AGENDA
DIRECTORS’ MEETING
MONDAY, FEBRUARY 9, 2009
COUNTY-CITY BUILDING
ROOM 113, 11:00 A.M.

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

PRESENTATION BY:
911 Department. Challenges and Objectives for 2009-2010.

MAYOR
1. NEWS RELEASE. Two arts awards added to Mayor’s annual recognition.
2. NEWS RELEASE. Schedule announced for “10 Score” Family Day.
3. NEWS ADVISORY. Mayor Beutler will hold a news conference to discuss the City budget on February 5, 2009, 10:00 a.m. on the second floor of the County-City Building, 555 S. 10th.
4. NEWS RELEASE. Mayor Beutler asks for public input on goals and priorities as part of the outcome-based budgeting process.
5. NEWS RELEASE., Mayor Beutler’s statement on city’s economic stimulus proposal.
6. NEWS RELEASE. Tree mulch now available.

DIRECTORS

HEALTH DEPARTMENT
1. Lincoln-Lancaster County seeks nominations for Environmental Leadership awards.

PLANNING DEPARTMENT
1. Memorandum from Marvin Krout, Planning Director, on Change of Zone No. 08069, Bill #09-8, and Change of Zone No. 05026B, Bill #09-9. Apple’s Way Planned Unit Development.

PLANNING COMMISSION FINAL ACTION

URBAN DEVELOPMENT
1. Director David Landis’ response to Maurice Baker (IV - Correspondence - No. 1) regarding date Council Members learned of proposed relocation of the Matt Talbot kitchen.

URBAN DEVELOPMENT/HOUSING REHAB & REAL ESTATE DIVISION
1. Street and alley vacation No. 05007. Stockwell Street west of South 52nd Street.
III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

ROBIN ESCHLIMAN
1. Request to Greg MacLean, Public Works & Utilities Director - RE: JAVA Meeting (RFI#19 - 01/30/09)

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
1. InterLinc correspondence from Maurice Baker on date Council Members learned of the proposed relocation of the Matt Talbot kitchen. (Response under Urban Development, No. 1)
2. Letter and newspaper article from Bob and Mary Reeves regarding spending more for the City’s infrastructure and maintenance of existing City services (police, fire) but not spending on expensive new projects (arena) in these economic tough times.
3. Faxed information from Don Eret on bill LB 410, requiring that election recounts be performed manually.
4. Revision to the Community Health Endowment of Lincoln (CHE) Bylaws.

V. ADJOURNMENT
TWO ARTS AWARDS ADDED TO MAYOR'S ANNUAL RECOGNITION

The Lincoln Arts Council (LAC) has announced that two new awards will be presented at the annual Mayor's Arts Awards ceremony in June. The new awards for emerging artists in the visual arts and in writing are being sponsored by the Richard P. Kimmel and Laurine Kimmel Charitable Foundation. In addition to the Mayor's Arts Award, recipients will receive a stipend of $1000 and a two-week residency at the Kimmel Harding Nelson Center for the Arts, an artists residency program located in Nebraska City.

Nominations and self-nominations must be postmarked no later than March 1, 2009. More information is available at www.khncenterforthearts.org or by e-mailing LAC at trisha@artscene.org.

The mission of the Kimmel Harding Nelson Center for the Arts is to support established and emerging writers, visual artists and composers by providing working and living environments that allow uninterrupted time for work, reflection and creative growth and to present and support arts-related programming that expands public awareness and appreciation of the arts.

In addition to living and studio spaces for artists, the Center houses a gallery featuring the work of regional visual artists. The Center is funded through the support of the Richard P. Kimmel and Laurine Kimmel Charitable Foundation.

Union Bank and Trust Company is again the presenting sponsor for the 31st annual Mayor's Arts Awards. Nominations are due by February 23, 2009 in the following categories:

- The **Arts Organization Award** recognizes an arts group that has made significant contributions to Lincoln's arts community over a period of years. (Sponsored by Runza)

- The **Artistic Achievement Award - Visual Arts** recognizes excellence and accomplishment in any of the visual arts. (Sponsored by Bob and Marilyn Harris)

- The **Artistic Achievement Award - Youth** recognizes excellence and accomplishment in any arts discipline by a young person age 18 or younger. (Sponsored by Lucy Buntain Comine)

- The **Artistic Achievement Award - Performing Arts** recognizes excellence and accomplishment in any of the performing arts. (Sponsored by Farmers Mutual Insurance Company of Nebraska)

- more -
The **Gladys Lux Education Award** recognizes special initiatives or dedication to arts education.
(Sponsored by the Gladys Lux Foundation)

The **Heart of the Arts Award** recognizes an individual or organization for outstanding volunteer dedication to the arts or for making a major overall impact on the arts in Lincoln.
(Sponsored by Talent Plus)

The **Halcyon Allsman Benefactor of the Arts Award** honors an individual, family, organization or business making significant financial contributions to the arts in Lincoln.
(Sponsored by Wells Fargo Bank)

The **Oliva “Arts for Kids” Award** honors an individual from outside of the arts professions whose leadership has enhanced arts activities and experiences for children.
(Sponsored by the Oliva Family)

The **Literary Heritage Award** recognizes a writer or individual who promotes excellence in writing and literature in Nebraska.
(Sponsored by the Nebraska Literary Heritage Association)

The **Larry Enersen Award** recognizes outstanding urban design in Lincoln.
(Sponsored by Clark Enersen Partners)

The **Mayor's Choice Award** is sponsored by Cline, Williams, Wright, Johnson and Oldfather, L.L.P.

Nomination forms are available by calling the LAC at 434-2787 or printing a form from the LAC Web site: [www.artscene.org](http://www.artscene.org). A list of previous winners also is available at that Web site.
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: February 3, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Wayne Boles, Celebration Chair, 434-5973

SCHEDULE ANNOUNCED FOR “10 SCORE” FAMILY DAY
Complete celebration program now available on City Web site at lincoln.ne.gov

The President and Mrs. Lincoln, General Ulysses S. Grant and the commander of the U.S. Civil War Balloon Corps will come to life at the annual Family Day event, part of “10 Score,” the City’s celebration of Abraham Lincoln's 200th Birthday. Family Day is set for 11 a.m. to 5 p.m. Saturday, February 14 at Lincoln Southwest High School, 7001 S. 14th St.

The following events will take place in the auditorium:

- Noon - “Life with the General” with Dr. Tom King as General Ulysses S. Grant. King is a Professor and Director of Secondary Education at Doane College in Crete, where he also teaches a Civil War course.
- 1:30 p.m. - “Thaddeus Lowe and the U.S. Balloon Corps” with Steve and Patrice Demory of Anaheim, California as Lowe and his wife, Leontine. The Corps was formed in 1861 and is considered the forerunner of today's Air Force. (See local connection at end of release.)
- 3 p.m. - “Visiting the Lincolns” with Michael Krebs and Debra Ann Miller as President Abraham and Mary Todd Lincoln. The Illinois actors have been designated as the official Lincolns for the Abraham Lincoln Presidential Museum's Bicentennial in Springfield, Illinois.
- The Artistic Achievement Award - Performing Arts recognizes excellence and accomplishment in any of the performing arts. (Sponsored by Farmers Mutual Insurance Company of Nebraska)

The doors at Southwest High will open at 10:30 a.m. Dancing with the Smith Family Band and the Roundhouse Band is scheduled for 11 a.m. to 1 p.m. in the commons area. A Birthday Ceremony is set for 1 p.m. and local favorite Chris Sayre will perform in the commons from 1:30 to 5 p.m. The event also features children's games, toys and activities; historical exhibits; books and souvenirs for sale; and free refreshments.

Family Day also includes the annual Abe Lincoln Impersonators Contest. Contestants can register at the information desk from 11 a.m. to 12:30 p.m. in one of two age categories: youth (age 16 and under) or adult. Judging will take place at 12:30 p.m., and awards will be presented during the 1 p.m. Birthday Ceremony.

The complete program for “10 Score” is now available on the City Web site at lincoln.ne.gov. “10 Score” is supported by the Nebraska Humanities Council and local businesses and individuals.

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In addition to Family Day, the celebration includes a film premiere and three events at the Lied Center for Performing Arts:

- The premiere of “Looking For Lincoln,” a two-hour documentary on Lincoln's life and legacy, is set for 7 p.m. Wednesday February 11 at the Ross Media Arts Center, 313 N. 13th St. Free tickets will be available that night on a first-come basis.

- The Jay Ungar and Molly Mason Family Band will perform at 7:30 p.m. Thursday, February 12 at the Lied (admission charged).

- “Civil War Voices,” a new musical written by Lincoln attorney Jim Harris based on Civil War correspondence, will be presented at 7:30 p.m. Friday, February 13 at the Lied (admission charged).

- A free forum with Pulitzer Prize-winning author and historian Doris Kearns Goodwin is set for 7:30 p.m Sunday, February 15 at the Lied.

Tickets are required for all three Lied Center events, including the free Goodwin forum. They are available from the Lied Center box office, 12th and “R” streets (472-4747, toll-free 800-432-3231, TDD 472-4721). Tickets for the performances February 12 and 13 are $15 for adults and $10 for children and students (those over age 18 must show student identification). All tickets will be for open general admission seating. The Lied box office is open from 11 a.m. to 5:30 p.m. weekdays.

The Lincoln Stamp Club will have displays at Family Day February 14 and the Goodwin forum February 15. The new Lincoln postage stamps will be unveiled at 10 a.m., February 9 in the Governor's Hearing Room at the State Capitol.

Memorabilia from the Civil War Balloon Corps will be exhibited by Terry Lowe at three events: the February 12 and 13 performances at the Lied Center and Family Day. Thaddeus Lowe was the brother of the great-great-grandfather of Terry Lowe, who works in the City of Lincoln's Information Services Division.
DATE: February 4, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will discuss the City budget at a news conference at 10 a.m. Thursday, February 5 in the area outside the Mayor’s Office, second floor of the County-City Building, 555 South 10th Street.

Issues will include:

- Salaries for City Department Directors
- The public release of a new report -- “Taking Charge: Progress Measures and Program Prioritization.” The report is the next step in the transition to an outcome-based budget and has been developed in preparation for the 2009-2010 City budget.
Mayor Chris Beutler today released a new budget planning document outlining City goals and priorities and encouraged the public to get involved in the process. The report – “Taking Charge: Progress Measures and Program Prioritization” – is now available on the City Web site (lincoln.ne.gov). Mayor Beutler said it is the next step in the City's transition to an outcome-based budgeting process.

“Outcome-based budgeting is an innovative approach to answering the big questions: what services should the City provide and how much should we pay?” said Mayor Beutler. “The process challenges us to consider what we want to be as a community.”

Beutler said one advantage of the new process is that it is goal-oriented. “With the old budget process, the starting point was simply what we did last year,” he said. “With the outcome-based approach, we start with ideas as to what we want to accomplish. Each year as a community, we decide what our goals are for the next year. Looking ahead, rather than behind, helps us provide programs that solve the most pressing problems.”

Beutler said outcome-based budgeting also breaks down barriers between departments, increases City government accountability and transparency, and makes it easier for the public to participate in the process. “Outcome-based budgeting creates an easily understood list of services, giving citizens the information they need to determine which programs help accomplish our community goals,” he said.

Beutler said the process began a year ago when the public was asked to participate in PRIORITY LINCOLN. From that effort, the City established eight citywide “outcomes” – Safety and Security, Economic Opportunity, Healthy and Productive People, Livable Neighborhoods, Effective Transportation, Environmental Quality, Accountable Government, and Identity Lincoln.

In “Taking Charge,” goals are identified for each outcome. Programs and services are divided into three tiers based on their importance in reaching the goals. Progress indicators allow citizens to easily determine whether the City is meeting the goals.

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Cathy Beecham, past president of the Near South Neighborhood Association, was one of the private citizens who attended meetings to help with the process. “I found this approach extremely effective, especially in light of the current economic situation,” she said. “Focusing on this year's outcomes rather than last year's budget encouraged an important exchange of ideas between participants. The resulting dialogue really helped us identify and prioritize the programs we felt were vital to encouraging and maintaining livable neighborhoods in Lincoln.”

“I want every citizen in Lincoln to review the document and tell us what you think,” Beutler said. “Tell us your goals for Lincoln. Tell us what programs you think best help us get to where you want Lincoln to be. Take charge of your City's budget and tell us what you want to do.”

The Mayor is scheduled to make his decisions on the 2009-2010 City budget in May, and the budget is released to the public in June. The City Council votes on tentative changes to the Mayor's budget in July. The public hearing and budget adoption take place in August.
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: February 5, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

MAYOR BEUTLER'S STATEMENT ON
CITY'S ECONOMIC STIMULUS PROPOSAL

“Recent national news accounts have referred to the City of Lincoln's potential projects to be funded under a national economic stimulus plan. These reports have focused on one item in particular: a public golf course clubhouse renovation.

“The projects in question were compiled in November in response to an informational request by the U.S. Conference of Mayors (USCM), a private, nonprofit organization. President Obama had just been elected, and no information was available about the stimulus package proposal. The guidelines supplied by the USCM were vague and purely hypothetical. For example, cities were encouraged to identify as many potential job-creation projects as possible that could be completed this calendar year.

“Since the time frame was very short, my office staff compiled a potential project list and submitted it directly to the USCM. This is a fairly routine course of business in working with the USCM, as it regularly makes “general” requests. The U.S. Conference of Mayors then published the cities' submissions on its Web site.

