I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR
1. NEWS RELEASE. Statement from Mayor Chris Beutler on the passing of former Lincoln Mayor Helen Boosalis.
2. NEWS RELEASE. Flags to be flown at half staff in honor of former Mayor Helen Boosalis.
3. NEWS RELEASE. Section of South Cotner to remain closed through Friday.

DIRECTORS

HEALTH DEPARTMENT
1. Animal control proposals from Bruce Dart, Health Director, and Robert Westfall, Animal Control Manager.
2. NEWS RELEASE. Celebrating Safety. A celebration for participants to mark the completion of the Remembering When campaign scheduled for June 15, 2009.
3. NEWS RELEASE. Food that’s in when school is out. The 2009 Summer Food Service Program (SFSP) began on June 8, 2009.

PLANNING

PLANNING COMMISSION

PLANNING COMMISSION FINAL ACTION
2. Special Permit No. 04073A, St. Monica’s, Wedgewood Drive and Lakewood Drive. Resolution No. PC-01168.
III. COUNCIL RFI’S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

JONATHAN COOK
1. Request to Greg MacLean, Public Works & Utilities Director - RE: West Van Dorn, 27th & Hwy 2, and 40th & Hwy 2 (RFI#135 - 06/03/09) SEE REPLY FROM GREG MACLEAN, PUBLIC WORKS DIRECTOR.

2. Request to Greg MacLean, Public Works & Utilities Director - RE: Road at 1st & Fletcher (RFI#136 - 06/18/09)

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
1. Email from Linda Rohman regarding the unscientific “Taking Charge” survey results and reasons why no consideration should be given the survey.

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

FOR IMMEDIATE RELEASE: June 15, 2009

STATEMENT FROM MAYOR CHRIS BEUTLER
ON THE PASSING OF FORMER LINCOLN MAYOR HELEN BOOSALIS

Our hearts are heavy today as we reflect on the life and times of Helen Boosalis.

Helen left us with enough wonderful memories to last multiple lifetimes. She was and always will be looked upon as one of Lincoln's great civic leaders. Helen's energetic style was an inspiration to everyone.

In serving as Lincoln's Mayor from 1975 to 1983, Helen was a role model for young women. Existing social barriers were not going to get in the way of her desire to serve the City she loved and its citizens.

Helen was a strong mayor. She worked hard for consensus but, at the same time, she would not hesitate to step up and make the tough call when consensus couldn't be reached.

I hope all will join me in remembering a true pioneer who lived life to the fullest and who fulfilled her commitment to public service with a great passion and high intelligence.

It's a sad day in our city and state today. We've lost a wonderful leader and a cherished friend. Helen Boosalis will be dearly missed.

- 30 -
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: June 17, 2009

FLAGS TO BE FLOWN AT HALF STAFF
IN HONOR OF FORMER MAYOR HELEN BOOSALIS

Governor Dave Heineman has granted Mayor Chris Beutler's request for flags to be flown at half staff in Lincoln on Friday, June 19 until sunset in honor of former Lincoln Mayor Helen Boosalis, who died on Monday. Services are scheduled at First Plymouth Congregational Church in Lincoln on Friday, June 19 at 10 a.m.

- 30 -
South Cotner Boulevard between “A” and South 56th streets is expected to remain closed through Friday due to a water main break last night. Piedmont Road also will remain closed at the intersection with South Cotner. The break occurred at that intersection because of the failure of two aging valves. All access to local residents will be maintained.

All water service in the area was restored by 11:30 p.m. Wednesday. Questions regarding water service can be directed to Steve Owen, Lincoln Water System, at 441-5925. Questions about street closures can be directed to Greg Topil, Engineering Services, at 416-5150.
House to begin considering FY 2010 spending bills on the floor. Budget matters continue to be front-and-center for Congress, as the House prepares for floor consideration this week of its first two FY 2010 appropriations bills – the measures for the Department of Homeland Security and for the Departments of Commerce and Justice (see related stories below).

The House Appropriations Committee cleared the way for formal consideration of the FY 2010 spending bills last week by dividing the $1 trillion in non-emergency discretionary spending among the twelve panel subcommittees. All of the twelve subcommittees received increases for their FY 2009 allocations, with the subcommittees with jurisdiction over the State Department (33 percent), Transportation and Housing and Urban Development Departments (25 percent), and Interior Department and EPA (17 percent) receiving the biggest boosts.

The subcommittee that handles the Department of Energy and U.S. Army Corps of Engineers received only a 0.1 percent increase, while the Defense Department subcommittee also received a relatively modest 4 percent increase. The explanation given for the small increase at the Energy Department was that the sector was provided a significant boost in FY 2009 through the stimulus package.

Meanwhile, House-Senate conferees have reconciled the FY 2009 supplemental appropriations bill for overseas military activities and pandemic flu preparation. The final version contains a provision included in the Senate version that would allow public transportation operators to use up to 10 percent of its stimulus plan transit formula funding for operating assistance.

Democratic leaders in Congress are also working behind the scenes to smooth the path for consideration of two Obama Administration priorities – health care reform and climate change legislation. The House is expected to consider a climate change bill approved by the Energy and Commerce Committee sometime in June, while committee action on portions of a health care plan could begin as early as this week in the Senate Finance Committee.

Finally, Senate Judiciary Committee Chairman Patrick Leahy (D-VT) announced last week that hearings in his committee on the nomination of Sonia Sotomayor to the United States Supreme Court will begin on July 13.

The supplemental also includes language that repeals onerous Davis-Bacon requirements imposed in the stimulus bill for CDBG and the Neighborhood Stabilization Program 2 that would have applied the requirements to as few as one housing unit. Grantees will now be subject to the regular 8-unit threshold CDBG Davis-Bacon requirements. Both the House and Senate are expected to take up the conference report this week.
• $950 million for the State Homeland Security Grant Program (same as FY 2009)
• $887 million for the Urban Area Security Initiative (+$49.5m)
• $250 million for rail and transit security (-$150m)
• $250 million for port security (-$150m)
• $380 million for Assistance to Firefighter Grants (-$185m)
• $420 million for SAFER firefighter hiring grants (+$210m)
• $40 million for the Metropolitan Medical Response System (-$1m)
• $100 million for the FEMA Pre-Disaster Mitigation Grants (+$10m)
• $220 million for FEMA flood map modernization (same)

The House is tentatively scheduled to consider the FY 2010 Department of Homeland Security appropriations bill on the floor on Friday, June 19.

**ARTS & RECREATION**

House panel clears Interior spending measure. A House Appropriations Committee subcommittee cleared an unnumbered FY 2010 spending bill for the Interior Department, the Environmental Protection Agency (EPA) and federal arts and humanities agencies and other related agencies last week. Although complete details of the bill are not yet available, preliminary details show that most programs of interest to local government would fare well.

The biggest winners would be the Clean Water State Revolving Loan Fund and the Drinking Water State Revolving Loan Fund. The Clean Water Program would see its funding increase by $1.618 billion, or 334 percent, over FY 2009 (not including the stimulus) to $2.307 billion. The Drinking Water Program would receive $1.443 billion, $614 million or 174 percent more than the FY 2009 level (not including the stimulus). Several reports indicate that the bill also includes language similar to that included in the stimulus bill that would require the states to use at least 50 percent of the funding for the revolving loan funds for grants and negative interest loans.

