I. CITY CLERK

II. MAYOR
1. NEWS RELEASE. City garages offer $3 all-day parking for tourneys.
2. NEWS ADVISORY. Mayor Beutler, UNL, and Lincoln Electric will hold a news conference on Thursday, March 3rd, at the Whittier Building, 2200 Vine Street, to discuss two energy technology projects.
3. NEWS RELEASE. City partners with LES and UNL to test energy technologies.
4. NEWS RELEASE. Lincoln named a top 15 city for transit innovation.
5. NEWS RELEASE. Mayor urges defeat of bill to divert trust funds.

WEST HAYMARKET JOINT PUBLIC AGENCY
1. The West Haymarket Joint Public Agency has been rescheduled to Thursday, March 10, 2011, 9:00 a.m. at 555 S. 10th Street, Room 303.

III. DIRECTORS

FINANCE/BUDGET
1. Sales tax reports for February reflecting December activity:
   a) Actual Compared to Projected Sales Tax Collections;
   b) Gross Sales Tax Collections (with refunds added back in) 2005-2006 through 2010-2011;
   c) Sales Tax Refunds 2005-2006 through 2010-2011; and

FINANCE/TREASURER

CITY LIBRARIES
1. Lincoln Libraries and local therapy dog organization, Healing Heart Therapy Dogs, are partnering to provide children the opportunity to practice reading skills by reading to a dog. Schedule included.

PLANNING DEPARTMENT
1. Administrative Approval of Administrative Amendment No. 11004 by the Planning Director.

PUBLIC WORKS & UTILITIES/ENGINEERING
1. ADVISORY. Antelope Valley construction project. North/South Road, K - P Streets. Project Number: 880109.
URBAN DEVELOPMENT/ HOUSING REHAB & REAL ESTATE
1. Street and Alley Vacation No. 11001. NW Highlands Circle east of NW 1st Street.

IV. COUNCIL MEMBERS

JON CAMP
1. Letter to Mayor Beutler suggesting options for the City Retirement plans.

DOUG EMERY
1. Letter from Don Tilley regarding proposed miniature golf court requirements.

V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS
1. InterLine correspondence from Mike Growcock regarding panhandlers at the North 27th Street Wal-Mart location.
2. Email from Judy Montgomery asking where did the 6% occupation tax come from on cell phones.

VII. ADJOURNMENT
FOR IMMEDIATE RELEASE: February 28, 2011
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Ken Smith, City Parking Manager, 441-6097

CITY GARAGES OFFER $3 ALL-DAY PARKING FOR TOURNEYS
Free bus shuttle to operate between Haymarket Garage, Pershing Center

The City of Lincoln is offering $3 all-day event parking for the State High School Basketball Tournaments. The Girls Tournament is March 3 through 5, and the Boys Tournament is March 10 through 12. The special all-day rate is available Thursdays and Fridays at these facilities:

- Haymarket Garage, 848 “Q” St
- Market Place Garage, 925 “Q” St.
- Iron Horse lot, 7th and “Q” streets

A free shuttle bus shuttle to and from Pershing Center will load and unload passengers on the east side (9th Street) of the Haymarket Garage only. The shuttle will operate every 10 minutes.

Fans are urged to avoid parking in private lots east of Pershing. Patrons are urged to look for tow notices in private lots and avoid the expense and inconvenience that results from a towed vehicle.

The $3 all-day rate only applies to the facilities listed above. First Hour Free parking applies in the City’s other facilities marked with “Park and Go” signage:

- Carriage Park Garage, 1128 “L” Street
- Center Park Garage, 1120 “N” Street
- Cornhusker Square Garage, 1220 “L” Street
- Que Place Garage, 1111 “Q” Street
- University Square Garage, 101 N. 14th Street
- Lumberworks Lot, 7th and “O” streets

After 5 p.m. Thursday and Friday during the tourneys, parking also will be available near Pershing Center in the State Parking Garage, 1501 “M” St., and the Federal Parking Garage, 100 S. Centennial Mall, for the event parking rate of $5. No overnight parking is allowed in these facilities.

For more information on downtown parking, call City Parking Services at 441-6472 or visit parkandgo.org.
Mayor Chris Beutler will discuss partnerships with UNL and the Lincoln Electric System on two energy technology projects at a news conference at **10 a.m. Thursday, March 3** at the **Whittier Building, 2200 Vine Street**.

Parking is available in the lot south of the building or in the gravel lot to the west of the building. A staff member will be there to provide temporary parking permits. Enter through the main door at the top of the exterior stairs on the south side. Take the elevator to the third floor, and the news conference will be in room 344A.

After the news conference, the media is invited to tour the Nebraska Transportation Center and the Mid-America Transportation Center where testing is currently under way.
CITY PARTNERS WITH LES AND UNL TO TEST ENERGY TECHNOLOGIES

Mayor Chris Beutler said new technologies now being tested on City streets could reduce energy use, expand the use of renewable energy and save the City money. The City of Lincoln and the Lincoln Electric System (LES) are partnering to test streetlights using light-emitting diode (LED) technology. The City also is partnering with the University of Nebraska-Lincoln to install wind and solar hybrid power systems on several traffic intersections.

“Each year, the City of Lincoln spends almost a million dollars on its street lights and $72,000 on its traffic signals and signs, just on energy costs,” Beutler said. “Those costs are funded entirely out of the City’s general fund, so any savings that can be realized through lowered energy needs is a direct benefit to the taxpayer.”

The City’s rehabilitation work on Holdrege Street required that street lighting be relocated, so LES took the opportunity to test the LED lighting from 33rd to 46th streets. Steve Young, LES street light and customer service design supervisor, said crews installed 22 LED lights with a life expectancy of about 50,000 hours or more than 12 years. They replaced 29 high pressure sodium vapor lights with a life expectancy of about six years.

“LED lighting provides more uniform lighting with better color rendition,” Young said. “This test will give us important performance data to help us with our future decisions regarding street lighting.”

Young said LED lights meet City standards for arterial streets, but LED technology has not been developed to provide illumination levels required for major streets. He said existing high pressure sodium vapor lights at Dairy Store Drive off Holdrege will remain since the poles were not in conflict with the street project, and the lights provide a higher illumination level for the street and intersection.

