I. CITY CLERK
   1. Proposed Block 68 Project letter from Terry Uland, Downtown Lincoln Association, to Mayor Beutler

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR

DIRECTORS

CITY LIBRARIES

PLANNING
   1. Site Plans and Applications, Administrative Amendments No. 09068 and 09069.

PUBLIC WORKS
   1. Impact Fee Ordinance background information.

III. COUNCIL RFI’S AND CITIZEN CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

DOUG EMERY
   1. Reply to InterLinc correspondence from Anne Sumner on fence questions regarding the dangerous dogs proposals.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
   1. InterLinc correspondence from Shirley Anderson. Stop the Increase. LES charges enough as it is getting harder to meet obligations.
   2. Reply to Scott Ennis in regards to additional taxes funding a new facility.
   3. InterLinc correspondence from Deb Walz. Do not make leashing your dog in your own yard a law. Law abiding citizens and their dogs will suffer.
   4. Letter sent anonymously on “The problems and questions that need to be asked before allowing LES to raise rate”, and “Items that will save the ratepayers money, which would lead to a rate reduction, not a rate increase”.
5. Letter received from Jake Wattles asking for costs on the construction of the Mayor’s new office, the Development Services Center, and other offices, and who is paying for the changes?

V. ADJOURNMENT
November 9, 2009

The Honorable Chris Beutler
Mayor, City of Lincoln
555 South 10th Street
Lincoln, NE  68508

RE:   Proposed Block 68 Project

Dear Mayor Beutler:

Pursuant to the October 27, 2009 Board of Directors meeting of the Downtown Lincoln Association (“DLA”), we respectfully wish to express our pleasure upon learning the City of Lincoln is considering a redevelopment proposal for Block 68 in downtown Lincoln. This site has been under-utilized since at least the mid-1960’s and its development could potentially create a sizeable capital investment for our community, a source for additional job opportunities and a higher and better use for a key city block in the heart of downtown Lincoln.

For over 40 years, DLA has traditionally taken a very pro-investment approach for downtown and enthusiastically supports projects that contribute to downtown and are consistent with the Downtown Master Plan.

DLA’s Board has had the opportunity to review the proposed project currently under consideration for Block 68 and has raised several concerns centered around three key areas: (i) several site plan shortcomings which are inconsistent with the Downtown Master Plan and could ultimately have a negative impact on downtown; (ii) the creation of an excess supply of hotel rooms beyond market demand of existing and presently proposed hotel facilities; and (iii) the capacity of the developer to complete the project.

More specifically, DLA has identified the following issues of concern associated with the currently proposed Block 68 project:

- **Inactive M Street Frontage.** The developer presently proposes the front of the new hotel to face an interior, mid-block courtyard leaving the “back-of-the-house” facing M Street. In doing so, the front, or “active” side of the hotel faces no public Lincoln street at all. This site layout is inconsistent with the spirit and intent of the Downtown Master Plan. Furthermore, there is a likely risk of turning the M Street side of the project into a loading zone for the support activities of the hotel, thus creating an unnecessary parking/traffic
conflict and a non-pedestrian friendly environment. While the developer is showing retail frontage in the site plan, there is not an entrance from M street either directly to the retail space or through the hotel which further results in an inactive space along M Street.

- **Loss of Sufficient Downtown Parking.** The existing Block 68 parking lot has a capacity for approximately 220 vehicles and serves downtown workers in many of the surrounding properties. An October 1, 2009 plan presented by the Block 68 developer showed an above-grade parking garage with capacity for approximately 500 vehicles; sufficient to support the proposed on-site residential development, retail development, hotel guests, banquet facility and neighboring workers. The current plan proposes an at-grade parking lot of approximately 35 stalls and a below-grade parking garage of approximately 220 stalls.

While the developer suggests the proposed at- and below- grade parking will support the needs of the Block 68 development, it does create a situation of displacing over 200 vehicles presently parking on this property to other downtown parking facilities. While it is not the responsibility of the developer to provide parking beyond its own project, DLA believes the City should be mindful of the detrimental effect this reduction in parking spaces would have on adjoining property owners, in particular Gold’s Galleria, and upon an already stressed supply of downtown parking. This shortage of parking is further aggravated if patrons of the proposed hotel’s banquet facility seek downtown parking to attend an event hosted by the new hotel.

In light of the proposal, we would specifically ask the City where the displaced parking can be accommodated within a reasonable distance. It is our understanding that nearby City garages are currently at capacity.

- **Overabundance of Hotel Room Capacity.** DLA recognizes that with the downtown hotels recently proposed, coupled with downtown’s existing hotels, there exists a strong potential for market saturation. We are concerned this may jeopardize the viability of existing as well as other proposed hotels currently in various stages of development. DLA recommends the City request the developer to produce a market feasibility study, conducted by a recognized, independent consultant, indicating sufficient market demand to support the developer’s Block 68 proposed hotel project.

- **Capacity of the Developer to Complete the Project.** While the developer seems quite confident of providing financing for the housing portion of the project, DLA has heard varying answers concerning the completion schedule of the hotel. Initially, we have been advised the hotel would be phased at a time uncertain after the completion of the project’s housing component. Shortly thereafter, we were told that the hotel would begin as soon as the housing was complete. The risk of a partially complete project in the current financial environment is a very real one. That occurrence would be a very serious detriment to the adjoining properties and downtown in general. DLA recommends that the City be especially diligent when negotiating the redevelopment agreement. Specifically, we recommend a careful evaluation of the pro-formas, lending
commitments, financial capacity and reserves of the developer before approving any redevelopment plan.

- **Significant Plan Revisions.** Over the course of less than two months, the broad conceptual development plan for Block 68 has changed multiple times. As a result, it would appear there has been little time to ascertain the impact of these changes to the project’s infrastructure, financing and market feasibility as well as how the project is integrated into the surrounding downtown area and the Master Plan.

In order for DLA to be supportive of this proposed Block 68 project, the aforementioned issues would need to be properly addressed by the developer. DLA would like to emphasize that we would welcome the opportunity to discuss these issues further with both Urban Development and the project developer through the City’s redevelopment agreement process and work toward finding acceptable solutions to these issues. DLA has also been in communication with Crandall Arambula, the nationally-recognized downtown urban design consultant who directed the Downtown Master Plan development process, to seek guidance on this project. Until the aforementioned concerns are successfully addressed, DLA respectively withholds its support of this proposed project.

Thank you for your thoughtful consideration of these issues and for your continued outstanding support and commitment to a strong and viable downtown Lincoln.

Sincerely,

Terry Uland                        Edward J. Swotek  
President and CEO                  Chairman of the Board

cc:   Lincoln City Council Members  
      Dave Landis, Director, Urban Development Department  
      Marvin Krout, Director, City Planning Department  
      Dallas McGee, Deputy Director, Urban Development Department  
      Mike Stessman
CONGRESS

House closing in on historic health care vote. House leaders have scheduled a rare Saturday floor vote on comprehensive health care legislation (HR 3962), culminating months of debate and negotiations over President Obama’s top legislative priority. Details on the legislation can be found in the October 30 Washington Report.

With no Republican support expected for the bill, House leaders are working to convince the disparate factions within the democratic caucus of the importance of the legislation. Moderate Democrats from “swing” districts have been targeted by both sides of the debate, but bill sponsors have also been mindful that any compromises not lose the block of progressive Democrats. President Obama has been making individual calls to wavering Members this week, and plans on addressing the House Democratic Caucus tomorrow prior to the vote.

This week, the House also cleared a measure to extend federal unemployment benefits for an additional 14 weeks to all states, and an additional 6 weeks on top of that to high unemployment states. The bill would also extend the $8,000 credit for first-time homebuyers who enter sales contracts by April 30, 2010, and close within 60 days. The income cap for qualifying would be raised to $125,000 for individuals and $225,000 for married couples, up from $75,000 and $150,000, respectively; but homes sold for more than $800,000 would not be eligible for the credit. Finally, the bill also expands a tax break for businesses, allowing them to apply net operating losses for 2008 and 2009 to profits from the past five years. The President is expected to sign the measure into law.

The Senate finally managed to approve its version of a FY 2010 Departments of Commerce and Justice appropriations bill, clearing it for a House-Senate conference committee to reconcile differences in the bills. The measure finally overcame weeks of procedural delays by Republicans proposing an amendment to require the Census Bureau to ask about immigration status in the count scheduled for next year. No other appropriations work was completed last week, and since the Continuing Resolution keeping government operations running does not expire until December 18, there is not as much urgency on the FY 2010 budget.