Other highlights of the bill include (with change from FY 2009, not including the stimulus, in parentheses):

- $100 million for Brownfields (+$3 million)
- $60 million for Diesel Emission Grants (same)
- $30 million for Land and Water Conservation Fund State Grants (+$10 million)
- $170 million for the National Endowment for the Arts (+$15 million)
- $170 million for the National Endowment for the Humanities (+$15 million).

The full Appropriations Committee is scheduled to take up the bill on Thursday so we expect that the next issue of the *Washington Report* will provide additional details about the bill.

**LAW ENFORCEMENT**

House bill would boost state and local law enforcement assistance. The House Appropriations Committee approved a FY 2010 Justice Department spending measure (HR 2847) that would boost funding for state and local law assistance by $197 million above FY 2008 spending (not including funding appropriated by the American Recovery and Reinvestment Act, or ARRA).

The bill would provide $529 million for Byrne Justice Assistance Formula Grants, $10 million above the FY 2009 level. COPS would receive $802 million, an increase of $252 million not including stimulus funding. Of the $802 million, $298 million would be for Hiring Grants, which received $1 billion in ARRA but did not receive regular FY 2009 funding.

Other highlights of the bill approved by the Committee include (change from FY 2009, not including ARRA in parentheses):

- $400 million for Violence Against Women (+$11 million)
- $40 million for Byrne Competitive Grants (-$138 million)
- $300 million for the State Criminal Alien Assistance Program, which the Administration proposed eliminating (-$100 million)
- $45 million for Drug Courts (+$5 million)
- $15 million for Weed and Seed (-$10 million)
- $385 million for Juvenile Justice (+$11 million).

The House is expected to consider and pass the bill, which also funds the Commerce Department (see related story below) and independent science agencies, later this week.

**COMMERCE**

2010 Census boosts Commerce Department spending. The House Appropriations Committee approved and FY 2010 spending bill (HR 2847) for the Department of Commerce that would increase the agency’s funding by $4.5 billion over the FY 2009 level. The bulk of that increase would go to the Census Bureau, which would see its funding grow by $4.2 billion to $7.3 billion as it conducts the Decennial Census.

The bill would also include $240 million for Economic Development Administration (EDA) grants, and increase of $15 million over the FY 2009 level. Out of that amount, programs would be funded as follows (change from FY 2009 in parentheses):

- $158.2 million would go towards Public Works Grants (+$25m)
- $25 million for Economic Adjustment Assistance Grants (-$10m)
- $31 million for Planning Grants (same as FY 2009)
- $9.4 million for Technical Assistance (same as FY 2009)
- $16 million for Trade Adjustment Assistance (same as FY 2009).

The House will consider and is expected to pass the bill, which also funds the Department of Justice (see related story) and independent science agencies, later this week.

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**Washington Report**

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- $385 million for Juvenile Justice (+$11 million).
ELECTIONS

House committee considers three elections bills. The House Administration Committee this week approved three bills relating to elections management.

- The “Federal Election Integrity Act” (HR 512) would make it unlawful for a chief state election administration official to take active part in political management or in a political campaign with respect to any election for federal office over which the official has supervisory authority.

- The “Universal Right to Vote by Mail Act” (HR 1604) would prohibit a state from imposing additional conditions or requirements on the eligibility of an individual to cast a vote in federal elections by mail, except to impose a deadline for requesting the ballot and returning it to the appropriate state or local election official.

- The “Absentee Ballot Track, Receive, and Confirm Act” (HR 2510) would direct the federal government to reimburse a state for the costs incurred in establishing an absentee ballot tracking program for federal elections. The bill would not mandate such programs, however.

The next step for these bills is consideration on the House floor, and no Senate companion legislation to any of the three has been introduced.

TELECOMMUNICATIONS

House subcommittee holds hearing on cell phone tax moratorium. A subcommittee of the House Judiciary Committee held a hearing on legislation (HR 1521) that would place a five-year moratorium on new and discriminatory state and local taxes on cellular telephone services.

Representatives of state and local government organizations – including the National League of Cities and U.S. Conference of Mayors -- testifying at the hearing expressed concern that the measure represents a dangerous federal intrusion into state and local taxing authority. These organizations are also wary of providing preferential tax treatment to one industry over others doing business in their communities, and do not believe that state and local taxation is a barrier to the deployment of wireless services.

However, supporters of the legislation, which includes 119 House members, believe that the cellular telephone industry bears a larger share of the state and local tax burden than other telecommunications service providers. They also believe that the burden falls disproportionately on those living in poverty, who are 21 percent more likely to rely solely on wireless phones than those with higher income levels.

During the hearing, subcommittee member Melvin Watt (D-NC) thought the definition of discriminatory taxation in the bill was “way too broad,” while Rep. Williams Delahunt (D-MA) said that he “can’t support anything that will continue to erode the revenue of state and local sources.”

The bill has not been scheduled for formal consideration by the Judiciary Committee. A companion measure (S 1192) has been introduced in the Senate and has seven cosponsors.

A video webcast of the hearing, as well as a witness list and testimony, may be found on the House Judiciary Committee website at: http://judiciary.house.gov/hearings/hear_090609.html

STIMULUS WATCH

Update on stimulus activities for the week of June 12, 2009:

Department of Homeland Security

The application for the Assistance to Firefighters Fire Station Construction Grants is now available. Applications must be received by July 10, 2009: http://www.firegrantsupport.com/afscp/


Department of Housing and Urban Development

HUD released a bridge notice to the first round of the Neighborhood Stabilization Program (NSP1). The notice makes several regulatory changes to this program resulting from changes made by the American Recovery and Reinvestment Act (ARRA). Bridge NOFA: http://www.hud.gov/offices/cpd/communitydevelopment/neighborhooddspg/pdf/nsp1_bridgenotice.pdf.

HUD also released an updated notice for the second round of NSP (NSP2) allocations funded in ARRA. Changes have been made regarding the geographic threshold requirement and the purchase discount language. See the correction notice: http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhooddspg/arrafactsheet.cfm.

This week HUD hosted a series of online technical assistance webcasts. These live interactive sessions offered viewers a chance to get more information on HUD's nine ARRA programs through presentations, panel discussions, and question-and-answer opportunities. The webcasts will be available for viewing in HUD’s archives: http://www.hud.gov/webcasts/recovery/schedule.cfm

Department of Treasury

The Treasury Department announced $25 billion in bond authority available under the Recovery Zone Bonds program. Recovery Zone Bonds are targeted to areas particularly affected by job loss and will help local governments obtain financing for much needed economic development projects, such as public infrastructure development. ARRA included $10 billion for Recovery Zone Economic Development Bonds and $15 billion for Recovery Zone Facility Bonds. To make this program as easy as possible for state and local governments to administer and use, the Treasury Department has also detailed the bond volume cap allocations at the local level for counties and large cities. The total state allocations and the complete list of direct county and large city allocations: http://www.treas.gov/press/releases/docs/rzballocation-local_AR-ZS.pdf.

