I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

PRESENTATIONS:
1. Public Works and Utilities Department

MAYOR
1. NEWS RELEASE. Mayor Beutler urges residents to bike to work. National Bike to Work Week begins Monday, May 11, 2009. (Sent to Council Members on May 6, 2009)
2. NEWS ADVISORY. Mayor Beutler, Lincoln Water System officials and members of the Mayor’s Water Conservation Task Force news conference on Thursday, May 7, 2009 at Lincoln Water System, 2021 No. 27th Street, to speak on Water Conservation Task Force poster winners, status of water supply and conservation, and drinking water week recognition. (Sent to Council Members on May 6, 2009)
3. NEWS RELEASE. Mayor Beutler announces winners of annual water conservation art contest.
4. NEWS RELEASE. Mayor calls for voluntary water conservation.

DIRECTORS

FINANCE
1. Web link to the monthly Cash and Investment balances.

HEALTH
1. NEWS RELEASE. Paint exchange and HHW collection provide chance to improve health, environment.
2. Memo release on actions to prevent the spread of germs that cause illnesses like influenza and the H1N1 virus.

PLANNING COMMISSION FINAL ACTION
1. Special Permit No. 09008. On-sale alcohol, 100 North 1st Street, Suite A. Resolution No. PC-01165.

URBAN DEVELOPMENT/ HOUSING REHAB AND REAL ESTATE DIVISION
1. Street and alley vacation No. 09004. East/west alley between North 23rd and North 24th Streets, P to Q Streets.
III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

JON CAMP
1. Reply to Donna Baddeley on her email of student ideas addressing budget issues.

ROBIN ESCHLIMAN
*1. Request to Fred Hoke, Building & Safety Director - RE: Assist the neighborhoods with problems such as graffiti, snow removal, etc. (RFI#20 - 04/09/09)
2. Letter to Bill Norris, April 29, 2009, and previous letter of March 6, 2006 regarding Rotary 14 Club supporting the 13th and P park project.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
1. Email from Sara Friedman asking for the City, while working on the budget, to consider increasing fund for the Art Council.
2. Downtown Lincoln Association. Redevelopment Plan Amendment for Lincoln Mall.
3. Email from Mindy Donahoo regarding upkeep of Olympic Heights park.
4. InterLinc correspondence from Staci Massolo. When will Vacant Property Ordinance, Chapter 20.02 pass?

V. ADJOURNMENT
Mayor Chris Beutler will be joined by Lincoln Water System (LWS) officials and members of the Mayor's Water Conservation Task Force at a news conference at 10 a.m. Thursday, May 7 in the conference room at the main Lincoln Water System facility, 2021 N. 27th St.

Topics will include:
- Winners of the Mayor's Water Conservation Task Force's annual poster contest for fifth-graders.
- The status of the City's water supply and conservation efforts as the summer approaches.
- National and local “Drinking Water Week” recognition.
May 11 through 15 is National Bike to Work Week

Mayor Chris Beutler will kick off National Bike to Work Week Monday, May 11 by riding a bicycle to work and inviting others to join him. Bikers can meet the Mayor at 8 a.m. that morning at the “teachers” fountain on the southeast corner of 27th and Capitol Parkway. At 8:30 a.m., all residents are invited to join the bikers for a rally on the east steps of the County-City Building, 555 S. 10th St.

“An increasing number of Lincoln workers are using our outstanding trail system to save money, reduce pollution and get some exercise by biking to their jobs,” Mayor Beutler said. “All of us have excuses for driving to work. Bike to Work week is a great opportunity to give biking a try and see if it fits into your lifestyle. And don't forget your helmets!”

In addition to maintaining and expanding the City's trails network, Beutler said the City has moved forward on other initiatives to promote biking, including downtown bike lanes and a new secure bike corral at CenterPark garage. A project is under way to install bike racks on StarTran buses.

Joining the Mayor on his ride to work will be City Parks and Recreation Director Lynn Johnson, Lincoln-Lancaster County Health Director Bruce Dart and County Commissioner Ray Stevens.

Bikers are invited to stop by the teachers fountain anytime between 7 and 9 a.m. Monday for energy bars, water and trail maps. The rally at the County-City Building will include a Mayoral proclamation, refreshments and bike safety checks. Bikers also will be entered into a drawing for tune-ups, water bottles, jerseys and other items. Information will be available at both sites for these upcoming events:

- Lincoln's first Biketacular event is from 9 a.m. to 5 p.m. Saturday, May 30 at McPhee Elementary School. (Contact Jon Carlson, 441-7224)

- Sunday June 28 is the sixth annual “Trail Trek” celebration of Lincoln's trail system led by Great Plains Trails Network and the Lincoln Journal Star. (Contact Jim Carveth, 488-2101)

Businesses and individuals wanting to participate in Bike to Work Week can contact Terry Genrich, Parks and Recreation, at 441-7939 or Mike Heyl, Health Department, at 441-3889.
MAYOR ANNOUNCES WINNERS OF ANNUAL WATER CONSERVATION ART CONTEST

Mayor Chris Beutler today announced the winners of the annual water conservation poster contest. Lincoln fifth-graders participated in the art contest, sponsored by the Mayor's Water Conservation Task Force. The top two entries were submitted by Colby Reffert, Pyrtle Elementary School, whose artwork will be displayed on two StarTran busboards for two months; and Alivia Fisher, Ruth Hill Elementary School, whose artwork will be displayed on billboards for one year.

