I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL

MAYOR
1. NEWS RELEASE. Parks and Recreation Spring Program info available.
2. NEWS ADVISORY. Mayor Beutler and Public Works and Utilities will hold a news conference on Thursday, March 11th, at 10 a.m. in conference room 303, 555 S. 10th Street, to give an update on the City’s stimulus funded street projects. (Forwarded to Council Members on 03.10.10)
4. NEWS RELEASE. Bids for City Public Works projects below cost estimates.
5. NEWS RELEASE. City construction projects honored by Engineering Council.

DIRECTORS

FINANCE/AUDITING
1. Memo from Don Herz, Finance Director, on the City of Lincoln Comprehensive Annual Financial Report (CAFR). (Council members received the following in their Thursday packets:
   a) Comprehensive Annual Financial Report for the year ended August 31, 2009;
   b) Single Audit Report on the Expenditure of Federal Funds;
   c) Auditor’s letter to the Mayor and City Council; and
   d) The City’s response to the Auditor’s letter.

HEALTH DEPARTMENT
1. NEWS RELEASE. Snow’s gone, but litter’s still there. “Clean Up for Spring”.

PLANNING DEPARTMENT

PLANNING COMMISSION
III. COUNCIL RFI'S AND CITIZEN CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
   1. Letter from Diana McGinnis with recommendation for a city ordinance relating to city finances.

V. ADJOURNMENT
FOR IMMEDIATE RELEASE: March 8, 2010
FOR MORE INFORMATION: Stacey Roach, Parks and Recreation, 441-3084

PARKS AND RECREATION SPRING PROGRAM INFO AVAILABLE

Web site improvements include social networking

Spring program information for the Lincoln Parks and Recreation Department is now available online at parks.lincoln.ne.gov. This Web site also has been updated with new features and links to social networking sites, including Facebook and Twitter.

A printed program catalog is no longer mailed to homes, but can be found at all public recreation centers, Lincoln City Libraries and the Pioneers Park Nature Center as well as the Parks and Recreation athletic (3761 Normal Blvd.) and administrative (2740 “A” St.) offices.

“We encourage the public to check out the many fun and healthy activities and events offered by Parks and Recreation,” said Director Lynn Johnson. “Using our Web site and the free social networking tools helps us save taxpayer dollars and keep the cost of our programs and activities low for families.”

At parks.lincoln.ne.gov, the public can sign up for the department’s monthly e-mail newsletter and subscribe to the RSS feed. Other recent additions to the Web site include a Google calendar of events and a page where visitors can find newsletter archives and past annual reports.

The Parks and Recreation Department also can be reached at 441-7847.

- 30 -
Mayor Chris Beutler and City Public Works and Utilities representatives will have an update on the City’s stimulus-funded street projects at a news conference at 10 a.m. Thursday, March 11 in Conference Room 303, County-City Building, 555 S. 10th St. This is a new room on the third floor. Turn right off the elevator and use the double doors on the right just past the new elevator construction.

City officials also will discuss the status of pothole operations and if necessary, snow removal and street conditions.
FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION  Public Works/Utilities/Water  DATE 02/19/2010

NEED
This is a request to eliminate a 0.5 FTE Environmental Lab Specialist I position and increase the 0.5 FTE Environmental Lab Specialist II position to 0.75 FTE in the Ashland Production budget of Lincoln Water System. The ELS I position has been vacant since November 12, 2009 and is not proposed in the FY 2010-2011 budget. The estimated net savings in this FY budget is $4,440.

The duties of the current 0.5 FTE ELS II position require 30 hours per week to complete. These duties provide for Water Quality control by collecting water samples throughout the 1200 mile distribution system. Currently, customer complaints are not handled in as timely a manner as necessary. Broken main water samples are collected by construction maintenance staff rather than this individual. Data input and report generation is also being done by others.

Increasing the time to 30 hours per week will allow for performance of all duties of this position.

