IN LIEU OF THE
DIRECTORS’ MEETING
MONDAY, DECEMBER 31, 2007

I. MAYOR
*1. NEWS ADVISORY. Public Works and Utilities Department Applying New Anti-Icing Mixture to City Streets.
*2. NEWS RELEASE. 21 Educational Access to Air London Parade Featuring Lincoln High Band.
*3. City Council Members to Ring Bells for the Salvation Army, December 21, 2007

Week of 12/31/07
2. NEWS RELEASE. City to Recycle Trees for 21st Year.

II. DIRECTORS

FINANCE/TREASURER

PLANNING COMMISSION FINAL ACTION
2. Special Permit No. 07053. Garden Center, South 110th Street and Saltillo Road. Resolution No. PC-01090.

PUBLIC WORKS/ENGINEERING
1. Letter from Randy Hoskins, Assistant City Engineer, with Diagnostic Review of Railroad Crossing Closures from the Nebraska Department of Roads Rail and Public Transportation Division.

URBAN DEVELOPMENT
*1. Memo from Clint Thomas Regarding Street and Alley Vacation No. 07008, South 46th Street, South of “O” Street.

III. CITY CLERK
1. Omaha City Council Acknowledges Lincoln City Council Resolution.

IV. COUNCIL REQUESTS/CORRESPONDENCE

Jon Camp
*Correspondence from Mike Cline Regarding Early Retirement Incentives to City Employees.
V. MISCELLANEOUS
*1. Letter from Coby Mach, LIBA Regarding Early Retirement Incentive Program for City Employees.

Week of 12/31/07
1. Email letter from Mike Carlin. Making the Reopening of West Denton Road a Priority Objective for the City-County Commons.

VI. ADJOURNMENT

* Held Over from 12/24/07
Mayor Beutler’s Public Schedule
Week of December 22 through 28, 2007
Schedule subject to change

Tuesday, December 25 - City offices closed. Merry Christmas!

Friday, December 28
• MOVE (Mayor’s Opportunities for a Vibrant Economy) Council - 2 p.m., room 113, County-City Building, 555 S. 10th St.
CITY TO RECYCLE TREES FOR 21ST YEAR

Seven tree recycling sites located throughout Lincoln are now accepting recyclable holiday trees. Trees will be accepted through Sunday, January 13.

The tree collection sites are:
- Ballard Park, 3901 N. 66th St.
- Oak Lake Park, 1st and Cornhusker Highway, three blocks south of Cornhusker on 1st Street
- University Place Park, 50th and Garland streets
- Holmes Lake Park, parking lot west of the north softball field
- Sawyer-Snell Park, 2nd and South streets, west of the Fire Department Building
- Tierra Park, 29th and Tierra Drive
- Woods Park, 31st and “J” streets, southeast corner of the parking lot

The trees will be chipped, and the chipped material will be made available free of charge to Lincoln residents in late January at the sites listed above. The Public Works and Utilities Department will use any remaining wood chips in its composting operation.

The City Recycling Office reminds residents recycling their trees to remove plastic bags used in transporting and put them in nearby trash cans at the recycling sites. All nails, wires and tree stands must be removed.

The City of Lincoln began offering the tree recycling program in 1987 to keep large quantities of trees from going to the landfill. Lincoln’s tree recycling program is the oldest of its kind in Nebraska. In the last 20 years, the City recycled more than 171,073 trees (about 2,600 tons).

