IN LIEU OF
DIRECTORS’ MEETING
MONDAY, APRIL 28, 2008

I. MAYOR
1. Parks Department to Acquire Two Health Department Used Pickups.
2. NEWS RELEASE. Mayor Presents March Award of Excellence to Steven Groesser, James Stolley and Tim Watts of the Wastewater Division of the Public Works and Utilities Department.
3. NEWS RELEASE. Public Invited to Open House on Little Salt Creek Watershed Master Plan Study. Tuesday, April 22, 2008 at 5:00 pm at Lincoln North High School.

II. DIRECTORS

FINANCE/BUDGET DEPARTMENT
1. April Sales Tax Reports
   a) Actual Compared to Projected Sales Tax Collections;
   c) Sales Tax Refunds. 2002-2003 Through 2007-2008; and

PLANNING DEPARTMENT

PLANNING COMMISSION FINAL ACTION
2. Use Permit No. 80A. Expansion of Use Permit Area. N. W. 1st Street and West Highland Boulevard. Resolution No. PC-01116.
4. Special Permit No. 08019. One-Sale Alcohol, 9 South Chargrill, 844 South Street. Resolution No. PC-01117.

PUBLIC WORKS/STAR TRAN
1. Reply to Mr. Book from Larry Worth, StarTran Transit Manager, Regarding Questions, Concerns of the StarTran Public Transit System.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP
1. Correspondence from Jim Tiedeman Containing Questions and Concerns.
V. MISCELLANEOUS
1. Letter from Lela Knox Shanks Urging Council to Ban Members from Having City Contracts.
2. Media Release from Community Health Endowment. Ruth Hill Elementary and community Health Endowment Team Up to Support the “Back Pack Program”.
3. Email from Mary Woltemath to City Council with Enclosures on Sewer Back-Up Claim.
   a) Letter Sent to Roger Krutt, Assistant Superintendent of Wastewater Service; and
   c) Letter to Mary Woltemath from Connor Reuter, Assistant City Attorney, Regarding Claim Against the City of Lincoln in the Amount of $125.00.

VI. ADJOURNMENT
Jim Dormer/Notes
08/28/2007 07:43 AM

To: James Weverka/Notes@Notes
cc: 

Subject: Fw: Surplus pickups

Jim: Will you go ahead and send Parks an IDC for the costs on the two trucks? The amounts are:
#20299 = $1700.00 and #20414 = $3200.00, this way you can indicate where you want the money to go. If you have any questions just let me know. Thanks J.D.

$4900.00

----- Forwarded by Jim Dormer/Notes on 08/28/2007 07:31 AM -----

Lynn Johnson/Notes
08/27/2007 06:00 PM

To: Steve D Hubka/Notes@Notes
cc: Bruce D Dart/Notes@Notes, Jan L Bolin/Notes@Notes, Jim Dormer/Notes@Notes, Sherry L Wolf/Notes@Notes, jsbormey@cl.lincoln.ne.us, Dave L Bomberger/Notes@Notes

Subject: Re: Surplus pickups

Steve: Sounds like a good approach to me. We appreciate the opportunity to replace some older pickups with these two vehicles. Lynn

Lynn Johnson, Director
Parks and Recreation Department
2740 'A' Street
Lincoln, NE 68502
402/441-8265

Steve D Hubka/Notes

08/23/2007 10:05 AM

To: Bruce D Dart/Notes@Notes, Jim Dormer/Notes@Notes, Lynn Johnson/Notes@Notes, Jan L Bolin/Notes@Notes, Sherry L Wolf/Notes@Notes

Subject: Surplus pickups

After visiting with Lynn and Jim, the following arrangement seems reasonable to me for Parks to acquire two Health Dept. pickups (a 1993 and a 2000). 1) Jim Dormer will come up with an estimate of what the pickups would bring if placed on the City auction and Parks and Rec. will reimburse the Health Fund through an interdepartmental charge for that amount. 2) Parks and Rec. will assume future replacement charges for the 2000 model year pickup and pay all future operating costs of both vehicles. Replacement is no longer being charged on the 1993 model.

If anybody has any objections or other ideas, please let me know. Steve
FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Parks/Park Administration, Southeast Dist. DATE: 4/8/08

NEED: Replace 2 pickup trucks that are direct charge vehicles with two used pickups that are on rental program with Fleet Services/Police Garage. #20414 will be used our Athletic Field personnel to help maintain 24 league play ballfields that are throughout the City. #20299 is used by SE District for trash pickup and maintenance of parks. This vehicle replaces a full-size pickup and will be more economical to operate. These two trucks replace older trucks and will be more cost effective to operate.

FUTURE IMPACT: Ongoing

LEGISLATIVE CHANGES

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REVENUES GENERATED

IMPACT

PERSONNEL (full time equivalents)

PERSONNEL (cost) index code:
object code  description

SUPPLIES index code:
object code  description

OTHER SERVICES & CHARGES index code:
object code  description

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EQUIPMENT index code:
object code  description

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<th>Next Fiscal Year Annualized</th>
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TOTAL EXPENDITURES

$4,900

SOURCE OF REVENUES: General

DIRECTOR: [Signature]  DATE: 4/9/08
WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of ftes the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the index code, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.
FOR IMMEDIATE RELEASE: April 21, 2008
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

MAYOR PRESENTS MARCH AWARD OF EXCELLENCE

Mayor Chris Beutler today presented the Mayor’s Award of Excellence for March to a team from the Wastewater Division of the Public Works and Utilities Department – Steven Groesser, James Stolley and Tim Watts. 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.

Superintendent of Wastewater Collection Brian Kramer nominated the team in the categories of safety and productivity. Stolley has worked for the City since 1970, Watts since 1981 and Groesser since 1997.

Wastewater Collection crews maintain and construct the City’s sanitary sewer infrastructure and assist in snow removal operations during emergencies. Often large piles of frozen snow are left behind from the plowing operation of arterial streets. The snow that ends up on sidewalks, wheelchair ramps and center island walks is part of the crew’s snow removal assignment.

These three were determined to find a better way to remove the snow than with hand tools. They decided to try mounting a small scraper blade onto the bucket of a small utility tractor and using the tractor’s moving arm to remove the snow. Watts and Groesser found a suitable blade at the Parks and Recreation Department. The team then designed a simple mounting system for the blade to connect to the bucket.

Kramer said the system is more effective and efficient and saves many hours of labor. Working from the tractor cab also is much safer for City workers who were at risk from slipping and falling and from working close to moving vehicles. Kramer writes this was a great example of the intuitiveness and initiative used by Wastewater Collection employees on a daily basis to perform their job duties in a more efficient and a safer manner.

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

- more -
Award of Excellence
April 21, 2008
Page Two

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.

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PUBLIC WORKS AND UTILITIES DEPARTMENT
Watershed Management, 901 N. 6th St., Lincoln, NE 68508, 441-7701, fax 441-8194

FOR IMMEDIATE RELEASE: April 21, 2008
FOR MORE INFORMATION: Ed Kouma, Watershed Management, 441-7018
                       Paul Zillig, Lower Platte South NRD, 476-2729

PUBLIC INVITED TO OPEN HOUSE ON
LITTLE SALT CREEK WATERSHED MASTER PLAN STUDY

Residents of Lincoln are invited to an open house on the Little Salt Creek Watershed Master Plan from 5 to 8 p.m. Tuesday, April 22 at Lincoln North Star High School, 5801 N. 33rd St.

At the open house, individuals will have the opportunity to meet with project team members and learn more about this important watershed planning study.

A presentation will begin at 5:30 p.m. The presentation will include information about various aspects of the study including a watershed inventory, an analysis of potential erosion and stream stability issues, and the hydrologic and hydraulic models to determine flood prone areas.

For more information on the Little Salt Creek Watershed Master Plan and other Watershed Management projects, visit the City’s Web site at lincoln.ne.gov (keyword: watershed).