“We all need to be good stewards of our environment and our natural resources, and this annual poster contest is a great way to help introduce our young people to that responsibility,” said Mayor Beutler. “It's never too early to reinforce good water conservation practices. If our young citizens are to make intelligent decisions about water and the environment in general, they must be taught not only scientific facts, but also to value and respect our natural resources.”

The third-place winner was Abby Vokoun of Adams Elementary. Honorable mention awards were presented to Elizabeth Mosier, Zeman Elementary; Kaitlynne Janes, Kahoa Elementary; Alex Salzman, Pyrtle Elementary; Hannah O'Neill, Ruth Hill Elementary; Morgan Kinney, Adams Elementary; Dylan Fitzgerald, Morley Elementary; and Rachel R. Overton, Rousseau Elementary.
MAYOR CALLS FOR VOLUNTARY WATER CONSERVATION

Mayor Chris Beutler today encouraged Lincoln residents to voluntarily conserve outdoor water this summer by following the designated day schedule for outdoor watering.

“From a precipitation standpoint, we are in fair shape as we begin the season,” said Mayor Beutler. “We are currently about four inches below normal precipitation for this point in the year, and temperatures have been slightly below normal. The aquifer is full, and river flows are slightly above normal. At the same time, we need to remember that conditions in other parts of the state impact our water supply. Many areas in Nebraska need more good rains.”

Because summer weather is unpredictable, Beutler said it's important to practice water conservation all summer. The City instituted the designated day schedule six years ago.

- Properties with street addresses ending in even numbers, including zero, are asked to voluntarily limit outdoor water use (watering lawns and washing vehicles) to Wednesdays, Fridays and Sundays.
- Properties with addresses ending in odd numbers are asked to voluntarily limit outdoor watering to Tuesdays, Thursdays and Saturdays.
- Those property owners with more than one street address at the same location can choose either daily schedule and notify the Lincoln Water System (LWS) of their decision.
- Those with automatic lawn irrigation systems are encouraged to set them to follow the designated watering days system.

Jerry Obrist, LWS Utilities Coordinator, said the use of designated days helps to level the daily usage of water throughout the week. He also said the City's water fees are structured to encourage conservation. The more water you use, the higher the rate. The price is $1.16 per unit for the first eight units (about 6,000 gallons). The price increases to $1.65 per unit for the next 15 units (11,250 gallons). It increases again to $2.56 per unit for every 750 gallons above 15 units.

A complete description of water rates and the City's Water Management Plan are available on the City Web site, lincoln.ne.gov (keyword: water).
In addition to following the designated day system, the Mayor's Water Conservation Task Force recommends that citizens:

- water during the cool part of the day;
- install a rain sensor device on automatic sprinklers;
- not water when it is windy;
- adjust sprinklers to water only the lawn, and not the sidewalk or street;
- use a broom, not a hose and water, for outdoor cleaning; and
- wash your car with a pail of soapy water, using the hose only to rinse the car.

More information on water conservation is available on the City Web site at lincoln.ne.gov (keyword: conserve)
CONGRESS
Exceptionally eventful week sees stage set for advancement of Obama agenda. President Obama marked his hundredth day in office this week amid a news cycle dominated by pandemic flu, Senator Arlen Specter’s (D-PA) party switch, increased violence in Iraq and the pending retirement of Supreme Court Justice David Souter and extensive retrospective coverage of the first three months of his term.

Next week, congressional appropriators will largely be focused on an FY 2009 supplemental spending bill to fund overseas military operations and provide $1.5 billion in emergency funds to address pandemic flu. Details of the supplemental bill are not yet available, but it is not expected to include any other provisions other than military and pandemic flu funding.

Specter’s party switch puts Senate Democrats within one vote of the 60 needed to stop filibusters, a number they may reach if the Minnesota Supreme Court finds Al Franken to be the winner of that state’s Senate election. Although Specter is expected to retain his independent streak and frustrate Senate Majority Leader Harry Reid (D-NV) as often as he did Senate Minority Leader Mitch McConnell (R-KY), Specter’s defection means that other Obama priorities, such as climate change legislation, and Obama nominees may not face as much difficulty as previously appeared.

On the nominee front, while attention will soon turn to the President’s pick to replace Souter on the bench, the Senate confirmed, by a vote of 65-31, Kansas Governor Kathleen Sebelius as Secretary of Health and Human Services, completing the President’s cabinet. In addition, the Senate approved a slew of nominees at the sub-cabinet level.

In addition, it became clear this week that House Energy and Commerce Committee Chairman Henry Waxman (D-CA) will not be able to move ahead quickly with another Obama priority, legislation to establish a cap-and-trade system for greenhouse gas emissions to address climate change.

With Committee Republicans generally united against Waxman’s bill, increasing doubts among several Committee Democrats made it clear that Waxman will have to endure serious negotiations before he can move his bill to the House floor.

