IN LIEU OF
DIRECTORS’ MEETING
AGENDA FOR
MONDAY, JANUARY 25, 2010

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR
*1. NEWS RELEASE. More artists needed for rain barrel art project.
*2. NEWS RELEASE. Mayor presents December Award of Excellence to Esther Hernandez.
*3. NEWS RELEASE. Mayor Beutler and Police Chief Casady will release City crime statistics for calendar year 2009 at a news conference, Friday, January 15, 9:00 am, 575 S. 10th Street, Police media room.
*4. NEWS ADVISORY. Nominations deadline extended one week for Mayor’s Arts Awards.
5. NEWS RELEASE. Lincoln doctor on way to Haiti as part of FEMA deployment.
7. NEWS ADVISORY. Mayor Beutler’s public schedule for week of January 16 through 22, 2010. (Sent to Council Members on 01/15/10)
8. Drinking water samples tested for Total Coliform and E. Coli bacteria by the Colilert® method of analysis.
9. NEWS ADVISORY. Mayor Beutler’s news conference, Thursday, January 21, 2010, 10:00 am at 555 S. 10th Street, in the City Council Chambers. (Sent to Council Members on 01/20/10)
10. NEWS RELEASE. Survey results show high resident satisfaction.
11. NEWS RELEASE. Mayor urges census participation.

DIRECTORS

CITY LIBRARIES
*1. Nominations are being accepted for the title to be read as part of the 2010 One Book - One Lincoln community reading program.
*2. Eiseley Branch Library’s “Read to a Dog” program will be on Sundays starting January 24.
COUNTY ELECTION COMMISSIONER
1. Memo from David Shively, Election Commissioner, regarding deadline for Special Issues on May 11th Primary Ballot with copy of §32-559 for reference.

HEALTH DEPARTMENT
*1. Response to Francisco Salazar complaint listed under Miscellaneous 8 from Nancy Clark, Environmental health Supervisor.

PLANNING COMMISSION

PUBLIC WORKS AND UTILITIES
*1. Correspondence from Karen Jensen on snow removal with reply from Scott Opfer, Street and Traffic Operations Manager.
   2a. Reply from Al Lee, Traffic Operations, to Mr. Francisco Salazar (Miscellaneous #8) regarding on street parking.
   2b. Sample petition with instructions.

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

JON CAMP
1. IRS lowers vehicle reimbursement rate to 50 cents a mile.

JONATHAN COOK
1. Response from Police Chief Casady regarding public dances questions and issues discussed by Dennis Kornbluh.

DOUG EMERY
*1a. Reply to Pat Anderson Sifuentez regarding certain Walgreens stores meeting criteria for liquor licenses.
   *1b. Correspondence from Pat Anderson-Sifuentez opposing liquor licenses at particular Walgreens locations.
   2. Fax sent to Marcee Sheil from Rex Jordan regarding claim against the City due to a city sanitary sewer line backup. (Forwarded to Councilman Emery on 01/20/10)

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
*1. Email from Pat Anderson-Sifuentez opposing Walgreens liquor license at 17th and South and 13th and O Streets.
*2. Correspondence from Lois Poppe urging Council members to vote against the Walgreen liquor licenses.
*3. Letter from Bob Reeves stating reasons he will vote no for the arena bond issue.
*4. Note, with newspaper statement, from Nancy Russell stating her opinion that the City needs to adapt to frugal spending instead of being irresponsible. (Council Members received before Directors Meeting on 01/11/10)
*5. Letter from an anonymous citizen with thoughts and suggestions for the City of Lincoln. (Council Members received on 01/11/10 before the Directors Meeting)

*6. Letter from Mike Morosin asking for answers to questions on Lincoln’s wheel tax.

*7. InterLinc correspondence from Sheryl Schultz opposing Walgreens liquor license at 14th and O Streets.

*8. InterLinc correspondence from Francisco Salazar on street parking problems. (Forwarded to Greg MacLean and Scott Opfer, Public Works and Utilities Department; Bruce Dart, Health Director; and Lin Quenzer, City Ombudsman)

9. Correspondence from Lincoln Electric System (LES) regarding the 2010 Lincoln Electric System Legislative Guidelines. (Individual copies delivered to Council Members on 01/20/10)

10. InterLinc correspondence from Todd Cuddy thanking the Council for continued support of the StarTran bus system.

V. ADJOURNMENT

* Held Over From January 18, 2010

W:\FILES\CITYCOUN\WP\DA012510.wpdmm
LINCOLN FIRE AND RESCUE
1801 “Q” Street, Lincoln, NE 68508, 441-7363, fax 441-7098

FOR IMMEDIATE RELEASE: January 15, 2010
FOR MORE INFORMATION: Assistant Chief John Huff, LFR, 441-8351

LINCOLN DOCTOR ON WAY TO HAITI
AS PART OF FEMA DEPLOYMENT

A member of Nebraska Task Force 1 (NETF-1), the Urban Search and Rescue Team (USAR) based at Lincoln Fire and Rescue (LFR), has been activated to respond to the disaster in Haiti. Dr. Ed Mlinek is the Medical Team Manager for a 24-member Incident Support Team (IST). He is now on his way to Homestead Air Force Base in Florida and will be sent to Haiti from there. The Federal Emergency Management Agency (FEMA) has three ISTs, with members from across the country.