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CONGRESS

Low key floor activity allows for negotiations on other items. Neither the House nor the Senate considered high profile legislation on the floor this week, but that did not mean that Members were not working. Among the higher-profile items currently being negotiated are:

- **FY 2009 Budget Resolution**: Democrats had hoped to break a long streak of missing the April 15 deadline for approval of the resolution, but House and Senate negotiators have yet to come to an agreement. At issue is the insistence by House leaders that spending for items such as a $70 billion “patch” for the Alternative Minimum Tax (AMT) be offset. The budget resolution does not require Presidential approval and sets the broad spending outlines under which the appropriations and tax-writing committees must operate during the year.

- **FY 2009 Appropriations**: Even without the budget resolution, subcommittees have been holding hearings on federal agency budget proposals under their jurisdiction. Leaders of the House Appropriations Committee have a goal of approving all 12 of their FY 2009 spending bills on the House floor prior to the August recess, but slower Senate action and the threat of Presidential vetoes is almost certain to delay final action on the FY 2009 budget until after a new President is sworn-in.

- **War Supplemental/Economic Stimulus**: The White House has formally asked for an additional $108 billion in “emergency” FY 2008 spending for overseas military activities, and Democratic leaders are discussing the possibility of adding a second stimulus package to that bill. An extension of unemployment benefits, infrastructure funding, and law enforcement assistance are all under consideration, but the White House has vowed to veto any bill that includes non-military spending.

  - **Farm Bill**: House and Senate negotiators continue to work toward a deal on a five-year reauthorization of federal farm subsidy programs. The final sticking point is the price tag on a package of tax credits to encourage conservation and alternative energy production. The final package is not expected to include major reforms to crop subsidy programs that had been sought by the White House. A one-week extension of the current law was approved by both chambers this week.

  - **Medicaid**: Congress and the Bush Administration are locked in battle over regulations published last year by the Department of Health and Human Services that made significant changes to Medicaid reimbursement practices. This week, ignoring a Presidential veto threat, the House Energy and Commerce Committee unanimously approved legislation that would block implementation of the rules. House Republicans have warned the President that his veto would likely not be sustained, but the bill faced a far less certain path in the Senate.

  - **Housing/Foreclosure**: The House is expected to respond in the coming weeks to the recent Senate approval of a series of tax breaks and financial incentives to stem the tide of housing foreclosures across the country. The House Financial Services Committee held hearings on the matter this week.
TRANSPORTATION

The Senate approved SAFETEA technical corrections. The Senate passed the “SAFETEA-LU Technical Corrections Act” (HR 1195) this week after significant debate and procedural delays. The bill would make corrections to the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (PL 109-59). Such corrections are common for large bills such as SAFETEA where drafting and printing errors can result in unintended consequences for programs and projects.

In addition to corrections to authorized projects, HR 1195 includes a blanket authorization for preliminary engineering, final design, and construction of New Starts/Small Starts transportation projects that have been recommended for funding in Fiscal Years 2008 and 2009. Another section of the bill reduces the minimum penalties that states would be required to impose on repeat drunk drivers in order to avoid a loss of federal highway funding. Current law requires at least a one-year suspension of the offender’s driver’s license.

The bipartisan bill was expected to pass the Senate easily, but following a White House statement expressing strong opposition to the bill but stopping short of threatening a veto, Senate consideration was slowed considerably by amendments. The White House stated that the Senate bill, as amended, would undermine the process of rating and evaluating new transit projects, such as New Starts and Small Starts, by changing the interpretation of current law related to these projects. The bill would prevent the Federal Transit Administration from having the ability to place as much emphasis on cost effectiveness to determine the merits of a specific project.

A group of Senators, led by Senator Jim DeMint (R-SC), argued that the language making changes to some earmarked projects in the original SAFETEA-LU amounted to more than just technical corrections, and instead constituted entirely new earmarks. Though Senator DeMint’s amendment to send the bill back to the Senate Environment and Public Works Committee was defeated, an amendment sponsored by Environment and Public Works Committee Chair Barbara Boxer (D-CA) to urge the Department of Justice to investigate one of these earmarks was adopted.

The version of the bill passed by the Senate will now be reconciled in conference with the version passed by the House of Representatives last year.

FINANCE

The Senate panel scheduled to take up extenders package. Next week, the Senate Finance Committee will consider legislation ($ 2886) that would renew a wide array of tax provisions that have expired or will expire this year.

As introduced, the bill does not include offsetting revenues and it is unlikely that the Senate will add them. The bill would extend a wide variety of popular tax provisions, such as the deduction for state and local sales taxes for residents of states without an income tax (through 2009), the Tuition Tax Credit and the Research & Development Tax Credit. The bill also includes a one-year patch that would allow most taxpayers to avoid the Alternative Minimum Tax (AMT). Highlights of the Senate bill of interest for local governments include:

- Expansion, by $400 billion, and renewal of the Clean Renewable Energy Bonds (CREB) Tax Credit;
- A one-year extension, through 2008, of the tax credit for residential solar energy and solar water heating equipment;
- A one-year extension, through 2009, of the deduction for energy efficient commercial buildings;
- A one-year extension, through 2009, of the tax credit for energy efficient home appliances;
- A one-year extension, through 2008, of the tax credit available to the builders of energy-efficient homes;
- A one-year extension, through 2009, of the tax credit for home energy efficiency improvements;
- A two-year extension, through 2009, of favored tax treatment for the property set aside or donated for conservation purposes;
- A one-year extension, through 2009, of the New Markets Tax Credit, which is designed to encourage investment in distressed and commercially-underserved neighborhoods;
- A two-year extension, through 2009, of a provision that allows for the expensing of brownfield remediation costs;
- A two-year extension, through 2009, of the Qualified Zone Academy Bond Program, which is designed to encourage the rehabilitation of public schools in low-income neighborhoods, and
- A two-year extension, through August, 2010, of the Work Opportunity tax credit for employers that hire persons affected by Hurricane Katrina.

Although all of the tax provisions that S 2886 would extend enjoy broad popularity on Capitol Hill, when the House Ways and Means Committee takes up similar legislation, it will almost certainly include offsetting revenues to cover the cost of extending them. Although the Administration has not yet weighed in on the issues, they are likely to oppose offsets on the grounds that they would constitute a tax increase. Although Congress is facing pressure to extend these popular tax provisions in an election year, it remains unclear how the issue of offsets will be resolved.

HOMELAND SECURITY

The Senate panel hears testimony on “fusion centers.” A subcommittee of the Senate Homeland Security Committee heard testimony this week on the progress of Fusion Centers across the country.

Fusion Centers were designed by the Department of Homeland Security (DHS) to address gaps in information sharing between federal, state, and local governments. According to DHS, more than $254 million in federal assistance from FY 2004-2007 has been provided to state and local governments in support of the 58 Fusion Centers nationwide.

State officials testifying at the hearing touted the importance of the fusion center program and cited examples of increased information sharing leading to important arrests. However, witnesses also urged that more work needs to be done with the program, as a disconnect between federal and local agencies still
exists. A chief complaint of local law enforcement agencies regarding fusion centers is that the sharing of information with the federal government does not flow both ways.

Testimony was also heard from the U.S. Government Accountability Office (GAO), and the agency reported that

- The fusion centers varied in their staff sizes and partnerships with other agencies;
- The majority of the operational fusion centers GAO contacted had federal personnel, including from DHS or the FBI, assigned to them;
- DHS and DOJ have provided many fusion centers access to their information systems, but fusion center officials cited challenges accessing and managing multiple information systems;
- Both DHS and the FBI have provided security clearances for state and local personnel and set timeliness goals for granting clearances. However, officials cited challenges obtaining and using clearances, and
- Officials in 54 centers reported challenges with funding, some of which affected sustainability. To support fusion centers, both DHS and the FBI have assigned, and continue to assign, personnel to the centers. To help address funding issues, DHS has provided funding for fusion-center related activities.

ELECTIONS

House fails to approve paper ballot backup system. The House rejected legislation (HR 5036) this week that would have provided assistance to states and local jurisdictions wanting to convert to paper-ballot voting machines prior to the November elections.

The bill received a majority of votes (239-178) but was considered under an expedited procedure known as “suspension of the rules” which limits amendments and debate but requires a two-thirds majority for passage. While the process is normally reserved for non-controversial bills, Republicans expressed concern during debate about the potential costs of the measure. A Congressional Budget Office estimate of $685 million was not available until after the House Administration Committee approved the measure in April. In addition to providing funds for paper-ballot conversions, the bill would have also funded hand counts or manual audits for those not wanting to convert.