FUTURE IMPACT:  ___x___ Ongoing  ___ Limited  Projected Completion Date

REVENUES GENERATED
None

LEGISLATIVE CHANGES
City  Yes___  No  X
County  Yes___  No  X
State  Yes___  No  X
Federal  Yes___  No  X

IMPACT

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DIRECTOR (Signature)  DATE 3/2/10
WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of ftes the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.
BIDS FOR CITY PUBLIC WORKS PROJECTS BELOW COST ESTIMATES

Mayor Chris Beutler today said bids for the City street projects funded by the American Recovery and Reinvestment Act are about 22 percent below the State cost estimates. “The bids have been very close to each other, indicating that the plans were clear, and the environment is ripe for the City to receive good value for its dollar,” said Mayor Beutler. “These stimulus dollars will ripple throughout the local economy as work begins and new jobs are created. At the same time, we’ll all see the benefits of 20 miles of major street rehabilitation throughout the community.”

Work on the Superior Street Bridge over Salt Creek is scheduled to begin later this month. Other stimulus-funded projects scheduled for construction this year include the following:

- Adams Street from 57th to 62nd streets
- “A” Street from 63rd to 70th streets and 70th to Imperial streets
- Van Dorn from Normal to 70th streets
- “O” Street from 29th to 44th streets and Wedgewood to 84th streets

In February 2009, the City was awarded about $9.3 million in stimulus funding for streets and roads. Beutler added $6.9 million in local street funds for a combined roads package of about $16.2 million. The Mayor chose to use the funds for street rehabilitation instead of new construction to meet the one-year stimulus time frame and “get more bang for the buck” – the City can rehabilitate 7.8 miles of streets for the same cost as building one mile of new four-lane road.

Mayor Beutler thanked the City Public Works and Utilities Department, the Nebraska Department of Roads and the Federal Highway Administration for their work to move the projects forward.

The Mayor said bids for other non-stimulus-funded Public Works and Utilities projects also are coming in well under bid. The projects, scheduled to begin in late March or early April, include the following:

- Coddington from West “A” to Van Dorn - $540,000 under, 25 percent
- South 48th, from Calvert to Pioneers - $110,000 under, 6 percent
- 27th and “P” traffic signal project - $25,000 under, 25 percent
- West Fletcher storm drain - $27,000 under, 44 percent

A complete list of stimulus projects is available on the City’s Web site, lincoln.ne.gov (keyword: stimulus). Other projects can be found at lincoln.ne.gov (keyword: projects).
NEWS RELEASE

PUBLIC WORKS AND UTILITIES DEPARTMENT
Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: March 11, 2010
FOR MORE INFORMATION: Greg MacLean, Public Works, 441-7566
Jackie McCullough, ACEC/Nebraska, 476-2572

CITY CONSTRUCTION PROJECTS HONORED BY ENGINEERING COUNCIL

Five City projects received Engineering Excellence Awards recently from the American Council of Engineering Companies (ACEC) Nebraska. The awards recognize the most innovative engineering projects in the state.

The award categories, honored projects and consulting engineering firms are:

- Studies - West Haymarket Transportation, Environmental and Utilities Plan, Olsson Associates
- Structural Systems - Harris Overpass, Schemmer
- Water/Wastewater - 12th and “U” Street water main replacement, HDR
- Transportation - improvements to East Adams Street from 75th to 90th, HWS
- Special Projects - MOPAC Trail Bridge (Elaine Hammer Bridge), Schemmer

The ACEC is the only national organization of engineers engaged in the practice of consulting engineering. It is comprised of 51 state and regional Member Organizations, representing more than 5,600 independent engineering firms throughout the United States. ACEC Nebraska represents 44 consulting engineering firms doing business in Nebraska. Executive Director Jackie McCullough said ACEC/N is the only organization devoted exclusively to the business and advocacy interests of engineering companies to create a better business climate for all of its partners.