**GRANTS & NOTICES**

**Department of Justice**
DOJ is accepting applications for the Weed and Seed Community Program for FY 2010. The “Weed” portion is designed to control crime by involving law enforcement and community policing. The “Seed” part focuses on community revitalization involving prevention, intervention, and neighborhood restoration. Eligible communities must have a persistently high level of serious violent crime and have not previously been approved for a Weed and Seed site. Draft application materials must be sent to the applicant’s local U.S. Attorney by November 10, 2009. Final applications are due December 1, 2009. For more detailed information, see: [http://www.ojp.usdoj.gov/ccdo/funding/appl_kit.html](http://www.ojp.usdoj.gov/ccdo/funding/appl_kit.html)

**Department of Interior**
The U.S. Fish and Wildlife Service announced the availability of funding for habitat restoration through the National Fish Passage Program. These funds are available for restoring, enhancing, and managing fish and wildlife habitats. Eligible applicants include state, local and tribal governments, private landowners, and educational institutions and organizations. A total of $11 million will be granted through 200 awards. The deadline for requesting funding is October 1, 2009. To request funding for a potential project under the National Fish Passage Program you must contact your Regional Coordinator for information about funding and technical assistance availability. A listing of Regional Fish Passage Coordinators is available at: [http://www.fws.gov/fisheries/fwco/fishpassage/contacts.html](http://www.fws.gov/fisheries/fwco/fishpassage/contacts.html).

Council Members, our animal control manager, Robert Westfall has been studying what has been occurring in Lincoln and I agree with him that our primary issue has been related to reckless/irresponsible animal owners that do not or cannot control their animals. We feel strongly we can strengthen our ordinances to address these issues in a manner that is palatable for everyone. We have a current case under prosecution in the county attorney's office and are waiting to hear if the county attorney will/can prosecute that case under the new state statute. That might resolve the majority of our current issues. Either way so as to be responsive to the public’s concerns about these issues, we plan to vett agreed upon proposals through our animal control advisory committee (ACAC) and the public through listening sessions to determine the best course of action for our community. The examples listed below are a combination of ideas from around the country that have met with some success in the areas where they have been used. No city has used this exact combination, although most have implemented a combination of several approaches. As indicated previously, the new state statute (as written) could be already serving our purpose but we would not bring forward any proposed ordinance without the support of law, the ACAC, and the Board of Health. We appreciate the council’s support and look forward to your input.

Issues to think about:

- **Ordinance allowing citation for "menacing behavior" of dogs.**
  This would allow citations to be issued to owner’s when their dog runs loose and approaches a person in an apparent attitude of attack. Lincoln currently has no ordinance to enforce regarding this behavior, even though state law dictates that this behavior results in the animal being declared potentially dangerous. This would potentially reduce the number of bites as it would increase awareness of the owner that their animal is acting aggressively. This would add costs to convicted owner’s only instead of the general public, and slightly increase enforcement and legal costs.

- **Ordinance addressing "reckless owner" (already submitted as proposal).**
  Basically, this law would target owner’s who repeatedly violate animal ordinances. If an owner is convicted of violations of chapter six ordinances three (3) times within a 24 month period, they would be deemed a “reckless owner” and all of their animals could be impounded. The individual would also lose the right to own any animals for a period of 48 months. This would add costs only to convicted pet owners, not the general public, and would only slightly increase city costs in the form of enforcement and sheltering.

- **Ordinance allowing citation for first bite (already submitted as proposal).**
  Current Lincoln law allows for citations to be issued if a dog that is already dangerous or potentially dangerous bites someone, but there is no "bite" ordinance we can cite for when a dog bites for the first time. This again would only increase costs for convicted owners, not the general public.

- **Increase fines on citations involving dogs at large, menacing, biting.**
  This idea is designed to heighten a convicted owner's awareness of the problem and the owner's responsibility to ensure that the issue is corrected and further problems do not occur. This would result in added cost to only convicted owner’s.

- **Give A.C. / Police authority to seize dogs perceived to be potential threat until issue is resolved.**
  Law enforcement authority in regard to search and seizure of property is always a difficult legal issue and one that is constantly changing. The idea in our case would be to reduce the public’s risk from a dog perceived or reported to be a
threat before a bite or injury occurs. The subjectivity of this issue may prevent implementation. This would create additional costs to the city in terms of enforcement and legal proceedings.

- Change restraint laws to exclude voice control and untethered on own property as acceptable restraint.
   The current law in Lincoln allows dogs to be unrestrained while on the owner’s property as long as the owner is outside with the dog. We have seen a number of bites result from this scenario when the owner’s voice commands fail to prevent the dog from running off the property and biting. A simple change that would require physical restraint; a fence, or a leash or tether with owner present, at all times could prevent many bites. This would probably result in only a slight increase in enforcement costs.

- Change restraint laws to exclude screen doors/windows as acceptable restraint.
   Just this week in Lincoln we had a German Shepherd break through a screen window and attack a smaller dog. As an officer I personally witnessed dogs break through screens in windows as well as screen doors and attack people and animals. This would have a positive, yet minor impact on number of bites and attacks, but would also add little if any cost to the city for enforcement.

- Require homeowner/renter insurance when licensing.
   Many cities already require this for dogs that have been declared dangerous. Under current Lincoln law, if any dog causes damage to another person’s property, the dog owner can be held responsible for the cost if convicted. A requirement of this nature for all dogs would complicate the licensing procedure and potentially increase the overall cost of the program for the city. This could result in increased cost for dog owner’s as well.

- Mandatory spay/neuter with exception for breeder permit.
   Lincoln already requires this for dogs that have been declared dangerous. Research does indicate that unaltered dogs are much more likely to bite. This would increase owner expenses, and would potentially impact city enforcement costs a great deal.

- Require dogs already DD or PDD to wear identifying collar/harness in addition to existing requirements.
   Many cities that have dangerous dog laws or bans use this type of system. This would add minor costs to owners and only slightly add to enforcement costs.

Please let me know what you all think. I will let you know where and when our public listening sessions will be, I will let you know what the county attorney has decided to do about the current case. In the interim, if you have additional ideas or thoughts, please call or email me or Bob Westfall.

Thank you,

Bruce

Bruce D. Dart, Ph.D.
Health Director
Lincoln-Lancaster County Health Department
3140 N Street
Lincoln, NE 68510
402-441-8001
bdart@lincoln.ne.gov
Public Health, every one, every day, every where
FOR IMMEDIATE RELEASE: June 15, 2009
FOR MORE INFORMATION: Brian Baker, 441-8046
Peggy Apthorpe, 441-7451

CELEBRATING SAFETY!

Growing older poses many challenges, especially for people over the age of 65. The National Safety Council estimates that more than 1.5 million older adults are injured by an accidental fall and nearly 25% die from their injuries each year in the US. Residents at Burke Plaza and LEW Apartments located in Lincoln took part this spring in the Remembering When campaign, a comprehensive program designed to reduce the risk of falls and fires among older adults. Residents learned about cane and walker safety, medication management, bone density, improving strength and balance through yoga, and fire and fall prevention. These safe practices enable older adults to avoid falls and fires, and the tragic consequences that often result. A celebration for participants to mark the completion of the campaign is slated for the week of June 15th.