While House leaders could bring the bill up again under more conventional rules and gain approval by simple majority, they are unlikely to do so. The chances of the measure being approved in the Senate were remote, and the White House expressed serious reservations with the bill, but did not issue a formal veto threat.

HUMAN RESOURCES

Senate to consider wage bias legislation. The Senate will consider legislation (HR 2831) on the floor next week that would clarify current law as to how employees can sue their employers for wage discrimination.

The measure, which was approved by the House last July, is a response to the 2007 Supreme Court decision (Ledbetter v. Goodyear Tire and Rubber Co.) that workers filing suit for pay discrimination must do so within 180 days of the actual decision to discriminate against them. Bill sponsors maintain that the legislation is a narrowly-focused effort to reverse that decision and “restore the law on nondiscrimination.”

The bill would clarify current law to say that employers could be sued for pay discrimination every time they issue a paycheck, no matter how long ago the alleged discrimination occurred. People who believe that they were victims of pay discrimination could win damages if they filed charges with the federal Equal Employment Opportunity Commission within 180 days of any paycheck, not just within 180 days of the initial discrimination. The measure would also clarify that under Title VII of the Civil Rights Act of 1964 (which provides for relief against discrimination), an employee is entitled to up to two years of back pay.

The White House has threatened to veto the legislation if it is presented to the President in its current form, claiming that it goes beyond the Scope of Ledbetter and would encourage frivolous lawsuits.

GRANT OPPORTUNITIES

Department of Health and Human Services

The Administration for Children and Families (ACF) has announced guidance for FY 2008 Head Start Innovation and Improvement Projects. The intent of this program is to fund promising projects, concepts and products that aim to improve local Head Start sites. ACF has placed a priority on developing new concepts, products and practices relating to: National Head Start Center for Physical Development and Outdoor Play, Grandparents Raising Head Start Grandchildren, Healthcare Literacy, Mental Health Intervention for Children and Families, Inclusion of Children with Disabilities, Infant and Toddler Online Degree, and General Innovation and Improvement Projects. The deadline for all applications is June 9. A total of $11.4 million is available and there will be an estimated 57 awards. See the following link for additional information: http://www.acf.hhs.gov/grants/open/HH S-2008-ACF-OHS-YD-0025.html
## Actual Compared to Projected Sales Tax Collections

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<th>2007-08 ACTUAL</th>
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<td>AUGUST</td>
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<td>TOTAL</td>
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<td>$36,790,781</td>
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Actual collections through the first eight months of the fiscal year are .32% below projected collections.
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<td>$4,239,938</td>
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<td>$4,617,097</td>
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<td>$6,086,841</td>
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<td>-4.75%</td>
<td>$5,993,653</td>
<td>3.38%</td>
<td>$5,596,617</td>
<td>-6.62%</td>
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<td>$51,068,484</td>
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<td>$55,761,877</td>
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<td>0.20%</td>
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<td>0.77%</td>
<td>$38,099,735</td>
<td>2.74%</td>
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## CITY OF LINCOLN
### SALES TAX REFUNDS

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<td>SEPTEMBER</td>
<td>($48,531)</td>
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Year to date vs. previous year
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<td>$53,960,485</td>
<td>-0.57%</td>
<td>$36,790,782</td>
<td>2.10%</td>
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</table>
MEMORANDUM

TO: City Council Members

FROM: Sara S. Hartzell, Planning


DATE: April 23, 2008

The Planning Commission Review Edition of the Draft 2008/09 - 2013/14 Capital Improvement Program (CIP) is now available online at:

<www.lincoln.ne.us> Keyword: cip.


Please contact me at 441-6372 or shartzell@lincoln.ne.gov if you have any questions.
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : April 23, 2008

RE : Comprehensive Plan Conformance No. 08007
     (Permanent Conservation Easement - S. 56th Street and Shadow Lane)
     Resolution No. PC-01115

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, April 23, 2008:

Motion made by Taylor, seconded by Cornelius, to find the proposed conveyance
of a permanent conservation easement by Robert Hollingsworth to the City of
Lincoln and the Lower Platte South NRD, to preserve the floodplain storage over
approximately 7.01 acres generally located at South 56th Street and Shadow
Lane, to be in conformance with the 2030 Lincoln-Lancaster County
Comprehensive Plan.

Motion for a finding of conformance with the Comprehensive Plan carried 6-0:
Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes' (Larson and
Sunderman absent).

A resolution approving the proposed Conservation Easement Agreement is scheduled for public
hearing before the City Council on Monday, April 28, 2008, at 5:30 p.m., Bill #08R-94.

Attachment

cc: Building & Safety
    Rick Peo, Chief Assistant City Attorney
    Greg MacLean, Director of Public Works & Utilities
    Ben Higgins - Public Works & Utilities, Watershed Management
    Glenn Johnson, Lower Platte South NRD, P.O. Box 83581, 68501
    Robert Hollingsworth, 6510 S. 56th Street, 68516
RESOLUTION NO. PC-08007

Comprehensive Plan Conformity No. 08007.

WHEREAS, Robert Hollingsworth has offered to convey to the City of Lincoln and the Lower Platte South NRD a permanent conservation easement over approximately 7.01 acres of property to preserve the floodplain storage over an area generally located at South 56th Street and Shadow Lane and legally described as Lots 15, 93, and Lot 111 Southwest excluding 14.93 +/- in the east part of Section 16, Township 9 North, Range 7 East of th 6th P.M., Lancaster County, Nebraska; and

WHEREAS, the City of Lincoln and the Lower Platte South NRD are authorized to accept and hold conservation easements under the terms of the Conservation and Preservation Easement Act (Neb. Rev. Stat. §§ 76-2,111 to 76,2,118); and

WHEREAS, Neb. Rev. Stat. § 76-2,112 requires that, in order to minimize conflicts with land use planning, the proposed conservation easement must be submitted to the Lincoln City - Lancaster County Planning Commission for comments regarding the conformity of the proposed conservation easement to the Lincoln City Comprehensive Plan prior to acceptance of the easement by the City of Lincoln and the Lower Platte South NRD; and

WHEREAS, the Director of Planning has submitted a request designated as Comprehensive Plan Conformity No. 08007 to find the proposed acquisition of permanent conservation easement by the City of Lincoln and the Lower Platte South NRD to be in conformity with the Comprehensive Plan.

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

That Robert Hollingsworth's offer and the City of Lincoln and the Lower Platte South NRD's acceptance of a permanent conservation easement to preserve the floodplain
storage and to restrict the development on the property described above be and the same is
hereby found to be in conformance with the Lincoln City/Lancaster County Comprehensive
Plan.

The foregoing Resolution was approved by the Lincoln City-Lancaster County
Planning Commission on this 23 day of April, 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 Preister, Planning

DATE : April 23, 2008

RE : Use Permit No. 80A
     (Expansion of use permit area - N.W. 1st Street & W. Highland Blvd.)
     Resolution No. PC-01116

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, April 23, 2008:

Motion made by Taylor, seconded by Cornelius, to approve Use Permit No. 80A, with conditions, requested by the University of Nebraska Foundation, to
expand the use permit area by adding Lot 78 I.T. (approximately 12 acres), on
property generally located at N.W. 1st Street and W. Highland Boulevard.

Motion for conditional approval carried 6-0: Cornelius, Taylor, Gaylor Baird, Francis,
Esseks and Carroll voting 'yes' (Larson and Sunderman 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.

Note: On April 23, 2008, the Planning Commission also voted 6-0 to recommend approval of
the associated Change of Zone No. 2938C, to expand the special sign district to include 12
acres, and approval of the associated Change of Zone No. 08015, from I-2 Industrial Park
District to O-3 Office Park District, both of which are tentatively scheduled for public hearing
before the Lincoln City Council on Monday, May 12, 2008, at 5:30 p.m.