The City’s partnership with UNL is exploring whether the traffic infrastructure could be used to produce energy. A wind generator was installed on traffic signals at 84th Street and Highway 2 in December, and solar panels will be added this spring.

- more -
The project is funded with a three-year grant of nearly $1 million from the U.S. Department of Transportation. Eventually, the team hopes to install wind generators and solar panels at four locations and collect data on energy use and production. Researchers say the goal is for the installations to produce more energy than the traffic infrastructure consumes.

Beutler said both the projects show great promise and are the first steps toward identifying where the City can save the most money through technology. “These are great examples of putting proven energy saving technology to work for Lincoln’s taxpayers,” he said. “They also help to further Lincoln’s growing reputation as the ‘green capital city of the Great Plains.’”
LINCOLN NAMED A TOP 15 CITY FOR TRANSIT INNOVATION

A national environmental organization has selected Lincoln as one of “America’s Top 15 Smartest Cities For Transit Innovation.” The honor is based on a study conducted by the Smarter Cities team of the Natural Resource Defense Council (NRDC) in collaboration with the Center for Neighborhood Technology (CNT). The study compared U.S. cities based on public transit availability and use; household automobile ownership and use; and innovative, sustainable and affordable transportation programs.

“This is quite an honor for StarTran to be recognized nationally among our peers,” said StarTran Transit Manager Larry Worth. “It also reinforces the importance of marketing our services to the public. Ridership is up 10 percent since September 2010, and we’ve seen steady increases in ridership every month since then. With bike racks being installed on buses and gas prices continuing to increase, we are expecting that upward trend to continue.”

NRDC said Lincoln was highlighted because, “Low-income riders pay a mere $7.50 for unlimited bus rides all month long, while households in that city drive the least – on average 16,800 miles per year – of any metropolitan region in the country with populations less than 250,000.” Bremerton, Washington; Champaign-Urbana, Illinois; and Yolo, California were other cities honored in the population group.

“Cities like Lincoln that foster compact, walkable, transit-rich communities can reduce reliance on automobiles and help lower at least one expense for households struggling to get by in the current economy,” said Scott Bernstein, CNT President.

More information on StarTran is available at startran.lincoln.ne.gov. More information on the national organizations is available at nrdc.org and cnt.org.
FOR IMMEDIATE RELEASE: March 3, 2011
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

MAYOR URGES DEFEAT OF BILL TO DIVERT TRUST FUNDS

Mayor Chris Beutler today urged the State Legislature to defeat LB 229, a proposal to divert $7 million a year over the next ten years from the Nebraska Environmental Trust (NET) fund. The Legislature’s Natural Resources Committee advanced the bill Wednesday. Beutler said passage of the bill would be another blow to local property taxpayers and seriously damage the City’s environmental efforts.

“The loss of water quality projects are a great concern,” Beutler said. “Water quality is heavily regulated by both the State and federal governments. In some cases, Lincoln will have no choice but to do these mandated water quality projects, but may no longer be able to count on the Environmental Trust fund for assistance. This will once again force Lincoln to choose between increased property taxes or a reduction in critical services.”

NET funds have helped the City to protect rare eastern saline wetlands and the endangered species that live there; to restore the water quality of Holmes Lake; to preserve native prairie at the Pioneers Park Nature Center; and to improve stormwater quality by reducing the pollutants in streams and lakes.

“The bill is another example of the State pushing its budget issues onto the City,” Beutler said. “We have already sustained a $1.8 million hit from the loss of State aid, and it appears other revenue sources will be severely limited. The net effect is to shift the burden of taxation to property owners because that is the only revenue source over which we have control at this point.”

The State lottery bill Nebraska voters approved in 1992 stipulates that nearly half of the lottery proceeds would fund innovative environmental projects.
West Haymarket Joint Public Agency (JPA) Meeting

This is a notice of the date and time change for the next meeting. Now scheduled for:

**Thursday, March 10**
9 to 10:30 a.m.
Room 303

This meeting was originally scheduled to take place at 3:30 p.m. Wednesday, March 9. Thank you.

Dave Norris
Citizen Information Center
(402) 441-7547
Attached are the sales tax reports for February reflecting December activity. Please note the very large refunds due next month.
## Actual Compared to Projected Sales Tax Collections

<table>
<thead>
<tr>
<th>Month</th>
<th>2010-11 PROJECTED</th>
<th>2010-11 ACTUAL</th>
<th>VARIANCE FROM PROJECTED</th>
<th>$ CHANGE FR. 09-10</th>
<th>% CHANGE FR. 09-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$4,606,732</td>
<td>$4,767,314</td>
<td>$160,582</td>
<td>$163,898</td>
<td>3.56%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$4,803,841</td>
<td>$4,865,846</td>
<td>$62,005</td>
<td>$273,777</td>
<td>5.96%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$4,756,946</td>
<td>$4,889,920</td>
<td>$132,974</td>
<td>$116,328</td>
<td>2.44%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$4,499,729</td>
<td>$4,695,792</td>
<td>$196,063</td>
<td>$396,057</td>
<td>9.21%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>$4,578,573</td>
<td>$4,414,597</td>
<td>($163,976)</td>
<td>$317,344</td>
<td>7.75%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$5,817,548</td>
<td>$5,850,307</td>
<td>$32,759</td>
<td>$528,063</td>
<td>9.92%</td>
</tr>
<tr>
<td>MARCH</td>
<td>$4,293,198</td>
<td>($163,976)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$4,066,088</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$4,719,366</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>$4,595,468</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$4,651,786</td>
<td></td>
<td></td>
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<tr>
<td>AUGUST</td>
<td>$4,927,739</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$56,317,014</td>
<td>$29,483,775</td>
<td>$420,406</td>
<td>$1,795,467</td>
<td>6.48%</td>
</tr>
</tbody>
</table>

Actual collections through February are 1.45% above projections for the year.
CITY OF LINCOLN
GROSS SALES TAX COLLECTIONS
(WITH REFUNDS ADDED BACK IN)
2005-2006 THROUGH 2010-2011