Finally, highly volatile partisan differences clouded consideration of climate change legislation in the Senate Environment and Public Works (EPW) Committee this week. Committee Chairman Barbara Boxer (D-CA) and Ranking Republican James Inhofe (R-OK) have always had frosty relations, and they were heightened this week when Inhofe and his fellow Republicans boycotted a climate change legislation markup on the ground that they did not have sufficient analysis of the bill. Boxer took the rare step of taking up and approving the bill in her panel without Republican attendance, much to the dismay of the GOP side. This political theater may be just that, however, as reports surfaced this week that Senators John Kerry (D-MA), Lindsey Graham (R-SC), and Joe Lieberman (I-CT) had started talks with the White House with the goal of crafting compromise climate change legislation. Details of the Boxer-Kerry climate change bill can be found in the October 2 Washington Report.

CHEMICAL SECURITY

House poised to clear chemical security measure with water and wastewater utility provisions. The House today will debate and
likely pass legislation (HR 2868) that would subject water and wastewater utilities to a chemical security regime administered by the states and the Environmental Protection Agency (EPA).

The overall goal of the legislation is to reauthorize the Department of Homeland Security Chemical Facility Anti-Terrorism Security Act (CFATS), which expired at the end of September but was kept alive by a short-term extension. The bill that the House will consider is a manager’s amendment that combines HR 2686 with:

- A bill (HR 3258) that would create a parallel chemical security regime for drinking water utilities under the purview of the states and the Environmental Protection Agency (EPA) and
- A bill (HR 2883) that would create a parallel chemical security regime for wastewater utilities under the purview of the states and EPA.

The incorporation of HR 3258 and HR 2883 into HR 2868 comes partially in response to utility and local government concerns with adding the Department of Homeland Security on top of EPA as a regulator of water and wastewater utilities could lead to conflicting federal regulations for those utilities. HR 2686 would have originally made the Department of Homeland Security the primary chemical safety regulator of water and wastewater utilities.

As brought to the floor, HR 2868 would mandate that all water and wastewater utilities conduct new vulnerability assessments and prepare site security and emergency response plans. The bill would require EPA to develop risk-based standards for those assessments and plans and would also give EPA final authority on approving them. However, the bill would give the states primary regulatory responsibility in this area. The bill would also authorize:

- $315 million in FY 2011 and such sums as may be necessary in subsequent years through FY 2015 for formula grants to states and cities for administrative costs, security improvements and utility worker training and
- $200 million in FY 2011 and such sums as may be necessary in subsequent years through FY 2015 for formula grants to states and cities for administrative costs, security improvements and utility worker training.

Local governments and utilities continue to have a number of concerns about the bill. These concerns include:

- The lack of an appeal process for disapproved utility vulnerability assessments and emergency response plans;
- Language that would authorize EPA to require utilities to use “inherently safer technology” for treating drinking water, which water utilities fear could lead to federal mandates for expensive and even technologically impossible treatment plant upgrades and retrofits;
- Insufficient protection of sensitive water utility information.

In the Senate, Governmental Affairs and Homeland Security Committee Ranking Member Susan Collins (R-ME) says that she and Committee Chairman Joe Lieberman (I-CT) will soon introduce a CFATS bill. Collins told reporters that their bill will not include “inherently safer technology” language similar to that in HR 2686. However, Senator Frank Lautenberg (D-NJ), whose state has many petrochemical facilities, responded that he will introduce a CFATS reauthorization bill that largely mirrors HR 2686, including its “inherently safer technology” requirement.

**EMERGENCY MANAGEMENT**

House panel clears bills to make FEMA independent and to reauthorize Stafford Act. The House Transportation and Infrastructure Committee approved two emergency management bills this week.

The first bill (HR 1174) would remove the Federal Emergency Management Agency (FEMA) from the Department of Homeland Security and reestablish it as an independent agency reporting directly to the President. FEMA was folded into the Department of Homeland Security when that department was created in the wake of the September 11 attacks. Supporters of the bill, led by Committee Chairman James Oberstar (D-MN) argue that since being subsumed by the Department of Homeland Security, FEMA has lost the flexibility and independent decision making authority it needs to quickly and effectively respond to emergencies.

Under the bill, a Director and Deputy Director appointed by the President and approved by the Senate would lead FEMA. In addition, FEMA would have ten regional offices headed by Regional Administrators. FEMA’s core mission would include:

- Hazard mitigation,
- Emergency preparedness planning and training,
- Emergency response and
- Emergency recovery.

As an independent agency, FEMA would specifically manage the:

- National Flood Insurance Program,
- Emergency Food and Shelter Program,
- United States Fire Administration,
- Earthquake Hazards Reduction Program,
- National Dam Safety programs,
- Radiological Emergency Preparedness Program and
- Chemical Stockpile Emergency Preparedness Program.

Programs currently managed by FEMA that would remain the responsibility of the Department of Homeland Security under the bill include:

- Urban Area Security Initiative (UASI),
- State Homeland Security Grants,
- Public transit and other surface transportation security grants and
- Port security grants.

HR 1174 would also create a National Advisory Council, appointed by the FEMA Director, to advise FEMA on emergency preparedness and response policies and programs. The bill would
require that the Council include local elected officials and local emergency response officials.

The Transportation and Infrastructure Committee also approved a bill (HR 3377) that would reauthorize core federal hazard preparedness and mitigation programs through FY 2012.

Specifically, the bill would:

- Authorize $250 million a year for the Pre-Disaster Hazard Mitigation Program;
- Authorize $37 million to modernize the national public alert and integrated system, and
- Authorize at $52 million a year and formally codify the Urban Search and Rescue Program, which FEMA has long administered under its general authority but without specific authorization.

The next step for both bills is consideration by the full House. However, a packed schedule and continued disagreement about FEMA’s future mean that it remains unclear if and when the House will take up either bill.

**TRANSPORTATION**

House GOP proposes quick injection of funds to transportation projects. Given breathing room last week with the approval of a six-week extension of the 2005 SAFETEA-LU law, House Republicans this week discussed a series of proposals to stimulate the economy through providing quick funding for transportation projects. The talk focused on using unspent funds from the American Recovery and Reinvestment Act (ARRA) and the Troubled Asset Relief Program (TARP).

Rep. John Mica (R-FL), the ranking member on the House Transportation and Infrastructure (T&I) Committee, indicated that a lack of long-term transportation funding guarantees has led to layoffs in the construction industry. While proposals to use untapped ARRA and TARP funds have not gained much traction in Congress, Mica indicated plans to meet with Senate Republicans to gauge interest in supporting a two-year transportation bill that would provide a quick cash infusion to transportation programs. Senator James Inhofe (R-OK), the ranking member on the Senate Environment and Public Works Committee, has already indicated strong support for the House Republican proposal.

Meanwhile, the Senate is still working on a six-month extension of SAFETEA-LU, which would carry current transportation programs through April of next year. Despite last week’s failure to reach a unanimous consent agreement, supporters of this proposal are trying to come to a compromise that would allow the measure to come to the floor unopposed. Even if the Senate is successful in completing a six-month extension, however, House T&I Committee Chairman James Oberstar (D-MN) remains adamantly opposed to any extension of SAFETEA-LU beyond the end of the calendar year.

New GAO report states FTA's approval process blocks involvement of private sector in transit. A new report released by the Government Accountability Office (GAO) states that the approval process for New Starts rail projects within the Federal Transit Administration (FTA) is a barrier to greater private investment in otherwise worthwhile transit projects. The report indicates that despite the establishment of the Public-Private Partnership Pilot Program (Penta-P) by FTA, none of the three pilot projects for the program has been granted any major streamlining modifications of the New Starts approval process. For a copy of the report, visit GAO's website at: http://www.gao.gov/new.items/d1019.pdf.

President seeks innovative means of funding major infrastructure projects. In remarks prior to his meeting with the President’s Economic Recovery Advisory Board this week, President Obama said that his Administration would seek more innovative approaches to financing infrastructure projects, in order to both create jobs and improve the state of the country’s deteriorating physical infrastructure. The President offered no specifics, and only mentioned the topic briefly, but his remarks are consistent with what other members of his cabinet, including Transportation Secretary Ray LaHood, have stated.

One concept which the Obama Administration is considering is the idea of a national infrastructure bank. This bank would use bonds and private sector funds to finance infrastructure projects that have national import. Other alternative financing proposals, such as a 0.2 percent tax on all crude oil futures transactions and a 0.5 percent tax on options for futures contracts, have been proposed, but none has gained much momentum as the overall transportation authorization bill remains stalled.

In January, the American Society of Civil Engineers estimated that the cost of bringing the U.S. infrastructure back to a “state of good repair” is about $2.2 trillion.

**STIMULUS WATCH**

Weekly update on stimulus activities.

**Department of Energy**

The Department of Energy hosted a webinar on the competitive portion of the Energy Efficiency and Conservation Block Grant (EECBG). Audio of the webinar is not yet available, but presentation materials are online: http://tiny.cc/M9921.

