility for the design, implementation and maintenance of internal controls to prevent and detect fraud.

33. Has a process to track the status of audit findings and recommendations.

34. Has identified for the auditor previous audits, attestation engagements and other studies related to the audit objectives and whether related recommendations have been implemented.

Lincoln Wastewater System and
Lincoln Water System

Miki Esposito
Director of Public Works and Utilities

Cynthia Roth
Public Works and Utilities Business Manager

RSM

RSM US LLP

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*

Independent Auditor's Report

To the Honorable Mayor and Members of the City Council
Lincoln Wastewater System and Lincoln Water System,
Enterprise Funds of the City of Lincoln, Nebraska

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Lincoln Wastewater System and the Lincoln Water System, Enterprise Funds of the City of Lincoln, Nebraska (collectively the Systems), as of and for the year ended August 31, 2017, and the related notes to the financial statements, which collectively comprise the Systems' basic financial statements, and have issued our report thereon dated January 17, 2018.

Internal Control Over Financial Reporting
In planning and performing our audit of the financial statements, we considered the Systems' internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Systems' internal control. Accordingly, we do not express an opinion on the effectiveness of the Systems' internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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Compliance and Other Matters
As part of obtaining reasonable assurance about whether the Systems' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Systems' internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Systems' internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

RSM US LLP

Omaha, Nebraska
January 17, 2018

Angela M. Birkett

From: Lisa Hale <lhale@les.com>
Sent: Tuesday, February 06, 2018 3:22 PM
To: Kevin Wailes; Jon Camp; Roy A. Christensen; Jane Raybould; Cyndi Lamm; Carl B. Eskridge; Bennie R. Shobe; Leirion Gaylor Baird; Mayor
Cc: Angela M. Birkett; Lin Quenzer; Jeff R. Kirkpatrick; Shelley Sahling; Kevin Wailes
Subject: Gail Anderson--LES shut-off notice

Follow Up Flag: Follow up
Flag Status: Completed

Council Members:

I want to bring you up to speed with LES' interactions with Gail Anderson, customer at 3825 Randolph Street. Ms. Anderson received a shut off notice in the mail that was issued on January 30, 2018 with a due date of February 11, 2018. This notice requested payment of the past due balance of $96.48. On this notice, it clearly stated that "if payment arrangements are necessary for this notice, please call 402.475.4211." The last record we have of any contact from Ms. Anderson regarding her account was in May, 2017. The last payment made on her account was on September 26, 2017. Until we received the email that Ms. Anderson sent to all of you, we were unaware that she was unable to make this payment on her account. In talking with Ms. Anderson on the phone this afternoon, she admitted to me that she had not even opened the envelope containing her disconnect notice until we were talking on the phone and I referenced the specific language about payment arrangements. I then explained to her that she is responsible for contacting us to make payment arrangements.

During our conversation, Ms. Anderson indicated that her main concern is that LES does not follow the same "cold weather rule" that Black Hills Energy (BHE) follows. She mistakenly believes that the Nebraska Public Service Commission's natural gas cold weather rule prohibits BHE from disconnecting customers under any circumstances from November 1 through March 31. After reviewing the press release with her, she agreed that it does not prohibit disconnection during the winter, but simply provides more leniency and time. LES is not subject to PSC regulations, but has a policy which temporarily suspends disconnection for non-payment when the forecasted temperatures for the current and following days are not expected to be above 32 degrees Fahrenheit. A similar suspension of disconnections is followed in the summer during heat advisories.

While I sympathize with Ms. Anderson, and those who are also in similar financial situations, we have no way of knowing what those circumstances are unless they contact us. Ms. Anderson has not been disconnected since March 2015. At that time, we reconnected her on the same day and made adequate payment arrangement for the balance of her bill. It should be noted that this is the last record we have of her contacting the City's Ombudsman's office regarding her LES bill as well. At that time, Lin Quenzer did, in fact, follow up with us and we contacted the customer.

Ms. Anderson also indicated to me today during our conversation that she is familiar with various assistance agencies in the community. She indicated that the Salvation Army will help her pay the remaining balance on her LES bill after March 31. For that reason, she was hesitant to make a long-term arrangement that committed her to making payments beyond March 5. As I'm sure you can understand, we do our best to work with all our customers, regardless of their financial situation. Our board and our leadership team are committed to helping those customers who struggle to pay their utility bills. LES funds the Energy Assistance Program, which is administered free of charge by the Community Action Partnership, on an annual basis. In 2018, that program is being funded in excess of $300,000.

I believe Ms. Anderson's concerns were adequately addressed during our phone conversation. Please do not hesitate to contact me directly if you have any further questions.

Sincerely,

Lisa Hale

Lisa Hale
Vice President | Customer Services
Work: 402-473-3282
Cell: 402-310-5915

From: Jon Camp
Sent: Tuesday, February 6, 2018 9:59 AM
To: Jeff R. Kirkpatrick (JKirkpatrick@lincoln.ne.gov) <JKirkpatrick@lincoln.ne.gov>
Cc: Kevin Wailes <kwailes@les.com>; Roy Christensen <rchristensen@lincoln.ne.gov>; Jane Raybould (JRaybould@lincoln.ne.gov) <JRaybould@lincoln.ne.gov>; Cyndi Lamm (CLamm@lincoln.ne.gov) <CLamm@lincoln.ne.gov>; Carl Eskridge <ceskridge@lincoln.ne.gov>; bshobe@lincoln.ne.gov; Leirion Gaylor Baird <lgaylorbaird@lincoln.ne.gov>; Angela M. Birkett (ABirkett@lincoln.ne.gov) <ABirkett@lincoln.ne.gov>; Jon Camp <joncamp@lincolnhaymarket.com>
Subject: [EXTERNAL] Gail Anderson--LES shut-off notice
Importance: High

Jeff (and Kevin):

Please see the email below from Gail Anderson. Since Ms. Anderson also included information on possible litigations, please advise the City Council on the best manner in which to handle this inquiry.

Kevin: knowing the communication and attention given by LES staff, please advise us on how LES has responded to this citizen.

Thanks in advance for your advice.