BUDGET
Congress clears Budget Resolution, setting the stage for FY 2010 appropriations process. By votes of 233-193 and 53-43, the House and Senate cleared the Conference Report for the FY 2010 Budget Resolution. The Budget Resolution does not go to the President for his signature and it does not carry the force of law, however, it sets broad spending and policy parameters and lays out the process that Congress must adhere to as it crafts spending, tax and entitlement bills in the coming year.

Passage of the Budget Resolution means that with a discretionary spending cap now set, the House and Senate Appropriations Committees can begin the work of dividing that discretionary spending cap among the twelve annual appropriations bills that fund most non-entitlement programs, including programs of interest to local government.

Overall, the Budget Resolution calls for $3.44 trillion in total FY 2010 federal spending and a deficit of $1.233 trillion. Those figures for FY 2009 are $4.202 trillion, including the stimulus (PL 111-5), $1.693 trillion, respectively. Of the FY 2010 total, $1.226 is for discretionary spending, including $686...
billion for Defense and overseas military operations and $540 billion for non-Defense programs. To date, FY 2009 discretionary spending, including the stimulus, is $1.489 trillion, including $784 billion for non-Defense discretionary spending.

Major policy changes included in the Budget Resolution include protection from Senate filibuster for legislation to overhaul the nation’s health care system, modify higher education loan programs and extend expiring middle class tax cuts. In addition, the Budget Resolution creates a number of deficit-neutral reserve funds that would allow for increased spending for a wide array of programs, including firefighter assistance programs, energy efficiency programs, child nutrition programs and affordable housing programs, provided that any such new spending is offset.

In addition, the Budget Resolution calls for statutorily reinstate pay-as-you go rules, which require offsets for all tax cuts and entitlement spending increases. The Budget Resolution also assumes a baseline of $325 billion in spending over six years for surface transportation programs, but allows that amount to increase, via one of its deficit-neutral reserve funds, if bill writers can find additional revenue for the Highway Trust Fund (see related story below).

In the House, some FY 2010 appropriations bills will likely be marked up at the Subcommittee level in as soon as two weeks. House Appropriations Committee Chairman David Obey (D-WI) has set an ambitious goal of getting all twelve FY 2010 appropriations bill through the House before the August recess. As is almost always the case, Senate appropriators will proceed more slowly but are likely to send at least a handful of bills to the Senate floor before the August.

TRANSPORTATION
There were a number of items of interest in the transportation area this week.

FY 2010 Budget Resolution
The budget resolution that cleared both chambers of Congress this week includes a baseline spending level of $325 billion over six years for the upcoming surface transportation authorization, rejecting a Senate proposal to dramatically trim the figure due to lower Highway Trust Fund revenues. Over the six-year life of the bill, $54 billion would be provided annually, a marked increase over the $47.73 billion annual average provided in the current transportation authorization, SAFETEA-LU.

The FY 2010 budget resolution also includes a provision that would maintain the solvency of the Highway Trust Fund over the life of the surface transportation authorization bill, through FY 2015. Funds may be transferred to the Highway Trust Fund as long as the transfers are offset fully. Additionally, any transportation proposal to draw funds for transportation from sources outside the Highway Trust Fund would trigger a new Senate point of order, requiring 60 votes or more to waive.

Oberstar Pushes for VMT Tax to Replace Gas Tax
Chairman James Oberstar (D-MN) of the House Transportation and Infrastructure Committee stated this week that he favors full implementation of a new transportation revenue system, based on vehicle miles traveled (VMT), to be phased in within two years, rather than the decade or more indicated by the National Surface Transportation Infrastructure Financing Commission in its February report. Oberstar brushed aside a proposal to expand a pilot program testing VMT technology, indicating his growing frustration with “more studies.”

Oberstar urged Rep. Peter DeFazio (D-OR), chairman of the Highways and Transit Subcommittee, to utilize private sector expertise, in conjunction with Capitol Hill staff from both parties, to develop a VMT tax implementation plan. Oberstar intends to mark up a draft version of the surface transportation authorizing legislation this month, and send it to the floor of the House by Memorial Day. Members of Congress have until May 8 to submit their Member-directed high-priority surface transportation requests to the Committee.

DOT Intends $1.5 Billion Stimulus Grant Program to Benefit Ports & Intermodal Facilities
The American Recovery and Reinvestment Act of 2009 (ARRA, PL 111-5) included $1.5 billion for a new competitive grant program administered by the Department of Transportation. According to statements made by Transportation Secretary Ray LaHood in recent days, this grant program will focus on ports and intermodal projects that would otherwise remain unfunded, noting the large amounts of ARRA spending dedicated to highways, transit, aviation, and high-speed rail.

According to the ARRA legislation, the criteria for awarding these competitive grants must be published no later than May 18th, and applicants will have 90 days from that date to submit applications for funding. All funding must be awarded within one year of the bill’s enactment, or by Feb. 17, 2010. Priority will be given to projects that can be completed within three years, and carry a minimum cost of $20 million and a maximum of $300 million. The federal share of these grants is 100 percent, but projects where federal funds would supplement other funds will be given greater favor.
HATE CRIMES

House passes bill regarding expansion of federal hate crime law. On Wednesday, the House passed the “Local Law Enforcement Hate Crimes Prevention Act of 2009” (HR 1913) by a vote of 249-175.

