IN LIEU OF
DIRECTORS’ MEETING
MONDAY, JANUARY 21, 2008

I. MAYOR
1. NEWS RELEASE. Mayor Presents December Award of Excellence to Investigators Gregory Sims and Larry Bratt of the Lincoln Police Department.
2. NEWS RELEASE. Open House Planned on Storm Drain Improvements. Tuesday, January 22, 2008, 5:00 pm at Holmes Elementary School.
3. NEWS ADVISORY. Mayor Beutler Holding News Conference, Thursday, January 17, 2008, 10:00 am at the County-City Building. Topics Include Impact Fees and Sale of City Property.
5. NEWS RELEASE. City Sells Cornhusker Conference Center.
6. NEWS RELEASE. Mayoral Committee to Review Impact Fees.
8. NEWS RELEASE. City Removes Blockage in Sanitary Sewer Line.

II. DIRECTORS

HEALTH DEPARTMENT
1. NEWS RELEASE. Flu Shots Encourages and Still Available.

PLANNING COMMISSION FINAL ACTION
2. Special Permit No. 07054. Accessory Building to be Used as Dwelling for Domestic Employee. East Side of So. 113th Street, About One-Half Mile South of A Street. Resolution No. PC-01092.
3. Special Permit No. 04044A. North Creek Villas Community Unit Plan. No. 27th Street and Fletcher Avenue. Resolution No. PC-01091.

PUBLIC WORKS AND UTILITIES
1. Response to Councilman Eschliman from Wayne Teten on Snow Removal Responsibilities.
2. Response to Don Thomas, County Engineer, from Roger Figard, City Engineer Regarding Crashes at the Intersection of Yankee Hill Road and So. 56th Street.
3. Correspondence from Kris Humphrey Regarding Removal of Trees Between 9th and 10th Streets South of Van Dorn.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE
V. MISCELLANEOUS
1. Correspondence from Marilynne Bergman Proposing Different Uses of the $1.2 Million for Study of an Arena.
2. Email from Tracey L. Hillman Regarding the StarTran Routes.
3. Email from Kristin Cunnar. Strengthening Laws and Enforcement.
4. Correspondence from Lincoln Electric System (LES) with Copy of Lincoln Electric System Legislative Guidelines. (Council Members Received on 01/14/08)
5. Email from Pamela Ferris. Switched from Time Warner Cable to DISH Satellite TV.

VI. ADJOURNMENT
Mayor Chris Beutler today presented the Mayor’s Award of Excellence for December to Investigators Gregory Sims and Larry Bratt of the Lincoln Police Department. 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.

Both Sims and Bratt have worked for the City since the mid-1970s. Police Sergeant Kenneth Koziol nominated them in the category of productivity for their work to clear several violent crimes. He cited two cases:

- Last September, Bratt and Sims were following up on two separate shootings. Sims determined that the vehicles in the two incidents were similar, and found that two suspects had been stopped in a vehicle matching the description. At the first crime scene, the victim’s brother was persuaded to provide information, and two suspects were identified through photo line-ups.

- On October 10, the vehicle was spotted, and one suspect was arrested after he fled on foot. A positive identification was made on the same suspects in the second shooting, and the next day, the second suspect was arrested. One suspect was charged with making terroristic threats, attempted first-degree assault and two counts of use of a weapon. The other was charged with two counts of being an accessory to a felony.

- When more than 80 firearms were stolen in a burglary at Scheels in October, police had early suspects but no solid leads. The morning of the burglary, an informant identified a person selling a handgun who claimed to have additional handguns as well as rifles. Sims’ plan to try to purchase weapons fell through when the suspects claimed they no longer had the guns.

- Officers then tried to find the suspect vehicle. Through intelligence reports, Bratt linked the suspect to multiple people and addresses. He headed for northeast Lincoln and found the suspect vehicle early in the afternoon. Surveillance was set up, and at about 4:30 p.m., two suspects entered the vehicle. Officers found price tags to the guns on one of the suspects.
An interview with the suspects revealed the location of many of the guns and further suspects. Sims started a process which resulted in three guns being located. He also obtained a search warrant served by the SWAT Team at about 10 p.m. That resulted in the recovery of 26 firearms, most fully loaded.

In all, 29 firearms were recovered within 14 hours of the time investigators were briefed on the crime. Five individuals between 16 and 18 years old were arrested. This group had been on a crime spree for several months stealing cars, burglarizing businesses and homes and committing arson.

Koziol said these cases demonstrated great team work, the use of intuition and the value of knowing how to cultivate informants. “The results were produced by hard work, informants, excellent interviews and just plain good police sense and intuition,” wrote Koziol. “Lincoln is fortunate to have officers of this caliber.”

The other categories in which employees can be nominated are customer relations, loss prevention, safety and valor. Consideration also may be given to nominations that demonstrate self-initiated accomplishments or those completed outside of the nominee’s job description.

All City employees are eligible for the Mayor’s Award of Excellence except for elected and appointed officials. Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available on the City Web site at lincoln.ne.gov (keyword: personnel) or from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

All 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.
OPEN HOUSE PLANNED ON STORM DRAIN IMPROVEMENTS

The public is invited to an open house Tuesday, January 22 on proposed improvements to storm drainage in the area from 52nd to 55th streets on South and Sumner streets. The informal meeting is set for 5 to 6:30 p.m. in the gymnasium at Holmes Elementary School, 5230 Sumner Street.

The project includes the installation of additional storm drainage pipe along South Street from 52nd to 53rd streets, and along Sumner Street from 53rd to 55th streets. The project is in the early design phase, and construction is expected to take place in mid to late 2008.

Representatives from the City of Lincoln and HWS Consulting Group will be on hand to answer your questions and discuss your concerns.

For more information on the open house, the public can call Andrea Bopp, HWS Consulting Group, at 402-479-2200. More information on this and other City Public Works and Utilities construction projects is available on the City Web site at lincoln.ne.gov (keyword: projects).
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: January 16, 2008
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will have a news conference at 10 a.m. Thursday, January 17 in the Mayor’s Conference Room, 555 South 10th Street. Topics will include impact fees and the sale of City property.
CITY OF LINCOLN
SNOW/TRAFFIC CONDITION REPORT

A COMPLETE VOICE REPORT IS AVAILABLE AT 441-7783. THIS NUMBER IS FOR NEWS MEDIA USE ONLY.

For more information:
Public Works Snow Center -- 441-7644
Citizen Information Center -- 441-7547

Date: Wednesday, January 16, 2008
Time: 4 p.m.

As Lincoln continues to experience a light-but-steady snowfall today, City street crews were out at 12:30 p.m. in a full-scale material spreading operation with 19 material spreaders distributing pre-wetted salt on the City’s snow emergency routes and major arterials. Plans call for the continuation of the material spreading operation through the late afternoon rush hour.

Street maintenance officials continue to monitor weather forecasts and evaluate street and traffic conditions. If the current storm conditions continue, a full-scale plowing operation could begin by the middle part of the evening. Parking bans are not in effect at this time.

StarTran reports that buses are running between five and ten minutes behind schedule.

Motorists are urged to be patient and allow for extra time to reach their destination.

Residents are asked to make sure sidewalks are clear, particularly at crosswalks and curb lines. It is illegal to push or blow snow into or on any street, alley or sidewalk. Violators are subject to a fine. Residents are also encouraged to clear snow from fire hydrants.

Please stay informed on the status of snow operations in Lincoln. Additional information is available on the City Web site at lincoln.ne.gov and on pages 48 and 49 in the blue pages of your Windstream phone directory. If you have questions, you may call the Public Works Snow Center at 441-7644.