NETF-1 has not been deployed to Haiti. Assistant Fire Chief John Huff, the Program Manager for NETF-1, also serves on the IST that is being sent to Haiti, but he was not activated for this response. He said NETF-1 is not on stand-by status at this time, but he is in close contact with FEMA as operations in Haiti continue.

Four USAR task forces are now in Haiti – one each from Virginia and California and two from Florida. In addition to activating the IST on which Mlinek served, FEMA today mobilized six additional USAR teams – one each from Ohio, New York, Virginia and Texas and two from California.

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CRIME RATE IN LINCOLN FALLS AGAIN IN 2009
Survey results show residents satisfied with City’s safety and security

Mayor Chris Beutler and Police Chief Tom Casady today released crime statistics for calendar year 2009 showing that the City’s overall reported crime fell by 4 percent compared to 2008. The total number of crimes fell from 11,381 to 10,985. That’s the lowest number since 1985, despite a 73,000 increase in Lincoln’s population during that same time period. When adjusted for population, the crime rate (the number of crimes divided by the population) is at its lowest point since the early 1970s.

Mayor Beutler also released two more findings from the recent phone survey of 600 randomly selected residents - 89 percent of those responding said they were satisfied or very satisfied with safety and security in the entire City and in their neighborhoods.

“We could not have achieved these result without the Police Department’s focus on crime prevention and problem-oriented policing,” Mayor Beutler said. “The Department’s sophisticated and effective policing strategies continue to result in lowering the crime rate and assuring the public that we live in a safe community.”

At the same time, the Mayor credited the broader community for its role in keeping Lincoln safe and in reducing the impact of crime. He said collaborative efforts like the Stronger Safer Neighborhoods Initiative are coordinating the resources of neighborhoods, rental property owners, non-profits, businesses and police to address root causes of crime. Organizations like Big Brothers Big Sisters, Teammates, Community Learning Centers, The Boys and Girls Club, the Salvation Army and NeighborWorks are all important partners that work with the City to help make the community safer.

The Lincoln Police Department (LPD) compiles statistics as part of the FBI’s national Uniform Crime Reporting program. In the seven areas tracked by the FBI, Lincoln had decreases in four - aggravated assaults fell by 110, robberies by 27, larceny-theft by 291, and auto theft by 81. There were four murders in Lincoln in both 2008 and 2009. Increases were seen in the number of rapes reported to the Police (15 more) and burglaries (37 more).

- more -
“Since crime rates peaked in Lincoln in 1991, crime has been falling steadily,” Casady said. “Crime over the past two decades mirrors national trends, although Lincoln's decrease has been more significant and sustained.”

The Mayor also commended LPD for achieving a record high clearance rate — the percentage of crimes solved through arrests. The clearance rate for 2009 reached 30 percent, compared to a national average of 21 percent. While new technology helps, Casady said it’s the people who solve cases.

“Our ability to target our resources and use information to our advantage is especially valuable,” Casady said. “But in the end, good work on the street by our officers is where the credit rests.”

Crime data are reported to the FBI by more than 17,000 law enforcement agencies nationwide and serve as the basis for most published crime statistics, crime rate comparisons and historical comparisons of crime reported to the police.

More information on Lincoln’s crime rate is available at police.lincoln.ne.gov.

- 30 -
Date: January 15, 2010  
Contact: Diane Gonzolas, Citizen Information Center, 441-7831  

Mayor Beutler’s Public Schedule  
Week of January 16 through 22, 2010  
Schedule subject to change  

Monday, January 18  
    CITY OFFICES CLOSED – MARTIN LUTHER KING JR. HOLIDAY  

Tuesday, January 19  
- “Taking Charge” program prioritization meeting, topic: Livable Neighborhoods - 8 a.m.,  
  room 113, County-City Building, 555 S. 10th St.  
- “Taking Charge” program prioritization meeting, topic: Accountable Government - 10:30  
  a.m., room 113, County-City Building.  

Wednesday, January 20  
- Association of Nonprofit Executives luncheon - 11:30 a.m., Cornhusker Marriott Hotel,  
  333 S. 13th St.  

Thursday, January 21  
- KFOR Morning Show - 7:45 a.m.  
- TeamMates annual recognition luncheon - noon, Lincoln Station, 201 N. 7th St.  

