

**AGENDA
DIRECTORS' MEETING
MONDAY, JANUARY 5, 2009
COUNTY/CITY BUILDING
CONFERENCE ROOM 113, 11:00 A.M.**

I. MAYOR

- *1. NEWS RELEASE. Mayor Beutler Presents Awards of Excellence to Greg Topil and Michael Heyl.
- *2. NEWS RELEASE. Tickets Available Friday For City's Abraham Lincoln Bicentennial Celebration.
- *3. NEWS RELEASE. Fallbrook, Highlands Areas To Have Lower Water Pressure For One Week.
- *4. City of Lincoln Snow/Traffic Conditions Report - 12/16/08, 6:30 a.m.
- *5. City of Lincoln Snow/Traffic Conditions Report - 12/16/08, 8:00 a.m.
- *6. City of Lincoln Snow/Traffic Conditions Report - 12/16/08, 10:15 a.m.
- *7. NEWS RELEASE. Water Main Break Affecting Goodrich Middle School, South 40th to reopen Thursday after Tuesday break.
- **8. NEWS RELEASE. Mayor Beutler's Public Schedule for Week of December 20 through December 26, 2008, subject to change. (Sent to Council on 12/19/08)
- **9. Response Letter from Mayor Beutler to Chair Robin Eschliman. An anonymous letter on the Lincoln Housing Authority (LHA).
- **10. NEWS RELEASE. Mayor's Statement on LES Deferring March Rate Increase.
- **11. City of Lincoln Snow/Traffic Conditions Report, 12/19/08, 5:00 a.m. (Sent to Council on 12/19/08)
- **12. City of Lincoln Snow Operations Update, 12/19/08, 8:30 a.m. (Sent to Council on 12/19/08)
- **13. City of Lincoln Snow/Traffic Conditions Report - 12/19/08, 4:30 p.m. (Sent to Council on 12/19/08)
- **14. NEWS RELEASE. City To Recycle Trees For 22nd Year.
- **15. NEWS RELEASE. Lower Water Pressure To Continue In Fallbrook, Highlands Areas.
- **16. NEWS RELEASE. 21 Educational Access To Air London Parade Featuring Lincoln East High School Band.
- **17. NEWS RELEASE. Mayor Beutler's Holiday Message.
- 18. NEWS ADVISORY. Mayor Beutler's Public Schedule for Week of December 27, 2008 through January 2, 2009 - Schedule subject to change. (Forward to Council on 12/26/08)
- 19. NEWS ADVISORY. Mayor Beutler's news conference, Tuesday, December 30, 2008, 555 So. 10th Street, 1:30 pm, discussing City sales tax revenue and keeping the current fiscal year budget balanced. (Forwarded to Council on 12/30/08)
- 20. NEWS RELEASE. Mayor implements hiring freeze.

II. DIRECTORS

FINANCE/BUDGET

- 1. December sales tax reports reflecting October activity:
 - a) Actual compared to Projected Sales Tax Collections;
 - b) City of Lincoln Gross Sales Tax Collections (with refunds added back in) 2003-2004 through 2008-2009;
 - c) City of Lincoln Sales Tax Refunds, 2003-2004 through 2008-2009; and

d) City of Lincoln Net Sales Tax Collections, 2003-2004 through 2008-2009.

HEALTH

- *1. NEWS RELEASE. Cold Weather Alert Health and Safety Tips.
- *2. Wind Chill Chart.
- *3. NEWS RELEASE. Cold Weather Pet Tips.

CITY LIBRARIES

- 1. Memo on City libraries storytime schedule for 2009.
- 2. NEWS RELEASE. Library Storytimes Schedule for January through May 2009.

PLANNING

- *1. Nebraska Capitol Environs Commission December 2008 Meeting Cancelled.
- 2. County Change of Zone No. 08071 and City Change of Zone No. 08072. Proposed Text Amendments to the Lancaster County Zoning Resolution and Title 27 of the Lincoln Municipal Code relating to excavation and stone milling. Notice of Planning Commission public hearing on proposed excavation and stone milling standards, January 28, 2009.

PLANNING COMMISSION FINAL ACTION

- **1. Special Permit #08049 - Expansion of nonstandard dwelling (5401 LaSalle Street) Resolution No. PC-01151.
- **2. Memo from Jean Preister. Change of Zone #08062.
- **3. Special Permit #05046A, Expand area of special permit. Lighthouse, South 26th Street & N Street. Resolution No. PC-01150.

URBAN DEVELOPMENT/

HOUSING REHABILITATION & REAL ESTATE DIVISION

- *1. Plat Vacation #8014. First addition to Hyde Park.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

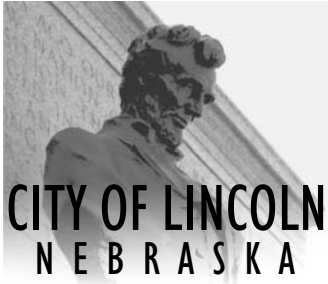
V. MISCELLANEOUS

- *1. Email from Gregory S. Nielsen. Lincoln North Creek, requesting response to his questions to Public Works and Planning.
- **2. Material from Sonny Emerson, Omni View™ Innovations L.L.C. Jail designs and financial opportunities.
- **3. Letter from Mrs. Robert Mercier. Curve at 30th & Stephanos Streets.
- **4. Email from Darla Darnell. Growing businesses and the City of Lincoln. Read the City is looking to help people start businesses downtown and do not want other areas overlooked.
- **5. Email from Coby Mach, LIBA. Proposing the City implement a hiring freeze immediately.
- **6. Email from Shelley Sahling-Zart, Lincoln Electric System. Outlining the LES 2009 Financial Plan with no rate increase on March 1, 2009.
- **7. Email from Jim Cardwell. The ultra-brite led advertising signs.
- **8. Letter from Mark A. Hunzeker, Attorney. Request for creation of special assessment districts.