“The list never represented any official request to the federal government for stimulus projects. The clubhouse project was removed from our consideration well before the national media stories began to appear. I want to reassure the people of Lincoln that the project will not be included in our official stimulus package requests to either the federal or state governments, now or in the future. I regret the confusion that has been caused by the U.S. Conference of Mayors submission.

“The official City of Lincoln projects will be determined after a stimulus package is passed into law. In the meantime, I look forward to discussing the potential projects with the City Council as we move through the process.

“The stimulus package legislation will likely require the development of a Web site to ensure public transparency. Whether that is required or not, I will make sure that Lincoln residents will be able to view the official list of projects submitted by the City.”
The City Recycling Office said today that free wood chips from the City's annual holiday tree recycling program are now available at Hofeling Enterprises, 2200 S. Folsom Court, through February 28 or while supplies last.

This year, the City and Hofeling Enterprises collected about 8,750 trees for the annual tree recycling program. Since the program began in 1987, the City has recycled about 183,000 trees.

“I want to thank citizens for again taking their trees to the recycling sites,” said Gene Hanlon, City Recycling Coordinator. “The success of the tree recycling program depends on community cooperation and the support of several other organizations. Members of the Lincoln Solid Waste Management Association collect trees at the curb. The City's Parks and Recreation Department set up and monitored the collection sites and Hofeling Enterprises donated its tree-grinding services.”

Wood chips can be obtained at Hofeling Enterprises weekdays between the hours of 8 a.m. and 5 p.m. Hofeling Enterprises will load the tree mulch in pick-up trucks upon request.

For more information regarding the holiday tree recycling program or the City's recycling program in general, see the City Web site, lincoln.ne.gov (keyword: recycle), or call the City Recycling Information Hotline at 441-8215.

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CONGRESS

President Obama signs first bill into law; House passes $819 billion stimulus. In a White House Ceremony attended by the bill’s namesake, President Obama signed the Lily Ledbetter Fair Pay Act on Thursday, his first bill signing since taking office. This equal pay legislation was approved 61-36 by the Senate last week. (See the January 23 Washington Report for bill details.)

Stimulus and the week ahead: The House ended its legislative work early this week in order for Republicans to attend the House Republican Issues Conference. During a shortened workweek the focus remained on the economic stimulus. (See related stories below.) The House cleared HR 1 Wednesday evening by a vote of 244-188 with all Republicans and eleven Democrats voting “no” on the measure.

On Monday, the Senators will begin consideration of their stimulus package (S 1), a debate that will likely monopolize Senate floor time throughout the rest of the week. Meanwhile, the House schedule will remain light as the Democrats will attend the House Democratic Issues Conference beginning Thursday, February 5. Although House appropriators would like the House to complete work on the unfinished Fiscal Year 2009 appropriations bills, the shortened workweek may delay that work until later. (Four months into FY 2009, the bulk of the federal government is currently operating under a continuing resolution that runs through March 6.)

SCHIP (HR 2): On Wednesday the Senate voted 66-32 to reauthorize and expand the State Children’s Heath Insurance Program (SCHIP). An additional $32.8 billion will be spent to cover 4 million additional children, paid for by raising the cigarette tax from 39 cents a pack to $1. The bill now moves to the House, which plans to quickly clear the Senate bill after approving similar legislation on January 14, thus bypassing the need for a Conference Committee so that President Obama can sign a final version as early as next week.

Digital TV: The Senate unanimously passed legislation (S 352) that would delay the transition to digital television from February 17 to June 12, 2009. New language in this modified bill would allow public safety officials to use the analog spectrum that will be freed up by the digital transition without further approval from the Federal Communications Commission (FCC). Previously, the bill had required FCC to grant the authority for public safety use. Next week the measure is scheduled to go to the House floor for a vote that requires only a simple majority for approval. The bill previously failed in the House after being considered under suspension of the rules, which requires a two-thirds vote to pass.

STIMULUS

House clears stimulus bill; Senate bill advances from committee. The economic stimulus bill dominated action and discussion on Capitol Hill this week.

The House cleared its $819 billion economic stimulus bill (HR 1) by a vote of 244-188. Despite a personal plea from President Obama, who traveled to Capitol Hill for a rare Presidential visit with congressional opposition leaders, every House Republican voted against the bill.

The House made very few changes to the bill as approved last week by the Appropriations, Energy and Commerce and Ways and Means Committees. In a victory for local governments, the manager’s amendment
In a blow for local governments, the Senate bill does not include funding for Community Development Block Grants (CDBG), which the House bill would fund at $1 billion. On a brighter note, though, the Senate bill would provide $2.1 billion for the new Energy Efficiency and Conservation Block Grant (ECCBG), which the House funded at $3.5 billion. Either level would provide local governments with direct federal assistance by formula for a wide variety of energy conservation activities.

In addition, the Senate bill includes funding for a number of Department of Homeland Security programs that the House chose not to fund, including $250 million for Emergency Operation Center Grants, $500 million for Firefighter Assistance Grants specifically targeted towards fire station construction and modernization, $100 million for Rail and Transit Security Grants and $100 million for Port Security Grants.

On the local law enforcement side, the Senate bill includes $1.5 billion for Byrne Justice Assistance Grants, less than the $3 billion in the House bill but considerably more than the $166 million appropriated in FY 2008. Like the House bill, the Senate bill would provide $1 billion for COPS Hiring Grants and would waive the program’s $75,000 per officer cap, but not the local match as in the House bill. The Senate bill also includes $440 million for Byrne Discretionary Grants, a competitive grant program not included in the House bill.

Local governments also scored a victory on highway programs. The Senate bill would direct more highway stimulus funding than its House counterpart to metropolitan areas via the Surface Transportation Program. In addition, the Senate bill includes $5.5 billion for discretionary surface transportation grants of between $20 million and $500 million, for which local governments would be eligible to apply. In a disappointment for transit advocates, the Senate bill includes $8.4 billion for transit, with the entire amount directed to basic formula grants and no funding for new rail transit projects or for rail transit modernization.

The Senate bill would provide $6 billion for the drinking water and wastewater state revolving loan funds and includes language that would allow the states to use the funds for negative-interest loans or loan forgiveness. The House bill includes an additional $2 billion for those programs and would also allow the states to use the funds for grants to local governments. Traditionally, as their name implies, the states must use the revolving loan funds to make loans for water and wastewater infrastructure projects.

Other highlights of the Senate bill include $9 billion for a new broadband deployment grant program, versus $4.5 billion in the House, $300 million for Diesel Emissions Reduction Grants, the same as the House level, and $79 billion, the same as the House, in general operating assistance to states and school districts to prevent tax increases and cuts to education programs.

The Senate is expected to pass the bill late next week, setting up a Conference Committee to resolve the differences between the House and Senate bills and putting Congress on track to meeting President Obama’s request to have a bill on his desk before President’s Day.

FINANCE

Senate panel clears stimulus tax title. The Senate Finance Committee approved the tax title of the economic stimulus bill (S 1) that the Senate is scheduled to consider next week. The $522 billion tax title approved by the Committee largely mirrors the tax title of the House-passed economic stimulus bill with the major addition of a patch designed to prevent middle-income taxpayers from paying the Alternative Minimum Tax.

In addition to a slew of tax relief provisions targeted at individual taxpayers and businesses, the Senate bill includes a number of provisions designed to ease the municipal credit crisis and expand the market for municipal bonds. Many of the provisions are exactly the same as those included in the House bill, including:
Providing $18.3 billion to permit state and local governments the option of issuing tax credit general obligation bonds instead of tax-exempt general obligation bonds in 2009 and 2010;

Temporarily allowing financial institutions to deduct a portion of the interest they earn from tax-exempt municipal bonds issued in 2009 and 2010. Normally, financial institutions are not allowed to take that deduction;

Expanding the definition of “small issuer of tax-exempt municipal bonds” from $10 million to $30 million for 2009 and 2010. As discussed above, financial institutions cannot take a deduction for interest earned on tax-exempt municipal bonds, but the law makes an exception for the municipal bonds of “small issuers;”

Creating a new category of tax credit bonds dubbed Recovery Zone Bonds for investments in infrastructure, job training, education and economic development in areas facing high rates of poverty, unemployment or home foreclosures, including Empowerment Zones and Renewal Communities. The national cap on the bonds would be $25 billion in 2009 and 2010, with $10 billion of that amount for economic development bonds and $15 billion for facility bonds. The national cap would be allocated to the states by the ratio that each state’s 2008 job losses bears to the national total of 2008 job losses. The states would have to sub-allocate the cap to counties and to cities over 100,000 in population using the same job loss ratio;

Authorizing $11 billion per year in 2009 and 2010 in tax credit bonds for the construction, rehabilitation or repair of public school facilities or for the purchase of land for public school facilities;

Expanding by $2.4 billion the national cap for Qualified Energy Conservation Bonds. Qualified Energy Conservation Bonds are a new category of tax credit bonds authorized last year to finance state and local programs and initiatives to reduce greenhouse gas emissions. The current national cap for these tax credit bonds is $800 million. The cap is allocated to the states according to population; the states must allocate a proportional share of their allocations to all cities and counties with a population of more than 100,000, and

Expanding by $1.6 billion the cap on Clean Renewable Energy Bonds.

The Senate bill also includes a one-year delay of the requirement, currently set to take effect in 2011, that local governments withhold 3 percent of all payments from vendors. The House-passed bill would repeal that provision entirely. In addition, the Senate bill would provide an additional $3 billion for the New Market Tax Credit, which is designed to spur investment in low- and moderate-income neighborhoods.

**APPOINTMENTS**

Cabinet appointments move forward. On Thursday, the Senate confirmed Representative Ray LaHood (R-IL) to be Secretary of Transportation by voice vote. LaHood served on the House Transportation and Infrastructure Committee from 1995 until 2000, when he left the panel to join the Appropriations Committee. He is the first Republican to be confirmed as a member of Obama's cabinet. (Fellow Cabinet Republican, Defense Secretary Robert Gates, was nominated by President Bush.) At his hearing before the Senate Commerce, Science, and Transportation Committee, LaHood offered several personal policy positions, including his opposition to tolling all lanes of existing roadways and the auction of takeoff and landing slots at busy airports in the Greater New York Metropolitan Area.

Timothy Geithner was sworn in as Treasury Secretary on Monday evening after being approved by a 60-34 vote in the Senate. He was previously employed as Undersecretary of the Treasury for International Affairs during the Clinton administration before serving as president of the New York Federal Reserve Bank. Concerns about his tax delinquencies led to a delay in Geithner’s confirmation.

David P. Agnew and Shaun McGrath have been appointed as Deputy Directors of the White House Office of Intergovernmental Affairs. Agnew most recently worked in real estate development and has previously worked for former Secretary of Labor Robert B. Reich and Mayor Joseph P. Riley Jr. of Charleston, SC. McGrath was elected as mayor of Boulder, CO by the city council in 2007 after previously serving as a program director for the Western Governors’ Association.

The Senate is scheduled to vote next week to confirm Eric H. Holder Jr. as Attorney General. However several other Cabinet confirmations are still pending. Republicans on the Senate Finance Committee have held up confirmation of former Senate Majority Leader Tom Daschle (D-SD) as Secretary of Health and Human Services and Republicans on the Senate Health, Education, Labor and Pensions Committee have been stalling a vote to confirm Representative Hilda Solis (D-CA) as Secretary of Labor. The presidential administration has yet to name a replacement nominee for Commerce Secretary after New Mexico Governor Bill Richardson (D) withdrew his nomination.

Michael Bennet (D) was sworn in last Thursday as junior senator of Colorado after Ken Salazar’s departure to serve as Secretary of the Interior and former Representative Kirsten Gillibrand (D-NY) was sworn in as junior senator of New York after Hillary Clinton’s departure to serve as Secretary of State. With Gillibrand and Bennet taking their seats, the Senate now counts 99 members. The undecided Minnesota race between Senator Norm Coleman (R-MN) and Democratic contender Al Franken continues to be deliberated in the courts.

**GRANT OPPORTUNITIES**

Department of Homeland Security

The Department of Homeland Security has posted the FY2008 Fire Prevention and Safety (FP&S) Grants Program Guidance. The application period begins on February 2, 2009 and applications are due March 6, 2009. FP&S competitive grant funding is meant to enhance the safety of the public and firefighters from fire and related hazards, with the primary goal of targeting high-risk populations. Examples of the types of fire prevention projects that are supported by FP&S include smoke alarm installation, fire
Department of Veterans Affairs
The Department of Veterans Affairs Health Care for Homeless Veterans (HCHV) is currently accepting applications for the 2009 Homeless Veterans Capital Grant, Special Need Renewal Grant, and Technical Assistance Grant Programs. These programs are designed to promote the development and provision of supportive housing and services with the goal of helping homeless veterans achieve residential stability, increase their skill levels and/or income, and obtain greater self-determination. Funding is available for non-profit organizations and state, county, local and tribal governments. A total of 73 awards will be given totaling $28 million. The deadline for applications is March 25, 2009. Application forms and additional information regarding the individual grant opportunities can be found at: http://www1.va.gov/homeless/page.cfm?pg=3.

