DIRECTORS’ MEETING  
MONDAY, 11:00 A.M.  
DECEMBER 18, 2006  
COUNTY-CITY BUILDING, ROOM 113

I. MAYOR
1. Mayor Presents November Award of Excellence to Police Sergeant Erin Sims.
2. Lincoln Named One of Nation’s Top Digital Cities.
3. State of Nebraska Drinking Water Test Results.

II. DIRECTORS

PLANNING DEPARTMENT
1. Gale Addition Final Plat #06108. Generally located at North 14th Street and Morton Street.

PLANNING COMMISSION FINAL ACTION
1. Special Permit No. 04072, Muller Estates community Unit Plan. South 56th Street and Cumberland Drive. Resolution No. PC-01030.

PUBLIC WORKS

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

PATTE NEWMAN
1. Letter from Capital Human Society agreeing to house stray animals picked up by Animal Control through August of 2008.

V. MISCELLANEOUS
1. Cooper Foundation awards over $765,000 in 2006.

VI. ADJOURNMENT
MAYOR PRESENTS NOVEMBER AWARD OF EXCELLENCE

Mayor Coleen J. Seng today presented the Mayor’s Award of Excellence for November to Police Sergeant Erin Sims. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today’s City Council meeting.

Detective Sims has worked for the Police Department since 1982 and is currently assigned to the Southeast Operations Team. She was nominated by Police Captain Kim Koluch in the category of productivity for an incident that began on July 12, 2006. As a result of a traffic stop that day, Andrew J. Moore was arrested for several misdemeanor crimes. A quick search of his vehicle at the time of the arrest revealed items that may have been taken in some recent burglaries. Sims obtained a search warrant and found items from three separate burglaries. She contacted Moore at the jail, arrested him on the additional burglary charges and attempted to interview him. Moore declined to be interviewed or make any statements, but Sims told him she would be willing to talk at a later date.

Based on previous contacts and an established rapport with Sims, Moore decided to talk to her after an agreement was arranged through his attorney and the County Attorney’s Office. After three meetings, Moore confessed to more than 200 unsolved burglary and larceny offenses from as far back as 1994. After six hours of meetings, Sims began the enormous task of matching the crimes Moore had confessed to with reports and case investigations. She began to find cases that had occurred while Moore was incarcerated at the Nebraska State Penitentiary. But as she checked through Moore’s records, Sims found that he had been granted at least 86 furloughs. She determined that Moore committed five burglaries and two larcenies while serving time.

Sims spent more than 80 hours poring over case files to corroborate the details of each case. As of September, her hard work has cleared 128 commercial burglaries and 26 larcenies, which account for more than $97,000 in losses and more than $27,000 in damage. She continues to work on the information and hopes to clear more cases in the future. Captain Koluch wrote, “This is an outstanding example of Detective Sims’ dedication and commitment to excellence and this community.”

- more -
The other categories in which employees can be nominated are customer relations, valor, safety and loss prevention. All City employees are eligible for the Mayor’s Award of Excellence except for elected officials and some managers. Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

Nominations are reviewed by the Mayor’s Award of Excellence Committee, which includes a representative with each union and a non-union representative appointed by the Mayor. Award winners receive a $100 U.S. savings bond, a day off with pay and a plaque. Monthly winners are eligible to receive the annual award, which comes with a $500 U.S. savings bond, two days off with pay and a plaque.
LINCOLN NAMED ONE OF NATION’S TOP DIGITAL CITIES
Web site celebrates eleventh anniversary ranked number two for comparable cities

The City of Lincoln has again been named one of the top “digital cities” across the nation by the Center for Digital Government, a national research and advisory institute on information technology in government and education. Lincoln ranked second in the nation among cities with populations from 125,000 to 249,000. It is the fifth time in six years that Lincoln has finished in the top ten. InterLinc, the City-County Web site (lincoln.ne.gov and lancaster.ne.gov) marks its eleventh anniversary this month. The site averages about 5 million page hits per month.

“Lincoln continues to be on the cutting edge in using technology to improve the delivery of City services,” said Mayor Coleen J. Seng. “With more than 20,000 electronic visits to the City-County site each day, citizens are using the electronic services we offer and helping us make the City more efficient. The Information Services Division has done an outstanding job of providing online service for 11 years. Through those efforts, our City Hall is now open virtually 24 hours a day.”

“In addition to launching new services like subscription news feeds and online surveys, all of the City’s e-pay services offer an option to pay with no convenience fees added,” said Doug Thomas, Information Services Division Manager. “This is unusual as most cities require a fee for making Internet payments.” Citizens can use the City-County Web site to buy season swimming pool passes, renew pet licenses, buy Husker parking, conduct local criminal history checks and pay water bills and parking tickets. Lancaster County offers the ability to pay property taxes online, however, a credit card fee is required.

The County/City Building and four public libraries (Bennett Martin, Gere, Eiseley and Walt) offer free wireless Internet capability. Earlier this year, the City equipped the new Government Square Park at 10th and “O” streets Street with free wireless Internet connectivity. The City also recently completed the first year of its ACTION online citizen service request system. Of the 2,717 submissions to ACTION, 94 percent of the cases were successfully resolved.
More than 300 cities participate in the annual study that assesses how local governments use information technology to streamline operations and deliver services. The study focused on the implementation of online services; planning and governance; and infrastructure and architecture.

“Each year, while conducting the Digital Cities Survey and other popular survey programs, we continually see America’s state and local governments raising the bar and expanding their use of technology to serve citizens,” said Cathilea Robinett, Executive Director for the Center for Digital Government. “We can’t help but be inspired and impressed by the amazing strides made by this year’s participating cities.”
December 11, 2006

The Honorable Mayor and City Council

All of the drinking water samples were tested for Total Coliform and E. coli bacteria by the Colilert® method of analysis.

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Respectfully,

[Signature]

Dalton Johnson
Nebraska HHSS-R&L Laboratory
Lab Manager of Operations

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City of Toronto: Example Report

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Note: The table represents a sample of data for demonstration purposes.
Democrats plan year-long CR to fund FY 2007 programs

When Republican leadership last month decided to forego completion of the FY 2007 budget and pass that responsibility to next year’s Congress, the most pressing question of the lame duck session was what the incoming Democratic leaders would do with the news.

That question was answered yesterday when Senator Robert Byrd (D-WV) and Rep. David Obey (D-WI), each slated to become Chairman of their respective Appropriations Committees, announced that FY 2007 federal programs would be funded under a year-long joint resolution. This decision will essentially fund programs at their FY 2006 levels for another year. The only departments that will not operate under this resolution are Defense and Homeland Security, as Congress approved their budgets prior to the November election.

