I. MAYOR

*1. VETO MESSAGE from Mayor Coleen Seng - RE: Bill No. 05-161 for a change of zone on property generally located at 2100 K Street and 05R-289 a zoning agreement associated with a change of zone at 21st and K Streets - (See Letter)

*2. NEWS ADVISORY - RE: Mayor Coleen Seng and representatives of the Lincoln Area Agency on Aging will discuss the federal government’s new Medicare prescription drug program (Part D) at a news conference at 9:45 a.m. on 12/22/05 - (See Advisory)

**3. NEWS RELEASE - RE: Mayor Releases Study On Improving Development Process - Mayor will appoint implementation group-(Council received this Release in their Thursday packets on 12/22/05) (See Release)

**4. NEWS RELEASE - RE: Assistance Available On Medicare Prescription Drug Program - Family members urged to help older citizens access online information-(Council received this Release in their Thursday packets on 12/22/05) (See Release)

**5. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of December 24-30, 2005-Schedule subject to change -(See Advisory)

**6. NEWS RELEASE - RE: 21 Educational Access To Air London Parade Featuring Lincoln Southwest Band -(See Release)

**7. NEWS RELEASE - RE: Work To Restore Bur Oak Trees Continues In Wilderness Park -(See Release)

**8. NEWS RELEASE - RE: City To Recycle Trees For 19th Year -(See Release)

10. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of December 31, 2005 through January 6, 2006-Schedule subject to change - (See Advisory)

11. NEWS RELEASE - RE: Nominations Now Accepted For Arts Awards. Four new awards created - (See Release)

II. DIRECTORS

FINANCE/BUDGET

**1. Material from Steve Hubka - RE: December sales tax receipts -(See Material)

FINANCE/CITY TREASURER


PLANNING

**1. E-Mail from Marvin Krout - RE: Planning Department goals for 2006 -(See E-Mail)

**2. Response E-Mail from Jean Walker to Sarah Bettens - RE: Council/Planning Commission Agendas -(Response to Item #14 under Miscellaneous) (See E-Mail)


PLANNING COMMISSION FINAL ACTION .....


2. Special Permit #1114D, (Pheasant Run Community Unit Plan Amendment - 6501 Pheasant Run Court) Resolution No. PC-00974.
PUBLIC WORKS & UTILITIES


WEED CONTROL AUTHORITY


III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

*1. E-Mail from Lynn Minch sent to Jon Camp - RE: Wal-Mart - (See E-Mail)

*2. Response E-Mail from Jon Camp to Coby Mach, LIBA - RE: Performance Auditor - (See E-Mail)

ROBIN ESCHLIMAN

1. Request to Lynn Johnson, Parks & Recreation Director - RE: Center lanes being painted on bike trails (RFI#2 - 11/09/05)

PATTE NEWMAN

V. MISCELLANEOUS -

*1. E-Mail from Susan Schulte - RE: 84th & Adams -(See E-Mail)

*2. E-Mail from Wayne Simpson - RE: Wal-Mart - (See E-Mail)

*3. E-Mail from Roy & Carolyn Wolgamott - RE: Sid Dillon lighting -(See E-Mail)

*4. E-Mail from Jim Johnson - RE: Pass the Floodplain standards -(See E-Mail)

*5. E-Mail Letter & Material from LIBA - RE: Performance Auditor -(See Material)

*6. E-Mail from Lynn Kaufmann, A driver education instructor - RE: Failure to pass driving ordinance-(See E-Mail)


*8. E-Mail from Thomas A. Duden, Human Resources Manager, Design Data Corporation - RE: Design Data 14th & Old Cheney Road -(See E-Mail)


**12. E-Mail from Lynn Kaufmann - RE: Correction to previous e-mail -(See E-Mail)

**13. E-Mail from Larry Jablonski - RE: Time Warner additional cost for ESPN high definition -(See E-Mail)

**14. E-Mail from Sarah Bettens - RE: Council/Planning Commission Agendas (Forwarded this E-Mail to Jean Walker, Planning Dept. & City Clerk Joan Ross)(See E-Mail)
**15.** Letter from Marcia Kinning, & Jill Schuerman, Brian D. Carstens & Associates - RE: Upcoming changes that will have a significant impact on Carstens & Associates -(See Letter)

**16.** Letter & Material from Sharon Miller - RE: Floodplain standards -(See Material)

**17.** E-Mail from Dave Engler, Vice President, Lincoln Firefighters Association - RE: Budget -(See E-Mail)

**18.** Letter from Bonny Downing, CFAI, Program Coordinator, Commission on Fire Accreditation International, Inc. to Lincoln Fire & Rescue Chief Spadt - RE: Inform you the Commission voted on 12/07/05, to approve the Statement of Findings completed by your team leader on your August 2005, Annual Compliance Report -(See Letter)

19. E-Mail from Mary Jane Winquest - RE: Floodplain Ordinance -(See E-Mail)


21. E-Mail from Mary & James King - RE: Floodplain Amendments -(See E-Mail)

22. E-Mail from E. Wayne Boles - RE: Orderly and Sustainable Growth -(See E-Mail)


24. E-Mail from Wilbur Dasenbrock - RE: Floodplain Ordinance Amendments -(See E-Mail)

25. E-Mail from Michael Carlin, Friends of Wilderness Park - RE: Floodplain Ordinances & Resolutions -(See E-Mail)

26. E-Mail from Rosemary Thornton - RE: Floodplain Ordinance -(See E-Mail)

27. E-Mail from Russell Miller - RE: Floodplain Ordinances & Resolutions -(See E-Mail)
28. E-Mail from Laurie Farrow - RE: Wal-Mart -(See E-Mail)

29. E-Mail from David Oenbring - RE: Ambulance Service -(See E-Mail)

30. E-Mail from David Oenbring - RE: Wal-Mart -(See E-Mail)


32. E-Mail from Bonnie Filipi - RE: Wal-Mart - (See E-Mail)

33. Letter & Resolution from Terry L. Bundy, LES - RE: A revised Resolution implementing LES’ rate increase and Power Cost Adjustment (PCA) - (Council copies placed in their file folders on 1/04/06) (See Attached Material)

34. E-Mail from Walter A. Canney - RE: He recent letter that he wrote to the Editor on the issue of a Northeast Wal-Mart - (See E-Mail)

35. E-mail from Russell Miller - RE: Flood Plain Ordinances - (See E-Mail)

36. Letter from Aquila, Steven Pella, - RE: Application with the Nebraska Public Service Commission requesting pilot project for new pricing option. - (See Letter)

VI. ADJOURNMENT

*HELD OVER FROM DECEMBER 26, 2005.
**HELD OVER FROM JANUARY 2, 2006.
Mayor Seng’s Public Schedule
Week of December 31, 2005 through January 6, 2006
Schedule subject to change

Wednesday, January 4
• Lincoln Chapter of the National Organization for Women - 5:30 p.m., Women’s Club, 14th and “L” streets

Friday, January 6
• News Conference, topic and location to be announced - 10 a.m.
FOR IMMEDIATE RELEASE: January 5, 2006
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Deb Weber, Lincoln Arts Council, 434-2787

NOMINATIONS NOW ACCEPTED FOR ARTS AWARDS
Four new awards created

Nominations are now being accepted for the 28th annual Mayor’s Arts Awards. The awards will be presented by the Lincoln Arts Council (LAC) the evening of Wednesday, June 7, 2006 at the Lied Center for Performing Arts.

The Mayor’s Arts Awards program formally recognizes artistic contributions and achievements in the Lincoln area. Those wishing to nominate a project, organization or person may request a nomination form by calling the LAC at 434-2787 or printing a form from the LAC Web site, www.artsscene.org. A list of previous winners also is available at that Web site. The nomination deadline is February 17, 2006.

LAC Executive Director Deb Weber said some changes have been made in the award categories, resulting in four new awards. They are:

- The Oliva Family “Arts for Kids” Award honors an individual from outside of the arts professions whose leadership has enhanced arts activities and experiences for children.
- The Artistic Achievement Award - Performing Arts recognizes excellence and accomplishment in any of the performing arts.
- The Artistic Achievement Award - Visual Arts recognizes excellence and accomplishment in any of the visual arts.
- The Artistic Achievement Award - Youth recognizes excellence and accomplishment in any arts discipline by a young person age 18 or younger.

Nominations also are being accepted for these awards:

- The Haleyon Allsman Benefactor of the Arts Award honors an individual, family, organization or business for making significant financial contributions to the arts in Lincoln.
- The Arts Organization Award recognizes an arts group that has made significant contributions to Lincoln’s arts community over a period of years.
- The Leadership Award recognizes an individual or organization for making a major overall impact on the arts in Lincoln.
- The Cultural Celebration Award recognizes artistic work that has fostered an appreciation of a specific culture or cultures through the arts.
Mayor’s Arts Awards
January 5, 2006
Page Two

The Literary Heritage Award recognizes a writer or individual who promotes excellence in writing and literature in Nebraska.
The Larry Enersen Award recognizes outstanding urban design in Lincoln.
The Heart of the Arts Award recognizes outstanding volunteer efforts on behalf of the arts.
The Event of the Year Award recognizes a performance, exhibition, event or project in 2005 that will be notable in the community memory for years to come.
The Gladys Lux Education Award recognizes special initiatives or dedication to arts education.

A Mayor’s Choice Award also will be presented.

The public also is encouraged to submit names of members of the Lincoln arts community who have died since the last awards ceremony in June 2005 for memorial recognition at the event.

- 30 -
December 30, 2005

Michael R. Johnson, R.L.S.
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RE: Branker Addition Final Plat #05119 Generally located at N. 48th & R Streets

Dear Mr. Johnson:

Branker Addition generally located at the northwest corner of N. 48th and R Streets was approved by the Planning Director on December 16, 2005. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at $.50 per existing lot and per new lot and $20.00 per plat sheet for the plat, and $.50 per new lot and $5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (December 16 + 14 days) or December 30, 2005, and the recording fee and signed subdivision agreement have been received.