Remembering When Celebration
2:00 p.m., June 15, 2009
LEW Housing for the Elderly - Community Room
1700 ‘J’ Street, Lincoln, Nebraska

2:00 p.m., June 17, 2009
Burke Plaza - Community Room
6721 ‘L’ Street, Lincoln, Nebraska

Celebration components:
1. Refreshments and Welcome
2. Explanation of Program Purpose and Highlights
3. Yoga (strength and balance improvement) Demonstration
4. Fall & Fire Prevention Trivia Contest
5. Participant Prize Drawing

This program is a collaborative effort of the Lincoln Area Agency on Aging, Lincoln Housing Authority, and the Lincoln-Lancaster County Health Department. Funding for this program was provided by the Nebraska Department of Health & Human Services Injury Prevention Program.
Facts About Falls Among Older Adults

- During the 2006-2008 three year period, 7,013 Lancaster County older adults were treated in Lincoln hospitals for fall-related injuries. These injuries take a significant economic, as well as physical and emotional toll on older adults in our community. Total hospital charges for the 17,196 days of hospital stay for these injury victims was $65,760,407.

- On average each year, over 16,400 Nebraskans age 65 and older visit an emergency room, and 8,800 are hospitalized due to a fall-related injury.

- The National Center for Injury Prevention and Control states that the risk of falling increases with age, and that for people 65 and older, falls are the leading cause of injury death.

- National Safety Council data shows that each year, more than 1.5 million people over the age of 65 are seriously injured by an accidental fall; nearly 25% die from their injuries. Of those who do survive a fall, 20-30 percent suffer from debilitating injuries that affect them the rest of their lives.
FOR IMMEDIATE RELEASE: June 15, 2009  
FOR MORE INFORMATION: Mike Heyl, 441-3889

FOOD THAT'S IN WHEN SCHOOL IS OUT

For twenty-nine years, the Lincoln-Lancaster County Health Department has been the sponsoring agency to provide summer meals to Lincoln’s low income children. The 2009 Summer Food Service Program (SFSP) began on June 8th with an expected 34 sites throughout the summer in Lincoln’s highest need areas. Lt. Governor, Rick Sheehy, Mayor, Chris Beutler, Health Director, Bruce Dart, Commissioner of the Nebraska Department of Education, Roger Breed, and representatives from the USDA, the Nutrition Division of the Nebraska Department of Education, and other local agencies will officially launch Lincoln’s program at the Boys and Girls Club of Lincoln, Park Teen Center, 855 South 8th Street on June 17th at 11:45 a.m.

“Providing thousands of breakfasts and lunches for ten weeks in the summer to children from 2 to 18 years requires a great deal of collaboration among many agencies,” says Dr. Dart. The USDA funds the program through the Nebraska Department of Education. The Lincoln-Lancaster County Health Department (LLCHD) coordinates the program in Lincoln and is sponsoring the second largest number of sites of any Nebraska sponsor. The Nutrition Services Department of Lincoln Public Schools prepares the meals for delivery to the sites by Health Department staff. The LLCHD provides training to agencies for the food distribution and offers health education on a variety of topics to the children. SFSP community partners include the United Way of Lincoln-Lancaster County.

This year’s slogan for the SFSP is “Food that’s in when school is out!” With summer meals, children that participate in the program are assured that they are getting the nutrition they need to learn, play, and grow during vacation when they do not eat at school. In 2008, nearly 60,000 meals were served to Lincoln children through the SFSP. More meals will be served this summer with a significant increase in breakfast service.

Everyday, more than 85 children are eating lunch at the Boys and Girls Club, Park Middle School site. Food service sites are typically located in schools or at service agencies that provide summer programs for children. These partners donate the use of their facilities, as well as staff and volunteer hours, to help ensure the program’s continued success in providing meals to needy children. Through a donation from the United Way of Lincoln-Lancaster County, five additional sites have been established in areas not otherwise served by a children’s program.

For more information about food service sites and hours of operation, contact the Health Department at 441-8045.
An Officials Committee meeting is scheduled as follows:

DATE: June 23, 2009  
TIME: 2:00 p.m. - 3:00 p.m.  
PLACE: Mayor's Conference Room, County/City Building

AGENDA

- Roll Call and Acknowledge the "Nebraska Open Meeting Act"

1. Review and action on the draft minutes of the [March 5, 2009](#) Officials Committee meeting
2. Review and action on the Technical Advisory Committee [Project Selection Task Force](#) recommendations to the MPO on project funding recommendations for the Federal Transit Administration Job Access/Reverse Commute (Section 5316), New Freedom (Section 5317), and Elderly Individuals and Individuals with Disabilities (Section 5310) programs.
3. Review and action on a recommendation regarding [2009 Certification](#) that the Transportation Planning Process for the Lincoln Metropolitan Area complies with applicable federal laws and regulations.
4. Review and action on revisions to the current [FY 2009-2014 Transportation Improvement Program](#):
   a) [Branched Oak SRA](#), add project, Equestrian Trailhead and Trail Extension
   b) [Lincoln Wyuka Cemetery](#), add project, Wyuka Stables Renovation
   c) City of Lincoln: StarTran, amendments to adjust FTA-Transit Stimulus funding.
5. Review and action on the [draft Lincoln City/ Lancaster County FY 2010-2015 Transportation Improvement Program](#)
8. Other topics for discussion
** ACTION BY PLANNING COMMISSION **
June 17, 2009

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 17, 2009, at 1:00 p.m., in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, June 17, 2009, 11:45 a.m. - 12:45 p.m. in Conference Room 113 of the County/City Building, 555 S. 10th St., Lincoln, Nebraska, for a briefing by staff on “Rural Home Occupations”.

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

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

AGENDA

WEDNESDAY, JUNE 17, 2009

(All Members present)

Approval of Minutes of Special Public Hearing on the Comprehensive Plan Annual Review, Capital Improvements Program and Transportation Improvement Program held May 13, 2009. **APPROVED, 7-0 (Gaylor Baird abstained)**

Approval of minutes of the regular meeting held May 20, 2009. **APPROVED, 8-0**

Resolution in Appreciation of Eugene W. Carroll for his service to the City of Lincoln and Lancaster County as a member of the Planning Commission. **ADOPTED Resolution No. PC-01167, 8-0**
1. CONSENT AGENDA

Public Hearing and Action:

COMPREHENSIVE PLAN:

1.1 Comprehensive Plan Conformance No. 09006, to review as to conformance with the 2030 Lincoln/Lancaster County Comprehensive Plan, a proposal to declare property as surplus, generally located at N. 23rd Street and “Q” Street.

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

Public Hearing before City Council tentatively scheduled for Monday, July 13, 2009, 1:30 p.m.

PERMITS:

1.2 Special Permit No. 04073A, an amendment to expand the area of the special permit for a health care facility, on property generally located at Lakewood Drive and Wedgewood Drive. *** FINAL ACTION ***

   Staff recommendation: Conditional Approval
   Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
   Removed from Consent Agenda and had public hearing.
   Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated June 3, 2009, 7-0 (Commissioner Esseks declared a conflict of interest).
   Resolution No. PC-01168.

MISCELLANEOUS:

1.3 Waiver No. 09005, to extend the time for installation of street trees, on property generally located at NW 48th Street and Gary Gately. *** FINAL ACTION ***

   Staff recommendation: Approval
   Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
   Planning Commission ‘final action’: APPROVAL, 8-0.
   Resolution No. PC-01169.