Department of Transportation
The Department of Transportation issued a Federal Register notice for the solicitation of FY 2009 funds through the Paul Sarbanes Transit and Parks Program. This program seeks to enhance the protection of national parks and Federal lands, and to increase the enjoyment and experience of park visitors. Funds can be used for capital and planning expenses for buses and trams within federally managed parks and public lands. Local governments are eligible to apply if they have jurisdiction over the land, and are acting with the consent of a Federal land management agency. Applications are due February 27, 2009. For more information please see the Federal Register Friday, January 23, 2009 pages 4281-4284. http://edocket.access.gpo.gov/2009/pdf/E9-1258.pdf
FOR IMMEDIATE RELEASE:  February 4, 2009
FOR MORE INFORMATION:  Renae Rief 441-4602; Gene Hanlon 441-7043

LINCOLN-LANCASTER COUNTY
SEEKS NOMINATIONS FOR
ENVIRONMENTAL LEADERSHIP AWARDS

The City of Lincoln and Lancaster County are seeking nominations for the 2009 Environmental Leadership Awards. These prestigious awards offer recognition to outstanding businesses, organizations, and individuals who have demonstrated environmental stewardship and dedication to sustaining and improving our environment and public health. This awards program is an excellent way to recognize their accomplishments, increase awareness of environmental issues, and encourage others to take action to better our environment.

The City of Lincoln and Lancaster County Environmental Leadership Awards are given in each of the following categories: Business and Industry, Community or Nonprofit Organization, Government, Agriculture, Education (educating the public or providing education in schools/colleges), and Individual Citizen.

To be eligible for an award, nominees must have been instrumental in identifying, reducing, or solving an environmental problem and/or promoting public awareness and active concern for the enhancement and protection of the environment. Additionally, nominees must demonstrate one or more environmental practices in the areas of: pollution prevention/risk reduction, waste reduction and recycling, water conservation, soil conservation, energy conservation, cleanup and beautification, residential and commercial development, or other environmental practices.

Nominations may be submitted online: www.lincoln.ne.gov (Keyword: Awards.) Nomination deadline is March 6, 2009. Although submitting the nomination electronically is preferred, hard copies of the nomination form are available by calling 441-4602 or 441-7043. The awards luncheon will be on Thursday, June 4, 2009, from Noon – 1:30 p.m. at the Nebraska Champions Club across from Memorial Stadium on the University of Nebraska-Lincoln’s Campus.
MEMORANDUM

TO: City Council
FROM: Marvin Krout, Director of Planning

SUBJECT: Change of Zone No. 08069 (Bill #09-8) and Change of Zone No. 05026B (Bill #09-9) - Apple's Way Planned Unit Development - Third Reading on February 9, 2009

DATE: February 5, 2009
cc: Mayor Chris Beutler
    Randy Hoskins, Engineering Services
    John Hendry, City Attorney
    Peter Katt, Attorney at Law

This past Monday, City Council heard testimony on the applications to reduce the Building Line District on the south side of Highway 2 and amend the Apple's Way PUD to reduce yard requirements and allow a subdivision sign on an outlot. There was some confusion about the extent of the changes, and I offered to follow up with further explanation before action on these items next Monday.

The Building Line District ordinance is applied to major streets that do not have sufficient right-of-way today to be improved as shown in the Long Range Transportation Plan. The ordinance establishes a distance from the street centerline on each side of the street. The distance between the points on either side of the centerline would provide the needed right-of-way for future improvement. In this case, the map referenced in the ordinance calls for 250 feet to be protected along this segment of Highway 2, or 125 feet on each side of the centerline.

But this does not mean that a building can be located at the 125 foot line. Nearly all the zoning districts require a front yard of some type to serve as a buffer from the street. In the case of the R-1 district applicable to this PUD, the front yard requirement is 30 feet. The Building Line District ordinance establishes a building line that will leave a 30 foot front yard if the Highway 2 right-of-way is expanded to 250 feet.

Attached are two maps of the area labeled “Existing Conditions” and “With Adjustments.” In both cases, the current right-of-way for Highway 2 is shown, which is 184 feet. The “Existing Conditions” map shows the 125 foot distance, per the existing Building Line District ordinance, from the old centerline of Highway 2. That line extends 45 feet into the platted lots, and then the property is further encumbered by an additional 30 foot front yard requirement.

The “With Adjustments” map shows the effect of reducing the Building Line District by 20 feet along the south side of Highway 2, to 105 feet, due to the relocation of the centerline to the north with the 1990 improvement. The encroachment into the platted lot would be reduced from 45 feet to 25 feet. The applicant's request would also reduce the front yard requirement, as measured from the revised 105 foot distance from the centerline, down to 5 feet with administrative approval. Or in other words, the actual yard requirement as measured from the existing Highway 2 right-of-way line would be reduced from 75 feet to a minimum of 30 feet.

Attachments q:\pc\cz\08000\CZ08089 Memo to CC
TO: Mayor Chris Beutler  
Lincoln City Council  

FROM: Jean Preister, Planning  

DATE: February 4, 2009  

RE: Use Permit No. 08003  
(N. 98th Street and O Street)  
Resolution No. PC-01155  

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 28, 2009:  

Motion made by Sunderman, seconded by Taylor, to approve Use Permit No. 08003, with conditions, as revised and amended, requested by Waterford Estates, LLC, for authority to develop 250,000 sq. ft. of commercial floor area, on property generally located at North 98th Street and "O" Street.  

Motion for conditional approval, as revised and amended, carried 6-1: Francis, Carroll, Cornelius, Esseks, Sunderman and Taylor voting 'yes'; Gaylor Baird voting 'no'; (Larson and Partington absent). Gaylor Baird was opposed to granting the right-in, right-out onto North 98th Street.  

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.  

Note: On January 28, 2009, the Planning Commission also voted 7-0 to recommend approval of the associated Change of Zone No. 08075 from AG Agricultural District to B-2 Planned Neighborhood Business District (Larson and Partington absent). The public hearing before the City Council has not yet been scheduled.  

Attachment  

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Mark Palmer, Olsson Associates, 1111 Lincoln Mall, 68508  
DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, 68508  
Waterford Estates LLC, 8644 Executive Woods Drive, 68512  
Steve Bussey, Sunrise Estates Community Assn., 1001 N. 88th Street, 68505  

i:\shared\wpyju\2009 ccnotice.sp\UP.08003
RESOLUTION NO. PC-01155

USE PERMIT NO.08003

WHEREAS, Waterford Estates, LLC has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 08003 to develop 250,000 square feet of commercial floor area on property generally located at N. 98th Street and O Street, and legally described to wit:

A portion of Outlot "D", Waterford Estates Addition, located in the Southeast Quarter of Section 23, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Outlot "D", said point being on the west right-of-way line of North 98th Street, and on the north right-of-way line of East "O" Street, said point being the true point of beginning; thence westerly along a south line of said Outlot "D", said line being a north line of said right-of-way on an assumed bearing of south 86 degrees 46 minutes 15 seconds west, a distance of 337.32 feet to a point; thence north 83 degrees 32 minutes 33 seconds west along a south line of said Outlot "D", said line being a north line of said right-of-way, a distance of 217.45 feet to a point; thence north 00 degrees 35 minutes 26 seconds east, a distance of 184.94 feet to a point; thence north 44 degrees 20 minutes 49 seconds east, a distance of 155.57 feet to a point of curvature of a non-tangent curve in a clockwise direction having a radius of 183.00 feet, a central angle of 37 degrees 57 minutes 29 seconds, an arc distance of 121.24 feet, a tangent length of 62.94 feet, a chord bearing of north 18 degrees 23 minutes 19 seconds west, and a chord distance of 119.03 feet to a point; thence north 00 degrees 35 minutes 26 seconds east, a distance of 136.72 feet to a point of curvature of a curve in a counter clockwise direction having a radius of 192.00 feet, a central angle of 71 degrees 41 minutes 27 seconds, an arc length of 240.24 feet, a tangent length of 138.71 feet, a chord bearing of north 35 degrees 15 minutes 18 seconds west, and a chord distance of 224.87 feet to a point of reverse curvature, thence along a curve in a clockwise direction having a radius of 433.00 feet, a central angle of 63 degrees 36 minutes 57 seconds, an arc length of 480.76 feet, a tangent length of 268.55 feet, a chord bearing of north 39 degrees 17 minutes 32 seconds west, and a chord distance of 456.45 feet to a point of reverse curvature, thence along a curve in a counter clockwise direction...
having a radius of 967.00 feet, a central angle of 27 degrees 46 minutes 47
seconds, an arc length of 468.85 feet, a tangent length of 239.13 feet, a chord
bearing of north 21 degrees 22 minutes 27 seconds west, and a chord distance
of 464.27 feet to a point of reverse curvature, thence along a curve in a clockwise
direction having a radius of 533.00 feet, a central angle of 35 degrees 29 minutes
07 seconds, an arc length of 330.11 feet, a tangent length of 170.54 feet, a chord
bearing of north 17 degrees 31 minutes 17 seconds west, and a chord distance
distance of 324.85 feet to a point; thence north 00 degrees 13 minutes 16 seconds east, a
distance of 22.84 feet to a point; thence south 87 degrees 19 minutes 39 seconds
east, a distance of 209.80 feet to a point; thence south 89 degrees 37 minutes 05
seconds east, a distance of 182.72 feet to a east corner of said Outlot "D", said
point being the southwest right-of-way corner of Waterford Estates Drive; thence
continuing easterly along said line, said line being a north line of said Outlot "D";
said line being a south line of said right-of-way, a distance of 81.77 feet to a point,
said point being on the west right-of-way line of North 98th Street; thence south
27 degrees 38 minutes 04 seconds east along a east line of said Outlot "D", said
line being a west line of said right-of-way, a distance of 17.90 feet to a point;
thence south 10 degrees 37 minutes 15 seconds east along an east line of said
Outlot "D", said line being a west line of said right-of-way, a distance of 44.87 feet
to a point of curvature of a non-tangent curve in a counter clockwise direction
having a radius of 1,560.00 feet, a central angle of 23 degrees 33 minutes 06
seconds, an arc distance of 641.24 feet, a tangent length of 325.21 feet, a chord
bearing of south 16 degrees 43 minutes 12 seconds east, and a chord distance
of 636.74 feet to a point of reverse curvature, thence along a curve in a clockwise
direction having a radius of 320.00 feet, a central angle of 08 degrees 16 minutes
09 seconds, an arc length of 46.18 feet along a east line of said Outlot "D", said
line being a west line of said right-of-way, a tangent length of 23.13 feet, a chord
bearing of south 24 degrees 21 minutes 41 seconds east, and a chord distance
of 46.14 feet to a point of reverse curvature, thence along a curve in a counter
clockwise direction having a radius of 318.00 feet, a central angle of 12 degrees
28 minutes 19 seconds, an arc length of 69.22 feet along a east line of said Outlot
"D", said line being a west line of said right-of-way, a tangent length of 34.75 feet,
a chord bearing of south 26 degrees 27 minutes 46 seconds east, and a chord
distance of 69.09 feet to a point of compound curvature of a curve in a counter
clockwise direction having a radius of 1,570.00 feet, a central angle of 03 degrees
46 minutes 57 seconds, an arc length of 103.64 feet along a east line of said
Outlot "D", said line being a west line of said right-of-way, a tangent length of
51.84 feet, a chord bearing of south 34 degrees 35 minutes 24 seconds east, and
a chord length of 103.63 feet to a point; thence south 36 degrees 28 minutes 52
seconds east along a east line of said Outlot "D", said line being a west line of
said right-of-way, a distance of 150.72 feet to a point; thence south 11 degrees 16
minutes 18 seconds west along a east line of said Outlot "D", said line being a
west line of said right-of-way, a distance of 15.00 feet to a point on the north
right-of-way line of Boathouse Road; thence south 61 degrees 35 minutes 01
seconds west along a south line of said Outlot "D", said line being a north line of
said right-of-way, a distance of 42.31 feet to a point of curvature of a non-tangent
curve in a clockwise direction having a radius of 451.00 feet, a central angle of 01
degrees 01 minutes 52 seconds, an arc distance of 8.12 feet along a south line of
said Outlot "D", said line being a north line of said right-of-way, a tangent length of
4.06 feet, a chord bearing of south 73 degrees 10 minutes 37 seconds west, and
a chord distance of 8.12 feet to the northwest corner of said right-of-way; hence
south 16 degrees 18 minutes 27 seconds east along a east line of said Outlot
"D", said line being a west line of said right-of-way, a distance of 98.00 feet to the
southwest corner of said right-of-way, said point being a point of curvature of a
non-tangent curve in a counter clockwise direction having a radius of 549.00 feet,
a central angle of 08 degrees 21 minutes 54 seconds, an arc distance of 80.15
feet along a north line of said Outlot "D", said line being a south line of said
right-of-way, a tangent length of 40.15 feet, a chord bearing of north 69 degrees
30 minutes 36 seconds east, and a chord distance of 80.08 feet to a point on the
west right-of-way line of North 98th Street; thence south 65 degrees 03 minutes
00 seconds east along a north line of said Outlot "D", said line being a south line
of said right-of-way, a distance of 27.37 feet to a point; thence south 38
degrees 34 minutes 11 seconds east along a east line of said Outlot "D", said line
being a west line of said right-of-way, a distance of 41.11 feet to a point of
curvature of a non-tangent curve in a clockwise direction having a radius of
1,434.00 feet, a central angle of 11 degrees 33 minutes 31 seconds, an arc
distance of 289.29 feet along a east line of said Outlot "D", said line being a west
line of said right-of-way, a tangent length of 145.14 feet, a chord bearing of south
25 degrees 05 minutes 29 seconds east, and a chord distance of 288.80 feet to a
point of compound curvature of a curve in a clockwise direction having a radius of
327.00 feet, a central angle of 16 degrees 04 minutes 15 seconds, an arc length
of 91.72 feet along a east line of said Outlot "D", said line being a west line of said
right-of-way, a tangent length of 46.16 feet, a chord bearing of south 11 degrees
16 minutes 35 seconds east, and a chord length of 91.42 feet to a point of
reverse curvature, thence along a curve in a counter clockwise direction having a
radius of 318.00 feet, a central angle of 10 degrees 10 minutes 03 seconds, an
arc length of 56.43 feet along a east line of said Outlot "D", said line being a west
line of said right-of-way, a tangent length of 28.29 feet, a chord bearing of south
08 degrees 19 minutes 29 seconds east, and a chord distance of 56.36 feet to a
point of reverse curvature, thence along a curve in a clockwise direction having a
radius of 1,418.00 feet, a central angle of 12 degrees 33 minutes 00 seconds, an
arc length of 310.60 feet along a east line of said Outlot "D", said line being a west
line of said right-of-way, a tangent length of 155.92 feet, a chord bearing of south
07 degrees 08 minutes 00 seconds east, and a chord distance of 309.98 feet to
the point of beginning. Said tract contains a calculated area of 824,666.50 square
feet or 18.93 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this
construction of commercial floor area will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are
consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
public health, safety, and general welfare.
NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Waterford Estates, LLC, hereinafter referred to as "Permittee", to develop 250,000 square feet of commercial floor area be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 250,000 square feet of commercial floor area with a limitation of 50,000 square feet of restaurants, banks, convenience stores, and drive-through uses and a restriction that Lot 1, Block 1 be restricted from having any restaurants, banks, convenience stores, and drive-through uses.