VI. ADJOURNMENT

***HELD OVER FROM DECEMBER 22, 2008.**
****HELD OVER FROM DECEMBER 29, 2008.**

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NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

DATE: December 26, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

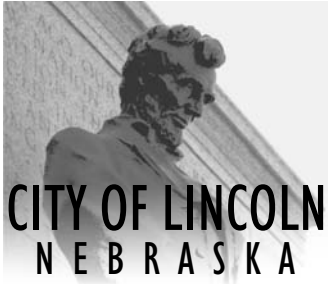
Mayor Beutler's Public Schedule
Week of December 27, 2008 through January 2, 2009
Schedule subject to change

Thursday, January 1

CITY AND COUNTY OFFICES CLOSED - NEW YEAR'S DAY HOLIDAY

Friday, January 2

CITY AND COUNTY OFFICES OPEN



NEWS ADVISORY

MAYOR CHRIS BEUTLER

lincoln.ne.gov

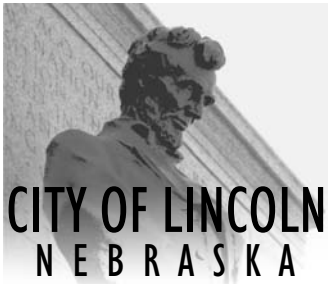
OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: December 30, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will discuss City sales tax revenue and measures to keep the budget for the current fiscal year balanced at a news conference at **1:30 p.m. TODAY, Tuesday, December 30** in the **Mayor's Conference Room, 555 South 10th Street.**



NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: December 30, 2008

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Steve Hubka, City Budget Officer, 441-7698

Mark Koller, Personnel Director, 441-7888

MAYOR IMPLEMENTS HIRING FREEZE

Sales tax figures below projections

Mayor Chris Beutler today announced that he is implementing a hiring freeze for the City of Lincoln effective January 1. The Mayor said the freeze is one measure he is taking to keep this year's budget balanced in light of lagging sales tax revenues.

"Prudent budgeting the last two years has put us in position to maintain current services in the current budget year," Beutler said. "But continued sales tax shortfalls could negatively impact City services this year. The freeze is equally important as we put together the first outlines of the 2009-2010 budget. The freeze creates opportunities for re-organization and minimizes the need for lay-offs."

December sales tax receipts reflect October sales and refunds. For the first four months of the current fiscal year, receipts are behind projections about \$560,000 or about 3 percent. In addition to slower consumer spending, a large number of sales tax refunds were claimed by businesses under State tax incentive laws. Sales tax revenue makes up 42 percent of the City's tax-supported budget.

The City currently has 43 vacant positions. Under the freeze, jobs will be filled only for those positions deemed critical to public safety or to the continued functioning of necessary, budgeted programs. If a position opens during the freeze, it will not be filled unless approved by the Hiring Review Committee. In its review, the Committee considers the options and possible overtime costs incurred by not filling a position.

The Mayor said another measure to control costs is an audit of phone bills to check for possible overcharges. The City and Lancaster County will soon issue a Request for Proposals to identify a firm to conduct the audit. Beutler said the audit "offers promise" in reducing the City's annual phone expenses of more than one million dollars. The firm hired would receive a percentage of the City's savings.

- more -

Hiring Freeze
December 30, 2008
Page Two

Beutler said the City's move to outcome-based budgeting also is providing a fresh look at City services in preparation for making budget decisions for 2009-2010 fiscal year. He said the goal is to better align the City services provided with overall goals and missions, and he is now involved in budget meeting with groups of Directors from different City Departments.

"We are asking Directors to evaluate programs by outcome rather than by Department," Beutler said. "Members of the private sector are also attending these meetings to help us evaluate our programs, develop new ideas and find potential efficiencies."

Beutler said past budget decisions have been critical to the City's ability to weather the national economic crisis. He said he will continue to implement cautious and prudent fiscal policies to set the stage for Lincoln's future as the national economy recovers.

**Actual Compared to
Projected Sales Tax Collections**

	2008-09 PROJECTED	2008-09 ACTUAL	VARIANCE FROM PROJECTED	\$ CHANGE FR. 07-08	% CHANGE FR. 07-08
SEPTEMBER	\$4,648,330	\$4,377,476	(\$270,854)	(\$144,262)	-3.19%
OCTOBER	\$4,842,011	\$4,736,074	(\$105,937)	(\$237,187)	-4.77%
NOVEMBER	\$4,836,314	\$4,851,237	\$14,923	\$191,378	4.11%
DECEMBER	\$4,534,401	\$4,336,273	(\$198,128)	(\$387,336)	-8.20%
JANUARY	\$4,654,027				
FEBRUARY	\$5,930,039				
MARCH	\$4,312,238				
APRIL	\$4,101,468				
MAY	\$4,785,046				
JUNE	\$4,631,241				
JULY	\$4,699,599				
AUGUST	\$4,990,120				
TOTAL	\$56,964,834	\$18,301,060	(\$559,996)	(\$577,407)	-3.06%