2. REQUESTS FOR DEFERRAL: None.

4. PUBLIC HEARING AND ACTION:
CHANGE OF ZONE:

4.1 Change of Zone No. 09009, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.020 to revise and add definitions; by adding a new Section 27.69.021 to add a Figure 1, General Sign Types; by adding a new Section 27.69.022 to provide methods to calculate the sign area of various signs; by amending Section 27.69.030 to provide general requirements for signs including location, height, sign area, illumination, and additional provisions for certain specific types of signs; by amending Section 27.69.040 to adopt Sign Tables setting forth the sign requirements for various types of signs; by repealing Sections 27.69.041, 27.69.042, 27.69.043, 27.69.044, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.050, 27.69.060, 27.69.070, 27.69.075, 27.69.080, 27.69.081, 27.69.083, and 27.69.210; by amending Sections 27.69.090, 27.69.220, 27.69.240, 27.69.260, and 27.69.330 to change a reference from ground sign to freestanding sign; by amending Sections 27.69.100, 27.69.110, 27.69.130, 27.69.140, 27.69.150, 27.69.180, 27.69.230, 27.69.240, and 27.69.260 to clarify that a reference to area is referring to “sign area” of a sign; by amending Section 27.69.160 to delete a requirement that the location, size and illumination of a sign for a special permitted use in a residential district must be specifically approved as part of the special permit approval; by amending Section 27.69.170 to eliminate provisions regarding when a temporary sign may be erected and why such sign must be removed; by amending Section 27.69.250 to modify provisions regarding the display of flags; by amending Section 27.69.310 to modify provisions regarding roof signs as an alternative to a freestanding sign and to change a reference from pole sign to freestanding sign; by amending Section 27.69.340 to revise provisions for signs in Planned Unit Developments; and repealing Sections 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.130, 27.69.140, 27.69.150, 27.69.160, 27.69.170, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, and 27.69.340 of the Lincoln Municipal Code as hitherto existing.

Staff recommendation: Approval

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

Had public hearing.

Deferred, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, July 1, 2009, 1:00 p.m.
CHANGE OF ZONE WITH RELATED ITEMS:

4.2a Change of Zone No. 09014, to designate as a historic landmark, property located at 2201 B Street.

Staff recommendation: Approval
Staff Planner: Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: APPROVAL, 8-0.
Public Hearing before City Council tentatively scheduled for Monday, July 13, 2009, 1:30 p.m.

4.2b Special Permit No. 09012, for Historic Preservation, to increase the height of the garage, on property located at 2201 B Street. *** FINAL ACTION ***

Staff recommendation: Denial
Staff Planner: Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report, 7-1 (Taylor dissenting).
Resolution No. PC-01170.

CONTINUED PUBLIC HEARING AND ACTION:

CHANGE OF ZONE:

5.1 Change of Zone No. 09002, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at S. 96th Street and Saltillo Road.

Staff recommendation: Denial
Staff Planner: Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

*** This item was withdrawn by the applicant on May 26, 2009 ***

**********

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

**********

PENDING LIST: None
Planning Dept. staff contacts:

Steve Henrichsen, Development Review Manager  441-6374  .  shenrichsen@lincoln.ne.gov
Mike Briienzo, Transportation Planner           441-6369  .  mbriienzo@lincoln.ne.gov
Tom Cajka, Planner                              441-5662  .  tcajka@lincoln.ne.gov
David Cary, Long Range Planner                 441-6364  .  dcary@lincoln.ne.gov
Mike DeKalb, Planner                            441-6370  .  mdekalb@lincoln.ne.gov
Christy Eichorn, Planner                       441-7603  .  ceichorn@lincoln.ne.gov
Brandon Garrett, Planner                       441-6373  .  bgarrett@lincoln.ne.gov
Rashi Jain, Planner                            441-6372  .  rjain@lincoln.ne.gov
Brian Will, Planner                            441-6362  .  bwill@lincoln.ne.gov
Ed Zimmer, Historic Preservation Planner       441-6360  .  ezimmer@lincoln.ne.gov

* * * * *

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

* * * * *

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

TO: Mayor Chris Beutler
   Lincoln City Council

FROM: Jean Preister, Planning

DATE: June 18, 2009

RE: Special Permit No. 09012
    (2201 "B" Street)
    Resolution No. PC-01170

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 17, 2009:

Motion made by Francis, seconded by Larson, to approve Special Permit No. 09012, for historic preservation, with conditions, requested by John M. Moss, to allow an accessory building to be constructed to a height of 18 feet 6 inches to create habitable space over a garage, on property located at 2201 B Street.

Motion for conditional approval carried 7-1: Gaylor Baird, Esseks, Larson, Francis, Cornelius, Partington and Sunderman voting ‘yes’; Taylor voting ‘no’.

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.

Note: The associated Change of Zone No. 09014 designating the property as a historic landmark, which is a condition of approval of this special permit, is scheduled for public hearing before the City Council on Monday, July 13, 2009, at 1:30 p.m.

Attachment

cc: Building & Safety
    Rick Peo, City Attorney
    Public Works
    John Moss, 2201 B Street, 68502
    Scott Baird, Near South Neighborhood Association, 1932 S. 24th Street, 68502
    James Garver, Near South Neighborhood Association, 815 Elmwood Ave., 68510
    Near South Neighborhood Association, P.O. Box 80143, 68501
    Scott Buffinich, 2128 B Street, 68502
RESOLUTION NO. PC-03170

SPECIAL PERMIT NO. 09012

WHEREAS, John M. Moss has submitted an application designated as Special Permit No. 09012 to allow an accessory building to be constructed to a height of 18 feet 6 inches on property generally located at 2201 B Street and legally described as:

Lot 6, Block 10, Hillsdale Addition, Lincoln, Lancaster County, Nebraska;

to create habitable space over a garage; and

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this additional height for an accessory building will not be adversely affected by granting such a permit; and

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

That the application of John M. Moss, hereinafter referred to as "Permittee", to allow an accessory building to be constructed to a height of 18 feet 6 inches on the property described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction of said accessory building be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits the completion of the accessory building now under construction to a zoning height of 18 feet 6 inches creating habitable space on the upper floor of the accessory building associated with the dwelling unit in the primary building.

2. Any modifications to the building exteriors or to the proposed site plan must be submitted and approved for a Certificate of Appropriateness by the Historic Preservation Commission.

3. The City Council must approve the associated request for Change of Zone 09014HP designating the Reimer Bungalow as a landmark.

4. Before occupying the property all development and construction shall have been completed in substantial compliance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee.
6. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, and similar matters.

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

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

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 17th day of June, 2009.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Special Permit #09012 & Change of Zone # 09014
201 B Street

Zoning:

One Square Mile
Sec. 25 T10N R06E

Area of Application
Historic Landmark Designation

2007 aerial

Zoning Jurisdiction Lines
City Limit Jurisdiction

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PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : June 18, 2009

RE : Special Permit No. 04073A
(St. Monica's - Wedgewood Drive and Lakewood Drive)
Resolution No. PC-01168

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 17, 2009:

Motion made by Larson, seconded by Francis, to approve Special Permit No. 04073A, with conditions, to expand the boundary and use of the existing health care facility to include an early childhood care facility component for up to 12 children and 4 employees as part of the health care facility, on property located southeast of the intersection of Wedgewood and Lakewood Drives.

Motion for conditional approval carried 7-0: Gaylor Baird, Larson, Taylor, Francis, Cornelius, Partington and Sunderman voting 'yes'; Esseks declared a conflict of interest.