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

From: WebForm [mailto:none@lincoln.ne.gov]
Sent: Monday, February 05, 2018 6:11 PM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Subject: InterLinc - Contact

City Council - Contact

Date : 2/5/2018 6:11:14 PM

name Gail Anderson
address 3825 Randolph Street
city Lincoln
state NE
zip 68510
email skinttt@windstream.net
comments There's a major concern that effects thousand of Lincoln consumers of all ages, particularly elderly disabled, vulnerable adults like myself. Most Lincoln consumers assume Nebraska "cold weather rule" is a moratorium requiring both energy providers to honor a non-disconnect period of November 1st to March 31st. However, this is not the case! Lincoln Electric System (LES) does not honor the moratorium because city/county government has overlooked the necessity of mandating it at a local level. Therefore LES is sending out (I received mine January 30th 2018) "shut-off" notices (in below zero weather) and executing shut-offs twofold. I know this because I've had it happen to me. I depend on the use of a breathing machine and have had LES leave me in life threatening situations numerous times. I am not complaining about paying my electric bill nor am I requesting monetary assistance. I expect an opportunity to work out a payment arrangement during the "cold weather" moratorium that Black Hills Energy honors.

LES shuts-off electricity during dangerous treacherous weather. By doing so LES demonstrates a blatant disregard for human life. No gas or electric furnace can operate without electrical power. This is not the first time LES has "shut-off" my service in the dead of winter. It happens nearly every season. To make matters worse, LES put a payment option in effect that eliminates "fixed" income households from making monthly payments. We are denied the option of setting up a monthly payment arrangement like we used to do. Social security recipients get paid once a month which limits their budgeted income beyond payment options. In the past LES has allowed us to make a monthly payment based on an arrangement to pay a designated amount toward our bill each month. Now we're expected to make payments (on our accounts) every 2 weeks, which is based on a working class citizen's timeline instead of a "fixed" income timeline. This practice discriminates against a protected class of citizen (Elderly/ Disabled) and leaves little option to comply.

I've attached a power board complaint I'm still working on. I have not submitted it yet because it needs fine tuning. I'm sharing the complaint with you prior to filing it in hopes you can advocate a resolution regarding the importance of both energy providers honoring Nebraska's cold weather rule simultaneously. Please bring this concern to other county commissioners. We the community need your help to implement a life sustaining cold weather rule. November 1st to March 31st is not that much of a "stretch" that Lincoln Electric System (LES) can't refrain from shutting off households containing elderly, disabled, children and pets. I have a shut-off now dated January 1st 2018 but didn't receive it until January 30th 2018 which is indicative of LES to send it out with little time to address it. This is standard procedure for LES. Send out "shut-off" past a 30-day grace period so the consumer has to scramble to get money to pay it in a limited

time frame. I'm serious....this is how low-income consumer's are treated by LES.

Please read what I've put together for the power board who in essence does not have the authority to implement a local cold weather rule that I'm aware of. I'll file my complaint if the city/county can't assist me, but would rather enlist your input first. I believe county commissioners do have the authority to mandate it. Lyn Quenzer of the City Ombudsman's office has not followed through with concerns shared about this important issue, that is why I am appealing to you and hoping you can provide a resolution.

Thank you.

Gail Anderson - Consumer.

STATE OF NEBRASKA
NEBRASKA POWER REVIEW BOARD

IN THE MATTER OF,
Gail Anderson (Plaintiff) Pro Se

vs.

Lincoln Electric System (LES) (Defendant)

COMPLAINT

Application No.: C - 53

Gail Anderson makes complaint to the Nebraska Power Review Board, pursuant to Rule 8 of the Board's Rules of Practice and Procedure, against the Lincoln Electric System (LES) whose headquarters are located at 1040 "O" Street, Lincoln, Nebraska, 68508 and in support thereof alleges as follows:

Lincoln Electric System (LES) is a publicly owned power utility company serving the City of Lincoln Nebraska. Lincoln Electric System (LES) is a utility company that does not recognize (or honor) Nebraska's Cold Weather Rule (November 1st to March 31st) because City/County government has not mandated it to do so. It is imperative that LES honor the same Cold Weather Rule Black Hills Energy honors. LES is determining which households maintain utilities during dangerous treacherous weather and which households do not, which does great harm to the community of Lincoln-Lancaster Nebraska.

(1). Cold Weather Kills

(2). 7.71% of deaths globally between 1985 to 2012 were attributed to temperature. In 95% of these cases the cause was cold rather than hot temperatures.

(3). An electrical or gas furnace will not work without power. There are relay switches, "Blower motors" (fan) and circuit boards that require power to operate.
Gas or Electric furnaces are the heating source of 95% of Lincoln households.

(4). Without power consumers are forced to use wood burning stoves, kerosene/butane heaters and

candles which can create spontaneous combustion, smoke inhalation, Fire, carbon monoxide poisoning or death. Gas Furnaces can not operation without an electrical fan to blow heat. Electric wheelchairs can not operate without an electrical charge; cell phones can not operate without an electrical surge. Equalizers (breathing apparatus) can not function without electricity. All of these things I've mentioned are life sustaining to those who depend on them.... winter is not exception.

(5). Gas Furnaces can not operation without an electrical fan to blow heat. Electric wheelchairs can not operate without an electrical charge; cell phones can not operate without an electrical surge. Equalizers (breathing apparatus) can not function without electricity, all of which is life sustaining to those who depend on them in the dead of winter.

A Nebraska protection moratorium mandated by the Nebraska Public Service Commission (PSC) is designed to ensure “everyone” has service during Nebraska winter months which can be long, brutal and treacherous. Nebraska Public Service Commission (PSC) has jurisdictional status over Black Hills Energy but does not govern operational practices of Lincoln Electric System (LES) because it is a publicly owned power company that primarily serves the City of Lincoln Nebraska. Black Hills serves the entire state of Nebraska and honors a non-disconnect “moratorium” during the months of November 1st to March 31st.
If one major energy supplier (Black Hills Energy) can honor human life during a designated time frame, there is no viable reason why Lincoln Electric System (LES) can not honor it as well. I bring this matter to the attention of the Power Review Board because the Board has the jurisdiction to oversee the preparation and filing of a coordinated long-range power supply plan which in this case is four (4) months.