Those with questions regarding the tree recycling program or the City’s recycling program in general, are urged to call the City Recycling Information Hotline at 441-8215.
OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA  

DECEMBER 26, 2007

TO:    MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS  
FROM:  FINANCE DEPARTMENT / CITY TREASURER  

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business November 30, 2007:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Forward</td>
<td>$223,769,930.01</td>
</tr>
<tr>
<td>Plus Total Debits November 1-30, 2007</td>
<td>$23,421,009.00</td>
</tr>
<tr>
<td>Less Total Credits November 1-30, 2007</td>
<td>($28,245,851.78)</td>
</tr>
<tr>
<td><strong>Cash Balance on November 30, 2007</strong></td>
<td><strong>$218,945,087.23</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. S. Bank Nebraska, N.A.</td>
<td>$303,449.29</td>
</tr>
<tr>
<td>Wells Fargo Bank</td>
<td>($46,229.62)</td>
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<tr>
<td>Wells Fargo Bank Credit Card Account</td>
<td>$21,693.64</td>
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<tr>
<td>Cornhusker Bank</td>
<td>$31,812.84</td>
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<tr>
<td>Pinnacle Bank</td>
<td>$17,337.19</td>
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<tr>
<td>Union Bank &amp; Trust Company</td>
<td>$117,265.19</td>
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<tr>
<td>West Gate Bank</td>
<td>$27,374.34</td>
</tr>
<tr>
<td>Idle Funds - Short-Term Pool</td>
<td>$36,946,981.55</td>
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<tr>
<td>Idle Funds - Medium-Term Pool</td>
<td>$180,894,172.15</td>
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<tr>
<td>Cash, Checks and Warrants</td>
<td>$631,229.66</td>
</tr>
<tr>
<td><strong>Total Cash on Hand November 30, 2007</strong></td>
<td><strong>$218,945,087.23</strong></td>
</tr>
</tbody>
</table>

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

I also hold as City Treasurer, securities in the amount of $23,344,579.86 representing authorized investments of the City's funds.

**ATTEST:**

Melinda Jones, City Treasurer

Joan E. Ross, City Clerk
### CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
#### AS OF NOVEMBER 30, 2007

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>CUSIP</th>
<th>MATURITY DATE</th>
<th>ORIGINAL FACE</th>
<th>CURRENT PAR</th>
<th>MARKET PRICE</th>
<th>MARKET VALUE</th>
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<tr>
<td>FHLMC FGLMC D67795</td>
<td>3128F7U6</td>
<td>12/01/2009</td>
<td>$1,191,991.00</td>
<td>$31,163.40</td>
<td>1.02</td>
<td>$31,935.53</td>
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<td>FHLMC GOLD POOL A61258</td>
<td>3128KRM3</td>
<td>11/01/2035</td>
<td>$3,168,920.00</td>
<td>$3,045,740.50</td>
<td>1.01</td>
<td>$3,082,073.14</td>
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<td>FNMA FNCL 254725</td>
<td>31371K4J7</td>
<td>05/01/2033</td>
<td>$500,000.00</td>
<td>$273,785.80</td>
<td>0.97</td>
<td>$286,927.27</td>
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<td>FNMA FNCL 254592</td>
<td>31371KX8</td>
<td>12/01/2032</td>
<td>$3,100,000.00</td>
<td>$1,473,409.29</td>
<td>0.96</td>
<td>$1,438,973.36</td>
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<td>FNMA FNARV 303824</td>
<td>31373UPH4</td>
<td>07/01/2025</td>
<td>$1,600,000.00</td>
<td>$25,810.38</td>
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<td>$26,336.61</td>
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<td>FHLMC 3015 HF</td>
<td>31395XN68</td>
<td>08/15/2035</td>
<td>$8,095,000.00</td>
<td>$7,002,314.07</td>
<td>0.96</td>
<td>$6,742,038.06</td>
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<td>FNMA FNCL 703944</td>
<td>31401CBM4</td>
<td>05/01/2033</td>
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<td>$4,206,930.82</td>
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<td>$4,101,544.26</td>
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<td>FNMA FNARV 725674</td>
<td>31402DFP0</td>
<td>07/01/2034</td>
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<td>$4,380,371.25</td>
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<td>$5,704,598.15</td>
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<td>FNMA POOL 761335</td>
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<td>$4,326,771.33</td>
<td>0.98</td>
<td>$4,236,416.23</td>
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<td>FNMA FNCL 805211</td>
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<td>$2,974,327.03</td>
<td>0.94</td>
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<td><strong>USBANK NE</strong></td>
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<td><strong>$52,600,911.00</strong></td>
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<td><strong>TOTAL PLEDGED</strong></td>
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<td></td>
<td><strong>$33,663,731.13</strong></td>
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<td>G2SF 3274 6.50%</td>
<td>36202DT76</td>
<td>08/20/2022</td>
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<td>$2,369,930.69</td>
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<td>FHLB 4.00</td>
<td>3133XAT56</td>
<td>03/10/2008</td>
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<td>FHLB 4.30%</td>
<td>3133XBNR2</td>
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<td>$400,000.00</td>
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<td><strong>UNION BANK</strong></td>
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<td><strong>$650,000.00</strong></td>
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<td><strong>$650,000.00</strong></td>
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<td>FHLB 4.10%</td>
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<td>FHLB 4.00%</td>
<td>3133X4NY3</td>
<td>06/25/2009</td>
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<td>FHLB 3.75%</td>
<td>3133MVNP4</td>
<td>02/06/2008</td>
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<td><strong>CORNHUSKER BANK</strong></td>
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<td><strong>$3,033,333.33</strong></td>
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<td>FHLB STEP JP 2.4%</td>
<td>31339XUE2</td>
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<td>FHLB STEP JP 5.0%</td>
<td>3133X5C97</td>
<td>03/25/2011</td>
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<td><strong>WEST GATE BANK</strong></td>
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<td></td>
<td><strong>$4,000,000.00</strong></td>
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<td><strong>$4,000,000.00</strong></td>
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<tr>
<td>FHLB DISCOUNT NOTE</td>
<td>31338QM4/01</td>
<td>12/14/2007</td>
<td>$1,950,000.00</td>
<td>$1,950,000.00</td>
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<td></td>
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<tr>
<td><strong>TIER ONE BANK</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,950,000.00</strong></td>
<td></td>
<td><strong>$1,950,000.00</strong></td>
</tr>
</tbody>
</table>
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 24, 2007