- 30 -
House passes modified jobs bill; package now heads back to the Senate. By a vote of 217-201, the House passed legislation (HR 2847) designed to address unemployment. The bill largely resembles the measure that the Senate passed last week and is much smaller than the $154 billion version of the bill that the House passed last December.

However, the House did approve an amendment that tweaks some of the Senate-passed bill’s tax language so that the bill is fully offset and deficit neutral. Thus, the Senate must once again vote on the bill to clear it for the President’s signature. (The legislative path of HR 2847, which began life as an appropriations bill last spring, would confuse even those most versed in the parliamentary procedure: the House was voting on the House amendment to the Senate amendment to the House amendment to the Senate amendment to the bill!)

The core of the jobs bill continues to be four major provisions:

- An exemption from Social Security payroll taxes for businesses for the remainder of 2010 for newly hired workers who have been unemployed for more than 60 days;
- An extension, through December 31, 2010, of federal surface transportation programs (SAFETEA-LU);
- An extension of Build America Bonds through December 31, 2011, but the program would be limited to bonds issued for specific school construction or energy conservation purposes
- An extension of a small business tax break.

In general, House Republicans blasted the bill, arguing that the payroll tax provision will do little to create jobs. Many Republicans, led by Representative Steve LaTourette (R-OH), argued in favor of ditching the $13 billion payroll tax provision and instead spending that same amount of money on infrastructure projects. Democrats countered that this measure is the first in a series of jobs bills and pointed out that Senate Majority Leader Harry Reid (D-NV) has committed to Senate consideration of future jobs bills focused on infrastructure spending.

The Senate will likely debate the bill and clear it next week.

TRANSPORTATION

Congress allows SAFETEA-LU to expire, then extends it twice in a matter of days. The law governing federal surface transportation programs (SAFETEA-LU) expired on March 1 when Senator Jim Bunning (R-KY) blocked Senate floor consideration of a measure containing a month-long extension late last week.

However, by March 2, Bunning had dropped his objections and an extension through March 28 was approved. Two days later, the House cleared a Jobs Bill that extends the current SAFETEA-LU law through December 31, 2010 (see related story above). While the Senate has previously approved the Jobs Bill, it will have to vote on it again because the measure was altered by the House. The 2005 SAFETEA-LU law expired on September 30, 2009, and since then has been extended on a short-term basis several times while Congress and the White House explore funding mechanisms for a multi-year reauthorization.

The result of the expiration of SAFETEA-LU on March 1 was that the Department of Transportation (DOT) could not collect or spend revenues from the Highway Trust Fund
Congress is showing signs of life on a multi-year transportation bill. Senate Environment and Public Works panel cleared draft legislation last year. Infrastructure Committee Chairman James Oberstar (D-MN) is the most vocal proponent of immediate consideration of a multi-year bill, and a subcommittee of his leadership.

While an extension of SAFETEA-LU through December likely ensures that a multi-year reauthorization bill will have to wait until 2011, there continues to be support from key Members of both the House and Senate to consider a bill this year. Of course, House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) is the most vocal proponent of immediate consideration of a multi-year bill, and a subcommittee of his panel cleared draft legislation last year.

Republican Senators worked behind-the-scenes to convince Bunning to drop his objections to the legislation (which also included extensions for unemployment benefits and COBRA benefits for the unemployed), but were unsuccessful for six days. In one of the many quirks of Senate tradition, it only takes one Senator to object to bringing a bill to the floor for a vote. In most cases, bipartisan negotiations result in agreements preventing objections such as these before a bill is brought to the floor, but in this case, Bunning did not heed the advice of his leadership.

The most immediate effect of the action was the furloughing of 2,000 DOT employees whose salaries are paid through the HTF. In addition, transportation projects in 17 states (mostly in the Federal Lands Highways Program) were halted on Monday and Tuesday because federal inspectors were furloughed.