Cold Weather kills. An electric or gas furnace will not work without power. In the event of a winter “shut-off” consumers will likely resort to wood-burning stoves, kerosene heaters that run the risk of fires, spontaneous combustion, smoke inhalation, carbon monoxide poisoning and inevitable death. To avoid this disastrous outcome is to honor the cold weather rule. Consumers know it is their duty to pay their bill. Consumers know that the Cold Weather rule is not a miracle and does not eliminate their responsibility to pay their energy bills but allows them to get past the holiday season and "whittle away" at an astronomical utlity bill. There is no comfort in utilizing Nebraska’s Cold Weather Rule if both energy suppliers Black Hills Energy (BH) and Lincoln Electric System (LES) are not mandated to honor it during a state designated cold weather “moratorium” from November 1st to March 31st which isn't an inordinate amount of time for LES to preserve life.

As a disabled, elderly and indigent consumer I have fallen victim to the powers of LES to determine if I live or die. I have been subjected to ridicule and insensitive remarks by LES service representatives when I attempt to make payment arrangements. I’ve resorted to begging and pleading to restore my service as a way to use my life sustaining breathing machine that I use 3 times a day. Based on my LES experiences I bring this vital matter to the attention of Nebraska’s Power Review Board and City/County Commissioners. It is my hope that the Power Board has the jurisdiction to oversee the preparation and filing of a coordinated long term power supply plan which in this case is vital and has the duration of four (4) months.

The Salvation Army allows one energy assistant payment once a year. Department of Human Services requires a consistent payment history of six payments consecutive which most indigent families can’t accomplish. Catholic Social Services only assist families and not single households. The same applies to Lincoln Action Program. The Good Neighbor Center does not help with utility bills or so we’ve been told. The Indian Center only assists their own heritage of people. The options of receiving utility help are minimal in Lincoln Nebraska. There is no comfort in utilizing Nebraska’s Cold Weather Rule if both energy suppliers are not mandated to honor a non-disconnect “moratorium” during the months of November 1st to March 31st. If one major energy supplier can honor human life during the designated time frame, there is no viable reason why the other energy supplier can not honor it as well. I bring this matter to the attention of the Power Review Board because the Board has the jurisdiction to oversee the preparation and filing of a coordinated long-range power supply plan which in this case is a mere four (4) months.

I ask the Power Board to approve and/or amend existing agreements whereby Lincoln Electric System serves the community of Lancaster County and has the duty of treating all citizens equal. My position is based on the responsibility of LES to acknowledge the same consideration of protected rights as Black Hills Energy and the Public Service Commission who originated and implemented Nebraska's Cold Weather Rule in the first place. It is imperative that this concern be addressed immediately. It is important BOTH energy suppliers work together to ensure everyone has service during the Cold Weather "moratorium" protected time frame

IP: 67.141.97.87
Form: http://www.lincoln.ne.gov/city/council/contact.htm
User Agent: Mozilla/5.0 (Windows NT 5.1; rv:52.0) Gecko/20100101 Firefox/52.0

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Angela M. Birkett

From: Betty Ward <bettyjlw@yahoo.com>
Sent: Tuesday, February 06, 2018 9:25 AM
To: Council Packet
Subject: Open Harvest request for liquor licence

Follow Up Flag: Follow up
Flag Status: Completed

First I hate liquor and what it does to families. With that said, i believe they SHOULD be granted a license to sell the horrible stuff. With communication as easy as it is today, those who want it will drive anywhere to get it. Open Harvest has served our community for a long time. All the other health stores sell it...why should they be jeopardize. CVS had money to fight it. I support Open Harvest.

Sent from Yahoo Mail on Android

Angela M. Birkett

From: davedo1@juno.com
Sent: Tuesday, February 06, 2018 11:58 AM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe; Mayor
Subject: Dominion/Sky Ranch Acres
Attachments: In rebuttal to Hunzeker testimony.docx; Combined map.pdf; City Council Presentation.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Enclosed find some information I was not able to present because of time as well as a map showing Dominion and the entire surrounding area.

Thank you,
Dave Dobesh

In rebuttal to Hunzeker testimony concerning Dominion…

Waterford had a 404 permit from the Army Corps of Engineers for protected forested wetlands to construct the 104th Street connection of Waterford with Dominion that they let lapse.

The current application from Dominion has different factors affecting it.

The Waterford proposal was only about connecting the Dominion property with no proposed outlets to the north in that property.

The Dominion proposal shows Holdrege connections through Sky Ranch Acres.

The Corps is interested in preserving wetlands unless no other options are available. In the Dominion proposal, unlike when Waterford was approved, there is a proposed connection to Holdrege through Sky Ranch that makes the 104th street connection redundant. Refusing the permit preserves the wetlands while still allowing a connection to Holdrege.

Hunzeker never produced proof Dominion has an agreement with Waterford for 104th Street despite being asked to produce it. It would be reasonable to believe Waterford would be reluctant. In the Waterford plat, 104th passes in front of a proposed grade school scheduled for 2020.

It has to be assumed that the 104th street connection may never happen, and at the very least this needs to be delayed till Dominion receives the 404 permit and proves it has an agreement with Waterford.

It could be argued Sky Ranch was never designed to connect with another subdivision.

In the plat, the pedestrian path on the south boarder of Sky Ranch does not have the road right of way extending to Dominion property. Because of this, it could be argued that the requirement that the roads in Sky Ranch have to be connected to Dominion is invalid.

It is curious that there is an FAA airport and taxi way to the east of Sky Ranch that abuts Dominion and that fact has not been address by any Dominion documentation or city generated staff report. Also the flight path goes over Dominion property.

Enclosures….