Sincerely,

Joe Rexwinkle, Planner
441-6373

CC: Julian & Gladys Branker, Owners
City Council
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning File
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : January 5, 2006

RE : Special Permit No. 1114D
     (Pheasant Run Community Unit Plan amendment - 6501 Pheasant Run Court)
     Resolution No. PC-00974

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, January 4, 2006:

Motion made by Strand, seconded by Carroll, to approve Special Permit No. 1114D, an amendment to the Pheasant Run Community Unit Plan, with conditions, requested by Gary McCown, for authority to reduce the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet to 7.5 feet to allow an existing deck that encroaches on the setbacks, on property generally located at 6501 Pheasant Run Court.

Motion for conditional approval carried 8-0 (Krieser, Carroll, Esseks, Larson, Sunderman, Strand, Pearson and Carlson voting ‘yes’; Taylor absent).

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
    Gary McCown, 6501 Pheasant Run Court, 68516
    Terri Heckman, Colonial Hills N.A., 5621 Bison Court, 68516
    Kathryn Dixon, Colonial Hills N.A., 6820 Bernese Blvd., 68516
RESOLUTION NO. PC-00974

SPECIAL PERMIT NO. 1114D

WHEREAS, Gary McCown has submitted an application designated as Special Permit No. 1114D for authority to amend Pheasant Run Community Unit Plan to reduce the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet to 7.5 feet to allow an existing deck that encroaches on the setbacks, on property generally located at 6501 Pheasant Run Court and legally described as:

Lot 3, Block 1, Pheasant Run 7th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan to reduce the rear and side yard setbacks will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.
NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Gary McCown, hereinafter referred to as "Permittee", to amend Pheasant Run Community Unit Plan to reduce the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet to 7.5 feet to allow an existing deck that encroaches on the setbacks be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction in said amended community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a rear yard setback of 19.5 feet and side yard setback of 7.5 feet for a deck as shown on the attached site plan for Lot 3, Block 1, Pheasant Run 7th Addition.

2. Before receiving building permits
   a. The Permittee must provide a permanent final plat with five copies as approved to the Planning Department office for review and approval.
   b. The construction plans comply with the approved plans.

3. Before construction of the deck, all development and construction must comply with the approved plans.

4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, his successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 4th day of January, 2006.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Required Front Setback

25'-0"

6' Wide Conc. Walk

12' Wide Conc. Driveway

20'-0"

20% of Avg Lot Depth

21' 6"

26'-11"

Required Rear Setback

Required Side Setback

Area of Deck encroaching into setback.

LOT 3: PHEASANT RUN
Year in Review

Even though the weather conditions were dry, weed abatement demand was greater. The number of weed abatement and noxious weed violations increased by 372. This created a 20% increase in inspection workload. Bankruptcies continue to be a problem. 142 notifications had to be published in the paper.

- 251 sites received multiple complaints.
- Sent 660 notices, 1,323 letters, published 142 notifications and made 40 personal contacts.
- 1,693 sites cut by landowners.
- 147 sites were contracted.
- 40 cut by landowners before contractor arrived.
- 107 sites force cut at the cost $13,962.
- 81 properties were assessed for non-payment of $10,557.

Inspection Activity

5,768 inspections were made of 2,598 sites on 3,287 acres during the year. 2,237 violations were found on 1,217 acres.

Weed Abatement Program

There was a continuing emphasis on obtaining voluntary compliance of landowners. Almost 94% of owners cut their overgrowth after notification. This was accomplished with 70% of the notifications being other than legal notifications.

- Made 4,787 inspections on 2,141 sites on 1,060 acres.
- Found 1,835 violations on 814 acres.
- Found no violations on 328 sites.
- 1,674 complaints received on 1,425 sites.
Dear City Council:

I support the revised floodplain ordinance amendments per the Mayor's floodplain task force in order to use the best technical information available and preserve flood-prone areas from development.

All the best, and thanks for your work on our behalf.

Mary Jane Winquest
6815 Northridge Rd.
Lincoln, NE  68516
Dear City Council Members:

As you once again consider the vote on the Walmart in northeast Lincoln, I'd like to add my nickel's worth.

First, whatever happened to the idea of free enterprise? Is Lincoln so special that we can't let businesses in because people don't agree with everything about that business? The American economic system is designed to work on the principles of competition and supply and demand. Perhaps if this Walmart were permitted, Russ Raybould would be forced to have competitive prices.

The only choices for groceries in reasonable proximity to my neighborhood are Russ's in Havelock and Hy-Vee on north 48th. By default, I choose Hy-Vee because their prices are consistently lower than Russ's. If I have lots of time, I drive to the north 27th Walmart because they have leaner hamburger choices than either of the other stores.

Next, think of the positive economic impact for Lincoln if this Walmart were to be permitted. People in Waverly would have a closer choice for shopping as well which generates more money being spent in Lincoln. This store would create jobs for many Lincoln residents. It would generate more sales tax for our city budget (certainly a better idea than raising taxes), and it would increase the spending ability of many Lincoln residents who don't have a job or would like a second job.

For those of you who have personal objections to Walmart's practices, consider the realities of today's business world. Walmart is not the only place where employees don't have insurance purchasing power. It is not the only place that has non-American made products. It is not the only place which manipulates prices.

Consider the desire of the majority of northeast Lincoln residents. Just because the mayor doesn't shop at Walmart...by the way, she buys groceries at Hy-Vee, not a mom and pop store...doesn't mean that others don't or won't shop there. We all have a choice as to where we shop. If someone doesn't like Walmart, they don't have to shop there, but their likes should not be
forced on others.

Thanks for your consideration.

Elizabeth Adams
2938 Delhay Drive
Lincoln, NE 68507
466-7109

Ann Adams
Dear Council Members,

Please do not be dissuaded from the well thought out flood prone amendments. With the present media focus on "being nice" to developers, it is important to recall that their motivation is rarely the 'common good', the discussion of which needs to inform development.

Thanks and good luck,

Mary B and James W. King
3900 Orchard St
Lincoln, 68503
The Honorable Coleen Seng  
Mayor  
City of Lincoln

Thank you, Mayor Seng and members of the the Lincoln City Council and Lincoln-Lancaster County Planning Commission, for representing the tens of thousands of Lincoln citizens who support orderly and sustainable urban growth. Although requiring focus and courage, there is nothing sacred about speculating with land and money. The thoughtful administration of this growing city, however, is a beautiful phenomenon. Thinking is harder than making money, according to me. Your administration, Mayor Seng, is also doing an admirable job of anticipating and answering the age-old growth question, "How're you gonna pay for it?"

Sincerely,

Wayne

E. Wayne Boles  
506 University Towers  
128 N. 13th Street  
Lincoln, NE 68508  
(402) 450-4523
City Council Members:

I was unable to attend the December public Hearings on revisions to the flood plain regulations, but I was able to see the testimony on channel 5.

Here is my take on the issue before you: Why wouldn't anyone want access to and see the City of Lincoln use the best technical information available regarding flood prone areas? Prudence dictates that potential buyers and owners of property should be forewarned of possible damage by flooding so they can make suitable arrangements to handle their risk.

Please vote for the ordinance before you that includes the "best technical information available" language.

Richard K. Sutton
Landscape Architect
Council Members: I support the amendments to the Floodplain Ordinance that are coming to you for consideration.

Wilbur Dasenbrock, 1449 Meadow Dale Drive, Lincoln, NE. 68505
466-2465
January 2, 2006

City of Lincoln City Council
555 S 10th St, Room 111
Lincoln, NE 68508

Members of the City Council,

This letter is regarding the floodplain agenda items that will be presented to you for third reading and action on January 9, 2006 (Lincoln Municipal Code Amendments 05-175, 05-177, 05-176, 05-178; and Resolutions 05R-282, 05R-283, 05R-284 and 05R-285). I strongly support these amendments and resolutions and encourage you to approve them as submitted with the recommendations of the Planning Commission, the Director of the Planning and the Director of Public Works and Utilities.
These amendments and resolutions represent the culmination of over four years of hard work by staff and members of the community. The Mayor’s Floodplain Task Force was formed in 2001 and took over a year to complete their work. All stakeholder groups were represented on the Task Force, including landowners in the floodplain and members of the development community. The members of the Task Force dedicated a great deal of their time and energy to achieve a balanced compromise and are to be applauded for their hard work and dedication to their community.

The only thing that I find discouraging is that it has taken over two and a-half years for the Task Force’s recommendations for existing urban areas to finally reach the city council. As reflected by the significant number of floodplain building and fill permits that have been issued in the interim, it would appear that a lot of landowners and developers have taken advantage of the opportunity this delay-to-action has offered to build in the floodplain before the Task Force’s recommendations are codified. I guess I can understand that to a point, but it is unfortunate that their actions are in direct contrast to the “no adverse impact” concept espoused by the Task Force. No adverse impact of course means simply that the action of one property owner does not adversely impact the flooding risk for other properties.

A few developers and their lawyers who did not commit their time to the Task Force will undoubtedly attempt to talk you into further delaying or diluting the amendments and resolutions. The system has already provided them with a two and a-half year window of opportunity to take advantage of the old rules. To allow them to undo or further delay the good work that has been done would be a slap in the face to every member of the Task Force and will make it very difficult to convince citizens to commit themselves to service on future task forces or committees.

The amendments and resolutions use the “best technical information available” to identify floodprone areas. That kind of seems like a no-brainer to me but it seems there are some people who would rather continue the use of outdated data. Apparently, the “best technical information available” has identified some areas as floodprone that were not previously identified as such. This is partly because of the adverse impact that continued development in the floodprone areas has had, but also because the science and methodology of identifying floodprone areas has become much more precise. Do we really want to wait on the bureaucratic processes at FEMA to grind their way to a formal stamp of approval before we take action to protect our citizens? To not insist upon using the “best technical information available” immediately would be irresponsible.

Last week’s flooding in northern California is a tragic example of what can happen when people are given a false sense of security from outdated and inaccurate floodplain maps. Because local
officials had not updated the floodplain maps with “the best technical information available,” many people did not know that their property was in a floodplain until it flooded after a rain event of relatively modest proportion (compared to a 100-year flood). Consequently, many did not take adequate precautions and did not have flood insurance even though use of “the best technical information available” would have shown them to be in the floodplain.

Stand firm and approve the amendments and resolutions as submitted. The compromise has been achieved; do not allow it to be weakened.