Friday, January 22  
- Albert W. Bauer reception, dinner and program - 6 p.m., Firefighters Hall, 241 Victory  
  Lane
January 14, 2010

The Honorable Mayor and City Council

All of the drinking water samples were tested for Total Coliform and E. coli bacteria by the Colilert® method of analysis.

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<th>Regulatory Tests during the month of December 2009:</th>
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<td>Special Quanitray</td>
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<td>13 Parameter</td>
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Respectfully,

Sandra Irons
Nebraska Public Health Environmental Laboratory
Lab Manager

enc.
DATE: January 20, 2010
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Chris Beutler will have a news conference at 10 a.m. Thursday, January 21 in the City Council Chambers, County-City Building, 555 S. 10th St. He will discuss two topics:

- The City’s partnership with the U.S. Census Bureau to achieve a complete count of City residents in the 2010 Census.

- The complete results of the City’s recent phone survey of 600 randomly selected residents.
FOR IMMEDIATE RELEASE: January 21, 2010
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
                        Mitch Herian, Public Policy Center, 472-5678

SURVEY RESULTS SHOW HIGH RESIDENT SATISFACTION

Mayor Chris Beutler said respondents to the recent citizen satisfaction survey gave the City high marks for the basics that create a livable community. The Mayor today released the complete results of a scientific phone survey of 600 randomly selected residents conducted in December. Those results are available on the city Web site at lincoln.ne.gov.

“Lincoln residents love their parks and libraries and appreciate the services they provide,” Beutler said. “They give good marks to City government services, even the ones that traditionally cause the most angst such as snow plowing and street maintenance. They generally have faith that City Hall makes the right choices and provides good value for their tax dollar.”

Survey results announced earlier included the following:
• 92 percent are satisfied with the overall quality of life in Lincoln.
• Nearly two-thirds are satisfied with the City’s snow removal efforts.
• About 45 percent said they agreed with the statement that they receive good value for their City government tax dollars, and 28 percent disagreed.
• About 44 percent said they had great confidence in City government, compared to 26 percent who did not.
• 89 percent are pleased with the level of safety and security Lincoln provides.
• 75 percent are satisfied with the level of blight or unsightly properties in their neighborhood.

The new figures released today include the following positive figures:
• 88 percent are satisfied with the community spirit.
• 89 percent rate their fire and ambulance service favorably.
• 74 percent are satisfied with neighborhood street conditions.
• 50 percent are satisfied with local employment opportunities, and 26 percent who are not.
• 63 percent expressed satisfaction with sidewalks in their area.
• Satisfaction with Lincoln’s libraries was 95 percent, with only 1 percent dissatisfied.
• Parks and Recreation received an 89 percent favorable rating.
• Nearly 608 percent were satisfied with services of the Lincoln-Lancaster County Health Department.
• 62 percent were satisfied with the ease of vehicle travel, and 73 percent were satisfied with the ease of bike travel.

- more -
At the same time, the Mayor said the respondents satisfaction with most services does not blind them to the challenges facing the City. “While the results of this survey were overwhelmingly positive, they do point to some areas on which citizens want us to continue to make progress,” he said. “This is exactly the information we need to make City government a more performance-based organization.”

Survey respondents split over the question of whether City leaders put the City’s interests ahead of their own. “While we need to dig deeper on this result, my initial thought is that City Hall must carefully scrutinize our ethics laws and conflict of interest rules to make sure we are not giving our citizens the wrong impression of our intentions.” Beutler said.

The Mayor said he also is concerned that 45 percent of respondent disagreed that the City treats all neighborhood fairly and equally. “My Administration views a weakness in one area of the City as a weakness that must be addressed for all of us, he said. “We are one Lincoln, committed to each other, and I will work with my colleagues on the Council to make sure we stay that way.”

Overall, Beutler said, “People who live here recognize what the many national rankings have been saying: Lincoln is doing better than most and is poised for even bigger and better economic gains. And they are prepared to tell others about the livability of our City – that is a key in Lincoln’s drive to develop a reputation as a world-class city that provides a high quality of life.”

The University of Nebraska Public Policy Center conducted the survey. A non-random survey with the same questions was available on the City Web site, and those results when will be included in the Public Policy Center’s final report.
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: January 21, 2010
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
J. Todd Wiltgen, U.S. Census, 402-606-9040

MAYOR URGES CENSUS PARTICIPATION
City Complete Count Committee working toward full and accurate count of residents

Mayor Chris Beutler today encouraged all Lincoln residents to be counted in the 2010 U.S. Census and stressed the importance of Census data to the City. The City has partnered with the U.S. Census Bureau to form a Complete Count Committee as part of a larger effort by Census officials in Lincoln and Lancaster County to increase participation in the 2010 Census.