Byrd and Obey also announced that the new joint resolution, which is scheduled to be completed in early February, will not include any earmarks, thus wiping out any projects that were included in FY 2007 spending bills that were approved by the House or Senate Appropriations Committees earlier this year.

Under the CR that was approved by Congress and signed by the President last week, programs will be funded at the lower of three levels: FY 2007 as approved by the House, FY 2007 as approved by the Senate, or FY 2006. That CR runs through February 15, 2007. In the near term, these decisions will make administering programs in many agencies more difficult. For example, the Federal Transit Administration has a policy of not publishing its annual formula allocations until a final spending bill is enacted, so transit agencies are not likely to see any FY 2007 funding until February at the earliest.
credit. Also extended was a provision that allows individuals living in states without an income tax to deduct sales taxes from their federal returns.

Also included in the tax bill was a provision allowing for oil and natural gas drilling along the Outer Continental Shelf in the Gulf of Mexico. The significant revenues that will be derived from the drilling leases will be divided as follows each year: 50 percent to the general Treasury, 38.5 percent to coastal communities in the Gulf states, and 12.5 percent to the state-side program of the Land and Water Conservation Fund (LWCF), which funds local recreation and conservation programs.

The office of Senator Ken Salazar (D-CO) said that the LWCF program will receive about $15 million annually for the first ten years, when only royalties from newly opened areas are counted. However, that amount will grow to over $200 million annually beginning in 2017 when royalties from all Gulf areas are included.

The measure also includes a provision to eliminate a scheduled 5 percent cut in Medicare payments to physicians in 2007, to be paid for by reducing the Medicare Advantage Stabilization Fund from $10 billion to $3.5 billion. The fund provides payments to insurers as an incentive to remain in the Medicare program.

Other legislation approved by Congress prior to adjournment included:

- HR 6344 -- Reauthorization of the Office of National Drug Control Policy (also known as the White House “Drug Czar”) for five years
- HR 6316 – To allow the U.S. Army Corps of Engineers to accept funds contributed by non-federal entities to expedite the processing of permits through 2008
- S 2003 – Makes permanent a law that allows the U.S. Forest Service and Bureau of Land Management to enter into cooperative agreements with states and local governments for watershed protection
- S 2735 – To authorize a National Dam

Safety Program through FY 2011 at $12.7 million annually

**PUBLIC SAFETY**

Congress approves measure to release $1 billion in interoperability funds. Legislation approved by Congress last week will expedite the distribution of $1 billion in federal funding for interoperable communications systems. The language was added to a bill (S 2653) that will reduce telephone calling rates paid by military personnel serving overseas.

The $1 billion public safety interoperability fund was created by the Deficit Reduction Act of 2005, but the funds would not have been available until the sale of spectrum in the 700 megahertz band currently owned by broadcasters. While the spectrum auctions are not to begin until January 2008, the legislation directs the Department of Commerce, in conjunction with the Department of Homeland Security, to award the funds no later than September 30, 2007.

**HEALTH**

Ryan White headed to President after Kennedy brokers compromise. Heading into the final week of the 109th Congress, most observers held little hope for final passage of legislation (HR 6143) to reauthorize federal AIDS treatment programs under the Ryan White Act. However, a last minute compromise brokered by Senator Edward Kennedy (D-MA) allowed the legislation to proceed and both chambers cleared the bill for the President’s signature.

Passed by the House earlier this year, the legislation was stuck in a seemingly intractable dispute over its funding formulas. Several Senators had placed a hold on the bill in response to its call for a shift in funding away from the large metropolitan areas and urban states towards rural areas that the virus has impacted in more recent years. The traditional avenue for overcoming such disputes, adding enough funding to the bill so that no state loses money, was not available in the current budget climate.

Under the agreement brokered by Kennedy, the final legislation reauthorizes AIDS treatment programs under Ryan White for three years instead of five called for by earlier versions of the bill and includes “hold harmless” language that would ensure that every state and metropolitan area receives at least 95 percent of its FY 2006 funding in each year through FY 2009. (Most of the cuts to large urban areas in the original bill would have come in FY 2010 and FY 2011.) In addition, under the compromise, the bill repeals the Ryan White Act after FY 2009, forcing Congress to start from scratch and address the seeming imbalances in federal HIV and AIDS treatment programs as they are currently structured.

Although FY 2010 seems far off, the complexity of completely overhauling federal AIDS treatment programs means that Congress will have to begin addressing this issue soon if they hope to complete work before September 30, 2009.

**GRANT OPPORTUNITIES**

**National Endowment for the Humanities:** NEH has announced the guidance for the Planning Grants: Museums, Libraries, and Special Projects grants program. Planning grants should refine the content and interpretive approach of the project prior to implementation. The maximum amount awarded is $40,000. The total program funding is not available. Applications are due September 5, 2007. For more information please see: [http://www.grants.gov/search/search.do?mode=VIEW&oppId=11757](http://www.grants.gov/search/search.do?mode=VIEW&oppId=11757)

**Department of Transportation:** The Federal Transit Administration in partnership with the Department of Interior has announced the guidance for the Alternative Transportation in Parks and Public Land Program for FY 2007. The program funds alternative transportation for visitors to have access to destination in parks and public land without harming the environment. Total funding available is $21.3 million and those applying will not receive more that 25% of the total available. For more information please see: [http://www.fta.dot.gov/funding/grants/grants_financing_3548.html](http://www.fta.dot.gov/funding/grants/grants_financing_3548.html)
December 11, 2006

Lyle Loth
ESP
601 Old Cheney Rd. Suite “A”
Lincoln, NE 68512

RE: Gale Addition Final Plat #06108 Generally located at N. 14th St. and Morton St.

Dear Lyle:

Gale Addition generally located northwest of N. 14th St. and Morton St. was approved by the Planning Director on December 7, 2006. 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 (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Tom Cajka
Planner

CC: Mike Poe
   City Council
   Dennis Bartels, Public Works & Utilities
   Terry Kathe, Building & Safety
   Sharon Theobald, Lincoln Electric
   File

Q:\Boilerplates\FP Approval.wpd
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 11, 2006

RE : Special Permit No. 04072, Muller Estates Community Unit Plan
     (South 56th Street and Cumberland Drive)
     Resolution No. PC-01030

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, December 6, 2006:

Motion made by Carroll, seconded by Larson, to approve Special Permit No.
04072, with conditions, requested by Mark Champion of SCMH, LLC, for
authority to develop Muller Estates Community Unit Plan for 15 lots, including
a waiver of the Land Subdivision Ordinance and Zoning Ordinance requirements
to allow lot lines not perpendicular to the street and to adjust the front yard
setback from 20' to 15' and the rear yard setback from the smaller of 30' or 20%
of the lot depth to the smaller of 30' or 15% of the lot depth, on property
generally located at South 56th Street and Cumberland Drive.