Sincerely,

Michael Carlin, Friends of Wilderness Park
2700 West Paddock Road
Lincoln, NE 68523
402-420-9092; MCarlin@neb.rr.com

CC: Coleen Seng, Mayor, City of Lincoln
    Lancaster County Board of Commissioners
    Karl Fredrickson, Director, Public Works & Utilities
    Nicole Fleck-Tooze, Special Projects Administrator, Watershed Management
    Marvin Krout, Director, City/County Planning Department
To City Council Members:

I would urge you to vote to adopt the flood plain ordinance amendments in regard to flood prone areas (Salt Creek, Beal Sough, Cardwell Brance and Stevens Creek), so developers cannot build houses there. It would seem wise not to follow the New Orleans debacle.

Rosemary Thornton
3405 M Street
Lincoln NE 68510
402-477-7597
rthorn@alltel.net
InterLinc: City Council Feedback for
General Council

Name: Russell Miller
Address: 341 S. 52
City: Lincoln, NE  68510
Phone: 402-499-2611
Fax: 
Email: neb31340@alltel.net

Comment or Question:
Hello City Council Members,
30 December 2005

It is my opinion that Lincoln’s government should not be trying to conceal information that could harm Lincoln businesses and their future prosperity. Delaying the publication of “best available flood data” can only harm property owners.

The industrial property that I own is in the flood plain. The 1986 flood mapping has it approximately 2.3 feet below the 100 year flood elevation. (the “best available data” today has it 2.5 feet below flood elevation.) At various times in the last 20 years I have given thought to the idea of somehow raising the storage warehouses to put them above the 100 year flood. A well informed investor will know that the flood elevation is a moving number and you require the most current data before making any substantial investment. However, the only reason I know that the water height increased 2 tenths of a foot is because I went to the public meeting on 13 December. If that important information is suppressed for 2 years awaiting FEMA's approval then a less than perfect decision would be made. (The best information will be concealed because Building Codes will not be required to tell me of the correct elevation when I get the building permit.)

I recall that when I was on the Mayor's Floodplain Task Force CLAY SMITH made comments about his investment at 56th and Holdrege Street (the gas station and strip mall on the southwest corner). Essentially, he said that they had checked on flood information and everything was ok. After their $700,000 investment and 2 years later they were told that they were in the floodplain.
MY point is that if they had known earlier they could have made changes before things were in concrete.

Several Council members have campaigned on a business platform which, I think, is a good idea. However, the business plan of some business operations is to charge the maximum that the customer will let them get away with and, even better if they can, rape & pillage their victim (or customer). Lincoln has existed for over 100 years and there are many reasons to expect Lincoln to continue to exist for another 100 years. The only way for this city to do that is for Lincoln government’s business plan to mandate that it provide good services to its customers and to have a clear focus of the long range impacts of its decisions. The concealment of this new floodplain data is short term (FEMA will approve it in 2 years) and the potential new buildings are long term (50 - 100 years).

The data that should be made available involves 89 homes and 16 commercial properties that will be added to the floodplain PLUS 28 homes and 8 commercial that properties will be taken out of the floodplain. Why would any Council Member want to be on record for keeping 36 properties in the floodplain any longer than necessary? Why would any Council Member want to be on record for concealing information about those 105 properties that are soon to be in the floodplain with its extra requirements?

Successful business requires the most current available data so please pass change of zone # 05070 & miscellaneous # 05023.

Russell Miller
341 S. 52 Street
Lincoln, Nebraska 68510 daytime phone 499-2611
InterLinc: City Council Feedback for
General Council

Name: Laurie Farrow
Address: 621 Wedgewood Drive
City: Lincoln, Ne 68510
Phone: 402-430-9542
Fax: 
Email: kaati@neb.rr.com

Comment or Question: 
January 3, 2006

Dear City Council Members:

The nice thing about a letter is if you don’t like what it is saying, you don’t have to keep reading. I sincerely hope that it will not be the case with this email. I do apologize, up front, for the length.

I have been following, with interest, the Council meetings as well as the opinions in the Journal Star along with other articles in the Star.

Here is my scenario. All city planners, inspectors, and of course, City Council would not be needed. Instead Mayor Seng would do it all. She would take applications, view the area in question, find the pro and con of such endeavors and then vote how she wants it to be. Does this make sense to you, of course not. But if you think about it that is exactly what she is doing. Taking up people’s time and energy, paying multiple persons for doing the same job, getting citizens in an uproar, just so she can use the power to destroy hope by the people asking to be approved.

You are elected officials by the people and for the people (sound familiar), just like any President. As such, we the citizens, expect you to vote for what you believe in and feel is in the best interest for our city and do not allow Mayor Seng to veto any project just because she can, has done, and will do again, at the last minute. She stated that unless all of you vote yes for Wal-Mart she will veto; even though it has passed by a majority. Surely something could be put in the wording so she could not do this again. Stand
up and do what you should for this town now and in the future.

Spending is over the top in Lincoln and property tax is the highest of any state I have ever lived in. Young people cannot own houses and retired are moving because they cannot pay the taxes on their fixed income. To claim homestead, you must be almost poverty level. There is not the revenue coming into Lincoln to offset the amount spent out. You must have an equal balance to thrive and grow. We cannot stand another tax increase.

It took 2 years plus to finish 84th St. Now we’re going to close “O” street, which will be a nightmare for workers traveling both East and West. Referring to 48th and O, why are owners not required to do up keep on their businesses? They should be severely penalized so as not to let sections of the city become rundown for tax payers to foot the bill to repair or rebuild. Just as a comment, the business owners in that section should have been taken to task years ago.

I have also heard, incorrectly I pray, that the train depot is going to be torn down for a hotel and parking lot. Have we not lost enough historical properties to date? We have 13 Walgreens in Lincoln with another one proposed on “O”. I would like to know why a town approximately 10 miles wide with 240,000 residents needs 14 Walgreens. Absurd.

A person came to the Council meeting with 6,000 plus signatures not to have another Wal-Mart store. I guarantee 98% of that group shopped there at Christmas and probably another 80% buy groceries there. Why? It’s cheaper. I’m on a fixed income and I shop there because I can afford to and get more than I would elsewhere. Russ’ Markets are the most expensive in town with HyVee next. I don’t shop Super Saver because it does not appeal to me. All I heard from Russ’ representative at the meeting was "don’t hurt the Mom and Pop businesses". Did they stop to consider Mom and Pop businesses when they put in 11 stores (4 Super Savers and 7 Russ’) in Lincoln? Of course not, otherwise, there would only be 2. It’s called less competition, more money for me.

We desperately need the tax revenue from Wal-Mart in Lincoln, not to mention more employment opportunities. The City is way over its head in debt. Wal-Mart will not get us out of debt, by any means. However, it would be a tremendous start.

Please be the City Council we elected and all vote yes for this business opportunity.

Thank you for listening to my concerns and may you all have a blessed New Year.

Sincerely,
Laurie Farrow
621 Wedgewood Drive
Lincoln, Ne 68510
(402)430-9542

P.S. A good (just to help) project would be to build a new, bigger City Mission. These are our people who cannot afford a house and the tax burden or who cannot get a job for whatever reason and just need a place to get a start. The City Mission is overflowing now and our winters are sometimes fierce.
I’m writing to encourage a complete and accurate investigation into the ambulance service debacle. Back room political deals were cut, officials were bought off or at least unduly influenced and the former employees of Eastern Ambulance and the public at large were lied to by then Mayor Wesley, Mike Spadt and certain members of the city council.

Contrary to the Mayor’s opinion the answer is not simply to approve a subsidy and index it for the future. The solution is to fix the problem. Starting by firing Spadt and stopping the practice of sending the big truck along on all ambulance calls. This practice only serves to inflate the call numbers and justify unneeded expansion. If the service can’t be restored to break even then it’s time to open the bidding process up and hope that some private service will be willing to locate here. Given the willingness of city government to engage in shoddy treatment of private enterprise it seems unlikely that you will have any takers but the process must take place.

David Oenbring
2630 S 13th
Lincoln, NE 68502
402-474-4300
I’m writing to express my support for the Wal-Mart store at 84th and Adams. This is not and should not be about Wal-Mart. It’s about free enterprise, private property rights and the willingness of the city to accommodate new business. Rejecting a possible 700 new jobs is tantamount to displaying a "Closed for Business" sign at the portal to the city.

The synergy between a Wal-Mart at that location and the event center is too powerful to ignore. If the Mayor won’t step aside to allow progress, jobs and tax dollars to enter the city it may be time to consider her removal from office.

David Oenbrin
2630 S 13th
Lincoln, NE 68502
402-474-4300
After the e-mail I received from the mayor, it is apparent she will not back down on the WalMart situation. However, you council members remember you are elected by the people to represent the people. I would hope you have enough votes to override the veto. Please do not vote along party lines. Everything does not have to go along hiway 2. Give the people in northeast Lincoln a break and give us some shopping and groceries and sit down resturants. We have money out here too. Sincerely, a resident of NE Lincoln.
InterLinc: City Council Feedback for General Council

Name: Bonnie Filipi
Address: 5440 Cleveland E6
City: Lincoln, NE 68504

Phone:
Fax:
Email:

Comment or Question:
City Council Members:

PLEASE do not be fooled by Wal-Mart's latest tactic which has come before the city in the form of an ULTIMATIM. Why has Wal-Mart now waited until the 11th hour to inform the city of its distribution center idea?

Testimony has been given at city council meetings by those supporting as well as opposing the development of a third Wal-Mart that NEW tax revenue WILL NOT be generated by another Wal-Mart. Testimony reflected that the tax revenue from Wal-Mart is simply a redistribution of revenue that will come from other businesses that will no longer exist due to this corporate giant developing ANOTHER Wal-Mart in the city of Lincoln.

Even though Wal-Mart says they will incur costs of building roads suitable to travel to their business, it is not GUARANTEED that development of the third Wal-Mart in Northeast Lincoln will not in some way cost the city of Lincoln. How far along in the project will the city be before it realizes that it has to pick up part or all of the tab?

On a regional basis, Wal-Mart is in the news again. Illegal aliens found working at a Wal-Mart in Nebraska. A shooting at a Wal-Mart in Council Bluffs. It is not secret that bb and pellet guns used in recent vandalisms in Lincoln were STOLEN from both Lincoln Wal-Marts. Does Lincoln Nebraska have enough police power to answer additional
calls to another Wal-Mart?