RE : Special Permit No. 07052
     (Second dwelling unit for domestic employee)
     Resolution No. PC-01089

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 19, 2007:

Motion made by Larson, seconded by Moline, to approve Special Permit No. 07052, with conditions, as amended to require annual certification, requested by George and Carolene Skorohod, to allow an existing second dwelling unit to be used as a dwelling for a domestic employee, on property generally located on the west side of South 120th Street about 1/2 mile south of "O" Street.

Motion for conditional approval, as amended, carried 8-0: Moline, Esseks, Sunderman, Taylor, Larson, Gaylor-Baird, Cornelius and Carroll voting 'yes' (Francis declaring a conflict of interest).

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

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Lyle Loth, ESP, 601 Old Cheney Road, Suite A, 68512
    George and Carolene Skorohod, 501 S. 120th Street, 68520
RESOLUTION NO. PC-01089  
SPECIAL PERMIT NO. 07052

WHEREAS, George and Carolene Skorohod have submitted an application designated as Special Permit No. 07052 to allow an existing second dwelling unit to be used as a dwelling for a domestic employee on property located on the west side of S. 120th Street about 1/2 mile south of O Street and legally described as:

The south 250' and the east 567' of Lot 57 I.T., located in the North Half of Section 30, Township 10 North, Range 8 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 second dwelling unit 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 George and Carolene Skorohod, hereinafter referred to as "Permittee", to allow an existing second dwelling unit to be used for a domestic employee be and the same is hereby granted under the provisions of Section 27.63.640 the Lincoln Municipal Code upon condition that construction of said accessory building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a second dwelling on the proposed lot to be used as a dwelling unit for domestic employees, provided a final plat is approved to create this lot. Such occupancy shall be certified annually to the building official.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies with all required revisions and documents as listed below before a final plan is approved:

   a. Make the revisions requested by the County engineer in his memo dated November 27, 2007.

   b. Make the revisions requested by the City County Health Department.

