IN LIEU OF
AGENDA FOR
DIRECTORS’ MEETING
MONDAY, JANUARY 19, 2009

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

PRESENTATIONS BY:
None

MAYOR
1. NEWS ADVISORY. Mayor Beutler’s Public Schedule. Week of January 10 through January 16, 2009. (Forwarded to Council Members on 01/12/09)
2. NEWS RELEASE. Mayor presents December Award of Excellence to Nicholas Wemhoff and Barbara Boggs.
3. NEWS RELEASE. Free tickets for Doris Kearns Goodwin Forum available Thursday.
4. NEWS ADVISORY. Mayor Beutler and UNL Chancellor Perlman to hold a news conference, Tuesday, January 13, 2009, at 10:45 a.m, Room 113 at 555 S. 10th, updating the City’s proposed arena project.
5. NEWS RELEASE. Arena vote delayed due to uncertain economy.
6. NEWS ADVISORY. Mayor Beutler and UNL Chancellor Perlman to hold a news conference, Wednesday, January 14, 2009, 1:00 pm at 555 S. 10th, discussing phase one report of the Impact Fee Study Committee. (Forwarded to Council Members on 01/14/09)
7. NEWS RELEASE. Impact Fee Committee issues recommendations.

DIRECTORS

CITIZEN INFORMATION CENTER
   a) Complaints received about Time Warner.

PLANNING

PLANNING COMMISSION FINAL ACTION

URBAN DEVELOPMENT
1. Reply to Michael Reinmiller from Kenneth D. Smith, City Parking Manager, regarding correspondence of January 4, 2009 on downtown parking (Correspondence included).
III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
   1. Correspondence through InterLine from Brendan Evans in support of the proposed sign for the Lincoln Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
   2. Email from Perry Haralson in support of an electronic sign for the Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
   3. Email from Anthony Messineo in support of a sign proposed for the Lincoln Community Playhouse. (Delivered to Council Members on 01/12/09 before formal Council Meeting)
   4. Community Health Endowment (CHE) elects officers and welcomes new trustees.
   5. Letter from Joyce Richter in opposition to Doctor Johns business being permitted to operate.
   6. Letter from Bob Reeves opposing request by the Lincoln Community Playhouse for a lighted sign.
   7. LES Legislative Guidelines for 2009.
   8. InterLine correspondence from Rick and Jessica Stanton regarding proposed blighted area ownership.

V. ADJOURNMENT

ALL HELD OVER UNTIL FEBRUARY 2, 2009.
DATE: January 9, 2009  
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831  

Mayor Beutler’s Public Schedule  
Week of January 10 through January 16, 2009  
Schedule subject to change  

Monday, January 12  
• Mayor’s Award of Excellence presentation - 1:30 p.m., Council Chambers, County-City Building, 555 S. 10th St.  

Tuesday, January 13  
• Mayor’s Multicultural Advisory Committee meeting - 4 p.m., Mayor’s Conference Room, County-City Building  

Wednesday, January 14  
• KLIN Morning Show - 8:10 a.m., Broadcast House, 4343 “O” St.  

Thursday, January 15  
• KFOR Morning Show – 7:45 a.m.  
• News conference - 10 a.m., topic and location to be announced  
• Association of Non-Profit Professionals annual award luncheon, remarks - noon, Cornhusker Marriott Hotel, 333 S. 13th St.  

Friday, January 16  
• Martin Luther King Jr. Freedom Breakfast - 7:30 a.m., Embassy Suites, 1040 “P” St.  
• Martin Luther King Jr. ceremony, remarks and proclamation - 11:45 a.m., State Capitol
MAYOR PRESENTS DECEMBER AWARD OF EXCELLENCE

Mayor Chris Beutler today presented the Mayor’s Award of Excellence for December to a team from two departments: Nicholas Wemhoff is Systems Software Integrator in the Information Services division of the Finance Department, and he has worked for the City for eight years. Barbara Boggs is an Employment Technician II in City-County Personnel, and she has been with that department for more than 30 years.

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.

Personnel Coordinator Pat Kant nominated the team in the categories of productivity and loss prevention for a multi-year project to make the application and hiring process almost paperless. Wemhoff wrote and developed the Personnel Applicant Tracking System, and Boggs was the Project Manager. The system features an online job application and supplemental questionnaire; automated job requisition and preliminary rating processes; and online job posting and advertising. Applicants can use the system at all hours, determine their status within the process and receive e-mail notification of any specific job opening.

Kant said the project has saved an estimated $11,000 a year in material expenses alone. It also is more efficient for applicants and staff and has increased productivity. Nearly all City and County Departments now use the system, which was cited as a significant factor in Lincoln being named the top digital City in the nation by the Center for Digital Government.

Wemhoff also was recognized for a second nomination in the categories of customer relations and productivity. He was nominated by County Clerk Dan Nolte, Deputy Clerk Cori Beattie and County Records Specialist III Melissa Koci for his work on a new property valuation protest system. Wemhoff developed a program that allows property owners to complete a protest form electronically, print the protest and to self-schedule a convenient hearing date and time.

Nominators said the program saves the public time and effort and saves staff many hours of data entry. Because typed protest forms are easier to read than handwritten forms, the program has increased accuracy as well. In 2008, 78 percent of the protests were done online, far surpassing the County Clerk’s estimates, and many positive comments were received from the public about the new system.