**Department of Transportation**

Secretary Ray LaHood announced that 75 percent of the $26.6 billion available for federal bridge and highway projects has been obligated: http://www.dot.gov/affairs/2009/fhwa3409.htm.

**Federal Reporting**

See the report on final recipient data collected for the first federal reporting deadline of ARRA funding: http://tiny.cc/r59mb.

**White House**

The President’s Economic Recovery Advisory Board (PERAB) held a meeting with President Obama to discuss long-term, innovation-based ideas to sustain growth and continue to create jobs of the future: http://tiny.cc/KyUEw.
GRANTS AND NOTICES

Department of Homeland Security
DHS has posted the FY 2009 SAFER Grants Program Guidance. Cost-sharing requirements were waived under the American Recovery and Reinvestment Act (ARRA) for FY 2009 and FY 2010. Additional legislative changes can be found on page 3 of the guidance. DHS expects that approximately 200 grants will be awarded from the $210 million available for SAFER funding. Eligible applicants should submit applications via the DHS “E-Grant” application process, which can be accessed at: https://portal.fema.gov. Applications must be submitted by the December 18, 2009 deadline: http://www.firegrantsupport.com/safer/guidance/.

Environmental Protection Agency
EPA is accepting applications for the FY 2010 Environmental Justice Small Grants Program (EJSG). The Program assists recipients in building collaborative partnerships to help them understand and address environmental and public health issues in their communities. The total funding made available for awards under this solicitation is $1 million and EPA anticipates awarding approximately 40 grants in the amount of $25,000 each. Applications must be postmarked by USPS, date-stamped by courier service, or received via email by January 8, 2010: http://www.epa.gov/compliance/environmentaljustice/grants/ej-smgrants.html.

Department of Health and Human Services
The Substance Abuse and Mental Health Services Administration (SAMHSA) is accepting grant applications for the FY 2010 Offender Reentry Program (ORP). The purpose of this program is to expand and enhance substance abuse treatment and reentry services to juvenile and adult offenders returning to the community from incarceration. A total of $13 million has been made available for the FY 2010 ORP program. Applications are due by January 19, 2009: http://samhsa.gov/grants/2010/TI-10-006.aspx.

SAMHSA is also seeking grant applications for the FY 2010 Grants to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need – Local Recovery-Oriented Systems of Care. This program is designed to foster the development of local recovery-oriented systems of care to address gaps in substance abuse treatment and recovery services in communities with serious drug problems. Approximately $4.8 million is available under this grant opportunity. Applications must be submitted by January 14, 2010: http://samhsa.gov/grants/2010/TI-10-007.aspx.
National Gaming Day at Lincoln City Libraries

Saturday, November 14, 2009

Join Lincoln City Libraries on November 14th and get your game on! Video games and board games will be available as part of National Gaming Day @ your library. This program is open to everyone and is appropriate for all ages – the more, the merrier. A variety of board games will be available. Feel free to bring a favorite to share. (Availability of games varies from branch to branch.)

10:00 AM - 6:00 PM    Bennett Martin Public Library, 136 So. 14th Street, (board games only)
12:00 - 2:00 PM    Eiseley Branch Library, 1530 Superior Street
2:00 - 4:00 PM    Walt Branch Library, 6701 So. 14th Street

In the 21st century, libraries are about much more than books! In fact, libraries work very hard to provide people of all ages with a rich and current menu of CDs and DVDs, as well as electronic and online resources. Video game resources and programs at the library complement these existing services. Featuring this new gaming media helps the library expand its reach while meeting community expectations.

For more information about libraries and gaming go to http://www.ilovelibraries.org/gaming/

Barbara Hansen
Administrative Aide
Have you read the 2009 One Book - One Lincoln title "People of the Book" by Geraldine Brooks?
Pick your copy up at the library today.
Memorandum

Date: ♦ November 10, 2009

To: ♦ City Clerk

From: ♦ Teresa, Planning Dept.

Re: ♦ site plans and applications

cc: ♦ Jean Preister

This is a list of the Administrative Amendments that were approved by the Planning Director from November 3, 2009 thru November 9, 2009:

Administrative Amendment No. 09068 to Administrative Special Permit No. 04001, requested by Verizon Wireless, to replace six existing antenna panels with larger panels, and to increase the number of antenna panels from six to nine of the larger panels, on property generally located at Centennial Hall, Wesleyan Campus, N. 50th St. and St. Paul Ave.

Administrative Amendment No. 09069 to Special Permit No. 1853, requested by Verizon Wireless, to replace six existing antenna panels with wider panels, and to increase the number of antenna panels from six to nine of the wider panels, on property generally located at S. 48th St. and Randolph St.
IMpact fee ordinance background information

The financing of new water and wastewater facilities, arterial streets, and parks and trails infrastructure has long been a significant topic of discussion not only in Lincoln, but also in numerous other cities and states throughout the nation. In Lincoln, various committees and study groups have convened during the terms of several mayoral administrations. These groups have analyzed not only the enormity of the City’s infrastructure needs which is largely accepted, but also what financing method or methods the City should pursue to address these needs.

In 2003, largely as a result of the recommendations from Mayor Don Wesely and the Infrastructure Finance Study Advisory Committee Report dated January 8, 2001, Lincoln joined the ranks of numerous other cities that include "Impact Fees" as a means to fund a portion of its infrastructure needs. The proposed and adopted Impact Fee structure was intended to be a partial solution to what, at the time, was estimated to be a $225 million shortfall for streets and highways in available infrastructure funding over a 12-year period. The shortfall was estimated in 2003 dollars, neglecting inflation.

Other funding sources or strategies that were identified in these committee reports included the following:

<table>
<thead>
<tr>
<th>Suggestions</th>
<th>Actions to Date</th>
</tr>
</thead>
</table>
| General obligation infrastructure bond issue | GO bond for ($4M) sidewalk and trails maintenance–Defeated Nov 02  
GO bond for ($75M) Streets and trails–Defeated Sept 04  
*Should GO bond fail to receive voter approval a second attempt should be made.  
The City has not pursued a second attempt. |
| City occupation tax implementation | State legislature leaders objected to the implementation of an occupation tax.  
The City has not sought this authority. |
<p>| Local Option Fuel Sales Tax        | This would require a legislative change, which the City of Lincoln has not sought.                                                            |
| Creation of Special Assessment Districts | This is not for off-site infrastructure improvements because special assessments are only assessed against the abutting benefited property for local improvements |
| County wide Wheel Tax              | The City does not have the legal authority to implement.                                                                                     |
| Strategic use of Revenue Bonds     | The City currently bonds revenue streams to their full                                                                                     |</p>
<table>
<thead>
<tr>
<th>Encouragement of rural to urban City/county road construction cooperation</th>
<th>The Rural to Urban Standards (RUTS) concept has been implemented.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gradual Wheel Tax increases</td>
<td>Three $5 increases were approved for implementation in 2004, 2007, and 2010. Five dollar increases were implemented in 2004 and 2007; a third $5 increase is scheduled for 2010. A portion of these Wheel Tax increases have been designated by Ordinance to support maintenance related expenditures.</td>
</tr>
<tr>
<td>Utilize Highway Allocation Bonds to smooth out revenue over the 12 year period.</td>
<td>The City issued Highway Allocation Bonds in 2004 for $35 million and in 2006 for $27 million.</td>
</tr>
</tbody>
</table>

For a variety of reasons - including a failed general obligation bond, General Fund budgetary constraints, City services prioritization, political pressures and others - Impact Fees have become the “primary” new funding stream, instead of the planned “partial” solution.

**IMPACT FEE HISTORY**

Since their inception in 2003, approximately $27.8 million has been collected in Impact Fees through August 31, 2009. (Source:http://www.lincoln.ne.gov/City/pworks/ifs/invest/report.htm) Of this amount, $17.9 million has been collected for arterial streets, $8.4 million for sewer, water and water system and $1.4 million for parks and trails.