-30-
CITY SELLS CORNHUSKER CONFERENCE CENTER
Proceeds to help fund City share of new Ice Center

Mayor Chris Beutler announced today that the City has sold the BurnhamYates Conference Center to the owners of the adjoining Cornhusker Marriott Hotel. The transaction will put the property back on the tax rolls, and the City will use the proceeds to fund its share of the new Ice Center in the West Haymarket sports triangle.

“The sale provides several main benefits to the City,” said Beutler. “We’ll now be collecting property tax on the facility. The proceeds from the sale exceed the value of future cash rent. At the same time, the sale provides us with most of the funds for our share of the new Ice Center, a project that will have a major long-term economic impact on the entire community and is of major recreational value.”

The 40,000-square-foot Conference Center is connected to the hotel on the north. It includes the ballroom and meeting rooms on the main and lower floors as well as the pre-event and atrium areas. The Cornhusker Square Parking Garage is not part of the sale and will continue to be owned by the City.

Shubh Hotels LLC bought the property for $580,000. The sale is pending approval by the Lincoln-Lancaster County Planning Commission, which will determine if designating the property as surplus is in compliance with the Comprehensive Plan. The sale is also subject to approval of the City Council.

The City has owned the Conference Center since it was built in conjunction with the hotel in 1983. The Cornhusker Marriot has managed the property. The City will retain the right to use the Conference Center for six days per year through 2017.

The Ice Center project announced in December is a joint project of the City and the University of Nebraska. Former Lincoln resident and Nebraska State Auditor John Breslow provided a major donation to make the project possible, and it is expected that at least 80 percent of Ice Center’s $11 to $12 million cost will be privately funded.
MAYORAL COMMITTEE TO REVIEW IMPACT FEES

Mayor Chris Beutler will appoint a committee to review impact fees in the City. The committee will look at alternatives to the structure and the distribution of the fees collected.

“My priority has not changed. We must find increased funding for roads for our City to continue to grow,” said Mayor Beutler. “I am always open to looking at new ideas, but I will not accept any alternatives that significantly decrease the total amount of money available for funding roads and other critical infrastructure.”

Impact fees have been collected since 2003 to cover a portion of the cost of providing infrastructure in new developments. The fee was scheduled to increase by 2 percent each year for inflation. The City Council voted 5 to 2 Monday to freeze impact fees at the 2007 level for one year while a study is conducted.

The Mayor said the committee will include representatives from the Chamber of Commerce, Lincoln Independent Business Association (LIBA), Realtors, home builders and the City. The group will present its consensus recommendations to the MOVE (Mayor’s Opportunities for a Vibrant Economy) Council. This group of community leaders includes representatives from the organizations above as well as the Lincoln Partnership for Economic Development, the University of Nebraska, Vision 2015, Lincoln Public Schools, neighborhoods and non-profits.

“Impact fees were created to provide a more consistent and fairer way of covering the City’s costs that come with growth,” said Beutler. “They are an important part of our infrastructure financing system. If the committee and the MOVE Council do propose changes, I am confident they will be ones that increase the fairness and effectiveness of that system and do not create further financial pressure on our already inadequate infrastructure financing system.”

Changes to the impact fee structure would require City Council approval.
CITY OF LINCOLN SNOW/TRAFFIC CONDITIONS REPORT

A complete voice report is available at 441-7783. This number is for news media use only.

For more information:
Public Works Snow Center - 441-7644
Diane Gonzolas ? 421-1247, 525-1520

Date: Thursday, January 17, 2008
Time: 5 a.m.

With a dusting of snow overnight, motorists will want to take it easy on their way to school and work this morning. Material spreaders have been out since early Wednesday afternoon, and at midnight, 19 snow plows began working on arterials, bus routes and emergency routes. The Public Works and Utilities Department hopes to begin material spreading in residential areas in the late morning. Parking bans are not in effect at this time.

The Lincoln Police Department reports there were 72 accidents between noon and midnight yesterday, but just two since then.

Residents are asked to make sure sidewalks are clear, especially at crosswalks and curb cuts. It is illegal to push or blow snow into or on any street, alley or sidewalk.

Please stay informed on the status of snow operations in Lincoln. Additional information is
CITY REMOVES BLOCKAGE IN SANITARY SEWER LINE

The Wastewater Division of the City Public Works and Utilities Department removed a blockage in a sanitary sewer collection line today near North 27th and Theresa streets.

Nearby property owners called the Wastewater Management Division to report sewer odor coming from a storm sewer on their property. Wastewater Collection crews were notified about 7:30 a.m. and responded immediately. Crews discovered that a sewer line was blocked and leaking into an adjacent storm sewer. The blockage was removed, and normal sanitary sewer service was established in less than one hour. There is no known private property damage associated with the blockage.

An estimated 60,000 gallons of liquid leaked from the sanitary sewer line into the nearby storm sewer, which discharges into a small drainage way that flows into Deadman’s Run near Cornhusker and State Fair Park Road. The liquid has been contained in the small drainage way. Currently, crews are pumping up the liquid and returning it into the sanitary sewer collection system.

The Lincoln-Lancaster County Health Department and the Nebraska Department of Environmental Quality were notified of the event.

For more information on this incident or on the Wastewater Division’s maintenance program, contact Brian Kramer, Superintendent of Wastewater Collection, or Roger Krull, Assistant Superintendent of Wastewater Collection, at 441-7961.
FLU SHOTS ENCOURAGED AND STILL AVAILABLE

The Lincoln-Lancaster County Health Department is advising the public that Flu shots are still available in the community and strongly encourages those who have not had a Flu shot to consider getting one. Flu shots are the first line of defense against the flu and it is not too late to get a Flu shot, since influenza activity in most years occurs in January or later.

Communicable Disease Program Supervisor, Tim Timmons, R.N., stated that, “at this time flu activity at the national, state and local levels is low, but the number of cases is increasing each week. The Department will continue its weekly surveillance for flu activity throughout the flu season. Now would be a great time for those still needing a Flu shot to obtain one. It takes about 2 weeks to develop full protection after receiving a Flu shot. “

The Lincoln-Lancaster County Health Department’s (LLCHD) local Flu Hotline is available to the public to provide information about Flu immunization availability in the community. The local Flu Hotline can be accessed by calling 441-0358. The Health Department has also posted many of the locations at [www.lincoln.ne.gov](http://www.lincoln.ne.gov), Keyword “Flu”.

Every year in the United States, on average:

- 5% to 20% of the population gets the flu;
- more than 200,000 people are hospitalized from flu complications, and;
- about 36,000 people die from flu.
Some people, such as older people, young children, and people with certain health conditions, are at high risk for serious flu complications.

The flu is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness, and, at times, can lead to death.

Symptoms of flu include:
- fever (usually high)
- headache
- extreme tiredness
- dry cough
- sore throat
- runny or stuffy nose
- muscle aches
- Stomach symptoms, such as nausea, vomiting, and diarrhea, also can occur but are more common in children than adults

The Lincoln-Lancaster County Health Department will provide Flu shots to low income uninsured individuals and children between the ages of 6 months through 4 years of age. Please note that children 5 years to 18 years of age must have a written order from their doctor to receive a flu shot at the Department. The Lincoln-Lancaster County Health Department is located at 3140 N Street and is open from 8:00 a.m to 4:00 p.m, Monday through Friday.

The Department no longer be provides flu shots to persons who are covered by insurance, Medicare, Medicaid (except for children 6 months through 4 years of age), other third-party payers, or those who do not fall at or below 185 percent of the U.S. poverty guidelines.
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler  
Lincoln City Council

FROM : Jean Walker, Planning

DATE : January 17, 2008

RE : Waiver No. 07010  
(Sidewalks - Hendrick’s 4th Addition - 6501 Cornhusker Highway)  
Resolution No. PC-01093

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 16, 2008:

Motion made by Larson, seconded by Francis, to approve Waiver No. 07010, requested by M.I. Industries, to modify the Land Subdivision Ordinance to waive the requirement for sidewalks along the south side of Cornhusker Highway associated with Lots 1 and 2 of the proposed final plat for Hendrick’s 4th Addition, generally located at 6501 Cornhusker Highway.