Actual collections through December are 2.97 % below projections for the year

**CITY OF LINCOLN
GROSS SALES TAX COLLECTIONS
(WITH REFUNDS ADDED BACK IN)
2003-2004 THROUGH 2008-2009**

	ACTUAL 2003-2004	ACTUAL 2004-2005	ACTUAL 2005-2006	ACTUAL 2006-2007	% CHG. FR. PRIOR YEAR	ACTUAL 2007-2008	% CHG. FR. PRIOR YEAR	ACTUAL 2008-2009	% CHG. FR. PRIOR YEAR
SEPTEMBER	\$4,453,875	\$4,648,160	\$4,630,210	\$4,573,597	-1.22%	\$4,612,020	0.84%	\$4,812,555	4.35%
OCTOBER	\$4,670,587	\$4,706,690	\$4,823,369	\$4,712,519	-2.30%	\$5,052,950	7.22%	\$4,845,000	-4.12%
NOVEMBER	\$4,526,166	\$4,687,792	\$4,799,275	\$4,658,480	-2.93%	\$4,818,715	3.44%	\$4,937,998	2.48%
DECEMBER	\$4,314,111	\$4,500,338	\$4,511,403	\$4,445,761	-1.46%	\$4,753,456	6.92%	\$4,545,947	-4.37%
JANUARY	\$4,335,924	\$4,264,010	\$4,342,902	\$4,554,634	4.88%	\$4,617,097	1.37%		
FEBRUARY	\$5,531,405	\$6,086,841	\$5,797,893	\$5,993,653	3.38%	\$5,596,617	-6.62%		
MARCH	\$3,980,041	\$4,158,874	\$4,247,908	\$4,125,074	-2.89%	\$4,421,405	7.18%		
APRIL	\$3,889,388	\$4,097,988	\$3,991,159	\$4,018,709	0.69%	\$4,227,476	5.19%		
MAY	\$4,602,788	\$4,730,317	\$4,543,369	\$4,895,921	7.76%	\$4,753,366	-2.91%		
JUNE	\$4,599,245	\$4,557,735	\$4,539,614	\$4,664,470	2.75%	\$4,859,251	4.18%		
JULY	\$4,391,257	\$4,519,466	\$4,655,061	\$4,772,617	2.53%	\$4,983,976	4.43%		
AUGUST	\$4,893,438	\$4,803,665	\$4,991,723	\$4,887,329	-2.09%	\$5,026,702	2.85%		
TOTAL	\$54,188,225	\$55,761,877	\$55,873,886	\$56,302,764	0.77%	\$57,723,030	2.52%	\$19,141,499	-0.50%

**CITY OF LINCOLN
SALES TAX REFUNDS
2003-2004 THROUGH 2008-2009**

	ACTUAL 2003-2004	ACTUAL 2004-2005	ACTUAL 2005-2006	% CHG. FR. PRIOR YEAR	ACTUAL 2006-2007	ACTUAL 2007-2008	% CHG. FROM PRIOR YEAR	ACTUAL 2008-2009	% CHG. FROM PRIOR YEAR
SEPTEMBER	(\$69,997)	(\$135,858)	(\$80,882)	-40.47%	(\$27,350)	(\$90,282)	230.10%	(\$435,079)	381.91%
OCTOBER	(\$110,193)	(\$165,219)	(\$358,866)	117.21%	(\$166,695)	(\$79,688)	-52.19%	(\$108,925)	36.69%
NOVEMBER	(\$219,454)	(\$101,531)	(\$173,972)	71.35%	(\$3,881)	(\$158,855)	3993.08%	(\$86,760)	-45.38%
DECEMBER	(\$390,445)	(\$325,510)	(\$6,319)	-98.06%	(\$175,440)	(\$29,848)	-82.99%	(\$209,674)	602.47%
JANUARY	(\$59,315)	(\$220,967)	(\$269,713)	22.06%	(\$84,287)	(\$26,308)	-68.79%	(\$256,270)	874.13%
FEBRUARY	(\$323,218)	(\$394,324)	(\$73,395)	-81.39%	(\$327,119)	(\$489,939)	49.77%		
MARCH	(\$22,759)	(\$99,240)	(\$165,869)	67.14%	(\$133,574)	(\$325,269)	143.51%		
APRIL	(\$199,018)	(\$69,900)	(\$196,682)	181.38%	(\$130,611)	(\$108,764)	-16.73%		
MAY	(\$155,787)	(\$122,283)	(\$166,567)	36.21%	(\$381,653)	(\$22,529)	-94.10%		
JUNE	(\$194,593)	(\$34,811)	(\$14,085)	-59.54%	(\$186,252)	(\$136,308)	-26.82%		
JULY	(\$42,086)	(\$162,998)	(\$39,492)	-75.77%	(\$155,825)	(\$478,184)	206.87%		
AUGUST	(\$531,884)	(\$148,028)	(\$57,700)	-61.02%	(\$569,595)	(\$43,759)	-92.32%		
TOTAL	(\$2,318,751)	(\$1,980,668)	(\$1,603,541)	-19.04%	(\$2,342,280)	(\$1,989,734)	-15.05%	(\$1,096,709)	184.87%

**CITY OF LINCOLN
NET SALES TAX COLLECTIONS
2003-2004 THROUGH 2008-2009**

	ACTUAL 2003-2004	ACTUAL 2004-2005	ACTUAL 2005-2006	ACTUAL 2006-2007	ACTUAL 2007-2008	% CHG. FROM PR. YEAR	ACTUAL 2008-2009	% CHG. FROM PR. YEAR
SEPTEMBER	\$4,383,878	\$4,512,303	\$4,549,328	\$4,546,247	\$4,521,738	-0.54%	\$4,377,476	-3.19%
OCTOBER	\$4,560,394	\$4,541,471	\$4,464,503	\$4,545,825	\$4,973,261	9.40%	\$4,736,074	-4.77%
NOVEMBER	\$4,306,712	\$4,586,261	\$4,625,303	\$4,654,599	\$4,659,859	0.11%	\$4,851,237	4.11%
DECEMBER	\$3,923,666	\$4,174,828	\$4,505,085	\$4,270,321	\$4,723,609	10.61%	\$4,336,273	-8.20%
JANUARY	\$4,276,609	\$4,043,044	\$4,073,189	\$4,470,347	\$4,590,789	2.69%		
FEBRUARY	\$5,208,187	\$5,692,517	\$5,724,498	\$5,666,534	\$5,106,677	-9.88%		
MARCH	\$3,957,283	\$4,059,634	\$4,082,038	\$3,991,501	\$4,096,136	2.62%		
APRIL	\$3,690,371	\$4,028,088	\$3,794,477	\$3,888,098	\$4,118,712	5.93%		
MAY	\$4,447,001	\$4,608,034	\$4,376,803	\$4,514,268	\$4,730,837	4.80%		
JUNE	\$4,404,651	\$4,522,924	\$4,525,529	\$4,478,219	\$4,722,943	5.46%		
JULY	\$4,349,171	\$4,356,468	\$4,615,569	\$4,616,793	\$4,505,792	-2.40%		
AUGUST	\$4,361,554	\$4,655,637	\$4,934,023	\$4,317,734	4,982,944	15.41%		
TOTAL	\$51,869,477	\$53,781,209	\$54,270,346	\$53,960,485	\$55,733,297	3.29%	\$18,301,060	-3.06%