Please, do the smart thing and vote AGAINST allowing a THIRD Wal-Mart in Lincoln Nebraska! PLEASE protect the physical and financial well-being of all Lincolnites.

Instead, help build a "neighborhood" center that actually lives up to the guidelines that have been set forth by the city of Lincoln which includes a full complement of businesses that ideally serve a neighborhood.
January 4, 2006

Lincoln City Council
County-City Building
555 South 10th Street
Lincoln, NE 68508

Dear Council Members:

Enclosed for your consideration is a revised Resolution implementing LES’ rate increase and Power Cost Adjustment (PCA) and the Rate Schedules and Service Regulations document. Since sending the original Resolution, we prepared these changed documents to address questions raised by Mayor Seng about the PCA. The first change is in the Resolution and makes it clear that the City Council has an ability to review the PCA any time an LES Budget or a change to our base rates goes before the Council.

The Mayor also asked for a clarification that any change to the PCA caps be approved by the City Council. We have incorporated the PCA cap amounts into the rate schedules and there is no language that would allow the LES Board or staff to adjust the caps. Therefore any change to the cap would be considered a change to the rate schedule which would require City Council approval.

Both of these changes are consistent with the LES Board’s action and direction that the rate change and PCA be forwarded to you for approval.

We appreciate the discussions with and assistance of the Mayor in identifying these clarifications.

Sincerely,

Terry L. Bundy, P.E.
Administrator and CEO

E-mail: tbundy@les.com
Phone #: (402)473-3392
FAX #: (402)475-9759

TLB:cls

Enclosure

cc: Mayor Seng
RESOLUTION NO. A-__________

WHEREAS, it is the responsibility of the Lincoln Electric System (LES) Administrative Board to develop and recommend to the City Council of the City of Lincoln rate schedules and service regulations for electric service to ratepayers in the LES service area; and

WHEREAS, LES is experiencing extreme volatility in fuel prices for its generating units as well as volatility in the price of wholesale power purchases which tend to follow the price of natural gas; and

WHEREAS, this price volatility is both difficult to forecast and beyond the direct control of LES staff; and

WHEREAS, many electric utilities throughout the nation have implemented a mechanism known as a Power Cost Adjustment (PCA) that allows the utility to adjust the amount charged for retail electric service in order to generate the amount of revenue necessary to cover fluctuating changes in power costs; and

WHEREAS, in 1980 the LES Administrative Board considered certain standards as required by the federal Public Utility Regulatory Policies Act of 1978 (PURPA), including PURPA Sections 113(b)(2) and 115(e) regarding automatic adjustment clauses such as PCA’s; and

WHEREAS, following public hearings on the PURPA standards in 1980, the LES Administrative Board adopted a standard to be utilized if LES implements the PCA which is incorporated herein by reference; and
WHEREAS, such standard was also approved by the Lincoln City Council pursuant to Resolution No. A-67105 on September 2, 1980, and approved by the Mayor on September 9, 1980; and

WHEREAS, the LES Budget and Rates Committee met with staff to review in detail the recommendation to implement a PCA, consistent with the standard adopted by the LES Administrative Board and Lincoln City Council, with a targeted effective date of February 1, 2006; and

WHEREAS, the LES PCA would be determined based on the amount by which the production fuel costs and purchased power costs deviate from the LES Administrative Board’s 2006 budget approved base costs, and would be adjusted upwards and downwards commensurately with cost fluctuations, as they are incurred; and

WHEREAS, a public hearing on the PCA was held on Thursday, December 1, 2005, for the purpose of receiving public input from customers, following notice given to all customers through a billing insert in customer billing statements; and

WHEREAS, the LES Administrative Board directed the Budget and Rates Committee to give further consideration to the public input received at the hearing; and

WHEREAS, the Budget and Rates Committee met to consider the public input and advanced a modified recommendation that includes both a base rate increase and a PCA; and

WHEREAS, on December 16, 2005, the LES Administrative Board unanimously approved a 4.5 percent increase in base electric rates and implementation of a PCA to cover increased power costs and to meet LES’ obligations to its bond holders and to maintain LES’ financial integrity, and recommends approval of such by the Lincoln City Council.
NOW, THEREFORE, BE IT RESOLVED, that the Lincoln City Council approves the following electric rate measures to generate the revenue necessary to cover the projected increases in future power costs:

1) Implementation of a nominal 4.5 percent rate increase applied equally across all customer rate classes to become effective with bills rendered on and after February 1, 2006, and

2) Implementation of a power cost adjustment (PCA) to become effective with bills rendered on and after February 1, 2006, to generate revenue to cover fluctuating power costs on a monthly basis that exceed the amount generated from base rates.

BE IT FURTHER RESOLVED, that the Lincoln City Council approves the 2006 LES Rate Schedules that embody these rate measures and are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the Lincoln City Council will receive quarterly reports from LES regarding calculation of the PCA and that the City Council may review the PCA at such times as LES’ budget or rates come before the City Council for consideration and action.
Proposed Rate Schedules and Service Regulations

For Rates Effective February 1, 2006
Thought I would pass this on.—walt C.

From: Walter A. Canney [mailto:wacanney@inebraska.com]
Sent: Wednesday, January 04, 2006 3:39 PM
To: 'jbaylor@threeeagles.com'
Subject:

John,

I missed the particular show, but someone mentioned that you commented on a recent letter to the Editor I wrote on the issue of a Northeast Wal-Mart, particularly the possible savings illustration I used. It was clearly just an illustration. I haven’t researched the overall number, but I did notice a Wall Street Journal editorial today on a banking issue with Wal-Mart. I have attached it. At least on Groceries I may have been well within the range------and with food a most basic need maybe the protect local merchants on groceries at least needs some evaluation.

Walter A. Canney

8239 Dorset Dr.

Lincoln, Ne 68510
Banking Against Wal-Mart

The Federal Deposit Insurance Corporation (FDIC) will soon have to make a big decision: whether to grant retail giant Wal-Mart a charter to enter the consumer banking business. You won't be surprised to learn that the idea of more banking competition is not universally popular with...bankers.

In particular, the Independent Community Bankers Association (ICBA) is raising a ruckus in Washington to keep big-box Wal-Mart knocked out of their game. We have here a textbook case of a powerful corporate lobby rushing to its pals in Congress and their regulators, in this case the FDIC, and pleading for them to squash competition that might lower the prices of banking services.

At issue is whether Wal-Mart should be granted the authority to establish an Industrial Loan Company (ILC) in Utah. ILCs are state-chartered, quasi-banks that were originally designed a century ago to help low-income workers get cheap loans. ILCs can provide most banking services, such as check cashing, lending, and credit card processing. Target and General Electric have been granted an ILC with little controversy. But because Wal-Mart has been portrayed as America's latest corporate villain, its political hurdles are much higher.

If the bankers succeed in this protectionist gambit, the biggest loser may be Wal-Mart, but rather consumers, particularly those in lower-income neighborhoods where competition in retail banking is traditionally scarce. Wal-Mart banking services in these areas might even solve the longstanding problems of redlining and discriminatory lending practices. Wal-Mart already performs many bank-like functions that are especially popular in poor areas—including wire transfers, money orders, paycheck cashing, and express bill payment services.

So it's especially notable that Congressman Barney Frank of Massachusetts and a gang of other Capitol Hill liberals have cast a skeptical eye toward Wal-Mart's entry into banking. If they decide to regulate Wal-Mart out of the industry, the end result will be higher banking service costs for the poor constituents they claim to represent.

The protest is all the more curious since Wal-Mart's immediate banking ambitions are quite modest. To head off the mounting opposition from the bankers, Wal-Mart insists that in the short term it merely wants to create an in-house banking affiliate so it can lower costs on credit card transactions at its stores. Traditionally, banks charge an interchange fee of roughly 2% on the cost of the retail credit/debit card transaction. Wal-Mart has determined that if it owns its own bank it can cut the transaction fee in half, and pass the cost-savings on to its customers who pay with Visa or MasterCard.

But why shouldn't Wal-Mart be permitted to engage in a whole range of banking services down the line, if it wishes? That's the nitty-gritty policy issue at stake here: whether the traditional firewall between banks and commercial enterprises (i.e., the commercial lenders and the borrowers) should be officially torn down. The Gramm-Leach-Bliley Act of 1999 effectively abandoned this traditional separation between banks and the commerce and banking when it allowed securities and insurance firms to engage in most banking activities. This has all been part of a 20-year-long deregulation of banking that has led to huge increases in efficiency in American financial markets as well as vastly improved consumer services. (Remember the quaint notion of "banker's hours?")

Peter Wallison of the American Enterprise Institute notes that "the Gramm-Leach-Bliley Act has eviscerated the policy case against allowing commercial firms to affiliate with banks." Wal-Mart's entry into the mix would merely continue what has been a benign, pro-competition trend.

Would granting Wal-Mart its ILC status impose an unnecessary financial risk on the soundness of the banking system? The Community Bankers' lobby warns that "Wal-Mart's entrance into banking would constitute a dangerous over-concentration of economic power that would skew market forces." What clearly underlies this argument is that in every other consumer market that Wal-Mart has entered, from hardware stores to selling gas at the pump, the impact of its gaining market share has been to reduce prices, not to raise them.

Studies show, for example, that in neighborhoods where Wal-Mart has entered the grocery business, its prices range from 2% to 7% below those charged by the incumbent grocery chains. Moreover, if there were a crest of the kind of bank failures we witnessed in the late '80s, financially sturdy Wal-Mart would be too big to fail. If Congress and the regulators at the Federal Reserve Board and the FDIC truly care about the welfare of the banking consumer, the FDIC.

Guess who doesn't want more financial competition.
InterLinc: City Council Feedback for General Council

Name:   russell miller
Address:  341 S. 52
City:     Lincoln, NE 68510
Phone:   499-2611
Fax:      none
Email:    neb31340@alltel.net

Comment or Question:
Hello City Council Members, 30 December 2005

It is my opinion that Lincoln’s government should not be trying to conceal information that could harm Lincoln businesses and their future prosperity. Delaying the publication of “best available flood data” can only harm property owners.