While an extension of SAFETEA-LU through December likely ensures that a multi-year reauthorization bill will have to wait until 2011, there continues to be support from key Members of both the House and Senate to consider a bill this year. Of course, House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) is the most vocal proponent of immediate consideration of a multi-year bill, and a subcommittee of his panel cleared draft legislation last year.

Senate Environment and Public Works Committee Chairman Barbara Boxer (D-CA) this week indicated she would like to tackle the matter this year, using the Oberstar bill as a starting point. Boxer has even come up with an acronym for her still-to-be-drafted bill – Moving Ahead for Progress in the 21st Century, or “MAP-21.” Republicans such as Senator George Voinovich of Ohio and Christopher Bond of Missouri believe that a multi-year reauthorization would be an excellent employment generator and are confident that a bill can get done this year.

FINANCE
Senate works on package of tax extenders.

The Senate began debate this week of legislation that would provide extensions to a number of popular tax credit programs. Senate leaders are touting the package, which was approved by the House late last year, as the second component of a multi-step Jobs Bill.

The $150 billion package includes mostly one-year extensions for dozens of tax credits and breaks in areas such as individual and business tax relief, charitable donations; disaster relief; energy conservation, and foreign investment. Some particular provisions of note include extensions for:

- Deductions for state and local taxes to residents in states without income taxes
- Railroad track maintenance tax credit
- Business expensing credit for Brownfields remediation
- New Markets Tax Credit
- Alternative fuels tax credit
- Empowerment Zone tax incentives
- Enhanced charitable deduction for contributions of book inventories to public schools
- Enhanced charitable deduction for contributions of food inventories to food banks
- Deductions for qualified tuition education expenses
- Research and development tax credit
- Expensing rules for U.S. film and television production
- Expensing for qualified disaster-related losses

The Senate is expected to debate amendments to the measure for most of next week, but passage of the measure is not certain. No Senate Republican has indicated support for the bill, but some have said they would consider it if certain amendments were approved.

STIMULUS WATCH
Department of Transportation

The Federal Transit Administration (FTA) announced $600 million in new awards to state and local recipients to meet its March 5, 2010 deadline in awarding 100 percent of its ARRA transit formula money. A list of awards can be found at:


FTA is holding a webinar on March 9, 2010 from 4:00 – 5:00pm EST to update recipients of ARRA grants from FTA on accomplishments over the past year. The webinar will also discuss new guidance and oversight plans:


GRANTS AND NOTICES
Council on Environmental Quality

The White House Council on Environmental Quality issued a Federal Register notice on March 5 that extends the comment period on a notice published on December 9, 2009 proposing changes to the principles and guidelines that govern America’s water resource planning. The comment period has been extended from March 5, 2010 to April 5, 2010:

Department of Agriculture

The Agricultural Marketing Service is accepting applications for the 2010 Farmers’ Market Promotion Program. Approximately $5 million in competitive grant funds for FY 2010 is available to increase domestic consumption of agricultural commodities by expanding direct producer-to-consumer market opportunities such as new farmers markets, roadside stands, community supported agriculture programs, agritourism activities, and other direct producer-to-consumer infrastructures. Awards will range from $2,500 to $100,000, and no matching funds are required. Applications are due on April 15, 2010:


Department of Justice

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is accepting applications for the FY 2010 Strategic Enhancement to Mentoring Programs. Applications should seek to enhance the capacity and effectiveness of established mentoring programs. OJJDP will make awards between $200,000 and $500,000 for a project period of 18 to 36 months. Applications must be submitted by April 14, 2010:

http://tiny.cc/DrR4w.
Memo

To: City Council Members
From: Don Herz, Finance Director
CC: Mayor’s Office
Date: March 10, 2010
Re: City of Lincoln Comprehensive Annual Financial Report

Attached to this memo are the following items:

- Comprehensive Annual Financial Report for the year ended August 31, 2009
- Single Audit Report on the Expenditure of Federal Funds
- Auditor’s Letter to the Mayor and City Council
- The City’s response to the Auditor’s Letter

If you have questions about this information, please let me know.
Snow’s Gone, but Litter’s Still There

The snow has nearly disappeared, but its melting has revealed a mess underneath. Litter that's been hidden all winter is re-appearing along streets and sidewalks, blowing against fences, and tumbling toward storm drains.