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

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

All nominations are reviewed by the Mayor’s Award of Excellence Committee, which includes a representative with each union and a non-union representative appointed by the Mayor. Award winners receive a $100 U.S. savings bond, a day off with pay and a plaque. Monthly winners are eligible to receive the annual award, which comes with a $500 U.S. savings bond, two days off with pay and a plaque.
FREE TICKETS FOR DORIS KEARNS GOODWIN FORUM
AVAILABLE THURSDAY

Free tickets for the February 15 forum with Pulitzer Prize-winning author and historian Doris Kearns Goodwin will be available beginning Thursday, January 15 at the Lied Center, 12th and “R” streets. (Some sources erroneously listed the availability date as January 14.) Goodwin’s latest book is “Team of Rivals: the Political Genius of Abraham Lincoln.”

The event is part of “10 Score,” the City’s celebration of Abraham Lincoln’s 200th Birthday. The Lied Center box office (472-4747, toll-free 800-432-3231, TDD 472-4721) is open from 11 a.m. to 5:30 p.m. weekdays. Individuals can receive a maximum of ten tickets per person.

Through January 14, tickets for the Goodwin forum are available only to those purchasing tickets for two other “10 Score” events at the Lied Center:

- A concert by the Jay Ungar and Molly Mason Family Band Thursday, February 12.
- “Civil War Voices,” a new musical written by Lincoln attorney Jim Harris based on Civil War correspondence, Friday, February 13.

Tickets for these performances are $15 for adults and $10 for children and students (those over age 18 must show student identification). All three Lied Center performances begin at 7:30 p.m. and tickets will be for general admission seating.

Other free “10 Score” events include:

- A premiere of “Looking For Lincoln,” a two-hour documentary, at 7 p.m. Wednesday February 11 at the Ross Media Arts Center, 313 N. 13th St.
- Family Day from 11 a.m. to 5 p.m. Saturday, February 14 at Southwest High School, 7001 S. 14th St.

A complete list of events is available at lincoln.ne.gov. “10 Score” is supported by the Nebraska Humanities Council and local businesses and individuals.
Mayor Chris Beutler and UNL Chancellor Harvey Perlman will have an update on the City’s proposed arena project at a news conference at 10:45 a.m. TODAY, Tuesday, January 13 in Room 113, County-City Building, 555 S. 10th St.

MEDIA NOTE: The Mayor’s public schedule listed a news conference for 10 a.m. Thursday, January 15. That news conference has been moved up to 1 p.m. Wednesday, January 14.
Mayor Chris Beutler today announced that the City and its partners will delay the public vote on the proposed arena project in the West Haymarket area. The Mayor said the sports marketing company ISG (International Stadia Group) remains strongly interested in the project, and the firm could provide as much as half of the project's total cost. But ISG's development plans in the U.S. have been slowed by the national economy.

"Without resolution of the ISG issue, we will not be able to provide Lincoln voters with the most complete picture of what will appear on the ballot," Beutler said. "We have made tremendous progress in building this proposal and finding the answers to the tough questions. We do not want to jeopardize the faith of Lincoln residents by putting forward a package that doesn't adequately answer the question of arena financing. A delay allows us to better answer this question and gives the public more time for greater input and discussion."

Beutler said the economy's impact on Lincoln workers and the City budget are other factors in the delay. "It is difficult to focus on providing a solid future for the next generation when you are anxious and confused about the present," he said. "We can expect a difficult City government budget next year as we struggle with slowing revenues. Many will be concerned about spending new money even as we struggle to maintain funding for important City services."

Beutler said public discussions as well as work on the financing and site plans will continue. "Delay does not mean abandonment," he said. "As Mayor of this community, it is my responsibility to prepare us for the future. Lincoln is in jeopardy of losing our high school sports championships, which generate millions of dollars of economic impact. Events continue to pass by Lincoln due to the inadequacy of Pershing."

The Mayor said the additional jobs created by the arena's construction and operation also are important to Lincoln's working families. He cited the example of the State Capitol, a project Nebraskans continued even during the Great Depression.

"They continued to build it despite the difficult economic times because of the jobs the Capitol's construction could create," he said. "But I think they understood an even deeper truth: great societies don't put off the future, they embrace it. The arena must happen, even if it means some sacrifice. Delaying the public vote will allow us to present an even stronger vision of the West Haymarket Arena to the community and is the right course. It will be worth the wait."

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Statement from Jeff Woodbury, Principal, Woodbury Corporation:

"As a developer working in many different communities across the country, we are often confronted with deadlines that are extended for practical concerns. Undue pressures generally increase costs. Although changing deadlines are not politically popular, it is important that a project move forward in a prudent manner. We continue to be excited about this project, and a change in the deadlines in this case will ultimately make this a better project. We have spent a significant amount of resources toward making this project a reality and will continue to spend the necessary resources toward making it a reality."

Statement from Steve Moore, President of North and South America for ISG - International Stadia Group:

"We at ISG believe that the Haymarket Arena project has significant long term benefit to this community and to the University. While we are disappointed that the current financial conditions have constrained our ability to move forward at present, we remain confident that the unique content (basketball, volleyball and concerts) and corresponding appeal to students, alumni, local fans and corporations will enable us, working together with the City of Lincoln and the University, to finance the project once stability returns to the financial markets."
DATE: January 14, 2009  
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will discuss the phase one report of the Impact Fee Study Committee at a news conference at 1 p.m. TODAY, Wednesday, January 14 in the Mayor's Conference Room, County-City Building, 555 S. 10th St.
IMPACT FEE COMMITTEE ISSUES RECOMMENDATIONS

Mayor Chris Beutler today said the City needs to act now to keep arterial street construction from reaching “dangerously low levels” in the near future. He made the comments at a news conference to release the phase one report from a committee the Mayor appointed last year to review the City's impact fee system and recommend possible changes or alternatives. The Mayor said the committee expanded its work to include the broader issue of infrastructure financing.