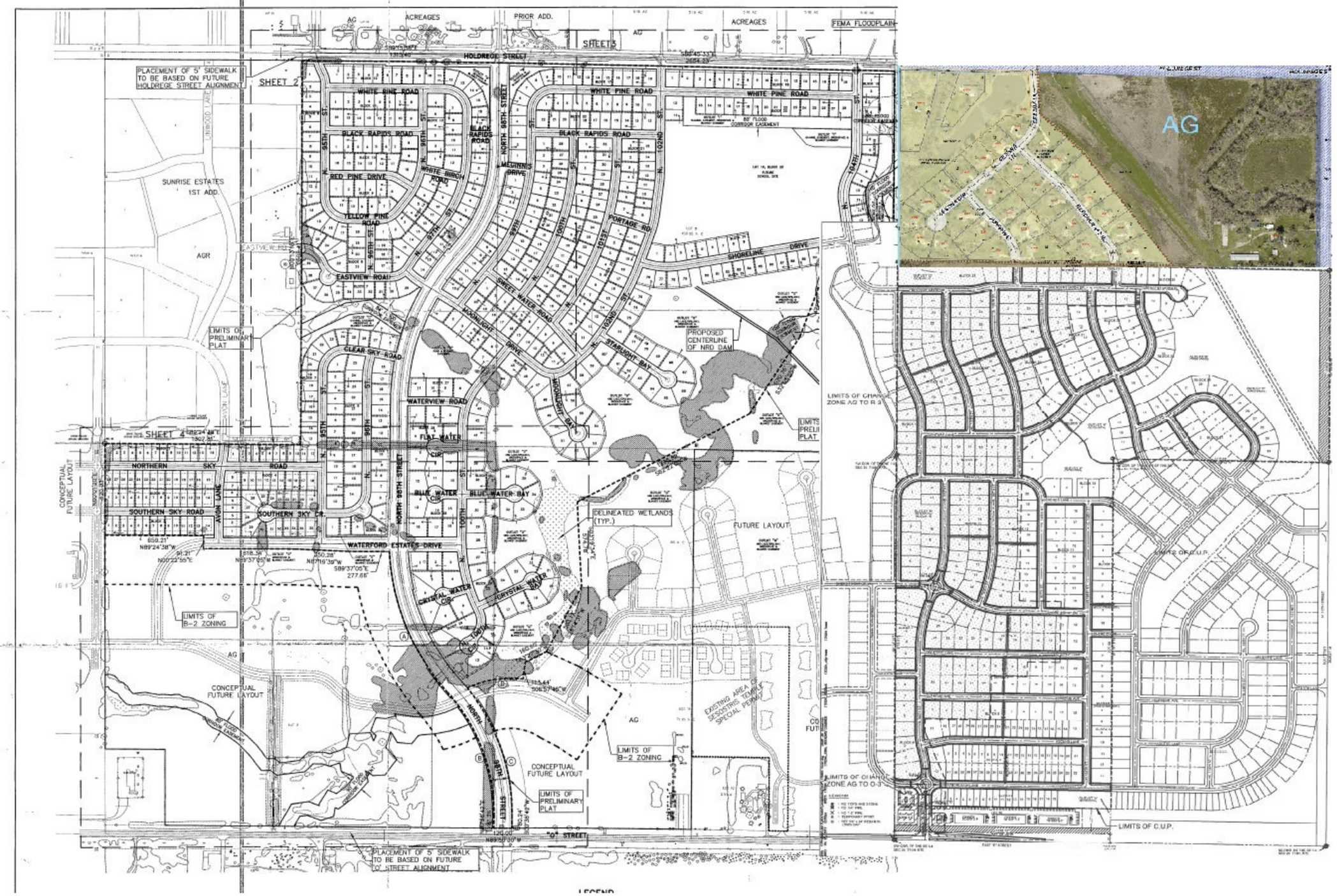
1. Map of Dominion showing how it relates to surrounding property.

2. My City Council presentation with points I did not have time to address.

Thank you for your consideration,

Dave Dobesh

1222 Beechcraft, Lincoln NE
(402)476-1936
Davedo1@juno.com



ACREAGES
PRIOR ADD.
FEMA FLOODPLAIN
SHEET 3
HOLDREGE STREET
PLACEMENT OF 5' SIDEWALK TO BE BASED ON FUTURE HOLDREGE STREET ALIGNMENT
SHEET 2
WHITE PINE ROAD
BLACK RAPIDS ROAD
RED PINE DRIVE
WHITE BIRCH ROAD
MEGINNIS DRIVE
TELLOW PINE ROAD
PORTAGE RD
SHORELINE DRIVE
SUNRISE ESTATES 1ST ADD.
AGR
EASTVIEW ROAD
SWEET WATER ROAD
MOONLIGHT DRIVE
STARLIGHT BAY
LIMITS OF PRELIMINARY PLAT
CLEAR SKY ROAD
PROPOSED CENTERLINE OF NRD DAM
WATERVIEW ROAD
FLAT WATER CIR.
SHEET 4
NORTHERN SKY ROAD
SOUTHERN SKY ROAD
SOUTHERN SKY CR.
AVON LANE
BLUE WATER CIR.
BLUE WATER BAY
DELINEATED WETLANDS (TYP.)
FUTURE LAYOUT
WATERFORD ESTATES DRIVE
CRYSTAL WATER CIR.
CRYSTAL WATER BAY
CONCEPTUAL FUTURE LAYOUT
LIMITS OF B-2 ZONING
AG
EXISTING AREA OF SESOSTRIS TEMPLE SPECIAL PERMIT
LIMITS OF CHANGE ZONE AG TO R-2
LIMITS OF C.U.P.
LIMITS OF CHANGE ZONE AG TO O-3
"O" STREET
PLACEMENT OF 5' SIDEWALK TO BE BASED ON FUTURE 'O' STREET ALIGNMENT
AG

LEGEND

I apologize for this map. There was nothing in the Dominion documentation that showed how Dominion interacts with the surrounding area. I had to put together several maps to show the relationship.

I come here today not in opposition of the Dominion development, but to call out inefficiencies, and the city's negligence, and poor planning if this is approved.

Sky Ranch Acres willingly became annexed into the City in 2012. This was a mutual beneficial agreement as we got sewer, and knew in the future we would get water. It has also added multiple other benefits. During this time the City called our roads adequate in the annexation agreement for the number of homes we have.

Dominion is a development of 433 homes. This development for all intents and purposes only has 3 connections to arterials. O Street, 104th & Holdrege, and Cessna in Sky Ranch. It has been testified that the two exits on 112th street do not exist. One of the access roads is shore front drive (point). Notice that shore front drive has to go through around 7 blocks of residential to access 98th then exit through the rest of Waterford. All these connections to the west of Dominion are obviously designed to allow Waterford residents to exit through Dominion.

At 105th and O Street, the City is forwarding $450,000. This from what I can tell is not typical, and is usually done with impact fees. The other thing that is bothering me as citizen of Lincoln is that this road is going to be widened by NDOT in the near future. So why is the City paying for this? An example of this is Waterford had to pay to upgrade their turnouts on their own because of a project coming through to widen the arterial in the future. So why make the citizens pay twice.