The current hate crime law covers threats of force based on race, color, religion, national origin and gender. HR 1913 would expand the law to cover offenses based on sexual orientation or gender identity, as well as a victim’s physical or mental disability.

HR 1913 also includes a provision allowing the Attorney General to award grants to State, local, and Tribal law enforcement agencies for expenses related to the investigation and prosecution of hate crimes. The bill would authorize $5 million for FY 2010 as well as FY 2011 for such grants.

Senator Edward Kennedy (D-MA) introduced a companion Senate measure (S 909) on Tuesday.

STIMULUS WATCH

Army Corps of Engineers
Posted a list of Civil Works projects that are funded by the American Recovery and Reinvestment Act (ARRA): http://www.usace.army.mil/RECOVERY/Pages/Projects.aspx

Environmental Protection Agency
Published an addendum regarding ARRA funding for projects that were funded in the April 30, 2009 Federal Register: http://edocket.access.gpo.gov/2009/pdf/E9-9964.pdf

Department of Energy

Department of Justice
Announced $424.8 million in ARRA funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Other Local Recovery Act JAG awards will be announced at a later date. The deadline for local units of government to submit their Recovery Act applications to the Department of Justice is May 18, 2009: http://www.usdoj.gov/opa/pr/2009/April/09-opa-406.html

GRANTS & NOTICES

Grant Application Procedure Notice
Due to increased system activity on www.grants.gov, the Office of Management and Budget (OMB) has authorized select grant programs to use alternate systems to process grant applications. This includes, but is not limited to, grants authorized through ARRA. See notice at: http://www.grants.gov/applicants/announcements/20090601150003.nsf

Admin. for Children and Families
ACF is seeking applications for the Street Outreach Program (SOP). The purpose of the SOP is to enable programs to assist young people in relocating from the streets to stable housing situations. A total of $5 million will be distributed by ACF through 50 awards and a 10 percent non-federal match is required. Applications are due June 8, 2009: http://www.acf.hhs.gov/grants/open/HHSS-2009-ACF-ACYF-YO-0024.html

Office of Juvenile Justice Delinquency Prevention is accepting applications for a number of programs:

Enforcing Underage Drinking Laws Training and Technical Assistance. This funding is meant to support state and local efforts to prohibit the sale of alcoholic beverages to minors, as well as the purchase and consumption of alcoholic beverages by minors. Applications are due by June 4, 2009: http://ojjdp.ncjrs.gov/grants/solicitations/FY2009/VOCATTAProsecutors.pdf

Children's Advocacy Centers Subgrant Program. This program provides funding to manage a national grant awards program for local children's advocacy center programs dealing with child abuse. Applications due June 8: http://ojjdp.ncjrs.gov/grants/solicitations/FY2009/VOCASubgrant.pdf

Improving Community Response to Commercial Sexual Exploitation of Children grant program. This program supports communities in combating the commercial sexual exploitation of children by improving training and coordination activities within a community. The award ceiling is $500,000. Applications are due on June 8: http://ojjdp.ncjrs.gov/grants/solicitations/FY2009/VOCACOMResponseCSEC.pdf

Gang Prevention Youth Mentoring Program. This program supports the establishment of mentoring programs and the target population should be youth at risk of gang activity, delinquency, and youth violence. Applicants must have completed a comprehensive community gang assessment. The maximum award is $500,000. Applications are due on June 8: http://ojjdp.ncjrs.gov/grants/solicitations/FY2009/GangPreventionMentoring.pdf

OJJDP, cont.
National Youth Mentoring Training and Technical Assistance Initiative. With this solicitation, OJJDP seeks to expand its national leadership role in the youth mentoring arena by advancing the capacity of state and local jurisdictions to develop, implement, expand, evaluate, and sustain youth mentoring efforts. The maximum grant award will be $1.5 million. Applications are due on June 15, 2009 through OJP’s GMS: http://ojjdp.ncjrs.gov/grants/solicitations/FY2009/NationalMentoringTTA.pdf.

HUD
HUD’s Brownfields Economic Development Initiative (BEDI) has made $20 million available for awards up to $2 million each. The program seeks to enhance the security or improve the viability of a project financed with HUD Section 108-guaranteed loan authority, increase economic opportunity for persons of low-and moderate-income or stimulate, and retain businesses and jobs. Applications are due on June 16, 2009 and instructions will be available on HUD’s website. http://www.hud.gov/offices/cpd/economic development/programs/bedi/bedinofa.pdf.
Here is a link to our Monthly Cash & Investment balances as requested in this morning's Pre Council session:

http://www.lincoln.ne.gov/city/finance/account/cashinv.htm
FOR IMMEDIATE RELEASE: May 4, 2009
FOR MORE INFORMATION: Dan N. King, Environmental Health Specialist, 441-8084
Laurel Erickson, Environmental Educator, 441-8035

PAINT EXCHANGE AND HHW COLLECTION PROVIDE CHANCE TO IMPROVE HEALTH, ENVIRONMENT

Lincoln and Lancaster County residents have the opportunity to re-use, recycle, safely dispose of hazardous wastes, and improve their health and the environment by participating in the Usable Latex Paint Exchange on Friday, May 15, and the Household Hazardous Waste Collection on Saturday, May 16.