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
Corrie Kiely-Wesely, St. Monica's, 120 Wedgewood Drive, 68510
Joy Wilder, Maple Village/Wedgewood H.O. Assn., P.O. Box 6006, 68506
William Jarrett, Jarock, Inc., 8430 Norval, 68520

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RESOLUTION NO. PC-01168

SPECIAL PERMIT NO. 04073A

WHEREAS, St. Monica's has submitted an application designated as Special Permit No. 04073A to expand the boundary and use of the existing health care facility to include an early childhood care facility component for up to 12 children and four employees as part of the health care facility on property located southeast of the intersection of Wedgewood and Lakewood Drives, and legally described as:

Lots 13-17, Block 2, Wedgewood Manor, Lincoln, Lancaster County, Nebraska; and

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this health care facility and in particular, the early childhood care facility component will not be adversely affected by granting such a permit; and

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

That the application of St. Monica's, hereinafter referred to as "Permittee", to expand its existing health care facility to include a two-family dwelling to house an early childhood care facility for up to 12 children and four employees, be and the same is hereby granted under the provisions of Section 27.63.070 the Lincoln Municipal Code upon condition that development of said early childhood care facility component be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the expansion of the special permit for the health care facility to include an early childhood care facility component for up to 12 children and four employees.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised final plan including five copies with the following revisions:
   a. Add a note that states "A screen will be provided prior to use of the dwelling as a child care facility and will consist of a 60% screen at least ten feet in height along the south lot line extending from a line parallel with the rear of the dwelling to the rear lot line.
   b. Revise the parking calculations to show only one space being added with the inclusion of the duplex.

3. Before receiving building permits:
   a. The construction plan shall substantially comply with the approved plans.
   b. The operation and the premises shall comply with local, state, and federal requirements.

4. Before occupying the early childhood care facility component of the health care facility, all development and construction is to substantially comply with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee.

6. 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.

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

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

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 17 day of June, 2009.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney
Special Permit #04073A
Lakewood Dr & Wedgewood Dr

Zoning:

One Square Mile
Sec. 27 T10N R07E

2007 aerial
SPECIAL PERMIT APPLICATION
For St. Monica's Home
120 Wedgewood Drive

LEGAL DESCRIPTION: lots 13 – 17, Block 2,
Wedgewood Manor

CURRENT USE: Health Care as per 27.29.040 (a) and 27.63.080 with
a Capacity of 24 beds (lower level) and Office (upper
level). Special Permit no. 04079 approved 6/30/05

PROPOSED USE: Adding Lot 17 to the Special Permit as a child care
for 12 children

ZONING: B1 and R1

ADJACENT ZONING:
- B-1 (North)
- O-2 (East and West)
- R-1 (East, West, and South)

EXISTING BUILDING AREA: 14,000 SF (approx) 7,000 SF x 2 Stories
Adding 579 SF (approx)

SITE AREA: 1.24 acres

BUILDING SITE COVERAGE: 16%

PARKING CALCULATION: Per 27.67.040 (d) (9)
- Health Care: 1/2.5 beds = 10 spaces
- Health Care: 1/Employee (largest shift) x 6 = 6 spaces
- Office: 1/300 SF x 7,000 SF = 24 spaces
- Child Care: Off street drop off 1 space
- Child Care: 1 space per employee 4 spaces
- Total spaces required 45 spaces
- Total spaces provided 52

WAIVERS PREVIOUSLY GRANTED
- Required landscaping in the front yard along Lakewood Drive
- Required landscaping in the side yard
- Allow parking in the front yard along Lakewood Drive
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO       :  Mayor Chris Beutler
            Lincoln City Council

FROM     :  Jean Preister, Planning

DATE     :  June 18, 2009

RE       :  Waiver No. 09005
            (Extension of time to install sidewalks and street trees - N.W. 48th & Holdrege)
            Resolution No. PC-01169

The Lincoln City-Lancaster County Planning Commission took the following action at their
regular meeting on Wednesday, June 17, 2009:

    Motion made by Taylor, seconded by Partington, to approve Waiver No. 09005,
    requested by Hubert Hall, President of Highway 15, Inc., to modify the provisions
    of the Land Subdivision Ordinance to extend the time to install the required
    sidewalks and street trees within Hub Hall Heights Addition and Hub Hall Heights
    1st Addition until December 20, 2012, generally located at N.W. 48th Street and
    Holdrege Street.

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

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter
of Appeal with the City Clerk within 14 days of the date of the action by the Planning
Commission.

Attachment

cc:       Building & Safety
          Rick Peo, City Attorney
          Public Works
          Mark Palmer, Olsson Associates, 1111 Lincoln Mall, 68508

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RESOLUTION NO. PC-01169

1. WHEREAS, Hubert Hall, President of Highway 15 Inc., has requested a modification of
   the Subdivision Ordinance to extend the time to install the required sidewalks and street trees
   within Hub Hall Heights Addition and Hub Hall Heights 1st Addition, generally located at N.W. 48th
   Street and Holdrege Street; and

2. WHEREAS, the Planning Director has recommended approval of the requested
   modification to the Subdivision Requirements; and

3. WHEREAS, the Planning Commission finds that the strict application of the installation of
   sidewalks and the planting of street trees at said locations would result in actual difficulties or
   substantial hardship or injustice to the property owner.

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

5. That the provisions of the Section 26.27.020 and Section 26.27.090 of the Subdivision
   Ordinance which requires the installation of sidewalks and the planting of street trees along both
   sides of all streets in a subdivision, are hereby modified to extend the time to install said
   improvements within Hub Hall Heights Addition and Hub Hall Heights 1st Addition until December
   20, 2012.

6. The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
   Commission on this 17th day of June, 2009.

   ATTEST:

   [Signature]
   Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney
Waiver #09005
NW 48th & Gary Gately

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-3 Office Park District
R-Y 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-S 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. 18 T10N R06E

2007 aerial
1) I would like to know why the road is being torn up on West Van Dorn. The section between 9th street and the by-pass for east bound travel is completely shut. I am sure this is a state operation but I do not understand why this concrete has been ripped out and is being replaced, can someone at PW shed some light on this?

**Public Works Response:** This is indeed a State project and is being done because the pavement is rapidly deteriorating due to "Alkali Silica Reaction" (A.S.R.). This project is being done entirely on the State's dime. If you have any further questions, please contact Curt Mueting at (402) 471-0850 ext. 1075 District 1 Construction Engineer, Lincoln, or Dewaine Knutson at (402) 471-0850 ext. 1082.

2) 27th and Highway Two. South of this intersection watershed management is doing what appears to be some flood control work (in Tierra park). Can someone enlighten me as to the extent of this operation, what funds are being used, what is the impact on the Beal Slew floodplain, and what is the impact on homeowners in that floodplain?

**Public Works Response:** This is the implementation of a project which is identified in the Beal Slough Watershed Master Plan approved by the City Council. The purpose of the project is to improve water quality by diverting low flows through a naturalized meandering channel with wetland areas to filter stormwater pollutants and reduce erosion. Funds include 2007 stormwater bond issue dollars and cost-shares from the NRD and the state Department of Environmental Quality. The project is not designed to reduce overall flooding or to change to the 100-year floodplain limits. However, it may have a side benefit of decreasing some localized flooding from the smaller, but more frequent, storm events due to the extra available storage volume. There will be no adverse impact on the homeowners. All work has been coordinated with the Parks Department and there was a public open house on the project on February 27, 2009.