Year to date vs.
previous year



Barbara Hansen
<b.hansen@lincolnlibraries.org>

12/30/2008 02:33 PM

To <amy.adams@wowt.com>,
<Lynda.M.Anderson@WellsFargo.com>,
<pbeutler@journalstar.com>, <voicenews@inebraska.com>,
cc

bcc

Subject Library Storytime Schedule 2009

Lincoln City Libraries has released its storytime schedule for January through May 2009. There's a little something for everyone - preschool, toddler, elementary, and family storytimes are available. See attached for details and complete schedule.

Barbara Hansen
Administrative Aide
Lincoln City Libraries
402-441-8512

Did you know that many of our branch libraries are now open from 12 to 8 p.m. on Sundays? Call me for details.



- Library Storytime Schedule 2009.pdf

NEWS RELEASE

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
402-441-8500; library@lincolnlibraries.org; www.lincolnlibraries.org



FOR RELEASE: December 30, 2008
CONTACT: Pat Leach, Library Director
PHONE: 402-441-8510
E-MAIL: p.leach@lincolnlibraries.org

LIBRARY STORYTIMES SCHEDULED **January through May 2009**

PRESCHOOL STORYTIME

Lincoln City Libraries presents its popular preschool storytimes at all library locations. Preschool storytime is a half-hour of books, reading, and activities for children ages three, four and five, presented free of charge. Preschool storytime supports early literacy by offering vocabulary development, experiences with a variety of literature, and participation in language-related activities. Pre-registration is not required for preschool storytime. Newcomers are always welcome!

TUESDAYS

- 10:30 a.m.** Gere Branch Library, 2400 S. 56th Street, 441-8560
Walt Branch Library, 6701 S. 14th Street, 441-4460 (No preschool storytime in May)
- 7:00 p.m.** Eiseley Branch Library, 1530 Superior Street, 441-4250

WEDNESDAYS

- 10:30 a.m.** Anderson Branch Library, 3635 Touzalin Avenue, 441-8540
Eiseley Branch Library, 1530 Superior Street, 441-4250
South Branch Library, 2675 South Street, 441-8570 (No preschool storytime in May)
Walt Branch Library, 6701 S. 14th Street, 441-4460 (No preschool storytime in May)
- 2:00 p.m.** South Branch Library, 2675 South Street, 441-8570 (No preschool storytime in May)

THURSDAYS

- 10:15 a.m.** Bennett Martin Public Library, 136 S. 14th Street, 441-8566
(No preschool storytime May 21 and 28)
- 10:30 a.m.** Bethany Branch Library, 1810 North Cotner Blvd., 441-8550
Eiseley Branch Library, 1530 Superior Street, 441-4250
Gere Branch Library, 2400 S. 56th Street, 441-8560
- 7:00 p.m.** Arnold Heights Branch Library, 3815 NW 54th Street, 441-8580

TODDLER TIME

Four library locations will continue to provide popular programs for toddlers and their parents. Toddler Time is for children ages 18 to 36 months and their parents or caregivers. During Toddler Time, a librarian reads aloud and leads adult-child pairs in activities. Research indicates the importance of the adult-child bond in building early literacy. Toddler Time also supports early literacy by building vocabulary and sharing age-appropriate literature in an atmosphere of fun activity.

MONDAYS, 10:30 TO 10:50 A.M.

Anderson Branch Library, 3635 Touzalin Avenue, 441-8540

TUESDAYS, 10:00 TO 10:20 A.M.

Gere Branch Library, 2400 S. 56th Street, 441-8560

TUESDAYS, 10:30 TO 10:50 A.M.

Walt Branch Library, 6701 S. 14th Street, 441-4460 (No Toddler Time in May)

TUESDAYS, 10:35 TO 10:55 A.M.

Gere Branch Library, 2400 S. 56th Street, 441-8560

WEDNESDAYS, 10:30 TO 10:50 A.M.

Walt Branch Library, 6701 S. 14th Street, 441-4460 (No Toddler Time in May)

WEDNESDAYS, 10:35 TO 10:55 A.M.

Eiseley Branch Library, 1530 Superior Street, 441-4250

THURSDAYS, 10:00 TO 10:20 A.M.

Gere Branch Library, 2400 S. 56th Street, 441-8560

THURSDAYS, 10:35 TO 10:55 A.M.

Eiseley Branch Library, 1530 Superior Street, 441-4250

Gere Branch Library, 2400 S. 56th Street, 441-8560

ELEMENTARY-AGED STORYTIMES

MONDAYS FROM 4:00 TO 4:45 P.M.

Arnold Heights Branch Library, 3815 NW 54th Street, 441-8580 - Special storytimes for elementary-aged children. These storytimes will include books, reading, and related activities free of charge to those who attend. No pre-registration is necessary

FAMILY STORYTIMES

Family Nights @ Gere Branch Library, 2400 S. 56th St., 441-8560

Family Nights at Gere Branch Library are held the third Thursday of each month and feature a 7:00 storytime for preschoolers and their families. Make-and-take crafts are available from 6:30 to 7:00 p.m.

January 15: Frosty & Friends

February 19: Fun in the barnyard

March 19: All Aboard!