The other two arterials exit Holdrege. One Is104th Street which will have an elementary school. The Cessna/ Holdrege intersection serves Sky Ranch Acres. On 104th I ask that the developer to produce the agreement with Waterford concerning 104th street. The other thing with 104th is that it is going to require an Army corps of Engineer permit. The permit flowchart shows the army corps of engineers is going to do an alternative analysis. The alternative is that Cessna and Holdrege could become the only exit onto Holdrege if the developer does not have the Army Corp of engineer permit.

Even if 104th gets approved, this will still drive traffic onto the substandard roads in SRA which were adequate for 27 homes according to the city during annexation. SRA does not have curbs or gutters. The roads are 20-22' wide. We had a licensed Civil Engineer look over the road for any safety issues. He called a lot of things out as being concerns for safety. He also asked the City to do a traffic Study. Planning and Public works have not officially responded to his requests, and I ask you as council members to read the report, listed as safety concerns and question as to why his concerns have not been addressed.

Now onto City Codes:

26.27.005 General Requirements
The subdivider shall be responsible for the entire cost and expense of minimum improvements.

26.27.010 Street Improvements.
All streets abutting and within a new subdivision shall be paved with curbs and gutters if the street is within the city limits

There are two words I want to focus on abutting, and Streets.

Codes define abutting as:
Abutting shall mean adjacent or contiguous and shall include property separated by an alley

Street shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Street is defined similarly in State and federal law.

Since chapter 26 is not vague in stating all streets abutting, and a street is the entire Right of way of that street, our roads should be improved according to chapter 26 subdivisions Minimum improvements chapter.

There are also other codes regarding street lights, sidewalks, and trees that read similar, and are being ignored.

Because the Cessna/Holdrege connection is the only northerly exit available with 104th Street questionable, if this is approved, I ask that impact fees be used on the streets and arterial connection to Holdrege.

Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Tuesday, February 06, 2018 2:03 PM
To: davedo1@juno.com
Cc: Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Jon Camp; David R. Cary
Subject: Sky Ranch concerns

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dave:

Thanks for the information you forwarded to the City Council. I have asked David Cary and our Planning Department to respond to this information and have copied my Council Colleagues on my request.

Best regards,

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Tuesday, February 06, 2018 2:01 PM
To: David R. Cary
Cc: mhunzeker@baylorevnen.com; Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Jon Camp
Subject: FW: Dominion/Sky Ranch Acres
Attachments: In rebuttal to Hunzeker testimony.docx; Combined map.pdf; City Council Presentation.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Please see the information forwarded to the City Council by Dave Dobesh. I am also copying my Council Colleagues and Mark Hunzeker to keep all parties in the communication loop.

Thank you in advance for your prompt response.

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com
-----Original Message-----
From: Angela M. Birkett [mailto:ABirkett@lincoln.ne.gov]
Sent: Tuesday, February 6, 2018 12:28 PM
To: Jon Camp
Subject: FW: Dominion/Sky Ranch Acres

FYI

Angie Birkett
Office Coordinator
Lincoln City Council
555 South 10th St., Ste 111
Lincoln, NE 68508
Phone 402-441-6867
Fax 402-441-6533
abirkett@lincoln.ne.gov

Angela M. Birkett

From: George J. Wesselhoft
Sent: Wednesday, February 07, 2018 9:04 AM
To: 'davedo1@juno.com'
Cc: 'joncamp@lincolnhaymarket.com'; David R. Cary; Mark Hunzeker; Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Steve S. Henrichsen
Subject: Dominion/Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Dobesh,

Council member Camp asked that we reply to your email.

In terms of the street connections and phasing for Dominion at Stevens Creek, the main intent of the phasing conditions are to disperse traffic and protect the existing adjoining subdivisions. Specifically:

-The developer's motion to amend (Motion to Amend #2) submitted for the February 5, 2018 City Council meeting states that the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units in Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. A fourth condition was added to note Phase 2 or 3B may begin prior to Phase 1.

-Phase 1 shall include the connection of Crescent Moon Drive to North 104th Street in Waterford Estates, or a connection to Shore Front Drive. However, if the sole connection to Phase 1 is Shore Front Drive, final platting of Phase 1 shall be limited to 35 lots, until the connection of Crescent Moon Drive to N. 104th Street is completed.

-Phase 3A/3B must include a connection to either Shore Front Drive or "O" Street

The Phasing Plan above limits Phase 1 to 35 lots for final platting until the N. 104th Street connection is done or other street connections are provided aside from only Shore Front Drive connection. The purpose of the developer's motion to amend specific to adding a fourth condition is to allow Phase 2 or Phase 3B to begin prior to Phase 1 which would be to allow development as connections to Shore Front Drive and/or "O" Street are made. Further, as part of the Annexation Agreement, the City has proposed to provide $450,000 for intersection improvements on O Street. Thus, while it is true there is not a requirement that the developer has to make the 104th Street connection within a certain timeframe, Phase 1 development is limited without it unless there are other street connections provided. The developer also is aware of the permitting involved for the connection of 104th through Waterford Estates.

We would also note that the right-of-way for both Piper Way and Beechcraft Road extend to the Dominion subdivision property line. The pedestrian path does not block either street. Finally, we are not aware of any issues associated with the private air strip which is located on the east side of Sky Ranch Acres subdivision. The flight path extends over floodplain and open space in the proposed Dominion layout.

Please feel free to contact the Planning Department if there are further questions.

Thank you.

George Wesselhoft, AICP, LEED AP ND
Planner
Lincoln/Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Angela M. Birkett

From: davedo1@juno.com
Sent: Wednesday, February 07, 2018 10:44 AM
To: George J. Wesselhoft
Cc: Jon Camp; joncamp@lincolnhaymarket.com; David R. Cary; Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Steve S. Henrichsen
Subject: Re: Dominion/Sky Ranch Acres
Attachments: Dominion/Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Flagged

George,

I understand using the phasing and proposed barriers to try to sell the idea that Dominion is being nice to Sky Ranch. The reality is that we are not just looking at traffic from one phase, we are looking at from traffic from a 433 unit development.

Your reply suggests that the 404 permit is unlikely to be granted for 104th street.