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Tom Huston, 233 S. 13th Street, Suite 1900, 68508
    The University of Nebraska Foundation, 1010 Lincoln Mall, Suite 300, 68508
    Jason Fortik, Highlands Neighborhood Assn., 5461 N.W. Fairway Drive, 68521
    Thomas Taylor, Highland Neighborhood Assn., 808 P Street, Suite 209C, 68508
    Universal Companies, LLC, 800 Cattail Road, 68521
    University of Nebraska Technology Park, LLC, 1248 O Street, Suite 1031, 68508

i:\sharedwp\Jul2008 ccnotice.sp\UP.80A
RESOLUTION NO. PC-01116

USE PERMIT NO. 80A

WHEREAS, the University of Nebraska Foundation has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 80B to expand the use permit area by adding Lot 78 Irregular Tract (approximately 12 acres) to the Use Permit on property generally located at N.W. 1st Street and W. Highland Blvd., legally described to wit:

Lot 78 I.T., Outlots "Q" and "R", Block 6, Highlands Coalition; Lot 1, Block 1, and Lot 1, Block 2, University of Nebraska Technology Park Original Addition; Lots 1, 2, 3, 4, and 5, University of Nebraska Technology Park 1st Addition; Lot 1, Block 1, and Outlots “A” and “B”, University of Nebraska Technology Park 2nd Addition, located in the South Half of Section 3, Township 10 North, Range 6 East of the 6th P.M. and the North Half of Section 10, Township 10 North, Range 6 East of the 6th P.M., all in Lincoln, Lancaster County, Nebraska;

and

A tract of land composed of Outlot “A” and Lot 1, Highlands Coalition 2nd Addition, located in the Southeast Quarter of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the area of the use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 the University of Nebraska Foundation, hereinafter referred to as "Permittee", to expand the boundaries of the University of Nebraska Technology Park by adding Lot 78 Irregular Tract located in the South Half of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska be and the same is hereby granted under the provisions of Section 27.27.100 of the Lincoln Municipal Code upon condition that construction and operation of said technology park be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an increase in the total square feet of floor area from 1,063,850 sq. ft. to 1,169,350 sq. ft. of floor area.

2. The City Council must approve associated request Change of Zone #08015 and 2938C.

3. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below before a final plat will be approved:

   a. In the second line of the first paragraph of the legal description add "Block 1" after Lots 1,2,3,4, & 5

   b. Remove the City Council approval block. This is final action at Planning Commission.

   c. Remove the outline of the building from the new area.

   d. Show a 10' utility easement around the perimeter of Lot 78 L.T.

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

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

Before the approval of a final plat, the public streets, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

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

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

c. To complete the installation of sidewalks along W. Highland Blvd and NW 1st St. has shown on the final plat within two (2) years following the approval of this final plat.
d. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

p. To maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

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

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

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

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

To relinquish the right of direct vehicular access to NW 12th St., W. Highland Blvd. and NW 1st St.

Before occupying the buildings all development and construction is to substantially comply with the approved plans.

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

The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

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

The Permittee 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 Permittee.

12. 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.


ATTEST:

Approved as to Form & Legality:

Chief Assistant City Attorney
Change of Zone #2938C & Use Permit #80A
NW 1st St & W Highland Blvd

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
R-C Residential Conservation District
O-1 Office District
O-2 Suburban Office District
O-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 Lincoln 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
N 1/2 Sec. 10 T10N R06E
S 1/2 Sec. 03 T10N R06E

2007 aerial
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : April 23, 2008

RE : Preliminary Plat No. 07004 - Wilderness Heights Addition
      (S. 40th Street and Yankee Hill Road)
      Resolution No. PC-01118

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 23, 2008:

Motion made by Taylor, seconded by Cornelius, to approve Preliminary Plat No. 07004, Wilderness Heights Addition, with conditions, requested by Lincoln Federal Bancorp, to create 312 lots, 309 of which are for single-family residential and 3 for a commercial center, on approximately 153.28 acres, with a request to waive the requirements of the Land Subdivision Ordinance and Design Standards for Land Subdivision Regulations in order to allow blocks more than 1,000 feet in length without a pedestrian easement and to allow lot lines non-radial to the street, on property generally located southeast of the intersection of South 40th Street and Yankee Hill Road.

Motion for approval, with conditions, carried 6-0: Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes' (Larson and Sunderland absent).

The Planning Commission's action on the preliminary plat 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.

Note: On April 23, 2008, the Planning Commission also voted 6-0 to recommend approval of the associated Annexation No. 07003, subject to an Annexation Agreement, and the associated Change of Zone No. 07060, the Wilderness Heights Planned Unit Development. These associated applications will not be scheduled on the City Council agenda until the Annexation Agreement has been completed.

Attachment
cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Pam Dingman, EDC, 2200 Fletcher Avenue, Suite 102, 68521
    Lincoln Federal Bancorp, 1100 N Street, 68508
    Doug Dittoe, Country Acres South N.A., 4800 Bridle Lane, 68516
    Delbert Smith, Country Acres South N.A., 5100 Bridle Lane, 68516
    J. Michael Rierden, 645 M Street, Suite 200, 68508
RESOLUTION NO. PC-01118

WHEREAS, Lincoln Federal Bancorp has submitted the preliminary plat of Wilderness Heights Addition for acceptance and approval together with a request to waive the requirements of the Land Subdivision Ordinance and Design Standards for Land Subdivision Regulations in order to allow blocks more than 1,000 in length without a pedestrian easement and to allow lot lines non-radial to the street on property generally located southeast of the intersection of S. 40th Street and Yankee Hill Road; and

WHEREAS, the Planning Director has recommended conditional approval of said preliminary plat.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission that the preliminary plat of Wilderness Heights Addition, generally located southeast of S. 40th Street and Yankee Hill Road, as submitted by Lincoln Federal Bancorp is hereby accepted and approved, subject to the following terms and conditions:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards).

a. Revise the preliminary plat as follows:

i. Delete General Note #6.

ii. Combine General Notes #7 and #8.

iii. Delete General Note #18.

iv. Delete Site Specific Note #4.

v. Revise Site Specific Note #7(B) to state "South 40th Street, except for Hohensee Drive, Wilderness Hills Blvd, and a right-in, right-out
drive in Lot 19, Block 15.” NOTE - Lot 19, Block 15 is incorrectly labeled as Lot 1, Block 24 on the plat.

vi. Revise Site Specific Note #14 to state “The required screening and street trees per Title 26 to be shown at the time of final plat.”

vii. Revise all typical street cross-sections to show a 3’ separation between the edge of the right-of-way and the sidewalk, and revise the typical residential pavement cross-section to include 4'-wide sidewalks.

viii. Show and label the approximate location of the high-pressure gas line in or near Yankee Hill Road, and add a new note that requires the owner to notify the purchasers of lots adjacent to Yankee Hill Road of the approximate location of the high pressure gas pipeline.

ix. Label Yankee Hill Court as a private roadway.

x. Show easements per LES review.

xi. Update the legal description on Sheet 1 of 10.

xii. Show the required additional right-of-way dedication in South 40th Street to the satisfaction of Public Works and Utilities.

b. Revise the street names to the satisfaction of 911 Emergency Communications and Building and Safety.

c. Revise the plans to the satisfaction of the Public Works and Utilities Department.

d. Show fire hydrants to the satisfaction of the Fire Department.

2. The City Council approves associated request:

a. Annexation #07003.

b. Change of Zone #07060.

3. Final Plats will be approved by the Planning Director after:

a. The required improvements are completed or a surety is posted to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be
furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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

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

iii. to complete the installation of sidewalks along both sides of all streets and private roadways as shown on the final plat within four (4) years following the approval of this final plat.

iv. Pay the City the equivalent cost to install sidewalks along the south side of Yankee Hill Road and the east side of South 40th Street as shown on the final plat, sidewalks to be installed by the City at the time the streets are improved.

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

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

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

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

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

xi. to complete the installation of private street lights within this plat within two (2) years following the approval of this final plat.

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

xiii. to pay the City the equivalent cost to plant street trees along the south side of Yankee Hill Road and the east side of South 40th Street, with the planting to be completed by the City.

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

xv. to complete the installation of the street name signs within two (2) years following the approval of this final plat.