April 16: A Jungle Adventure

May 21: What a Wonderful World

FAMILY STORYTIMES (continued)

Family Nights @ Walt Branch Library, 6701 S. 14th St., 441-4460

Family Nights at Walt Branch Library are held the second Tuesday of each month and feature a 7:00 p.m. storytime for preschoolers and their families. Make-and-take crafts are available from 6:30 to 7:00 p.m.

January 13 - Teddy Bear Night

February 10 - Love & Kisses

March 10 - Let's Go Fly a Kite

April 14 - What's on Your Head? It's Wear a Hat Night!

May 12 - Mommies and Daddies Are Grrreat!

###



Lincoln-Lancaster County 555 South 10th Street / Suite 213 Eugene W. Carroll, Chair
Planning Department Lincoln, Nebraska 68508 City-County
Marvin S. Krout, Director 402-441-7491 / fax: 402-441-6377 Planning Commission



MAYOR CHRIS BEUTLER

lincoln.ne.gov

December 31, 2008

RE: **COUNTY CHANGE OF ZONE NO. 08071 and CITY CHANGE OF ZONE NO. 08072**
(Proposed Text Amendments to the Lancaster County Zoning Resolution and Title 27 of the Lincoln Municipal Code relating to excavation and stone milling)

Please be advised that the Director of Planning has proposed the following:

COUNTY CHANGE OF ZONE NO. 08071, amending the Lancaster County Zoning Resolution by amending Article 13, Special Permit, Section 13.001(14), to allow excavation and stone milling to be approved by special permit in the AG and AGR zoning districts and to provide conditions governing said use; and to add Section 13.017 relating to enforcement and revocation of special permits.

CITY CHANGE OF ZONE NO. 08072, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.07.040, 27.09.040 and 27.49.040 to add excavation and stone milling as a permitted special use in the AG, AGR, and I-2 zoning districts, respectively; by amending Section 27.63.160 to allow excavation and stone milling to be approved by special permit in the AG, AGR, R-3, B-2, H-2, H-3, H-4, and I-2 zoning districts and to provide conditions governing said use; by repealing Sections 27.63.310 and 27.63.360 in their entirety; and repealing Sections 27.07.040, 27.09.040, 27.49.040, and 27.63.160 of the Lincoln Municipal Code as hitherto existing.

The public hearing on these applications will be held before the Lincoln City/Lancaster County Planning Commission on **Wednesday, January 28, 2009**. The public hearing is your opportunity to appear and speak upon the merits of these applications. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska. A copy of the proposed language is attached for your information. The Planning Commission action is a recommendation to the Lancaster County Board of Commissioners and the Lincoln City Council.

For more background and information on this proposed legislation, go to www.lincoln.ne.gov (Keyword = mine).

If you would like additional information, you are encouraged to contact the project planner, Mike DeKalb, at 402-441-6370 or mdekalb@lincoln.ne.gov. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by e-mail to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, January 22, 2009, after 3:00 p.m. The "Planning Commission Agenda", including the staff report on these applications, will also be available on Internet at that time: lincoln.ne.gov (Keyword = pcagenda).

This notice is being provided as a courtesy to a mailing list of interested parties maintained by the Planning Department as well as the Planning Department neighborhood and homeowner association contact e-mail list and development community contact e-mail list.

Sincerely,

Jean Preister
Administrative Officer

I:\pc\notifA2009\COCZ08071 and CZ08072

cc: Neighborhood and Homeowner Association Contact e-mail List
Development Community Contact e-mail List
Lincoln-Lancaster County Planning Commission
Mayor Chris Beutler
Lincoln City Council
Lancaster County Board of Commissioners

1 **13.001(14) Special Permit: Excavation and Stone Milling.**

2 (14) Excavation and stone milling may be allowed by special permit in the AG and AGR, zoning
3 districts under the conditions below. For purposes of this section, excavation shall mean the
4 removal of clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in
5 excess of one acre by excavating, stripping, leveling, or any other process together with all other
6 types of mining and quarrying operations for material that is removed from the earth. Excavation
7 shall not include grading of land in accordance with an approved preliminary plat, building
8 permit, or normal farming practices.

9 (a) An application for a special permit for excavation or stone milling shall be
10 accompanied by the following information:

11 (1) A legal description of the proposed site;

12 (2) A site plan drawn to scale that includes but is not limited to identifying
13 proposed vehicle and equipment storage areas and entrance and exit locations to the operation;

14 (3) A map showing the site location and the location of private access roads,
15 existing or proposed, and public roads and highways adjacent to the site which will be affected
16 by the operation;

17 (4) A grading map showing existing contours, proposed excavation contours,
18 proposed final grade contours, and excavation volumes;

19 (5) A full and adequate description of all phases of the contemplated operation
20 and the specific listing of the type of machinery and equipment which will be or might be used to
21 carry on the operation;

22 (6) A groundwater report from a groundwater hydrologist in cases where proposed
23 soil mining operations are: (i) within 1000 feet of any off-site private well, (ii) within 2000 feet

1 of a community well, or (iii) designed to result in an excavated area that does not drain to a lower
2 area (i.e. a “hole”); the report should demonstrate that the operation and ultimate grading will not
3 negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells
4 will be installed to provide early warning of any such impact;

5 Where a pond or lake is proposed, the groundwater report shall also
6 demonstrate that adequate water will be supplied via runoff and/or wells to maintain the pond or
7 lake as a functioning and attractive year-round water feature.

8 (7) Reclamation plans for returning the site to agricultural use, approved by a
9 local official of the Federal Department of Agriculture Natural Resources Conservation Service
10 as meeting the standards of “Farm Bill Compliance”.

11 (b) Erosion controls, including retention and sediment basins shall be provided during
12 excavation in conformance with state and federal standards and County land erosion and
13 sediment control regulations to prevent a change in the character of runoff onto adjacent land.

14 (c) No more than twenty (20) acres of the site shall be open for operations at any one
15 time. The surface shall be maintained in such a manner that surface waters do not collect and
16 pond, unless specifically approved by the County. Underground drainage may be supplied if it
17 connects to an existing drainage facility and is satisfactory to the County.