Motion for conditional approval, carried 8-0 (Taylor, Cornelius, Sunderman, Larson,
Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand 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
    Tim Gergen, Olsson Associates, 1111 Lincoln Mall, 68508
    SCMH, LLC, P.O. Box 81906, 68501
    Dr. Royce Mueller, Country Meadows H.O. Assn., 1500 S. 48th Street, Suite 200, 68506
    Christine Kiewra, Country Meadows H.O. Assn., 6400 S. 66th Street, 68516
    Denene Collura, Country Meadows H.O. Assn., 6500 S. 66th Street, 68516
    Cripple Creek Neighborhood, P.O. Box 67082, 68506
    Dorothy Iwan, Family Acres Assn., 7605 S. 75th Street, 68516
    Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516

i:\shared\wp\jlul\2006 cnotice.sp\SP 04072
RESOLUTION NO. PC-01030

SPECIAL PERMIT NO. 04072

WHEREAS, Mark Champion of SCMH, LLC has submitted an application designated as Special Permit No. 04072 for authority to develop Muller Estates Community Unit Plan for 15 lots, together with requests to waive the Land Subdivision Ordinance and Zoning Code requirements to allow lot lines not perpendicular to the street and to adjust the front yard setback from 20' to 15' and the rear yard setback from the smaller of 30' or 20% of the lot depth to the smaller of 30' or 15% of the lot depth, on property generally located at South 56th Street and Cumberland Drive and legally described as:

Lot 63 I.T. in the Northwest Quarter and Lot 65 I.T. and Lot 66 I.T., in the Southwest Quarter, all in Section 16, Township 9 North, Range 7 East of the 6th P.M., 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 community unit plan 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; and
NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Mark Champion of SCMH, LLC, hereinafter referred to as "Permittee", to develop Muller Estates Community Unit Plan for 15 lots 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 of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 15 dwelling units with adjustments and the following modifications of the Land Subdivision Ordinance and Zoning Code:
   a. The requirement of § 26.23.140(c) of the Lincoln Municipal Code that side lines of any lot shall be at right angles to the street is waived to allow lot lines not perpendicular to the street;
   b. The requirements of § 27.15.080 of the Lincoln Municipal Code are hereby modified to reduce the front yard setback from 20’ to 15’ for all lots except the front yard of Lot 1, Block 1 along South 56th Street, and to reduce the rear setback from the smaller of 30’ or 15% of the lot depth for Lots 1-10, and to exceed maximum intersection approach grade.

2. The City Council must approve the associated request Change of Zone #04086.

3. Final plats within the area of the CUP must be approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the
community unit plan as originally approved does not comply with the amended rules and
regulations.

Before the approval of a final plat, the public streets, private roadway
improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,
land preparation and grading, sediment and erosions control measures, storm water
detention/retention facilities, drainageway improvements, street lights, landscaping screens,
street trees, temporary turnaround and barricades, and street name signs, must be completed
or provisions (bond, escrow or security agreement) to guarantee completion must be approved
by the City Law Department. The improvements must be completed in conformance with
adopted design standards and within the time period specified in the Land Subdivision
Ordinance.

4. Prior to approval of a final plat, the Permittee shall enter into an agreement with
the City wherein Permittee agrees:

a. To complete the street paving of public streets, and temporary
turnarounds and barricades located at the temporary dead-end of the
streets shown on the final plat within two (2) years following the approval
of the final plat.

b. To complete the installation of sidewalks along both sides of the streets
as shown on the final plat within four (4) years following the approval of
the final plat.

c. To complete the installation of a sidewalk along the east side of South
56th Street or provide the city with the cash equivalent at the time of final
plat to install the sidewalk when South 56th is improved.

d. To complete the public water distribution system to serve this plat within
two (2) years following the approval of the final plat.

e. To complete the public wastewater collection system to serve this plat
within two (2) years following the approval of the final plat.

f. To complete the enclosed public drainage facilities shown on the
approved drainage study to serve this plat within two (2) years following
the approval of the final plat.
g. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

h. To complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

i. To complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.

j. To complete the planting of the street trees along South 56th Street or provide the city with the cash equivalent at the time of final plat to install the trees when South 56th is improved.

k. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

l. To complete the installation of the street name signs within two (2) years following the approval of the final plat.

m. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

n. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

o. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

p. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

q. To complete the public and private improvements shown on the Community Unit Plan.

r. To maintain the outlots and private improvements on a permanent and continuous basis.

s. To keep taxes and special assessments on the outlots from becoming delinquent.

t. To maintain the plants in the medians and islands on a permanent and continuous basis.

u. To continuously and regularly maintain the landscape screen.
v. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

w. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Permittee shall not be relieved of Permittee’s maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

x. To submit to the lot buyers and home builders a copy of the soil analysis.

y. To pay all design, engineering, labor, material, inspection, and other improvement costs.

z. To inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with SP#04072 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

aa. To protect the trees that are indicated to remain during construction and development.

bb. To relinquish the right of direct vehicular access from Lot 1 and Outlot A to South 56th Street.

5. Before a final plat is approved:
a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

i. A revised site plan including 5 copies showing the following revisions:

(1) Delete General Site Notes 9, 16, 17, and 22. They either restate requirements of Lincoln Municipal Code and are redundant or are not applicable.

(2) Revise General Site Note 10 using R-3 density requirements.

(3) Revise General Site Note 14 by deleting the words “EXCEPT AS ADJUSTED AND SHOWN BY THIS PERMIT”, and change the word “BUILDING” to “SIGN” in the second line.

(4) Add a General Site Note 25 that states “FRONT YARD SETBACK IS 15’ ALONG MULLER DRIVE, HOWEVER ALL GARAGE DOORS SHALL MAINTAIN A 22’ SEPARATION FROM THE BACK OF SIDEWALK.”

(5) Delete the words “CONSERVATION EASEMENT” from Outlot B.

(6) Add the minimum opening elevations for Lots 2-10, Block 1.

(7) Change the title from “REQUESTED WAIVERS” to "ADJUSTMENTS GRANTED", revise adjustment #2 to state "FRONT YARD SETBACK ADJUSTED TO 15’ FOR YARDS ADJACENT TO MULLER DRIVE (DOES NOT INCLUDE LOT 1, BLOCK 1 FRONT YARD ADJACENT TO SOUTH 56TH STREET)", and revise adjustment #4 to state "REAR YARD SETBACK FOR LOTS 1-10, Block 1 ADJUSTED TO EITHER 30’ OR 15% OF LOT DEPTH, WHICHEVER IS LESS.