The industrial property that I own is in the flood plain. The 1986 flood mapping has it approximately 2.3 feet below the 100 year flood elevation. (the “best available data” today has it 2.5 feet below flood elevation.) At various times in the last 20 years I have given thought to the idea of somehow raising the storage warehouses to put them above the 100 year flood. A well informed investor will know that the flood elevation is a moving number and you require the most current data before making any substantial investment. However, the only reason I know that the water height increased 2 tenths of a foot is because I went to the public meeting on 13 December. If that important information is suppressed for 2 years awaiting FEMA's approval then a less than perfect decision would be made. (The best information will be concealed because Building Codes will not be required to tell me of the correct elevation when I get the building permit.)

I recall that when I was on the Mayor's Floodplain Task Force CLAY SMITH made comments about his investment at 56th and Holdrege Street (the gas station and strip mall on the southwest corner). Essentially, he said that they had checked on flood information and everything was ok. After their $700,000 investment and 2 years later they were told that they were in the floodplain.
MY point is that if they had known earlier they could have made changes before things were in concrete.

Several Council members have campaigned on a business platform which, I think, is a good idea. However, the business plan of some business operations is to charge the maximum that the customer will let them get away with and, even better if they can, rape & pillage their victim (or customer). Lincoln has existed for over 100 years and there are many reasons to expect Lincoln to continue to exist for another 100 years. The only way for this city to do that is for Lincoln government’s business plan to mandate that it provide good services to its customers and to have a clear focus of the long range impacts of its decisions. The concealment of this new floodplain data is short term (FEMA will approve it in 2 years) and the potential new buildings are long term (50 - 100 years).

The data that should be made available involves 89 homes and 16 commercial properties that will be added to the floodplain PLUS 28 homes and 8 commercial that properties will be taken out of the floodplain. Why would any Council Member want to be on record for keeping 36 properties in the floodplain any longer than necessary? Why would any Council Member want to be on record for concealing information about those 105 properties that are soon to be in the floodplain with its extra requirements?

Successful business requires the most current available data so please pass change of zone # 05070 & miscellaneous # 05023.

Russell Miller
341 S. 52 Street
Lincoln, Nebraska 68510 daytime phone 499-2611
January 3, 2006

Patte Newman  
County-City Building  
Lincoln, NE 68508  

Dear Ms. Newman,

Responding to customer requests, Aquila has filed an Application with the Nebraska Public Service Commission (PSC) requesting a pilot project for a new pricing option for natural gas customers in Nebraska. The application could result in residential customers having the option to choose a fixed price, in addition to the current traditional method, for their natural gas bills.

The traditional method of billing for natural gas results in month-to-month fluctuations in the billing rate, depending upon the cost to secure the necessary supply. Aquila will not profit from the program, if approved, and PSC approval is required prior to Aquila implementing any changes in pricing options.

The proposed Fixed Price Option Program will be open to residential customers in the 110 communities served by Aquila, and will replace the current Lincoln program. If approved as proposed, the program would be in effect for one year, including the 2006-2007 heating season.

Our goal is to provide safe, reliable, cost-effective service. In addition, we believe our customers want pricing options for natural gas. Our filing reflects our commitment to responding to customer requests and needs.

I look forward to a continuing dialogue on this and other important issues and welcome your ideas. Detailed information on the filing is available at http://www.psc.state.ne.us/. You are welcome to contact me anytime at 402-437-1725 or our NE state spokesperson, Jan Davis at 402-935-4868.

Sincerely,

Steve Pella, Vice President  
Aquila Networks - Nebraska
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, JANUARY 9, 2006

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of January 7 through 13, 2006 - Schedule subject to change -(See Advisory)

II. CITY CLERK

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

PLANNING

1. Letter & Material from Jean Walker - RE: Change of Zone #05078 (Proposed Text Amendments to Title 27 of the Lincoln Municipal Code relating to indoor movie theaters) (See Material)


C. MISCELLANEOUS

1. E-Mail from Robert & Phyllis Narveson - RE: Floodplain resolutions -(See E-Mail)

2. E-Mail from Lynn Darling - RE: Revised Floodplain Ordinance -(See E-Mail)
3. E-Mail from Wilbur Dasenbrock - RE: Floodplain Management Actions - (See E-Mail)

4. E-Mail from Rachel Simpson - RE: Please Support the proposed floodplain ordinance amendments -(See E-Mail)

5. E-Mail from Kay Rising - RE: Growth -proposed development near 84th & Adams -(See E-Mail)

6. E-Mail from Kay Rising - RE: Budget & Growth -(See E-Mail)

7. E-Mail from Judy Smith - RE: Lincoln Floodplains -(See E-Mail)

8. E-Mail from Helen Curfman - RE: No thoughts one way or the other about a Wal-Mart being built near 84th & Adams - problem with is the 724 apartments the developer wants to build when there are vacancies in nearly every apt. complex in Lincoln -(See E-Mail)

9. E-Mail from Barbara Francis - RE: Floodplain -(See E-Mail)

10. E-Mail from Alan & Donna - RE: Don’t punish job creators - floodprone designation ordinance -(See E-Mail)

11. E-Mail from LaDonna & Ron - RE: The 84th & Adams development -(See E-Mail)


13. E-Mail from J. Larry Hutchinson - RE: Floodplain action -(See E-Mail)


15. E-Mail from Michael Floyd, Friends of Wilderness Park - RE: Floodplain Ordinance Amendments -(See E-Mail)

16. E-Mail from Fernando Pagés, Brighton Construction Company - RE: Floodplain - (See E-Mail)
17. E-Mail from Monte Froehlich - RE: Floodprone ordinance and screening -
(See E-Mail)

18. E-Mail from Maribeth Milner - RE: Floodplain -(See E-Mail)

19. E-Mail from Fernando Pagès, Brighton Construction Company - RE:
Unintended consequences -(See E-Mail)

20. E-Mail from Mark Whitehead - RE: Floodprone ordinances and 90% screening -(See E-Mail)

21. E-Mail from John Watson, President, Century Sales & Management Co. -
RE: Parking lot Screening -(See E-Mail)

22. E-Mail from Alene Swinehart - RE: Floodplains -(See E-Mail)
Date: January 6, 2006
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng’s Public Schedule
Week of January 7 through 13, 2006
Schedule subject to change

Saturday, January 7
- Lincoln Arts Council’s “Stories of Home” public art project, remarks - 6 p.m., Belmont Recreation Center, 1234 Judson St.

Monday, January 9
- Mayor’s Award of Excellence - 1:30 p.m., Council Chambers, 555 South 10th Street

Tuesday, January 10
- Mayor’s Multicultural Advisory Committee meeting - 3:30 p.m., Mayor’s Conference Room, 555 South 10th Street

Wednesday, January 11
- “Face the Chamber” with Dick Campbell - noon, Cornhusker Marriott, 333 South 13th Street

Thursday, January 12
- Union College luncheon - noon, Country Club of Lincoln, 3200 South 24th Street
- Leadership Lincoln Government Day workshop, remarks - 1:30 p.m., location to be determined
- Mayor’s Neighborhood Roundtable meeting - 4:30 p.m., County-City Building, room 113, 555 South 10th Street
- North 27th Street Business and Civic Association annual meeting, remarks - 7 p.m., Northbridge Community Center, 1533 North 27th Street

Friday, January 13
- 13th annual Freedom Breakfast, remarks, presentation Key to the City to keynote speaker Frank Blythe - 7:30 a.m., Embassy Suites, 1040 “P” Street
- State celebration of Dr. Martin Luther King, Jr. Day, remarks and proclamation -11:30 a.m., State Capitol Rotunda
- Lower Platte South Natural Resources District open house of remodeled offices - 3 p.m., NRD District Offices, 3125 Portia Street
January 6, 2006

RE: Change of Zone No. 05078
(Proposed Text Amendments to Title 27 of the Lincoln Municipal Code relating to indoor movie theaters).

Please be advised that the Director of Planning, at the request of City Council Member Jon Camp, has proposed CHANGE OF ZONE NO. 05078, to amend Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2012; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 Planned Regional Business District through December 31, 2011; by amending Section 27.63.630 to clarify that on or after January 1, 2012, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district, and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030 and 27.63.630 of the Lincoln Municipal Code as hitherto existing. A copy of the proposed ordinance is attached.

The public hearing on this proposed text amendment will be held before the Lincoln City/Lancaster County Planning Commission on Wednesday, January 18, 2006. The public hearing is your opportunity to appear and speak upon the merits of this application. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska. The Planning Commission action is a recommendation to the City Council.

If you would like additional information, you are encouraged to contact the project planner, Brian Will, at 441-6362. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by e-mail to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, January 12, 2006, after 3:00 p.m. The "Planning Commission Agenda", including the staff report on this application, will also be available on Internet at that time: lincoln.ne.gov (Keyword = pcagenda).

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

Sincerely,

Jean Walker
Administrative Officer

cc: Carol Brown, Chair, Mayor's Neighborhood Roundtable
    Neighborhood and Homeowner Association Contact Mailing List
    Development Community Mailing List
PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION

Public hearings are held every other Wednesday. An item scheduled for public hearing will be voted upon immediately following the close of the public hearing, unless a majority of the Commissioners present vote to defer action or to continue the public hearing.

Consent Agenda: The Planning Director prepares a Consent Agenda comprised of those applications upon which there is consent as to the request and the recommendation. These are listed as the first items on the agenda. A Consent Agenda item will not have a separate public hearing unless someone requests to speak on the item. The Consent Agenda may be voted upon in total at the same meeting, or, any item on the Consent Agenda will be removed by the Chairperson if there is a request by the public or staff to speak on the matter, or at the request of a Commission member. Items removed from the Consent Agenda will be placed as the second item on the agenda and scheduled for a separate public hearing and will be voted upon immediately following the close of the public hearing, unless a majority of the Commissioners present vote to defer action or to continue the public hearing.

Nature of Testimony: The role and function of the Planning Commission is to advise the legislative and administrative branches of government concerning planning matters. Testimony before the Commission should therefore concern the planning aspects of the matter being heard. A written statement supporting or opposing an agenda item may be submitted to the Commission as a part of the public hearing in order to be included as a part of the public hearing minutes.

The Commission may ask questions of persons testifying. There will, however, be no cross-examination or direct questioning in front of the Commission between proponents and opponents. All questions and testimony must be directed through the Chair.