We all know that the 404 permit and Waterford agreement for 104th street have not been approved, sending all the northern traffic through Sky Ranch. It has been clearly documented that the infrastructure of Sky Ranch is not designed to even accept the traffic for one phase. Since we are in the city limits, is the city going to propose a paving district paid for by Sky Ranch to maintain safety and reduce liability exposure for the city? There are now minimal safety issues in our subdivision which will change with connection to Dominion which we did not ask for.

The shore front drive is the only other arterial exit west and is going to have minimal use once north and south connections are made and there is no east exit for Dominion.

Please provide documentation that the city owns the walkway on the south side of Sky Ranch. The only way that the streets of Sky Ranch could be defined as connecting to Dominion is for the city to own the walk way and to use the definition of abutting. This definition also proves that the entire streets of Sky Ranch abut Dominion. As defined by city codes, Dominion is required to upgrade the streets of Sky Ranch to minimum city standards to preserve our safety.

It is the job of city employees empowered to enforce codes to look out for the citizens of Lincoln, not try to save money for developers.

Dave Dobesh

Angela M. Birkett

From: Mark A. Hunzeker <MHunzeker@baylorevnen.com>
Sent: Wednesday, February 07, 2018 3:48 PM
To: George J. Wesselhoft; 'davedo1@juno.com'
Cc: 'joncamp@lincolnhaymarket.com'; David R. Cary; Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Steve S. Henrichsen; DaNay Kalkowski
Subject: RE: Dominion/Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Completed

All:
George beat me to a reply to Mr. Dobesh's email. I believe he covered the phasing and 104th Street connection pretty well. Until 104th street is connected to Crescent Moon Drive, final platting of Phase 1 is limited to 35 lots. I also want to add that the Corps of Engineers has historically considered reasonable residential street crossings of wetland areas in compliance with the City of Lincoln block length standards as part of its review and approval process, which also would have been a consideration in the earlier approval of the permit.

As to the fact that the air strip has not been addressed…Early on we consulted with John Large at the Lincoln Airport Authority, who advised that the runway is a private runway, not an "airport" and that the project presents no issues in that regard.

Mr. Dobesh has attempted for some time now to convince the city staff that his unique interpretation of the subdivision ordinance should be imposed on the developer of Dominion, requiring the developer to upgrade all the streets within Sky Ranch Acres as a condition of approval. His interpretation is at odds with the application of the ordinance for as long as it has existed, and we agree with the city staff's interpretation.

Finally, Mr. Dobesh requests proof of the agreement between the Dominion developer and the Waterford developer. By copy of this email, I've asked DaNay Kalkowski, who represents the Waterford developer, to simply confirm that we have reached agreement regarding:

1. the grading and construction of the 104th Street connection to Crescent Moon;
2. the extension of 104th Street south from Crescent Moon;
3. the extension of Waters Edge Drive from Shore Front Drive to Freedom Lane and N. 104th Street;
4. extension of Shore Front Drive to the east line of the Waterford property;
5. and extension of Wayborough Lane east from the west property line of the Dominion Property to and including the roundabout at 105th Street, extending southward to "O" Street, and including construction of turn lanes in "O" Street both eastbound to northbound and westbound to northbound at 105th Street.

Inasmuch as the specific terms of the agreement are not important to this discussion, we decline to make the agreement a matter of public record.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402-458-2131

Angela M. Birkett

From: DaNay Kalkowski <danay@sk-law.com>
Sent: Thursday, February 08, 2018 9:00 AM
To: Mark A. Hunzeker; George J. Wesselhoft; 'davedo1@juno.com'
Cc: 'joncamp@lincolnhaymarket.com'; David R. Cary; Roy A. Christensen; Jane Raybould; Carl B. Eskridge; Cyndi Lamm; Leirion Gaylor Baird; Bennie R. Shobe; Angela M. Birkett; Steve S. Henrichsen
Subject: RE: Dominion/Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

I am confirming that Waterford Estates, LLC has reached agreement with the Dominion developer regarding the construction of the infrastructure listed in Mark Hunzeker's email. Thanks, DaNay

DaNay Kalkowski
Seacrest & Kalkowski, PC, LLO
1128 Lincoln Mall, Suite 105
Lincoln, Nebraska 68508
Telephone: (402) 435-6000
Facsimile: (402) 435-6100
danay@sk-law.com

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From: Mark A. Hunzeker [mailto:MHunzeker@baylorevnen.com]
Sent: Wednesday, February 7, 2018 3:48 PM
To: George J. Wesselhoft <GWesselhoft@lincoln.ne.gov>; 'davedo1@juno.com' <davedo1@juno.com>
Cc: 'joncamp@lincolnhaymarket.com' <joncamp@lincolnhaymarket.com>; David R. Cary <dcary@lincoln.ne.gov>; Roy A. Christensen <RChristensen@lincoln.ne.gov>; Jane Raybould <JRaybould@lincoln.ne.gov>; Carl B. Eskridge <CEskridge@lincoln.ne.gov>; Cyndi Lamm <CLamm@lincoln.ne.gov>; Leirion Gaylor Baird <LGaylorBaird@lincoln.ne.gov>; Bennie R. Shobe <BShobe@lincoln.ne.gov>; Angela M. Birkett <ABirkett@lincoln.ne.gov>; Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>; DaNay Kalkowski <danay@sk-law.com>
Subject: RE: Dominion/Sky Ranch Acres

All:
George beat me to a reply to Mr. Dobesh's email. I believe he covered the phasing and 104th Street connection pretty well. Until 104th street is connected to Crescent Moon Drive, final platting of Phase 1 is limited to 35 lots. I also want to add that the Corps of Engineers has historically considered reasonable residential street crossings of wetland areas in

Angela M. Birkett

From: Bob Peters <bob4psu@yahoo.com>
Sent: Tuesday, February 06, 2018 1:22 PM
To: Jane Raybould; Leirion Gaylor Baird; Bennie R. Shobe; Roy A. Christensen; Carl B. Eskridge; Cyndi Lamm; Jon Camp
Subject: Open Harvest Liquor Request

Follow Up Flag: Follow up
Flag Status: Completed

Dear Lincoln City Council Members:

The Open Harvest request to sell alcohol is a most reasonable request. The current restrictions on alcohol sales are out-of-date and need to be fixed. The problems cited by opponents to this request don't have their facts straight. Sales of alcohol by Open Harvest will NOT result in waves of drunks wandering around the neighborhood. Open Harvest does not serve that type of customer. There are already plenty of alcohol outlets in the area and I've not heard of any major complaints.