“In 10 weeks, it’s extremely important that residents take 10 minutes to answer 10 questions for the 2010 Census,” Mayor Beutler said. “The data collected are used to determine the number of seats in the U.S. House and in our Nebraska Unicameral. The federal government uses the data to determine how to distribute more than $400 billion to state and local governments. And as a City, we use the data to determine where to best locate important facilities like schools, hospitals and fire stations.”

At the same time, Beutler said, information shared with the Census Bureau is completely confidential. By law, the Census Bureau cannot share respondents’ answers with anyone, including other federal agencies and law enforcement entities.

Census forms will be mailed in March 2010 and households are asked to complete and mail back their forms upon receipt. Census workers will visit households that do not return forms to take a count in person.

The Complete Count Committee will share information about the Census and its importance for the community. Marty Ramirez with the University Health Center at UNL, is chairing the committee, which also will focus on reaching those population that have traditionally been undercounted.

“With the help of our 2010 Census partners, the Census Bureau has a far greater chance of reaching everyone in the United States than if we were to attempt this monumental task alone,” said Robert Groves, Director, U.S. Census Bureau. “Through their unique roles in their individual communities, elected officials can help deliver the 2010 Census message to every corner of the nation.”

More information about the 2010 Census, is available at 2010census.gov.
MEMO

Date: January 13, 2010
To: Mayors, City Councils, Village Boards, School Boards
From: David J. Shively, Election Commissioner
RE: Deadline for Special Issues on Primary Ballot

I have received some inquiries regarding placing special issues on the May 11th Primary Ballot.

Nebraska Statute §32-559 states that March 1st is the last day that a political subdivision may certify to the Election Commissioner that a special issue is to be placed on the Primary Ballot.

Since Monday, March 1st is also the last day for non-incumbents to file for office for the Primary Election, my office will be open until 5:00 p.m. on that day. Therefore, if your political subdivision is planning to have an issue on the Primary Ballot, my office would need to have the certification in my office no later than 5:00 p.m. on Monday, March 1st.

Enclosed you will find a copy of §32-559 for your reference.

If you have any questions, please feel free to give me a call.
32-559. Political subdivision; special election; procedure.

Except as provided in section 77-3444, any issue to be submitted to the registered voters at a special election by a political subdivision shall be certified by the clerk of the political subdivision to the election commissioner or county clerk at least fifty days prior to the election. A special election may be held by mail as provided in sections 32-952 to 32-959. Any other special election under this section shall be subject to section 32-405.

In lieu of submitting the issue at a special election, any political subdivision may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the clerk of the political subdivision to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election. After the election commissioner or county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the clerk of the political subdivision shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the governing body of the political subdivision. The canvass by the county canvassing board shall have the same force and effect as if made by the governing body of the political subdivision.


Cross References

- School bonds, special elections, see sections 10-703 and 10-703.01.
This is in response to your concern about prohibiting parking on the south side of Nelson on the block that you reside on.

Lincoln's non-arterial streets are designed primarily to provide access to the abutting homes and not serve thru traffic. On-street parking is of little benefit in some neighborhoods and critical need in others. An informal petition signed by a clear majority (2/3 of the block face) of the property owners, on the south side of Nelson Street between Lewis Ave. and 12th St., indicates there is general concurrence among the neighbors that a parking prohibition will benefit the area.

Attached is a sample petition with instructions. Should you have any further questions on this or any other matter; do not hesitate to contact me at 441-6092 or the above e-mail address.
PARKING CHANGES ON RESIDENTIAL STREETS

The Street and Traffic Operations Division receives many requests from citizens to prohibit parking on portions of residential streets. We have adopted a policy of installing parking prohibitions on non-arterial streets in Lincoln only after being requested to do so by a two-thirds majority of the property owners on the entire block side affected.*

Lincoln’s non-arterial streets are designed primarily to provide access to the abutting homes and not serve through traffic. On-street parking is of little benefit on local streets in some neighborhoods and of critical need in others. An informal petition signed by a clear majority of the property owners indicates to us that there is a general concurrence among the neighbors that such a parking prohibition will benefit the area.

We would caution that experience in Lincoln shows in Lincoln shows that vehicle speeds often increase after parking is prohibited. Following is a petition form for your use. If you have any questions, or need additional information, please do not hesitate to contact us at 441-6092.

We, the undersigned, being property owners on the __________ side of __________, between __________ and __________, hereby request that the Street and Traffic Operations Division post our side of the street for the prohibition of parking at any time.

Name (Please Print)  Address  Signature

*If a parking prohibition is desired on one (first) side of a street, this petition should be submitted to the Engineering Services Division clearly indicating on which side of the street the parking prohibition is requested and for what distance. This distance must be in at least one normal 300 foot block length increments. The petition should be signed by property owners representing a minimum of 66 percent of the property frontage on that side of the street on which the parking prohibition is requested and should include the printed name and address of each petitioner.