Material and testimony submitted should be as factual as possible.

Presentation of Testimony: Applicants will be requested to present their testimony first. The applicants, or their representatives shall first state their names and addresses and, if the party appearing is not the applicant, the nature of the representative’s capacity. The applicant should state:

1. Why the applicant desires the action requested.
2. Why the application is in accordance with sound planning practices.

Following the applicant’s testimony, other persons wishing to speak on that particular agenda item will be called upon to present testimony in the following order: (1) proponents of the application, (2) opponents of (for those seeking information about) the application, and (3) rebuttal by the applicant. Each person should first state their name and address, and then present the reasons why they feel the application is not in accordance with sound planning practices.

The applicant will be entitled to a brief rebuttal after the opponents’ testimony is concluded.

Five (5) minutes for testimony is preferred as a maximum; however, no more than 30 minutes should be taken by either proponents or opponents. The Chairperson may grant additional time in advance of the meeting for items of major significance. The Commission may also grant or deny requests for more time.

Large groups in attendance concerned with an application should choose one or two spokespersons to present the group’s testimony. The spokesperson may have the group stand to give the Commission an idea of the number of persons sharing similar viewpoints. Remember, however, that the Commission is interested in factual information.

Individuals speaking for themselves and also groups’ spokespersons should not present testimony previously given. The Chairperson of the Commission shall reserve the right to discontinue at any time repetitive or irrelevant testimony.

If you have any questions about the public hearing procedures, please contact Jean Walker, Administrative Officer, in the Planning Department (441-6365) or by e-mail plan@lincoln.ne.gov. 

x:\ss\sp\planning proced\attach.2
ORDINANCE NO. ________________

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2012; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 district through December 31, 2011; by amending Section 27.63.630 to clarify that on or after January 1, 2012, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.37.020 of the Lincoln Municipal Code be amended to read as follows:

27.37.020 Use Regulations.

(a) General regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any property having a total area of less than thirty acres.
Permitted uses. A building or premises may be used only for the following purposes in the B-5 Planned Regional Business District:

1. Stores or shops for the sale of goods at retail, and shops providing service for such goods;
2. Business offices;
3. Personal and professional services;
4. Places of public assembly, entertainment, or recreation, except theaters;
5. Hotels or motels;
6. Banks and savings and loan associations, credit unions, and finance companies;
7. Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
8. Restaurants;
9. Service stations, and automobile washing services;
10. Automobile sales establishments;
11. Residential uses;
12. Public or nonprofit community services;
13. Dry cleaning or laundry establishment; provided, the floor area does not exceed 2,000 square feet, exclusive of office and “pickup space”;
14. Enclosed commercial recreational facilities;
15. Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;
Indoor movie theaters (on or after January 1, 2012).

Section 2. That Section 27.37.030 of the Lincoln Municipal Code be amended to read as follows:

27.37.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

(a) Historic preservation;
(b) Public utility purposes;
(c) Wind energy conversion systems;
(d) Indoor movie theaters (through December 31, 2011);
(e) Broadcast towers.

Section 3. That Section 27.63.630 of the Lincoln Municipal Code be amended to read as follows:

27.63.630 Permitted Special Use: Indoor Movie Theaters.

Indoor movie theaters may be allowed in the B-5 District by special permit under the following conditions:

(a) A use permit for 400,000 square feet or more of commercial floor area has been issued;
(b) A Certificate of Occupancy has been issued for 300,000 square feet or more of commercial floor area; provided, however, that the City Council may decrease or waive this requirement upon a finding that the proposed theaters will have no significant adverse impact upon
the property values and existing uses in the B-4 Lincoln Center Business District, with particular
emphasis upon the effect of such proposed theaters on the entertainment and cultural uses in the B-4
Lincoln Center Business District; and

(c) Not more than one theater complex shall be allowed for each B-5 District, consisting
of not more than six movie screens. On or after January 1, 2012, pre-existing indoor movie theaters
approved by special permit shall be automatically converted to indoor movie theaters as a permitted
use in the B-5 district and thereafter there shall be no restriction on the maximum number of theater
complexes in each B-5 district and no restriction on the maximum number of movie screens in each
theater complex.

Section 4. That Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln
Municipal Code as hitherto existing be and the same are hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after its
passage and publication according to law.

Introduced by:

________________________

Approved as to Form & Legality:

________________________
City Attorney

Approved this _ day of __________, 2005:

________________________
Mayor
MEMORANDUM

TO: City Council
cc: Mayor Seng
     Marvin Krout, Planning Department
     Ray Hill, Planning Department
     Rick Peo, Law Department
     Peter Katt, attorney for applicant

FROM: Greg Czaplewski, Planning Department

SUBJECT: Prairie Village North

DATE: January 6, 2005

Councilmember Marvin requested a summary comparing the stages this most recent Prairie Village North project has gone through. Attached is a list of the various components as they have evolved, along with a breakdown of the plan components included in each of the two bills before you, 05-165A (CZ #05054A) and 05-165B (CZ #05054B). I have included the number of acres, square feet of floor area, allocated dwelling units, dwelling unit type, and unallocated dwelling units for each of the proposed underlying zoning classifications.

The number of residential units has decreased twice. The first decrease was due to a Planning Commission limitation placed on the number of unallocated units, dropping the number from 869 units to 500 units. The total number of allocated units remained steady at 1,185. Prior to scheduling at City Council, the applicant reduced the land area within the PUD from 300 acres to 172 acres, resulting in the loss of an additional 456 dwelling units. The bulk of the area removed from the PUD was outside the floodplain but requires a connection to the Stevens Creek sewer, and so it is being left for a later stage of development. A small portion is in the floodplain but potentially developable based on more detailed analysis.

The dwelling unit count stands at 419 units zoned R-3 (109 single-family, 156 two-family, 64 townhouse, and 90 unallocated), and 742 units zoned R-5 (400 multiple-family and 342 unallocated). The unallocated multiple-family units are only available if the addition of pm peak hour trips generated by additional multiple-family units is offset by a similar reduction in commercial pm peak hour trips, either through a change in commercial uses or square footage.

The amount of commercial square footage has likewise undergone several changes. The initial proposal included 711,000 sf, while the Planning Commission reduced it to 585,000 sf. In addition, the Planning Commission made the use of 50,000 square feet of floor area on the north side of Adams Street contingent upon the development achieving 5 criteria set out in the Comprehensive Plan, including the construction of 200 multiple-family units, pedestrian orientation, and a minimum amount of office space located above the first floor. Also, included in the ordinance for the south side of Adams Street is a condition that no individual commercial use can exceed 100,000 sf.
Prairie Village North PUD
Plan components - July 21, 2005 through December 29, 2005

<table>
<thead>
<tr>
<th>Zoning</th>
<th># acres</th>
<th># sf</th>
<th># du</th>
<th>du type</th>
<th>unallocated du</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial proposal - July 21, 2005</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>R-3</td>
<td>188.56</td>
<td></td>
<td>785</td>
<td>SF</td>
<td>218 527 within R-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2F</td>
<td>291</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>TH</td>
<td>276</td>
</tr>
<tr>
<td>R-5</td>
<td>25.66</td>
<td></td>
<td>400</td>
<td></td>
<td>342 within R-5</td>
</tr>
<tr>
<td>B-2 north</td>
<td>47.95</td>
<td></td>
<td>326,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-2 south</td>
<td>15.18</td>
<td></td>
<td>185,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-3 north</td>
<td>15.19</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-3 south</td>
<td>7.79</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>300.33</td>
<td>711,000</td>
<td></td>
<td></td>
<td>2,054 2,054, 869 of which were unallocated</td>
</tr>
<tr>
<td>(commercial) north</td>
<td>63.14</td>
<td></td>
<td>426,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(commercial) south</td>
<td>22.97</td>
<td></td>
<td>285,000</td>
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Planning Commission conditions August 31, 2005

<table>
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<tr>
<th>Zoning</th>
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<th>du type</th>
<th>unallocated du</th>
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</thead>
<tbody>
<tr>
<td>R-3</td>
<td>188.56</td>
<td></td>
<td>785</td>
<td>SF</td>
<td>218 527 within R-3</td>
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<tr>
<td></td>
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</tr>
<tr>
<td>B-2 north</td>
<td>47.95</td>
<td></td>
<td>326,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-2 south</td>
<td>19.01</td>
<td></td>
<td>185,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-3 north</td>
<td>15.19</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-3 south</td>
<td>3.96</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>300.33</td>
<td>585,000</td>
<td></td>
<td></td>
<td>1,685 1,685, 500 of which were unallocated</td>
</tr>
<tr>
<td>(commercial) north</td>
<td>63.14</td>
<td></td>
<td>300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(commercial) south</td>
<td>22.97</td>
<td></td>
<td>285,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** The number of unallocated dwelling units was changed to 500; 100 of which could be used at will, while the other 400 could only be used if there was a comparable reduction in the number of commercial pm peak hour trips.

** The overall floor area for the north side was reduced, but was not allocated by specific zoning district.

** 50,000 square feet of floor area on the north side is contingent upon 5 criteria:
1. Pedestrian orientated commercial area
2. Completion of 200 multiple-family units
3. Acceptable traffic impact based on traffic study
4. 50,000 sf of total office space within PUD must be on 2nd floor or above
5. Open space component within commercial area
Changes made by Applicant October 19, 2005

<table>
<thead>
<tr>
<th>Zoning</th>
<th># acres</th>
<th># sf</th>
<th># du</th>
<th>du type</th>
<th>unallocated du</th>
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<tbody>
<tr>
<td>R-3</td>
<td>60.29</td>
<td>329</td>
<td>SF</td>
<td>109</td>
<td>90 within R-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2F</td>
<td>156</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TH</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>R-5</td>
<td>25.66</td>
<td>400</td>
<td></td>
<td></td>
<td>342 within R-5</td>
</tr>
</tbody>
</table>

** The R-5 unallocated dwelling units can only be used if there is a comparable reduction in the number of commercial pm peak hour trips.