Keep Lincoln & Lancaster County Beautiful (KLLCB) encourages residents to help Lincoln “Clean-up for Spring” by picking up litter in their own neighborhoods. Just remember to carry a trash bag to gather litter while walking around the block or in the park. Appropriate recycling of some of that litter would go even one step further, cleaning up the city while keeping as much as possible out of the landfill.

Store and business owners are also encouraged to look around their buildings and parking lots for litter that's been exposed by the warmer temperatures. A cleaner business location is more attractive to customers, and demonstrates the business owner's commitment to the community.

Help Lincoln “Clean-up for Spring” while walking off some of those extra winter pounds and enjoying the warmer days.

###
March 9, 2010

Administrative Amendment to SP#1992A - Edenton Woods Community Unit Plan
Generally located at Ashbrook and Northshore Drives

Dear Property Owner:

The purpose of this letter is to advise you that the Lincoln/Lancaster County Planning Department has received an application for an Administrative Amendment to revise the Edenton Woods Community Unit Plan to adjust the rear setback down to 10 feet for Lots 11-16, Block 2 and for Lots 19-23, Block 3, which are the lots located on the west sides of both Bo Creek Bay and Bo Creek Court. Please see the attached exhibit which illustrates the area of the proposed revision.

Administrative Amendments can be approved by the Director of Planning and do not require public hearings before either the Planning Commission or City Council.

In order to give the Planning Staff time to consider your questions, comments or concerns about the administrative amendment, please respond to this letter by March 19, 2010.

You may track the application by going to the Planning Department webpage http://www.lincoln.ne.gov/city/plan/index.htm under Planning Application Tracking Service (PATS). Should the Planning Director approve the administrative amendment, you have 14 days thereafter to file an appeal with the Planning Department. You will be advised of the public hearing date on your appeal.

If you have any questions or would like additional information, please feel free to contact the project planner Brian Will at 441-6362, or at bwill@lincoln.ne.gov, or you may contact the applicant, Scott Osterhaus, Olsson Associates, at 474-6311, or at sosterhaus@oaconsulting.com.

Sincerely,

Brian Will
Planner

xc: Applicant
Mayor
City Council/County Board file
February 26, 2010

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Administrative Amendment to C.U.P. #1992A
OA Project No. 010-0280

Dear Mr. Krout,

Enclosed find the following documents for the above-mentioned project:

1) 6 copies of the Site Plan, Sheet 1
2) $150.00 submittal fee
3) Zoning Application (for Administrative Amendment)
4) 1 copy of the Legal Description

On behalf of the developer, Caseyco, we are requesting an Administrative Amendment to C.U.P. #1992A. Due to the shallow lot depth and the natural green space at the rear of the lots, we wish to reduce the rear yard setbacks to 10' for lots 11-16, Block 2 and lots 19-23, Block 3. The neighbors have been notified of this request.

Please contact me if you have any questions or require additional information.