Of the total fees collected, approximately 67% of arterial streets, 76% of sewer, 86% of water, and 34% of parks and trails Impact Fees have been spent as of August 31, 2009. Additional fees have been committed to projects that are in various stages of infrastructure design or construction. Reasons for unspent fees include current restrictions on the segregation of funds within the seven Impact Fee districts, the lack of total project funding including matching funding requirements, project timing, design and approval lead times and others. No Impact Fees have been used for projects, or project costs, outside the approved scope of the Impact Fees ordinance.
When Impact Fees were first implemented in 2003, the Duncan and Associates Study\(^2\) indicated that the maximum potential (100%) that the City of Lincoln could charge for all the Impact Fee facilities, at the 2002 single-family equivalency, totaled $9,017. A “single family equivalent” or “SFE” assigns the costs of system capacity to provide service to a typical residential property. The determination is based on a 3/4 – inch water service, a 4-inch sanitary sewer, and the average miles traveled daily per Lincoln family:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Streets</td>
<td>$3212</td>
<td>$1225</td>
<td>38% of SFE</td>
</tr>
<tr>
<td>Water (\frac{3}{4}&quot;) Water Meter</td>
<td>$3669</td>
<td>$ 750</td>
<td>20% of SFE</td>
</tr>
<tr>
<td>Wastewater (\frac{3}{4}&quot;) Water Meter</td>
<td>$1815</td>
<td>$ 375</td>
<td>20% of SFE</td>
</tr>
<tr>
<td>Neighborhood parks and trails</td>
<td>$321</td>
<td>$ 150</td>
<td>46% of SFE</td>
</tr>
<tr>
<td>Total Fees</td>
<td>$9017</td>
<td>$2500</td>
<td>Overall 28% of SFE</td>
</tr>
</tbody>
</table>

\(^2\)The Duncan and Associates Study is an outgrowth of the Infrastructure Financing Study initiated by the City in June 2000. Three reports were prepared: Financial Alternatives Memorandum (September 2000), Capital Cost Memorandum (September 2000) and Fiscal Impact Analysis Memorandum (November 2000). These reports attempted to quantify the capital and operating costs of accommodating new development at existing levels of service for municipal facilities, such as roads, water and wastewater service. The Duncan and Associates Study was not intended to quantify or analyze the economic benefits of growth.

In 2003, the City Council adopted the Impact Fee Ordinance with fees set lower than the 100% maximum potential identified in the Duncan and Associates Study. The 2003 ordinance included an automatic "phase in" of new fee schedules, which increased Impact Fees in years 2004, 2005, 2006 and 2007.

Adjustments for inflation were not included in the 2003 Ordinance. On October 4, 2004, the City Council adopted an amendment to the Impact Fee Ordinance. This amendment provided that beginning January 1, 2005, and on January 1, of each following year the Impact Fee schedules would automatically increase to reflect the effects of inflation. The inflation factor to be used, as set forth in the amendment, is the Consumer Price Index for all US Goods and Services (CPI). The City Council, however, voted to override the automatic inflation increases scheduled to take effect on January 1, 2008 ( 2%) and January 1, 2009 (6%). As a result, current Impact Fee schedules have been frozen at the 2007 levels.
The “phase in” feature and inflationary adjustments have increased the original Impact Fee schedules as follows:

<table>
<thead>
<tr>
<th>Date of Increase</th>
<th>&quot;Phase in&quot; Increases per Original Ordinance</th>
<th>Implemented Increases per 2004 Inflation Amendment (CPI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2004</td>
<td>21%</td>
<td>0%</td>
</tr>
<tr>
<td>January 1, 2005</td>
<td>25%</td>
<td>2%</td>
</tr>
<tr>
<td>January 1, 2006</td>
<td>15%</td>
<td>3%</td>
</tr>
<tr>
<td>January 1, 2007</td>
<td>10%</td>
<td>4%</td>
</tr>
<tr>
<td>January 1, 2008</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>January 1, 2009</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

On top of the intended "phase in" escalations, Impact Fees have been increased an additional 9% for inflation since 2003. According to an Associated General Contractors of America report (December 2003 through March 2009) the actual cost of road construction has risen 31%. In general through 2003 most construction materials showed very modest increases and many decreases in price, similar to the CIP, which rose 2.4% in 2002 and 1.9% in 2003. Beginning in 2004, however, many construction materials showed years with double-digit increases, whereas the CPI has continued to rise at a 0.1-4.1% annual rate. After peaking in July-August 2008, prices for diesel fuel, asphalt, steel and other materials have dropped sharply. But gypsum, cement and ready-mix concrete producers have increased prices. *(Changes in Construction Materials Prices, 2001-2009; February 23, 2009; Associated General Contractors)*

**Descriptions of CPI and other meaningful indices**

**Consumer Price Index (CPI)** The CPI is a statistical measure of change in the prices of goods and services in major expenditure groups such as food, housing, clothing, transportation, and health and recreation for urban consumers. It measures the purchasing power of the consumer dollar by comparing the cost of a “market basket” of goods and services over time. Sales and excise taxes are included in the price because they are necessary expenditures by the consumer for the item.

**Municipal Costs Index (MCI)** The Municipal Cost Index (MCI) was developed by American City & County (publication of Penton Media) is designed to show the effects of inflation on the cost of providing municipal services. The MCI draws on the monthly statistical data collected by the U.S. Departments of Commerce and Labor as well as independently compiled. Major indicators of these items used for the MCI include the Consumer Price Index, the Wholesale Price Index for Industrial Commodities (now known as the Producer Price Index) and the Construction Cost Indexes published by the U.S. Department of Commerce, respectively.
Construction Cost Index (CCI) The Construction Cost Index reflects changes in the costs of materials, skilled labor, and unskilled labor in both general construction and building construction. The Department of Commerce Composite Construction Index is derived from separate indexes for commercial facilities, residential housing construction, utility construction, highway and general construction and many other contract construction indexes.

Producer Price Index (PPI) The PPI was designed by the DOL to show the rate and direction of price movement for individual commodities and groups of commodities. The index measures “real” price. All systematic production of goods and materials are included in the PPI except for farm products and foods. The price collected for an item included in the PPI is the revenue received by its producer. Sales and excise taxes are not included.
Ms Sumner,

I am sure we will NOT be dealing with the height of fences. I think that is too much government intrusion into someone's life. The law says the dog must be fenced in, so if he jumps out, he is not fenced in and thus in violation. It will be up to the dog owner to determine what lengths he/she must go to in order to insure the dog stays inside the fence. Having it in an inadequately fenced yard will NOT excuse the owner from being in violation. Once again this goes back to our need to deal with IRRESPONSIBLE owners.

Please feel free to contact me at 540-3805 if you would like to discuss this or any other topics

Thanks

Doug Emery

Comment or Question:
I have a question regarding the dangerous dogs proposals. (by the way, my husband and I are strongly in favor of restrictions on dangerous dogs and protecting the public safety.) If a dog is required to be fenced in, will this include height requirements and proper maintenance for the fence that will adequately restrain the dog? My understanding is that currently, there is not, which doesn't really protect us from dogs jumping the fence.
We have personally dealt with this in our own yard, regarding a past neighbor and ended up putting up our own privacy fence. We also had a close call while walking with our baby in a stroller when a dog nearly jumped a broken fence as we walked by. Thank you for your attention to this growing concern in our city.
InterLinc: City Council Feedback for 
General Council

Name: Shirley R. Anderson
Address: 3710 W Street
City: Lincoln, NE 68503-2742

Phone: 402-432-0653
Fax: 
Email: sranderson6@windstream.net

Comment or Question:
LES charges enough. My mild October bill was $42.52. That is high enough for any month, let alone the anticipated colder months upcoming. STOP THE INCREASE. It is getting harder to meet obligations...Medicare Advantage and Social Security are on a hit list, taxes are due to increase... GIVE US A BREAK. On fixed incomes, there are no added bonuses. With the federal government extracting all they can from our meager means, it behooves all of us to STOP THE SPENDING.
Dear Mr. Ennis: Your message has been received in the Council Office. I spoke with Dan Marvin, who is the Arena Project Coordinator about your email and the question you had on it. No, it has not been approved by the City Council. If you have any questions, please let me know. Thanks.

Tammy Grammer
City Council Secretary
555 South 10th Street - Room 111
Lincoln, NE 68508
Phone: 402-441-6867
E-Mail: tgrammer@lincoln.ne.gov

-----Original Message-----
From: WebForm [mailto:none@lincoln.ne.gov]
Sent: Monday, November 09, 2009 9:58 AM
To: Tammy J. Grammer
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for General Council

Name: Scott Ennis
Address: 310 South 10th Street
City: Lincoln, NE 68508

Phone: 402-476-6800
Fax: 
Email: scott.j.ennis@erac.com

Comment or Question:
Have the additional taxes that were noted in the Daily Nebraskan article from October 15 to fund a new facility at the University been approved by the city council for the May 11th ballot?

Thanks
Scott Ennis
InterLinc: City Council Feedback for General Council

Name: Deb Walz
Address: 735 Mulder Drive
City: Lincoln, NE 68510
Phone: 402-488-2651
Fax: Email: debles2009@gmail.com

Comment or Question:
I have heard some rumors/info on the radio lately that the City Council may be voting to have all dogs leashed in their own yards under voice control of their owners!

Why do a few irresponsible dog owners have to ruin freedom for everyone else? People who currently break the law will continue to do so even if you put this into effect!

Our golden retrievers are both obedience trained to the highest level, one is a certified hospice/therapy dog by the Delta Society. We have a small fenced back yard. But a large unfenced front/side yard. We like to do retrieves with our goldens in the unfenced area and they LOVE it! They are totally under our control by voice and never attempt to go near the street. They are sweet loving dogs who would never harm a person or animal. They are 10 and 6 years old. They are of course NEVER out there in the unfenced yard unsupervised.