2. The City Council must approve the associated request Change of Zone #08075.

3. Before a final plat is approved, the Permittee shall

   a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions as listed:

   i. Revise the site plan to show the adjacent preliminary platted lots and street system north of this use permit.

   ii. Realign N. 97th Street (private roadway) to match the alignment proposed with N. 95th Street north of Waterford Estates Drive in the preliminary plat, and revise the legal descriptions of the change of zone and use permit based on the realignment of N. 97th Street. Depending on the alignment of the private roadway and/or future alignment of the proposed future N. 95th Street shown on the use permit, some streets may need to be renamed.

   iii. Revise General Notes #5 to replace "NW 48th Street" and "W. Holdrege Street" with "N. 98th Street" and "O Street", respectively.

   iv. Revise the site plan to show setbacks for building envelopes as referenced in General Notes #12 and #24.

   v. Remove General Notes #17.
vi. Revise General Notes #18 to include Lots 1-4, Block 1.

vii. Revise General Notes #24 to state: "The site and parking lot layout is conceptual. The developer reserves the right to build anywhere within the building envelopes shown. Parking will be provided in accordance with Chapter 27.67."

viii. Add General Notes #26 to state: "This approval permits 250,000 square feet of commercial floor area with a limitation of 50,000 square feet of restaurants, banks, convenience stores, and drive-through uses and a restriction that Lot 1, Block 1 be restricted from having any restaurants, banks, convenience stores, and drive-through uses."

ix. Remove the "Land Use and Parking Summary Table".

x. Revise the Planning Commission "Approval" block to refer to this as a "Use Permit" rather than a "Planned Unit Development".

xi. Delete the City Council "Approval" block.

xii. Show utility easements as requested by Lincoln Electric System.

xiii. Revise the trunk sewer alignment to the satisfaction of Public Works.

xiv. Revise the water system to the satisfaction of Public Works.

xv. Revise the grading plan to the satisfaction of Public Works.

xvi. Show sidewalks on grading in the vicinity of the box culvert that allows a safe sidewalk to be constructed.

xvii. Correct the trail alignment to be shown south of Boathouse Road crossing N. 98th Street parallel to N. 98th Street along the west side down to O Street.

xviii. Add General Notes #27 to state: If necessary, the trail shall be permitted and an easement will be granted in the front yard setback of Lots 3 and 4, Block 2, along O Street.

xix. Add General Notes #28 to state: "A high pressure underground natural gas pipeline is located along the southern edge of this proposed development. The Lincoln-Lancaster County Health Department calculated a hazard area of approximately 154 feet on each side for this pipeline. Future owners and/or lessees of dwellings or buildings located within the projected hazard area shall be advised of the natural gas pipeline's location."
xx. Ornamental street lights for private roadways and pedestrian way easements are to be approved by L.E.S.

b. Submit calculations to review head water and flood plain assumptions used to determine flood plain and minimum building opening elevations.

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

4. Prior to the issuance of a building permit:

a. The construction plans substantially comply with the approved plans.

b. Final plats must be approved by the City.

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

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

c. The Planning Director may approve final plats after the Permittee has signed an agreement that binds the Permittee and Permittee's successors and assigns:

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

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

iv. to complete the installation of sidewalks along N. 98th Street and O Street as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

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

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

x. to complete the installation of public street lights along Boathouse Road and Waterford Estates Drive within this plat within two (2) years following the approval of the final plat.

xi. to complete the installation of private street lights along N. 97th Street within this plat within two (2) years following the approval of the final plat.

xii. to complete the planting of the street trees along N. 97th Street, Boathouse Road, and Waterford Estates Drive within this plat within four (4) years following the approval of the final plat.

xiii. to complete the installation of street trees along the north side of O Street and the west side of N. 98th Street as shown on the final plat within two (2) years following the approval of this final plat.
xiv. to complete the installation of the street name signs within two (2) years following the approval of the final plat.

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

xvi. to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

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

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

xix. to complete the public and private improvements shown on the Use Permit.

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

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

xxii. to maintain the plants in the medians and islands on a permanent and continuous basis.

xxiii. to maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.

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

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

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

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

xxvi. to relinquish the right of direct vehicular access from Lots 1-4, Block 1 and Lots 1, 2, and 4, Block 2 to N. 98th Street and from Lots 3 and 4, Block 1 to O Street.

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

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

7. 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.

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

9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the use 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 use permit and the letter of acceptance against Outlot D,
Waterford Estates Addition, Lincoln, Lancaster County, Nebraska, with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

DATED: January 28, 2009.

ATTEST:

/S/ Original signed by

Eugene Carroll
Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
Use Permit #08003
Waterford Estates
N 98th & "O" St.

Zoning:

R-1 to R-3 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. 23 T10N R07E

2007 aerial

N 84th St.
Holdrege St

N 98th St.
O St
Dear Mr. Baker, Tammy in the Council office asked if I would respond to your question of today. The first notice that I know of that was directed to Council members would be on January 15th. The previous day the Planning Commission had acted on the issue in finding that the project was consistent with the Comp Plan. That information is forwarded to Council members by Planning Dept staff. The Mayor's office also sent an e-mail to Council members alerting them to the relationship of the relocation issue to the Assurity project. That e-mail was on the 15th. I believe that neighborhood contacts with Council members predate these contacts so it is possible that constituent calls proved to be the first source of information they received. That actually answers the second question you propound. The first question I cannot answer. The Assurity project predates this issue and at the time it was talked about it may have been pointed out that Matt Talbot would need to find a new location. However, I do not know if that fact was discussed in the deliberations by the Council or at the public hearing. This is as responsive as I can be to these two questions because it exhausts what I know to be factual. If you have any follow up questions, my number is 441 7126. Thank you for your interest.

David Landis, Director
Urban Development Department
808 P Street, Suite 400
Lincoln, NE 68508
(402) 441-7126
(402) 441-8711 fax
INTEROFFICE MEMORANDUM

TO: Mayor Beutler & City Council Members
FROM: Clinton W. Thomas

DEPARTMENT: City Council Office
DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION: Teresa J. Meier, Marvin Krout, John Hendry, Byron Blum, Bldg & Safety, Jean Preister, Planning

DATE: January 28, 2009

SUBJECT: Street & Alley Vacation No. 050007, Stockwell Street west of South 52nd St.

A request to vacate a portion of Stockwell Street was made in 2005 and a letter of value in the amount of $35,000.00 was sent October 23, 2006. The vacation was not completed that time as the payment had never been made to the City Clerk. However, the petitioner is now prepared to remit the required amount, but has made a request that the amount be reviewed in light of the passage of time. At the time of the valuation, I stated that logical zoning would be R-4 and this would be a prime lot for a duplex rental unit and the range of value for lots of this type would be $30,000 to $40,000. I still believe this to be a prime lot, but given the current economy and the slow down in the real estate market we are currently experiencing, I believe a value nearer the lower end of the range to be more appropriate. As such, it is recommended if the street be vacated, it be sold to the abutting property owner for $30,000. This letter of valuation should be treated as an addendum to the October 23, 2006 letter and used in conjunction therewith.

Respectfully submitted,

Clinton W. Thomas
Certified General Appraiser #990023
InterLinc: City Council Feedback for General Council

Name: Maurice Baker
Address: 3259 Starr Street
City: Lincoln, NE 68503
Phone: 464-1864
Fax: 464-1864
Email: mbaker35@alltel.net

Comment or Question:
Please provide the approximate date that each council member learned of the proposed relocation of Matt Talbot Kitchen.

Also provide the approximate date each council member learned that Matt Talbot Kitchen was seeking relocation at 2121 North 27th Street.
Jan 31, 2009

Dear City Council Members,

Please read the enclosed article which appeared in the Lincoln Journal Star on January 28. It shows that people are willing to pay for maintenance of streets, roads, bridges, parks, public buildings and vital public services — and would be willing to pay more taxes to do so.

We believe the city should increase taxes as needed to be sure that these essential services are maintained. Every taxpayer has to budget for the increased costs each year for gas, electricity, food, rent, etc. They should also be willing to pay a bit more each year in taxes to maintain Lincoln's quality of life.

However, we do not believe that this is the proper way to raise taxes.

New parts were used during rough economic times. Keep the focus on maintaining existing services such as police and fire, fixing up our deteriorating streets, and keeping Lincoln a great place to live.

Sincerely,
Infrastructure: Americans

BY FRANK LUNTZ
Special to the Los Angeles Times

I'm a pollster and political consultant associated with Republican causes, and I’ve polled in more than a decade. Iraq, health care, taxes, education — they all predictably divide and polarize Americans into political camps. Not infrastructure.

Consider this: A near unanimous 94 percent of Americans are concerned about our nation's infrastructure. And this concern cuts across all regions of the country and across urban, suburban and rural communities.

Fully 84 percent of the public want more money spent by the federal government — and 83 percent want more spent by state governments — to improve America's infrastructure. And here's the kicker: Eighty-one percent of Americans personally are prepared to pay 1 percent more in taxes for the cause. It's not uncommon for people to say they'll pay more to get more, but when you ask them to respond to a specific amount, support evaporates. (That 74 percent of normally stingy Republicans are on board for the tax increase is, to me, the most significant finding in the survey.)

This isn't "soft" support for infrastructure. It stretches from Maine to Montana, from California to Connecticut. Democrats (87 percent) and Republicans (74 percent) are prepared, in Barack Obama's words, to put skin in the game, which tells you just how wide and deep the support is.

And Americans understand that infrastructure is not just roads, bridges and rails. In fact, they rated power generation facilities as their highest priority. Roads and highways scored second, and clean-water treatment facilities third.

But there's more. Accountability. The poll found that Americans are less interested in doing projects quickly than in getting them right. "Don't screw it up." That would be more popular than "get it done." Washington shouldn't forget the message of the November election and the desire for change with an "all-of-the-above" mentality. In the poll, 81 percent chose "accountability" and 80 percent chose "jobs" as their first or second priority in any government investment — not the creation of jobs (34 percent) and not that the investment be truly national in scope (25 percent).

The context of the poll is clear. Americans have a serious case of bailout fatigue. They've seen government pony up to Wall Street and Motor City. Yet the stock market continues to fall. Jobs continue to disappear and the spending just plain continues. Top executives received their Christmas bonuses, and the rest of America was left asking, "Where's my bailout check?"

New jobs and potential economic recovery are an important part of the infrastructure rebuilding effort, but if Washington cares about what Americans really want, Congress and the administration must establish four core stimulus principles to protect American taxpayers:

- Accountability comes first. Next is transparency (24 percent of people polled put it at the top of their lists). Americans see themselves as shareholders in their country, and they firmly believe that they have the right to know how their money is spent wisely. I expect you to see the evidence on an ongoing basis.

The data show significant support for a trust principle — setting public priorities through citizen input (13 percent ranked it their highest priority, which means that the people, not just the politicians, should have a say). And finally, 16 percent rank measurable results as the highest priority when it comes to government investment. Will the billions of dollars spent make a quantifiable difference in the daily lives of Americans in all 50 states?

Right now, 78 percent of Americans polled say government is responsible for the failure of America's infrastructure. They don't think the problems can be solved in the first 100 days of a new administration in Washington. Rather, they want ongoing strategic investments to improve America's standard of living and our individual quality of life. When more than 90 percent of Americans believe they have the right to demand that America's infrastructure is efficient, convenient and modern, "Washington better not fail.

Does Congress get it? Think about that the next time you're sitting in traffic.

Frank Luntz is a pollster and communication specialist. His clients have included Rudolph W. Giuliani and Michael R. Bloomberg.
Don Eret  
P.O. BOX 247  
Dorchester, NE 68343  

January 28, 2009

Dear Friends

Senator Russ Karpisek filed LB:410, a bill requiring that election recounts be performed manually.

Enclosed is copy of letter I sent to Lincoln Journal Star explaining the bill. This is the fifth attempt to get recount to be performed manually. This provision would make it possible to check if votes are electronically counted properly.