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

xvii. to timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but which inadvertently may have been omitted from the above list of required improvements.

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

xix. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

xx. to complete the public and private improvements shown on the preliminary plat.

xxi. to keep taxes and special assessments on the outlots from becoming delinquent.

xxii. to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

xxiii. to maintain the plants in the medians and islands on a permanent and continuous basis.
xxiv. to maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.

xxv. to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the Subdivider.

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

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

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

xxvii. to pay all design, engineering, labor, material, inspection, and other improvement costs.

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

xxix. to relinquish the right of direct vehicular access to Yankee Hill Road and South 40th Street except as shown on the plat. Re-label Sheet 1 of 5 as ‘Preliminary Plat’.

BE IT FURTHER RESOLVED that:

1. The requirement of Section 26.23.125 of the Lincoln Municipal Code that a pedestrian way shall be required when a block exceeds 1,000 feet in length is waived for Blocks 1, 2, 15, and 21.
2. The requirement of Section 26.23.140 of the Lincoln Municipal Code that side lines of any lot be at right angles to the street or radial if the street is curved is waived to allow lot lines non-radial to the street.


ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
Annexation #07003 & Preliminary Plat #07004
Wilderness Heights PUD
S 40th St & Yankee Hill Rd

Zoning:

One Square Mile
Sec. 29 T9N R7E

R-1 to R-4 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-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 Lincoln 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

2007 aerial

Yankee Hill Rd

(S 56th St)

(Rokeby Rd)
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : April 24, 2008

RE : Special Permit No. 08019
     (On-sale alcohol: 9 South Chargrill, 844 South Street)
     Resolution No. PC-01117

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, April 23, 2008:

Motion made by Taylor, seconded by Cornelius, to approve Special Permit No.
08019, with conditions, requested by B&J Partnership on behalf of SWIG, LLC,
d/b/a 9 South Chargrill, for authority to sell alcoholic beverages for consumption
on the premises of 9 South Chargrill generally located at 844 South Street.

Motion for conditional approval carried 6-0: Cornelius, Taylor, Gaylor Baird, Francis,
Esseks and Carroll voting ‘yes’ (Larson and Sunderman 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
SWIG, LLC, d/b/a 9 South Chargrill, 844 South Street, 68502
Brett Richardson, 1928 S. 8th Street, 68502
B&J Partnership Ltd., 340 Victory Lane, 68528
Danny Walker, South Salt Creek Community Org., 427 E Street, 68508
Gary Irvin, South Salt Creek N.A., 645 D Street, 68502
RESOLUTION NO. PC-02117

SPECIAL PERMIT NO. 08019

WHEREAS, B&J Partnership on behalf of SWIG, LLC dba 9 South Charrill has submitted an application designated as Special Permit No. 08019 for authority to sell alcoholic beverages for consumption on the premises of 9 South Charrill generally located at 844 South Street, legally described as:

Lots 3 and 4, Block 8, South Lincoln Addition, Lincoln, Nebraska;

and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 B&J Partnership on behalf of SWIG, LLC dba 9 South Charrill, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises of 9 South Charrill on property legally described above be and the same is hereby granted under the provisions of Section 27.63.880 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:
1. This permit approves the sale of alcohol for consumption on the premises of a
   restaurant in the area designated as the licensed premises on the site plan.

2. Before commencing the sale of alcohol for consumption on the premises the
   construction plans must comply with the approved plans.

3. The physical location of all setbacks and yards, buildings, parking and circulation
   elements, and similar matters must be in substantial compliance with the location of said items
   as shown on the approved site plan.

4. The terms, conditions, and requirements of this resolution shall be binding and
   obligatory upon the Permittee, its 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.

5. 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 23rd day of April, 2008.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Special Permit #08019
S 9th & South St

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-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 Lincoln 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. 35 T10N R06E

2007 aerial
Dear Mr. Bonk:

Your April 14, 2008 email to the members of the Lincoln City Council in which you expressed questions/concerns regarding the StarTran public transit system has been forwarded to me for response, as follows...

- StarTran has operated and is currently operating medium-sized 35' public transit buses. These 35' buses and the larger, 40' and larger buses, utilized by other transit systems, are manufactured as "heavy duty" vehicles, with a federal designated 12-year life. (Although StarTran typically operates buses for up to 15 years.) Up until recently, the smaller, 30' buses were manufactured as medium-duty vehicles, with federal designated 8 - 10-year life. While the capital cost of the medium-duty bus is somewhat less than the heavy-duty bus, the capital cost per life year of the medium-duty bus is higher. At least one bus manufacturer is now manufacturing 30' buses as heavy-duty, with a longer 12-year federal life span, so those buses will be considered at the time of the next bus procurement.

- The difference in operating costs between the medium and small-sized buses is negligible, as the operating cost is comprised primarily of operator salary / benefits, maintenance, and fuel, all of which are or nearly equal.

- StarTran is acknowledged as a leader in the fleet utilization of clean diesel and alternate fuels (ethanol and biodiesel). Such fuels reduce toxic emissions, and StarTran's utilization of non-renewable energy resources.

- Last fiscal year StarTran ridership was over 1.8 million boarding passengers, reflecting a 20% increase in ridership over the past three years. In early June, 2008, StarTran will be initiating revised routes and schedules, which are expected to further increase StarTran's efficiency and effectiveness in delivery of transit services.

Larry D Worth
StarTran Transit Manager

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Mr. Tiedeman:

I am forwarding you email to David Landis, Director of the Urban Development Department, which was involved with all of the transactions you addressed. After he responds, I will be glad to comment on any further questions you have. . .however, I think I can best comment once you have the information researched and in front of you.

Thank you for your inquiry.

Best regards,

Jon

Jon Camp
Lincoln City Council
City Council Office: 441-7515
Haymarket Square Office: 474-1838

-----Original Message-----
From: Jim Tiedeman <jctiedeman@yahoo.com>
To: jcamp@lincoln.ne.gov; reschliman@lincoln.ne.gov; ksvoboda@lincoln.ne.gov; dmarvin@lincoln.ne.gov; mayor@lincoln.ne.gov
Sent: Wed, 23 Apr 2008 11:10 pm
Subject: Questions and concerns

Dear City Council Member:

I have always felt that elected public officials were to act in a responsible manor and in the best interest of the city or public. Maybe I don't have all of the facts or knowledge to understand the how’s and why’s and benefits to the city of the following questions.

Please explain the original sale of the Federal Building (old Post Office) to the investor who was to develop it into condos. What was the 'net' sales price? Was it really the best offer? Now I hear that he or the investment group has sold the building. Once they close the sale will the building be back on the tax role at a realistic value? What has the whole ‘deal’ cost the city?

Please explain the 'deal' made with Douglas Theaters and the construction/sale/rental of the Grand Theater building. I have never understood this 'tax increment financing. Who really owns the building? Was it sold for a fair market price? Is it on the tax roles? Now that the Douglas Theater people have sold it how does it effect the city? I am a simple man and would like to understand just how all this works and how it is good for the city.
One more high finance question. How is the sale of the Convention to the Cornhusker Hotel/Marriott going to work? Does that include the parking structure? Is it being sold for an appraised value? Why does the city own it? $500,000 sounds like a 5000 square foot house not a convention center attached to a grand hotel. I am sorry that was 4 questions not one.

Thanks in advance for answering my concerns,

Jim Tiedeman
5600 S. 73rd St.
Lincoln, NE
486-4903

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.
2761 Randolph
Lincoln, NE 68510
April 21, 2008

TO: Lincoln City Council
    Lincoln, Nebraska

RE: City Council Members & City Contracts

As a taxpayer in the City of Lincoln, I urge the council to ban its members from having contracts with the city.

In the words of Omaha Assistant City Attorney Michelle Peters, “the ban is to protect taxpayers’ money, maintain the integrity of the bidding process and ensure that council members’ financial interest doesn’t sway them.”

I agree with Attorney Peters that such a ban protects council members from “any appearance of impropriety.”

I urge council members to support a ban on its members having contracts with the City of Lincoln.