Motion for approval carried 8-0: Taylor, Esseks, Moline, Larson, Francis, Gaylor-Baird, Sunderman and Carroll voting ‘yes’ (Cornelius 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  
Craig Leibold, Architecture, Etc., 6500 Holdrege, 68505  
M.I. Industries, P.O. Box 29345, 68529

i:\shared\wp\jlu\2008\ccnotice.wvr\WVR.07010
RESOLUTION NO. PC-02093

WHEREAS, M.I. Industries has requested a modification of the Subdivision Ordinance to waive the requirements for sidewalks along the south side of Cornhusker Highway associated with Lots 1 and 2 of the proposed final plat for Hendrick's 4th Addition, generally located at 6501 Cornhusker Highway; and

WHEREAS, the Planning Director has recommended approval of the requested modification to the Subdivision Requirements; and

WHEREAS, the Planning Commission finds that the strict application of the installation of sidewalks along the south of Cornhusker Highway at said location would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the provisions of the Section 26.27.020 of the Subdivision Ordinance which requires the installation of sidewalks along both sides of all streets in a subdivision, is hereby waived along the south side of Cornhusker Highway on property described as Lot 1, Hendrick's 1st Addition and Lot 1, Hendrick's 3rd Addition, Lincoln, Lancaster County, Nebraska, to be replatted as Lots 1 and 2, Hendrick's 4th Addition.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 16 day of January, 2008.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
Waiver #07010
6501 Cornhusker Hwy

Zoning:

One Square Mile
Sec. 4 T10N R07E

Area of Application

2005 aerial
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : January 17, 2008

RE : Special Permit No. 07054
     (Accessory building to be used as dwelling for domestic employee - east side of
     S. 112th Street, about ½ mile south of A Street)
     Resolution No. PC-01092

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, January 16, 2008:

    Motion made by Larson, seconded by Francis, to approve Special Permit No.
    07054, with conditions, requested by Phillip R. and Diane S. Hynes, to allow an
    accessory building to be used as a dwelling for a domestic employee, on
    property located on the east side of S. 112th Street about ½ mile south of “A”
    Street.

    Motion for conditional approval carried 8-0: Taylor, Esseks, Moline, Larson, Francis,
    Gaylor-Baird, Sunderman and Carroll voting ‘yes’ (Cornelius 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
    Tom Huston, 233 S. 13th Street, Suite 1900, 68508
    Phillip and Diane Hynes, 1900 S. 112th Street, Walton, NE 68461

i:\shared\wp\jh\2008 ccon@ciec.sp\SP.07054
WHEREAS, Phillip R. and Diane S. Hynes have submitted an application
designated as Special Permit No. 07054 to allow an accessory dwelling to be used as a
dwelling for a domestic employee on property located on the east side of S. 112th
Street about 1/2 mile south of A Street and legally described as:

Lot 1, Windhoek 5th 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 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 Phillip R. and Diane S. Hynes, hereinafter referred to as "Permittee", to allow an accessory building to be used as a dwelling 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 lot to be used as a dwelling unit for domestic employees.

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. 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 must conform to 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 must approve the water and waste 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 16 day of January, 2008.

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: January 17, 2008

RE: Special Permit No. 04044A - North Creek Villas Community Unit Plan
   (No. 27th Street and Fletcher Avenue)
   Resolution No. PC-01091

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 16, 2008:

Motion made by Larson, seconded by Taylor, to approve Special Permit No. 04044A, an amendment to the North Creek Villas Community Unit Plan, with conditions, requested by Sterling Hills II, LLC, to waive the required front yard setback on property generally located west of N. 27th Street and south of Fletcher Avenue.

Motion for conditional approval carried 7-0: Taylor, Esseks, Larson, Francis, Gaylor-Baird, Sunderman and Carroll voting ‘yes’ (Moline declaring a conflict of interest and Cornelius 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
    Paula Dicero, Sterling Hills II, LLC, 1233 Infinity Court, 68512
    Brian Bernt, Northridge Heights H.O. Assn., 6630 N. 34th Street, 68504
RESOLUTION NO. PC-01091
SPECIAL PERMIT NO. 04044A

WHEREAS, Sterling Hills II, LLC has submitted an application designated as Special Permit No. 04044A for authority to amend North Creek Villas Community Unit Plan to waive the required front yard setback on property generally located west of N. 27th Street and south of Fletcher Ave. and legally described as:

Lots 1-5, Block 1; Lots 1-8, Block 2; Lots 1-8, Block 3; Lots 1-10, Block 4; Lots 1-5, Block 5; Lots 1-13, Block 6; North Creek Villas 1st Addition; and Outlot A and B, North Creek Villas Addition, Lincoln, Lancaster County, Nebraska;

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan 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 Sterling Hills II, LLC, hereinafter referred to as "Permittee", to 
amend North Creek Villas Community Unit Plan to waive the required front yard setback 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 community unit plan be in strict 
compliance with said application, the site plan and the following additional express terms, 
conditions, and requirements.

1. This permit approves 52 dwelling units with a waiver to reduce the front yard 
setback along Fletcher Ave. for Lot 1, Block 1, Lots 1 and 8, Block 2, Lots 1 and 8, Block 3, 
Lots 1 and 10, Block 4, and Lot 1, Block 5, from 25 feet to 15 feet. All previous waivers granted 
with Special permit #04044 remain in effect.

2. Before receiving final plat approval, 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:

   a. Replace "waive" with "reduce" and add "to 15 feet" after "requirement" in 
      Note 7 under Waivers. Change Lot 8 to Lot 10 for Block 4.

   b. Remove the City Council approval block.

   c. Update the preamble in the legal description.

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

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

   f. The construction plans must conform to the approved plans.

3. Before occupying the dwelling units all development and construction must 
comply with the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

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

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 16 day of January, 2008.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Special Permit #04044A
N 27th St & Fletcher Ave

Zoning:

R-1 to R-6 Residential District
AG Agricultural District
AGR Agricultural Residential District
G-1 Office District
G-2 Suburban Office District
G-3 Office Park District
R-T Residential Transition District
B-1 Local Business District
B-2 Planned Neighborhood Business District
B-3 Commercial District
B-4 Lincol Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District
H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

One Square Mile
Sec. 36 T11N R06E

2005 aerial
I am forwarding this response from Wayne Teten to all of the council members as it is information that may benefit all of you.

Thanks,
Karen Sieckmeyer
Executive Secretary
Public Works/Utilities
555 South 10th
402-441-7566
sieckmeyer@lincoln.ne.gov

----- Forwarded by Karen K Sieckmeyer/Notes on 01/14/2008 08:57 AM -----

W. Wayne Teten/Notes
01/14/2008 08:28 AM

Robin,
Yes, snow removal is one of my responsibilities. Residential streets near schools receive attention after arterials and bus routes are done. If the storm carries into the weekend, then residential streets around churches are done before the ones around schools, otherwise schools receive priority right after bus routes.
The work on Fletcher, as well as a number of other locations did require overtime pay. The warm weather on that weekend and prior to, was causing a lot of snow melt. Storm drain inlets on Fletcher and other areas were plugged with ice so crews were opening them to allow water to flow through the storm drain system and not remain on the streets where it had a tendency to refreeze overnight.
Wayne

-----<robine@neb.rr.com> wrote: -----

To: Wteten@lincoln.ne.gov, rfigard@lincoln.ne.gov
From: <robine@neb.rr.com>
Date: 01/12/2008 02:05PM
Subject: Snow removal question

Wayne, you handle snow removal, right? 1. Is there any priority given to residential streets closest to schools? 2. A constituent asked about ice remal on Fletcher Street last weekend and if this drives up OT.