Sincerely,

Scott Osterhaus

cc

F:\Projects\010-0280\Documents\L-MKrout.2-26-2010.doc
Administrative Amendment #10010
Ashbrook Dr & Northshore Dr

Zoning:

R-1 to R-3 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-3 Office Park District
R-T Residential Transition District
B-1 Local Business District
B-2 Planned Neighborhood Business District
B-3 Commercial District
B-4 Lincoln Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District
H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

One Square Mile
Sec. 15 T09N R07E

2007 aerial
NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 10, 2010, at 1:00 p.m., in the City-Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

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

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

AGENDA

WEDNESDAY, MARCH 10, 2010

[Commissioners Lust and Larson absent]

Approval of minutes of the regular meeting held February 24, 2010. **APPROVED, 7-0 (Lust and Larson absent)**

1. CONSENT AGENDA
   (Public hearing and Administrative Action):

   **PERMITS:**

   1.1 Special Permit No. 10007, Hamann Meadows Community Unit Plan, for 44 attached single-family dwelling units with an adjustment to setbacks, on property generally located at Pioneers Boulevard and Lucile Drive.

   *** FINAL ACTION ***

   Staff recommendation: Conditional Approval
   Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
   Removed from Consent Agenda and had separate public hearing.
   Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated January 13, 2010, as revised on March 5, 2010, 7-0 (Lust and Larson absent).
   Resolution No. PC-01193.
1.2 Special Permit No. 10009, for the authority to sell alcoholic beverages for consumption off the premises, on property generally located at N. 48th Street and Huntington Avenue, 2502 N. 48th Street. *** Final Action ***
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated February 23, 2010, 7-0 (Lust and Larson absent).
Resolution No. PC-01194.

1.3 Special Permit No. 10010, for the authority to sell alcoholic beverages for consumption off the premises, on property generally located at N. 84th Street and Northern Lights Drive, 8300 Northern Lights Drive.
*** Final Action ***
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated February 23, 2010, 7-0 (Lust and Larson absent).
Resolution No. PC-01195.

1.4 Special Permit No. 10011, for the authority to sell alcoholic beverages for the consumption off the premises, on property generally located at S. 70th Street and “O” Street, 7045 “O” Street. *** Final Action ***
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated February 23, 2010, 7-0 (Lust and Larson absent).
Resolution No. PC-01196.

2. REQUESTS FOR DEFERRAL: None.
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**CHANGE OF ZONE WITH RELATED ITEMS:**

4.1a  Change of Zone No. 10003, from R-5 Residential District to B-3 Commercial District; from R-5 Residential District to O-2 Suburban Office District; from R-2 Residential District to B-3 Commercial District; and from R-2 Residential District to O-2 Suburban Office District on property generally located at the northwest corner of S. 16th Street and South Street.

**Staff recommendation:** Approval, subject to a Conditional Zoning Agreement

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

Had public hearing.

Staff request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for April 7, 2010, 1:00 p.m.

4.1b  Special Permit No. 10008, for the authority to sell alcoholic beverages for consumption off the premises, on property generally located at S. 16th Street and South Street.  *** FINAL ACTION ***

**Staff recommendation:** Conditional Approval

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

Had public hearing.

Staff request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for April 7, 2010, 1:00 p.m.

4.1c  Street & Alley Vacation No. 10002, to vacate the north/south alley generally located at S. 16th Street and South Street.

**Staff recommendation:** Conformance with the Comprehensive Plan

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

Had public hearing.

Staff request for four-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for April 7, 2010, 1:00 p.m.

**PERMITS:**

4.2  Special Permit No. 10005, for a recreational facility, on property generally located at S. 25th Street and Bennet Road.  *** FINAL ACTION ***

**Staff recommendation:** Conditional Approval

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

Had public hearing.

Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated March 1, 2010, 7-0 (Lust and Larson absent).

Resolution No. PC-01197.
Special Permit No. 10006, for expansion of a nonconforming use, on property located at 322 N. 29th Street. *** FINAL ACTION ***

Staff recommendation: Denial
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission ‘final action’: DENIED, 7-0 (Lust and Larson absent).
Resolution No. PC-01198.

************

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

************

PENDING LIST:

1a. Change of Zone No. 09027, from R-3 Residential District to B-2 Planned Neighborhood Business District, on property generally located at Lucile Drive and Pioneers Boulevard.
   (1-13-10: Planning Commission voted 9-0 to continue public hearing on April 7, 2010, at the request of the applicant.)