Please approve Open Harvest's request to sell alcohol.

Thank you,

Robert Peters
1745 S. 25th St.
Lincoln, NE 68502

Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Wednesday, February 07, 2018 8:44 AM
To: Miki M. Esposito
Cc: jdobesh1@gmail.com; Angela M. Birkett; David R. Cary
Subject: Dominion funding--Constituent Questions

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Public Works Director Miki Esposito

Please see James Dobesh's email with questions below. I am also copying David Cary of Planning as these questions may have relevance to his Department as well.

Thank you in advance for your assistance, or that of your staff, in providing further information and explanations.

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

From: James Dobesh [mailto:jdobesh1@gmail.com]
Sent: Tuesday, February 06, 2018 7:10 PM
To: Jon Camp
Subject: Dominion funding?

Councilman Camp,

I attended the City Council meeting last night, and I am one of your constituents.I had a question as to the validity of the money given to O street for Dominion Creek (Item 18-R11). The amount I see in the agreement is $450,000. This seems excessive since it is not going to be a permanent improvement as the 2040 plan shows this road being widened. During the meeting there was another development at 91st, and Van Dorn (18R-20) which is only getting $200,000 for a permanent roundabout that will cost $550,000. (This portion of road is not in the 2040 plan). The development at 91st is also paying for the turn lanes at 88th and Van Dorn with their own money.

1. Why is the estimate to do a couple of turnouts $900,000 vs. a roundabout is only $550,000?

I ask because it sounds like the city is pretty much paying for it since a roundabout should cost more than just a couple of turnouts.

2. Why is the City of Lincoln giving that kind of money to this development for O St knowing that it is not a permanent upgrade? Especially since the developer doesn't even know when they will connect to O st.

To me as a business man it seems fiscally irresponsible of the City and Citizens to double pay, and should be a cost of development. At the very least an explanation why?

Thank You,
James Dobesh
4221 Duxhall Dr
Lincoln, NE 68516

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Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Wednesday, February 07, 2018 9:22 AM
To: charleyelrahc@gmail.com
Cc: Angela M. Birkett
Subject: Distance requirements for liquor licenses

Follow Up Flag: Follow up
Flag Status: Completed

Charley

Thanks for your email. The issue of distance is interesting. When it was first proposed, I supported leaving the city ordinances unchanged. As exemplified by my 35 years developing Lincoln's Historic District, I am very supportive of older neighborhoods and responsible business practices.

Thus, I am supportive of the ordinance before the City Council.

Best regards—congratulations on your many successes in the world of art!

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

From: Charley Friedman [mailto:charleyelrahc@gmail.com]
Sent: Tuesday, February 06, 2018 7:30 PM
To: Jon Camp
Subject: Charley Friedman

HI Councilman Camp,

Wondering what your thoughts are on yesterdays hearing concerning grocery stores being able to be sell beer/wine 25' from residential areas?

Clearly you know where I stand. Neighborhood grocery stores and their residence that will benefit are primarily in older and poorer neighborhoods. These areas need nutritious foods and their business models will benefit with the added profit margin. Trader Joe's, Whole Foods, Leons, Fresh Thyme, Russ' already get to do this and they are primarily in upper middle class neighborhoods. For me it's a question of being fair and allowing smaller local stores that haven't had the benefit of luck or deep pockets a chance at staying alive and serving their communities.

Thanks for you tireless contributions to our wonderful city.

Best, Charley

--
WWW.CHARLEYFRIEDMAN.COM

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Angela M. Birkett

From: Pat Anderson <panderson@nwlincoln.org>
Sent: Wednesday, February 07, 2018 12:22 PM
To: Council Packet
Subject: Fwd: ONE Thing: Mayor's Neighborhood Grant Applications Due March 26

Follow Up Flag: Follow up
Flag Status: Completed

Council members-
I just wanted to share some of what Omaha is doing. Since it is budget time I hope you can consider some funding for neighborhood projects. I have seen Omaha neighborhoods get reactivated with a small amount of funding to get projects done that benefit the neighborhood AND the city. Many years ago when there was CDBG funding for small neighborhood grants assisted in getting street trees planted, sidewalks repaired, gardens planted in public right of way, business facades improved. A small investment goes a long way with volunteer labor. Please consider a set aside of $20,000-$25,000 for neighborhood projects.

Pat Anderson-Sifuentez
Community Engagement
NeighborWorks Lincoln
2530 Q Street
Lincoln, NE 68503
402-477-7181, ext. 106
panderson@nwlincoln.org
www.nwlincoln.org

---------- Forwarded message ----------
From: **ONE Omaha** <julie@oneomaha.org>
Date: Tue, Feb 6, 2018 at 5:20 PM
Subject: ONE Thing: Mayor's Neighborhood Grant Applications Due March 26
To: panderson@nwlincoln.org

Your weekly e-blast of neighborhood news

View this email in your browser

02.06.18

2018 neighborhood grant applications due march 26

Got an idea for a project that will improve the quality of life, increase safety or help prevent crime in your neighborhood? Apply for a grant from Omaha Mayor Jean Stothert's 2018 Neighborhood Grants Program. **They're due March 26, 2018**.

Mayor Stothert will award $75,000 in grant funding to neighborhood projects this year. In addition, $2,000 will be designated for National Night Out events, and $1,500 will be appropriated to the Mayor's Youth Advisory Commission to produce a Neighborhood Alliance Resource Guide. Funds also will be set aside for a mini-grant program in the fall. Here's what Mayor Stothert has to say about the program:

The neighborhood grant program is an example of how neighborhoods and city government work as partners. Awards have helped citizen patrols buy equipment, neighborhood associations have purchased park equipment, improved lighting and created community gardens. Each project provides a direct benefit to the neighborhood.

Please note - your neighborhood association has to be registered and listed in the City of Omaha Neighborhood Directory to be eligible for this pool of funding. Your ask can be up to $5,000. Make sure your budget makes sense for the project you're proposing - don't just throw a number in there.