Respectfully,

Lela Knox Shanks
Taxpayer
Media Release

To: Media

CC: Mayor's Office, Lincoln City Council

From: Lori Seibel, President/CEO, 436-5516
Community Health Endowment

Date: April 21, 2008

Re: Ruth Hill Elementary School Supports “BackPack Program”

Ruth Hill Elementary and Community Health Endowment
Team Up to Support the “BackPack Program”

Students will present a check for $2,486.50 to the Lincoln Food Bank of Lincoln, on Thursday, April 24, 2007 at 2:00 p.m. at Ruth Hill Elementary School, 5230 Tipperary Trail. The funds were raised by the students to support the Food Bank’s BackPack Program. To recognize the student’s efforts, a matching check for $2,486.50 will be presented to the BackPack Program by the Community Health Endowment of Lincoln (CHE). This will make a total donation of $4,973 to support the program’s efforts.

During the 2007-08, the BackPack Program is providing 833 students with food-filled backpacks on Fridays in 17 elementary schools in Southeast Nebraska. The project has seen a 83% increase in participating students from 2006-07 to 2007-08. Community Health Endowment has made it possible for all the students in the program to receive two pieces of fresh fruit each Friday, and a monthly voucher for a gallon of fresh milk.

Anyone interested in learning more about the BackPack Program should contact Scott Young, Executive Director, Lincoln Food Bank, at 466-8170.
Dear City Council,
I have reviewed the minutes from the city council on 4-14-2008. My letters were not even read or reviewed. I don't think this is fair when they told me in the letter to contact city council members and nothing is done to represent me. I do not feel my claim should have been denied. Can someone please respond to my e-mail.
Thanks
Mary

Note: forwarded message attached.

Dear Mr. Cook,
Please consider paying me for the claim of $125.00 for a plumber. It is being scheduled at the meeting on the 14th. The cause of the problem was considered vandalism in the city attorney report to me. They stated that with out me telling them about it they would not know. The end of the sewer line is at the end of my block. How would I know this. First if I could get the heavy lid open I could not see down in to see the blockage. A neighbor that lives on the end of the street stated that they had to but on suits to go down in to pull out a chunk of concrete the size of a bowling ball. He said the men working that day said that cement trucks clean out thier trucks into the sewer lines at times. Do you go look at the end of the sewer line when your drains are backing up?
Please consider paying me the $125.00 I spent on a plumber. I need the money! Attached is the correspondense.
Thank you.
Mary Woltemath
1841 Brower Rd
Lincoln, Ne. 68502

Do You Yahoo!?
March 10, 2008
Dear Roger Krutt,

On Feb. 26, 2008 the drains at our house were not working. The stool overflowed and the shower backed up. All the basement drains were having huge bubbles coming up in them. We called a plumber to come look at the situation. He came on the 27th and angered the drains but could not find any plugs. At that time he told us that our stool was shot. After he left we were still having large bubbles come up in the stool regularly and whenever any water was being used in the rest of the house the basement drains would overflow.

We called the plumber back on the 28th. He brought a longer auger and augured all our drains again. He said we had no clog. He told us the stool was our problem again. On the evening of the 29th the next-door neighbor on the left asked if we were having drain problems. He stated that their basement was flooding.

On Mar. 1st I talked to the neighbor on the right of us to see if she had problems. She said her drains were backing up also. That she was getting ready to call a plumber. The neighbor on the left said he was calling the city to come out and look at the problem.

The city sewer crew came out in the afternoon and stated they had been on our street in the morning and unclogged the sewer at the end of our street. They also checked with the neighbor on the right also to see if she was still having problems. Our drains are working fine now. The stool is working fine now also.

I would like to be reimbursed for the money I paid to have my drains augured. I am enclosing the bill of $125.00 that I paid to Lovell Excavating.

Sincerely,
Mary Woltemath
1841 Brower Road
Lincoln, Nebr.
68502
402-420-9104
Lincoln Wastewater System

Report of Property Damage • Filing of Claims

If you believe that the City of Lincoln was at fault and caused damage to your property because of a sanitary sewer backup, you may file a claim in writing with either the City Clerk's Office or the City Attorney's Office at 555 So. 10th Street, Lincoln, NE 68508. You should provide the following information:

1. Indicate the exact date of the claimed incident and address of the alleged occurrence.
2. Describe the circumstances to support your claim.
3. Itemize any and all claims for reimbursement due to property damage.

Your claim should be filed in a timely manner. If you have any questions regarding sewer service or the sewer backup, contact Roger Krull, Assistant Superintendent of Wastewater Service, Lincoln Wastewater System, 2400 Theresa Street, Lincoln, NE 68521 (phone: 441-7985).

Roger Krull
Asst. Supt. of Wastewater Service

---

Lovell Excavating
12350 So. 162nd
Bennet, NE 68317
H. (402) 782-2027 + C. (402) 890-8321

INVOICE / STATEMENT
Date 2-27-08

<table>
<thead>
<tr>
<th>DATE</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td></td>
<td>Auger Service</td>
<td>125.00</td>
</tr>
</tbody>
</table>

PLEASE PAY THIS AMOUNT $125.00
April 2, 2008

Mary Woltemath
1841 Brower Road
Lincoln, NE 68502

RE: Claim against the City of Lincoln in the amount of $125.00

Dear Ms. Woltemath:

This is in reference to your letter received March 12, 2008, wherein you presented a claim to the City of Lincoln. In order for your claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such authorization. In this instance, it must be shown that the proximate cause of your expense was the result of some act or omission on the part of the City of Lincoln or its agents. Unfortunately, the foreign debris, concrete, found in the City’s sanitary sewer main was the result of vandalism, of which the City of Lincoln had no knowledge or control until reported by you. Accordingly, I must inform you that your claim will be forwarded to the City Council with a recommendation that they deny the claim.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on April 14, 2008, at 1:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by emailing the Chair of the City Council, Dan Marvin, at council@lincoln.ne.gov, or by contacting your individual councilperson.

Sincerely,

Connor L. Reuter
Assistant City Attorney
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, APRIL 28, 2008

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Beutler’s Public Schedule Week of April 26 through May 2, 2008 - Schedule subject to change.

2. NEWS RELEASE - RE: Mayor’s Arts Awards Winners Announced.

3. NEWS RELEASE - RE: 911 Center Seeks Re-Accreditation - Assessment team invites public comment.

4. NEWS ADVISORY - RE: Mayor Beutler will announce the architect chosen for the proposed arena project in the West Haymarket area and the developer chosen for the related hotel and conference center at a news conference on Tuesday, April 29th at 10:30 a.m. in the area outside the Mayor’s Office.

II. CITY CLERK -

1. Letter from Craig Groat sent to City Clerk’s Office - RE: Item #24, 08-37 the Ethics Ordinance.

III. CORRESPONDENCE -

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

PLANNING

1. Memo from Marvin Krout - RE: Pending Item #27, 05R-301, on Council Agenda for 04/28/08 - Comprehensive Plan Amendment #05011 - Events Center Amendment at 84th & Havelock.

C. MISCELLANEOUS -

1. E-Mail from Kyle Fischer, Lincoln Chamber of Commerce - RE: Item #24, 08-37- Lincoln Chamber of Commerce Supports the Ethics Ordinance.

2. E-Mail from Alan Hersch - RE: Support government transparency ordinance.

Date: April 25, 2008
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler’s Public Schedule
Week of April 26 through May 2, 2008
Schedule subject to change

Saturday, April 26
- Bethany in Bloom Parade - 10:30 a.m., parade begins at 66th and Vine streets
- Hixson-Lied College of Fine and Performing Arts Honors Day Awards Dinner - 5 p.m., Nebraska Union (main campus), 14th and “R” streets (Regency Suites A and B)

Tuesday, April 29
- 2008 United Way Leadership Giving Breakfast - 7:30 a.m., Country Club of Lincoln, 3200 S. 24th St.
- News conference, West Haymarket - 10:30 a.m., outside Mayor’s Office, 555 S. 10th St.
- “PRIORITY LINCOLN: We’re listening.” Town Hall meeting, remarks - 6 p.m., North Star High School, 5801 N. 33rd St.

Wednesday, April 30
- News conference, Lincoln Action Program (LAP) - U.S. Cellular project - 1:30 p.m., LAP, 210 “O” St.
- Lincoln Northeast High School Construction Technology Fair - 5:30 p.m., 2635 N. 63rd St.