18 (d) Topsoil shall be collected and stored for redistribution on the site at the termination of
19 the operation or termination of each phase of operation.

20 (e) Excavation shall be conducted in such a way as not to constitute a hazard to any
21 persons, nor to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-
22 Lancaster County Air Pollution Control Program Regulations, and the Lincoln/Lancaster County
23 Health Department may additionally require dust control on unpaved perimeter roads;

1 (f) Safety screening may be required at the outer boundary of the site; visual screening
2 through setbacks, berming and other techniques may also be required where said boundary is
3 adjacent to residential or park land, school property, or at major entryways/corridors into a city,
4 town, or village, or at the discretion of the County Board.

5 (g) Operating hours shall be limited to daylight hours, Monday through Saturday.

6 (h) A sign shall be posted and maintained at the entrance to the site. The sign shall be:

7 (1) Clearly visible from the adjacent road;

8 (2) At least 32 square feet in area;

9 (3) Lettering shall be at least two inches in height, black on a white background;

10 (4) The sign shall list:

11 (i) The approved Special Permit Number;

12 (ii) The name, contact phone, and email address for the land owner;

13 (iii) The name, contact phone, and email address for the operator/ contractor;

14 (iv) The Building and Safety Department contact number.

15 (i) The County or City Engineer may require installation of traffic signs to warn
16 motorists of mining operations and truck traffic.

17 (j) The applicant will take appropriate measures, such as street sweeping or "rumble bars"
18 as specified by the County Engineer to minimize mud or dirt tracking onto streets and roads on a
19 continuing (daily) basis during operation.

20 (k) Permittee shall not begin operations until it has received a certificate of operation
21 from the Director of Building and Safety.

22 (1) The Permittee shall comply with all terms, conditions and requirements of the
23 special permit that are required to be completed before beginning operations. Upon completion

1 of all such terms, conditions and requirement of the special permit, the applicant shall advise the
2 Director of Building and Safety that the applicant has met all such conditions and shall apply to
3 the Director of Building and Safety for a certification of operation.

4 (2) The certificate of operation shall not be issued until the Director of Building
5 and Safety has inspected the premises covered by the special permit, reviewed documentation
6 and evidence of completion of the conditions which shall be provided by the applicant, and has
7 found that all terms, conditions and requirements of the special permit, that are to be completed
8 before beginning operations, have been complied with.

9 (3) Any amendment to a special permit approved subsequent to the issuance of a
10 certificate of operation for such special permit shall require application by the permittee for a
11 new certificate of operation which shall not be issued until the Director of Building and Safety
12 has ascertained that any terms, conditions and requirements of the amendment to the special
13 permit have been complied with.

14 (l) Operations shall commence within one year of approval of the special permit or the
15 special permit will terminate and be considered null and void.

16 (m) Prior to commencing operations, the Permittee shall provide the County with a penal
17 bond in the amount of \$525.00 per acre intended to be disturbed to assure compliance with the
18 final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-
19 vegetation. A private engineer must certify at closure of operations that grading and final
20 reclamation has been completed in accordance with the approved plans before the bond may be
21 released.

22 (n) Within nine months after the completion of excavation on any portion of the site, all
23 cuts shall be returned to a slope of less than three to one, the topography and soils shall be

1 rcstored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion
2 and siltation, and to protect the health, safety, and general welfare of the public.

3 (o) A special permit may be approved for up to a three year period of time by the County
4 Board. Such period of time shall commence upon the date the special permit is approved by the
5 County Board.

6 (p) Permittee shall prepare and submit an annual report to the Director of Building and
7 Safety addressing the status and extent of operations and each condition of the special permit.

8 (q) Permittee shall be subject to an annual site inspection by the Director of Building and
9 Safety or his assigns. Such inspection shall be paid for by the applicant. Building and Safety
10 shall:

- 11 1. Inspect the site to determine whether terms, special conditions and
12 requirements imposed by the County Board in the approval of the special
13 permit have been met and complied with; and
- 14 2. Review all complaints from public and other departments/agencies

15 (r) The County Board may modify or adjust any of the above conditions or impose
16 additional conditions to preserve the public health, safety, and general welfare or to allow the
17 applicant use of the property, while at the same time, protecting the surrounding property.

18 **13.017 Enforcement and Revocation of Special Permits.**

19 (1) (a) The Director of Building and Safety shall make a report to the County Board at anytime
20 the Director of Building and Safety finds the following:

1 (1) Any of the terms, conditions and requirements of a special permit have not
2 been complied with by the Permittee or that any phase thereof has not been completed within the
3 time required under said special permit or any administrative amendment thereto.

4 (b) The County Board may, after a public hearing of which the permittee shall be
5 notified, take any of the following actions:

6 (1) Revoke the special permit for failure to comply with any of the terms,
7 conditions and requirements of the special permit; or

8 (2) Take such other action as it may deem necessary to obtain compliance with the
9 special permit; or

10 (3) Take such action that it deems necessary to preserve the public health, safety,
11 and general welfare.

09-

Introduce:

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
 2 zoning by amending Section 27.07.040, 27.09.040 and 27.49.040 to add excavation and stone
 3 milling as a permitted special use in the AG, AGR, and I-2 zoning districts, respectively; by
 4 amending Section 27.63.160 to allow excavation and stone milling to be approved by special permit
 5 in the AG, AGR, R-3, B-2, H-2, H-3, H-4, and I-2 zoning districts and to provide conditions
 6 governing said use; by repealing Sections 27.63.310 and 27.63.360 in their entirety; and repealing
 7 Sections 27.07.040, 27.09.040, 27.49.040, and 27.63.160 of the Lincoln Municipal Code as hitherto
 8 existing.