(8) Show base flood elevations.

(9) Show amount of fill from offsite.

(10) Provide assurance there is no increase in flood height.

(11) The drainage system revised to the satisfaction of Public Works and Utilities.
(12) The site, grading and drainage plans revised to the satisfaction of Public Works and Utilities.

(13) Show the easements required to the satisfaction of L.E.S.

(14) Show 70' of right-of-way from centerline dedicated for South 56th Street south of Muller Drive.

(15) Show an easement to accommodate a left-turn lane in South 56th Street to the satisfaction of Public Works and Utilities.

ii. A CLOMR-F and LOMR-F must be approved as appropriate.

iii. A floodplain permit must be approved by the City.

iv. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

b. The construction plans comply with the approved plans.

6. Before occupying the new dwelling units all development and construction is to comply with the approved plans.

7. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

8. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

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

10. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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 applicant
The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 6th day of December, 2006.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 13, 2006

RE : Special Permit No. 06065
(Alltel wireless facility - Northwest of S. 3rd Street and Garfield Street)
Resolution No. PC-01029

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 6, 2006:

    Motion made by Taylor, seconded by Carroll, to approve Special Permit No. 06065, with conditions, requested by Alltel Communications of Nebraska, for authority to construct a 118' tall monopole wireless facility capable of accommodating up to three carriers in the I-1 zoning district, on property generally located northwest of the intersection of S. 3rd Street and Garfield Street.

    Motion for conditional approval carried 7-1 (Cornelius, Sunderman, Larson, Taylor, Krieser, Carroll, and Essexs voting 'yes'; Carlson voting 'no'; Strand 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.

Please Note: This special permit has been appealed to the City Council by the Director of Planning, with public hearing tentatively scheduled for Monday, January 22, 2007, 1:30 p.m.

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Ralph Wyngarden, Faulk & Foster, 2680 Horizon Drive SE, Suite E,
    Grand Rapids, MI 49546
    Windstream (Alltel Communications of Nebraska), 1620 M Street, 68501
    Jacob Von Busch, 6401 S.W. 12th Street, 68523
    Lynn Johnson, Director of Parks & Recreation
    Danny Walker, South Salt Creek Community Org., 427 E Street, 68508
    Gary Irvin, South Salt Creek Neighborhood, 645 D Street, 68522
RESOLUTION NO. PC- 01029
SPECIAL PERMIT NO. 06065

WHEREAS, Alltel Communications of Nebraska has submitted an application designated as Special Permit No. 06065 for authority to construct a 118' tall monopole wireless facility capable of accommodating up to three carriers in the I-1 zoning district on property generally located northwest of the intersection of S. 3rd Street and Garfield Street, and described as:

Lots 31-36, Block 3, Hull’s South 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 wireless facility tower 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 Alltel Communications of Nebraska, hereinafter referred
to as "Permittee", to construct a 118' tall monopole wireless facility capable of accommodating
the antennas of three carriers be and the same is hereby granted under the provisions of
Section 27.68.030 the Lincoln Municipal Code upon condition that construction of said tower be
in strict compliance with said application, the site plan, and the following additional express
terms, conditions, and requirements:

1. This approval permits a 118' tall monopole for wireless facilities capable
of accommodating the antennas of three carriers consistent with the site plan.

2. Before receiving building permits:
   a. The Permittee shall complete the following instructions and submit
to the Planning Department for review and approval a revised site
plan including five copies showing the following revisions:
   i. Include a landscape schedule that demonstrates
      compliance with Design Standards.
   ii. Show screening for the lease areas for the additional
       carrier’s facilities.
   iii. State that the heights of the of the antennas on sheet
       ANT-1 are approximate.
   iv. Show the correct scale on the site plan.
   b. The construction plans comply with the approved plans.
   c. Submit a surety adequate to guarantee removal of the wireless
      facility subject to approval by the City.

3. Before use of the facility all development and construction shall have
been completed in compliance with the approved plans.

4. All privately-owned improvements shall be permanently maintained by the
owner.
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, its successors and assigns.

7. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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 applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 6th day of December, 2006.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 13, 2006

RE : Special Permit No. 06068, The Bridges Community Unit Plan
(Southwest corner of S.W. 27th Street and W. Denton Road)
Resolution No. PC-01031

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 6, 2006:

Motion made by Carroll, seconded by Cornelius, to approve Special Permit No. 06068, with conditions, with amendments, requested by Rezac-Pickering-Williams, for authority to develop The Bridges Community Unit Plan consisting of 70 single family lots, including build-through lots, with associated waivers to the design standards, zoning ordinance and land subdivision ordinance, on property generally located at the southwest corner of the intersection of S.W. 27th Street and W. Denton Road.

Motion for conditional approval, with amendments, carried 8-0 (Cornelius, Sunderman, Larson, Taylor, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand 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
Mike Eckert, Civil Design Group, 3901 Normal Blvd., Suite 203, 68506
Rezac-Pickering-Williams, 8001 S. 13th Street, 68512
Amy Chandler, Pester Ridge Neighborhood, 6400 S.W. 25th, 68523
Marjorie Kniefl, Pester Ridge Neighborhood, 6500 S.W. 25th, 68523
RESOLUTION NO. PC- 01031

SPECIAL PERMIT NO. 06068

WHEREAS, Rezac - Pickering - Williams has submitted an application designated as Special Permit No. 06068 for authority to develop The Bridges Community Unit Plan for 70 single family lots, including build through lots, together with requests to waive the Land Subdivision Ordinance, Zoning Code and City of Lincoln Design Standards in order to waive the installation of sidewalks, street trees, street lighting and landscape screens, to allow block length to exceed the 1320 feet, to waive storm water detention, to waive the preliminary plat process, to allow sewer running opposite grade, to reduce the rear yard setback, front yard setback and side yard setback, to allow rollover curb and gutter, and to waive BTA grading of future streets, on property generally located at the southwest corner of the intersection of S.W. 27th Street and W. Denton Road and legally described as:

Lot 2, Whispering Pines 2nd Addition, located in the North Half of Section 20, Township 9 North, Range 6 East of the 6th P.M., 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 community unit plan 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; and

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

That the application of Rezac - Pickering - Williams, hereinafter referred to as "Permittee", to develop The Bridges Community Unit Plan for 70 single family lots 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 of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 70 dwelling units, with waivers/modifications to the Land Subdivision Ordinance, Zoning Code and City of Lincoln Design Standards, as listed below:

   a. Landscape screens required by Lincoln Municipal Code § 26.27.080 are hereby waived.