Thursday, May 1
- Mayor’s Interfaith Prayer Breakfast, remarks - 7:30 a.m., Embassy Suites, 1040 “P” St.
- Awards presentation for City employee art contest (National Arts Program) - 10 a.m., City Council Chambers, 555 S. 10th St.
- News conference on legislative accomplishments - 4 p.m., Lincoln Chamber of Commerce, 1135 “M” St.

Friday, May 2
- KLIN - 8 a.m., Broadcast House, 4343 “O” St.
- International Association of Workforce Professionals, remarks - 8:45 a.m., Howard Johnson Inn, 5250 Cornhusker Highway
MAYOR’S ARTS AWARDS WINNERS ANNOUNCED

Mayor Chris Beutler has announced the winners of the 30th annual Mayor’s Arts Awards to be presented the evening of Tuesday, June 3, 2008 at the Lied Center for Performing Arts. The event is produced by the Lincoln Arts Council (LAC), and the presenting sponsor is Union Bank. The awards program formally recognizes artistic contributions and achievements in the Lincoln area. This year’s awards have been created by jeweler Sydney Lynch, a 2007 Mayor’s Arts Award recipient.

The event begins with a reception at 5:30 p.m. The awards will begin at 7 p.m. and will include a video presentation supervised by Ted Lange of Los Angeles, best known for his role as Isaac on “The Love Boat.” The award winning actor, playwright and director has performed with the Nebraska Repertory Theatre.

Tickets for the event are $50, and reservations are required. Checks can be sent to LAC at 920 “O” Street, Lincoln, NE 68508. More information is available by calling 434-ARTS (2787) or on the LAC Web site at www.artscene.org.

The honorees:

- **El Dia de los Muertos (Day of the Dead) at Sheldon**, a traditional festival celebrating the continuity of life, will receive the Mayor’s Choice Award. *(Sponsored by Cline, Williams, Wright, Johnson & Oldfather, L.L.P.)*

- **The Nebraska Repertory Theatre**, which celebrates is 40th season this summer, will receive the Arts Organization Award. *(Sponsored by Runza.)*

- **Roger Bruhn**, a photographer whose work is part of the collections of the Sheldon Memorial Art Gallery, the Joslyn Art Museum and the Museum of Nebraska Art, will receive the Artistic Achievement Award for Visual Arts. *(Sponsored by Slumberland Furniture.)*

The judges selected two recipients of the Artistic Achievement Award for Youth. **Angel M. Geller** is a Southwest High student who mixes her artwork with advocacy. She plans to study photography in college. *(Sponsored by Lucy Buntain Comine in memory of Anne Buntain.)* **Benito Sanchez** is active in the performing arts at Lincoln High and was awarded an Annenberg Scholarship to study theatre at USC last summer. *(Sponsored by Dr. Gene and Kristen Stohs - Women’s Health Care Center of Williamsburg Village.)*
Becky Van de Bogart, founder of The Third Chair Chamber Players and principal piccolo player with Lincoln’s Symphony Orchestra, will receive the Artistic Achievement Award for Performing Arts. (Sponsored by Farmers Mutual Insurance Company of Nebraska.)

John Scofield, a band teacher in Lincoln schools and founder of the Steel Drum Band PANgea, will receive the Gladys Lux Education Award. (Endowed by the Gladys Lux Foundation.)

Douglas Campbell has served on the boards of many arts organizations, including the Nebraska Art Association, the Lux Center and MEDICI. He will receive the Heart of the Arts Award for outstanding volunteer service. (Sponsored by Talent Plus, Inc.)

Mike Seacrest has helped lead many arts organizations and many community projects, such as the recent renovation of the Sunken Gardens. She will receive the Halcyon Allsman Benefactor of the Arts Award for significant financial contributions to the arts in Lincoln. (Sponsored by TierOne Bank.)

The Train was a theatrical collaboration set during the Holocaust and created by the Angels Theatre Company, The Third Chair Chamber Players and the Lied Center. It will receive the Outstanding Event Award. (Sponsored by Lincoln Benefit Life.)

Paul A. Olson, Professor Emeritus of English at UNL and founder of the Center for Great Plains Studies, will receive the Literary Heritage Award. (Sponsored by the Nebraska Literary Heritage Association.)

The Sawmill Building at 8th and “S” streets, a warehouse conversion project of developer WRK LLC, will receive the Larry Enersen Urban Design Award. (Sponsored by The Clark Enersen Partners.)

James M. Cook has helped to enhance art activities and experiences for children at the Sheldon Museum of Art, Clinton Elementary and the Lux Arts Center. He will receive the Oliva Family “Arts for Kids” Award, which honors an individual or organization from outside of the arts professions whose leadership has enhanced arts activities and experiences for children. (Sponsored by Giacomo and Dorothy Oliva.)

This year’s award judges were Nancy Engin-Wedin, Mike Hillis, Karen Janovy, Danny Ladely, Rhonda Lake, Matt Landis and Pam Thompson. Betsy Kosier facilitated the judging. The judges selected the award winners in every category except Mayor’s Choice, Literary Heritage and Urban Design

The Mayor’s Arts Awards ceremony also will include a tribute to those members of the Lincoln arts community who have died since the last awards ceremony in June 2007. Names may be submitted to LAC.
911 CENTER SEEKS RE-ACCREDITATION

Assessment team invites public comment

The Lincoln Emergency Communications/911Center is seeking re-accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). A team of assessors will arrive in Lincoln April 26 to examine all aspects of the Center’s policies, procedures, management and operations. As part of the on-site assessment, agency employees and members of the community are invited to offer comments during a public information call-in from 1 to 3 p.m. Monday, April 28.

“In 2002, we became the 14th Center in the country to meet CALEA’s high standards,” said Communications Manager Julie Righter. “This process is important recognition of excellence in public safety communications. Accreditation rewards the dedication and hard work of the 911 professionals, who work tirelessly 24 hours a day, seven days a week to help those in emergency situations.”

During Monday’s call-in, phone comments are limited to 10 minutes and must address the agency’s ability to comply with CALEA’s standards. Those wishing to participate should call (402) 441-7654 to speak with an assessor. A copy of the standards is available at the Lincoln Emergency Communications Center, 575 South 10th Street. Linda Thurber and Linda Flaherty are the local Accreditation Managers and can be reached at 441-6000.

Accreditation is for three years, and the agency must submit annual reports that show continued standard compliance. Righter said the Center has had to comply with more than 200 rigorous standards in order to maintain its accredited status.

“The assessment team is composed of communications and law enforcement practitioners from similar but out-of-state agencies,” said Stephen Mitchell, the Accreditation Program Manager for the Lincoln Emergency Communications Center. He said assessors will review written materials, interview individuals and visit offices. After their review, the assessors report to the full Commission, which then decides if the agency will maintain accredited status.

Those wishing to offer written comments are asked to write to CALEA, 10306 Eaton Place, Suite 320, Fairfax, Virginia, 22030-2201. CALEA also may be reached at (800) 368-3757 or (703) 352-4225.
NEWS ADVISORY

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: April 28, 2008
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will announce the architect chosen for the proposed arena project in the West Haymarket area and the developer chosen for the related hotel and conference center at a news conference at 10:30 a.m. Tuesday, April 29 in the area outside the Mayor’s Office, 555 South 10th Street.
Lincoln City Council  
Lincoln City Clerk  
555 South 10th Street  
Room 111  
Lincoln, Nebraska 68508

Protest – Objection to current Agenda as to Ordinance 08-37, failure to comply with Council rules and regulations (including Roberts Rules), and failure of Lincoln City Council to comply with previous vote to comply with 02-114 on the current Pending List as it has been for each and every week since 7/29/02 as a result of and after my great amount of work and demand that the Lincoln City Council not continue to violate our Lincoln City Charter and its unconditional Legal Obligations as to § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code.