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$4,630,210</td>
<td>$4,573,597</td>
<td>$4,612,020</td>
<td>$4,812,555</td>
<td>4.35%</td>
<td>$4,703,478</td>
<td>-2.27%</td>
<td>$4,822,814</td>
<td>2.54%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$4,823,369</td>
<td>$4,712,519</td>
<td>$5,052,950</td>
<td>$4,845,000</td>
<td>-4.12%</td>
<td>$4,687,315</td>
<td>-3.25%</td>
<td>$4,987,584</td>
<td>6.41%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$4,799,275</td>
<td>$4,658,480</td>
<td>$4,818,715</td>
<td>$4,937,998</td>
<td>2.48%</td>
<td>$4,922,939</td>
<td>-0.30%</td>
<td>$4,938,240</td>
<td>0.31%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$4,511,403</td>
<td>$4,445,761</td>
<td>$4,753,456</td>
<td>$4,545,947</td>
<td>-4.37%</td>
<td>$4,502,684</td>
<td>-0.95%</td>
<td>$4,708,180</td>
<td>4.56%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>$4,342,902</td>
<td>$4,554,634</td>
<td>$4,617,097</td>
<td>$4,465,270</td>
<td>-3.29%</td>
<td>$4,354,458</td>
<td>-2.48%</td>
<td>$4,777,606</td>
<td>9.72%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$5,797,893</td>
<td>$5,993,653</td>
<td>$5,596,617</td>
<td>$5,775,594</td>
<td>3.20%</td>
<td>$5,426,478</td>
<td>-6.04%</td>
<td>$5,920,886</td>
<td>9.11%</td>
</tr>
<tr>
<td>MARCH</td>
<td>$4,247,908</td>
<td>$4,125,074</td>
<td>$4,421,405</td>
<td>$4,258,773</td>
<td>-3.68%</td>
<td>$4,226,466</td>
<td>-0.76%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$3,991,159</td>
<td>$4,018,709</td>
<td>$4,227,476</td>
<td>$4,119,617</td>
<td>-2.55%</td>
<td>$4,294,043</td>
<td>4.23%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$4,543,369</td>
<td>$4,895,921</td>
<td>$4,753,366</td>
<td>$4,744,089</td>
<td>-0.20%</td>
<td>$5,186,573</td>
<td>9.33%</td>
<td></td>
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<tr>
<td>JUNE</td>
<td>$4,539,614</td>
<td>$4,664,470</td>
<td>$4,859,251</td>
<td>$4,624,054</td>
<td>-4.84%</td>
<td>$4,662,293</td>
<td>0.83%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$4,655,061</td>
<td>$4,772,617</td>
<td>$4,983,976</td>
<td>$4,501,197</td>
<td>-9.69%</td>
<td>$4,567,893</td>
<td>1.48%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>$4,991,723</td>
<td>$4,887,329</td>
<td>$5,026,702</td>
<td>$4,856,331</td>
<td>-3.39%</td>
<td>$5,105,968</td>
<td>5.14%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$55,873,886</td>
<td>$56,302,764</td>
<td>$57,723,030</td>
<td>$56,486,425</td>
<td>-2.14%</td>
<td>$56,640,589</td>
<td>0.27%</td>
<td>$30,155,310</td>
<td>5.45%</td>
</tr>
</tbody>
</table>
## CITY OF LINCOLN
SALES TAX REFUNDS
2005-2006 THROUGH 2010-2011

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>($80,882)</td>
<td>($27,350)</td>
<td>($90,282)</td>
<td>($435,079)</td>
<td>381.91%</td>
<td>($100,061)</td>
<td>-77.00%</td>
<td>($55,500)</td>
<td>-44.53%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>($358,866)</td>
<td>($166,695)</td>
<td>($79,688)</td>
<td>($108,925)</td>
<td>36.69%</td>
<td>($95,246)</td>
<td>-12.56%</td>
<td>($121,738)</td>
<td>27.81%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>($173,972)</td>
<td>($3,881)</td>
<td>($158,855)</td>
<td>($86,760)</td>
<td>-45.38%</td>
<td>($149,347)</td>
<td>72.14%</td>
<td>($48,320)</td>
<td>-67.65%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>($6,319)</td>
<td>($175,440)</td>
<td>($29,848)</td>
<td>($209,674)</td>
<td>602.47%</td>
<td>($202,950)</td>
<td>-3.21%</td>
<td>($12,388)</td>
<td>-93.90%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>($269,713)</td>
<td>($84,287)</td>
<td>($26,308)</td>
<td>($256,270)</td>
<td>874.13%</td>
<td>($257,206)</td>
<td>0.37%</td>
<td>($363,009)</td>
<td>41.14%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>($73,395)</td>
<td>($327,119)</td>
<td>($489,939)</td>
<td>($83,713)</td>
<td>-82.91%</td>
<td>($104,235)</td>
<td>24.51%</td>
<td>($70,579)</td>
<td>-32.29%</td>
</tr>
<tr>
<td>MARCH</td>
<td>($165,869)</td>
<td>($133,574)</td>
<td>($325,269)</td>
<td>($73,785)</td>
<td>-77.32%</td>
<td>($14,233)</td>
<td>-80.71%</td>
<td>($485,268)</td>
<td>3309.51%</td>
</tr>
<tr>
<td>APRIL</td>
<td>($196,682)</td>
<td>($130,611)</td>
<td>($108,764)</td>
<td>($70,988)</td>
<td>-34.73%</td>
<td>($75,738)</td>
<td>6.69%</td>
<td>($428,413)</td>
<td>-65.38%</td>
</tr>
<tr>
<td>MAY</td>
<td>($166,567)</td>
<td>($381,653)</td>
<td>($22,529)</td>
<td>($117,201)</td>
<td>420.23%</td>
<td>($68,551)</td>
<td>-41.51%</td>
<td>($500,471)</td>
<td>-29.07%</td>
</tr>
<tr>
<td>JUNE</td>
<td>($14,085)</td>
<td>($186,252)</td>
<td>($136,308)</td>
<td>($444,973)</td>
<td>226.45%</td>
<td>($110,343)</td>
<td>-75.20%</td>
<td>($485,268)</td>
<td>3309.51%</td>
</tr>
<tr>
<td>JULY</td>
<td>($39,492)</td>
<td>($155,825)</td>
<td>($478,184)</td>
<td>($331,804)</td>
<td>-30.61%</td>
<td>($251,505)</td>
<td>-24.20%</td>
<td>($485,268)</td>
<td>3309.51%</td>
</tr>
<tr>
<td>AUGUST</td>
<td>($57,700)</td>
<td>($569,595)</td>
<td>($43,759)</td>
<td>($11,878)</td>
<td>-72.86%</td>
<td>($286,162)</td>
<td>2309.23%</td>
<td>($1,156,802)</td>
<td>25.29%</td>
</tr>
</tbody>
</table>