Robin Eschliman
January 14, 2008

Don Thomas, County Engineer
Lancaster County Engineering Department
444 Cherrycreek Road, Bldg. C
Lincoln, NE 68528

RE: Crashes at the intersection of Yankee Hill Road & S. 56th Street

Dear Don,

I just wanted to formally respond to your letter dated January 3, 2008 regarding your concerns for safety at the intersection of 56th & Yankee Hill Road. Since receiving your letter, our Traffic Operations staff have been working closely with you and your staff to coordinate installation of “Rumble Strips” on Yankee Hill Road, east and west of S. 56th Street in response to these concerns. We believe that the existing “Stop Ahead” signs, which were in place and in good condition at the time of the latest crash, the recently installed orange flags, plus the addition of the “Rumble Strips” will greatly enhance the safety at this intersection.

In closing, let me take the time to thank you and your staff for being so responsive and for your cooperation in this matter. The safety of the citizens of Lincoln/Lancaster County will be greatly enhanced due to your efforts.

If you should have any questions or further concerns, please do not hesitate to contact me.

Sincerely,

Roger A. Figard,
City Engineer

cc: County Board
    City Council
    Mayor Chris Beutler
January 3, 2008

TO: Roger Figard, City Engineer

FROM: Don Thomas

SUBJECT: Accidents at the intersection of Yankee Hill Road & S 56th Streets

I am sure you are aware of the fatal accident that occurred at this intersection last weekend. I wanted to let you know that there was another accident in the early part of December that apparently involved similar circumstances - a westbound vehicle running the stop sign. The only apparent difference in the accidents was the vehicle that was struck was going southbound and involved no fatalities.

The only change that has occurred recently is the new paving on Yankee Hill going west has been completed. It would appear that the intersection itself, 56th going north and Yankee Hill going east are your responsibility. The other two legs of the intersection are the County’s responsibility.

I would appreciate your investigation on the intersection for some potential changes that might improve the conditions. We will see if the Sheriff has any accident records for this intersection, if you would check with LPD for any accidents that they have worked at this location.

Please contact me when we might get together to discuss this intersection.

cc: Ray Stevens

DT/FIGARD RE ACCIDENTS AT YANKEE HILL RD & S 56TH 1/3/08
Trish -

I just want to let you know the trees in the median between 9th and 10th streets south of Van Dorn will be removed beginning Monday January 21. Please note that not all the trees will be removed. 34 trees are scheduled to be removed in the island due to the roadway project, damage caused by storms or vehicles, disease, or age. After the project is complete we will work with the Parks and Rec Department to determine locations to plant new trees as part of the mediation for trees removed due to the roadway project.

I've left messages with the South Salt Creek and Indian Village homeowners associations that are adjacent to the project and will let them know of the removals when they call back. I've also talked with the Irvingdale Association which is also adjacent to the project.

Kris Humphrey
Phone - (402) 441-7592
Fax - (402) 441-6576
khumphrey@lincoln.ne.gov
InterLinc: City Council Feedback for
General Council

Name: Marilynne Bergman
Address: 4809 Bunker Hill Road
City: Lincoln, NE, 68521
Phone: 402-438-4809
Fax: 
Email: 

Comment or Question:
If the City can come up with $1.2 million for a study of an arena, I propose instead using that $ for our infrastructure needs that have been publicized as so dire. If we can 'come up with' $1.2 million so quickly, where is the much-publicized budget crisis?

My last priority is an Arena. My first priority is safe neighborhoods, streets, businesses and schools. The city cut officers in schools, services to individuals, seniors, children etc. Let's fund those things first with that $1.2 million.

Sounds like some powerful people with lots of money are proposing this. It seems that the 2015 vision group is leading the charge. Let them fund the whole thing, and reap the benefits if there are so many positives. Jon Camp owns a lot of property in Haymarket, is he voting in the interest of the city, or in his own interest?

If Lincoln wants to be Omaha, they have lots of other work to do first before they build an arena. My understanding is Lincoln residents do NOT want to be Omaha. So who is the $1.2 million being spent for?

Don't spend it on my behalf, I do not want an arena in an already-congested downtown area, or anywhere else until all other needs of citizens are being met by the city budget.

Marilynne Bergman 402-438-4809
I have written before and appreciate the responses I received. Since then I have been studying the proposed bus routes that affect me and some that affect other riders with whom I'm acquainted. In the forty-three years I have been riding daily to and from work and wherever else I needed to go during the day, I have noticed that most routes cover enough area that riders are usually within 4 blocks of a bus stop. I have heard from a few riders and drivers that some regular riders will be 6-8 blocks from a bus stop with the new routes. Most people will not walk that far if they have a choice. Some have difficulty walking that far.

The new plan calls for varying downtown loops. Currently all buses follow the same downtown loop. This allows for riders to get on any bus anywhere along the loop, and to transfer from any bus to any other bus anywhere along the loop. If the first bus is a little late, the second bus can wait at the most convenient of several locations along the loop. No one has to memorize all the routes to know where to transfer and can get off the first bus and on the second bus at the same location. You can usually tell by the name on the bus which direction it is going.

Thousands of people work in the Capitol Building and the State Office Building, and all the buses currently pass by both. Several of the new loops will miss one or the other. Workers in the Federal Building are within one block of the current loop, but it doesn't seem so with some of the new loops.

There are natural shelters as well as StarTran shelters all along the current loop. Scores of people seek shelter during inclement weather at the west entrance to NSOB. The black route, among others would serve the north side of the State Office Building. There is no shelter there, and no where for the buses to line up without blocking the loading dock, or taking away parking, including handicapped parking.

It is not clear which direction the new Black route will go between 70th and 77th on A. The current Bryan East/Trendwood route goes east between 70th and 77th. Most riders come from the apartments on the south side of A and it is currently not necessary for them to cross busy A street. There is no housing on the north side of A in that area, only the East High School parking lot.

For those of us boarding in the 70th-84th and A area, the part of the route that takes us north, whether outbound or inbound would seem to be much longer than the part that takes us down A. I live on Coachman's Drive 1/2 block from A. The black route shows traveling between Sandalwood and Brent Blvd on 84th. If I wanted to catch the bus at 84th & A, where would my bus stop be placed? South bound there is a right turn lane at 84th & A. Also there are very few homes facing 84th between Sandalwood and Brent Blvd, mostly churches and fences. Is this the most efficient way to serve riders or increase ridership in that area?

The drivers are the experts who have the best sense of where most of the riders get on and off the buses, at what times of the day. Any planning committee should include a cross section of more than just a couple of drivers.

It seems that a lot of assumptions were made based on the study statistics, not all of them accurate. I'm still wondering who participated in the 2006 survey. I have asked several regular riders on my route, and none of them remember a survey at any time during 2006. For any survey to be adequate it needs to be done more than a couple of days, week days and Saturdays, at several times throughout the year so as to include students, regular, occasional, and seasonal riders.

I meant to send this several months ago, but didn't want to be too precipitous. I could write more, but I'm sending now hoping my observations and concerns will help with finalizing efficient and customer friendly routes.

Thank you.

Tracey L Hillman
1221 Coachman's Drive
Lincoln, NE 68510

OnionPetunia@aol.com
Dear City Council Members,

This letter is in regard to a "fly by night" filming which according to the website for "Girls Gone Wild" occurred on December 7th, 2007. The website for "Girls Gone Wild" has a tour bus that travels around the country and sneaks into towns and cities without asking the city for a permit. The activity inside their trailer has a bed and includes women not just taking off their shirts but hard core pornography. The website contains video on the front page. On the website click the icon for events. Under events is a schedule of where their buses will be in what City. However, the sleazy film producers are so sleazy that deliberately change the dates around. For example, the bus was in Albuquerque on December 13th, 2008, but after the arrival (please see attached police report), the date changed and a place in Florida is given instead.