As a result of my well prepared and irrefutable series of lectures to the Lincoln City Council on the Law as to McQuillan’s Municipal Corporations and after the City Council’s following order to the Lincoln City Attorney, at the time, to argue against the Legal requirement and complying with the Lincoln City Charter as to § 4 Code of Ethics the next week of which time I overwhelmingly and irrefutably put down everyone of the City Attorney’s arguments against complying with the Lincoln City Charter as to § 4 Code of Ethics and further tied the City Attorney up in legal facts and examples of Codes of Ethics leaving him nowhere else to turn the Lincoln City Council then voted for 02-114 Amending Chapter 2.54 of the Lincoln Municipal Code by adding a new section entitled “Standards of Ethical Conduct for Employees & Elected Officials” to supplement the existing conflicts of interest regulations. (7/29/02 Placed on Pending until a committee is formed). This was the last time the City Attorney ever attempted to oppose me on any item that I brought before the Council.

The Council has failed and refused to comply with this vote of 7/29/02 on 02-114 [which has been on and continues to be on every weekly agenda since] up to and including this date to Legally form a committee to comply with our Lincoln City Charter as to § 4 Code of Ethics --- a proven and continuing lack of Ethics and violation of our City Charter on the part of the Council. It appears that this may have been an attempt on part of the council to avoid the creation of a City Code of Ethics under which they would have to serve and could be removed from office.
By voting for 02-114 the Lincoln City Charter fully validated my series of lectures and the Legal requirement that the Council legally comply with the Lincoln City Charter as to § 4 Code of Ethics and my disproving of all of the City Attorney's arguments against the Lincoln City Charter as to § 4 Code of Ethics in their entirety.

§2.54.025 as proposed is approximately only 5% of a proper and quality Code of Ethics and it appears that §2.54.025 is nothing but a continuing violation on part of the City Council to prevent a proper and quality Code of Ethics as required by the Lincoln City Charter as to § 4 Code of Ethics.

According to The Mystery of the tabled ethics code by the Lincoln Journal, "Spatz's code (which Spatz admits is just a start)" thus §2.54.025 as proposed is "just a start" and thus is not a Code of Ethics as required by our Lincoln City Charter as to § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code.

The improper proposed §2.54.025 "just a start" must be withdrawn or voted down and if Councilman Spatz wishes he may submit his proposed to the Ethics Committee once it is formed as per the requirements of 02-114.

As I stated to the Council I brought up this requirement of Lincoln City Charter as to § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code, along with 02-114 requirements "a committee is formed" and the Council's failure and refusal to follow through before the Charter Revision Committee and as a result several members decided to set up a subcommittee to create to create a committee to in turn create a Code of Ethics as per § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code. --- thus the
Charter Revision Committee has taken on this burden and the Council must allow them to follow through on this Legal Charter Requirement.

Failure to comply with our City Charter is grounds for removal from office as would be a violation of § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code.

Further as per § 2.04.010 Rules of the Council: The rules for parliamentary procedure comprised in Robert’s Rules of Order, newly revised, shall govern the City Council in all cases to which they are applicable, and in which they are not otherwise inconsistent with the standing rules of the council hereinafter set forth in this section.

The Council is not in compliance with Robert’s Rules as per §4. THE HANDLING OF A MOTION – “When the chair has stated the question, the motion is pending, that is,” on the floor.” Thus as used by the Council the term pending is not in compliance with Roberts Rules --- the closest Roberts Rule would be as to § 14 POSTPHONE TO A CERTAIN TIME (or definitely). It appears that the Council has thus created its own rules as to the use of the term pending.

Whatever the reason or ruling the Council must comply with its Legal vote of (7/29/02 Placed on Pending until a committee is formed) and thus the one half page 2.54.025 is out of order.

I do not have time here to go into a full discussion of Robert’s Rules and Council Rules.

This continuing violation of Lincoln City Charter and its unconditional Legal Obligations as to § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees, elected officials, and members of boards and commissions, and provide penalties for the violation of said code, which I originally brought up before the Council in the late 1990’s and was voted in by the voters in 1992 is likely grounds for removal of Council members from office.

Any proper Code of Ethics as required by § 4. Code of Ethics. The council shall adopt and promulgate a code of ethics for employees,
elected officials, and members of boards and commissions, and provide penalties for the violation of said code. must include Serving the Public Interest [which is part of all Codes of Ethics of all professional organizations of public servants --- American Planning Association and others], Honesty, Competence, and full compliance with our City Charter – as per McQuillin’s Municipal Corporations our city’s Constitution. A proper Code of Ethics should Run thirty pages or more. I will provide further examples.

Further § 4. Code of Ethics. Requires that a continuing committee be set up to hear complaints and charges and assess penalties along with an independent attorney to advise and represent them and prosecute violations as the City Attorney Legally represents the Mayor and City Council. Additionally an independent attorney must be appointed by the Committee to Create the Code of Ethics to advise the committee in the formation of the Code of Ethics.

Thus the incomplete “start” 2.54.025 must be ruled out of order, withdrawn or voted down and the Committee be formed as per 02-114 to create a quality Code of Ethics for our City.

Very sincerely,

Craig Groat
MEMORANDUM

TO: City Council
FROM: Marvin Krout, Planning Director
SUBJECT: Comprehensive Plan Amendment #05011
- Events Center Amendment at 84th & Havelock
DATE: April 24, 2008
COPIES: Lancaster County Board of Commissioners
Mayor Beutler
Planning Commission
Rick Peo, City Attorney's Office
Joan Ross, City Clerk
Alan Wood, attorney for Ag. Society

Please remove Item #27 (05R-301) from the pending list and send it back to the Planning Commission for public hearing and action. This item was placed on pending on December 19, 2005. We met with representatives from the Agricultural Society on April 23rd, and they requested this item be reactivated. This request is to designate approximately 14 acres on the southeast corner of 84th and Havelock Avenue as commercial. The Ag Society intends to lease this land out for private development of a motel, restaurant and retail space that would complement the activities of the Events Center.

The City Attorney's Office has determined that since this Comp Plan Amendment was a change to the former 2025 Comprehensive Plan and was reviewed by the Planning Commission for conformance with the 2025 Comprehensive Plan, a new review by the Commission for conformance with the 2030 Comp Plan is required. This amendment was placed on pending in December 2005. In November 2006, the 2025 Plan was superseded by the adoption of the new 2030 Lincoln/Lancaster Comprehensive Plan.

If sent back by the City Council, this Comprehensive Plan Amendment could be tentatively scheduled for the June 4th Planning Commission. This could coincide with three new applications for a change of zone, special permit and request for annexation for the same property on the southeast corner of 84th and Havelock Avenue. The Ag Society intends to file these three new applications by the upcoming May 7th deadline for the June 4th Planning Commission hearing.
The Lincoln Chamber of Commerce

Lincoln City Council Action Alert

**Lincoln Chamber of Commerce Supports Ethics Ordinance**

The Lincoln City Council will vote tonight on an "Ethics and Transparency in Government" ordinance introduced by Council Member John Spatz.

The Lincoln Chamber of Commerce supports this ordinance.

The Chamber believes the efforts of councilman Spatz will improve transparency between elected officials, department heads, city employees and their city contracts. Citizens are always asking for more accountability from government, this ordinance delivers on that desire.

This ordinance also establishes a code of ethics that can be used as a building block for future councils if such a need arises. Unlike the City Charter, this ordinance is flexible enough to change in step with the needs of our community.

Contact the Lincoln City Council and voice your support of this ordinance by clicking the link below:

[Council@lincoln.ne.gov](mailto:Council@lincoln.ne.gov)
Please Carbon Copy Kyle Fischer at kfischer@lcoc.com with your response.

Thank you for the opportunity to support the Lincoln business community.

For More Information Contact:
Kyle Fischer
402-436-2352
Public Policy Specialist
Lincoln Chamber of Commerce
Dear City Council,

I urge you to support Councilman Spatz's ordinance on ethics and transparency in government. This law will help to administer good government, while allowing everyone in Lincoln to run for and hold public office. Thanks!

Alan Hersch
Lincoln City Council -

I'm passing along my encouragement to vote for the Ethics & Transparency in Government ordinance tonight. I support the accountability & transparency outlined in the proposed ordinance.

Thanks for your service to Lincoln, and for considering support of this ordinance.

Steve Pella