Here's what you'll need:

2018 Mayor's Neighborhood Grants Overview

2018 Mayor's Neighborhood Grants Application (it's a fillable PDF)

All applications will be reviewed by a committee including representatives from ONE Omaha, the Omaha Police Department, the City of Omaha Planning and Public Works departments and Mayor Stothert's Grants Team. The final awards will be approved by Mayor Stothert, and the winners will be announced in May.

Here's a fun fact:

- During the last four years, Mayor Stothert has awarded 108 neighborhood grants totaling $290,000 - pretty cool.

Got a question pertaining to your grant application? Let us know - we're happy to help!

In other neighborhood news you can use:

- In our effort to provide you with more targeted neighborhood news, please fill out this contact

information form. Thanks for helping us help you!

- Julie

Julie Smith

Director, ONE Omaha

oneomaha.org

ONE Omaha, founded in 2015, is dedicated to actively facilitating the development of neighborhoods in the City of Omaha through communication, education and advocacy. For more info, contact Julie Smith at 402.547.7473 or info@oneomaha.org.

Civic Nebraska is a group of politically diverse Nebraskans committed to a more modern and robust democracy for all Nebraskans. ONE Omaha is an arm of CN.

Angela M. Birkett

From: Russell Miller <neb31340@twc.com>
Sent: Wednesday, February 07, 2018 12:38 PM
To: Council Packet
Subject: street funding suggestion from russell miller

Follow Up Flag: Follow up
Flag Status: Completed

From : Russell Miller
341 S. 52
Lincoln, NE

7 February 2018

To : Lincoln City Council

cc : Miki Esposito, Director of Public Works & Utilities
Michaela Dugan, Impact Fee Administrator

Subject : Funding of City streets

Hello,

The Lincoln Transportation Strategy Recommendations Report of 11 January 2018 (LTSRR) completely ignores the potential for street funding from increased Impact fees. As I detail in the following paragraphs, if impact fees are updated to reflect street costs of 2017 instead of 2002, Lincoln would have, at least, $2.8 MILLION more dollars a year. An added attraction is that this money is coming from those homeowners that are causing the need for additional streets and who will be using those streets.

Reviewing the CIP budgets for FY 2014 and FY 2016 reveals that only TWO projects out of twelve were NOT growth related (the "penny bridge" project of 2015 for $400,000 and the 33rd, Cornhusker Highway and BNSF which is just starting).

The other ten street construction projects were done or necessitated only because of the impact from housing growth in their respective areas, which is my key point.

Lincoln's tremendous street needs are driven by urban growth. Urban growth demands up-front costs in the the form of water and sewer infrastructure PLUS adequate streets serving the new developments. Eventually our current property and wheel taxes from the new development will pay for its "upfront" cost but, with a growing city, there will be alway be new developments that require additional "upfront" costs. With a growing city it is a never ending cycle of impacts from the new growth. Each building cycle costs more because of inflation.

When Lincoln's current Impact Fee schedule was enacted in 2003, it cost approximately $3.26 million for a 4 lane arterial per mile (Duncan Impact Fee Study of 2002 page 16). Today's LTSRR estimates a similar 4 lane arterial to cost approximately $12 million per mile (LTSRR PAGE 4-8) OR approximately 250% increase.

WHY such a huge increase in just 15 years? My informal investigation determined that both studies did not include the price of land. One engineer thinks it is the price of materials (cement, steel, gravel, etc.). I think cost of labor must be a factor but the engineer thinks the material costs are more significant than labor. Lincoln's Impact Fees are adjusted by increases in the CPI (Consumer Price Index), which is absurd because the price of concrete has no relationship to the price of food, housing, medical care, etc. that the CPI measures.

Impact fees should be pegged to the appropriate "producers price index" (PPI) which would then reflect the costs of road building. Unfortunately, there is no single index that combines the various components used in street construction but one could be developed.

NO matter what the reason, it is now costing 250% more to provide streets to new developments. For the past four years of the CIP budget impact fees are providing only 3.4% for streets.

Of the 10 street projects listed in the 2016/2017 CIP budget only two are north of 'O' street (33rd & Cornhusker and Waterford Estates). All of the remaining eight projects are because of urban growth, i.e. new housing units mostly in south and southeast Lincoln.

From 2014-2017 Lincoln added 6,905 living units (houses and apartments). For just 2017 alone, Lincoln added 1,797 living units. It is expected that Lincoln will continue that type of growth which means that funding for streets will alway be lagging, i.e. demand for streets will exceed the tax revenue increase from new housing. The equitable solution for additional street funding would be to increase IMPACT FEES to at least match what was expected in 2003 or 10% of streets' cost. That would mean impact fees would increase approximately $1,600 per unit. If impact fees had been at the correct rate for the last four years, Lincoln street department money would have increased by approximately 11 million dollars or the price of one mile of new four lane arterial. The 2017 budget would have an additional $2.87 million.

I think a sound argument can be made that impact fees should be increased 15% or even 20% . Wheel tax has increased from $44 (2004) to $74 (2013) or 68%. According to LTSRR report LINCOLN'S wheel tax has provided 48% CIP street funding average over the last 6

years. Why must areas of original Lincoln and north Lincoln wheel taxes build streets in southeast Lincoln when their areas also need street improvement?

Southeast Lincoln definitely needs the streets but who is paying for them?

It appears in 2017 the typical or average cost of a new home was in excess of $230,000. An increase of $1,600 in impact fees would be a 0.7% increase of the house price. A $3,200 impact fee would only be a 1.4% impact of the living unit price. If, as expected, 1,700 units are added each year, Lincoln's street budget from impact fees would increase $5,440,000 each year and impact fees would almost pay for one (1) arterial mile every 2 years (total Pine Lake project is $10.8 million).

Based on past experiences, we know that the well organized and financed real estate and developer lobby will strongly oppose a mandated 1.4% increase in housing costs. But why should that lobby expect all of Lincoln's citizens to subsidize the impacts from their projects? We are subsidizing their projects enough with our wheel taxes and the proposed sales tax increase.

To reflect today's street construction costs IMPACT FEES must be increased by $3,200 per housing unit. Those new home owners with their need for more and wider streets is driving the City's necessity to increase our wheel tax by 68% in the last nine years and now the need for the 1/2 cent sales tax increase as proposed by the just completed LTSRR study.

Thank you,
Russell Miller