If a parking prohibition is desired on the second side of a street on which parking is already prohibited on one side, an informal petition should be submitted to the Engineering Services Division clearly indicating on which side of the street the parking prohibition is requested and for what distance. This distance must be in at least one normal 300 foot block length increments. The petition should be signed by property owners representing a minimum of 66 percent of the property frontage on the second side of the street and a minimum of 75 percent of the combined property frontage on both sides of the street, and should include the printed name and address of each petitioner.

Parking will not normally be prohibited (by petition) on the second side of a street if any property on either side of street, or within one-half block distance on a cross street on which parking is prohibited, is not represented on the petition and does not have a legal off-street parking space or driveway.

**Send the Petition in Care of: Traffic Operations, 531 Westgate Boulevard, Suite 100, Lincoln NE 68528**
Important to note as it pertains to reimbursement of City employees' personal use of vehicles:

**IRS lowers vehicle reimbursement rate to 50 cents a mile –**

The Internal Revenue Service on January 1, 2010 lowered the allowable vehicle reimbursement rate to 50 cents per mile from 55 cents per mile. The rate has been as high as 58.5 cents in early 2009 and then dropped with gas prices. The 2010 decrease was also largely attributed to the decrease in the cost of fuel and other vehicle expenses. The mileage rate may be used to compute the deductible cost of operating a vehicle (car, pickups, vans and trucks) for business purposes. It may also be used by employers that elect to use the "cents-per-mile" valuation method for purposes of determining the amount that needs to be imputed to an employee's income for personal use of certain company-owned or leased vehicles.

JON A. CAMP  
Haymarket Square/CH, Ltd.  
200 Haymarket Square  
808 P Street  
P.O. Box 82307  
Lincoln, NE 68501-2307

Office: 402.474.1838  
Fax: 402.474.1838  
Cell: 402.560.1001  
Email: joncamp@lincolnhaymarket.com

**If we all did the things we are capable of doing, we would literally astound ourselves.**

- *Thomas Alva Edison*
Councilman Cook:

This is a public policy issue, more than an enforcement one. We can deal with it either way. If memory serves me, the current teen dance permit was an idea from Jerry Shoecraft, when he served on the City Council, meant to create some separation between high school-aged and under dances, and college-aged and above dances. Do you want high school-aged young people mixing at dances with college-aged and above crowds, particularly at venues that serve alcohol? I suppose the only wisdom I would offer is to always consider the lowest common denominator: the person who will do whatever the law allows him or her to get away with, no matter how ethically challenged the conduct may be.

Tom Casady
Chief of Police
I live on 3401 S 29th Street, so I'm in your district (9E-4). I publish StarCityBlog.com, which reports on arts & entertainment in Lincoln. I also have a talk radio show on KZUM called "Blog Talk Live", which airs on Tuesday nights at 6pm.

A few months ago I contracted with the Bourbon Theatre on 1415 "O" Street to put on a fundraiser for KZUM. I was able to attract world-renowned Nigerian musician "King Sunny Adé" to perform there on April 18th, and 100% of net proceeds will be donated to KZUM. You can read about the show here.

I'm writing to you because I'm concerned about a law that appears to treat small music venues unfairly with respect to dances and the age of patrons. Jeremy Buckley, who works for the Bourbon Theatre, wrote this letter to city council chairman, Doug Emery, to provide his perspective. On the face of it, the law seems to tilt the playing field in favor of larger venues.

In these difficult times, when small businesses constitute such a large part of the fabric of our economy, I would hope that the city would make every reasonable effort to pave the way for small businesses to succeed. If my facts are correct, a solution to the challenge of allowing minors into music venues when alcohol is present has already been adopted in Omaha. Would it be possible to use Omaha's law as a precedent so that we may change the law here in Lincoln?

I'd like to talk to you in more depth about this issue when you have time. Please let me know what you would propose as a next step.

Thank you,

Dennis

---

Dennis Kornbluh
dennis@starcityblog.com
www.starcityblog.com
(650) 733-6647
Fax

To: Marcee Sheil

From: Rex Jordan

Fax: 402-441-8812

Pages: 1

Phone: 402-441-7281

Date: 1/20/2010

Re: [Click here and type subject of fax] cc: Doug Emery fax: 441-6533

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Marcee Sheil,

This is in regard to a claim requesting payment from the City due to a city sanitary sewer line that became plugged on 10-25-09. This resulted in raw sewer water backing up and flooding into 5320 Garland causing damage throughout the basement.

I'm requesting a "motion of discovery" for all maintenance and video records for all service work done on a section of sanitary sewer line manhole to manhole. The section runs East to West from at least 53rd down to 52nd street. Between Garland and Leighton streets in the alley. From the time it was installed to the most recent date. I also request records for all sewer stoppages that resulted in property damages for all of 2009 within the city of Lincoln. Please get this information out to me at least one work week before the scheduled city council meeting on Feb. 1st for my review.