The bill is cosigned by Senators Council and Nordquist and Senator Wellman has added his name. The Government, Military and Veterans Affairs Committee now has Senator Bill Avery as chair along with other new members and is the first hurdle to get the bill to the floor for debate. Since this bill can be viewed as a partisan issue considering that Republican interests control the placement of electronic vote counting devices it is instructive to know that the Committee has four Democrats and four Republicans. No committee member is yet a cosigner.

Vote Trust USA which reports on election legislation and on citizen reform activity in all 50 states reported on their website that "Unique among the states, Nebraska actually prohibits hand recounts in counties that use voting machines for their original tally". That now includes all 93 counties.

Vote Trust USA 3/26/06 The Risks of Integrity

In Nebraska, state law prohibits manual recounts to verify the accuracy of electronic tallies. In a Journal Star article, incumbent Secretary of State John Gale said that the equipment provided by Omaha-based ES&S is "fundamentally sound" and a hand recount would serve no useful purpose because the existing system is much more reliable. Both of Gale’s challengers have argued in favor of a hand count. In the same article, former State Senator Don Eret noted that "I don't think it is proper that people should remain suspicious or in the dark, when we have the paper ballots.

Another challenger, Jay Stoddard, said “there is plenty of information indicating potential security problems with modern voting equipment. Every voting system should allow for a hand count audit and give candidates the option to seek a hand recount.”

A hand count could potentially reveal that the electronic results from ES&S equipment were inaccurate. ES&S will be counting the all the votes in Nebraska. There will be no way to verify the accuracy of the results.

Stephan H. Unger, PhD, Professor Emeritus of Computer Science and Electrical Engineering at Columbia University in a paper dated 8/5/08, Forward to the Past, Junk the Machines, Count Votes Manually stated "Since vote counting in a computerized system takes place ‘under the hood’, outsiders, even experts, cannot effectively monitor – and ― there is no way individual voters can verify that their votes have been correctly recorded and counted by an e-voting system."

Watch for the hearing date for LB 410 on Internet website for Nebraska Legislature.

Sincerely

dleret@windstream.net  Don Eret  402-946-3981
January 24, 2009
P.O. Box 247
Dorchester, NE 68343

Dear Editor,

LB 410 has been filed at the Legislature to restore an element of transparency to the election process. The bill would amend the recount statute 32-1121 that allows a losing candidate to request and pay for a recount. It would require the recount of ballots to be performed manually.

There has been a change from all ballots being counted manually at the election precincts by bipartisan vote counting boards to now having all ballots counted electronically by the county election officials. This eliminated verification of the voters' intent that is required by the U.S. Voting Rights Act of 1965.

The electronic optical-scan vote counter manufacturer is contracted to program the counting software in each county for each election. A secret proprietary source code that cannot be investigated due to federal trade protection law is used.

The current recount procedure that LB 410 would change requires that ballots must be recounted using the same electronic counting procedure used on election day. This does not allow transparency and leaves possibility for undetectable wireless hacking of vote count.

Brennen Center, Common Cause and Verified Voting jointly rated the states on the integrity of their election procedures. In an October 2008 report they stated Nebraska ranks good in ballot accounting and voter verifiable paper records but ranks inadequate for recountability of ballots.

LB 410 is patterned from a recount law enacted unanimously by both houses of the Minnesota Legislature in 2008. That law is referred to as discretionary recount in that a select list of precincts can be recounted first and after this is done the remainder of the manual recount can be waived by the requesting candidate.

LB 410 would provide the ability to detect an electronic vote shift that changes an election outcome.

Sincerely,

Don Erst
former state senator

ph 402-946-3981

The Lander Report, com/Recongress.html
Maltzuk Recounts.htm
Wosewich Brothers.htm
Nebraska, com/Making Votes Count
blackboxvoting.org
DV.D.uncountedthemovie.com
California sues Omaha voting machine firm

BY STEVE LAWRENCE
SACRAMENTO — California Secretary of State Debra Bowen sued an Omaha voting machine company this week, accusing Election Systems & Software of selling unauthorized machines to San Francisco and four counties.

The lawsuit seeks nearly $15 million in penalties and reimbursements. The complaint contends that ES&S sold 972 of its AutoMark A200 voting machines to San Francisco and Colusa, Marin, Merced and Solano counties in 2006 even though the state had not tested and certified the machines.

"ES&S ignored the law over and over again, and it got caught," Bowen said in a statement. "California law is very clear on this issue. I am not going to stand on the sidelines and watch a voting system vendee come into this state, ignore the laws and make millions of dollars from California taxpayers in the process."

The AutoMarks are designed to be used by voters with disabilities to mark ballots that are then read by scanners.

The suit was filed for Bowen by the attorney general's office in San Francisco Superior Court. It seeks $9.7 million in penalties and asks the court to order ES&S to reimburse San Francisco and the four counties for the nearly $8 million cost of the machines.

Some of the AutoMark A200s apparently were used in the November 2006 election along with a previous version of the machines, Bowen said. Local election officials reported some problems with the AutoMarks, but Bowen said her office had no way of knowing if the problems were with the new machines or the older ones.

ES&S, which bills itself as the world's largest and most experienced provider of total election management solutions, said the AutoMark A200 included only minor software modifications from an earlier model that was certified by the state.

The company said it followed an "established practice" in which California relies on federal testing to determine that a voting system is secure. It said the AutoMark A200 modifications were submitted to federal labs in late 2005, when former Secretary of State Bruce McPherson was in office.

Under established protocol at that time, the state allows a voting equipment to be modified if the federal labs determined the changes didn't alter the "fit, form or function" of the equipment, he said.

The changes were intended to make the AutoMarks easier to service and manufacture, according to ES&S.

California is one of several states that have also filed suits against ES&S. Other jurisdictions say the company damaged their voter confidence in the 2006 Florida recounts. The problem with the touch-screen voting systems the company produces has been well documented in previous recounts. In Detroit, the company's touch-screen machines led to a recount in Florida, and in Palm Beach County, Florida, after a machine produced by the company was determined to be uncountable, it led to a recount in that county.
Mr. John Gale  
Nebraska Secretary of State  
State Capitol  
Lincoln, Nebraska 68509  

Dear Mr. Gale  

SUBJECT: Voting Machine Conflict of Interest  

I am the Nebraska Democratic candidate for U.S. Senate in the Nov 5th general election. I have discovered that my opponent, incumbent Senator Chuck Hagel, has had and still has a conflict of interest in the manufacturing, selling and software servicing of voting machines and vote counting software used in Douglas, Lancaster and possibly other counties. 

The detailed findings of an extensive research of this conflict of interest are reported on website http://www.election.com/election-machines.html. The question comes to mind that why would anyone who makes voting machines and software decide to run for office?  

Nebraska statutes on use of voting machines are totally inadequate to prevent a conflict of interest and to prevent the use of vendor proprietary electronic programming. 

The faults existing with the use of electronic voting machines in Nebraska include: 

1. Lack of transparency for recounts of votes due to proprietary programming  
2. Candidate conflict of interest due to ownership interest in manufacturing and selling of voting machines and software that are used in his election to office  
3. Possibility of vote margin adjustment by proprietary programming  
4. Lack of a self standing paper trail of votes cast with use of voting machines  

I expect that in assuring fair and honest elections that your office will diligently administer voting procedures per para. 9 of Nebraska statute 32-1049. The office of Secretary of State has erred in approving voting machines that do not leave a paper trail and that retain the right to be operated with proprietary programs not subject to investigation. This is not a trustworthy system in close elections which occur frequently in Nebraska. 

I request that you publicly disclose before November 5 the step by step procedure of maintaining strict security of voting machines in each county that uses them, identifying the person that will check each machine and their employer. I request this despite the fact that you have no knowledge of the proprietary functioning of the vote counting software and whether or not this software can become activated to marginalize a vote counter Audit? must be legally verifiable.  

Sincerely,  

Charlie Matulka  

Copies to: Federal Election Commission  
Members of Legislature's Government Committee  
News Media
How to Steal an Election
Princeton University computer scientists expose the weakness of a Diebold voting machine.

By Daniel Turner

This September, researchers from Princeton University's Center for Information Technology Policy (CITP), led by Edward Felten, released a damning paper and accompanying video that showed how easily they were able to rig a mock election by loading a virus onto a Diebold AccuVote-TS, one of the most commonly used electronic voting machines in the United States. The CITP received its machine from a third party who remains publicly anonymous. Diebold has responded that those of its machines now in use feature upgraded software that enhances security. To see Diebold's response to the Princeton hack, go to www.diebold.com/dieboids/pdf/princetonstatement.pdf. To see CITP's counterresponse, go to www.freedom-to-linker.com/?q=1065.

The Verification Program
Diebold recommends that election workers run a verification program on its voting machines before election time. However, if the virus Felten and his team designed has already made its way onto a machine before it's tested (see The Virus, opposite), the virus lies dormant, allowing workers to believe the machine is functioning properly. The virus can also delete itself once the election is over, leaving behind no evidence that the machine was tampered with.

The Test
Because the virus can tell when an election worker is testing the machine for accuracy, it allows the test vote to register unaltered on the screen and on the machine's internal paper tape. Here, the infected Princeton machine passes the test; in an election, it would be considered reliable.
Black Box Voting Blues

Electronic ballot technology makes things easy. But some computer-security experts warn of the possibility of stolen elections

Nov. 3 issue — After the traumas of butterfly ballots and hanging chad, election officials are embracing a brave new ballot: sleek, touch-screen terminals known as direct recording electronic voting systems (DRE). States are starting to replace their Rube Goldberg-esque technology with digital devices like the Diebold Accu-Vote voting terminal. Georgia uses Diebolds exclusively, and other states have spent millions on such machines, funded in part by the 2002 federal Help America Vote Act. Many more terminals are on the way.

UNFORTUNATELY, THE machines have “a fatal disadvantage,” says Rep. Rush Holt of New Jersey, who’s sponsoring legislation on the issue. “They’re unverifiable. When a voter votes, he or she has no way of knowing whether the vote is recorded.” After you punch the buttons to choose your candidates, you may get a final screen that reflects your choices—but there’s no way to tell that those choices are the ones that ultimately get reported in the final tally. You simply have to trust that the software inside the machine is doing its job.

It gets scarier. The best minds in the computer-security world contend that the voting terminals can’t be trusted. Listen, for example, to Avi Rubin, a computer-security expert and professor at Johns Hopkins University who was slipped a copy of Diebold’s source code earlier this year. After he and his students examined it, he concluded that the protections against fraud and tampering were strictly amateur hour. “Anyone in my basic security classes would have done better,” he says. The cryptography was weak and poorly implemented, and the smart-card system that supposedly increased security actually created new vulnerabilities. Rubin’s paper concluded that the Diebold system was “far below even the most minimal security standards.” Naturally, Diebold disagrees with Rubin. “We’re very confident of accuracy and security in our system,” says director of Diebold Election Systems Mark Radke.

After Rubin’s paper appeared, Maryland officials—who were about to drop $57 million on Diebold devices—commissioned an outside firm to look at the problem. The resulting report confirmed many of Rubin’s findings and found that the machines did not meet the state’s security standards. However, the study also said that in practice some problems were mitigated, and others could be fixed, an attitude Rubin considers overly optimistic. “You’d have to start with a fresh design to make the devices secure,” he says.

In the past few months, the computer-security community has been increasingly vocal on the problems of DRE terminals. “I think the risk [of a stolen election] is extremely high,” says David Dill, a Stanford computer scientist. The devices are certified, scientists say, but the process focuses more on making sure that the machines don’t break down than on testing computer code for Trojan horses and susceptibility to tampering. While there’s no evidence that the political establishment actually wants vulnerable machines, the Internet is buzzing with conspiracy theories centering on these “black box” voting devices. (The biggest buzz focuses on the 2002 Georgia gubernatorial election, won by a Republican underdog whose win confounded pollsters.) Suspicions run even higher when people learn that some of those in charge of voting technology are themselves partisan. Walden O’Dell, the CEO of Diebold, is a major fund-raiser for the Bush re-election campaign who recently wrote to contributors that he was “committed to helping Ohio deliver its electoral votes for the president next year.” (He later clarified that he wasn’t talking about rigging the machines. Whew.)

To remedy the problem, technologists and allies are rallying around a scheme called verifiable voting. This supplements electronic voting systems with a print-out that affirms the voter’s choices. The printout goes immediately into a secure lockbox. If there’s a need for a recount, the paper ballots are tallied. It’s not a perfect system, but it could keep the machines honest. If Representative Holt’s proposed Voter Confidence Act is passed, verification will be the law of the land by the 2004 election, but prospects are dim, as the committee chairman, Bob Ney of Ohio, is against it.

TO: Robin Eschliman, Chair, Lincoln City Council
FROM: Bill Lester, Chairman, Community Health Endowment
CC: Joan Ross, City Clerk
     Joe Rupp, City Attorney
DATE: February 4, 2009
SUBJECT: Revision to the CHE Bylaws

According to the bylaws of the Community Health Endowment (CHE), "Bylaws may be amended by the affirmative vote of two-thirds of the members of the Board of Trustees. Notice of a proposed amendment to the bylaws shall be given at the last regular meeting of the Board of Trustees prior to the meeting at which the amendment is considered and the proposed amendment shall be placed on file with the Secretary. No amendment shall be effective until reported to the City Council and a copy placed on file with the City Clerk."