If this issue actually becomes a law we would either have to fence in our large front/side yard at a cost of close to $10,000 or not exercise our dogs! I have disabilities so am unable to walk the dogs on a leash. I would never take my dogs to the dog runs for exercise! Too many of the irresponsible dog owners there also! My dogs and friend’s dogs have been attacked too many times there!

Please do not make leashing your dog in your own yard a law! As I said, people who currently allow their dogs to run loose will still do so and they law abiding citizens and their dogs will suffer.
Problems and questions that need to be asked before allowing LES to raise rates
with the mayor

In the past LES has known about the rate increase and have they talked previously and privately this summer about this other issues including siting of a overhead transmission line in the middle of town. Did he tacitly agree with the rate increase then?

LES has overspent remodeling offices at the Service Center. The rate increase was known by LES, why commit to a 1.5 million dollar office remodel in the wake of a rate increase, in a building in the flood plain? Couldn’t this have been removed from the cost of running the business?

LES renamed the power plant North of town to honor Terry Bundy. This had to cost ratepayers over $100,000 to change maps, logos, etc. Did this need to be done this year? Could donations have been taken?

Why did the accounting vice president leave in the middle of the rate increase proposal, and LES annual budget finalization? This was highly irregular. Was it a $4 million dollar mistake, or business as usual?

Why spend 3 thousand to wrap the hybrid car? Wouldn’t an LES sticker and a few bumper stickers announce this well enough?

Why spend hundreds of thousands in uniform expenses when OSHA does not require them? 15 sets per employee last count...with laundry, delivery and I heard lockers. What was wrong with the present uniforms?

Where is the actual facts of increased costs? Honest figures and data proving increased transmission costs. Where are Overhead high voltage lines going? Down South Street? A Street?
Up the Rock Island bike path? Over the new Antelope Creek project? Where? Fuel costs are increasing? Natural gas down, coal down, hauling coal down, transportation down. Ratepayers deserve hard facts, not predictions, not pie in the sky. Give the figures for top 20 expenses of the past and future of LES.

Smart Grid grant proposal, how much is the going to cost ratepayers if we get it, do we have to match the 30 million, I hope not. Is OPPD, NPPD going after the same type grandiose scheme. Omaha public schools just turned down a matching grant from Gates foundation, they could not match the 60 million requirement. Enough money has already been spent on this boondoggle.

In the years Terry Bundy was ill, LES mgmt has spent money that would put drunk sailors to shame. Since hiring the last two or three top people, who have zero public electric utility experience theE has been waste, fraud and abuse. A recent reorganization handed out scores or promotions and raises, to Doug Curry, Doug Bantam, and oddly Doug Bantam’s daughter promoted and given a huge raise...This is indicative of a management that is now clueless to the realities of the ratepayers. How does this get better right away? Where is the new CEO? Has interviews been given? Or is business as usual for the top 8 or so? They did not offer exact figures, did not give all the numbers, ratepayers need you to ask the right questions, or hire a consultant auditor to ask the questions, audit the books and see where the trail actually leads too.
**Items that will save the ratepayers money, which would lead to a rate reduction, not a rate increase**

LES a few years ago got out of nuclear power plant with NPPD after many years of cost effective, non global warming power. They built Salt Valley to be a full time replacement generator. Cost overruns, the high price of gas caused this to be a 300 million peaking plant. Then LES needed to replace its proposed power with something else, Council Bluffs 3-4 with transmission lines cost added another 300 million at least. Plus maintenance and fuel costs, LES mgmt team mortgaged ratepayers to the tune of nearly a billion in a little over ten years. Poor decisions.

With another 100 megawatts of power contracted for in 2010, there are cost saving options, ratepayers pay for the 100 megawatts whether it is needed or not

Salt Valley runs less than 1% a year, what are the exact honest costs of maintenance, staff, and fuel when running? How much has been spent keeping it open and not running? When it is running what is the total cost per megawatt, including all maintenance and wages added in? The actual cost to keep the door open for the last five years? Sell it or close it.

Rokeby, the fast aging peaking units. Old huge generators, high maintenance costs, plus they bought farms out, hundreds of acres, built sound dikes, to buffer the sound from it when it is running even less time than Salt Valley for the acreages across the way. Where Doug Bantam lives. For what real reason was millions spent for the extra land? Again what is the actual cost of maintenance, salaries, land purchases and fuel when it is running? Actual cost of kilowatt to produce it, add the overall maintenance, salaries, purchases, all the fixed costs to the fuel costs, you will be shocked. Sell it or close it. Would you keep an old car, you do not need, keep it up to date with old technology, and never use it?

8th street peaking unit, sell it, close it and remove it.

Is it true that the 2 wind generators are more cost effective than these three generators after labor, maintenance and fuel is added...crazy.

DO AWAY WITH RATE STABILIZATION! This fund was foisted upon ratepayers when LES got money back from NPPD from the nuclear plant buyout. Instead of returning it to the ratepayers, they got the ordinance passed and the kept it. And now through a present day rate increase, instead of efficiencies of business, they want to keep my money for a future rate reduction/freeze? In case of an emergency? This is patently unfair for old folks who may not be around in the future, patently unfair for college kids that graduate and leave. Just unfair for all the rest of the ratepayers that are paying dollars today. Not the water, gas, sewer, property tax, sales tax, wheel tax, phones, cable, insurance people take money today under the guise of we might have a storm someday in the future, let me take some money from you just in case, and not give you any interest. Close the fund, return the money and if there is a crisis that FEMA will not cover, ask for a temporary surcharge as done in the past.

LES is a part of the city, why does it need its own HR dept for 450 workers at wages higher than the city pays it HR, aren’t they comparable? It is a conflict of interest that LES HR is a under LES supervisors, there is not clear separation. That is how the reorganization went, that is how they self promote, and gave themselves and daughters raises. If needed change the city, state law and have a clear separation that the Lincoln city managers now have and must respect. What is the status of the replacement CEO, and what are the search, moving, salary costs going to cost the ratepayers? Will they surprise us like the school board just did the taxpayers?

The LES Board is just like the LES HR dept. When is the last time something was actually argued over against LES wishes? It sure was not this last rate increase.

City council and mayor must take an active role in asking questions, not business as usual.
City Council and Mayor Beutler:

Recently I went to City Hall and observed the construction of the Mayor's new office and the fangled development services center and some other offices.

What is being done?

New offices for the Mayor and all of his new assistants. His many assistants, Citizen information center, new offices for the planning department, expanded offices for this development services center.

How did this ever get approved?

New offices for the urban development department, being moved from haymarket. New elevator. What else?

How much new furniture will be required? Architects fees? Are City employees being used for some of the construction? What are the public building commission and its employees doing? What are the new computer system and software needs for this development service center? How many new employees will be required?

How much will each of the preceding items cost?

Please itemize by office, department and item. If costs are unknown, what is the estimated cost? What annual costs will be incurred by these departments? How much more is this annual cost than current rental costs?

Who is paying for these changes?

Lincoln Taxpayers?

County Taxpayers?

Other entities?

Sincerely

Jake Wattles

2508 S. 60th St. #3
Lincoln, Neb. 68510

11/9/2009

RECEIVED

NOV 12 2009
CITY COUNCIL OFFICE
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, NOVEMBER 16, 2009

I. CITY CLERK - None

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -

MAYOR -


2. NEWS ADVISORY - RE: Mayor Beutler’s Public Schedule for Week of November 14, through November 20, 2009 - Schedule subject to change (Forward to Council on 11/13/09).

3. NEWS RELEASE - RE: Winners Announced For Recycling Pledge Drive - Community events planned for Saturday, November 14th (Forward to Council on 11/13/09)

DIRECTORS -

HEALTH -

1. NEWS RELEASE - RE: Public Listening Session on 11/16/09 from 6:30 p.m. to 7:30 p.m. at the Health Dept. to gain feedback from citizens regarding some proposed changes in Animal Control Ordinances.

2. NEWS RELEASE - RE: Starting 11/17/09, the Lincoln-Lancaster County Health Department will take appointments for those individuals who are in the priority groups to get the H1N1 Influenza vaccine.