To stop this sleazy business from sneeking into your town for one night- it is a good idea to have your City Attorney contact "Girls Gone Wild" business directly asking the business "Girls Gone Wild" with rules and ordinances of your City covering permits. Enclosed is a letter that I would like each City Councilor to read. I have also attached the advertisements from the Nightclub in Albuquerque that invited Girls Gone Wild to film. Thank you.

I was walking out of Samon's Lighting before Christmas to make sure that my Christmas lights I bought were safe when I saw the trailer for "Girls Gone Wild" parked outside Cowboy's Nightclub on a Thursday night. I went home and immediately called the police to report an illegal business operating without a permit in an area clearly not designated for Strip Clubs and is too close to churches and schools. On the website entitled, "Girls Gone Wild," it clearly was
not just young females taking off their shirts, but females taking off their underwear too and engaging in hard core porn. The website for Girls Gone Wild shows video on the screen as an example of what gets filmed inside nightclubs. This is clearly evidence of unlawful activity involving hard core porn not designated for that area. This kind of unregulated activity is a public health concern. According to the website, "Girls Gone Wild" there are beds in the trailer for women to engage in activities that are hard core porn.

I contacted the Police Officer the next day who had answered the police call I made at 6:27 pm early in the evening giving enough time for a well-trained Officer to have stopped "Girls Gone Wild" from filming. The Officer played dumb and told me that he (the Police Officer) didn't know to ask the business "Girls Gone Wild" for proof of a City Permit. The Police Officer told me that it was the City Zoning Department.

I went to City Zoning and filed a complaint. The City Inspector assured me that "Girls Gone Wild" most certainly did not have a City Permit. The same attorney for "Girls Gone Wild" that would take a woman to the Supreme Court (research cases) to use her videos would sneak intoa City and deliberately and knowingly choose to not ask any City for a Permit because to do so would only encounter, "NO" from a City.

The Producers realize that the City of Albuquerque wouldn't grant a Permit to operate and decide to only stay "Fly By Night" for one evening in Albuquerque. To have an Officer believe operating without a permit in the sex industry (hence, unregulated), is not a big deal is an insult to all women.

What could happen in one evening... The founder of "Girls Gone Wild" is serving time in prison for filming female underage minors nude for "Girls Gone Wild" and also tax evasion.

A group of college females living in the dorms decide to go out for the evening. It is doubtful that college females fresh faced with their whole lives ahead of them would decide to drive to say, T.D. Strip Club, get hammered and then strip. No, No, a group of fresh faced college students wouldn't drive themselves to a Strip Club to see paid, professional strippers and sit around a table ordering shots of alcohol. This idea would be gross to most college females living in the Dorms. Knowing this logic, the sleazing producers of "Girls Gone Wild" don't park their trailer outside T.D.'s stripclub, but Cowboys Country Western Nightclub where there are no "paid, professional strippers." The Police Officer already had in his own mind what kind of women would "free will" strip. It is a miscarriage of justice for an Officer to say it is free will for all of the women attending Cowboys to believe that was their intent that evening. Cowboys is nothing like T.D.'s strip club. Several young females living in UNM dorms would more than likely not know what a trailer called "Girls Gone Wild" was even about. These young females barely had left their parents homes and come of age to
drink alcohol.

The college group of young women walk into Cowboy's sober with the idea after viewing "Girls Gone Wild" trailer that no way in hell would that happen. Inside Cowboys, the promotional girls from "Girls Gone Wild" are passing out shots of alcohol without a New Mexico server's license.

Several, several drinks later and totally hammered the group of young women walk out to their vehicle. Opening up their car door, the women are again asked for the umpteenth time by a sleazy Producer from "Girls Gone Wild" to strip. Intoxication is not having sound judgment. The group of females lack sound judgment, but sleazy producers use alcohol as a tactic to make a woman have unsound judgment to strip to make a nudie video? Any man with any ounce of decency would not use alcohol as a tactic to make a stripper video for mass commercialization. Deliberately, these sleazy producers count on even bank on for commercial use to exploit these young Albuquerque women by using their nude bodies capturing these young women on film while their too drunk. Hence, the name "wild" means intoxicated beyond sound judgment. What kind of man would see a woman passed out drunk after throwing up and decide she could have sex because it was her free will to take off her clothes? The Promotional Girls from "Girls Gone Wild" didn't have their NM liquor Server's license, so were passing out drinks without being responsible about New Mexico young women overdrinking and driving.

On the website, "Girls Gone Wild" there is an event icon that has a list of places that the bus rolls into. For December 13, 2007 the location for Albuquerque had been removed recently. What happened? Was there a murder, drug overdose, missing young female? For December 14, 2007, the website for "Girls Gone Wild" lists El Paso, Texas.

The driving time to get from Florida to Texas in one day is not believable.

The young group of women stripping on December 13, 2007 have lost their opportunity to become a Prosecutor. Look at Marcia Clark after the media revealed via the Defense Attorney for O.J. that the Prosecutor had been a stripper. Some of these young women will develop mental illnesses and suffer depression. These young women are off their path or now on some Police Officer's list of young women that are not "trophy" wives, but the other kind of woman- the woman that nobody should care about. (No, I've never been on Girls Gone Wild). I wish Police Officers and society would treat all women equally with no
regard to a woman's reputation with regard to investigations about rape etc. But, I saw and heard otherwise. Labels such as, "Mental," "Stripper" "Slut" "Bimbo" "Prostitute."

What has society done to uplift any of those above mentioned women put in those categories true or not true? What happens when the camera stops rolling? Maybe society should see the alcoholism, the criminal charges, the amount of money society then has to pay for healthcare for these women etc... Joe Francis has several orders of protection against several different women.

These young women will now have a stigma to last their entire lives. It is doubtful that any of these young women would report a rape blaming herself for the amount of alcohol that she chose to consume. The motivation behind getting these women intoxicated and operating without a permit is clear- to use Albuquerque young female bodies for commercial use. For these young women, fresh from growing up and moving out of their parents home this just is a naïve feeling of innocence lost. If that were your daughter, then would you approve of the way "Girls Gone Wild" tactics were in knowingly operating without a permit? No. Why should anybody else's daughter get caught up in that either, then?

On the website for Cowboy's that week there was TOYS FOR COPS where patrons got free cover charge if brought a stuffed animal to be donated to children via COPS. Also, on the Cowboy's website was FREE entrance for all Law Enforcement Officers. According to Spokesman for A.P.D., John Walsh, the Marines sponsored TOYS FOR TOTS. I spoke to a Marine Sgt. this morning who assured me that the Marines did not sponsor TOYS for COPS. While at the Marine headquarters in Albuquerque I briefly chatted with two young female privates who were studying in school and I had to ask myself why wasn't Cowboy's advertising for young females to join the Military? With the new gun law, wouldn't it be better for young women to avoid becoming "wild" in a Nightclub and later mentally hospitalized. (No, again I wasn't on Girls Gone Wild) Cowboy's uses their website which on December 13, 2007 received 100,000 hits from people to advertise the word A.P.D. in a way that reminds one of a cult tactic of deception. It is obvious that John Walsh didn't realize that.
have attached the copied, pasted and printed COWBOYS website that was shown on December 13, 2007. The TOYS for COPS gives young inexperienced females a false sense of security which the sleazy producers use to their commercial advantage. John Walsh wouldn't give me the name of the APD coordinator that endorsed Cowboys use of TOYS for COPS and denied that there was one. In 2007, Cowboys had a murder take place involving a bouncer from Cowboys on the parking lot. Not even a year later, on the parking lot of Cowboy's there was pornography taking place right under the the A.P.D. without an interruption.