   b. The requirement of Lincoln Municipal Code § 26.23.130 providing that block lengths shall not exceed 1320 feet is hereby waived along the south and west property line.

   c. The requirement of Lincoln Municipal Code § 26.11.032 that a preliminary plat shall be filed for a subdivision is hereby waived.

   d. The requirement of Sanitary Sewer Design Standards § 3.6 providing that the slope of the sanitary sewer should parallel the slope of the street is hereby waived to allow the sanitary sewer to run opposite street grade.
e. The Zoning Code provision requiring a rear yard setback of the lesser of 50' or 20% of depth in the AG Agricultural District is reduced to 30'.
f. The Zoning Code provision requiring a 50' front yard setback in the AG Agricultural District is reduced to 30'.
g. The Zoning Code provision requiring a 15' side yard setback in the AG Agricultural District is reduced to 7.5'.
h. The requirement of Lincoln Municipal Code § 26.27.010 that streets be paved with curb and gutter is modified to allow rollover curb vs typical curb and gutter.
i. The required BTA grading of future streets is waived in Outlots J & L.
j. Sidewalk, street trees and street lighting required by Lincoln Municipal Code §§ 26.27.020, 26.27.090, and 26.27.070, respectively, are hereby waived along S.W. 27th Street.
k. Sidewalks required by Lincoln Municipal Code § 26.27.020 are hereby waived along locations that a abut urban reserve outlots.

2. The City Council must approves the associated Change of Zone # 06072.

3. Final plats must be approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

If a community wastewater system is proposed the final plat cannot be approved until documentation that the community wastewater system necessary to serve every lot in the final plat has been completed and approved by the appropriate agency.

4. Before the approval of a final plat, the Permittee shall enter into an agreement with the City wherein the Permittee, as Subdivider, agrees:

a. To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

b. To complete the installation of sidewalks along both sides of the private streets as shown on the final plat within four (4) years following the approval of the final plat.

c. To construct the sidewalk in the pedestrian way easements in Outlots A, B, C, D, E and H, at the same time as the adjoining street is paved and to agree that no building permit shall be issued for construction on the adjacent lots until such time as the sidewalk in the pedestrian way easement is constructed.

d. To complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

e. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to
the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

f. To complete the installation of private street lights along private streets within this plat within two (2) years following the approval of the final plat.

g. To complete the planting of the street trees along private streets within this plat within four (4) years following the approval of the final plat.

h. To complete the installation of the street name signs within two (2) years following the approval of the final plat.

i. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

j. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

k. To complete the public and private improvements shown on the Community Unit Plan.

l. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

m. To retain ownership of and the right of entry to the outlots in order to perform the below-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
n. To maintain the outlots and private improvements on a permanent and continuous basis.

o. To maintain the plants in the medians and islands on a permanent and continuous basis.

p. To maintain the sidewalks in the pedestrian way easements in Outlots A, B, C, D, E and H on a permanent and continuous basis.

q. To continuously and regularly maintain the street trees along the private roadways.

r. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.

s. To submit to the lot buyers and home builders a copy of the soil analysis.

t. To submit to all potential purchasers of lots a copy of the ground water report.

u. To pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes as follow:

v. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

w. To protect the trees that are indicated to remain during construction and development.

x. To keep taxes and special assessments on the outlots from becoming delinquent.

y. To relinquish the right of direct vehicular access from to S.W. 27th Street except for W. Covered Bridge Drive.

z. To inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with this Community Unit Plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.
aa. To submit to all potential purchasers of lots a copy of the ground water report.

bb. To agree to subdivide the Acreage Development component as shown on the transitional plat and to agree to implement the Master Plan for future development of the Urban Reserve Component (Outlots A, G, I, F, and J, to a density of about 250 dwellings when sanitary sewer and water are extended to serve the Acreage Development Component and Urban Reserve Component and the Acreage Development Component and Urban Reserve Component are annexed and rezoned. Said agreement to include provisions regarding the timing of annexation conversion of the Acreage Development Component, final platting of the Urban Reserve Component, establishing a plan for funding infrastructure costs for conversion of the Acreage Development Component and implementation of the Master Plan for the Urban Reserve Component or petitioning for creation of special assessment districts for the installation of infrastructure improvements if not installed by the Subdivider at the Subdivider’s own cost and expense, and incorporating said provisions into deed restrictions to be reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

c. To notify all potential purchasers of lots in Blocks 1-6 that said lots are subject to future subdivision and additional future urban residential development as shown on the final plat when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Lots have been annexed; and (c) the Lots have been rezoned to a district allowing for higher urban density.

d. To notify all potential purchasers of lots that Outlots A, G, I, F, and J, shown and identified on the final plat as “Reserved for Future Platting to Urban Density” is subject to future urban residential development having a density of approximately 250 dwellings when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Outlots have been annexed; and (c) the Outlots has been rezoned to a district allowing for higher urban density.

e. That Lots in Blocks 1-6 may be subdivided to the density of approximately twice the number of initial dwellings when the sanitary sewer and water are extended to serve said Lots and are annexed and rezoned notwithstanding the above. This subparagraph ee shall be null and void if Change of Zone No. 06079 is adopted by the City Council.

ff. To install water mains to serve Lots in Blocks 1-6 at Owner’s own cost and expense within twelve (12) months following annexation of said Lots into the City of Lincoln, unless a water district is created by the City Council for the water mains and water mains are finally ordered constructed within six (6) months following said annexation.

-7-
To install all other infrastructure for conversion of the Lots in Blocks 1-6 and Outlots A, G, I, F and J at Subdivider’s own cost and expense when said Lots are replatted as buildable lots unless a special improvement district is created by the City Council for the installation of infrastructure improvements and the improvements are finally ordered constructed. Subdivider understands that a special assessment district for the installation of a local public street and for the installation of public ornamental lights may not be finally ordered constructed by the City Council until a petition signed by the owners of record title, representing a majority of feet frontage of property directly abutting upon the street or streets to be improved shall be presented and filed with the City Clerk petitioning therefor. Subdivider agrees that in the event a street or streets within the final plat are embraced within a street paving district, and/or ornamental lighting district, Subdivider shall, within thirty (30) days following creation of the district, petition the City Council to order the final construction of said street paving and/or ornamental lighting.