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

JON CAMP -

1. E-Mail from Camilla Svoboda - RE: Lincoln streets are “holey”.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL -


2. E-Mail from Russell Miller - RE: For LES energy rate increase.
3. E-Mail from Shirley R. Anderson - RE: NO LES rate increase - Not Now!
4. Letter from Mark Hunzeker, For the Firm - RE: Block 68 Redevelopment Project.
5. Report from LES - RE: Rate Schedules and Service Regulations Proposed for Rates Effective January 1, 2010 - (Council, City Clerk Joan Ross, and Mayor’s Office received their copies of the Report on 11/16/09) (Report on file in the City Council Office).
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: November 13, 2009
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Dolores Mather, MCIF, 488-4228
Carmelee Tuma, MCIF, 471-1969

INTERNATIONAL VISITORS ATTEND ANNUAL MEETING

The Lincoln Council for International Visitors (LCIV) and the Mayor’s Committee for International Friendship (MCIF) welcomed visitors from six countries at their joint annual meeting and dinner October 26 at the Nebraska Club. The visitors, hosted by the MCIF, were in Lincoln to discuss foreign policy issues of concern to Europe and the U.S. Each international visitor spoke during the program. One of the visitors, Mikael Oscarsson from Stockholm, had been an exchange student at Lincoln’s Pius High School in 1986 and is now a member of the Swedish Parliament.

The meeting included the election of the following officers for 2010: Robert Wagner, President; Dolores Mather, Vice-President; and Debbie Engstrom, Secretary. Ron Svoboda also was elected as Treasurer of the LCIV.

The MCIF is a volunteer organization which hosts visitors from around the world. The committee sets up visits with professional counterparts and plans cultural exchanges and learning experiences to promote international understanding among the visitors and citizens in the Lincoln area. Participants are established or potential foreign leaders in government, politics, media, education, science, labor relations and other key fields. They are selected by American Embassies overseas to visit the United States to experience this country firsthand.

- 30 -

A photo and captions are available on request.
Date: November 13, 2009
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler’s Public Schedule
Week of November 14 - 20, 2009
Schedule subject to change

Monday, November 16
• Home Builders Association of Lincoln meeting and dinner, remarks - 7 p.m., Champions club, 707 Stadium Drive.

Thursday, November 19
• KFOR morning show call-in - 7:45 a.m.
• News conference on Star City Holiday Parade - 10 a.m., float factory (map will be sent to media)
NEWS RELEASE

PUBLIC WORKS AND UTILITIES DEPARTMENT
Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043, fax 441-8735

FOR IMMEDIATE RELEASE: November 13, 2009
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043

WINNERS ANNOUNCED FOR RECYCLING PLEDGE DRIVE
Community events planned for Saturday, November 14

The City Recycling Office today announced the winners of 2009 America Recycles Day Pledge Drive. The drive encouraged residents to fill out cards pledging to increase their recycling efforts. Nearly 1,700 pledges were received from collection boxes at Russ’s Markets, Lincoln City Libraries and online. Prizes will be awarded at noon Saturday, Nov. 14 at EcoStores Nebraska, 530 West “P” Street.

The winners are:

- Austin Baade – Computer system valued at $1,300 donated by Schrock Innovations.
- Daniel LeDuc - $100 Wal-Mart gift card.
- Jeremy Dickaut - $100 Russ’s Market gift card.
- Sam Vernon - One-year of curbside recycling provided by Star City Recycling.
- Hailey Rene Bowden - One-year of curbside recycling provided by Recycling Enterprises.
- Olivia Andrews - One-year of curbside recycling provided by Journal Star Recycling.
- Lisa Tally and Neil Faltys - One-year of curbside recycling provided by Midwest Refuse.
- Denise Donovan, Cara Heminger and Garrett Klien - $100 in Nebraska Lottery scratch-off tickets.
- Michael Cook – Panera bread for one year.

Local schools also had the opportunity to compete in drive, and prizes were awarded to the schools that generated the most recycling pledges per student. Winners are:

- Prescott Elementary - $250 to fund an environmental project, donated by Midland Recycling.
- Yankee Hill Special Education Program - $250 from Lincoln Solid Waste Management Association and a park bench made of recycled plastic donated by Firstar Fiber Corporation and Recycling Enterprises.

“I’d like to thank all of the companies that donated prizes for this cause,” City Recycling Coordinator Gene Hanlon said. “America Recycles Day is just one day, but many local companies are committed to recycling all year long. This is a day to recognize them for the excellent job they do providing solid waste and recycling services in our community.”

- more -
America Recycles Day
November 13, 2009
Page Two

The America Recycles Day prize presentation at EcoStores Nebraska follows a morning of recycling activities Saturday, November 14:

- A usable latex paint exchange is set for 8 a.m. to noon at Eco Stores Nebraska. A two-dollar fee will be charged for unusable paint.

- An electronics recycling event is planned for 8 a.m. to noon at TechWare Recycling, 1835 West “O” St. Fees are $2 per item and $5 for televisions.

- Wood waste can be recycled for free from 8 a.m. to noon at Hofeling Enterprises, 2200 S. Folsom Ct. Painted wood will not be accepted.

- Free paper shredding will be offered from 9 to 11 a.m. at three locations - Midland Recycling, 440 “J” St.; Recycling Enterprises, 6100 N. 70th St.; and Shredding Solutions, SouthPointe Pavilions, 27th Street and Pine Lake Road (parking lot east of Famous Dave’s). There is a 75-pound limit per person.

Traditional recycling collection (newspapers, plastics, etc.) will be provided free of charge by Journal Star Recycling from 8 a.m. to noon Saturday, November 14 at Eco Stores and Techware Recycling. Midland Recycling and Recycling Enterprises also will accept traditional recyclables as part of their paper shredding services Nov. 14.

Hanlon said more local businesses are providing recycling services, but the poor economy has decreased the amount of material recycled through the City’s drop-off programs. In fiscal year 2008-2009, the City collected 6,763 tons of recyclables, a nine-percent decrease from the previous year. Hanlon said factors in the decline are the reduced size of the newspaper and fewer advertising and direct mail pieces.

This is Lincoln’s fifth year celebrating America Recycles Day. For more information on America Recycles Day, visit www.americarecyclesday.org. To learn more about related events in Lincoln, visit the City Web site at lincoln.ne.gov (keyword: ARD) or call the City Recycling Office at 441-8215.
FOR IMMEDIATE RELEASE:  November 10, 2009
FOR MORE INFORMATION:   Robert Westfall, Animal Control Manager, 441-7900

Public Listening Session
The Lincoln/Lancaster Health Department will be hosting a public listening session next week to gain feedback from citizens regarding some proposed changes in Animal Control Ordinances. The meeting will be held from 6:30 PM until 7:30 PM on Monday November 16 in the lower level training center of the Health Department Building located at 3140 N St. Those interested in attending should park in the east lot and enter the building via the east entrance then take the elevator down to the lower level. A brief presentation of the items listed below will be followed by feedback from those attending the session:

• Revise the Dangerous and Potentially Dangerous chapters/sections to more closely reflect the changes that have recently been made in state statutes.
• Add a law that prohibits dogs deemed Dangerous in other jurisdictions from being relocated into Lincoln.
• Raise license and citation fees for unaltered animals to encourage spay/neuter.
• Remove “under direct and effective owner voice control” as an acceptable method of restraint within the definition of Running At Large.
• Add microchipping to Potentially Dangerous dogs (currently required only on Dangerous dogs).
• Move the Bites Unlawful ordinance language from the Dangerous Dog section to the General section of Chapter 6, allowing use of the ordinance language to apply to incidents other that only ones involving dogs that are already “Dangerous.”
• Revise the current law that revokes animal licenses after 7 convictions in a 12 month period, to a more restrictive number (possibly fewer convictions or a longer time span).
FOR IMMEDIATE RELEASE: November 16, 2009

FOR MORE INFORMATION: Bruce D. Dart, Ph.D., Health Director, 441-8093
Andrea Mason, Manager, Community Health Services, 441-8054

Starting Tuesday, November 17, 2009, the Lincoln-Lancaster County Health Department will take appointments for those individuals who are in the priority groups to get the H1N1 Influenza vaccine. The 2009 H1N1 vaccine is available at the Health Department by appointment only.

The Health Department will start giving the H1N1 vaccine on Thursday, November 19, 2009. To make an appointment, please call 402-441-6262. Appointments will be available Monday-Friday 8:00 AM - 4:15 PM.

At this time, H1N1 vaccine will be given to individuals in one of the priority groups which include:

- Pregnant women,
- People who live with or care for infants younger than 6 months of age,
- Anyone 6 months through 24 years of age,
- Anyone 25-64 years of age with certain chronic medical conditions, i.e., heart disease, lung disease, asthma, and/or diabetes, or a weakened immune system,
- Health care and emergency medical personnel

As needed, accommodations will be made for disabled individuals and non-English speaking individuals. Parents/legal guardians of children (under 19 years of age) must accompany their child during their appointment.

The Health Department is located at 32nd & O Street. Individuals should park and enter on the east side of the building. H1N1 vaccine clinics are located in the lower level (basement) of the building.