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

   d. The construction plans comply with the approved plans.

3. Before occupying the dwelling units all development and construction must conform to the approved plans.
4. Before occupying the second dwelling for domestic employees, the City/County Health Department is to approve the water and water systems.

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. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following 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, filing fees therefor to be paid in advance by the Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 19 day of December, 2007.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

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

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 24, 2007

RE : Special Permit No. 07053
     (Garden Center - South 110th Street and Saltillo Road)
     Resolution No. PC-01090

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 19, 2007:

Motion made by Sunderman, seconded by Larson, to approve Special Permit No. 07053, with conditions, as amended, requested by Ron DeBoer and Carol Domina, to operate a garden center on property generally located at South 110th Street and Saltillo Road.

Motion for conditional approval, as amended, carried 9-0: Moline, Esseks, Sunderman, Taylor, Larson, Gaylor-Baird, Francis, Cornelius and Carroll voting 'yes'.

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

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Tom Huston, 233 S. 13th Street, Suite 1900, 68508
    Rick Clark, 6541 Tanglewood Lane, 68516
    Ron and Carol DeBoer, 10612 Saltillo Road, Roca, NE 68402

i:\shared\wp\jl\2007 ccnotice.sp\SP.07053
RESOLUTION NO. PC-01090

SPECIAL PERMIT NO. 07053

WHEREAS, Ron DeBoer and Carol Domina have submitted an
application designated as Special Permit No. 07053 to operate a garden center on
property generally located at S. 110th and Saltillo Road, and legally described as:

A portion of Lots 23 and 24 I.T. (Lot 1 of the proposed
DeBoer Addition final plat) located in the Southeast Quarter
of Section 36, Township 9 North, Range 7 East of the 6th
P.M., Lancaster County, Nebraska, more particularly
described as follows:

Commencing at the southwest corner of Lot 23 I.T., said
point being the southwest corner of the Southeast Quarter of
said Section 36; thence northerly on the west line of said
Southeast Quarter, on an assigned bearing of north 0
degrees 14 minutes 52 seconds west, a distance of 60.00
feet to the point of beginning; thence continuing northerly on
said west line, north 0 degrees 14 minutes 52 seconds west,
937.75 feet; thence easterly south 89 degrees 56 minutes
34 seconds east, 1091.82 feet; thence southerly south 0
degrees 14 minutes 52 seconds east, 405.05 feet; thence
southerly south 5 degrees 04 minutes 24 seconds west,
359.64 feet; thence westerly north 89 degrees 56 minutes
34 seconds west, 702.15 feet; thence southwesterly south
47 degrees 17 minutes 23 seconds west, 155.81 feet;
thence southerly south 0 degrees 03 minutes 26 seconds
west, 68.62 feet, to a point located 60.00 feet north of the
south line of said Southeast Quarter; thence westerly and
parallel to said south line, north 89 degrees 56 minutes 34
seconds west, 241.00 feet, to the point of beginning, said
tract containing an area of 21.10 acres, more or less;
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 garden center 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 Ron DeBoer and Carol Domina, hereinafter referred to as "Permittee", to allow a garden center on the property described above be and the same is hereby granted under the provisions of Section 27.63.110 the Lincoln Municipal Code upon condition that construction and occupancy of said garden center be in strict compliance with said application, the site plan, the requirements of Section 27.63.110 and the following additional express terms, conditions, and requirements:

1. This approval permits a garden center.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan, including five copies, with all required revisions and documents as listed below before receiving building permit:

   a. Revise the plan to show buildings and parking setback 100 feet from lot lines.
b. Revise the plan to remove the drive to the garden center through the residential lot.

c. Receive approval of a final plat (as revised) to create the two lots.

d. Revise the legal and plan to reflect the County Engineers memo of November 30, 2007.

e. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation."