In the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, storm water and ornamental street lights are ordered constructed pursuant to a special assessment district Subdivider (1) agrees and consents that the cost thereof shall be assessed and levied together with assessment and equalization costs, against the benefitted properties in The Bridges, waiving all objections to the sufficiency of the petitions therefor, to the proceedings creating said districts, to the making of the assessments and to the equalization thereof; and (2) agrees to pay to the City of Lincoln said costs as thus assessed and levied against said property.

To waive, as against the City of Lincoln, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Subdivider, or which may result to Subdivider’s property or interest therein, by reason of said infrastructure improvements or the construction thereof.

To locate buildings on Lots in Blocks 1 - 6, so as to preserve the remaining portion of such Lot for future platting into buildable Lots as shown on the final plat. Subdivider agrees that the City and County may withhold the issuance of any building permit for a building on said Lots which does not comply with the requirements of this paragraph.

Not to protest annexation of the property within The Bridges Community Unit Plan into the City of Lincoln.

That the obligations of Subdivider under this BTA Subdivision Agreement shall constitute a covenant running with the land and shall be binding on Subdivider and Subdivider’s heirs, administrators, successors and assigns.

Before a final plat is approved:
a. The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

i. A revised site plan including 5 copies showing the following revisions:

(1) Show the "Shadow Plat" for lots in Block 1-6 with acreage splits at least two times the number of lots unless Change of Zone No. 06079 is adopted by the City Council.

(2) Show and name the abutting intersection streets on SW 27th.

(3) Show future street access points at the ½ and 1/4 mile points on the east, south and west and show a ½ mile future road.

(4) Show a pedestrian trail between Lots 13 and 12, Block 6.

(5) Remove the future building complexes in Outlots G and F.

(6) Show street trees.

(7) Show easements for future water, storm sewer and wastewater across the outlots.

(8) Show a 20' easement for the future public trail along the south side of Cardwell Creek.

(9) Revise note #8 to read "private streets".

(10) Show the future number of lots for Outlots A and J.

(11) Dimension the ROW to be dedicated along S.W. 27th Street.

(12) Show a future street along the south side of the property to accommodate the ½ mile road.

(13) Shift S.W. 32nd Street to the east side of Outlot "I" and renumbered.

(14) Change the street names to resolve the Lincoln Police and 911 comments on conflicts.

(15) Add Outlots A and J to note #24

(16) Make the revisions requested by County Engineer in his memo dated October 19, 2006.
(17) Show the easements requested by Norris Public Power.

(18) Make the revisions requested by Public Works and Watershed Management.

(19) Revise Note #7 to reference the State NDEQ.

(20) Revise notes to reflect side yard waiver.

ii. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

b. Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.

c. The construction plans comply with the approved plans.

6. Before occupying the dwelling units all development and construction must comply with the approved plans.

7. Before occupying this Community Unit Plan, City/County Health Department must approve the water supply and the appropriate agency has approved the community waste water systems.

8. 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.

9. 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.

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

11. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall
1. file a copy of the resolution approving the special permit and the letter of acceptance with the
2. Register of Deeds, filling fees therefor to be paid in advance by the applicant.
3. 12. The site plan as approved with this resolution voids and supersedes all
4. previously approved site plans, however all resolutions approving previous permits remain in
5. force unless specifically amended by this resolution.
6. The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
7. Commission on this 6th day of December, 2006.

ATTEST:

/S/ Original signed by

Jon Carlson
Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
Memorandum

To: City Council Members

From: Margaret Remmenga
Public Works & Utilities Business Manager

Subject: Lincoln Water & Wastewater Systems Fiscal Year 2005-06 Audits

Date: December 14, 2006

cc: Mayor Coleen J. Seng, Karl Fredrickson, Fran Mejer, Nicole Fleck-Tooze, Don Herz, Peggy Watchorn, Tammy Grammer, Joan Ross

BKD LLP has completed their audit of the Lincoln Water and Wastewater Systems for Fiscal Year 2005-06, and the final documents were submitted to me on November 30, 2006, per contract. We have since printed the reports and copies of the audit reports are available at both the City Clerk’s office and City Council secretary’s office for your review. Should you personally wish to have a copy of the audit reports, Tammy Grammer can obtain additional copies from my office.

Attached are copies of the Independent Accountants’ Report on Financial Statements and Supplementary Information and Independent Accountants’ Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards for the Water System and the Wastewater System respectively. BKD stated in those reports they noted no matters involving the internal control over financial reporting and its operation that they would consider to be material weaknesses and the results of their tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

BKD, LLP also submitted a management letter addressing five matters relating to the water and wastewater audits, along with their comments and suggestions. Those matters are as follows:

1. Water Department - Sales and Use Tax

Pursuant to State of Nebraska sales tax regulations, the Water System is responsible for collecting sales tax from consumers and for use tax on various components of capital projects or supplies consumed. A 2006 sales and use tax audit performed by the Department of Revenue, resulted in the System reviewing contracts and agreements that were entered into with various contractors. In that review of contract language a concern arose as to inconsistent or unclear wording regarding a contractor responsibility for paying sales or use tax.

We suggest the Water System and the City Attorney’s office review and evaluate current and future contract language, to eliminate any exposure the Water System might have for use tax liability. It is our understanding that such a review is currently underway.
**Public Works & Utilities response:** The Lincoln Water System is a taxable entity for Sales and Use taxes, unlike other City entities which are exempt from Sales and Use taxes. During a routine audit by The Nebraska Department of Revenue, it was discovered when contracts were issued for Water Projects, that Purchasing Agent Appointments (which allow a contractor to buy items tax-free) were issued in error in the contract documents. This was in conflict to language in the bid documents which indicated Lincoln Water System purchases were taxable.

The Purchasing Agent is aware of the problem with the contract language and is reviewing the bid and contract documents to clarify the taxability of the Lincoln Water System. The Lincoln Water System is in the process of contacting contractors to provide proof the contractor paid these taxes to the State of Nebraska.

**Future Accounting Pronouncements**

2. **Statements of the Governmental Accounting Standards Board No. 45: Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions**

This Statement establishes standards for the measurement, recognition and display of other postemployment benefits (OPED) expense and related liabilities (assets), note disclosures, and, if applicable, required supplementary information in the financial reports.

Effective for fiscal year ending August 31, 2007.

**Public Works & Utilities response:** We will comply with this pronouncement.


The Governmental Accounting Standards Board (GASB) released a preliminary view of the Board’s position on ‘Accounting and Financial Reporting for Derivatives’. The preliminary view proposes that the fair value of derivatives be reported in the financial statements, as well as the change in that fair value. If however, a derivative is effectively hedging (reducing) the risk it was created to address, then the annual changes in the derivative’s fair value would be deferred and reported in a government’s balance sheet. Governments also would disclose additional information about their derivatives in the notes to the financial statements.