The purpose of this memo is to report to the Lincoln City Council the approved revision to the CHE bylaws (attached). Specifically, Article IV, Section 4, of the CHE bylaws shall be revised to include the following language. "The Committee Chair, subject to a two-thirds majority approval of the members of the Board of Trustees, may appoint no more than three (3) other persons to the Committee on Funding Process and Recommendations to act in an advisory capacity to the Committee as to grant making and grant management matters related to CHE. The Committee's advisory members are not Board Members, shall serve voluntarily at the pleasure of the Board or until resignation, and may be removed or replaced at any time by a two-thirds majority vote of the Board. To the extent possible, the Committee members who are not Board Members shall consist of persons whose integrity, capability, experience, and knowledge of healthcare and community needs will assist the Board in carrying out its functions."

These revisions were considered at the regular meeting of the CHE Board of Trustees on December 3, 2008. The revisions were unanimously approved at the regular meeting of the Board of Trustees on January 28, 2009.

This memo will serve as official notification of the bylaw revision to the Lincoln City Council and the revision will be in effect on February 4, 2009.

If you have any questions, please feel free to contact Lori Seibel, President/CEO, or me.
BYLAWS OF THE
COMMUNITY HEALTH ENDOVEMENT
BOARD OF TRUSTEES

ARTICLE I

BOARD OF TRUSTEES

Section 1. Number; Residence. The Board of Trustees of the Community Health Endowment shall consist of fifteen persons. Each member of the Board of Trustees shall be a resident of the City of Lincoln.

Section 2. Permanent Trustees. The Lincoln-Lancaster County Health Director shall be a member of the Board of Trustees. The presidents of Bryan/LGH Health System (or any successor entity thereof) and of St. Elizabeth Community Health Center (or any successor entity thereof) shall, if agreeable to them, be members of the Board of Trustees. If either or both such presidents are unwilling to serve as a trustee, the vacancy or vacancies on the Board of Trustees created thereby shall be filled by Mayoral appointment in the same manner as provided for the remaining trustees.

Section 3. Appointed Trustees; Qualifications. The remaining twelve trustees and, if applicable, trustee(s) serving in lieu of an ex officio trustee who has declined to serve, shall be appointed by the Mayor with confirmation by the City Council. To the extent possible, appointed trustees shall include individuals from the health care community, business and finance community, and other community stakeholders including, but not necessarily limited to, minorities, under-served populations, individuals with disabilities, neighborhood representatives, community volunteers and representatives from the religious and educational communities. At least five of the appointed trustees must have a recognized background in public health, medicine, human services, registered nursing, mental health, dentistry or related fields.

Section 4. Appointed Trustees; Term. The term of each trustee, other than the ex officio trustees, shall be three years, except that at the time of the first appointment, four members shall be appointed for a term of one year from September 1, 1998; four shall be appointed for a term of two years from September 1, 1998; and four shall be appointed for a term of three years from September 1, 1998. Appointed Trustees may serve a maximum of two consecutive three-year terms. A trustee appointed to fill the remainder of the unexpired term of a former trustee may serve a maximum of two consecutive three-year terms in addition to the remainder of such unexpired term.

Section 5. Removal of Trustees. The City Council may remove any member of the Board of Trustees for malfeasance or nonfeasance in office or for any cause that renders a member ineligible to office or incapable or unfit to discharge the duties thereof.

Section 6. Powers and Duties. The Board of Trustees shall have the following powers and duties:
(a) To exercise general supervision and control over the Community Health Endowment, provided, however, endowment funds shall be deposited with the City Treasurer who shall place all funds of the endowment in a separate account or accounts for the benefit of the Community Health Endowment. All deposits thereto and disbursements therefrom shall be made through the office of the City Treasurer upon proper certification to the Treasurer by the Board of Trustees or personnel authorized by the Board of Trustees.

(b) To annually prepare and submit to the City Council a proposed budget of the Community Health Endowment for the ensuing year which shall include recommendations regarding the funding of community health projects and programs utilizing Community Health Endowment monies.

(c) To review proposals requesting endowment funds to support existing community programs and new, innovative and creative programs which have a strong potential to improve community health. For purposes of reviewing funding requests, health shall be defined as the ability of all people within the community to reach full mental, spiritual and physical potential by living in safety with vigor and purpose; meeting personal needs; meeting community responsibilities; adapting to change; and having trusting and caring relationships.

(d) To enter into contracts for the disbursement of budgeted endowment funds to approved programs or projects.

(e) To direct investment of all monies in the Community Health Endowment into such investments as may be from time to time authorized by the city charter and state law.

(f) To hire a President/CEO and such employees as may be necessary for the efficient and economical management of the Community Health Endowment.

Section 7. Annual Report; Budget. The Board of Trustees shall prepare annually a proposed budget for the ensuing year, for the use and disbursement of funds from the Community Health Endowment, pursuant to the requirements of the City of Lincoln Charter. All monies received and set apart for the Community Health Endowment shall be deposited with the City Treasurer to the credit of the Community Health Endowment and those sums shall be kept by the city Treasurer and paid out upon the order of those persons designated by the Board of Trustees. The Board of Trustees shall have control over the expenditure of all funds budgeted annually from the Community Health Endowment, provided, however, that the budget prepared by the Board, and any substantial changes therein, must be approved by the City Council.

Concurrently with the annual budget, the Board of Trustees shall present an annual report of the "State-of-the-Endowment" to the Mayor, the City Council and the community. Such report shall include a description of the past year's accomplishments of the Community
Health Endowment, current or anticipated funding priorities, and a financial audit of the Community Health Endowment.

Section 8. **Conflicts of Interest.** Members of the Board of Trustees shall be subject to the provisions of Board policy, Chapter 2.54 of the Lincoln Municipal Code and the Nebraska Political Accountability and Disclosure Act with respect to conflicts of interest.

Section 9. **Investment Policy.** All monies of the Community Health Endowment shall, to the extent permissible under state statutory and constitutional law, be invested in investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property or another.

**ARTICLE II**

**MEETINGS**

Section 1. **Organizational Meeting.** The Board of Trustees shall hold an organizational meeting in September of each year for the purpose of electing officers for the year and transacting such other business as may properly come before the meeting. Newly elected officers shall assume the responsibility of their offices effective on the date of election.

Section 2. **Regular Meetings.** In addition to the annual organizational meeting, the Board of Trustees shall hold not less than four regular meetings each year.

Section 3. **Special Meetings.** Special meetings of the Board of Trustees may be called at the discretion of the Chair or, in the absence of the Chair, by the Vice-chair, or by any three Trustees upon written request. Not less than three days notice shall be given of any special meeting of the Board of Trustees. If immediate Board action is necessary or an emergency arises, the three day notice may be waived by a majority approval of the Board of Trustees.

Section 4. **Notice; Agenda.** Advance notice of the time and place of each meeting of the Board of Trustees shall be given to members of the Board and to the public in compliance with the requirements of Section 84-1411 of the Nebraska Public Meetings law. Such notice shall contain an agenda of subjects known at the time of the publicized notice. Except for items of an emergency nature, the agenda shall not be altered later than twenty-four hours before the scheduled commencement of the meeting. The Board of Trustees shall have the right to modify the agenda to include items of an emergency nature only at such meeting.

Section 5. **Quorum; Voting.** Eight members of the Board of Trustees shall constitute a quorum at any meeting of the Board. Eight affirmative votes shall be required for final action in any matter acted upon by the Board.

Section 6. **Conduct of Meetings; Reconsideration.** All meetings of the Board of Trustees shall be conducted in compliance with the provisions of the Nebraska
Public Meetings Law. Any member of the Board of Trustees who voted with the majority may move for reconsideration of any action of the Board at the meeting at which such action was taken or at the next succeeding regular or special meeting of the Board. If a motion to reconsider is made at the next succeeding regular or special meeting of the Board, and notice of the intention to move for reconsideration has not bee included on the agenda for such meeting, final action on the reconsidered item shall be delayed until the next regular or special meeting of the Board.

ARTICLE III

OFFICERS

Section 1. Officers: Term. The officers of the Board of Trustees shall consist of a Chair, Vice-Chair, Secretary and Treasurer, each of whom shall be a member of the Board of Trustees. Officers shall be elected for one-year terms.

Section 2. Duties of Chair. The Chair shall preside at all meetings of the Board of Trustees, appoint members and Chairpersons of all standing and special committees and perform such other duties as the Board of Trustees may prescribe.

Section 3. Duties of the Vice Chair. The Vice-Chair shall preside at all meetings of the Board of Trustees in the absence of the Chair. In the event of the death, resignation, disability or removal of the Chair, the Vice-Chair shall assume the office of Chair for the remainder of the unexpired term. Should the Vice-Chair assume the office of Chair, the Board of Trustees shall immediately elect a replacement for the Vice-Chair from among its members.

Section 4. Duties of the Secretary. The Secretary shall supervise the keeping of the minutes of meetings of the Board of Trustees, read communications and reports, and perform such other duties as the Board of Trustees may prescribe. In the absence of the Secretary, any trustee may be appointed by the Board to act as Secretary pro tempore.

Section 5. Duties of the Treasurer. The Treasurer shall be the Chair of the Finance Committee, shall review and report on all investments, expenditures and claims, and shall advise the Board of Trustees on all fiscal matters.

Section 6. Absence of Chair and Vice-Chair. If both the Chair and Vice-Chair are absent from any meeting of the Board of Trustees, the Board shall select a member to preside at such meeting.

Section 7. Removal of Officers. Any officer may be removed from office, with or without cause, prior to the expiration of the officer's term by a vote of two-thirds of the members of the Board of Trustees.
ARTICLE IV

COMMITTEES

Section 1. Standing Committees. Standing Committees of the Board of Trustees shall consist of the Committee on Finance, the Committee on Administration, the Committee on Funding Process and Recommendations, and the Committee on Auditing and Accounting. Each standing committee shall consist of not less than two members of the Board of Trustees. Members and Chairpersons of standing committees shall be appointed by the Chair and ratified by the Board of Trustees by not later than October 30 of each year.

Section 2. Committee on Finance. The Treasurer shall be the Chair of the Committee on Finance. The Committee on Finance shall have the responsibility for making recommendations to the Board of Trustees on fiscal matters, including review and payment of claims, review and approval of investments, the annual audit, allocation of expenditures and review of budget performance.

The Committee Chair, subject to a two-thirds majority approval of the members of the Board of Trustees, may appoint no more than three (3) other persons to the Committee on Finance to act in an advisory capacity to the Committee as to finance and investment matters related to CHE. The Committee members are not Board Members, shall serve voluntarily at the pleasure of the Board or until resignation, and may be removed or replaced at any time by a two-thirds majority vote of the Board. To the extent possible, the Committee members who are not Board Members shall consist of persons whose integrity, capability, experience, and finance/investment knowledge will assist the Board in carrying out its functions.

Committee members who are not Board members shall serve, as is likewise the Board members, without pay. The Committee members shall serve in an advisory capacity only and have no voting privileges or administrative/managerial authority.

Section 3. Committee on Administration. The Committee on Administration shall have the responsibility for making recommendations to the Board of Trustees on administrative matters including personnel, purchasing, public relations, media relations, development and distribution of the annual report, and fund-raising. The Committee on Administration shall also have the responsibility for making recommendations to the Board of Trustees regarding nominees for officers of the Board and persons to be recommended to the Mayor for appointment to the Board.

Section 4. Committee on Funding Process and Recommendations. The Committee of Funding Process and Recommendations shall have the responsibility for making recommendations to the Board of Trustees on matters relating to funding policy, including funding guidelines and schedules, the funding review process and public input, the setting of funding priorities and the disposition of funding requests.

The Committee Chair, subject to a two-thirds majority approval of the members of the Board of Trustees, may appoint no more than three (3) other persons to the Committee on Funding Process and Recommendations to act in an advisory capacity to the Committee as to grant making and grant management matters related to CHE. The Committee's advisory
members are not Board Members, shall serve voluntarily at the pleasure of the Board or until resignation, and may be removed or replaced at any time by a two-thirds majority vote of the Board. To the extent possible, the Committee members who are not Board Members shall consist of persons whose integrity, capability, experience, and knowledge of healthcare and community needs will assist the Board in carrying out its functions.

Section 5. Committee on Auditing and Accounting. The Committee on Auditing and Accounting shall assist the Board of Trustees in its oversight responsibilities related to the integrity of the financial reporting of the Endowment; the independence, qualifications and performance of the Endowment’s external auditor; and the maintenance of and compliance with the Endowment’s Business Continuation Plan, Conflict of Interest Policy, and with legal and regulatory requirements.

The Auditing and Accounting Committee shall consist of at least three members of the Board of Trustees. One Committee member shall be the Treasurer of the Board of Trustees. Each member of the Committee shall have a working familiarity with basic accounting and finance practices and it is desirable that at least one member of the Committee be a “financial expert” as that term may be defined by the Securities and Exchange Commission.

Section 6. Special Committees. The Board of Trustees may create special committees from time to time. The chair and members of special committees shall be appointed by the Chair and ratified by the Board of Trustees. All special committees shall expire upon completion of their assignment, or one year after their creation, whichever is sooner.

Section 7. Committee Meetings. Meetings of any standing or special committee shall be called by the chair of the committee or by the Chair of the Board of Trustees. The Secretary or the Secretary’s designee, shall notify each committee members of a committee meeting. A majority of the members of a committee shall constitute a quorum.

Section 8. Reports. The chair of each committee shall report on the activities of the committee at the next regular meeting of the Board of Trustees.

ARTICLE V

PRESIDENT/CEO

Section 1. Appointment. The Board of Trustees may select and appoint a President/CEO to serve at the pleasure of the Board at a salary to be determined by the Board.