The Police Officers that went out to investigate were asked to shut down Girls Gone Wild because of operating without a permit, but didn't at their own choice. Are strip clubs being regulated? No. It is obvious from the behavior of the Officers that evening that the strip clubs are not being regulated either.

What can be done to prevent this from happening next time? The City of Albuquerque needs to be better coordinated. The City Zoning Inspector asked why the Police Officer didn’t contact City Zoning field inspector or have phone number in the evening of an Inspector. Also, the City could issue warnings to Nightclubs that their Liquor License could be fined for allowing a contract of business to operate without a Permit dealing directly with the strip/sex industry to do so in conjunction with a Nightclub promotion.

It is doubtful that victims will come forward often feeling laughed at such as, "Girls Gone Wild. Has too small breasts, etc..." Victims are no longer naïve. It is important to protect the next generation of young women.

There are a few possible solutions to help the next generation of young women. One, the Mayor could put a ban on "Girls Gone Wild" from filming in Albuquerque which would send a loud and clear message to "Girls Gone Wild" film producers that filming teenagers for "Girls Gone Wild" is not tolerated in New Mexico. The Mayor banned COPS in 2002 which I helped bring about that change because I noticed while working at Domino's Pizza how a Native American was left out in 38 degree temperature without a jacket, so that John La Count (film producer) could get a beefed
up story line. It cost the city more time and money
to preview the tapes before syndication and a major corporation pulled out of Albuquerque
which hurt the Convention Center. (No, I've never been on COPS or Girls Gone Wild). What I
saw December 13th, 2007 was another miscarriage of justice in that it was like the lamb (young
college women never before stripped) being sent to the slaughter house. Imagine a fresh, faced
innocent young female with bunny slippers on living in the Dorms and getting talked into going
to Cowboys with Toys for Cops at the door. Doubtful that young females barely over the
drinking age would even know what "Girls Gone Wild" was. A ban could be placed on "Girls
Gone Wild" by the City Mayor, (Chavez) because the past business activities of the film
producers were that of knowingly engaging in pornography and stripping in areas that the Film
producers own attorneys knew darn well were not zoned for.

Also, the City Attorney could pursue a criminal charge against "Girls Gone Wild" for operating
without a permit. This might send a loud clear message to other businesses especially
operating "Fly by night" pornography and stripping that Albuquerque is cracking down on
operating without a permit. The tapes of those young females taken on December 13, 2007
could be confiscated. That would be great to give those young women that were filmed drunk a
second chance. Unlike other businesses operating without a permit, the business of "Girls
Gone Wild" deals with the sex industry which is a public health risk. Below is what the DA
demailed to me and also a reporter. There have been several reporters interested in covering this
story. The State Legislators could look into writing laws that protect all people from
horrific tactics of "Girls Gone Wild." The Governor could ban "Girls Gone Wild" from filming
in New Mexico.

How important is operating without a permit? Well, pretty important if the business is dealing
with the sex industry. See below article. The bio of Joe Francis can be found on the internet with
regard to "Girls Gone Wild." What are the elements of proving operating without a permit? The
website I sent contains evidence that "Girls Gone Wild" was filming.

"Joseph Mantra and Mantra Films Inc, The creators of 'Girls Gone Wild' videos have pleaded
Joe Francis guilty in a Florida Court to violating a federal law designed to prevent the sexual
exploitation of children.

Mantra Films Inc. of Santa Monica pleaded guilty to charges that it failed to create and maintain
age and identity documents for performers in sexually explicit films that it produced and
distributed. The company also failed to label its DVDs and videotapes as required by federal
law, the Justice Department said.

Mantra Films entered its plea agreement today before U.S. District Judge Richard Smoak in
Panama City, Fla. A second related company, MRA Holdings LLC, also entered into an
agreement.

Justice officials stated that this shows a clear message that the Justice Department is committed
to protecting children from all forms of sexual exploitation.

"This case sends an important message about the Justice Department's commitment to protecting children from all forms of sexual exploitation," Assistant Atty. Gen. Alice S. Fisher said in a statement. "Today's agreements ensure that "Girls Gone Wild" will comply with an important law designed to prevent the sexual exploitation of minors and puts other producers on notice that they must be in compliance as well."

In the court papers distributed by the Justice Department, "'Girls Gone Wild' admitted filming performers and producing and distributing sexually explicit video materials during all of 2002 and part of 2003 while violating the record keeping and labeling laws."

Specifically, Mantra Films pleaded guilty to three counts of failing to keep the required records and seven labeling violations."

(LA Times)

Thank you.

Sincerely,

Kristin Cunnar

The District Attorney and Reporter emailed the following to me:

Kristin,

Any prosecution would have to be by the City, since there is no applicable state statute. I would contact Bob White at the City Attorney's Office.

Thank you,
Kari Brandenburg

Dear Kristin,
Thank you very much for the heads up and for the very well put together argument surrounding this issue.
I am going to look into it and see if there is anything we can do to expose this problem you have pointed out.
It seems that with everything you said there was some misdirections on the part of girls gone wild to bypass the proper channels of getting a permit, so they could blow into town and then blow right out with tapes in hand...
Again, thank you for your concern and time.
Sincerely,
Mike Paluska
Happy Holidays From the Cowboys Staff & Management!

"Toys For Cops"

Bring in an unwrapped stuffed animal and you don't have to pay a cover charge!

Don't have a stuffed animal with you? Try our skill crane at the front door for just $1 and you get two chances to win a stuffed animal to get you in the door!

Stuffed animals will be distributed by A.P.D. to families in need!

Check out our Hot Concerts page to find out about these great concerts!

Cory Morrow

Rolling Thunder

Wednesday Night Dance Lesson

Doors Open at 6:00
Lessons Start at 6:30
Please Contact Sassa Kellogg at 505-299-3737 for details!
January 9, 2008

Dan Marvin, Chair
Lincoln City Council
Members of the Council
555 South 10th Street
Lincoln, NE 68508

Dear Chair Marvin and Council Members:

Annually we review key policy areas that may be the subject of legislation on a national, state, or local basis that are of concern and importance to the electric power industry and Lincoln Electric System (LES). Our Legislative Guidelines for 2008 were reviewed and approved by the LES Administrative Board at their regular meeting on December 21, 2007. A copy of the Legislative Guidelines is enclosed for your reference. These guidelines direct LES staff in interpreting and responding to legislative and regulatory issues as they arise.

As Vice President & Assistant Counsel to the Administrator and CEO at LES, I am responsible for coordination and response in legislative and regulatory areas. I also serve as the LES liaison to the City Lobbyist, Paul O'Hara, and to the City Attorney's office. I provide them with LES' input on issues that may affect us as a principal public employer, but may not be specifically energy-related.

We would be happy to meet with you at any time during the year to further update you on our key local, state, or national concerns.

Sincerely,

[Signature]
Shelley R. Sahling-Zart
Vice President
& Assistant Counsel

SRS:al

Enclosure

c: Terry Bundy, Administrator and CEO
Paul O'Hara, City Lobbyist
Dana Roper, City Attorney
Mayor Chris Beutler
2008

LINCOLN ELECTRIC SYSTEM
LEGISLATIVE GUIDELINES

The Lincoln Electric System (LES) Administrative Board and staff recognize that state and federal legislation and regulations on a wide variety of issues can impact LES customer/owners. These Legislative Guidelines are established and adopted by the LES Administrative Board.

LES' mission is to provide energy and services of superior value and enhance growth and development of the greater Lincoln area. In order to further our mission, LES must actively monitor and participate in the legislative and regulatory processes that impact, or may impact, LES operations and customers.

These Guidelines identify areas of key concern on a local, state, and national policy basis. LES must assume an active and responsible role in these issues to represent and protect the interests of its customer/owners. These Guidelines also provide general identification and guidance for LES staff and information on our positions to the general public.