3) Finally, at the intersection of 40th and Highway two there is some street light poll work being done. The existing pole seems to be in decent repair, what is the reason for this work and what is the cost.

**Public Works Response:** The pole at 40th & Hwy. 2 is being relocated because the existing pole foundation was damaged by a vehicular crash. The existing pole has become a safety hazard because its foundation is at risk to fail due to the damage. The cost to install a new foundation, relocate the existing pole and remove the old foundation is approximately $10,000.
TO: All City Council Members

After reading the Journal-Star’s report concerning the results of the Mayor’s budget survey, subtitled “Many Willing to Pay,” that appeared in the June 4th edition, I felt compelled to weigh in on the discussion of the proper weight to be accorded the survey results. I am qualified to do so because I participated in the survey process and because I hold a doctorate degree in social psychology with a certification in public policy analysis, training which involves the study of survey research design and interpretation.

I agree with the concerns LIBA has expressed regarding the unscientific nature of the polling process. In order to obtain meaningful data, any public opinion poll must begin by selecting a representative sample of the population as a whole. This is usually done by randomly selecting people to respond to the survey questions. Obtaining respondents to participate in the survey by posting a questionnaire on the internet introduces bias. For example, those who responded to the Mayor’s online survey are more likely to be people who own computers with internet access and who use the internet more frequently, a subset of Lincoln residents who are probably younger and wealthier than the average citizen. That people who share these demographic characteristics are also likely to share certain political views cannot be disputed.

Demographics have long been used by both political scientists and politicians to predict everything from voters' political party affiliations to their positions concerning particular political issues.

Even more disturbing to me, however, was the totally inappropriate way in which many of the individual survey questions were drafted. It is universally understood that, by manipulating the wording of a question, the person conducting a survey can change how a respondent answers that question. The Mayor’s “Taking Charge” survey was rife with such questions. The most egregious example of this practice concerned the question of whether a City Health Department sponsored bike safety program should be continued. To answer “yes”, the choice was “[i]ncrease property taxes about four cents per month for the average household in order _to continue the program that has helped reduce injuries by 40%_.” To vote to discontinue the program, a respondent had to choose “[n]ot to increase taxes and eliminate the program, _allowing injury rates to return to the previous level_.” Information supplied in posing the question indicated the latter choice would involve allowing 116 more children to be injured in bicycle/automobile accidents during this next year than would be injured if the program was continued.

This question was clearly phrased in a biased manner designed to lead those of us who participated to select the option expressing a willingness to pay increased property taxes. Although the “yes” option asserts that the program has reduced injuries by 40%, the Director of the City’s Health Department admitted to me that the statistical relationship between the program and the accident data is a correlation only, not cause-and-effect. I suggested that other factors, instead of the City’s program, could explain the decrease in such accidents.
over time. I pointed out the City has spent a significant amount of money developing a trails system during the same period that has led to a decrease in children riding on streets and sidewalks. This factor alone could explain the reduction in accidents. It was apparent that the existence of other factors had not occurred to the Director, yet the option to discontinue the program explicitly stated that, if the program is eliminated, accident rates will necessarily return to previous levels.

In light of the error introduced by the unscientific nature of the sample and the way in which the survey questions were crafted, it is not surprising that, even in these difficult economic times, two-thirds of the participants in the Mayor's survey indicated a willingness to raise their property taxes to some degree to save certain city programs. From the perspective of social science, the “Taking Charge” initiative seems to have been designed to elicit a consensus in favor of increased property taxes. The issues we were asked about largely involved services provided by the City to children and low-income families, which are groups most likely to appeal to the sympathies and, consequently, be most difficult to “deprive.” Most of the costs associated with the programs which were candidates for elimination were quoted as pennies per month per average household rather than in aggregate figures. As a result, in most instances, we were diverted from the actual cost of the program as a whole during discussions. Clearly, it is more difficult to say no to spending pennies than it is to spending thousands of dollars. There were both pre- and post-questionnaires to detect any change in participants' opinions during the discussions. Why do both a pre- and a post-assessment unless the material presented during the interim was intended more to persuade the respondents rather than to inform City leadership?

For these reasons, I strongly urge you, in crafting the City budget, to give the “Taking Charge” survey results the consideration they deserve -- none.

Linda W. Rohman, J.D., Ph.D.
6300 Meeker Circle
Lincoln, NE 68506
402-489-8040
cprohman@windstream.net
ADDENDUM TO DIRECTORS’ AGENDA MONDAY, JUNE 22, 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 June 20 through June 26, 2009 - Schedule subject to change.

2. NEWS RELEASE - RE: Section of South Cotner Expected To Reopen Late Afternoon.

3. NEWS RELEASE - RE: Work At Bowling Lake May Result In Lower Water Level.

4. NEWS RELEASE - RE: Use Change To Change Your Commute.

5. NEWS RELEASE - RE: Public Invited To Dedication Of Trail and Bridge Over North 27th Street.

DIRECTORS - None

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

JON CAMP -

1a. Response E-Mail to Mark Kurtenbach - RE: Old Cheney Road Improvements.
1b. Response E-Mail from Mark Kurtenbach - RE: Old Cheney Road Improvements.


JAYNE SNYDER -

1. E-Mail from Debra Gearhart - RE: Budget Shortfall.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL - None
DATE: June 19, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler's Public Schedule
Week of June 20 through June 26, 2009
Schedule subject to change

Monday, June 22
- The Legacy Current Affairs Group, remarks - 6 p.m., 5600 Pioneers Blvd., Garden Room

Wednesday, June 24
- KLIN - 8:10 a.m.

Thursday, June 25
- KFOR - 7:45 a.m.
- Food Bank's Campaign Against Hunger breakfast, remarks - 8 a.m., Campus Life North, 6400 Cornhusker Highway

Friday, June 26
- Nebraska State Highway Commission meeting - 10 a.m., Lied Lodge and Conference Center, Nebraska City
SECTION OF SOUTH COTNER EXPECTED TO REOPEN LATE AFTERNOON

South Cotner Boulevard between “A” and South 56th streets is expected to reopen for through traffic by today's afternoon rush hour. The intersection of South Cotner with Piedmont Road also will reopen. The street has been closed since Wednesday night because of a water main break.

Questions regarding water service can be directed to Steve Owen, Lincoln Water System, at 441-5925. Questions about street closures can be directed to Greg Topil, Engineering Services, at 416-5150.
The Lincoln Parks and Recreation Department and the Nebraska Game and Parks Commission will conduct routine maintenance and emergency repairs to the water supply intake system at Bowling Lake. Bowling Lake receives water through a pump system from nearby Oak Creek, and that system has been temporarily shut down. This will likely result in reduced lake levels due to evaporation but will not affect the existing fish population or fishing activities.

The repair work involves a special filter screen that prevents undesirable fish from entering the lake. The screen was recently damaged and will be replaced. The screen was installed as part of the recently completed Bowling Lake restoration project, which also included upgrades to the existing pump and intake system.