Section 2. Duties. The President/CEO shall be the chief administrative officer of the endowment and shall be responsible to the Board of Trustees for administration and management of the Endowment, shall provide staff assistance as the Board of Trustees may require, and shall be responsible for the care and safekeeping of all Endowment property,
subject to regulations, directions and policies of the Board of Trustees. The President/CEO shall be the official custodian of all records and documents of the Board of Trustees. The President/CEO shall make a written report prior to each regular meeting of the Board, describing the activities of the Endowment since the previous meeting. This report shall be filed as a part of the permanent records of the Board of Trustees. The President/CEO shall be an ex officio (non-voting) member of all standing committees.

ARTICLE VI

TRUSTEE COUNCIL

Section 1. Purpose. A Trustee Council has been created to:

- provide a formal network for former Trustees, current Trustees, and CHE staff;
- ensure a pool of individuals from who CHE can seek advice and consultation concerning strategic issues facing CHE; and
- retain historical knowledge and perspective in relation to CHE.

Section 2. Composition. The Trustee Council shall be comprised of former Trustees of the Community Health Endowment who have a continued interest in community health, public health policy, and the ongoing development and success of CHE. Former Trustees removed from their duties per Article 1, Section V of these bylaws shall not be eligible for membership on the Trustee Council.

Section 3. Powers and Duties. Members of the Trustee Council are not Board members and shall serve voluntarily at the pleasure of the Board or until resignation. Members of the Trustee Council shall serve, as is likewise the Board members, without pay. Members of the Trustee Council shall serve in an advisory capacity only and have no voting privileges or administrative/managerial authority.

ARTICLE VII

BYLAWS

These bylaws may be amended by the affirmative vote of two-thirds of the members of the Board of Trustees. Notice of a proposed amendment to the bylaws shall be given at the last regular meeting of the board of Trustees prior to the meeting at which the amendment is considered and the proposed amendment shall be placed on file with the Secretary. No amendment shall be effective until reported to the City Council and a copy placed on file with the City Clerk.
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, FEBRUARY 9, 2009

I. CITY CLERK - None

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR -

1. NEWS ADVISORY - RE: Mayor Beutler’s Public Schedule Week of February 7 through 13, 2009 - Schedule subject to change.

2. NEWS RELEASE - RE: Section Of North 27th To Close Tuesday Night For Bridge Placement.

DIRECTORS - None

III. COUNCIL RFI’S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS -

JON CAMP -

1. E-Mail from Lou Mittan - RE: Matt Talbot.

2. E-Mail to Dave Landis, Urban Development Director - RE: NeighborWorks Land Sale - proposed.


4. E-Mail to Chair Robin Eschliman - Stimulus Package Projects.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL

2. E-Mail - RE: Opposed to Matt Talbot Relocation to the Carnegie Library.

3. E-Mail from Renee Malone - RE: Please vote “AGAINST” Matt Talbot’s request for relocation to N. 27th Street.

4. E-Mail from Amy Birky - RE: Supports the relocation of Matt Talbot.

5. E-Mail from Maurice Baker - RE: Opposed to Matt Talbot relocation to N. 27th Street.


Mayor Beutler's Public Schedule
Week of February 7 through 13, 2009
Schedule subject to change

Monday, February 9
• Unveiling of new Abraham Lincoln postage stamps, remarks - 10 a.m., State Capitol Rotunda

Tuesday, February 10
• Joint Public Agency meeting - 8 a.m., City Council Chambers, 555 S. 10th St.
• Matt Talbot Kitchen and Outreach news conference, remarks - 10 a.m., 1911 “R” St.
• Chamber of Commerce Annual Luncheon, remarks - 11:30 a.m., Cornhusker Hotel, 333 S. 13th St.
• Mayor's Multicultural Advisory Committee meeting - 4 p.m., Mayor's Conference Room, 444 S. 10th St.
• Veterans of Foreign Wars “Voice of Democracy” Award and Recognition Dinner, presentation of National Citizenship Education Teacher Awards - 6 p.m., VFW Post 31, 5721 Johanna

Thursday, February 12
• KFOR Morning Show - 7:45 a.m.

Friday, February 13
• Lancaster County Town Hall Meeting with State Senators, remarks - noon, State Capitol, room 1023
• “Civil War Voices” musical (part of City's “10 Score” celebration) - 7:30 p.m., Lied Center for Performing Arts, 12th and “R” streets
SECTION OF NORTH 27TH TO CLOSE TUESDAY NIGHT
FOR BRIDGE PLACEMENT

A section of North 27th Street is scheduled to close the night of Tuesday, February 10 for the installation of the steel truss bridge over 27th. North 27th from Vine to “Y” streets is scheduled to close at 10 p.m. Tuesday and reopen by 6 a.m. Wednesday morning. Detour routes will be marked.

The bridge is part of the Mopac Trail Pedestrian Bridge Project, which is scheduled to be completed by the end of May.

The Great Plains Trails Network provided $125,000 in private donations for the bridge, which is estimated to cost about $1.9 million. The city received a federal enhancement grant for $500,000, and the rest will be paid for from funds received through tax increment financing.

The bridge will provide the final link in the Mopac Trail through Lincoln and will connect with the University of Nebraska – Lincoln downtown campus and the Antelope Valley trail system. The Mopac trail also is a vital link in the future Quad States Trails network.

More information on the project is available by calling Terry Genrich in the City Parks and Recreation Department at 441-7939. For more information on the City's parks and trails, visit the City Web site at lincoln.ne.gov (keyword: parks).

- 30 -
Lou:

Thanks for your supportive email on Matt Talbott. Yes, this organization is providing a valuable service to the citizens of Lincoln.

Jon

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

-----Original Message-----
From: lmittan@hotmail.com
To: jcamp@lincoln.ne.gov
Sent: Fri, 6 Feb 2009 9:06 am
Subject: Matt Talbot

Dear Council Member Camp: I want to voice my support for the relocation of Matt Talbot to the N. 27th St location. I believe it is an excellent location and very ironic that a building funded by one of the richest families in US history would be of service to the poorest of our current population. I don't believe the population that will be served is dangerous or unstable. If they were dangerous, why would it's current location be so close to students at the University of Nebraska's city campus. Please feel free to contact me if you would like to visit further! Respectfully, Lou Mittan
Dave:

Please provide information/feedback on the following:

- **Item 1**: After reflecting on last Monday’s pre council on NeighborWorks and the City’s proposed sale of its nearly 2 lots, I am wondering if a different appraisal approach is in order... an income approach, which is used by the County Assessor in much of Lincoln.

Two elements of this property sale are in order, to protect the citizen-taxpayers of Lincoln:

1. The number of vehicles that can be parked on the property—schematics appear to show 22 spaces, not including the small northwest portion occupied by a house currently and not owned by the City
2. The portion of the NeighborWorks building and grass area that will situate on the City’s property

Both of these uses fit within the constraints of the culvert that runs beneath part of the City’s property and would support a commercial building.

The parking spaces, being in proximity to the downtown area and the new Assurity campus, should command approximately $40 per month/space or a total of $880 per month or $10,560 per year.

The land on which the landscaping and the building will sit should be valued at least $20 per square foot since it involves no demolition. The simple schematic presented at the Pre Council does not reveal the measurements of this portion of the City’s property.

Thus, the proposed sale of the nearly two lots by the City for $5-6,000, even after consideration for evening parking for Union Plaza and use of a conference room, appears substantially below market value when one merely looks at the $10,560 in annual daytime parking rents.
**Item 2:** Please consider covenants, similar to those in Katie Halperin’s Washington Square project, that will require “home ownership”, not more rental property. As Michael Snodgrass noted, NeighborWorks wants to increase home ownership to this area, which will provide a better environment, especially with the large investment the City has made in Antelope Valley. I believe Mr. Snodgrass said there is approximately 13% home ownership currently versus leased residences.

- 

**Item 3:** Have homebuilders been informed of the proposed townhomes (18 units) and condos (12 units) and the anticipated sales prices? In the case of the townhomes, Mr. Snodgrass indicated three levels: (1) $135,000, (2) $155,000 and (3) $175,000.

Because the new home market is at an historic low (only 11 single family permits were issued in January 2009), the City as an obligation to work in harmony with private homebuilders. I have not consulted any private homebuilders, but feel this step is very important to ensure everyone is on the same page.

Thank you for commenting/reviewing these three items.

Jon

e: Lincoln City Council

**JON A. CAMP**

Haymarket Square/CH, Ltd.

200 Haymarket Square

808 P Street

P.O. Box 82307

Lincoln, NE 68501-2307

Office: 402.474.1838

Fax: 402.474.1838
"Every man is the architect of his own fortune."

- Appius Claudius Caecus
Greg:

During our recent Antelope Valley Pre Council, you asked for City Council questions.

I would appreciate a listing of the projects you indicated comprise $71 million of private investment. Please include:

1. Date of project initiation,
2. Completion date,
3. Private funds spent
4. Public funds and source thereof
5. Number of fulltime jobs created
   a. Permanent jobs created
   b. Interim construction jobs created

Thank you,

Jon

JON A. CAMP
Haymarket Square/CH, Ltd.
200 Haymarket Square
808 P Street
"Every man is the architect of his own fortune."

- Appius Claudius Caecus
Chair Eschliman:

The recent questioning of stimulus projects for Lincoln raises concerns on a “cooperative” and “unified” effort.

Denise Pearce responded to Council Member Svoboda concerning the Wall Street Journal article on the Conference of Mayors list and invited individual Council members to send suggestions to Chad Blahak, who was recently designated by Mayor Beutler as the point person on stimulus packages.

Some thoughts:

1. Why not have a central pool through which the Council ideas are collected and reviewed as a group so we do not repeat the “wish list” mistake of the Conference of Mayors?

2. Prioritize infrastructure that will provide decades of use to the citizens and businesses in Lincoln

3. Focus on job creation—both for construction period as well as long term job creation and retention

4. Emphasize economic development to ensure we are not merely addressing short term difficulties.

I would also be interested in hearing more about the rumors that the Mayor is hiring a new employee to administer “Green initiatives”.

Thank you,

Jon
"Every man is the architect of his own fortune."
- Appius Claudius Caecus
Dear City Council members:

We are not opposed to Matt Talbot relocating within the Clinton Neighborhood, but we do oppose the proposal that Matt Talbot move to the former Carnegie Library site which currently is occupied by Neighborworks. We believe it will be good for the agency to locate in our neighborhood because it will be close to where a high proportion of its clients live. However, we believe the Neighborworks site is a poor choice, primarily because of the traffic and safety problems.

Susanne Blue reports that about half (or maybe more) of Matt Talbot's clients come by car. For that reason they plan to build a 200-car parking lot on the site. The problem is, the streets serving the site are not adequate to handle that kind of traffic, especially since those streets also are the only access roads into the adjacent grain elevators. Grain trucks, especially during harvest season, use those streets throughout the day. These trucks are huge and could not stop easily if a car is in the way. They also could not maneuver if cars are parked or restricting their turning radius.

Another problem is the volume of traffic that will be turning in and out of the street there. There is no light -- and we believe adding a traffic light would actually pose a hazard to traffic on the bridge because it would be difficult to stop in time. So there will continue to be an uncontrolled intersection with lots of traffic turning in and out at mealtimes. The chance of an accident is very likely.

Pedestrians pose another problem, because there is no traffic light immediately in front of the building. Pedestrians will be expected to walk down to Fair Street to cross 27th street, but it will be very difficult to police that situation. Many children, and probably adults as well, will try to cross the street at that point. The cars coming off the viaduct tend to speed, so the chances of a pedestrian accident are also great.

Please help Matt Talbot find another site in our area that would not have these traffic and safety concerns.

Sincerely,

Bob and Mary Lou Reeves
NO. The neighborhood does not want it as represented at the first public meeting Feb. 2, 2009.

NO, NO, NO.

The library was for the neighborhood. What happened to the promised senior center. This is the wrong location. Look south of O Street and look at existing commercial buildings for sale. The economy cannot support building anything new. The Matt Talbot Board needs to look harder, be creative.

NO, NO, NO.

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
I ask for your support to DENY the request of Matt Talbot kitchen to go into the NeighborWorks location on N. 27th Street.

As past president of the Clinton Neighborhood Org and current board member and as past president of the 27th Business and Civic Org, I along with many, many of my fellow neighbors feel that the location will be a detriment to our neighborhood.

We have worked with the City and Urban development to improve the 27th street corridor for many years. We have worked to make 27th street a gateway to the city and to the University. We have worked on building standards, median work, redevelopment of Penzer park, Northbridge, the Health Center, the bike path bridge, and block by block revitalization of the area- all to improve this area.

Now we are being forced to take in Matt Talbot kitchen. Yes there is a need for this type of business, but not here. We have worked so hard to redevelop this area and feel that this is being pushed on us.

First it was kept under wraps and the neighborhood was not even notified of this possibility. If a few of us hadn't gotten the Planning Dept letters of notification - it would have been slipped past us. Which I'm sure that was the original intention. That is not a way to work with the neighborhoods. We feel this has been fast-forwarded to push this through- as if it was a done deal. I know many in the area feel this way and feel as if it is a battle lost, and you can't fight city hall. I would hope this is not true! Normally we have notice of this kind of project months in advance- it looks like some one is trying to pull a fast one and we are outraged by this. Then, at an emergency meeting Urban dept makes veiled comments - stating "we've done a lot for you -so have to you take this". This is not the way to do business with anyone!

Our outrage and concern is not for the building or the many people in need - it's for that group of people who could create a danger both to neighborhood safety and the increase in crime in our area. Matt Talbot states they won't let this happen - but they have no control of what happens off of their property.