Usable Latex Paint Exchange at EcoStores May 15

Need to get rid of some perfectly good leftover paint that’s sitting in the basement? Is paint needed for the family room, the kitchen, a church or pre-school classroom, or even the garage? Come to the spring Usable Latex Paint Exchange at EcoStores Nebraska!

Lincoln and Lancaster County residents can bring unwanted usable latex paint to EcoStores Nebraska, 530 West P Street, on Friday, May 15, from 3 – 7 p.m. Households and individuals (not businesses) may donate paint in cans without rust or leaks. The cans must be at least half full with intact, readable labels; the paint cannot be lumpy when stirred, and should not have been frozen. Residents who bring latex paint that is not usable will be charged $2 for EcoStores to dispose of the paint. Instructions about safely drying out the paint and disposing of it at home will be provided to participants. Anyone can take free paint from the exchange on Friday, Saturday, and Sunday – homeowners, landlords, churches, schools, daycares, organizations, or businesses. Exterior and interior latex paint in a variety of colors will be available. Call EcoStores Nebraska at 477-3606 for more information.

The usable latex paint exchange is one approach to reduce the problem of excess latex paint in the waste stream. Nationally, the EPA estimates that half a billion dollars is spent each
year to dispose of unwanted or excess paint. In 2008, over 20,000 pounds of latex paint were collected locally. In Lincoln, the just-launched “SmartPainter” project hopes to make a dent in that number. Participating neighborhood hardware stores (including most ACE and True Value stores and Sherwin Williams paint stores) are focusing on training staff and providing customers with additional guidance on buying the right amount of paint for a particular job and on what to do with excess paint (from passing it on to drying it out). Excess paint should never be dumped in the street, as the storm drains provide a path to local waterways, ponds, and lakes, impacting water quality and harming aquatic wildlife.

**HHW Collection May 16**

For the 12th consecutive year, Pfizer, Inc. will host a Household Hazardous Waste (HHW) collection in conjunction with the Lincoln-Lancaster County Health Department. The collection will be held on Saturday, May 16, from 9 a.m. to 1 p.m. at Pfizer’s facility at 601 West Cornhusker Highway. In the last 11 years, Pfizer collections have served over 2600 residents and diverted over 165,000 pounds of hazardous waste from the landfill.

Items accepted at the HHW collection include fluorescent bulbs (CFLs) and tubes, pesticides, paint thinners, stains, polishes and waxes, turpentine, oil-based paint, pool cleaning chemicals, flea and tick powders, rodent poison, charcoal starter fluids, mixed or old gasoline, mercury-containing items including thermometers, upholstery cleaners, grease removers and brake and power steering fluids.

Items that can be recycled or safely disposed of locally **will not** be accepted at the HHW collection: latex paint, motor oil, gas grill cylinders, pharmaceutical waste, electronics, and batteries.

The HHW program is funded by the Waste Hauler Occupation Tax and by a grant from the Nebraska Department of Environmental Quality. Residents with questions about either the Usable Latex Paint Exchange, the HHW Collection, or local recycling options can contact the Health Department at 441-8021 or check the website at [www.lincoln.ne.gov](http://www.lincoln.ne.gov) (keyword: household.).
Although there is no vaccine available right now to protect against this new H1N1 influenza virus, there are everyday actions that you can take to help prevent the spread of germs that cause respiratory illnesses like influenza and reduce your risk of becoming infected.

“What can I do to protect myself from getting sick?”

CDC currently recommends the following:

Take these everyday steps to protect your health:

- Cover your nose and mouth with a tissue when you cough or sneeze.
- Throw the tissue in the trash after you use it.
- Wash your hands often with soap and water, especially after you cough or sneeze. Alcohol-based hand cleaners are also effective.
- Avoid touching your eyes, nose or mouth. Germs spread this way.
- Try to avoid close contact with sick people.
- Stay home if you are sick for 7 days after your symptoms begin or until you have been symptom-free for 24 hours. This is to keep from infecting others and spreading the virus further.

Other important actions that you can take are:

- Follow public health advice regarding school closures, avoiding crowds and other social distancing measures.
- Be prepared in case you get sick and need to stay home for a week or so; a supply of over-the-counter medicines, alcohol-based hand rubs, tissues and other related items might could be useful and help avoid the need to make trips out in public while you are sick and contagious.

Checkout the CDC web for the most current information about H1N1 (Swine flu) virus.

http://www.cdc.gov/h1n1flu/

For questions about the H1N1 (Swine flu) virus, call the Lincoln-Lancaster County Health Department information phone line a 441-6246.
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : May 6, 2009

RE : Special Permit No. 09008
     (On-sale alcohol - 100 North 1st Street, Suite A)
     Resolution No. PC-01165

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 6, 2009:

Motion made by Taylor, seconded by Cornelius, to approve Special Permit No. 09008, with conditions, requested by Patricia Sanchez, for authority to sell alcoholic beverages for consumption on the premises of Las Herraduras Mexican Restaurant generally located at 100 North 1st Street, Suite A.