**Public Works & Utilities response:** We will comply with this pronouncement.
Future Auditing Standards

The Auditing Standards Board of the AICPA has issued ten new auditing pronouncements that will be effective for the System in the future. It is not reasonable to estimate at this time what effect this will have on future audits, however, it is likely that audit time will increase. A synopsis of the changes are as follows:

4. Standards Effective Fiscal 2007

SAS 103 – Audit Documentation – This statement makes audit documentation requirements similar for both public and non-public entities. It requires documentation of significant issues identified, discussions with management or others, evidence gathered and conclusions reached. Audit report dating standards have changed requiring all evidence be obtained prior to dating the report.

SAS 112 – Communicating Internal Control Related Matters Identified in an Audit – This statement changes the definition and classification of weaknesses in control design and in general requires more disclosure of internal control issues.

Public Works & Utilities response: We will comply with this standard.

5. Standards Effective Fiscal 2008

The other eight statements would be effective for the System beginning with the fiscal year ending June 30, 2008. These statements referred to as the Risk Assessment Suite of Standards address many basic auditing standards such as due professional care, audit evidence, materiality, planning, supervision and audit sampling.

Public Works & Utilities response: We will comply with this standard.

Should you have questions regarding the audit, please do not hesitate to contact Fran Mejer at 441-7537 or myself at 441-7550.
Independent Accountants’ Report on Financial Statements and Supplementary Information

The Honorable Mayor and Members of the City Council
Lincoln Water System
Lincoln, Nebraska

We have audited the accompanying basic financial statements of Lincoln Water System as of and for the years ended August 31, 2006 and 2005, as listed in the table of contents. These financial statements are the responsibility of Lincoln Water System’s management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in Note 1, the financial statements of the City of Lincoln, Nebraska Water System are intended to present the financial position, the changes in financial position and cash flows of only that portion of the City of Lincoln, Nebraska, that is attributable to the transactions of the Lincoln Water System. They do not purport to, and do not, present fairly the financial position of the City of Lincoln, Nebraska, as of August 31, 2006 and 2005, and the changes in its financial position and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Lincoln Water System as of August 31, 2006 and 2005, and its changes in financial position and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued our report dated November 3, 2006 on our consideration of Lincoln Water System’s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.
The accompanying management's discussion and analysis is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audits were conducted for the purpose of forming an opinion on Lincoln Water System’s basic financial statements. The accompanying supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information, except for that portion marked “Unaudited”, on which we express no opinion, has been subjected to the auditing procedures applied in the audits of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

November 3, 2006
Independent Accountants’ Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards

The Honorable Mayor
and Members of the City Council
Lincoln Water System
Lincoln, Nebraska

We have audited the financial statements of Lincoln Water System as of and for the year ended August 31, 2006, and have issued our report thereon dated November 3, 2006. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Lincoln Water System’s internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance and Other Matters

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

We noted certain matters that we reported to the Lincoln Water System’s management in a separate letter dated November 3, 2006.

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

November 3, 2006

1221 N Street, Suite 600  Lincoln, Nebraska 68508-3030  402 473-7600  Fax 402 473-7698
1120 South 101st Street, Suite 410  Omaha, Nebraska 68124-1088  402 392-1040  Fax 402 392-1772

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Independent Accountants’ Report on Financial Statements and Supplementary Information

The Honorable Mayor and Members of the City Council
Lincoln Wastewater System
Lincoln, Nebraska

We have audited the accompanying basic financial statements of Lincoln Wastewater System as of and for the years ended August 31, 2006 and 2005, as listed in the table of contents. These financial statements are the responsibility of Lincoln Wastewater System’s management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in Note 1, the financial statements of the City of Lincoln, Nebraska Wastewater System are intended to present the financial position, the changes in financial position and cash flows of only that portion of the City of Lincoln, Nebraska, that is attributable to the transactions of the Lincoln Wastewater System. They do not purport to, and do not, present fairly the financial position of the City of Lincoln, Nebraska, as of August 31, 2006 and 2005, and the changes in its financial position and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Lincoln Wastewater System as of August 31, 2006 and 2005, and its changes in financial position and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued our report dated November 3, 2006 on our consideration of Lincoln Wastewater System’s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

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Beyond Your Numbers
The accompanying management’s discussion and analysis is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audits were conducted for the purpose of forming an opinion on Lincoln Wastewater System’s basic financial statements. The accompanying supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information, except for that portion marked “Unaudited”, on which we express no opinion, has been subjected to the auditing procedures applied in the audits of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

BKB, ULP

November 3, 2006
Independent Accountants’ Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards

The Honorable Mayor
and Members of the City Council
Lincoln Wastewater System
Lincoln, Nebraska

We have audited the financial statements of Lincoln Wastewater System as of and for the year ended August 31, 2006, and have issued our report thereon dated November 3, 2006. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Lincoln Wastewater System’s internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance and Other Matters

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

We noted certain matters that we reported to the Lincoln Wastewater System’s management in a separate letter dated November 3, 2006.

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

November 3, 2006
1221 N Street, Suite 630           Lincoln, Nebraska 68508-2030           402 473-7600           Fax 402 473-7698
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The Honorable Mayor and Members of the City Council
Lincoln Water and Wastewater Systems
Lincoln, Nebraska

As part of our audit of the financial statements of Lincoln Water and Wastewater Systems (Systems) for the year ended August 31, 2006, we studied and evaluated the System’s internal control structure. Because the study and evaluation was only part of the overall audit plan regarding the financial statements, it was not intended to be a complete review of all your accounting procedures and, therefore, would not necessarily disclose all reportable conditions or opportunities for improvement. A reportable condition involves matters coming to our attention relating to significant deficiencies in the design or operation of the internal control structure that, in our judgment, could adversely affect the organization’s ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements. We observed the following matters and offer these comments and suggestions.

Water Department - Sales and Use Tax

Pursuant to State of Nebraska sales tax regulations, the Water System is responsible for collecting sales tax from consumers and for use tax on various components of capital projects or supplies consumed. A 2006 sales and use tax audit performed by the Department of Revenue, resulted in the System reviewing contracts and agreements that were entered into with various contractors. In that review of contract language a concern arose as to inconsistent or unclear wording regarding a contractor responsibility for paying sales or use tax.

We suggest the Water system and the City Attorney’s office review and evaluate current and future contract language, to eliminate any exposure the Water System might have for use tax liability. It is our understanding that such a review is currently underway.

Future Accounting Pronouncements

Statements of the Governmental Accounting Standards Board No. 45: Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions

This Statement establishes standards for the measurement, recognition and display of other postemployment benefits (OPEB) expense and related liabilities (assets), note disclosures, and, if applicable, required supplementary information in the financial reports.