“We need to come together as a community to discuss and build consensus around funding solutions that work for this community,” Beutler said. “In the coming year, my administration will dedicate a significant amount of time and resources to this effort, and I look forward the community-wide conversation that will take place.”

Nick Cusick, who serves on the Chamber of Commerce Board of Directors, chaired the committee. Other members are Steve Stueck, a member of the board of the REALTORS Association of Lincoln; Fred Hoke, who was with the Lincoln Home Builders Association during the committee's deliberations; and Jim Christo, a home builder and a member of the Lincoln Independent Business Association.

The committee recommended that the City maintain the current policy of annual pre-approved inflationary increases to all impact fees. If the increases are overridden due to unfavorable economic conditions, the committee said the City should consider capturing the lost revenues in future years as conditions improve. The City Council has voted to override these increases the last two years, so impact fees are currently frozen at the 2007 levels.

“I reluctantly agreed not to veto the freeze for 2009 and noted that City needs to recoup the lost revenues when the economy rebounds, so I am pleased that the committee is also asking the City to consider this approach,” Beutler said.

Another committee recommendation is that the City attempt a new General Obligation Bond for road infrastructure, when the economic climate allows. “As our infrastructure needs continue to grow and revenues continue to lag, a voter-approved bond may be necessary in the future when the economy improves,” Beutler said. “We have a lot of work to do before that point, and that's why I'm pleased to see the Committee's next recommendation – that we report to the public at least once a year on the City's unfunded infrastructures needs. These recommendations go to the heart of transparency in government.”

FOR IMMEDIATE RELEASE: January 14, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Other recommendations:

- Increase the property tax levy if needed to fund properly all City needs, including an appropriate contribution to street infrastructure funding.
- Reduce the number of fee districts from seven to four to allow impact fee dollars to accumulate faster and give the City greater flexibility.
- Continue to pursue the Urban Growth District concept in the State Legislature. Senator Amanda McGill has re-introduced this bill.
- Continue to use pre-approved increases in the wheel tax. Wheel taxes were increased in 2004 and 2007, and a third increase is scheduled for 2010. A five-dollar increase generates about $1 million annually.

In the next phase of its review the committee will look more in depth at how other communities structure their impact fees. Those recommendations are expected this summer.

The complete phase one report is on the City Web site at lincoln.ne.gov (keyword: impact fee task force).
MEETING NOTICE
Cable TV Advisory Board
4 pm, Thursday, Jan. 22, 2009
County-City Building
Studio, Room 113, 1st floor
555 S. 10th St.

AGENDA
Call to Order
1. Introduction of board members and guests
2. Approval of Minutes
3. OLD BUSINESS
   a. Committee Reports
      - Competitiveness
      - Public Access
      - Digital Conversion
      - Complaints Reporting
4. Election of Officers
5. NEW BUSINESS
   a. NATOA Conference, Steve Huggenberger
   b. Report on Citizen Complaints
6. Reports from City
7. Reports from Time Warner Cable
8. Public Comments
Adjournment

BOARD MEMBERS:
If you cannot attend this meeting
Please RSVP to Art Zygielbaum, Chairman
aiz@ctwsoft.com
421-0839 (wk)

Schedule of Regular Meeting Dates:
UPCOMING MEETINGS
January 22, 2009 Annual Meeting
April 23, July 23, October 22
## Complaints received about Time Warner

<table>
<thead>
<tr>
<th>Complainant</th>
<th>Date Rec’d</th>
<th>Description</th>
<th>Resolution</th>
</tr>
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<tbody>
<tr>
<td>Merlin Peterson</td>
<td>8-1-08</td>
<td>phone/internet out.</td>
<td>Closed</td>
</tr>
<tr>
<td>Charles New</td>
<td>8-13-08</td>
<td>New service line not buried since installation 1-1-08 Through Council office.</td>
<td></td>
</tr>
<tr>
<td>Randall Bretz</td>
<td>9-5-08</td>
<td>New service cable not buried since installation in Mar.08 Through Mayor’s Ombudsman.</td>
<td></td>
</tr>
<tr>
<td>Michael Brand</td>
<td>9-24-08</td>
<td>Navigator (2 pages).</td>
<td></td>
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<tr>
<td>Dr. George McLean</td>
<td>10-22-08</td>
<td>Number of cable outages; can’t get through to company.</td>
<td></td>
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<tr>
<td>Joyce Coppinger</td>
<td>11-6-08</td>
<td>Cost of service. Use of TV white spaces.</td>
<td></td>
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<tr>
<td>Don Patmore</td>
<td>12-31-08</td>
<td>Channel 21 programming. (ARTS) Through Mayor’s Ombudsman.</td>
<td>Closed</td>
</tr>
<tr>
<td>Fred Marks</td>
<td>1-5-09</td>
<td>Internet/phone service. Received by Mayor’s Ombudsman (through Better Business Bureau), Sen. Nantkes office.</td>
<td></td>
</tr>
<tr>
<td>Jim Crelin</td>
<td>1-14-09</td>
<td>DVR equipment upgrade not working as well as old. Invited to meeting, email to come with details.</td>
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** ACTION BY PLANNING COMMISSION **
January 14, 2009

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, January 14, 2009, at 1:00 p.m. in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, January 14, 2009, in Conference Room 113 of the County/City Building, 555 S. 10th St., Lincoln, Nebraska:
* 11:00 a.m. - 11:15 a.m. for an update on the Annexation Study by Planning staff;
* 11:15 a.m. - 12:00 noon for a briefing on the North 27th Street Corridor and Environ and Antelope Valley Redevelopment Plan Amendments by Urban Development staff;
* 12:00 noon - 12:45 p.m. for a briefing on Excavation and Stone Milling standards by Planning staff.