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

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 on the special permit will be mailed to the permittee by the City Clerk at the end of the 14-day appeal period.

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    Patricia Sanchez, 100 N. 1st Street, Suite 3, 68502
    DMK Properties, 1401 N. 1st Street, Suite A, 68502
    Danny Walker, South Salt Creek Community Org., 427 E Street, 68508
    Gary Irvin, South Salt Creek Neighborhood, 645 D Street, 68502
    P.C. Meza, South Salt Creek Neighborhood, 536 C Street, 68502

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RESOLUTION NO. PC-01168

SPECIAL PERMIT NO. 09008

WHEREAS, Patricia Sanchez has submitted an application designated as Special Permit No. 09008 for authority to sell alcoholic beverages for consumption on the premises of Las Herraduras Mexican Restaurant generally located at 100 North 1st Street, Suite A, on property legally described as:

Lots 7, 8, 9, 10, 11, 12, 13, and 14, Block 251, Original Lincoln, Lincoln Lancaster County, Nebraska, together with the south half of vacated east-west alley adjacent thereto; and that portion of the east 14.0 feet of North 1st Street, from the south line (extended) of Lot 7, Block 251 to the centerline of the vacated east-west alley in said Block 251; and

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

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

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

That the application of Patricia Sanchez, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises of Las Herraduras Mexican Restaurant on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed
premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcohol for consumption on the premises as designated by the cross-hatched shading labeled "Licensed Premises" on the site plan.

2. Before commencing the sale of alcohol for consumption on the premises:
   a. The Permittee shall provide a copy of a lease agreement that demonstrates the required off-street parking spaces are available.
   b. The construction plans must substantially comply with the approved plans.

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

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

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 6th day of May, 2009.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Assistant City Attorney
Special Permit #09008
N 1st & O Street

Zoning:

One Square Mile
Sec. 23 T10N R06E

2007 aerial
A request has been made to vacate the alley located north of P Street between 23rd and 24th Streets. The area was viewed and appears as a rock-surfaced alley. Staff has indicated the existence of an 8" sanitary sewer and overhead electrical power lines within the alley. Upon inspection, the sewer line was verified by the existence of a manhole cover within the alley. It also appears upon inspection that telephone and cable may exist in the alley along with the electrical lines. It appears the electrical lines consist of a high-voltage transmission line as well as the distribution lines routinely found in alleys such as this. Staff has asked for easements to be retained over the entire area for the existing utilities.

Small, narrow strips such as this have very little value, in and of themselves, but will assume the value of the surrounding property once it is assembled into it. In the case of this alley, it is deemed it would have only a nominal value in light of the number of utilities located there. Any developer who wished to assemble this land and utilize the alley for anything other than a drive or parking lot would be obliged to relocate the utilities. This cost of relocation may very well exceed the actual value of the land being assembled especially in light of the fact one of the electric lines is of the transmission line variety. As such a nominal amount of $0.15 per square foot is considered appropriate. The calculations are as follows:

\[
4,800 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$720
\]

Therefore, it is recommended if the alley be vacated, it be sold to the abutting property owner for $720.00 and an easement be retained for existing utilities.

Respectfully submitted,

[Signature]

Clinton W. Thomas
Certified General Appraiser #990023
Please see email from Donna Baddeley and response to her from Councilman Jon Camp. I will list this on the Directors' Agenda for 05/11/09 instead of the previous email that I just sent to you.

Also, Pat:
Could you please forward this email to the Library Board. Thanks.

Tammy Grammer
City Council Secretary
441-6867

-----Original Message-----
From: Jon Camp
Sent: Tuesday, May 05, 2009 3:54 PM
To: Tammy J. Grammer
Subject: FW: Feedback

Tammy:

If you prefer, you can use the email below that also contains my response to Donna, to share with my colleagues, etc. as identified in my previous email.

Jon

From: Jon Camp
Sent: Tuesday, May 05, 2009 3:49 PM
To: Donna
Subject: RE: Feedback

Donna:

Thanks for your email. . .I just now received it. The City's computer department changed its system and I have not had my emails forwarded to my business email for many weeks, including your email.

Please accept my apologies. And, thanks for the ideas. I will share them with my colleagues.

For your information, I have raised the idea of co-locating with schools as I attended Millard Lefler junior high where there used to be a branch. Apparently with today's concerns for the welfare of children, there is a policy to "divorce" libraries from schools, even if they share the same building. In other words, the school will still have its own library. I do not agree with this policy and recognize that it is expensive.

Best regards,
Dear Jon:

In your last e-mail you asked for student ideas on how to address budget issues. I asked them and here are their ideas:

1. Lemonade for Libraries - Lincoln. A day when young people all over the city have a lemonade stand & donate all proceeds for the city libraries.