###
Jon A. Camp
Lincoln City Council
402.474.1838 (personal office)

From: cmsvoboda@juno.com [cmsvoboda@juno.com]
Sent: Thursday, November 12, 2009 9:55 PM
To: Jon Camp
Subject: Lincoln streets are "holey"

I would certainly like to see you spend more of the City budget on fixing the streets -- particularly "O" street -- instead of spending more and more on things like "studies" for the new arena, N street parking garages and hotels/condos and Antelope Valley additions.
I worry each time I have to drive down "O" street that I will blow out a tire from the HUGE holes -- or swerve and hit someone in the next lane in order to miss the holes.

Thank you for considering -- spending more for roads in Lincoln.
Camilla Svoboda
GLOBAL WARMING—ACT LOCALLY!

Some vital decisions about global warming will occur in Copenhagen, but others are made right here. Next Monday, November 16, the Lincoln City Council will vote on the proposed 2.9% rate increase for the Lincoln Electric System (LES). That rate increase translates into $2.10/month for a residential customer. Both LIBA (Lincoln Independent Business Association) and Linweld, which uses a lot of electricity, have lobbied against the rate increase.

http://www.journalstar.com/news/local/article_f0a125dc-c81d-11de-952c-001cc4c03286.html

A “compromise” has been proposed that would reduce the increase by $1 million to $2.4%. If the “compromise” is accepted, the most likely effect will be to reduce the Sustainable Energy Program. The 2009 Sustainable Energy Program offered rebates for insulating homes, purchase of highly efficient heat pumps, lighting retrofits for commercial and industrial customers, and maintenance of commercial cooling equipment. The $1 million that was budgeted was gone by summer. LES asked for a 2010 increase to $2 million. It’s much cheaper to invest in energy efficiency that to build new generating capacity. Reducing demand begins to prepare the community for the time when electricity costs reflect more of the true cost of burning fossil fuel--and 80% of LES’ power is from coal.

Lincoln City Council members Cook, Carroll, Emery, and Snyder are likely the most persuadable. Emails are good; send them to http://lincoln.ne.gov/city/council/members.htm. Personal contact is even better.

Electrical power generation is the largest single source of greenhouse gases. The average house contributes more to global warming than the average car, according to the Union of Concerned Scientists. Reducing electricity demand is a crucial part of what must be done to control emissions of heat-trapping gases. The Sustainable Energy Program helps.

Thanks,
Becki Gaston
Dear Council,

I am favor of the proposed LES rate increase and please vote for it.

I am especially in favor of the "Expanded Sustainable Energy Program" and it should and must be expanded.

18 years ago my household received a $400 LES rebate plus a Nebraska Energy Department low interest loan that allowed us to install a geothermal heating / cooling system. The annual savings in energy costs was and still is substantial. The money saved was money that we spent on other items in Lincoln for the past 18 years.

The “Sustainable Energy Program” will provide positive financial dividends to Lincoln’s economy for years.

Russell Miller
InterLinc: City Council Feedback for General Council

Name: Shirley R. Anderson
Address: 3710 W Street
City: Lincoln, NE 68503
Phone: 402-432-0653
Fax: 
Email: sranderson6@windstream.net

Comment or Question:
My LES bill for A MILD October was $42.52, with all the savings I could muster (on a fixed income: not using clothes dryer, heat down, AC minimal etc.) and with winter on its way, I am sure the increase will be significant if what Obama says is true. I would like to side with LIBA and Lincoln Employers Coalition of Heavy Power Users and say, NO INCREASE, NOT NOW!
November 12, 2009

Hon. Christopher Beutler, Mayor
City of Lincoln
555 S. 10th Street, Suite 208
Lincoln, NE 68508

RE: Block 68 Redevelopment Project

Dear Mayor Beutler:

Presumably you have read the letter from the Downtown Lincoln Association regarding the proposed Block 68 Redevelopment project. The letter expresses supposed “pleasure” with a redevelopment project for Block 68, and acknowledges that the block has long been “under utilized.” DLA touts itself as being “pro-investment” and enthusiastic supporters of projects which “contribute to downtown and are consistent with the Downtown Master Plan.” Then the narrowly focused, inaccurate nit-picking begins.

The letter sets out several “concerns,” which we will address individually.

Inactive M Street Frontage Everyone knows that the “M Street Promenade” proposed by the Downtown Master plan has been the single biggest point of contention regarding design of this project. The site plan which had the front door of the hotel on M Street was deemed by some (including the Planning Department, several Planning Commissioners and City Council members), not to conform with the Downtown Master Plan. The current site plan was designed after you set forth explicit “principles” for an acceptable design in a letter to me dated October 5, 2009. Those “principles” were:

1) “Any design we accept will not require you to surrender land to the City;”

2) “Public property must be used for public purposes, namely... achieving a broad pedestrian promenade on M Street”; and

3) “[W]e consider trading public land for private land ... [b]ut, if we design well, we may not need to use this principle.”

We designed well. The current site plan explicitly meets your “principles”, and was greeted with enthusiasm by city staff, and unanimously approved by the City Council. The current site plan shows areas at both the 10th and 11th Street corners along M Street for outdoor dining space. It shows a hotel lobby entrance on M Street and access to the retail shops from within the hotel. It maintains the entire

WELLS FARGO CENTER · 1248 “O” STREET · SUITE 600 · LINCOLN, NE 68508 · TEL: 402.473.1075 · FAX: 402.473.9515
SYRACUSE OFFICE · 920 12TH STREET · SYRACUSE, NE 68446 · TEL: 402.269.3200 · FAX: 402.269.2085 · WWW.BAYLOREVNEVN.COM
M Street frontage for a 30-foot wide “Promenade” with no vehicular interruption. It provides for the start of both the 11th Street Promenade and the M Street Promenade. Contrary to the assertion by DLA, the design contemplates all service and deliveries (including garbage service) to occur from the internal motor/reception court. The four (4) parking spaces indicated as a potential “loading zone” on M Street would be dedicated to guest pick-up and drop-off, further “activating” the M Street Promenade.

In addition to starting both “Promenades”, this project is consistent with the goals of the Lincoln Center Redevelopment Plan. As aptly described by Urban Development Director Landis, the project specifically advances those goals by accomplishing the following:

- encouraging private redevelopment in downtown Lincoln
- utilizing an underdeveloped lot and removing blight
- encouraging development of mixed-use projects that attract and maintain commercial activity and residential developments in Downtown
- integrating streetscape and landscape improvements in project areas with existing public and private amenities
- supporting the vision of a revitalized Downtown as entertainment core of our city and a regional destination
- support downtown business recruitment efforts

It would be difficult to identify any downtown redevelopment project which has advanced more of the goals of the Lincoln Center Redevelopment Plan. Certainly none has done so while incorporating sufficient parking to meet all its own needs.

Loss of Sufficient Downtown Parking. DLA’s reference to an earlier site plan is disingenuous. It didn’t support that plan, either. There was no appearance at the Planning Commission by DLA, and it was “neutral” at the first City Council hearing, followed by another no-show at the second Council hearing. DLA board members had access to the current plan prior to the second hearing, but none expressed reservations. The admonition from City staff that it was unlikely that TIF would be available for construction of the parking garage dictated the current plan which provides parking to meet the needs of the project. The suggestion that this new project should be required to provide parking for existing projects which provide NONE of their own parking is ridiculous.

Overabundance of Hotel Room Capacity. This appears to be the core of the DLA “concerns”. It is no coincidence that representatives of two nearby hotels were prominently quoted in a Journal Star article expressing concern over the use of TIF for hotel projects. Never mind that those hotels received TIF. Never mind that both of those hotels utilize city-owned parking and provide none of their own. DLA is attempting to use its influence to protect members from competition.

Capacity of Developer to Complete the Project/ Significant Plan Revisions. These “concerns” are laughable. If DLA, or its hotelier members are convinced that there is “overabundance” of hotel capacity, then why worry about the developer’s ability to finance or complete the project? If that is true,
Hon. Christopher Beutler, Mayor  
November 12, 2009  
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no lender will touch the project. These “concerns” expose either an intent to mislead and deflect attention from the blatant protectionism, or an astounding ignorance of the scrutiny of projects and borrowers by lenders who are actually in a position to make large loans. Clearly, this is NONE OF DLA’s BUSINESS. This developer will either produce evidence sufficient to satisfy lenders of both an adequate market and the ability to perform, or not. If not, DLA can go back to trimming bushes and picking up trash, content that a surface parking lot will remain, no start will be made toward either “Promenade,” and its members won’t have to compete against a new hotel.

The closing paragraph of DLA’s letter is as cynical as its opening. Its offer to “discuss these issues further” and “work towards finding acceptable solutions” belies the efforts this developer has made to keep DLA informed throughout this process. DLA’s letter was sent without so much as a phone call to the developer about its “concerns”.

The Block 68 project conforms to the Comprehensive Plan and the Downtown Master Plan. It will meet or exceed the Downtown Design Standards, and will provide parking sufficient for its own needs, despite the fact that NO parking is required in the B-4 Downtown zoning district, and other TIF-funded projects have provided none. The project developer has adjusted plans as suggestions – and demands – have been made by city staff and elected officials. They have embraced the goals of the Downtown Master Plan and agreed to provide the first block of both the 11th Street and M Street “Promenades” envisioned by that plan.