It is anticipated that repairs to the pumping system will be completed and the pump reactivated in August. The lake will then be returned to its normal operating level. Routine maintenance work is planned to avoid interfering with the pumping schedules.
Mayor Chris Beutler urges City residents to take advantage of a special fare and “Get on Board” StarTran in July. The month-long promotion encourages Lincolnites to “use your change to change your commute” with a cash fare of only 50 cents. Elderly customers and those with disabilities can ride for only 25 cents with proper identification, and the Handi-Van service is only $1. The special fares are a 71 percent savings over the normal cash fares of $1.75, 85 cents and $3.50 respectively. Children age four and under always ride free.

“Summer is a great time to save money and reduce commuter traffic by hopping on an air-conditioned bus,” Mayor Beutler said. “We hope this promotion also will cause some to change their habits and use the bus more often, increasing ridership all year.”

Mayor Beutler also reminded families that the StarPass is available for $15 for riders ages five through 18. The StarPass offers unlimited rides through August 31 as well as discounts at local businesses.

Information on all StarTran fares and routes can be found by visiting startran.lincoln.ne.gov or calling 476-1234.

- 30 -
Mayor Chris Beutler invites the public to the dedication of the North 27th Street Bridge and Mopac West Trail Sunday, June 28. Donors will be recognized at the ceremony at 9:15 a.m. on the west side of the bridge near 26th and “Y” streets. Parking is available in the Peoples Health Center parking lot. The dedication is being held in conjunction with the annual Trail Trek event.

The Mopac Trail had stopped at 30th and “X” streets, and the City's acquisition of the abandoned railroad corridor made it possible to complete the trail, connecting it to 19th and Vine streets. The bridge and trail provide the final link in the Mopac Trail connecting it with the University of Nebraska-Lincoln downtown campus and the Antelope Valley trail system. The Mopac Trail also is a vial link in the Quad States Trails network.

The cost of Mopac West was $240,550, and funding came from federal enhancement funds and matching funds from the Great Plains Trails Network (GPTN). The cost of the North 27th Street Bridge is about $1.9 million. It was funded with a federal enhancement grant for $500,000, donations from GPTN totaling $125,000 and tax increment financing.

More information on the City's trails system is available at parks.lincoln.ne.gov. Information on Trail Trek is available at journalstar.com.
Mark:

Thank you for your email regarding the need to widen Old Cheney Road between 70th and 84th. Although this is currently targeted for the 2014 construction season, I strongly agree the project needs to be considered much sooner.

Unfortunately, street construction funds are our challenge. None-the-less, it helps to have citizen input like yours to ensure the "squeaky wheel" gets the proper consideration and prioritization.

I am forwarding your email to Greg MacLean, the director of our Public Works Department and also to my City Council colleagues.

Best regards,

Jon

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Dear Mr. Camp:

I am writing to you to voice my concern over the safety and traffic flow on Old Cheney Road between 70th street and 84th Street.

The lanes are narrow, there is no permanent shoulder, and the surface is in need of repairs. This section of road is heavily travelled, particularly during morning and evening peak traffic times. In addition, the traffic flow is increased when school is in session to transport students to and from Maxey Elementary in the Edenton neighborhood. This situation is exacerbated with a hill west of 80th street, impeding vision to enter Old Cheney Road from oncoming westbound traffic. Finally, no turning lane exists for traffic to turn into either the Edenton, Edenton South, or Barrington Park neighborhoods off of Old Cheney; this results in traffic congestion and poses a significant safety risk.

There have been many road improvements in the area in the past few years, including those made to 84th street and Pine Lake Road. My specific request is: When is this section of road scheduled to be widened or repaired?

As I have stated, there are significant traffic risks and safety hazards because of the current design and state of this road. I would appreciate any response you can provide.

Best Regards,

Mark Kurtenbach

mark.kurtenbach@novartis.com
(h) 489-8726
7811 Casey Lane
Lincoln, NE  68516
Mark Kurtenbach
Director, Strategic Sourcing & Site Logistics
Novartis Consumer Health, Inc.
Phone: +1 402 4678975
Email: mark.kurtenbach@novartis.com
Dear Mr. Camp and colleagues:

THANK YOU for your prompt response. Considering all the road construction in SE Lincoln that has been undertaken to support new business in this area, I too feel very strongly about this relatively short section of road and the safety hazards that go with it.

Perhaps you can provide some direction to me: I am willing to be a citizen advocate to expedite the improvements on this section of road and am willing to speak to anyone about it and/or organize neighborhood support. However, I am not sure what is the most effective approach to do this (eg signed petitions, council meetings, etc.). Any direction you can provide would be most appreciated.

I would challenge that any other road improvement project planned before this one in 2014 does not exceed or surpass the Old Cheney road improvement in terms of safety and traffic flow in terms of prioritization.

Again, any direction you can provide is most appreciated. Thanks for your time and consideration.

Best regards,

Mark Kurtenbach

Mark Kurtenbach
Director, Strategic Sourcing & Site Logistics
Novartis Consumer Health, Inc.
Phone: +1 402 4678975
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Ivan:

First, please excuse my delay in responding. The City has changed its email delivery system.

Thanks for your thoughts on Colorado Springs--I know it well as I attended the US Air Force Academy there.

I agree that we should pursue unique opportunities to raise revenues without raising taxes. I have "teased" for years that we could have McDonald's sponsor police cars.

Thank you for reinforcing my previous inquiries of City officials on ways to assist with the budget. I will share your email with my City Council colleagues.

Best regards,

Jon
From: Tammy J. Grammer  
Sent: Monday, June 22, 2009 8:21 AM  
To: Mayor; Rick D. Hoppe; Adam A. Hornung; Doug Emery; Eugene W. Carroll; Jayne L. Snyder; John Spatz; Jon Camp; Jonathan A. Cook  
Subject: FW: Budget Shortfall

Please see email below from Jayne Snyder. I will list this on the Directors Addendum for this morning. Thanks.

Tammy Grammer  
City Council Secretary  
441-6867

From: Jayne L. Snyder  
Sent: Saturday, June 20, 2009 1:41 PM  
To: Tammy J. Grammer  
Subject: FW: Budget Shortfall

Hi Tammy - Could you forward this to the mayor and the rest of the council.

Thanks,  
Jayne

From: Deb Gearhart [dgchildcare2@yahoo.com]  
Sent: Friday, June 19, 2009 1:33 PM  
To: Jayne L. Snyder  
Subject: Budget Shortfall

Dear Jayne,

I am a resident of Lincoln and I take advantage of many programs offered by the City's Parks and Recreation Department for my youngest son who has a disability.

I am concerned with all the budget cutting that is needed to balance the city's budget, I respect the efforts being put forth by the council and the mayor, however I think there are additional sources of revenue that the city has overlooked.

Recently, while visiting with a relative from Huntington Beach, California we were discussing the budget issues facing both of our cities. My cousin told me about a program they have implemented that has allowed their city to partner with private entities. These partnerships have helped the city raise several million dollars in exchange for sponsorships of the public pools and other programs. She told me the city hired a consultant to help them create these partnerships and it has kept their taxes in line without reducing services. Other than the relationship with IMG to look into naming rights of the proposed new downtown arena I have not heard of any initiatives by the Mayor to look into additional public private partnerships.

I'm sure most citizens of Lincoln would agree that if the budget could be balanced with the help of some private partnerships then those partnerships should be pursued.

I hope you or someone within the city will look into this.
Sincerely,
Debra A. Gearhart