Rex Jordan

5320 Garland

Lincoln, Ne, 68504

402-466-5244
January 19, 2010

Doug Emery, Chair  
Lincoln City Council  
Members of the Council  
555 South 10th Street  
Lincoln, NE 68508

Dear Chair Emery and Council Members:

Annually we review key policy areas that may be the subject of legislation on a national, state, or local basis that are of concern and importance to the electric power industry and Lincoln Electric System (LES). Our Legislative Guidelines for 2010 were reviewed and approved by the LES Administrative Board at their regular meeting on January 15, 2010. A copy of the Legislative Guidelines is enclosed for your reference. These guidelines direct LES staff in interpreting and responding to legislative and regulatory issues as they arise.

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

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

Sincerely,

Shelley R. Sahling-Zart  
Vice President & Assistant Counsel

SRS:al

Enclosure

c: Doug Curry, Administrator and CEO  
   Rod Confer, City Attorney  
   Mayor Chris Beutler
January 19, 2010

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

Dear Mayor Beutler:

Annually we review key policy areas that may be the subject of legislation on a national, state, or local basis that are of concern and importance to the electric power industry and Lincoln Electric System (LES). Our Legislative Guidelines for 2010 were reviewed and approved by the LES Administrative Board at their regular meeting on January 15, 2010. A copy of the Legislative Guidelines is enclosed for your reference. These guidelines direct LES staff in interpreting and responding to legislative and regulatory issues as they arise.

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

Sincerely,

Shelley R. Sahling-Zart
Vice President & Assistant Counsel

SRS:al

Enclosure

c:  Doug Curry, Administrator and CEO
    Miki Esposito, Mayor’s Office
    Rod Confer, City Attorney
    Lincoln City Council
    Bruce Bohrer, Lincoln Chamber of Commerce
The Lincoln Electric System (LES) Administrative Board and staff recognize that state and federal legislation and regulations on a wide variety of issues can impact LES customer/owners. These Legislative Guidelines are established and adopted by the LES Administrative Board.

LES' mission is to be a progressive leader, partnering with the community to maximize energy value and quality of life in an environmentally responsible manner. In order to further our mission, LES must actively monitor and participate in the legislative and regulatory processes that impact, or may impact, LES operations and customers.

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

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

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

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

1.1 **Clean Air**

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

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

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

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

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

1.2 **Climate Change**

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

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

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

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

  - Recognition of regional differences that can impact the fairness and effectiveness of greenhouse gas emission reduction programs;
- Allow credit for early voluntary actions taken to reduce greenhouse gas emissions; and

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

1.3 Cap-and-Trade

- LES has concerns about cap-and-trade legislation due to the lack of commercially viable technology to capture and sequester CO₂. LES supports the following parameters for cap-and-trade legislation:

  - Allowances should be allocated to existing sources and should not be required to be purchased at auction. Allowances should also be allocated on a consistent basis. Electricity generation is responsible for approximately 40 percent of the nation’s CO₂ emissions and should, therefore, receive 40 percent of the allowances.

  - Mandated caps should be at levels and within timeframes that can be feasibly met.

  - While LES opposes auctioning of allowances, any net proceeds from auctioning of allowances should be targeted for research and development, energy efficiency, and mitigation of cost impacts on consumers.

  - Legislation should allow for broad availability of greenhouse gas offsets for allowances for projects that achieve emission reductions, including reductions in CO₂ equivalent emissions from other sources.

1.4 Hazardous Materials

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

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

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

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

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

2. **Financial**

2.1 Insurance Pooling

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

2.2 Taxes

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

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

2.3 Tax-Exempt Financing

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

3. **Intra-Industry Dispute Resolution**

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

4.1 Health and Safety

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

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

4.2 Human Resources

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

5. **Power Supply**

5.1 Energy Efficiency and Conservation

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

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

- LES supports energy efficiency which is the least cost and cleanest energy source. LES is working to adopt an Energy Efficiency Resource Standard (EERS) which sets a goal to save a certain amount of energy yearly.

5.2 Fuels & Transportation

- LES supports federal and state legislation and/or regulations that foster competition and eliminate artificial pricing structures within the railroad and natural gas industries in order to ensure the lowest compensatory fuel rates for all consumers.
Regardless of whether competition exists, LES supports legislation and regulation to require railroads to disclose their actual costs to provide shipping services and to charge shipping rates that are fair, reasonable, and non-discriminatory while allowing a reasonable rate of return in relation to the actual costs.