| TOTAL    | ($1,603,541)     | ($2,342,280)     | ($1,989,734)     | ($2,231,050)     | 12.13%               | ($1,715,576)     | -23.10%              | ($1,156,802)     | 25.29%               |

Year to date vs. previous year
CITY OF LINCOLN
NET SALES TAX COLLECTIONS
2005-2006 THROUGH 2010-2011

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$4,549,328</td>
<td>$4,546,247</td>
<td>$4,521,738</td>
<td>$4,377,476</td>
<td>-3.19%</td>
<td>$4,603,417</td>
<td>5.16%</td>
<td>$4,767,314</td>
<td>3.56%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$4,464,503</td>
<td>$4,545,825</td>
<td>$4,973,261</td>
<td>$4,736,074</td>
<td>-4.77%</td>
<td>$4,592,069</td>
<td>-3.04%</td>
<td>$4,865,846</td>
<td>5.96%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$4,625,303</td>
<td>$4,654,599</td>
<td>$4,659,859</td>
<td>$4,851,237</td>
<td>4.11%</td>
<td>$4,773,592</td>
<td>-1.60%</td>
<td>$4,889,202</td>
<td>2.44%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$4,505,085</td>
<td>$4,270,321</td>
<td>$4,723,609</td>
<td>$4,336,273</td>
<td>-8.20%</td>
<td>$4,299,735</td>
<td>-0.84%</td>
<td>$4,695,792</td>
<td>9.21%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>$4,073,189</td>
<td>$4,470,347</td>
<td>$4,590,789</td>
<td>$4,209,000</td>
<td>-8.32%</td>
<td>$4,097,252</td>
<td>-2.65%</td>
<td>$4,414,597</td>
<td>7.75%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$5,724,498</td>
<td>$5,666,534</td>
<td>$5,106,677</td>
<td>$5,691,881</td>
<td>11.46%</td>
<td>$5,322,243</td>
<td>-6.49%</td>
<td>$5,850,307</td>
<td>9.92%</td>
</tr>
<tr>
<td>MARCH</td>
<td>$4,082,038</td>
<td>$3,991,501</td>
<td>$4,096,136</td>
<td>$4,184,988</td>
<td>2.17%</td>
<td>$4,212,234</td>
<td>0.65%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$3,794,477</td>
<td>$3,888,098</td>
<td>$4,118,712</td>
<td>$4,048,629</td>
<td>-1.70%</td>
<td>$4,218,305</td>
<td>4.19%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$4,376,803</td>
<td>$4,514,268</td>
<td>$4,730,837</td>
<td>$4,626,889</td>
<td>-2.20%</td>
<td>$5,118,022</td>
<td>10.61%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>$4,525,529</td>
<td>$4,478,219</td>
<td>$4,722,943</td>
<td>$4,179,081</td>
<td>-11.52%</td>
<td>$4,551,950</td>
<td>8.92%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$4,615,569</td>
<td>$4,616,793</td>
<td>$4,505,792</td>
<td>$4,169,394</td>
<td>-7.47%</td>
<td>$4,316,388</td>
<td>3.53%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>$4,934,023</td>
<td>$4,317,734</td>
<td>$4,982,944</td>
<td>$4,844,454</td>
<td>-2.78%</td>
<td>$4,819,906</td>
<td>-0.51%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$54,270,346</td>
<td>$53,960,485</td>
<td>$55,733,297</td>
<td>$54,255,376</td>
<td>-2.65%</td>
<td>$54,925,013</td>
<td>1.23%</td>
<td>$29,483,775</td>
<td>6.48%</td>
</tr>
</tbody>
</table>

Year to date vs. previous year
OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

February 28, 2011

TO: MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS

FROM: FINANCE DEPARTMENT / CITY TREASURER

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business January 31, 2011:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Forward</td>
<td>$159,795,078.92</td>
</tr>
<tr>
<td>Plus Total Debits January 1-31, 2011</td>
<td>$135,080,178.88</td>
</tr>
<tr>
<td>Less Total Credits January 1-31, 2011</td>
<td>($24,702,913.39)</td>
</tr>
<tr>
<td><strong>Cash Balance on January 31, 2011</strong></td>
<td><strong>$270,172,344.41</strong></td>
</tr>
</tbody>
</table>

I desire to report that such City cash was held by me as follows which I will deem satisfactory unless advised and further directed in the matter by you:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. S. Bank Nebraska, N.A.</td>
<td>($4,954,387.71)</td>
</tr>
<tr>
<td>Wells Fargo Bank</td>
<td>($103,212.10)</td>
</tr>
<tr>
<td>Wells Fargo Bank Credit Card Account</td>
<td>($53,377.21)</td>
</tr>
<tr>
<td>Bank of Prague</td>
<td>($19.00)</td>
</tr>
<tr>
<td>Commercial State Bank - Cedar Bluffs</td>
<td>($15.97)</td>
</tr>
<tr>
<td>Cornhusker Bank</td>
<td>$48,311.89</td>
</tr>
<tr>
<td>First National Bank - Wahoo</td>
<td>($18.15)</td>
</tr>
<tr>
<td>Pinnacle Bank</td>
<td>$42,039.52</td>
</tr>
<tr>
<td>Union Bank &amp; Trust Company</td>
<td>$667,679.90</td>
</tr>
<tr>
<td>West Gate Bank</td>
<td>$61,538.40</td>
</tr>
<tr>
<td>Idle Funds - Short-Term Pool</td>
<td>$180,093,540.98</td>
</tr>
<tr>
<td>Idle Funds - Medium-Term Pool</td>
<td>$93,965,485.01</td>
</tr>
<tr>
<td>Cash, Checks and Warrants</td>
<td>$404,778.85</td>
</tr>
<tr>
<td><strong>Total Cash on Hand January 31, 2011</strong></td>
<td><strong>$270,172,344.41</strong></td>
</tr>
</tbody>
</table>

The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Department's notification to the City Treasurer's office of these deposits; therefore, these deposits are not recorded in the City Treasurer's bank account balances at month end.