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

10 Section 1. That Section 27.07.040 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **27.07.040 Permitted Special Uses.**

13 A building or premises may be used for the following purposes in the AG Agriculture District
14 if a special permit for such use has been obtained in conformance with the requirements of Chapter
15 27.63:

- 16 (a) Private schools;
- 17 (b) Recreational facilities;
- 18 (c) Dwellings for members of religious orders;
- 19 (d) Broadcast towers and stations;
- 20 (e) Campgrounds;
- 21 (f) Veterinary facilities;
- 22 (g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in
 23 area; in those parts of the AG Agriculture District designated "agricultural" on the future county land

1 use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only
2 is hereby incorporated herein by reference);

3 (h) ~~Mining or extraction of minerals from any portion of the district, and the storage and~~
4 ~~processing thereof~~ Excavation and stone milling;

5 (i) Sale barns;

6 (j) Garden centers;

7 (k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable
8 agricultural chemicals;

9 (l) Church steeples, amateur radio antenna installations, towers, and ornamental spires
10 which exceed the maximum district height;

11 (m) Expansion of nonconforming use;

12 (n) Historic preservation;

13 (o) Community unit plans shall be permitted in conformance with provisions of Chapter
14 27.65;

15 (p) Public utility purposes;

16 (q) Private landing strips and appurtenances;

17 (r) Limited landfills;

18 (s) Race tracks for motorized vehicles;

19 (t) Temporary storage of construction equipment and materials;

20 (u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
21 children not meeting the specified conditions for a permitted conditional use under Section
22 27.07.030;

23 (v) Clubs;

24 (w) Dwelling units for domestic employees in accessory buildings;

25 (x) Heritage centers;

26 (y) Community halls;

1 (z) Tree service.

2 Section 2. That Section 27.09.040 of the Lincoln Municipal Code be amended to read
3 as follows:

4 **27.09.040 Permitted Special Uses.**

5 A building or premises may be used for the following purposes in the AGR Agricultural
6 Residential District if a special permit for such use has been obtained in conformance with the re-
7 quirements of Chapter 27.63:

8 (a) Private schools;

9 (b) Recreational facilities;

10 (c) Dwellings for members of religious orders;

11 (d) Broadcast towers;

12 (e) Campgrounds;

13 (f) Veterinary facilities;

14 (g) ~~Mining or extraction of minerals from any portion of the district, and the storage and~~
15 ~~processing thereof~~ Excavation and stone milling;

16 (h) Garden centers;

17 (i) Facilities for the commercial storage or sale of fertilizer or toxic or flammable
18 agricultural chemicals;

19 (j) Church steeples, amateur radio antenna installations, towers, and ornamental spires
20 which exceed the maximum district height;

21 (k) Community unit plans shall be permitted in conformance with the provisions of
22 Chapter 27.65;

23 (l) Expansion of nonconforming uses;

24 (m) Historic preservation;

25 (n) Public utility purposes;

26 (o) Private landing strips and appurtenances;

1 (p) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
2 children not meeting the specified conditions for a permitted conditional use under Section
3 27.09.030;

4 (q) Clubs;

5 (r) Dwelling units for domestic employees in accessory buildings;

6 (s) Alternative to imprisonment facilities;

7 (t) Children's homes.

8 Section 3. That Section 27.49.040 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **27.49.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the I-2 Industrial Park
12 District if a special permit for such use has been obtained in conformance with the requirements of
13 Chapter 27.63:

14 (a) ~~Mining, quarrying, and stone mills~~ Excavation and stone milling;

15 (b) Broadcast towers;

16 (c) Early childhood care facilities;

17 (d) Expansion of nonconforming use;

18 (e) Historic preservation;

19 (f) Wind energy conversion systems over the district height;

20 (g) Enclosed disassembly operation in conformance with Section 27.63.500;

21 (h) Sale of alcoholic beverages for consumption on the premises;

22 (i) Any permitted use which exceeds the maximum height permitted in the district;

23 (j) Sexually oriented live entertainment establishments.

24 Section 4. That Section 27.63.160 of the Lincoln Municipal Code be amended to read
25 as follows:

1 **27.63.160 Permitted Special Use: ~~Extraction of Sand, Gravel, and Soil~~ Excavation and**
2 **Stone Milling.**

3 Extraction of sand, gravel, and soil Excavation and stone milling may be allowed by special
4 permit in the AG, AGR, R-3, B-2, H-2, H-3, H-4, and I-1, and I-2 zoning districts under the
5 following conditions below: For purposes of this section, excavation shall mean the removal of
6 clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in excess of one acre
7 by excavating, stripping, leveling, or any other process together with all other types of mining and
8 quarrying operations for material that is removed from the earth. Excavation shall not include
9 grading of land in accordance with an approved preliminary plat, building permit, or normal farming
10 practices.

11 (a) The ~~An~~ application shall include for a special permit for excavation or stone milling
12 shall be accompanied by the following information:

13 (1) A legal description of the proposed site;

14 (2) A site plan drawn to scale that includes but is not limited to identifying
15 proposed vehicle and equipment storage areas and entrance and exit locations to the operation;

16 (3) A map showing the site location and the location of private access roads,
17 existing or proposed, and public roads and highways adjacent to the site which will be affected by
18 the operation;

19 (4) a A grading map showing existing contours, proposed excavation contours,
20 and proposed final grade contours, and excavation volumes;

21 (5) A full and adequate description of all phases of the contemplated operation
22 and the specific listing of the type of machinery and equipment which will be or might be used to
23 carry on the operation;

24 (6) A groundwater report from a groundwater hydrologist in cases where
25 proposed soil mining operations are: (i) within 1,000 feet of any off-site private well, (ii) within
26 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain

1 to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading
2 will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring
3 wells will be installed to provide early warning of any such impact;

4 Where a pond or lake is proposed, the groundwater report shall also
5 demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a
6 functioning and attractive year-round water feature.

7 (7) Reclamation plans for returning the site to agricultural use approved by a local
8 official of the Federal Department of Agriculture Natural Resources Conservation Service as meeting
9 the standards of the "Farm Bill Compliance."