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

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

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

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

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

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

5.3 Federal Hydropower Preference

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

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

5.4 Federal Power Rates

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

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

5.6 Nuclear

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

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

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

5.7 Renewable Resources

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

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

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

- LES does not support federal or state firm mandates that would impose minimum levels of renewable energy in a utility’s resource mix, such as a Renewable Portfolio Standard, but does support the establishment of statewide or utility goals to achieve greater utilization of renewable energy resources.

- LES supports federal and state renewable energy incentives for public power that are comparable to those available to investor-owned utilities and other private developers, including sales tax credits and exemptions.

- LES supports legislation that provides for development and export of renewable energy while protecting public power’s status and not adversely affecting the State’s electric reliability or competitive rates.
5.8 Resource Planning

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

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

- LES supports federal funding for continued research and demonstration in distributed generation technologies, such as fuel cells, microturbines, photovoltaics, and energy storage, among others.

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

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

5.9 Transmission Access

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

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

  b) North American Electric Reliability Corporation (NERC) reliability guidelines and operating practices are followed.

- LES supports the expansion of federal authority and funding for development of a regional and national bulk transmission system. This expansion should be directed toward the improved reliability of the system, the long term capability to deliver economic resources to load centers, and utilization of renewable energy.

- LES supports the full recognition of existing transmission agreements and contracts and preservation of the physical transmission rights. These "grandfathered" arrangements represent a fundamental and long term investment by and economic benefit to LES customers.
LES supports federal legislation regarding RTOs if it is a) applicable to all existing and developing transmission organizations, b) provides a mechanism to contain the organizational, capital, and operating costs of RTOs, and c) mandates RTO stakeholder participation and authority at the board of director level.

5.10 Wholesale Power Markets

LES supports the development of competitive wholesale power markets.

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

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

6. Products & Services

6.1 Communications

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

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

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

6.2 Customer Service

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

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

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

6.4 Electric Transportation

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

6.5 Rates/Pricing of Services

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

- LES rates reflect, to the extent practicable, the cost of providing service to each class of electric consumer, and to appropriate levels of usage within the class. The process used to adopt LES rates is an open, public process.

7. Public Ownership

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

- LES supports existing eminent domain authority and opposes modifications that weaken the condemnation authority of public utilities or municipalities.

8. Public Partnerships

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

9. Smart Grid

- LES supports the development of advanced customer access and communication technology and metering for the economic and environmental benefit of the community.

Adopted: January 15, 2010
InterLinc: City Council Feedback for General Council

Name: Todd Cuddy
Address: 4400 High Street
City: Lincoln, NE, 68506

Phone:
Fax:
Email: tcuddy1@gmail.com

Comment or Question:
I just want to thank you for your continued support of the Star Tran bus system. Even though the majority of the city's residents use cars, there are many, many folks who depend on the bus to get around Lincoln. I have for many years, and I really appreciate it. Thank you.

Sincerely,

Todd Cuddy
ADDENDUM
TO
DIRECTORS’ AGENDA
MONDAY, JANUARY 25, 2010

I. CITY CLERK - None

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -

MAYOR -
1. E-Mail Letter from Mayor Beutler to City Employees - RE: The Citizen Satisfaction phone survey.
2. NEWS RELEASE - RE: Deadline Extended For Artists To Apply For Rain Barrel Project.
3. NEWS ADVISORY - RE: Mayor Beutler’s Public Schedule for Week of January 23 through 29, 2010 - Schedule subject to change.
4. NEWS RELEASE - RE: Register Now For Summer Day Camps.

DIRECTORS - None

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

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL - - - None
January 21, 2010

Dear City Employees:

I am writing to offer my congratulations and my sincerest thanks.

We announced today the full results from the Citizen Satisfaction phone survey, and the results are very positive. People feel good about our City. They expressed support for the work we are doing as a City government.

Some examples:

- 92% of respondents say they are satisfied with the quality of life in our City.
- 56% rated City government overall as “excellent,” “very good,” or “good” versus 44% who chose “fair” or “poor.”
- By a margin of 45% to 28%, those surveyed said they felt like they received good value from their City tax dollars.

Those are impressive results that must be attributed to the hard work, dedication, and commitment to customer service of our City employees. You are doing outstanding work and the survey is evidence that the community recognizes your efforts.

I urge you to review the full results on the City Web site, lincoln.ne.gov. Please look closely at those questions that cover the services you provide and consider how we can improve those numbers in the future.

If the survey inspires comments or ideas for improvement, I want to hear about them. Your input is critical as we demonstrate to the public that we are a performance-based organization that strives for continual improvement.

Again, please accept my gratitude and congratulations. I am proud of our City workforce and your accomplishments for Lincoln.

Sincerely,

Chris Beutler
Mayor of Lincoln
DEADLINE EXTENDED FOR ARTISTS TO APPLY FOR RAIN BARREL PROJECT

The deadline for local artists to submit applications to participate in the Pioneers Park Nature Center’s second annual Artistic Rain Barrel Project has been extended one week to Monday, February 1. Twenty-five artists will be selected to paint rain barrels, which will be auctioned to the public Saturday, April 17 at the Nature Center’s “Nature’s Market” event.