1b. Use Permit No. 125A, an amendment to expand the use permit to allow a garden center in the B-2 Planned Neighborhood Business District, on property generally located at Pioneers Boulevard and Lucile Drive. *** FINAL ACTION ***
   (1-13-10: Planning Commission voted 9-0 to continue public hearing on April 7, 2010, at the request of the applicant.)
Planning Dept. staff contacts:

Steve Henrichsen, Development Review Manager . . 441-6374 . . shenrichsen@lincoln.ne.gov
Nicole Fleck-Tooze, Long Range Planning Manager 441-6363 . . ntooze@lincoln.ne.gov
Mike Brienzo, Transportation Planner ........ . 441-6369 . . mbrienzo@lincoln.ne.gov
Tom Cajka, Planner .......................... 441-5662 . . tcajka@lincoln.ne.gov
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The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City-TV, Cable Channel 5.

* * * * *

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm
"You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time." --- Abraham Lincoln

DIANA MCGINNIS  
Windsor Square  
1300 G Street, #102E  
Lincoln, Nebr. 68508  
March 8, 2010

Lincoln City Council  
555 South Tenth Street  
Lincoln, Nebr. 68508

Dear Lincoln City Councilmembers:

Thomas Gray’s line goes, “[W]here ignorance is bliss, / ‘Tis folly to be wise.” Although ignorance may seem like bliss for a while, it has dangerous consequences and can lead to much suffering down the road — totally unnecessary suffering. Unfortunately, our nation’s present economic woes are largely a result of ignorance, including ignorance of the monetary system mandated by our U.S. Constitution.

Ignorance is often most intransigent where erroneous beliefs are simply assumed to be correct and are left unexamined and where the mere questioning of the erroneous beliefs is regarded with such skepticism as to label it “offbeat” or “kooky.” The notions of Copernicus and Galileo were at one time regarded as “offbeat” or “kooky,” — but they were correct in challenging widely-held, though mistaken, beliefs. In a world in which the common wisdom assumes that the world is flat, the notion that the world is round seems so radical as to be summarily dismissed as “offbeat” or “kooky.” And in a world in which the widespread knowledge is that the Sun revolves around the Earth, the notion that the opposite is true seems so bizarre as to merit its being shunted aside as “offbeat” or “kooky” without further consideration.

Please keep these examples in mind as you consider my following recommendation for a city ordinance relating to city finances. And please keep these examples in mind as you weigh whether my proposed city ordinance is born of kookiness or whether your preconceived notions are born of ignorance.

Kindly take out a Federal Reserve Note that bears the words “ONE DOLLAR.” What is this instrument? If you believe it is an actual dollar, your preconceived notion is erroneous.
Because you have sworn (or affirmed) to support the U.S. Constitution as a condition of holding public office, you no doubt have a copy of the U.S. Constitution readily available. Please take a look at Art. I, sec. 9, cl. 1 and at Amend. VII, wherein the “dollar[ ]” is adopted as this nation’s unit of account. To what does this term “dollar[ ]” refer? To a Federal Reserve Note? No. Federal Reserve Notes did not exist before the ill-fated year of 1913. The historical record makes abundantly evident that the reference is to a silver coin patterned after the Spanish milled dollar (known also as a piece of eight). The constitutional U.S. dollar is a coin containing 371.25 troy grains (or, 77.34375% of a troy ounce) of pure silver [See constitutional attorney Edwin Vieira’s *Pieces of Eight* (2nd Rev. Ed.) for an extensive, in-depth discussion of this matter].