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

g. The construction plans comply with the approved plans.

3. Before occupying buildings or starting the operation, all development and construction must comply with the approved plans.

4. Before occupying this garden center, the City/County Health Department must approve the water and wastewater systems.

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 19 day of December, 2007.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
December 19, 2007

Ellis Tompkins, P.E.
Nebraska Department of Roads
1500 Highway 2
PO Box 94759
Lincoln, NE 68509-4759

RE: Diagnostic Review

Dear Ellis:

At the December 10, 2007 meeting of the Railroad Transportation Safety District (RTSD) Board, your September 11 letter to Roger Figard regarding crossing closures due to LB-79 was discussed. The Board asked that I write to you to voice the concerns that have been raised regarding the proposed closure of the crossings of B Street and C Street at 5th Street.

Concerns with these closures were raised by the Emergency 9-1-1 Communications Center, the Lincoln Fire Department and the Lincoln Police Department. The South Salt Creek neighborhood also expressed concerns with these proposed closures. All of the concerns basically revolved around the fact that these closures create a pocket of residents that could suffer the delayed arrival of emergency responders. The previous closure of 3rd Street crossings at A, B, C, E, F & G Streets, coupled with these two closures, limit access into this neighborhood. It was also noted that there is a fire hydrant on the east side of the tracks at 5th & C that may no longer be accessible if the crossing is closed.

We would ask that you take into account the objections to this closure from the City of Lincoln emergency response personnel in formulating your final recommendations. If you have any questions, please feel free to give me a call at 441-7711.

Sincerely,

[Signature]

Randy Hoskins, P.E.
Assistant City Engineer

cc: RTSD Board
    Chad Blahak
    Gary Irwin
    Lin Quenzer
    Trish Owen
    Greg MacLean
    Wynn Hjermstad
    RTSD File
September 11, 2007

Roger Figard
555 South 10th St
Lincoln, NE 68508

RE: Diagnostic Review

Dear Mr. Figard:

A diagnostic team crossing review was held for crossing DOT# 083047Y on September 4, 2007. In attendance for the diagnostic was Doug Pillard—Lancaster County, Randy Hoskins—City of Lincoln, Andy Amparan—BNSF Railway, and Abe Anshasi, Robert Unzicker, Bev Vonasek, Kathy N guitelman, and myself—Nebraska Department of Roads.

DOT# 064355D, C St. and S. 5th St.

According to our inventory, crossing DOT# 064355D is an industrial track with 4 trains per day and a maximum speed of 10-mph and the traffic count of 190 vehicles per day with 1% being truck traffic. The existing warning devices consist of crossbucks with a concrete surface crossing and a 26-ft wide concrete road surface and speed limit of 25-mph. The crossing is at 90 degrees and is 32-ft wide and is in average condition. The crossing meets the requirements for State Statute 74-1334. There are no restrictions of access to the area with surrounding streets and the “A” Street viaduct and the signalized crossing at “A” Street as well. We recommend closure under the statute.

DOT# 064356K, B St. and S. 5th St.

According to our inventory, crossing DOT# 064356K is an industrial track with 4 trains per day and a maximum speed of 10-mph and the traffic count of 200 vehicles per day with 1% being truck traffic. The existing warning devices consist of crossbucks with a concrete surface crossing and a 28-ft wide concrete road surface and speed limit of 25-mph. The crossing is at 90 degrees and is 33-ft wide and is in average condition. The crossing meets the requirements for State Statute 74-1334. There are no restrictions of access to the area with surrounding streets and the “A” Street viaduct and the signalized crossing at “A” Street as well. We recommend closure under the statute.

DOT#064360A, Park Blvd. and South St.

According to our inventory, crossing DOT# 064360A is two industrial tracks with 2 trains per day and a maximum speed of 25-mph and the traffic count of 800 vehicles per day with 3% being truck traffic. The crossing was not visible, paved over, and seems to have been closed previously. Because it is closed, we have no recommendations.