I also hold as City Treasurer, securities in the amount of $65,374,774.82 representing authorized investments of the City's funds.

ATTEST:

[Signature]

Melinda J. Jones, City Treasurer

[Seal]
CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT
AS OF JANUARY 31, 2011

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>CUSIP</th>
<th>MATURITY DATE</th>
<th>ORIGINAL FACE</th>
<th>CURRENT PAR</th>
<th>MARKET PRICE</th>
<th>MARKET VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHLB BONDS</td>
<td>3133XLDG9</td>
<td>06/29/2017</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FFCB 5.45%</td>
<td>31331XNG3</td>
<td>02/05/2014</td>
<td>$1,000,000.00</td>
<td>$1,000,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHLB STEP-UP 2.25%</td>
<td>3133XUM67</td>
<td>08/26/2014</td>
<td>$1,000,000.00</td>
<td>$1,000,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORNHUSKER BANK</td>
<td></td>
<td>TOTAL PLEDGED</td>
<td>$2,500,000.00</td>
<td>$2,500,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FOR IMMEDIATE RELEASE
CONTACT: Vicki Wood, Youth Services Supervisor
E-MAIL: v.wood@lincolnlibraries.org
PHONE: 402-441-8565

Read to a Dog @ your library

Lincoln City Libraries and local therapy dog organization, Healing Heart Therapy Dogs, are again partnering to provide children the opportunity to practice their reading skills by reading to a dog. The program begins the week of March 28th at Walt, Gere, and Eiseley branch libraries.

Children ages 6 to 12 who have experienced reading difficulties or who just need to practice their reading can register to read to a dog 20 minutes a week, for six weeks. The dogs, all certified therapy dogs, volunteer with their owners for Lincoln City Libraries’ “Read to a Dog” program. The program is designed to build self-esteem while making reading fun.

Pre-registration is required. Please call Marla at 402-450-1081 to register or for more information. Children may read to a dog at these locations and times:

Walt Branch Library
6701 S. 14th Street
Mondays, 6:00-7:40 p.m.

Gere Branch Library
2400 S. 56th Street
Saturdays, 3:30-5:30 p.m.

Eiseley Branch Library
1530 Superior Street
Wednesdays, 5:30-7:30 p.m.

###

Barbara Hansen
Administrative Aide
Lincoln City Libraries
402-441-8512
Memorandum

Date:  March 1, 2011
To:   City Clerk
From:  Teresa McKinstry, Planning Dept.
Re:   Administrative Approvals
cc:   Jean Preister

This is a list of the Administrative Approvals that were approved by the Planning Director from February 22, 2011 thru February 28, 2011:

**Administrative Amendment No. 11004** to Use Permit No. 74A, Briarpark Plaza, approved by the Planning Director on February 23, 2011, requested by Jeff Luthy, to reflect that Lot 2 could be used for commercial purposes and not limited to “beauty salon” or “office” uses and to reflect the new proposed lot line, on property generally located at S. 48th St. and Old Cheney Rd.
The Joint Antelope Valley Authority (JAVA) would like to take this opportunity to update you on the upcoming North/South Road project from K to P Streets. Hawkins Construction has been awarded the contract for this project and will begin Phase I work beginning Monday, March 7, 2011. The work will include removal of existing pavement and utility construction followed by new pavement.

The first phase will include all work associated with construction of the new North/South Road between K and L Streets, pavement construction/widening along the south half of L Street, storm sewer and utility construction along 21st Street between L and N Streets, and water main construction along 19th Street from M to N Streets. Except during construction of a new 48” storm sewer across the 21st and L intersection, the contractor shall maintain two lanes of traffic along L Street during all traffic peak hours. We will coordinate work with adjacent businesses to ensure that acceptable access is maintained to the properties. This would include truck access as necessary for business operations.

The second phase will include all construction along the west half of the North/South Road between L and N Streets, along the North/South Road between N and the south side of O Street, and construction of new storm sewer on the south side of N Street between 19th and 21st Streets. Work on portions of the North/South Road between L and O Streets can be completed concurrently with work on Phase I. This will be contingent on the contractor providing an acceptable plan for maintaining vehicular and pedestrian access to businesses and adjacent properties. Temporary surfacing shall be constructed to provide a temporary connection to O Street at the completion of this phase.

The second part of Phase II will include all work along the east half of the North/South Road between L and M Streets. During this phase, the contractor will be required to construct a temporary drive parallel to 19th Street to provide vehicular access to the existing businesses along the east side of the roadway. The temporary drive should be constructed west of the existing sidewalk which will remain in place for pedestrian access during this phase.

All of the above work is currently scheduled to be substantially complete in 2011. Work along O Street between 17th and 21st Streets, as well as work along 19th Street between O and P Streets, are scheduled to be complete in 2012.

Please note Ordinance 18777 passed on July 31, 2006 that states 19th Street from O Street south to K Street will be renamed “South Antelope Valley Parkway” once construction is complete. If relevant to your business or property, please plan accordingly when purchasing new office letterhead, business cards, or future marketing needs.