10 (b) ~~The application shall identify the effect of the extraction on the groundwater table of~~
11 ~~the adjoining properties;~~

12 ~~(c) The application shall identify proposed vehicle and equipment storage areas;~~

13 (db) Erosion controls, including retention and sediment basins shall be provided during
14 extraction excavation in conformance with standards adopted by resolution of City Council state and
15 federal standards and City land erosion and sediment control regulations to prevent a change in the
16 character of runoff onto adjacent land;

17 (cc) No more than twenty (20) acres of the site shall be open for operations at any one
18 time. The surface shall be maintained in such a manner that surface waters do not collect and pond,
19 unless specifically approved by the City. Underground drainage may be supplied if it connects to
20 an existing drainage facility and is satisfactory to the City of Lincoln.

21 (fd) Topsoil shall be collected and stored for redistribution on the site at the termination
22 of the operation; or termination of each phase.

23 (g c) Excavation shall be conducted in such a way as not to constitute a hazard to any
24 persons, nor to the adjoining property properties. Dust shall be controlled on-site to meet Lincoln-
25 Lancaster County Air Pollution Control Program Regulations. In addition, the Health Department
26 may require dust control on unpaved perimeter roads. All cuts shall be returned to a slope of less

1 than three to one as soon as possible. ~~Safety screening shall be required at the outer boundary of the~~
2 ~~site; visual screening will also be required where said boundary is adjacent to residential or park~~
3 ~~land;~~

4 (f) Safety screening may be required at the outer boundary of the site. Visual screening
5 through setbacks, berming and other techniques may also be required where said boundary is
6 adjacent to residential or park land, school property, or at major entryways/corridors into a city, town
7 or village.

8 (g) Operating hours shall be limited to daylight hours, Monday through Saturday.

9 (h) A sign shall be posted and maintained at the entrance to the site. The sign shall be:

10 (1) Clearly visible from the adjacent road;

11 (2) At least 32 square feet in area;

12 (3) Lettering shall be at least two inches in height, black on a white background;

13 (4) The sign shall list:

14 (i) The approved Special Permit Number;

15 (ii) The name, contact phone, and email address for the land owner;

16 (iii) The name, contact phone, and email address for the operator/
17 contractor;

18 (iv) The Building and Safety Department contact number.

19 (i) The County or City Engineer may require installation of traffic signs to warn
20 motorists of excavation or stone milling operations and truck traffic.

21 (j) The applicant will take appropriate measures, such as street sweeping or “rumble
22 bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and
23 roads on a continuing (daily) basis during operation.

24 (k) Upon completion of all terms, conditions and requirements of the special permit that
25 are to be completed before beginning operations, the Permittee shall request the Director of Building

1 and Safety to issue a certificate of operation. Permittee shall not begin operations until it has
2 received said certificate of operation.

3 The certificate of operation shall not be issued by the Director of Building and Safety
4 until the Director has inspected the premises covered by the special permit, reviewed documentation
5 and evidence of completion of the conditions which shall be provided by the applicant, and has
6 found that all terms, conditions and requirements of the special permit, that were to be completed
7 before beginning operations, have been complied with.

8 Any amendment to a special permit approved subsequent to the issuance of a
9 certificate of operation for such special permit shall require the issuance of a new certificate of
10 operation which shall not be issued until the Director of Building and Safety has ascertained that any
11 terms, conditions and requirements of the amendment to the special permit have been complied with.

12 (l) Operations shall commence within one year from the date the special permit is
13 approved or the special permit will automatically terminate and be considered null and void.

14 (m) Prior to commencing operations, the Permittee shall provide the City with a penal
15 bond in the amount of \$525.00 per acre intended to be disturbed to assure compliance with the final
16 reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A
17 registered professional engineer must certify at closure of operations that grading and final
18 reclamation has been completed in accordance with the approved plans before the bond may be
19 released.

20 (h n) Within nine months after the completion of extraction excavation on any portion of the
21 site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be
22 restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and
23 siltation, and to protect the health, safety, and general welfare of the public.

24 (o) A special permit may be approved for a maximum of three-years from the date the
25 special permit is issued.

1 (p) Permittee shall prepare and submit an annual report to the Director of Building and
2 Safety addressing the status and extent of operations and each condition of the special permit.

3 (q) Permittee shall be subject to an annual site inspection by the Director of Building and
4 Safety. Such inspection shall be paid for by the applicant. Building and Safety shall:

5 (1) Inspect the site to determine whether terms, special conditions and
6 requirements imposed by the City in the approval of the special permit have been met and complied
7 with; and

8 (2) Review all complaints from public and other departments/agencies and report
9 to the Planning Director.

10 (r) The City Council may modify or adjust any of the above conditions or impose
11 additional conditions to preserve the public health, safety, and general welfare or to allow the
12 applicant use of the property, while at the same time, protecting the surrounding property.

13 Section 5. That Section 27.63.310 of the Lincoln Municipal Code be and the same
14 is hereby repealed.

15 ~~**27.63.310 — Permitted Special Use: Mining, Quarrying, and Stone Mill.**~~

16 ~~—— A stone mill, quarry, and mining operations may be allowed by special permit in the I-2~~
17 ~~zoning district in conformance with the standards of Section 27.63.160, as applicable.~~

18 Section 6. That Section 27.63.360 of the Lincoln Municipal Code be and the same
19 is hereby repealed.

20 ~~**27.63.360 — Permitted Special Use: Mining.**~~

21 ~~—— Mining or extraction of minerals from any portion of the AG and AGR zoning districts, and~~
22 ~~the storage and processing thereof, may be allowed by special permit in conformance with the~~
23 ~~standards of Section 27.63.160, as applicable.~~

24 Section 7. That Sections 27.07.040, 27.09.040, 27.49.040 and 27.63.160 of the
25 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1 Section 8. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009:

Mayor