DOT# 064363V, Hill St. and S. 4th St.
According to our inventory, crossing DOT# 064363V is a mainline track with 40 trains per day with a maximum speed of 40-mph and a traffic count of 25 vehicles per day with 1% being truck traffic. This crossing was closed several years ago with a viaduct project on Van Dorn St. Because it is closed, we have no recommendations.

**DOT# 074869L, N. 60th St. and Fletcher**

According to our inventory, crossing DOT# 074869L is an industrial track with 0 trains per day and a maximum speed of 10-mph and the traffic count of 3100 vehicles per day with an unknown percentage being truck traffic. The existing warning devices consist of crossbucks with an asphalt surface crossing and a 25-ft wide asphalt road surface and speed limit of 35-mph. The crossing is at 90 degrees and is 28-ft wide and is in average condition. The crossing meets the basic requirements for State Statute 74-1334. The crossing is on an industrial track that has very low train counts as well as being the primary and/or only access for many businesses with large amounts of commercial (truck) traffic. We do not see this as being eligible for closure under the statute and do not have any recommendations for improvement.

**DOT# 074924T, N. 70th St. and Fletcher**

According to our inventory, crossing DOT# 074924T is an industrial track with 0 trains per day and a maximum speed of 10-mph and the traffic count of 3100 vehicles per day with an unknown percentage being truck traffic. The existing warning devices consist of crossbucks with an asphalt surface crossing and a 26-ft wide asphalt road surface and speed limit of 35-mph. The crossing is at 90 degrees and is 28-ft wide and is in average condition. The crossing meets the basic requirements for State Statute 74-1334. The crossing is on an industrial track that has very low train counts as well as being the primary and/or only access for many businesses with large amounts of commercial (truck) traffic. We do not see this as being eligible for closure under the statute and do not have any recommendations for improvement.

**DOT# 074925R, N. 70th St. @ Fletcher**

According to our inventory, crossing DOT# 074925R is an industrial track with 0 trains per day and a maximum speed of 10-mph and the traffic count of 3100 vehicles per day with an unknown percentage being truck traffic. The existing warning devices consist of crossbucks with an concrete surface crossing and a 52-ft wide concrete road surface and speed limit of 35-mph. The crossing is at 90 degrees and is 58-ft wide and is in average condition. The crossing meets the basic requirements for State Statute 74-1334. The crossing is on an industrial track that has very low train counts as well as being the primary and/or only access for many businesses with large amounts of commercial (truck) traffic. We do not see this as being eligible for closure under the statute and do not have any recommendations for improvement.

**LB-79 Procedure:**

Please review the crossings to be closed in conjunction with State Statute 74-1334. You will have 60 days to review those crossings for evaluation, suggested revisions or
alternatives, or to file an objection to our recommendations. The objection must be submitted to our office within 60 days of receipt of this letter and be written by a licensed professional engineer licensed to practice in the State of Nebraska. At that time, we will investigate and evaluate your objection and make our final recommendations within 60 days. If an agreement is not met at that time, the hearing process set out in Title 407 must be followed.

Conclusion:

We recommend closure for the crossings at B & 5th and C & 5th. The crossings at Hill & 4th and Park Blvd and South St are both already closed and need no attention. Finally, the crossings on Fletcher at 60th and 70th and the crossing on 70th do not need attention because they provide the only access for a landowner.

If you would like to discuss these recommendations further, please contact me at (402) 479-3797.

Sincerely,

Ellis Tompkins, PE
Rail and Public Transportation Engineer
Rail and Public Transportation Division
Nebraska Dept. of Roads

cc: Andy Amparan, BNSF Railway
    John Perry, Federal Highway Administration
§ 74-1334 — Crossings; public; safety regulations; gates and alarms; closure; when.

Section 74-1334

Crossings; public; safety regulations; gates and alarms; closure; when.