If you have questions regarding this project anytime during construction, please contact one of the following people:

Mark Miller, Construction Project Manager
City of Lincoln, Engineering Services
(402) 416-5348

Tim Mollner
Superintendent, Hawkins Construction Co.
(402) 685-0980

Kris Humphrey, Antelope Valley Project Manager
City of Lincoln, Engineering Services
(402) 441-7592
INTEROFFICE MEMORANDUM

TO: Mayor Beutler
   & City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION: 

DATE: March 1, 2011

COPIES TO: Teresa J. Meier
           Marvin Krout
           Rod Confer
           Byron Blum, Bldg & Safety
           Jean Preister, Planning

SUBJECT: Street & Alley Vacation No.11001
           NW Highlands Circle east of NW 1st Street

A request has been made to vacate Highlands Circle 50 feet east of NW 1st Street. The area was viewed and appears as a circle with a green space in the center. Storm drain inlets and a water hydrant were observed indicating the existence of those utilities. Public Works has also indicated the existence of telephone cables and a gas main within the area to be vacated.

The area adjacent to the circle is currently under redevelopment and an agreement is being negotiated with the developer. As such, it is recommended that if the area be vacated title be retained in the name of the City and the value the land be incorporated into the redevelopment agreement.

Respectfully submitted,

[Signature]

Clinton W. Thomas
Certified General Appraiser #990023
Mayor Beutler:

Yesterday the City Council voted 6-to-1 vote to put this legislation on pending for two weeks to provide an opportunity to review your proposed change in the Retirement Plan for Directors, Aides and yourself.

As part of that review, and in deference to your news conference in July 2009 during which you encouraged a change to a 1-to-1 matching for all City of Lincoln employees, I believe it is time to make “substantive” changes that provide leadership by top City officials and send a message to all of our City employees that modifications to retirement plan contributions need to be applied “across the board to all employees. . .existing and future”.

The union represented employees under the City’s defined contribution plan should be encouraged strenuously to amend their retirement matches. The current and future financial challenges of the City, as aptly reflected in your release yesterday of five-year projections, reflect ever increasing deficits.

In simple terms, City leaders have few options:

1. Raise taxes
2. Lay off employees
3. Eliminate programs
4. Employees negotiate lower benefits and wages
5. Privatize city services.

Across our Nation we are seeing other state and municipal jurisdictions taking extreme actions to meet their budget deficits.

Thus, to provide “meaningful” reform, I recommend the Retirement Plan for Excluded Employees be amended as follows:

1. Employer-employee match be changed to 1-to-1 from the current 12% City contribution with no employee match;
2. Maximum City contribution capped at 6% of compensation with a commensurate 6% employee contribution; and
3. Effective April 1, 2011, the new matching and 6% limit be applied to ALL directors, mayoral aides and the mayor.

Unlike the union employees, it is possible to make this change apply to existing directors, mayoral aides and the mayor.

I look forward to visiting with you as soon as possible to discuss these proposed modifications to the pending ordinance.

Thank you,

Jon

c: Lincoln City Council
“The American Republic will endure until the day Congress discovers that it can bribe the public with the public's money”

~ Alexis de Tocqueville (French Historian and Political scientist, 1805-1859)

Check our reception and event venues at:

http://www.facebook.com/pages/Apothecary-Lofts-Ridnour-Room/173175799380032
February 18, 2011

OPEN LETTER

To: Doug Emery, City Council Member, City Council Office, 555 S. 10th Lincoln NE 68508

Dear Mr. Emery:

As you can see from my address, we live 1 1/2 blocks from the park being considered for a miniature golf course. I saw the proposal for the first time yesterday at a meeting at Madisen’s Bowling and Billards.

I WOULD LIKE TO HAVE YOU VOTE AGAINST THIS MINIATURE GOLF COURSE IF THE ENTIRE SITE IS USED FOR THE COURSE.

I WOULD LIKE TO HAVE YOU VOTE FOR THIS MINIATURE GOLF COURSE IF A CERTAIN AMOUNT OF THE SITE IS SET ASIDE FOR COMMUNITY USE WITH PLAY EQUIPMENT AND PICNIC TABLES PROVIDED.

The architect who presented the proposal stated that the plan was to install a 6 to 8 foot high wooden fence around the entire site (1.11 acres). I thought, Oh, Oh, a walled, gated community taking away all our green space, taking away the entire area from our neighborhood. This does not sound like an environmentally friendly plan for our community. It’s going to cost us $6.00 per person just to walk through it.

Often when I walk through that park area, I see people there. However, it is under used due to city park service removing all the playground equipment and picnic tables. Shame on them! How many of the occupants from French Quarters and other near apartment complexes are going to walk over to the McAdams Park. Virtually none.

As a compromise, I thought that play equipment for children, along with a couple picnic tables could be installed in the southwest corner of the 48th and Holdrege park site outside of the fenced area for easy access. Or insert equipment and tables midway off of 47th street 15 X 40 yards. The interaction between golfers and children may be enriching. Of course the proposed miniature golf course would have to be modified a small amount. But that could be accomplished.

Also, I wondered if the rigid requirement of the city for 37 parking staff for a miniature golf course could be modified to 24 and consider the parking already in place for Madisen’s Bowling and Billards for the 13 other parking stalls.

Also, I met with Pastor Wayne Reynolds today to share my concerns. Warren Methodist Church is the closest church to the park site.

Thank you, Doug Emery for your consideration.

Don Tilley, 4533 Starr, Lincoln, NE 68503 402 466 6622 don@peacepark.us
InterLinc: City Council Feedback for General Council

Name: Mike
Address: Growcock
City: Lincoln, NE 685211
Phone: 402-430-6167
Fax:
Email: mikegrowcock@gmail.com

Comment or Question:

Dear Council Members,

I have a concern that has grown considerable over this past year. The problem is pan-handlers at the North 27th Street Wal-Mart location.

I have a home and two rental properties in North Lincoln and I work out of the Home Real Estate office at 27th and Fletcher. As such I am up and down North 27th Street numerous times a day and there are pan-handlers through out the day and into the night.

The pan-handlers camp out at the intersections of North 27th & Ticonderoga; North 27th & Northview; North 27th & Kensington; and Superior & Industrial Ave. What is frustrating to me is that all of these intersections are with in blocks of the City of Lincoln Police Department Sub-station in the Wells Fargo Bank at 27th & Superior.

My concern is that it is not only uncomfortable being stopped at any one of these intersections for a red light it is also potentially dangerous.