** PLEASE NOTE: The Planning Commission action is final action on any item with a notation of “FINAL ACTION”. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council by filing a Notice of Appeal with the City Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, JANUARY 14, 2009

[Commissioner Gaylor Baird absent]

Approval of minutes of the regular meeting held December 17, 2008. **APPROVED, 7-0 (Cornelius abstained; Gaylor Baird absent)**
1. **CONSENT AGENDA**
   (Public Hearing and Action):

**COMPREHENSIVE PLAN:**

1.1 Comprehensive Plan Conformance No. 08027, to review as to conformance with the 2030 Lincoln City-Lancaster County Comprehensive Plan, an amendment to the North 27th Street Corridor and Environs Redevelopment Plan. The proposed amendment adds the “Matt Talbot Kitchen and Outreach Project” for the renovation of the existing Carnegie Library located at 2121 North 27th Street, and the construction of a new facility of approximately 9,000 square feet, on property generally located at N. 27th Street and Center Street.

   **Staff recommendation:** Conformance with the Comprehensive Plan
   **Staff Planner:** Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
   **Removed from Consent Agenda and had separate public hearing.**
   **Planning Commission recommendation:** A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Gaylor Baird absent).
   **Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.**

**COMPREHENSIVE PLAN WITH RELATED ITEMS:**

1.2a Comprehensive Plan Conformance No. 08026, to review as to conformance with the 2030 Lincoln City-Lancaster County Comprehensive Plan, an amendment to the North 27th Street Corridor and Environs Redevelopment Plan. The proposed amendment adds the “Little Saigon Commercial Development Project” for an approximately 8,400 square feet commercial/retail building, on property generally located at N. 26th Street and W Street.

   **Staff recommendation:** Conformance with the Comprehensive Plan
   **Staff Planner:** Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
   **Planning Commission recommendation:** A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Gaylor Baird absent).
   **Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.**

1.2b Change of Zone No. 08067, from R-6 Residential District to B-3 Commercial District and from I-1 Industrial District to B-3 Commercial District, on property generally located at N. 26th Street and W Street.

   **Staff recommendation:** Approval
   **Staff Planner:** Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
   **Planning Commission recommendation:** APPROVAL, 8-0 (Gaylor Baird absent).
   **Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.**
1.2c Street & Alley Vacation No. 08012, to vacate the west portion of the east-west alley between N. 26th and N. 27th Streets, north of W Street.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.

ANNEXATION:
1.3 Annexation No. 08024, to annex 35.8 acres, more or less, generally located southeast of SW 12th Street and W. Denton Road.

Staff recommendation: Approval, subject to an Annexation Agreement
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, subject to an Annexation Agreement, 8-0 (Gaylor Baird absent).
Public Hearing before City Council will be scheduled when the associated Annexation Agreement has been completed.

1.4 Annexation No. 08026, to annex the east 150 feet of Lot 122 adjacent to South 98th Street, generally located at S. 98th Street and Andermatt Drive.

Staff recommendation: Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 2, 2009, 1:30 p.m.

CHANGE OF ZONE:
1.5 Change of Zone No. 08064, amending Section 27.11.080 of the Lincoln Municipal Code relating to height and area regulations in the R-1 Residential District, to reduce required side yards of single-family dwelling lots in existence on November 2, 1953, to a width of not less than ten percent of the width of the lot, but not less than five feet.

Staff recommendation: Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 2, 2009, 1:30 p.m.
1.6 County Change of Zone No. 08065, amending the Lancaster County Zoning Resolution relating to wind energy conversion systems (also known as wind turbines and windmills), by amending Article 4, “AG” Agricultural District, Section 4.005, Permitted Conditional Uses and Article 5, “AGR” Agricultural Residential District, Section 5.005, Permitted Conditional Uses, to add WECS over the district height as a permitted conditional use in the AG and AGR districts.

Staff recommendation: Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Gaylor Baird absent).
Public Hearing before the Lancaster County Board of Commissioners is being requested.

1.7 Change of Zone No. 08068, amending Section 27.71.190 of the Lincoln Municipal Code relating to Building Line Districts, to provide that the street centerlines referred to in this section are those shown on the Lincoln Building Line District Map dated November 1, 1985, as amended.

Staff recommendation: Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
**WITHDRAWN**

1.8a Change of Zone No. 08069, to adjust the building line district on property generally located at S. 66th Street and Highway 2.

Staff recommendation: Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 2, 2009, 1:30 p.m.

1.8b Change of Zone No. 05026B, an amendment to the Apple’s Way Planned Unit Development, to adjust setbacks in the R-1 zoning district, and to expand the boundary of the PUD to include an outlot for a subdivision identification sign, on property generally located at S. 66th Street and Highway 2.

Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 2, 2009, 1:30 p.m.
PERMITS:

1.9 Special Permit No. 08050, for expansion of a nonstandard single family dwelling into the required rear yard, on property generally located near N. 33rd Street and W Street (827 North 33rd Street). *** FINAL ACTION ***

Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated December 29, 2008, 8-0 (Gaylor Baird absent).
Resolution No. PC-01152.

MISCELLANEOUS:

1.10 Street & Alley Vacation No. 08011, to vacate southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the platted right-of-way and Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the platted right-of-way.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Gaylor Baird absent).