The Guidelines specifically address legislative and regulatory issues on a policy basis. Some of these issues are of temporary concern, but many are regularly scrutinized by judicial, legislative, and regulatory bodies and require continuous review.

The LES Executive Team will 1) monitor local, state, and federal legislative and regulatory actions pursuant to these Guidelines, 2) take actions to preserve or advance these values, and 3) report developments concerning them to the Board’s Legislation and Government Affairs Committee and to the LES Administrative Board.

These Guidelines are available to anyone upon request. They are routinely distributed to legislative and regulatory agencies, elected and appointed officials, trade associations, and other community interest groups.
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1. **Restructuring & Competition**
   - LES continues to support the “condition-certain” approach to statewide competition as outlined in LB 901 adopted by the Nebraska Unicameral in the 2000 legislative session.

2. **Environment**
   
   2.1 **Clean Air**
      
      - LES supports implementation of federal clean air regulations in a manner that will achieve and maintain emission reductions while providing planning certainty for electric utilities and equal opportunity for economic growth in all regions. LES also supports a well-defined regulatory environment that allows long-term planning, cost-effective resource choices, and a stable energy environment for our customers.
      
      - LES supports state clean air initiatives that are no more stringent than federal standards.
      
      - LES supports restraint in the application of New Source Performance Review for existing facility modifications where efficiency and economic benefits are possible.
      
      - LES supports cost-effective utilization of Best Available Control Technology (BACT) to achieve air emissions reduction.
      
      - LES supports federal or international protocols that are economically feasible, based on sound scientific data, and applicable to all countries, including developing countries.
      
      - LES does not support mandatory carbon or carbon dioxide limitations unless safe and effective carbon dioxide storage or utilization can be commercially demonstrated.

   2.2 **Climate Change**
      
      - LES supports voluntary greenhouse gas initiatives that are consistent with objectives to ensure an adequate and reliable supply of reasonably priced electricity.
      
      - LES acknowledges that one of the most significant environmental issues facing today’s policymakers is the role emissions of greenhouse gases plays in global climate change, including emissions from the combustion of fossil fuels, among others. As Congress considers legislation to address climate change, LES supports the following principles which are consistent with those established by the American Public Power Association Climate Change Task Force:
- Economy-wide application to all industry sectors with an enhanced focus on energy efficiency and conservation;

- Ensure that any legislative greenhouse gas emission reduction programs are consistent with commercially available technologies and take into consideration the financial impact on and the ability of consumers to afford such programs;

- Recognition of regional differences that can impact the fairness and effectiveness of greenhouse gas emission reduction programs;

- Allow credit for early voluntary actions taken to reduce greenhouse gas emissions; and

- Expansion of federal support for research, development and deployment of cost-effective technologies to reduce, capture, transform, transport or sequester greenhouse gas emissions from all economy-wide emission sources.

2.3 Hazardous Materials

- LES supports adoption at the state level of legislative and regulatory requirements for the handling of hazardous materials that are no more stringent than federal requirements.

- LES supports interstate cooperation and planning for the safe, orderly, and environmentally responsible disposal of solid and hazardous wastes.

- LES supports "Hazardous Waste" designation and disposal requirements that are based on scientific evidence.

2.4 Wildlife and Environmental Protection

- LES supports scientific review of federal, state, and local wildlife and environmental protection regulations to assess their effectiveness and validity in preserving wildlife and natural or ecologically sensitive areas while balancing the necessity of providing for basic human services.

- LES supports the Endangered Species Act and the periodic reevaluation of endangered species designations.

3. Financial

3.1 Insurance Pooling
LES supports the principle of allowing Nebraska’s political subdivisions to participate in self-insurance pools, either locally or nationally, if such participation would provide sufficient liability protection and be cost-effective for LES customer/owners.

3.2 Taxes

- LES supports tax policy that does not inordinately burden the public power industry or its customer owners either directly or through fuels and production taxes. LES does not support taxes on electricity for the purpose of funding non-energy related programs or purposes.

- LES supports continuing exemptions from sales and use taxes on utility fuels, transactions between utilities, and services, as well as the exemption from sales tax on construction labor for generation, transmission, and distribution facilities.

3.3 Tax-Exempt Financing

- LES supports continuation of cost-effective access to capital markets for tax-exempt financing, without undue restrictions.

4. Intra-Industry Dispute Resolution

- LES supports the coordination of all public power legislation and regulations and the resolution of intrastate industry disputes through the Nebraska Power Association whenever possible.

5. Personnel Issues

5.1 Health and Safety

- LES supports developing safety and health policies, procedures, and practices that comply with the primary, substantive requirements of the Occupational Safety and Health Administration (OSHA). However, the exemption from OSHA for governmental entities should continue.

5.2 Human Resources

- LES supports legislation and regulations that enhance benefits that can be provided to LES employees on a nondiscriminatory basis without excessive administrative costs or paperwork, but opposes legislation at the state level mandating benefits beyond those required under federal law.
6. **Power Supply**

6.1 Fuels & Transportation

- LES supports federal and state legislation and/or regulations that foster competition and eliminate artificial pricing structures within the railroad and natural gas industries in order to ensure the lowest compensatory fuel rates for all consumers.

- Regardless of whether competition exists, LES supports legislation and regulation to require railroads to disclose their actual costs to provide shipping services and to charge shipping rates that are fair, reasonable, and non-discriminatory while allowing a reasonable rate of return in relation to the actual costs.

- LES supports a requirement that in regulatory proceedings railroads have a burden of proving that their rates are fair, reasonable and non-discriminatory, as is common for other utilities and monopolies.

- LES supports effective federal regulatory oversight that protects all captive shippers.

- LES supports an efficient and cost-effective rate relief methodology for small and medium sized rail shippers.

- LES supports captive shipper access to rate component and structure information that is tendered in competitive rate situations.

- LES supports repeal of laws that exempt the railroad companies from antitrust injunctive damages and damage remedies.

- LES supports mandatory reliability standards for the railroads with regard to deliveries of coal to coal-fired power plants.

6.2 Federal Hydropower Preference

- LES supports retention of existing federal preference laws, the federal power marketing agencies, and protection of power users' interests in multi-purpose projects. LES opposes an open auction of the federal PMAs to the highest bidder. If Congress determines to sell the PMAs, LES can only support sale or transfer of the PMAs to current preference customers.

- LES supports river operating procedures and practices that adequately consider the importance of renewable hydro power on electric system reliability and the regional economy as well as for operation of thermal power plants along rivers.
6.3 Federal Power Rates

- LES supports retention of wholesale rates based upon costs of construction, interest and amortization established for each facility at the time of introduction to the power system. Rates for peaking power should reflect its resource utilization and value relative to firm load pattern service.

6.4 Non-Utility Generation

- LES supports electrical interconnections between existing utility systems and qualifying cogeneration, small power production, and other non-utility generation facilities, as administered by policy guidelines adopted by the LES Administrative Board, as well as regional transmission organizations, and the North American Electric Reliability Council.

6.5 Nuclear

- LES supports the cooperation of federal, state and local officials in ensuring that stringent safety precautions and monitoring are undertaken to assure compliance with all federal regulations for the generation of nuclear energy, the transport and storage of spent nuclear fuel, and disposal of low-level radioactive waste from Nebraska's two major nuclear plants.

- LES supports state or federal direction to provide for the safe, efficient, and cost-effective disposal of low-level radioactive wastes.

- LES supports the development of next generation standardized nuclear reactors that could be effective in reducing greenhouse gases.

6.6 Renewable Resources

- LES supports the research and continuing development of cost-effective renewable energy facilities in Nebraska in order to take advantage of Nebraska's renewable resource potential and foster economic growth.