I have witness not only confrontations between the pan-handlers and drivers but also between pan-handlers fighting over their "turf".

I have called the police non-emergency number once to report this problem when I was confronted by a pan-handler. I was trying to mind my own business waiting for the light to change when the pan-handler approached my vehicle. When I would not roll down my window the pan-handler took his card board sign which read something to the effect of "homeless please help God bless" and flipped the sign over which said "your shit stinks too".

A few days later I was at the McDonalds at North 27th Street & Ticonderoga and saw this man with one of his fellow pan-handlers counting their "haul" for the day which was $135 cash all tax free.

Is pan-handling legal, I don't notice a problem with it downtown or at other Wal-Mart locations. All of these intersections have concrete mediums with sign post, why can't a sign be posted that states no loitering or something to that affect?

Thank you,

Mike Growcock
We recently got a notice from our cell phone provider in the City of Lincoln that we would now be charged for a 6% occupation tax. Where did this come from?????? Another tax ON TOP OF the sales tax???

We do NOT live in Lincoln, and only use a cell provider in the city because that's where the providers are! We are now paying about 25-30% in taxes and surcharges on cellular service and that is ridiculous.

-Judy
I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS

MAYOR
1. Link to view news conference via video on demand.
2. Mayor Beutler’s public schedule for the week of March 5, 2011 through March 11, 2011.

WEST HAYMARKET JOINT PUBLIC AGENCY
1. Notice of West Haymarket Joint Public Agency meeting on Thursday, March 10, 2011 with web link for agenda and attachments.

DIRECTORS

POLICE DEPARTMENT
1. Chief Casady’s response to Mike Growcock (Director’s Agenda, March 7, 2011; Correspondence from Citizens; No. 2) on the problem of panhandling in Lincoln.

PARKS AND RECREATION DEPARTMENT
1. Meeting agenda for Parks and Recreation Advisory Board, March 10, 2011, 4:00 p.m.

COUNCIL MEMBERS

JOHN SPATZ
1. Letter, with attachments, from Will Prout, Big John’s Billiards, Inc. requesting removal or repeal of the city smoking ban, superseded by the State smoking ban ruled unconstitutional by the Lancaster County Courts.

IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL
1. Email from Ace Financial Service Co., Paul Mike Grieger, advising he did not authorize the use of the trade name, “Haymarket Hotel”.

V. INVITATIONS
See invitation list.
See attached.

To view the news conference via video on demand, click here:


David Norris
Citizen Information Center
City of Lincoln
(402) 441-7547
Date: March 4, 2011
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Beutler’s Public Schedule
Week of March 5 through 11, 2011
Schedule subject to change

Saturday, March 5
• Statehood Day reception and dinner - 6 p.m., State Capitol Building (Rotunda and Great Hall)

Monday, March 7
• Mayor’s Award of Excellence - 3 p.m., Council Chambers, County-City Building, 555 S. 10th St.

Thursday, March 10
• West Haymarket Joint Public Agency (JPA) meeting - 9 a.m., County-City Building, Council Chambers
The West Haymarket Joint Public Agency will meet on Thursday March 10, 2011 at 9:00 A.M. in City Council Chambers.

The agenda and attachments are now posted at: http://lincoln.ne.gov/city/finance/account/jpa-mtgs.htm
Mr. Growcock:

Some of the City Council members asked me to send you a response regarding this problem.

Panhandling is not illegal in Lincoln, although it is regulated by Municipal Ordinances, which were crafted to comply with case decisions by U.S. Federal Courts, including the Supreme Courts. Among Lincoln's restrictions are these: it is unlawful under Municipal Code 9.20.080 to panhandle from the occupants of vehicles on public streets or alleys; and under Municipal Code 10.30.080 it is illegal for a person in the public right of way to solicit contributions.

The semi-professional panhandlers are often quite aware of this, and they usually will position themselves on private roadways just inside the property line and off the City right of way. They occasionally stray onto the public right of way, and we make lots of arrests for this violation. As an example, one individual who often panhandles near 27th and Ticonderoga has been arrested and jailed by seven different LPD officers on 41 separate occasions since January 1, 2010 for soliciting contributions in the public right of way.

While it is not illegal to panhandle on private property and private roadways, it could still constitute the offense of trespassing. Since these are places that invite public access, the law requires actual notice to the trespasser. A well-worded sign could work, but a direct message is even better. Thus, the owner/manager has to be willing to communicate with the panhandler, to the effect of "Get off my property." Shopping centers are sometimes reluctant to do this, for a couple of reasons: they don't want the hassle of having to talk to or deliver a letter to the panhandler; they don't want to offend their customers who support panhandlers; they do not want to post signs and appear to be insensitive to the itinerant and homeless; they don't want to run the risk of being summoned to court to testify; or some combination of the above. Thus, you will find panhandlers almost nationwide at the entrance/exit roads of big box retailers and shopping malls.

The places we have the most panhandlers are those where the private roads come right up to the property line, with little penetration into the parcel by a public street. At the retail complex at 87th and Highway 2, for example, we have less of this because 87th Street remains a public street for about 270 ft. into the complex north of Highway 2.

As you noted, this is apparently fairly lucrative to some of the panhandlers. The prospect of the occasional arrest, a night in jail, a $50 fine with credit for time already served is not always a deterrent, as the example above would demonstrate.

There is certainly no lack of effort on our part. I think the only way to more effectively ameliorate this is to convince the management at these locations to get tough with no trespassing policies, and be willing to do what it takes to ensure we can enforce that: signs, personal communication, hand delivery of letters. We can help (we would be happy to accompany a manager, or example, to deliver a verbal or written notice to get off and stay off the property), but the owner or manager of the property has to be willing to post signs or to make these direct communications. We haven't had much luck convincing them that this would be a good idea.

Regards,
Tom Casady
Chief of Police  
Lincoln Police Department  
575 South 10th Street  
Lincoln, NE 68508  
402.441.7237  
malto:tcasady@lincoln.ne.gov

-----original message------

Name: Mike Growcock  
Address: 5301 North 12th Street  
City: Lincoln, NE 68521  
Phone: 402-430-6167  
Fax:  
Email: mikegrowcock@gmail.com

Comment or Question:  
Dear Mr. Carroll,

I have a concern that has grown considerable over this past year. The problem is pan-handlers at the North 27th Street Wal-Mart location.