Applications are available on the City Web site, lincoln.ne.gov (keyword: rain barrel); at the City Parks and Recreation office, 2740 “A” St.; and at the City Watershed Management office, 901 N. 6th St.

“We understand it may have been difficult for artists to respond over the holidays, especially with the challenges of winter weather,” said Amanda Meder, City Watershed Management Division. “We’re extending the deadline to make sure everyone who wants to participate has the opportunity. We’re confident we’ll receive enough qualified applications to make this great environmental art project as successful as it was last year.”

Rain barrels are above-ground containers modified to receive, store and distribute rooftop runoff for non-drinking uses. The project is sponsored by the Friends of Pioneers Park Nature Center and the Watershed Management Division of the City Public Works and Utilities Department. Proceeds will benefit the Pioneers Park Nature Center’s scholarship programs.

The Friends organization will notify selected artists by February 3. The artists will have four weeks to paint and return the barrels along with the title of the work, the artist’s bio and a written description of their work. Decorated rain barrels will be on display at local businesses and libraries during March and early April, and they will all come together for display at the Nature Center from April 10 until the auction at 9 a.m. April 17. Photos of the barrels and more information also will be posted on the City Web site.
Date: January 22, 2010
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler’s Public Schedule
Week of January 23 through 29, 2010
 Schedule subject to change

Monday, January 25
• Head Start news conference, remarks - 10 a.m., Lincoln Action Program, 210 “O” St. (room 415)

Tuesday, January 26
• KFOR Lincoln Live - 11 a.m., Three Eagles Communications, 3800 Cornhusker Hwy.
• Regional Innovation Grant update/Angelou Economics final report, remarks - 1:30 p.m., Downtown Holiday Inn, 141 N. 9th St.

Wednesday, January 27
• KLIN Morning Show - 8:10 a.m., Broadcast House/NRG Media, 4343 “O” St.

Thursday, January 28
• KFOR Morning Show - 7:45 a.m.
• Media briefing on proposed Lincoln Haymarket Arena finance (embargoed until Sunday, January 31) - 10 a.m., Mayor’s Conference Room, County-City Building, 555 S. 10th St.
• Lincoln Chamber of Commerce annual luncheon, remarks - 11:30 a.m., Cornhusker Marriott, 333 S. 13th St.

Friday, January 29
• Lincoln Earned Income Tax Credit Coalition news conference, remarks - 10 a.m., Lincoln Action Program
NEWS RELEASE

PARKS AND RECREATION DEPARTMENT
2740 “A” Street, Lincoln, NE 68502, 441-7847, fax 441-8706

FOR IMMEDIATE RELEASE: January 25, 2010
FOR MORE INFORMATION: Sandy Myers, Recreation Manager, 441-8261
Holly Lewis, Asst. Recreation Manager, 441-4902

REGISTER NOW FOR SUMMER DAY CAMPS

Registration begins today for the summer day camps offered by the City Parks and Recreation Department. Registration forms are available at parks.lincoln.ne.gov and at City recreation centers. Camps begin June 7 at these locations:

- Air Park West Recreation Center, 3720 N.W. 46th St. (441-7876)
- Belmont Recreation Center, 1234 Judson (441-6789)
- Bethany Park, Cotner Blvd., N. 66th and Vine (441-7952)
- Calvert Recreation Center, 4500 Stockwell (441-8480)
- Irving Recreation Center, 2010 Van Dorn (441-7954)
- McPhee Community Learning Center, 16th and “F” streets (441-7952)

Registration for the Bethany Park and McPhee CLC sites also can be completed at the Playgrounds Office inside the “F” Street Community Center, 1225 “F” Street. Camps run weekdays from 7 a.m. to 6 p.m and will end at most locations August 13. The fee is $100 per week, and families can register for individual weeks. Sliding fees, scholarships and multiple child discounts are available for families who qualify. A $10 deposit is required with registration.

Recreation Manager Sandy Myers said Parks and Recreation has offered summer programs for children since the 1940s. Last year, more than 700 participated.

“Program themes vary across locations, but at all our camps, parents and kids can expect large group games and activities, skill building and City-wide field trips,” Myers said. “At the same time, the camps allow for individual exploration of interests. Our goal is to promote physical and social development, learning skills and the exploration of lifelong leisure activities.” Myers said activities will include swimming, community service, reading programs, team games and individual sports.

A survey of last summer’s parents included these results:

- 97 percent rated their family’s experience as “good” or “excellent.”
- 97 percent agreed that program opportunities met the needs of their family.
- 97 percent reported that their family enjoyed the program.
- 94 percent believed programs and services offered were high quality.

- 30 -