The devolution of DLA from an organization dedicated to promoting and assisting development in Downtown Lincoln to a nitpicking, protectionist clique is most disappointing. At a time when one would anticipate open arms to a $40 Million project, DLA attempts to use its influence to protect against competition. We hope you will give no credence to such nonsense.

Sincerely,

Mark A. Hunzeker  
For the Firm  
mhunzeker@baylorevnen.com

cc:  City Council Members  
Dave Landis, Director, Urban Development Department  
Marvin Krout, Director, City Planning Department  
Dallas McGee, Deputy Director, Urban Development Department
Rate Schedules and Service Regulations

Proposed

For Rates Effective January 1, 2010
We recommend that the Lincoln City Council accept the LES requested increase amount of 2.9% for the coming year. This will insure the continuance of our Sustainable Energy Program, which is a very important facet of the LES mission.

We appreciate your thoughtful consideration of our request.

Ron and Susan Samson
3144 S 30th Street
Lincoln, Ne 68502
phone 423-2556
InterLinc: City Council Feedback for General Council

Name: Virginia Marcussen
Address: 5831 Enterprise Dr., #205
City: Lincoln, NE 68521

Phone: Fax: Email:

Comment or Question:

City Council Members,

Please vote to fully fund the Sustainable Energy Program. It's imperative that we have a program such as this in order to curb greenhouse gas emissions that are threatening our planet.

Thank you in advance for considering this request.
As much as I do not want to pay more for my electricity, I want less to reduce support for LES' efforts to promote energy efficiency. Check carefully to see how much of the proposed rate hike is for LES increased profit, and how much is to support improved energy efficiency, and explicitly fund the latter.

Thanks,

Lelia M. Coyne
Council Members,

1. **LES**: As a long-time Lincoln citizen, taxpayer, and local business person, I suggest that LES needs to do what LPS and other City/County/State agencies have been directed to do – make cuts away from the “classroom”. Like most everyone else, our business has had to seriously cut operating costs this year, and LES needs to do the same thing. With two very recent rate hikes already, another hike is contrary to what everyone else in the country has been forced to do – cut costs, eliminate waste wherever possible, and stream-line efficiencies. Accordingly, I oppose another LES hike in my business costs to support an LES that continually seems to want more money to finance their costs thru this difficult time!

2. **Impact Fees**: The City and supporting politicians probably have much more to gain in perception by lowering impact fees, than they have to gain by raising impact fees during a time when there are so few projects being initiated. If the City needs more impact fee dollars, priority one should be promoting worthwhile projects, such as the 11th & M development. Instead of discouraging projects like this and the new Staples Store at 50th & O St. which was delayed by the City for 10 months while the City ironically attempted to promote a more pro-development perception of itself, everything should be done to promote win-win developments rather than the “policeman” attitude towards valid construction projects that is still demonstrated by too many long-time employees at City Hall. I would like to give names, but I will refrain; but change is always battled by those with the most to lose, i.e., long time employees directly under department heads.

3. **Lending**: Finally, the biggest impediment to commercial growth and development right now is the collective stagnant and negative attitude in the local lending market. Too many historically solid businesses are simply unable to obtain business loans, most of which are experiencing this problem for the first time. We have experienced many recent strong projects turned away this year as a direct result of corresponding businesses suddenly unable to obtain credit. Anything any Council members can do to address and help correct this primary obstacle to our local recovery can be a “feather in the cap” for any candidates considering future elections.

Thank you so much for listening and making wise decisions with respect to these very important issues.

R. Scott Sandquist, AIA
SANDQUIST CONSTRUCTION
3701 O Street, Suite 202
Lincoln, NE 68510-1698
402-466-2041
scott@sandquistsgi.com
Dear Members of the Lincoln City Council:

I am perplexed and upset by the DLA’s opposition to the development of the Gold’s parking lot. I would like to remind the Mayor and the City Council that the DLA does not speak for all downtown Lincoln businesses.

I own Zen’s Lounge, which is located one block north of the proposed development. I was not contacted for my opinion by the DLA, nor do I imagine any of the other restaurants, bars and small businesses in the vicinity were. I’m pretty sure those of us who own businesses in the immediate vicinity of the Gold’s development would welcome the additional income generated by the completion of the project.

As you are aware, Mr. Acher’s proposed development includes more than a hotel. The addition of apartment/condo living space would bring much-needed revenue to the area and would certainly add to the vitality of downtown Lincoln. I believe the plan also includes a parking garage, so I am even more perplexed that the DLA is concerned about the loss of parking spaces.

Relative to the DLA’s fear that there will be a glut of hotels in downtown Lincoln, it is pretty evident that the only glut will be in the Haymarket area. And, who is going to pay for the DLA’s recommendation of a “market feasibility study by a recognized, independent consultant”? My suspicion is that the DLA is being pressured to oppose the Gold’s project by the big hotels in downtown Lincoln.

2% Occupancy Tax

I would also like to address the 2 percent occupancy tax on restaurants and bars to help pay for the Arena. In light of the impact that the recession has had on discretionary spending at bars and restaurants, the tax is unjustified and unfair. I cannot imagine that my bar, located several blocks away from the Arena, will see much increase in patronage. But, it is even harder to believe that a restaurant located at 84th & Van Dorn or a bar at 70th & Pioneer will receive any measurable benefit from the Arena’s completion.

Raise the Lincoln sales tax so that everybody who spends their money in Lincoln can help pay for the Arena. Please don’t make those of us in the food/beverage industry take the hit!

Downtown Lincoln needs to continue to grow and develop, but the growth needs to be spread out - not just focused on one specific area. I worry that those businesses that aren’t located in close proximity to the Arena will continue to lose income and find that they are soon in a “blighted” area of downtown Lincoln.

Thank you for your time and consideration.

Irene Severin, Owner
Zen’s Lounge
122 N. 11th
402/440-1007
Date: October 22, 2009

To: Dan Pudenz  
Energy Delivery  
Lincoln Electric System

From: Jeff Searcy, Chairman  
Nebraska Capitol Environs Commission

Re: Overhead Utility Relocation in the  
Nebraska Capitol Environs District

The Nebraska Capitol Environs Commission (a joint City/State body) under Nebraska Statutes 90-301 through 90-309 and Chapter 27.75 of the Lincoln City Code is charged with the oversight responsibility for the preservation and enhancement of the Nebraska Capitol Environs District as defined in State statutes and diagrammed on the updated version of the attached memo excerpt from January, 1990. The Commission works with all entities, public and private in fulfilling its mission.

On behalf of the Commission, I am sending this annual communication to enlist the continued support of LES and all Lincoln companies with overhead wiring and equipment, toward fulfilling the goal of relocating overhead utilities which cross the four axial malls/streets in the Capitol Environs District (per the attached memo/maps and please note the 2009 Legislature passed LB450 extending the District's boundary west five blocks from 10th to 5th Street). The Commission would like to thank LES for its past support toward fulfilling this goal particularly the open house which LES hosted this past year for planning future projects, which I personally attended along with Ed Zimmer of the City Planning Department and Bob Ripley with the Office of the Capitol Commission. The Commission appreciated the opportunity to express our concerns for the future of the District and look forward to hearing further from LES as your projects come closer to fruition. When LES does relocate overhead utilities as part of this goal, the Commission would like to be informed so we can acknowledge your corporate citizenship on behalf of our city and state.

Further, the Commission is always available to discuss projects or proposals you are developing which affect the Environs District to assist in any way we can. Such discussions often start at the staff level in the early stages of project development.
Overhead Utility Relocation in the Capitol Environs District
October 22, 2009
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On behalf of the citizens of Lincoln and Nebraska, the Commission thanks LES for your on-going planning, repairs and improvements which have benefited the Environs District. Your efforts are appreciated by all Nebraskans, thank you.

cc: Mayor Beutler
    City Councilors
    Capitol Environs Commissioners

(Excerpt from initial Capitol Environs Commission memo to LES, January 11, 1990)

It is the desire of the Capitol Environs Commission that all above ground utilities, wires/cables, poles, transformers etc. be removed or relocated from the following areas of the Nebraska Capitol Environs District:

CENTENNIAL MALL / GOODHUE BOULEVARD- Remove/relocate all above ground utilities at least fifty (50) feet back of the east and west property lines on both sides of these north and south Capitol axes from the north property line of ‘S’ Street to the south property line of Washington Street, as shown.

‘J’ STREET / LINCOLN MALL- Remove/relocate all above ground utilities at least fifty (50) feet back of the north and south property lines on both sides of these east and west Capitol axes from the west property line of 5th Street to the east property line of 35th Street, as shown below.