Public Hearing before City Council will be scheduled when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

4. PUBLIC HEARING AND ACTION:

COMPREHENSIVE PLAN WITH RELATED ITEMS:

4.1a Comprehensive Plan Conformance No. 08028, to review as to conformance with the 2030 Lincoln City-Lancaster County Comprehensive Plan, an amendment to the Antelope Valley Redevelopment Plan. The proposed amendment adds the “Antelope Village Project”, consisting of an office/condominium building of approximately 18,000 square feet for the NeighborWorks Lincoln office space, a community room, workout facilities and 8 to 10 condo units on the second and third floors, and 18 townhomes for home ownership, on property generally located between 23rd and 24th Streets, P and Q Streets.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Gaylor Baird absent).

Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.
4.1b Change of Zone No. 08066, Antelope Village Planned Unit Development, on property generally located northeast of N. 23rd Street and “P” Street; for a Planned Unit Development District designation of said property and modifications to the standards of the underlying zoning district, subdivision ordinance and design standards.

Staff recommendation: Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov

Had public hearing.
Planning Commission recommendation: APPROVAL, with amendment deleting Waiver #10, as requested by staff, 8-0 (Gaylor Baird absent).
Public Hearing before City Council tentatively scheduled for Monday, February 9, 2009, 1:30 p.m.

ANNEXATION WITH RELATED ITEMS:

4.2a Annexation No. 08023, to annex 26.27 acres, more or less, generally located southwest of SW 12th Street and W. Denton Road.

Staff recommendation: Approval, subject to an Annexation Agreement
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov

Had public hearing.
Planning Commission recommendation: APPROVAL, subject to an Annexation Agreement, 7-0 (Gaylor Baird and Taylor absent).
Public Hearing before City Council will be scheduled when the associated Annexation Agreement has been completed.

4.2b Change of Zone No. 08051, from AGR Agricultural Residential District to R-3 Residential District, on property generally located southwest of SW 12th Street and W. Denton Road.

Staff recommendation: Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov

Had public hearing.
Planning Commission recommendation: APPROVAL, 7-0 (Gaylor Baird and Taylor absent).
Public Hearing before City Council will be scheduled when Annexation No. 08023 is scheduled.
4.2c Special Permit No. 08041, Stone Haven Community Unit Plan, for approximately 84 single family lots and 72 single family attached lots, with requests to waive pedestrian easements and setbacks, on property generally located southwest of SW 12th Street and W. Denton Road.

*** FINAL ACTION ***

Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 441-7603, ceichorn@lincoln.ne.gov
Had public hearing.
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated December 24, 2008, with amendment to add Condition #2.9, as requested by the applicant and agreed upon by staff, 7-0 (Gaylor Baird and Taylor absent).
Resolution No. PC-01153.

PERMITS:

4.3 County Special Permit No. 08051, to allow a campground, on property generally located at NW 112th Street and Interstate 80.

Staff recommendation: Conditional Approval
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Applicant’s request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, February 11, 2009, 1:00 p.m.

MISCELLANEOUS:

4.4 Miscellaneous No. 08015, to review the proposed determination that the “South Capitol Redevelopment Area Blight and Substandard Determination Study” area be declared a blighted and substandard area as defined in the Nebraska Community Development Law. The study area consists of an estimated 287 acres, more or less, and is generally bounded by 8th Street to 18th Street, between Euclid Avenue and G Street.

Staff recommendation: Finding that there is a reasonable presence of substandard and blighted conditions
Staff Planner: Brandon Garrett, 441-6373, bgarrett@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING THAT THERE IS A REASONABLE PRESENCE OF SUBSTANDARD AND BLIGHTED CONDITIONS, 7-0 (Gaylor Baird and Taylor absent).
Public Hearing before City Council tentatively scheduled for Monday, February 23, 2009, 5:30 p.m.

************

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

************
**PENDING LIST:**

1. Street and Alley Vacation No. 04013, to vacate all of the east-west alley in Block 65, Original Lincoln, bounded by 13th, 14th, "M" and "N" Streets, generally located at S. 13th Street & "M" Street. (**Expires 01/28/09**)
   (3-16-05: Planning Commission voted 9-0 to place on pending until completion of the Downtown Master Plan at the request of the applicant.)

2. Special Permit No. 08034A, Whispering Meadows Community Unit Plan, an amendment to show the layout of 155 attached single-family lots, with waiver requests to allow sanitary sewer to flow against the grade; to allow 20' wide private roadways; to allow adjustments to heights and area requirements; and to waive the required sidewalks and street trees on both sides of all streets, on property generally located at SW 27th Street and West A Street. ***FINAL ACTION***
   (12-17-08: Planning Commission voted 7-0 to continue public hearing on January 28, 2009 at the request of the applicant).

Planning Dept. staff contacts:

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steve Henrichsen</td>
<td>441-6374</td>
<td><a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a></td>
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<tr>
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<td>Christy Eichorn</td>
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<td>Brandon Garrett</td>
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<td>441-6360</td>
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* * * * *

The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be rebroadcast on Sundays at 1:00 p.m. on 5 City-TV, Cable Channel 5.

* * * * *

The Planning Commission agenda may be accessed on the Internet at [http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm](http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm)
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : January 15, 2009

RE : Special Permit No. 08050 - Expansion of nonstandard dwelling
     (827 North 33rd Street)
     Resolution No. PC-01152

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, January 14, 2009:

Motion made by Larson, seconded by Francis, to approve Special Permit No.
08050, with conditions, requested by Preston Shires, for authority to expand a
nonstandard single-family dwelling into the required rear yard setback in order to
construct a second story addition in the required rear yard on property located at
827 North 33rd Street.