2. Have a city-wide fund raiser now that the problem has been made public.

3. Have some kind of a donation project like the one with LES for Parks & Rec.

4. Find some way to combine school libraries with city public libraries. There is a lot of duplication and oftentimes, the two are very close in proximity, such as Walt Branch & Lincoln Southwest.

I hope this offers some new and creative ideas to the mix.

Donna Baddeley
April 29, 2009

Bill Norris
7216 Sugar Creek Circle
Lincoln, NE 68516

Dear Bill:

Two years ago, our City Council sent you the attached letter and never received a response. In talking with Bill Schmeckle the other day, he encouraged me to contact you and said your plans for funding the park at 13th & P did not materialize.

Once again we would like to ask the Rotary 14 Club to make this a project. The City is prepared to commit to about $2 million, and we are looking for creative ways to approach the State of Nebraska for some help.

The State Capitol is our biggest tourist attraction. Numerous visitors come to Lincoln and spend their sales tax dollars here, and many stop by the fountains for a picture. We must give them a better impression of our City, and our community will benefit by rallying around this project. It would be a great responsibility but also a great honor for Rotary Club 14 to embark on a capital fundraising and an endowment so that the Mall will never deteriorate like this again.

We would like you to consider this and would love to hear back from you.

Cordially,

Robin Eschliman
Doug Emery
Jonathan Cook

Jon Camp
Dan Marvin
John Spatz
Ken Svoboda

cc: Mayor Chris Beutler
    Lynn Johnson, Parks & Recreation Director
March 6, 2006

Bill Norris
7216 Sugar Creek Cir.
Lincoln, NE 68516

Dear Bill:

I am a Club 14 Rotarian and have heard about the project for 2010 that Rotary is contemplating through its Centennial Club. I wanted to make you aware of a project that your committee might consider for its Centennial project.

Several of us on the City Council have been concerned about the condition of Centennial Mall between the Capitol and the Humane Society. Over the years the condition has deteriorated greatly. There have been plans to restore it, but never the adequate funds available from the State or the City to do what is needed.

There are new parks being contemplated in Downtown Lincoln and Antelope Valley, and they will probably receive lots of attention and fundraising. Our fear is that Centennial Mall will be forgotten in the excitement. It is, however, the bridge between Downtown and Antelope Valley, and it is a State treasure.

There are a couple other service clubs in Downtown; however, it is doubtful that they could contribute substantial resources for this project. Downtown Rotary probably has the best chance of taking this on and making a difference. Would your committee consider taking on a section of the mall as a creative project? If you would, Rotary, Downtown, and our State could be so proud!

Cordially,
As you work on the budget please consider increased funding for the Art Council, which brings entertainment, guidance, education, and revenue to Lincoln, and the state of NE.

Respectfully,
Sara Friedman
1990 Ryons St.
Lincoln, NE 68502-3863
Ph: 402-477-6050
DATE:      May 4, 2009

TO:        Doug Emery
           Jon Camp
           Jonathan Cook
           John Spatz
           Robin Eschliman
           Ken Svoboda
           Dan Marvin

FROM:      Terry Uland, President
           Downtown Lincoln Association

SUBJECT:   Redevelopment Plan Amendment for Lincoln Mall

The DLA Board voted unanimously on April 27, 2009, to support approval of the Redevelopment Plan Amendment for Lincoln Mall. Lincoln Mall is an important feature of the Downtown environment. The DLA Board appreciates Urban Development’s initiative in creating a strategy to fund the much needed repairs for Lincoln Mall. The need for renovation of the Mall has been universally apparent for many years and it is good news that resources have been identified that may be used for repairs.

We do hope in these difficult economic times the $2.2M, for the time being, will be the extent of the city’s commitment of public resources.
I was curious if there are any plans on updating the park in Olympic Heights. This park is widely used and yet probably the most pathetic park in Lincoln. Half the playground equipment children can barely utilize because the only way on it is by the monkey bars. The slide is never used because it is the old metal and always too hot to even touch. This park still has gravel (which is always full of glass) instead of one of the better ground covers. I just think it is pretty sad that this area of Lincoln continues to be neglected and yet it is rapidly growing. If it is not in the plans to improve this park please give suggestions on what the citizens of this neighborhood can do to get this in the plans.
InterLinc: City Council Feedback for General Council

Name: Staci Massolo
Address: 4837 Watt Avenue
City: North Highlands, Ca. 95660
Phone: 9163396332
Fax: 9163396967
Email: staci.massolo@homeq.com

Comment or Question:
To Whom It May Concern -

I'm inquiry about the Vacant Property Ordinance, Chapter 20.02. Do you have any idea when this ordinance might pass?

Thank you!
Staci Massolo
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, MAY 11, 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 May 9 through May 15, 2009 - Schedule subject to change.

2. NEWS RELEASE - RE: One Week Left To Take Online Budget Survey.

DIRECTORS - None

III. COUNCIL RFI’S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS - None

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL -

1. E-Mail from Jeanette Fanmeyer - RE: In Support of moving $8,000,000 from the Special Assessment Fund to Roads for Jobs Fund.