<table>
<thead>
<tr>
<th>Zoning</th>
<th>north</th>
<th>south</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-2</td>
<td>47.95</td>
<td>19.01</td>
<td>66.96</td>
</tr>
<tr>
<td>north</td>
<td>15.19</td>
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<td>15.19</td>
</tr>
<tr>
<td>south</td>
<td>3.96</td>
<td></td>
<td>3.96</td>
</tr>
<tr>
<td>Total</td>
<td>63.14</td>
<td>185,000</td>
<td>1,161,423</td>
</tr>
</tbody>
</table>

** 50,000 square feet of floor area on the north side is contingent upon 5 criteria:
1. Pedestrian orientated commercial area
2. Completion of 200 multiple-family units
3. Acceptable traffic impact based on traffic study
4. 50,000 sf of total office space within PUD must be on 2nd floor or above
5. Open space component within commercial area

Plan components contained in Change of Zone #05054-A and #05054-B

**05054-A** (R-3 residential north of Adams Street, commercial south of Adams Street)

<table>
<thead>
<tr>
<th>Zoning</th>
<th># acres</th>
<th># sf</th>
<th># du</th>
<th>du type</th>
<th>unallocated du</th>
</tr>
</thead>
<tbody>
<tr>
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<td>60.29</td>
<td>329</td>
<td>SF</td>
<td>109</td>
<td>90 within R-3</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>2F</td>
<td>156</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>TH</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>B-2</td>
<td>19.01</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>north</td>
<td>185,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>south</td>
<td>3.96</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>83.26</td>
<td>285,000</td>
<td>419</td>
<td>90 of which are unallocated</td>
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<tr>
<td>(commercial)</td>
<td>south</td>
<td>22.97</td>
<td>285,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** Individual commercial users are limited to 100,000 square feet.

**05054-B** (R-5 residential north of Adams Street, commercial north of Adams Street)

<table>
<thead>
<tr>
<th>Zoning</th>
<th># acres</th>
<th># sf</th>
<th># du</th>
<th>du type</th>
<th>unallocated du</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-5</td>
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<td>342 within R-5</td>
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<td>B-2</td>
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<td></td>
<td></td>
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<tr>
<td>north</td>
<td>15.19</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>south</td>
<td>3.96</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>88.50</td>
<td>300,000</td>
<td>742</td>
<td>342 of which are unallocated</td>
<td></td>
</tr>
<tr>
<td>(commercial)</td>
<td>north</td>
<td>63.14</td>
<td>300,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** 50,000 square feet of floor area on the north side is contingent upon 5 criteria:
1. Pedestrian orientated commercial area
2. Completion of 200 multiple-family units
3. Acceptable traffic impact based on traffic study
4. 50,000 sf of total office space within PUD must be on 2nd floor or above
5. Open space component within commercial area
to: City Council members
from: Ed Zimmer, Planning Dept. (on behalf of Urban Design Committee)
re: Star Art project

Jonathan Cook asked me to report to you on this item, which also appears on your agenda for Monday, January 9th.

Yesterday (January 4, 2006) Tari Hendrickson Sweeney, representing the YWCA, presented the Star Art project to the Urban Design Committee, as provided in the City’s regulations and ordinances on locating artworks on public property.

Installation is planned for later this month and the temporary displays will be removed before the end of April, 2006. In addition to locations on city parks and rights-of-way, many pieces will be displayed on private property in both indoor and outdoor settings.

Committee members asked about the relatively brief duration of the display and were informed that the project included a wide variety of art media, of varying durability and size, and therefore it was organized for January to April installation.

The Committee was provided with illustrations of the models of the works selected for display. Members were informed that Parks & Recreation and Public Works Depts. are reviewing the public sites to identify any public safety concerns.

The Committee unanimously recommended that the City allow the temporary display of Star Art project on public property.
As taxpayers we urge you to adopt proposed resolutions incorporating the updated information about flood plains. Not to do so would expose us all to expensive damage in areas subject to potential flooding, all for the benefit of a few developers.

Robert and Phyllis Narveson
1729 C St.
435 5858
TO ALL COUNCIL MEMBERS:

This revised plan is excellent. DO NOT change it. You all are in office to represent the safety of the citizens of Lincoln, that means you are "responsible" for our safety. This plan will keep more people safe and less cost to the city. In all the flooding in other parts of our country we can see the damage done by developing near running waters. You can NOT amend this proposed ordinance without reneging on your responsibility to keep our citizens safe. There can be NO honorable reason to change it. STOP and think of the misery of those who are in floods way. "IF" any one builds in waters way THEY should be the ones to pay. STOP and think of the cost for damages to the city. NO, there is NOT one responsible reason to change this ordinance as presented to you. Thank you for your service.

Lynn Darling  2601 SW 23  Lincoln NE> 68522
Council Members: I am confident you can rely on the recommendations of NRD Staff, City Staff and FEMA in your considerations for necessary Council actions.

Wilbur Dasenbrock  
1449 Meadow Dale Drive  
Lincoln, NE 68505  
466-2465
January 6, 2006

Dear City Council members:

I am writing to urge you to adopt the proposed floodplain ordinance amendments (05-175, 05-176, 05-177, 05-178, 05R-282, 05R-283, 05R-284, 05R-285). These amendments will ensure that city planning is based on the best available scientific information pertaining to flood risk. Adopting the ordinances will therefore best protect homes and businesses in the future from flood hazards.

It is my understanding that some advocate the dilution of these ordinances by preventing the adoption of the most scientifically reliable information. The argument made is that Lincoln needs to wait for a federal government agency to catch up with Lincoln before it can act. Waiting for FEMA to adopt the best available scientific data before Lincoln can do so is not sensible. First, FEMA has to manage data across the whole country, and therefore local communities, at least those fortunate to have the resources to obtain and use the best and most current information, will frequently find themselves to be ahead of FEMA. Second, the prospect of Lincoln waiting for FEMA to adopt new flood maps seems particularly senseless given the agency's recent dismal failure to act in a timely manner in New Orleans.

The City of Lincoln has gone to great effort to get the most current and flood-prone area maps. I urge the Council to immediately adopt the floodplain ordinances, which use these data, as written.

Thank you very much for your time.

Rachel Simpson
3 Forestview Circle
Lincoln, NE 58522

402-742-7991
----- Original Message ----- 
From: Kay Rising
To: Kay_Rising; Council@ci.lincoln.ne.us
Cc: Mayor@ci.lincoln.ne.us
Sent: Friday, January 06, 2006 7:46 PM
Subject: Re: Growth

Lets not forget the people that live in NE Lincoln, its time you help us grow. The proposed development near 84th & Adams conforms with the Comp. Plan, this has been confirmed by the Dept. Head when questioned by you when reviewing this application. The commercial sq. footage conforms with the City requirements. Just because it is proposed to be developed as one large store instead as a strip mall don't reject it just because there is no other neighborhood center with a store this size, this is needed in NE Lincoln. Not only is it needed but it will greatly help the rest of the commerical area along 84th develop, which is greatly needed. The developer is more than willing to help pay a great share of improvement costs. Its time we listen to the consultants we hire and put in place some of their recommendations. Lets work with developers not against them and the growth is needed to increase our tax base and sales tax revenue, as well as providing services needed in the area as well as the convience need for the area residences. This the feelings of the vast majority of the citizens of NE Lincoln that I have talked with. Do what right and not let the Mayor stop development in this part of town.

Kay Rising
8412 Peregrine Ct.
327-2668
The Journal front page headlines "Budget gap projected - again" is nothing new. Its time we address the issues and not just cut services or add new Fees, maybe its time we consider a tax increase so we can supply services needed and not continue to slip as a City. There is also another way and that is by growth. But not all of you or the Mayor is for growth. The citizens of NE Lincoln deserve the same services as the rest of the City without having to drive miles to find them. The start would be to approve the development at 84th & Adams, this falls within the guidelines of a Neighborhood Center, its just we never had one with a Big Box Store, maybe its time. The increase in Sales Tax, not only from this store but also from the other store and shops that would be attracted to build in the vacant area zoned for commercial along 84th St. from Holdrege to north of Adams. I'm sure Wal-Mart would not build if they didn't project increased sales for all three stores. This is the start needed for this area to grow and provide services needed to serve us in that part of town. Also I do not see where this will hurt shops in the area because most of them offer a service still needed. Although the grocery store making all the noise did not seem to concerned when they built store that helped drive about Safeway & Hinky Dinky. Please consider your vote and vote for growth. It looks like the City get a lot of assistance by what the developer is willing to pay. The City has ignored NE Lincoln for years, don't do it again.

Kay Rising
8412 Peregrine Ct.
327-2668

P.S. I hope the Mayor also gets this. I don't believe this went out the first time, so I am trying again, better late than never
Please adopt the new flood plain mapping at Monday's Council meeting for the betterment of the City and the safety of future residents and businesses. It is important to keep current on this information so that future devastation by flood is prevented.

Judy Smith
4940 S 54 St
Lincoln NE 68516-1819
InterLinc: City Council Feedback for
General Council

Name: Helen G. Curfman
Address: 6931 Vine St
City: Lincoln, NE 68505
Phone: 402-467-5861
Fax: 402-467-5861
Email: hcurfman@gmail.com

Comment or Question:
I have no thoughts one way or the other about a Wal-Mart being built near 84th and Adams. What I have a problem with is the 724 apartments the developer wants to build when there are vacancies in nearly every apt complex in Lincoln.

Also how can any one in good conscience condone widening "O" st when we are going to be faced with 2 winter's worth of potholes which get deeper by the day. The big machine that the Mayor hired to find the potholes for 420,000 dollars evidently was a waste of money. No wonder the city has a shortfall. If there was ever a report on the machine findings I have yet to see it.

Helen curfman
Dear Council Member, I urge you to do the following regarding the floodplain amendments:

Please approve the amendments as originally written, without change.

Please put into use updated maps of both new growth areas and existing urban areas as soon as possible.

Please allow no exemptions for building in the floodplain. This is extremely important.

Please be sure that the new mapping includes the entire previously mapped areas. Do not allow elimination of smaller creeks and tributaries in the upper drainage areas. These areas are exceedingly important in flood control.

Thank you for protecting our city and outlying areas. Sincerely, Barbara Francis, 4435 Pioneers Blvd., Lincoln NE 68506.
We request ALL City Council members to: 1) Delay action on the "flood prone" designation ordinance, until staff and citizens can assess the impact on current and future commercial development. Hasty action now can mean Lincoln will move backwards as far as adding and attracting new jobs. We simply cannot afford to go down that path. 2) Please do not raise the parking lot tree requirements to 90% screening. Sure, we all love greenery, but retailers need to have visibility for their signs, and this will be an added cost that will keep or drive retailers away. There must be a reasonable compromise.