Motion for conditional approval carried 8-0: Esseks, Francis, Cornelius, Sunderman,
Larson, Partington, Taylor and Carroll voting 'yes' (Gaylor Baird 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.

The Letter of Acceptance will be mailed to the permittee by the City Clerk at the end of the 14-
day appeal period.

Attachment

c:  Building & Safety
    Rick Peo, City Attorney
    Public Works
    Titus Construction, 512 Rockhurst Drive, 68510
    Preston Shires, 73244 644A Ave., Peru, NE 68421
    Barbara Cornelius, Hartley N.A., 3149 R Street, 68503
    Curt Donaldson, Hartley N.A., 2860 R Street, 68503
    Ralph Johnson, Hartley N.A., 819 N. 33rd Street, 68503
RESOLUTION NO. PC- 01152

SPECIAL PERMIT NO. 08050

WHEREAS, Preston Shires has submitted an application designated as Special Permit No. 08050 for authority to expand a nonstandard single-family dwelling into the required rear yard setback in order to construct a second story addition in the required rear yard on property generally located at 827 North 33rd Street, and legally described as:

Lot 1, and the east half of the south 50 feet of Lot 2 and the east 15 feet of the north 92 feet of Lot 2, Block 8, Pecks Grove Addition, Lincoln, Lancaster County, Nebraska;

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this expansion of a nonstandard single-family dwelling will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:
That the application of Preston Shires, hereinafter referred to as "Permittee", to expand a nonstandard single-family dwelling into the required rear yard setback in order to construct a second story addition in the required rear yard on said non-standard dwelling on the property described above, be and the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln Municipal Code upon condition that construction of said addition be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permits approves the expansion of a nonstandard single-family dwelling into the required rear yard along the west side of the property located at 827 North 33rd Street in order to construct a 19' by 8' second story addition, as long as the addition does not extend any further into the rear yard than the existing dwelling not including the carport.

2. Before receiving building permits:

   a. The Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

   b. The expansion shall not extend further into the required rear yard along the west side of the property than the furthest extension of the existing house not including the carport.

   c. The expansion shall meet all other yard and heights requirements of the zoning district.

   d. The use of the main structure shall remain a single- or two-family dwelling.

   e. The Permittee shall resubmit a site plan showing accurate dimensions of both the proposed addition as well as the existing structures based on the submitted survey.

3. Before occupying the expansion of the dwelling all development and construction is to substantially comply with the approved plans.
4. 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.

5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, and his successors and assigns.

6. 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 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 applicant.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 14 day of January, 2009.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Special Permit #08050
N 33rd & Vine 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. 19 T10N R07E

2007 aerial
Mr. Reinmiller,

On behalf of all the downtown businesses, I would like to thank you for visiting and supporting the downtown. After reviewing your request, we would like to point out other parking options for your next movie. First, abutting property owners do have the option to make formal requests regarding time restrictions at parking meters. However, there are no parking meters on the theatre’s north entrance and in addition there are numerous businesses and property owners which must share all other meters in this area. The best parking option for attending a movie is the theatre validation program at the Center Park Garage located at 1100 N Street. Movie goers simply bring their parking ticket from the garage into the theatre’s ticket counter and ask for the validation. The validation provides you three hours of “free” parking.

If you should have any further questions, please feel free to contact Parking Services.

Kenneth D. Smith, CAPP
City Parking Manager
Urban Development Department
850 Q Street
Lincoln, NE  68508
402.441.6472 ofc
402.441.8609 fax

Ken

The attached PDF was given to me this morning at the City Council/Director’s meeting to pass on to you for a response. Will you respond to this person. I don't know if we are need to copy the Council as well. You may want to check with the Council Office to see if they should be copied.

I would think that our response could include a mention of the parking arrangement that we have with the Grand Theater.

Dallas

Scar4676.pdf

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InterLinc: City Council Feedback for General Council

Name: Michael Reinmiller
Address: 945 D #5
City: Lincoln, NE, 68508
Phone: 4026014501
Fax: 
Email: avdude@mac.com

Comment or Question:
I went downtown to watch a movie this last weekend. Great food, and movies downtown! I found a place to park by the theater and noticed that the parking meter was only a one-hour spot. Most of the movies I've been to are longer than one hour. Why is there a one-hour spot by a movie theater?
InterLinc: City Council Feedback for General Council

Name: Brendan Evans
Address: 1209 Peach
City: Lincoln, NE, 68502
Phone: 402-730-2016
Fax:
Email: wamstadevans@gmail.com

Comment or Question:
I am writing in support of the sign proposal for the Lincoln Community Playhouse that will be discussed on Monday January 12th.

The Lincoln Community Playhouse is a vital part of the cultural pieces that make Lincoln a great place to live. The Playhouse gives many kids, grownups, and families their first live theater experience whether that be through the educational classes, offering volunteer performance opportunities, or for people to have access to live theater.

The Playhouse has been a part of what makes Lincoln a special place for more than 60 years and has been at the present location for more than 30 years. The sign will help to tell people that are driving down 56th street what that large brick edifice is and to help engage the people of Lincoln in theater classes or the opportunity to see performances. There have been more than a few people who have not only learned a love of theater from their beginnings at the Playhouse, but have gone onto to careers in theater on Broadway and Hollywood.

Our family relocated back to Lincoln a couple of years ago in no small part to the creative offerings that Lincoln offers. The Lincoln Community Playhouse is a foundation for that creative energy in Lincoln.

Lincoln is a city with a strong arts community and I urge you to continue to support that creative aspect of Lincoln by voting in favor of the new sign.

Thank you for your time and consideration.