Effective for fiscal year ending August 31, 2007.

Preliminary Views of the Governmental Accounting Standards Board: Accounting and Financial Reporting for Derivatives

The Governmental Accounting Standards Board (GASB) released a preliminary view of the Board’s position on ‘Accounting and Financial Reporting for Derivatives’. The preliminary view proposes that the fair value of derivatives be reported in the financial statements, as well as the change in that fair value. If however, a derivative is effectively hedging (reducing) the risk it was created to address, then the annual changes in the derivative’s fair value would be deferred and reported in a government’s balance sheet. Governments also would disclose additional information about their derivatives in the notes to the financial statements.
Future Auditing Standards

The Auditing Standards Board of the AICPA has issued ten new auditing pronouncements that will be effective for the System in the future. It is not reasonable to estimate at this time what effect this will have on future audits, however, it is likely that audit time will increase. A synopsis of the changes are as follows:

* * * * *

Standards Effective Fiscal 2007

SAS 103 – Audit Documentation – This statement makes audit documentation requirements similar for both public and non-public entities. It requires documentation of significant issues identified, discussions with management or others, evidence gathered and conclusions reached. Audit report dating standards have changed requiring all evidence be obtained prior to dating the report.

SAS 112 – Communicating Internal Control Related Matters Identified in an Audit – This statement changes the definition and classification of weaknesses in control design and in general requires more disclosure of internal control issues.

Standards Effective Fiscal 2008

The other eight statements would be effective for the System beginning with the fiscal year ending June 30, 2008. These statements referred to as the Risk Assessment Suite of Standards address many basic auditing standards such as due professional care, audit evidence, materiality, planning, supervision and audit sampling.

* * * * *

We appreciate the opportunity to present these comments and suggestions. This letter does not express an opinion on the Systems' overall internal control structure; it does, however, include items which we believe merit your consideration. We can discuss these matters further at your convenience and provide any implementation assistance for changes or improvements you may require.

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

BKL, LLP

November 3, 2006
December 13, 2006

Patte Newman  
Lincoln City Council Chair  
555 South 10th Street  
Lincoln, Ne. 68508

Dear Patte,

At a recent pre-council meeting a request was made of Bruce Dart to see if a letter could be obtained from Capital Humane Society indicating our willingness to house the stray animals picked up by Animal Control through August of 2008.

This letter is to acknowledge our willingness to do that. While we are working to achieve a better future for lost and unwanted animals in Lincoln we have no intention of creating a chaotic or crisis situation.

Respectfully yours,

[Signature]
Robert A. Downey  
Executive Director

cc: Council Members
Cooper Foundation
211 N. 12th Street, Suite 304
Lincoln, NE  68508

FOR IMMEDIATE RELEASE
December 11, 2006

COOPER FOUNDATION AWARDS OVER $765,000 IN  2006

The Cooper Foundation approved grants of $189,877 in December, bringing the total awarded this year to $767,520, a 13% increase over last year’s total. The Cooper Foundation was founded in 1934 and has granted over $15 million to benefit the people of Nebraska. The Foundation makes quarterly grant awards supporting education, human services, the arts, the humanities, and the environment in Lincoln and Lancaster County, and throughout Nebraska. For more information about grant guidelines and application deadlines, contact Victoria Kovar at 476-7571 or visit the Foundation's website, www.cooperfoundation.org.

Grants approved, December 2006
Grantees are located in Lincoln, Nebraska unless otherwise noted.

Council on Foundations  $1,980
Annual support for this membership organization of more than 2,000 grantmaking foundations and giving programs worldwide.
Flatwater Shakespeare Company $5,000
Support for marketing and development efforts for this professional theatre company that presents Shakespeare and his works through stage performances and educational programming.

Lincoln Children's Zoo $20,000
Toward the Bug Buddy Inquiry Center, a collaboration with the University of Nebraska-Lincoln's Department of Entomology and College of Education and Human Sciences, to engage Zoo visitors in the scientific study of arthropods (insects, beetles, spiders, and crustaceans), the world's most diverse and abundant group of organisms.

Lincoln Medical Education Partnership $27,000
Support for the School Community Intervention Program (SCIP), a program in 120 schools throughout Nebraska (53 in Lancaster County) that helps schools and communities address drug and alcohol issues with students.

Lincoln Music Teachers Association $5,000
Toward scholarships for students in the Music Outreach Program which provides subsidized music lessons and instruments to low-income youth.

Lincoln's Symphony Orchestra $15,000
Support for marketing and development staff positions.

Metropolitan Opera, Nebraska District Auditions $1,000
Support for awards for the 2007 auditions.

Mid-America Arts Alliance, Kansas City, MO $15,000
Support for arts and humanities programming, including exhibitions, performances and education outreach in 16 Nebraska communities.
Mourning Hope $4,000
Operating support for this agency which provides free grief support programs for children and families.

Museum of Nebraska Art, Kearney, NE $10,000
Support toward an exhibition of contemporary paintings by North Platte native Barbara Takenaga, which will be on view from May 12 - August 19, 2007.

The Nature Conservancy, Nebraska Field Office, Omaha, NE $15,000
Support for increased staffing to coordinate conservation practices, land management, and local landowner outreach at the Rulo Bluffs Preserve, a 444-acre eastern deciduous forest intermingled with loess hill prairie overlooking the Missouri River in southeast Nebraska.

University of Nebraska-Lincoln,

College of Journalism and Mass Communications $8,904
Support for pre-production costs of "Sixties Survivors" which will feature, in photographs and words, many of the people Look Magazine profiled during the 1960s.

University of Nebraska-Lincoln,

E.N. Thompson Forum on World Issues $13,329
Annual support from the Thompson Family Fund, established by E.N. and Katherine Thompson to support programs at the University of Nebraska-Lincoln.

University of Nebraska-Lincoln,

Human Rights and Human Diversity Initiative $6,500

University of Nebraska-Lincoln,
Nebraska Center for Research on Children, Youth, Families and Schools $14,389

Toward Project TEAMS, a collaboration with the Lincoln Public Schools that provides support for students who are at risk of dropping out of high school.

University of Nebraska Public Policy Center $27,775

Toward expansion and improvement of the Nebraska 211 website (http://www.ne211.org) that provides a statewide, searchable database of health and human services information.

For clarification or additional information contact Victoria Kovar, Grants Administrator

Office: 402-476-7571, Fax: 402-476-2356

EMAIL: victoria@cooperfoundation.org

URL: http://www.cooperfoundation.org