Thanks in advance for your sensible votes.

Alan and Donna
This is the first time I have written a message to the Council. While I am not a big fan of Walmart, I am very concerned about the lack of leadership in encouraging development in Lincoln. 84th Street is an excellent opportunity for retail development. There is very little retail in this area, but increased housing is leading to high demand. Lancaster Event Center has done well in maintaining usage of their facilities, but convenient lodging and retail would facilitate their growth also.

I drive this street everyday and do not look forward to the increase in traffic. However, Lincoln will not prosper if we stop development because it will lead to other challenges. The responsibility of the Council and the Major is to promote growth with solutions to the disadvantages which occur. It appears to me that Waverly is doing a better job of economic development than Lincoln.

I encourage you to vote for the 84th and Adams development.
FOR DISTRIBUTION TO LINCOLN CITY COUNCIL MEMBERS ON MONDAY, JANUARY 9, 2006

Dear Lincoln City Council Members,

Star Art - The Star City Art Project 2006 is a public art project featuring 69 unique star concepts in many different media. YWCA Lincoln presents Star Art to celebrate Lincoln as our Star City; to promote artistic expression; to encourage community and business involvement in the creation, display, and enjoyment of art; and to heighten awareness of YWCA Lincoln and its mission: to eliminate racism and empower women. Modeled after other art projects, such as Lincoln’s Tour de Lincoln, this project invited creative individuals to use their talent, imagination and artistic abilities to create stars. Rather than using a prefabricated form, artists were free to work in the medium of their choice to develop their own unique vision of a star.

Recently the Urban Design Committee unanimously approved that the temporary (early January - late April) display of Star Art be exhibited at a variety of locations within the city of Lincoln. We had hoped to install the Star Art in early January and auction the art April 28, 2006. The auction date has already been locked in. However, due to some confusion over whether a permit from the City Council was even needed, an application was not submitted in time. With the holidays in both December and January, it has made it difficult to move the application forward.

Therefore, the Star Art Committee respectfully requests that the City Council waive the rules to have a public hearing and take action on our request today in order that the Star Art may be exhibited promptly, allowing the community to begin enjoying the creative talents so beautifully expressed by Star artists. Our request has been noted on the agenda, and we will have representatives present to answer any and all questions about the Star Art project should you see fit to grant this request.

Most Sincerely,

Liz Shea-McCoy
Project Director, Star Art - The Star City Art Project 2006
Greetings Lincoln City Council members,

In the event each of the Council members did not receive my email, I am providing it through the Council.

I am contacting you to request that you support the recommendations of the Mayors Flood Plain Task Force and the Flood Standards For New Growth Areas for amendments to flood plain ordinances when the Council take action on these amendments. It is my understanding these are ordinance amendments 05-175, 05-176, 05-177, 05-178, 05R-282, 05R-283, 05R-284 and 05R-285 which reflect identifying the 100-year flood plain areas using the best available technology. I ask that the Council members reject attempt to delay the flood plain delineation until FEMA completes its process. I believe Lincoln should be proactive in protection of sensitive and diverse habitats and recognize the benefits of ecosystem services they provide to our community.

Sincerely,
J. Larry Hutchinson
601 Teakwood Drive
Lincoln, NE 68510
Dear Council Members - the site shown below is a pdf format of a comprehensive report regarding the public dollars involved in subsidizing this wealthy business.


We cannot afford any more Wal-Mart effects, now or in the future. There is no compelling public interest in another Wal-Mart. And, there is extensive reason to protect the community from any more of the Wal-Mart way of doing business.

Sincerely,
Ginny Wright
Please vote in favor of the flood plain ordinance amendments that reflect the unanimous recommendations of the Mayors Flood Plain Task Force and the Flood Standards For New Growth Areas approved by the City Council in 2004.

Please disregard selfish and self-serving attempts to alter/water down these vitally necessary updates to environmental management.

Yours with great expectations,

Michael Floyd,
Friends of Wildernes Park

"The beginning of wisdom is to call things by their right names."
Chinese Proverb
Although you might think public safety is paramount, you have to consider the consequences of becoming overly zealous. For example, if the fire department suggests that every new house should have fire sprinklers to prevent fire deaths—much more common than flood drowning—will you vote yes? Will you eliminate the airport to prevent an airline disaster? No, but will you continue to add regulations, costs and other barriers to business until the locally economy collapses? Lincoln is in bad shape right now with many business people are considering leaving. Some have left. Slow down on the regulatory zeal and consider every decision in light of its economic cost. Delay the flood maps; they won’t make any difference if a flood comes next week. There’s time to consider alternatives that would allow business growth—or at least show you have an interest in it.

When was the last time you considered a pro-jobs, pro-development, pro-business initiative? Maybe it’s come time to balance the scales. Things are bad enough to keep dampening any hopes of recovery with more economic inhibitors. This is not the right time for anti development and anti business policies. It’s time to show we welcome new business and will work hard to make sure our regulations do not inhibit economic growth.

Fernando Pagès
Brighton Construction Company
1941 K Street
Lincoln, NE 68510
402-434-2456
Fax-434-2458
I tried to call but the line was busy.

I would like to see the flood prone ordinance delayed until the impact on jobs can be determined more accurately. I think we need to be very careful when we approach anything that is as far-reaching as this.

Also, I think our current parking lot landscaping ordinance is more than sufficient for screening requirements.

Thank you.

Monte Froehlich

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Monte Froehlich, CCIM, SEC, SIOR
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Comprehensive Real Estate Solutions
1320 "P" Street, Suite 200
Lincoln, NE 68508
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Dear council members,

I've worked with the 2002 high resolution digital elevation model (DEM) that the city is so fortunate to have. This data set is approximately a 3 fold increase in resolution over the previous best and with it you can literally see cut and fill areas. You can't get this kind of data without paying big bucks, but the person who negotiated this data buy got a great deal and should be commended.

As a taxpayer in an era of impoverished public reserves, I don't support building in a flood plain - a recipe for disaster. Owners will need a bail out from the government. That fact doesn't depend upon the resolution of our DEM, but upon the inevitability of flood events. New Orleans was working with old data and property owners are seeing the consequences of that short sighted policy. Now they are arguing about which property will be rebuilt - not when.

People owning buildings in flood plains should be required to buy flood insurance - period. No further building in those areas should take place - period. I'd rather have my tax dollars spent on education, police, the fire department, and public infrastructure - not on flood bail outs!

Sincerely,

Maribeth

Under a theory Sam Alito supports, the President can decide to ignore whatever laws he wants – doesn't that make him a dictator?
Cenk Uygur (co-host of The Young Turks radio show, YoungTurk.com)
http://www.huffingtonpost.com/cenk-uygur/an-unchecked-president-t_b_13330.html

What does it profit if you gain information from a tortured terrorist and lose your own soul?
Tony Campolo (Evangelical minister)
http://www.huffingtonpost.com/tony-campolo/is-christianity-a-casualty_b_13329.html
With the best intentions, the Council passed the Living Wage ordinance. Now we read about the unintended consequences daily. Think about this when voting on the flood plain maps and later on more stringent regulations. Every vote has a cost. Look at the cost—not just the spin—before voting. By spin I mean, “Well, what if giant floods hit Lincoln suddenly, we have to protect our citizens.” Giant floods are not in the immediate forecast. Wait, look at the issue again and don’t make more well-intentioned mistakes.

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The amount of land that currently gets taken out of consideration for development because of flood control issues is significant. It adds a great deal to development costs the way it is. I would not endorse making it much easier than it already is, as opposed to more difficult.

The 90% screening ordinance is hugely intrusive in many ways. First of all in order for a business to be successful, potential customers must be able to know you are there and be able to get to you. The way it stands now, allowable signs have been reduced, the city wants reduced lighting, restricted access to the lots and now there is a proposal for 90% screening.

It is not only horrible for business, it creates a huge safety concern. There is a perception out there that convenience stores get held up on a regular basis. This is not necessarily the case for all stores. I can count on just a couple of fingers how many times our stores have been robbed in the last ten years. Some of my competition do get robbed quite a bit more than that. One of the reasons that I feel we have been successful in limiting our exposure to this sort of thing is our visibility. Good lights and making sure that the building and the front counter can be easily seen from the street (we do not put posters in line of sight to the counter). The screening will dramatically effect the safety of our employees and customers.

The sad thing about the screening proposal is that it serves no useful purpose. I am reminded of a comment that Cecil Steward said in a task force meeting about a decade or so ago when we were discussing the I-80 corridor. He indicated that he felt that 85% of the people driving past Lincoln down I-80 would like the view to consist of bermmed areas with trees as opposed to buildings and possible commercial development. I told Cecil that I would be shocked if that number wasn't closer to 95%. He looked at me rather shocked until I explained to him that the average citizen does not nave to be concerned about the budget for the City, or the cost to business. If I didn't have to factor in those issues and was tooling down the Interstate I think I would like to look at trees too. The point is the same for the screening. People who have no economic realization to the consequences of the safety of the people at the business being screened, or what it takes to run a business, are thinking how nice it would be to look at bushes and trees, as opposed to a convenience store. Another angle on this is that I as a business person recognize this and have spent a great deal more than my competition on landscaping. Seventeen years ago I don't think there were
sprinklers at a single location we owned. Now we have them everywhere and spend a great deal of time and effort on landscaping. But we will not do it to the extent that we will compromise the safety of our employees and customers nor jeopardize my locations ability to compete.
I would like to urge the council to keep the existing screening requirement for parking lots for commercial/retail. I believe that our City already does a good job in this area under existing ordinance. It seems we are already business unfriendly and don't need to add to the burden for retail commercial interests. I don't think that it has been too long ago that the existing screening requirement was adopted. Who keeps coming up with this stuff. Let's take lessons from Omaha. My son who is graduating from College this spring is taking a job with Gallop. Sure wish they were still in Lincoln. These ordinances are just the kind of thing that keep our businesses moving east.

John Watson, President
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E-mail: johnw@cenman.com
Please adopt updated flood plain maps!!!

Thank you
Alene Swinehart