Sincere Regards,

Brendan Evans
402-730-2016
wamstadevans@gmail.com
1209 Peach Street
Lincoln, NE 68502
Council Members,

Please seriously considering the request for an electronic sign for the Lincoln Community Playhouse. The playhouse has a long history in our community in supporting the arts but financially it continues to struggle. One of the main reasons we hear time and time again is that no one knows it is there. The building has limited frontage and unfortunately faces the wrong direction. A donor has stepped up to help with the signage to bring more notice to the location. We have discussed as a board the need to be considerate to the neighbors. This truly only impacts a few homes across the street on 56th street. Limiting the hours and the size of the sign are things we have considered to be neighbor friendly. 56th street continues to increase in traffic as the city grows and in order for the playhouse to be a viable piece of the arts community we need to continue to find ways to increase our visibility but at a reasonable cost since we are non-profit and cannot afford a large marketing budget.

I thank you for the consideration and if you have any questions or concerns I would be happy to talk with you.

Sincerely,

Perry Haralson

Vice President

11th and Cornhusker Hwy

Lincoln, NE 68521

402-434-9337 (p)

402-436-2408 (f)

pharalson@cornhuskerbank.com

www.CornhuskerBank.com
NOTICE: CONFIDENTIAL INFORMATION

This message may contain information that is confidential and subject to privilege. If you are not the intended recipient and have received the e-mail in error, please disregard and do not open attachments, if any. This serves as notice that you are to delete this message and attachments, immediately. Use of the information in any manner, dissemination, distribution, forwarding, printing or copying of the message and any attached files is strictly prohibited. Please note that the views or opinions presented in this e-mail are solely those of the author. The recipient should check for the presence of viruses. We accept no liability for any damage caused by any virus that may be transmitted by this e-mail.
I would like to show my support for the sign that is proposed today for the Lincoln Community Playhouse. I believe that the sign will greatly benefit the Playhouse and help the overall image of the neighborhood. I would appreciate a vote for the Playhouse sign later today.

Sincerely
Anthony J. Messineo
Media Release

To: Media
CC: Mayor’s Office, Lincoln City Council
From: Lori Seibel, President/CEO, 436-5516
Date: 1/13/09
Re: Election of 2008-2009 Officers

Community Health Endowment Elects Officers & Welcomes New Trustees

The Community Health Endowment of Lincoln has elected officers for 2008-2009. They are:

Chair: Bill Lester
President & CEO
Summit Investment, Inc.

Vice-Chair: Richard Boucher
Boucher Law Firm

Secretary: Ed Wimes
Assistant Vice President/Human Resources
University of Nebraska-Lincoln

Treasurer: Michael Tavlin
Chief Financial Officer
Speedway Motors, Inc.

Past President Dan Anderson
Pittenger & Anderson, Inc.

Newly Appointed Trustees: Dr. Margaret Sutton, Sutton Ryan Dermatology, and Britt Miller, Ferris Financial

Returning Trustees: Lois Baldwin, Community Volunteer; Bruce Dart, Ph.D., Lincoln-Lancaster County Health Department; Dr. Chuck Erickson, Community Volunteer; Charlene Gondring, Nebraska Department of Health and Human Services; Robert Lanik, Saint Elizabeth Regional Medical Center; Alison Larson, Community Volunteer; Maria Prendes Liintel, Ph.D., The Wellness Center, P.C.; and Kim Russel, BryanLGH Health System.
January 13, 2009

Mayor Chris Beutler
555 S. 10th
Lincoln, NE  68508

Dear Mayor Beutler,

I write to request that our city concern them selves with an ordinance to govern where immoral businesses can set up shop within our city. Frankly, I'd like to see them banned from the city entirely. If we must allow them to operate, then we should control where they can operate.

Doctor Johns calls them selves an adult novelty shop and they sell sex toys. They are located near 48th and Vine, just a couple of blocks away from Culler Junior High School. They advertise openly with their pornography, which frankly should be banned as well. I am extremely offended when I drive down the street. They also have a shop at 2929 NW 12th where I've not been recently and I can't help but wonder if there is a school near this site as well. They advertise in the yellow pages of our Lincoln telephone book, under TOYS (p. 878). Can you imagine a young person looking for toys in the yellow pages and going off to this store, unsupervised and unknowing?

Since they are an immoral shop, I propose that they and others like them should not be allowed to operate in a family neighborhood or within 15 miles of a public or parochial school. Street and sidewalk advertising as well as where they can advertise in a phone book, should also be controlled. Parents work very hard to teach moral values to their children and this sort of thing only hinders their good work. I was reading about a three-year research study on childhood obesity, conducted by Dr. Pat Kennedy, professor of marketing at UNL and Dr. Mary McGarvey associate professor of economics. Their study examines how the advertising of foods in schools, online and on TV affects children's eating choices and contributes to rising childhood obesity rates. Preliminary results show a strong correlation between the messages and what kids eat and crave. Marketing tactics to have an effect on children and I believe that if a similar study were done on the correlation of advertising of anything put in the way of children, that there would be a high correlation on what they might choose – especially when it is associated with education or in an educational environment.

I'd like to believe that Lincoln is a city with morals and if we wish to promote morals, then we should remove those businesses that detract from it and most certainly from family neighborhoods. Thank you for your consideration.