So, what are these pieces of paper known as Federal Reserve Notes and bearing the word “DOLLAR”? They originated as explicit promises to pay “dollars” and lie within the constitutional definition of “Securities” (Art. I, sec. 8, cl. 6), not “Money” (Art. I, sec. 8, cls. 2, 5, & 12; Art. I, sec. 9, cl. 7; Art. I, sec. 10, cl. 1), i.e., “gold and silver Coin” (Art. I, sec. 10, cl. 1). Today the Federal Reserve Notes’ promises to pay “dollars” are implicit and repudiated (even at the time of their printing).

As a city officeholder, you are under a constitutional duty to memorialize the State legislature to enact legislation to observe the prohibition against “mak[ing] any Thing but gold and silver Coin a Tender in Payment of Debts” (Art. I, sec. 10, cl. 1), including ending discriminatory taxes on actual “Money,” i.e., “gold and silver Coin.”

Furthermore, in recognition of the fact that the City is employing a value other than the U.S. dollar in its day-to-day financial transactions, pending enactment of the aforementioned legislation by the State legislature, an ordinance ought to mandate use of some notation other than the dollar sign ($) and some term other than “dollar” in reference to these amounts in all financial records, statements, accounts; all bills and invoices; all checks, money orders, drafts, etc.; and to denominate and calculate all taxes, contributions, public dues, charges, fees, fines, monetary penalties, awards, wages, salaries, and other compensation, etc. of which the City is a party – with the exception of contracts involving payment specifically in silver dollars (or equivalent values in gold coin). What replacement notation or term should be used is largely within your discretion, so long as they cannot be confused with and are not the dollar sign ($) or the word “dollar.”

My suggestions for a notation to replace the dollar sign ($) would be a Federal Reserve Note sign (FRN) and for a term to replace the word “dollar” would be “FRN,” “fern,” “FœReigN,” “Federal Reserve Note pseudo-‘dollar,’” “pretend ‘dollar,’” “make-believe ‘dollar,’” or something similar.

To illustrate the difference between a dollar ($) and a Federal Reserve Note pseudo-“dollar” (FRN), note their respective values vis-à-vis the other when one ounce of silver equals:
<table>
<thead>
<tr>
<th></th>
<th>FRN 10</th>
<th></th>
<th>FRN 20</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$</td>
<td>FRN</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>7.73(4375)</td>
<td>1</td>
</tr>
<tr>
<td>FRN</td>
<td>0.12(9292)</td>
<td>1</td>
<td>FRN</td>
</tr>
</tbody>
</table>

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<th></th>
<th>FRN 30</th>
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<th>FRN 40</th>
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<td></td>
<td>$</td>
<td>FRN</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>23.20(3125)</td>
<td>1</td>
</tr>
<tr>
<td>FRN</td>
<td>0.04(3097)</td>
<td>1</td>
<td>FRN</td>
</tr>
</tbody>
</table>

You can pretend that the world is flat. You can pretend that the Sun revolves around the Earth. And you can pretend that a piece of paper bearing a repudiated implicit promise to pay a dollar is a dollar. But pretending doesn’t make it true. And, although legal tender decrees, or fiat, may (purport to) require acceptance of a fiat (or, pretend) “dollar” in lieu of an actual dollar, they do not require that users of these pretend “dollars” delude themselves into believing they actually are dollars. Therefore, for the sake of clarity (and sanity), please enact an ordinance that recognizes the fundamental distinction between a fiat (or, pretend) “dollar” and an actual dollar.

Our nation’s economy is in trouble. Shall we begin the arduous task of fixing it? Or shall we bury our heads and pretend? Shall we seek bliss in ignorance?

Sincerely yours,

Diana McGinnis
Member, “We the People”

P.S. If I did not know the facts that I have related in this letter, I would hope that someone would inform me of them. By passing the proposed memorial to the State legislature and by enacting the proposed City ordinance, you can help to educate many of Lincoln’s citizens who remain unaware of these facts.

Cc: Lincoln city attorney
Dr. Edwin Vieira, Jr., constitutional attorney
L. Lynn Rex, executive director, League of Nebraska Municipalities
et al.