Currently around Matt Talbot (and once the weather warms up you will see so much more)- you see homeless people sleeping in the park- creating issues such as; public intoxication, urinating in public, sleeping in parks and surrounding areas such as: garages, outbuildings, porches,and even empty homes. There are the fights (how many time do you hear about fights and attacks among the homeless and other innocent people in that park across from Matt Talbot's current location? In warm weather it's in the paper constantly). Other issues are panhandling, miscellaneous crimes and just loitering in the area.

This proposed location is also on a bike path- where children ride to go to the ball park (Fleming Fields) and the play area across 27th street. There is currently a minor problem with people hanging out under the bridge- by the railroad tracks. This problem will increase immensely if more homeless are directed here. Also they are found sleeping in empty buses in the lot to the west. that StarTran parks unused buses in. Penzer park will be the new location for these types of public problems.

After we have spent so much money developing this area - do we want this to become a place for these things to happen? With Salvation Army located right beside the park and all the after school & daily activities that happen there would you feel safe letting your children go to that park? I wouldn't. I live one block from Penzer park, and use the bike path and park during the warm month. My concern is for my personal safety around that park, bike path and also the fear of someone breaking into my house, since I live so close to that park.

Where do you think all of these people are going to go between the two meals that Matt Talbot will provide? Are they going to trudge miles back downtown to turn around again a few hours later? Or are they going to loiter around the 27th Street area until the next meal? They will stay around the park and in our neighborhoods. Why would you even put this in an area that is so far from where these people are located? This isn't near the Mission,
or other places they stay over night. This is miles from those types services.

One comment was that the Health Center is near by, but are these the people who would just drop into the Health Center - probably not. I think you will find that most of the Health Center's client's are low income residents.

Another comment is that a police station is by that area and that will deter things from happening. That precinct is empty most of the time- officers are only there during shift change and reports. That precinct covers a huge area - and problems in the park are going to be a very "low priority" call compared to other calls elsewhere.

What is going to be the impression of someone driving into Lincoln for the first time - they see homeless people along the street - sleeping in the park, panhandling. Is that the impression we want to give? I say no!!!

Also, what new businesses are going to want to move into this area? That is going to be a huge concern for someone wanting to invest in the area. We have worked hard to bring more businesses into this area. People will think twice before locating a new business here.

We have also worked to bring families into this area. Would you want to move here if this happens?

We want to continue to develop the core of the city. Moving more homeless here is not going to help our property values - who wants to live next to a park with vagrants sleeping in it. This is just another thing to keep values down and more absentee landlords will love this! They can buy even more property cheap and let the property go down hill. They don't live here so they don't care.

Well, we live here and we care.

Another point they try to make is well, it has to be somewhere - notice all the people saying this don't live here. We have had to endure the half way houses, the parolees and everyone else they try to put here - WE HAVE ALREADY DONE OUR SHARE!!!! It's time someone else did.

I saw in recently that in the south part of town - the neighbors didn't want a day care to be built and bring down there property values - and the City Council agreed. I think a business that will bring homeless into our area and increase our crime - will have much more of an effect on our property values than a day care would.

Please have as much interest and compassion for our feelings and our neighborhood as you would the newer neighborhoods.

Once again, please deny the request for Matt Talbot to be located on N. 27th street. We have done our share for those less fortunate, it's time another area stepped up. Please take our feelings and the pride in our neighborhood into consideration.

Thank you,
Renee Malone
Past President Clinton Neighborhood
Past President 27th Business & Civic Org
And proud resident of the Clinton Neighborhood
1408 N 26th Street
Lincoln, NE 68503

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A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
I would appreciate your support for the moving of Matt Talbot kitchen to N.27th st. It needs to relocate and this place will meet the needs of the agency and the people it serves. Thank you for thinking of the underprivileged of our city. Amy Birky
InterLinc: City Council Feedback for General Council

Name: Maurice Baker
Address: 3259 Starr Street
City: Lincoln, NE 68503
Phone: 464-1864
Fax: 464-1864
Email: mbaker35@alltel.net

Comment or Question:
I am Maurice Baker. I have lived at 3259 Starr Street for over 40 years. I am opposed the relocation of the Matt Talbot Kitchen to 2121 North 27th Street; however, I doubt that any opposition will matter. The steamroller began sometime before Assurity Life Insurance Co. announced their proposal to relocate their headquarters into the Antelope Valley redevelopment area.

Matt Talbot was not a good fit in the redevelopment of the Antelope Valley. Matt Talbot Kitchen had grown to the point that they were interested in a larger facility but because of their lease, they could stay in their present location longer than Assurity and the city wanted. At approximately this time, Matt Talbot Kitchen was apparently advised not to let it be known that they were looking for a new location because both Matt Talbot and the Urban Development Department knew that one or more of their programs was problematic to the neighborhood. This secrecy continued until the proposal before you appeared on the Lincoln-Lancaster County Planning Commission’s January 14, 2009 agenda.

Now the steam roller became known to those of us living in the Clinton Neighborhood and nothing was going to stop it. The Planning Commission understood that a $40 million project could not be stopped by opposition from a neighborhood that at the last time I checked was the census tract with the lowest family income of any in Lincoln. They admitted that it was normal procedure to require developers to meet with residents to try to resolve problems with proposed developments. However, because the developer in this instance was the Department of Urban Development and any delay threatened the $40 million project, they voted unanimously to confirm that the project was in conformity with the comprehensive plan with mild statements from some commissioners about the deviation from normal practice. I seriously doubt any of the Commissioners lost a wink of sleep over the deviation from normal practice; however.

Urban Development hurriedly arranged a meeting with neighborhood interests on Friday, January 9th and a second one on Monday, January 12th, 3 and 2 working days before the Planning Commission meeting. Director Landis apologized profusely for the failure to contact the neighborhood organizations affected and the North 27th Street Business and Civic Association. He explained that Urban Development’s plan was to meet with these organizations after the Planning Commission meeting but before the city council meeting. In light of the fact that there is less than a month between these two meetings, it is hard for me to reject my earlier conclusion that this whole project was
purposely secretive in order to reduce the time for any meaningful dialogue about alternative locations. Director Landis also has said at both the Planning Commission meeting and at neighborhood meetings that there will be other public hearings such as change of zoning, redevelopment agreement, etc. regarding this proposed project where the neighborhood interests can speak. The decisions to be made at these hearings can be equated to where will the guests sit at the dining room table while the important decision is, where is that dining room table located.

Why should the city council reject this proposed project or at least delay a decision until there is reasonable time to reach an alternative solution?

1. Both Matt Talbot Kitchen and Urban Development staff have admitted that there are neighborhood problems with one or more of Matt Talbot’s program. This is evidenced by the statement that the proposed location is “isolated”. If there are no potential neighborhood problems, why should the operation be isolated? Secondly, Matt Talbot has said that one of their criteria for a new location was that it be close to the 27th and Holdrege Streets police station. If there are no neighborhood problems, why does the operation need to be close to the police station? As a side note, the location not isolated since there are single family residences within less than one-half of a city block immediately to the east side of the viaduct and they are easily accessed by passing under the viaduct. This is zoned R-2. Technically there is a narrow strip of I-1 zoned land that abuts the viaduct left from the development of the viaduct.

2. The city has made or participated with the private sector in making significant investments along North 27th Street. This includes major investments in Pentzer Park, Sterling Village, Heartland Optical and others. There is concern that some of Matt Talbot’s clients will see Pentzer Park as nice place to hang out between the noon and evening meals. This has raised concern about the safety of children who now use the park. Why would the city want to take an action that could significantly their previous investments?

3. The proposed location is the front door to the Clinton neighborhood and to one of the city’s. People judge areas by first impressions and this project poses the highly probable situation of making unfavorable impression of our neighborhood and the city. If I am right about this, then ramifications are lowering of property values, a reluctance of private business persons to make further investments on North 27th, and perhaps the lose of existing businesses because of the unwillingness of current or potential customers to come into the neighborhood. All of this adds up to reduced tax revenues from the area. Where is the TIF money then?

4. The Clinton neighborhood has worked long and hard to improve the area. Cooperation with Free to Grow has enabled us to make significant progress in the quality of both the physical and the sense of community environment in recent years. I see the proposed project as a step back in the sense of community environment for our neighborhood.

5. We are told that a very desirable building will be constructed on this site. I have no doubt it will be but will it meet the city requirement of being compatible with the existing neighborhood? The Carnegie Library is unique in the area.

6. A hiker-biker trail is immediately adjacent to the property and goes under the viaduct. Some residents already feel unsafe because of the people that sometimes congregate under the viaduct. Matt Talbot has in my opinion a high probability of increasing the number of persons congregating under the viaduct. Incidentally, the trail came about in part because of an earlier poorly planned project.

7. Build it and they will come. Locate Matt Talbot here and those needing meals will come and those who have no place to go after meals will congregate in the area. It is reported that currently some of the clients return back to the downtown area. The greater distance from downtown will surely discourage...
some of these people from moving back to where they currently congregate.

8. While it may not be a concern to those planning this project, the Clinton Neighborhood Organization has, thanks to NeighborWorks, held their meetings at and had their mail delivered to 2121 North 27th Street at no cost to the organization. There has not been an opportunity to explore whether similar arrangements can be made elsewhere because of the short notice given about this proposed project.

Neither Matt Talbot Kitchen nor Urban Development have offered any real answers to the above concerns. There is much talk about the programs but little or no comments about the one that poses the real problems.

I can see only one reason Matt Talbot Kitchen wants to be located at this site. That is $400,000 that the city proposes to provide. It is at the edge of the 60503 zip code area. It is much farther from those that I suspect make up the users who currently walk to the existing facility. It is farther from some of the other agencies it currently works with.

Let me be very clear, I in no way want to do away with Matt Talbot Kitchen. I know very little about their programs but from what the staff has described and what I personally know they are providing much needed services in the community. I personally am not opposed to having them in my neighborhood. Just not at my front door.

I grew up on farms with 3 bedrooms and a path. I am not suggesting that Matt Talbot Kitchen’s services are in any way related to those of that little building at the end of the path because both provide very important services. The people who selected to which door that path came chose the back door not the front door. I only ask you show the same kind of common sense.
To Whom It May Concern:

The Clinton Neighborhood Organization, along with Clinton Residents recently had the opportunity to meet with members of Urban Development and the Matt Talbot Kitchen & Outreach to discuss the relocation of Matt Talbot from 1911 R Street to 2121 North 27th Street. Although we understand that Matt Talbot offers a wide variety of services to the working poor, nearly homeless, and homeless resident of Lincoln, Clinton Neighborhood Organization would like to state, for the record, that the residents of Clinton Neighborhood are vehemently against the relocation for the following reasons:

1. **Traffic Flow:** As a collective, we feel that the issue of increased traffic flow into our neighborhood was not properly addressed. North 27th Street is an extremely busy street, and we feel more accidents will occur during the evening rush hour, when North 27th Street sees an increase in traffic flow. Also, with the proximity of two granaries to the Kitchen, residents are concerned about the semi trucks’ maneuverability along Leighton Avenue, especially during Harvest Season, when semi traffic is at its peak.

2. **Safety:** Clinton residents understand that Matt Talbot does excruciating screening on its clientele. However, with a large under-age population of toddlers, school-age children, and teenagers, along with two city parks in close proximity to the proposed relocation site, it only takes one person to destroy the innocence of a child.

3. **Corridor to Clinton Neighborhood:** On any given home game Saturday, tens of thousands of automobiles use North 27th Street to get to Memorial Stadium for the Nebraska football games. We residents of Clinton Neighborhood have worked and are still working very hard to rid our neighborhood of the stigma that Clinton is a “bad” neighborhood. We have set up neighborhood watches, an annual neighborhood cleanup event, and an upcoming beautification project to allow non-residents of Clinton to know we care about our community. We feel, as a whole, that Matt Talbot will dissuade any new potential home owners from purchasing a house in our quiet, proud community.
Again, as stated earlier, Clinton Neighborhood Organization would like to officially state that we unanimously voted not to have Matt Talbot Kitchen & Outreach relocate to our neighborhood at this time.

Liz Bonney
CNO President

**If you received this in error, no longer want to receive these, or moved from the Clinton Neighborhood please respond with remove in the subject line.**

**Check out our Myspace page**
http://www.myspace.com/clintonneighborhood

All misspellings and poor grammar were put there intentionally to remind us that we are all human.
Earl Carter Lumber Co.

Earl Carter Lumber Company
1235 West O Street
Lincoln, Ne 68528

Lincoln City Council
County City Building
555 South 10 th.
Lincoln, Ne.

Dear Council Members

As a long-time business of our city, and I am writing to express my concern about recent discussion and the pending decision to move the Matt Talbot Kitchen to a new location. I would like to say that we had some concerns about the same things that some of the neighbors have. I was pleasantly surprised that we never had even one problem in the time that the Matt Talbot Kitchen was our neighbor. We were located at 1900 R Street the Matt Talbot Kitchen is located at 1911 R Street.

As you all know we were taken out by the Antelope Valley project and had to move to a different location. We had been at 1900 R Street for 60 years. I would have to look back but I think the kitchen had been our neighbors for approx 15 years. When Sara is there she is a very good watch dog and keeps things on the straight and narrow.

The people that take care of the kitchen have a very good watch on what is going on and they take care of things before there is a problem. The people that go to the kitchen are very normal individuals that are down on their luck and we must all work together to help each other in times like this.

I personally think that the North 27th Street is a good location. The one thing that you must realize is that where ever the location is there will be people that have some objection.

Sincerely

[Signature]
Gary Blattert
President