Most sincerely,

Joyce Richter
4333 Abbott Rd
Lincoln, NE  68516

Cc: Lincoln Planning Dept
    Lincoln Building & Safety
    Councilman Jon Camp
    All Lincoln City Council
Jan. 13, 2009

To all members of the City Council:

I am hoping that the City Council will not approve the request by Lincoln Community Playhouse for a lighted LED sign at 56th Street. I believe lighted signs, especially those with changing pictures and messages, are distracting to motorists and hence a potential cause of accidents. I also find that the extremely bright lighting of such signs makes them difficult to read, so they are not an effective form of advertising. Please do not encourage the proliferation of these garish signs in our city.

Sincerely,

Bob Reeves

RECEIVED
JAN 14 2009
CITY COUNCIL
OFFICE
January 12, 2009

Robin Eschliman, Chair
Lincoln City Council
Members of the Council
555 South 10th Street
Lincoln, NE 68508

Dear Chair Eschliman and Council Members:

Annually we review key policy areas that may be the subject of legislation on a national, state, or local basis that are of concern and importance to the electric power industry and Lincoln Electric System (LES). Our Legislative Guidelines for 2009 were reviewed and approved by the LES Administrative Board at their regular meeting on December 19, 2008. A copy of the Legislative Guidelines is enclosed for your reference. These guidelines direct LES staff in interpreting and responding to legislative and regulatory issues as they arise.

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

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

Sincerely,

Shelley R. Sahling-Zart
Vice President & Assistant Counsel

SRS:al

Enclosure

c: Terry Bundy, Administrator and CEO
    John Hendry, City Attorney
    Mayor Chris Beutler
2009

LINCOLN ELECTRIC SYSTEM
LEGISLATIVE GUIDELINES

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

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

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

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

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

These Guidelines are available to anyone upon request. They are routinely distributed to legislative and regulatory agencies, elected and appointed officials, trade associations, and other community interest groups.
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1. **Restructuring & Competition**

   - LES continues to support the "condition-certain" approach to statewide competition as outlined in LB 901 adopted by the Nebraska Unicameral in the 2000 legislative session.

2. **Environment**

   2.1 **Clean Air**

   - LES supports implementation of federal clean air regulations in a manner that will achieve and maintain emission reductions while providing planning certainty for electric utilities and equal opportunity for economic growth in all regions. LES also supports a well-defined regulatory environment that allows long-term planning, cost-effective resource choices, and a stable energy environment for our customers.

   - LES supports state clean air initiatives that are no more stringent than federal standards.

   - LES supports restraint in the application of New Source Performance Review for existing facility modifications where efficiency and economic benefits are possible.

   - LES supports cost-effective utilization of Best Available Control Technology (BACT) to achieve air emissions reduction.

   - LES supports federal or international protocols that are economically feasible, based on sound scientific data, and applicable to all countries, including developing countries.

   - LES does not support mandatory carbon or carbon dioxide limitations unless safe and effective carbon dioxide storage or utilization can be commercially demonstrated.

2.2 **Climate Change**

   - LES supports voluntary greenhouse gas initiatives that are consistent with objectives to ensure an adequate and reliable supply of reasonably priced electricity.

   - LES acknowledges that one of the most significant environmental issues facing today's policymakers is the role emissions of greenhouse gases plays in global climate change, including emissions from the combustion of fossil fuels, among others. As Congress considers legislation to address climate change, LES supports the following principles which are consistent with those established by the American Public Power Association Climate Change Task Force:

     - Economy-wide application to all industry sectors with an enhanced focus on energy efficiency and conservation;

-3-
- Ensure that any legislative greenhouse gas emission reduction programs are consistent with commercially available technologies and take into consideration the financial impact on and the ability of consumers to afford such programs;

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

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

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

2.3 Hazardous Materials

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

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

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

2.4 Wildlife and Environmental Protection

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

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

3. Financial

3.1 Insurance Pooling

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

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

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

3.3 Tax-Exempt Financing

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

4. Intra-Industry Dispute Resolution

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

5. Personnel Issues

5.1 Health and Safety

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

- LES supports legislation regulating scrap copper sales or criminalizing copper theft. Thefts of copper from LES facilities are not only a monetary loss, but in many instances have created potentially unsafe work conditions for LES personnel and the public.

5.2 Human Resources

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

6.1 Fuels & Transportation

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

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

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

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

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

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

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

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

6.2 Federal Hydropower Preference

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

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

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

6.4 Non-Utility Generation

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

6.5. Nuclear

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

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

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

6.6 Renewable Resources

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

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

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

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

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

6.7 Resource Planning

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

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

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

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

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

6.8 Transmission Access

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

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

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

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

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

6.9 Wholesale Power Markets

LES supports the development of competitive wholesale power markets.

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

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

7. Products & Services

7.1 Communications

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

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

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

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

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

7.3 Economic Development

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

7.4 Energy Efficiency and Conservation

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

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

7.5 Electric Transportation

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

7.6 Rates/Pricing of Services

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

- LES rates are developed and administered locally in a public environment and reflect, to the extent practicable, the cost of providing service to each class of electric consumer, and to appropriate levels of usage within the class.
8. **Public Ownership**

   - LES supports continued public ownership of Nebraska power systems to maintain the low cost, efficient, responsive customer owned systems developed through the past 70+ years.

9. **Public Partnerships**

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

Adopted: December 19, 2008
InterLinc: City Council Feedback for General Council

Name:        Rick & Jessica Stanton
Address:     1334 A Street
City:        Lincoln, NE  68502
Phone:       314-0833
Fax:          
Email:       icabodjoe@fmgirl.com

Comment or Question:
Dear Council Members,
As one of the residents of the proposed blighted area, I am wondering what this means for those of us (the 4%) who do own and live in their home? Specifically, in regards to being able to sell our home this year or in the next couple years.
Thank You.
Sincerely,
Rick and Jessica Stanton