2. E-Mail from Karin Kotschwar - RE: In Support of Resolution 09R-76, Establishing a Roads to Jobs Fund to make funds available for road projects, declaring a surplus of $8,000,000 in the Special Assessment Revolving Fund.
DATE: May 8, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler's Public Schedule
Week of May 9 through May 15, 2009
Schedule subject to change

Monday, May 11
- Mayor biking to work to kickoff Bike to Work Week - 8 a.m., meet bikers at fountain, southeast corner of 27th and Capitol Parkway; 8:30 a.m., rally, County-City Building, 555 S. 10th St., east side.
- Mayor's Award of Excellence presentation - 1:30 p.m., Council Chambers, County-City Building

Tuesday, May 12
- Special Olympics 2010 USA National Games Legislative Day Luncheon - noon, Blue Cross Blue Shield Building, 1233 Lincoln Mall, Suite 100
- Mayor's Multicultural Advisory Committee - 4 p.m., Mayor's Conference Room, County-City Building

Wednesday, May 13
- Law Enforcement Memorial celebration, remarks and proclamation - noon, east steps of Justice and Law Enforcement Center, 575 S. 10th St.
- ServeNebraska's National Service Celebration, remarks - 12:30 p.m., NET, 1800 N. 33rd St.

Thursday, May 14
- KFOR - 7:45 a.m.

Friday, May 15
- Chief Standing Bear breakfast, remarks and proclamation - 7:30 a.m., Embassy Suites, 1040 “P” St.
Residents have one more week to participate in an online survey on the City budget now available at lincoln.ne.gov. The “Taking Charge” survey focuses on programs and services that are in danger of being eliminated or reduced in the 2009-2010 budget. It will remain on the City Web site until 5 p.m. Friday, May 15.

The City is working with the University of Nebraska Public Policy Center (PPC) on the current survey, which will take about 20 to 25 minutes to complete. Those taking the survey will answer a series of questions selected at random from a larger pool. Specific topics include Library services; pools and other Parks and Recreation programs and facilities; health programs to prevent injury and disease; Police services; stormwater, floodplain and development review; and snow removal.

Those taking the survey also will have the opportunity to indicate their willingness to participate in an in-depth discussion about the City's budget scheduled for 8:30 a.m. to 3:30 p.m. Saturday, May 16 at UNL's East Campus. Mayor Chris Beutler and City Directors will attend. Pre-registration is required, and space is limited, so those interested in participating in the discussion should complete the survey and register as soon as possible. More information about the discussion is available from the PPC's Web site, ppc.nebraska.edu, or by calling 472-5678. Funding for the project comes from an Alfred P. Sloan Foundation grant to the PPC. Participants in the May 16 discussion will be compensated $35 for their time and input.

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 Council adoption of the budget are scheduled for August.
I support moving the $8,000,000 from the Special Assessment Fund to a Roads For Jobs Fund. 
I live in the NW 48 Street area and NW 48 Street is one of the streets that could really use major improvements. Currently is has been at and over capacity for the last four years. A mechanical traffic count was recently done with the results not yet released. In the 30 plus years I have used NW 48 as the life line to my life, it has been resurfaced once. This street is designated as a truck route by the state. When new housing is added a turning lane may be added but without the proper preparation of the road bed it soon deteriorates to its present condition of cracking and major pot holes that forces semi traffic to travel the middle of a two lane up hill road to avoid them. Don’t think that isn’t exciting to meet that kind traffic on your way home. Trying to access NW 48 is also kind of exciting in itself. With the current traffic volume I get to accelerate fast and make sharp turns to merge into traffic. Probably can’t do that in all parts to the city without getting a ticket. 
With the new school site along NW 48 the traffic problems will only get worse. Limited parking at the school site and only two two-lane streets that are two block long, 700 students, the heavy traffic on NW 48 is a major disaster just waiting to happen. While there are several road right of ways at NW 51 and NW 53 that would connect the school to the neighborhood, the city is not funding these streets either. So the disaster waits.
Currently the is a plan, several years old, that shows NW 48 jogging over to NW 46 onto Airport Authority property. I feel that using the current road bed is a better idea. Traffic will be no closer to the houses in Arnold Heights than along 84 or Old Cheney or Superior Streets or even to the houses to the south of Adams along NW 48.
While I’m quite aware that moving this money will not automatically improve NW 48, I hope that is will free up other funds to improve the road that is used by many locals who live and/or work in the area. The land is available in this area for potential business and manufacturing development. And much of it has access to existing utilities. Do I want everything that improvements to NW 48 will bring? No, but I know there are trade offs that must be made.
Moving this money to a Roads to Jobs Fund is a good idea.
I am aware that voter turn out in my area of the city is quite small. I was one of those who chose to vote so I could try and make a difference.
I am writing in support of resolution 09R-76 on today’s City Council agenda:

39) **09R-76** Establishing a Roads to Jobs Fund to make funds available for road projects, declaring a surplus of $8,000,000.00 in the Special Assessment Revolving Fund, and authorizing the transfer of said funds to the Roads to Jobs Fund.

Thank you

Karin Kotschwar
833 Surfside Circle
Lincoln NE 68528
402.432.9272
kkotschwar@neb.rr.com