- LES supports the inclusion of new and existing hydroelectric resources within the definition of renewable energy resources.

- LES supports the implementation of federal and state incentives at both the utility and customer levels to promote greater development of renewable energy facilities.

- LES does not support federal or state mandates that would impose minimum levels of renewable energy in a utility's resource mix, such as a Renewable Portfolio Standard.
LES supports net billing policy that acknowledges and exempts from subsequent net metering requirements any utility that has been required to consider a net metering standard pursuant to the federal Public Utility Regulatory Policies Act (PURPA), and has in fact properly adopted a net metering standard utilizing the public process set forth in PURPA.

LES supports continued full federal funding of the Clean Renewable Energy Bonds (CREB) and Renewable Energy Production Incentive (REPI) programs in order to promote continued investment in renewable energy programs.

6.7 Resource Planning

LES supports individual utilities and their governing bodies retaining responsibility for the planning and implementation of resources, using sound Integrated Resource Planning techniques to satisfy their load requirements in a cost-effective manner that is consistent with local public policy.

LES supports Integrated Resource Planning processes based on sound, local costs and which exclude arbitrary adders and externalities.

LES supports continued research and demonstration in distributed generation technologies, such as fuel cells, microturbines, and photovoltaics, among others.

LES supports participation in power supply and transmission coordination on a regional and state basis to: 1) enhance the reliability of the state and regional interconnected systems; 2) identify future power supply resource options; 3) optimize existing resources; and 4) facilitate the economical sale and exchange of energy.

LES supports supply adequacy regulations that incorporate: 1) regional planning reserve standards; 2) verification of generation capability; 3) after-the-fact verification of compliance; and 4) penalties for noncompliance.

6.8 Transmission Access

LES supports broad access to transmission for wholesale transactions that meets the following requirements:

a) Transmission rates that have a relationship to costs and reflect the type of service requested with non-firm or curtailable rates lower than firm capacity rates; and

b) North American Electric Reliability Council (NERC) reliability guidelines and operating practices are followed.
LES supports the full recognition of existing transmission agreements and contracts and preservation of the physical transmission rights. These “grandfathered” arrangements represent a fundamental and long term investment by and economic benefit to LES customers.

LES supports expansion of FERC’s authority to facilitate the planning and expansion of transmission to meet the needs of load-serving entities to serve current and future native loads.

LES supports federal legislation regarding RTOs if it is a) applicable to all existing and developing transmission organizations, b) provides a mechanism to contain the organizational, capital, and operating costs of RTOs, and c) mandates RTO stakeholder participation and authority at the board of director level.

6.9 Wholesale Power Markets

LES supports the development of competitive wholesale power markets.

LES supports open access to infrastructure to stimulate the marketing of electricity as a commodity including viable trading hubs, removal of transmission barriers, and regional transmission organizations (RTOs). While recognizing that some price volatility is inherent in the developing electricity markets, LES remains concerned that some price spikes may be the result of market manipulation and transmission constraints that are allowed to persist to capture inordinate market power.

LES supports mandatory supply adequacy for both planning and operating reserves.

7. Products & Services

7.1 Communications

LES supports the ability of municipalities to utilize municipal infrastructure to provide telecommunication services and opposes legislation that prohibits municipalities from providing such infrastructure and service in their communities.

LES supports open access by any entity to public utility communications infrastructure and partnerships with other providers to enhance the reliability and breadth of communications services to consumers and to enhance economic development.

LES supports the Utilities Telecommunications Council's (UTC) and the American Public Power Association's (APPA) efforts to oppose all Federal Communications Commission (FCC) spectrum reallocation proposals that adversely affect the reliability of communications systems used by electric utilities.
7.2 Customer Service

- LES supports fair, reasonable, and nondiscriminatory policies that provide customers with due process, adequate time, and consideration of individual circumstances in the payment of electric bills.

- LES supports utility cooperation in assisting federal, state, and local social service agencies that provide financial assistance for essential energy needs.

7.3 Economic Development

- LES supports activities that recognize the positive role public power plays in any effort to enhance economic development in the Lincoln area and throughout Nebraska.

7.4 Energy Efficiency and Conservation

- LES supports continued promotion of energy efficiency and conservation, upgraded equipment efficiencies, and demand side management, through rate design, thermal and lighting efficiency standards (indoor and outdoor), customer incentives, utility loans, local and national research, customer information and technical assistance.

- LES supports continued research and development of generation technologies with increased efficiencies to control or reduce fuel consumption and emissions.

7.5 Electric Transportation

- LES supports continued research, development, and commercialization of hybrid electric vehicles that are practical and cost-competitive.

7.6 Rates/Pricing of Services

- LES supports cost-based rates combining embedded and marginal costing principles as applicable. Low cost-based rates represent a major competitive advantage and economic incentive for business and other economic development for the Lincoln area and throughout Nebraska.

- LES rates are developed and administered locally in a public environment and reflect, to the extent practicable, the cost of providing service to each class of electric consumer, and to appropriate levels of usage within the class.
8. **Public Ownership**
   
   - LES supports continued public ownership of Nebraska power systems to maintain the low cost, efficient, responsive customer owned systems developed through the past 70+ years.

9. **Public Partnerships**
   
   - LES supports the continued ability of public entities to create joint ventures with both public and private entities with the authority to plan, develop, finance, and operate energy projects in their mutual interests.

Adopted: December 21, 2007
January 10, 2008

The Honorable Chris Beutler
Mayor of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

Dear Mayor Beutler:

Annually we review key policy areas that may be the subject of legislation on a national, state, or local basis that are of concern and importance to the electric power industry and Lincoln Electric System (LES). Our Legislative Guidelines for 2008 were reviewed and approved by the LES Administrative Board at their regular meeting on December 21, 2007. A copy of the Legislative Guidelines is enclosed for your reference. These guidelines direct LES staff in interpreting and responding to legislative and regulatory issues as they arise.

As Vice President & Assistant Counsel to the Administrator and CEO at LES, I am responsible for coordination and response in legislative and regulatory areas. I also serve as the LES liaison to the City Lobbyist and to the City Attorney's office. I provide them with LES' input on issues that may affect us as a principal public employer, but may not be specifically energy-related.

We would be happy to meet with you at any time to further update you on our key local, state, or national concerns.

Sincerely,

[Signature]
Shelley R. Sahling-Zart
Vice President
& Assistant Counsel

Enclosure

cc: Terry Bundy, Administrator and CEO
Denise Pearce, Administrative Aide to the Mayor
Dana Roper, City Attorney
Lincoln City Council
Bruce Bohrer, Lincoln Chamber of Commerce
The nightmare is over! Our TV and our DVR work! Finally.

Why? In November 2007 our family switched from Time Warner Cable to DISH Satellite TV. Now we are receiving MORE stations for less money.

When Time Warner Cable began using Navigator, our television reception and our ability to record on our DVR deteriorated. Up until that time, we had experienced NO significant problems. When Navigator came on the scene, everything changed.

So we did what Time Warner Cable told us to do. We switched out the boxes. We rebooted and rebooted and rebooted. All to no avail.

A man at Time Warner Cable worked with us over the process of many weeks, trying to resolve the issues. Finally the situation was so bad that our TV would turn off on its own. We did not know whether we needed a service technician or an exorcist!

We kept Road Runner and Digital Phone offered by Time Warner Cable. Our TV and DVR are hooked up to DISH Satellite TV. It was a hard decision for us to make, but we couldn't be more pleased.

It is our hope that someday Time Warner Cable will stop using Lincoln as a test market. We were paying over $150 a month for cable TV alone and only received one credit of $75 the entire time (almost a year) that our DVR and our TV reception were going to the dogs.

Yes, there are other options. It's time for all of us to check them out!

Pamela Ferris
2910 NW 7th Street
Lincoln NE 68521
(402) 474-9252