Section 74-1334

(1) Wherever any railroad track crosses any public road in a cut, on a curve or side hill, in timber lands, near buildings, or near any obstruction of view from the road, the Department of Roads shall direct such precautions to be taken as it deems necessary for the safety of the traveling public. Each railroad carrier shall also provide and maintain such gates, crossings, signs, signals, alarm bells, and warning personnel as the department directs. The department may direct the placement of special signs where the physical conditions of any crossing warrant such action.

(2) Any public railroad crossing without gates, signals, alarm bells, or warning personnel located within one-quarter mile from a public railroad crossing with gates, signals, alarm bells, or warning personnel shall be closed unless it is the only railroad crossing which provides access to property.

(3) An interested party may object to an action taken under subsection (2) of this section only if a written request is submitted to the Department of Roads by a professional engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the requirements in this section and with all relevant aspects of the railroad crossing. The engineer shall also provide a detailed explanation of why subsection (2) of this section should not apply to the railroad crossing in question and a statement that the railroad crossing corridor has been examined by the engineer and the engineer believes that the railroad crossing will be safe as designed.

Source:

Laws 1963, c. 425, art. IV, § 12, p. 1402

Laws 1994, LB 414, § 87

R.S. 1943, (1996), § 75-412

Laws 1997, LB 255, § 6


~ Revised Statutes Cumulative Supplement, 2006
RESOLUTION RE: CONDOLENCES

94. Res. transmitted by the City Council of the City of Lincoln, Nebraska, expressing condolences to the families of the victims as well as the employees of Von Maur, Westroads Mall, and the entire Omaha Community re: the tragic event that occurred on December 5, 2007 at the Westroads Mall - see attached. ((MOTION NEEDED TO RECEIVE AND PLACE ON FILE))

ADDITIONAL RESOLUTION

95. Res. that, as recommended by the Mayor, between the hours of 11:00 p.m. on Tuesday, December 18, 2007 and 5:00 a.m. on Wednesday, December 19, 2007, and on those dates only, Gene Leahy Mall, 1302 Farnam on the Mall, Omaha, Nebraska, shall be open to accommodate filming of the motion picture, Lovely Still by Overture Street Films, L.L.C. - see attached. ((PUBLIC HEARING TODAY - CAN BE ADOPTED TODAY))
December 26, 2007

City of Lincoln
City Council

Lancaster County Board of Commissioners

Members of the City Council and Board of Commissioners,

I am writing to you about West Denton Road in my capacity as the President of the Hitching Post Hills Neighborhood Association. While the City Council approved the ordinances that led to the current situation, it appears that it will take the combined efforts of the City Council and County Board of Commissioners to find a reasonable solution.

It is unfortunate that the City did not negotiate an agreement that included a firm timetable for the rebuilding of West Denton Road. The developer’s team exhibited very savvy negotiating skills in forging an agreement that placed minimizing their financial risk above the public interest. I hope the City remembers this in future dealings with the developer and the members of his negotiating team. As the saying goes; “fool me once shame on you, fool me twice, shame on me.”

While West Denton Road was completely closed the most commonly used alternative route was Old Cheney Road, which means crossing the railroad tracks at grade and adding to the already heavy flow of traffic there. Since West Denton Road has partially reopened, it has been my unscientific observation that a majority of drivers are continuing to use Old Cheney Road instead of the three-extra-turns-and-a-traffic circle slalom detour route. Also, I don’t know if it is because the detour has so many twists and turns in it or if it is because snow removal responsibility has shifted from the County to the City, but the quality of snow removal has deteriorated from what it was.
Obviously we will have to live with the detour for awhile; but you probably don’t want to know what we’re thinking while we’re doing it. I ask that the reopening of West Denton Road be made a priority objective for the City-County Commons.

Sincerely,

Mike Carlin
2700 West Paddock Road
Lincoln, NE 68523
(402) 420-9092
mcarlin@neb.rr.com