I have a home and two rental properties in North Lincoln and I work out of the Home Real Estate office at 27th and Fletcher. As such I am up and down North 27th Street numerous times a day and there are pan-handlers through out the day and into the night.

The pan-handlers camp out at the intersections of North 27th & Ticonderoga; North 27th & Northview; North 27th & Kensington; and Superior & Industrial Ave. What is frustrating to me is that all of these intersections are with in blocks of the City of Lincoln Police Department Sub-station in the Wells Fargo Bank at 27th & Superior.

My concern is that it is not only uncomfortable being stopped at any one of these intersections for a red light it is also potentially dangerous.

I have witness not only confrontations between the pan-handlers and drivers but also between pan-handlers fighting over their "turf".

I have called the police non-emergency number once to report this problem when I was confronted by a pan-handler. I was trying to mind my own business waiting for the light to change when the pan-handler approached my vehicle.

When I would not roll down my window the pan-handler took his card board sign which read some thing to the effect of "homeless please help God bless" and flipped the sign over which said "your shit stinks too".

A few days later I was at the McDonalds at North 27th Street & Ticonderoga and saw this man with one of his fellow pan-handlers counting their haul for the day which was $135 cash all tax free.

Is pan-handling legal, I don't notice a problem with it downtown or at other Wal-Mart locations. All of these intersections have concrete mediums with sign post, why can't a sign be posted that states no loitering or something to that affect?

Thank you,  
Mike Growcock
NOTICE OF ADVISORY BOARD MEETING

TO: Parks and Recreation Advisory Board, Mayor, City Council, City Clerk, Media
FROM: Lynn Johnson, Director, Lincoln Parks & Recreation Department
MEETING DATE: March 10, 2011
LOCATION: Room 113 - County-City Building
TIME: 4:00 - 5:30 p.m.
CHAIRMAN: Joe Tidball

AGENDA

1. Call to Order

2. Recognition of 'Open Meetings Act'

3. Approval of Minutes: * February 10, 2011, meeting

4. Comments from the Public for Items not Listed on the Agenda

5. Committee Reports
   A. Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224
      - * Recommendation regarding fee schedule for special use permits and permits to conduct business activities
      - * Recommendation regarding guidelines for co-sponsoring of events by the Parks & Recreation Department
   B. Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131
   C. Golf Report
   D. Executive Committee - Joe Tidball (Chair) - 424-0061

7. Staff Report:
   - Summary of Open House on Feb. 17th re: miniature golf course proposal at ECCO Park

Please note: a possible addition to the agenda regarding a recommendation on naming of a facility is pending.

8. Announcements:

MINUTES AND FACT SHEETS WILL BE E-MAILED TO YOU ON MONDAY .........

* Denotes Action Items
March 1, 2011

John Spatz, Chair
Lincoln City Council
555 So. 10th Street
Lincoln, NE 68508

Councilman John Spatz:

The Nebraska courts have ruled that the Lincoln, Omaha & State smoking bans are unconstitutional. Back in November of 2004, Big John’s was asking the City Council for an exemption from the Lincoln smoke-free ordinance because the pool hall was a "Smoker Only Pool Hall". Members of the City Council voted to change the operating policies of this business forcing Big John’s Billiards to be a smoke-free pool hall, knowing that the ordinance would close this family business.

Big John’s Billiards in April 2005 could not afford to pay rent and defaulted on the third 10-year lease on the facility that was built in 1984, to operate as a pool hall. Six years after passage of the unconstitutional smoking ban, City ordinance (18396), the business is gone, the protected employees are gone, the building is vacant and a great financial loss has been inflicted upon the owners.

Two of the current members of the council received original copies of the enclosed 2004 letters asking for an exemption for a smoker’s only business. Maybe they could answer the question: Does the employee serving drinks on the outdoor patio at Brewsky’s or the employee working in a smoking room at the hotel deserve less protection from “the hazards of smoke” than the employee at Big John’s Billiards that complied with the smoking ban.

Please remove or repeal the unconstitutional city smoking ban, that is superseded by the State smoking ban that was ruled unconstitutional by the Lancaster County Courts.

Thank You,

Will Prout, Owner
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TOTAL REVENUE - REPORTED ON SALES TAX FROM - PER MO/ LINCOLN

SMOKING BAN PASTED NOVEMBER 1, 2004 - ENFORCEMENT STARTED JANUARY 1, 2005

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December 3, 2003

Terry Werner  
City of Lincoln  
City Council Office  
555 S. 10th Street  
Lincoln, NE 68508

Dear Councilman Werner:

Big John's Billiards is a Pool Room. People come to Big John's to play the game of pool, drink alcohol and smoke cigarettes. Big John's Billiards has been a successful Pool Room for over 20 years, giving Lincoln residents a First Class Billiard Center. Big John's is a 13,000 square foot building with no interior walls and 18 foot high ceilings. Big John's was designed to provide comfort to the pool player by removing the smoke from the air. Six large electronic smoke Eaters hang from the ceiling and are cleaned every week.

Big John's is a "smoking room" with pool tables and can not comply with a smoke-free building ordinance. Big John's employees would be at risk trying to keep a pool player from lighting up, putting their cigarettes on the pool tables and stomping it out on the carpet. No, the players will not leave the pool table and go to an enclosed room to have a smoke. Big John's employees could not control a no-smoking ban at the pool tables and the business could not survive financially only catering to players who do not smoke cigarettes.

The City Council should create a new city license for businesses with pool tables. The "Pool Room License" would cost $1,000.00 and must be renewed in January each year. The "Pool Room License" would allow smoking in the entire building and require the business to place a sign on the front door warning non-smokers not to enter, if seeing someone smoking will offend them. If you don't like the smell of the air in our building, please go someplace else.

Any business or bar that would like to cater to smokers could purchase a "Pool Room License" and pay the City of Lincoln $1,000.00. Plus, have all employees sign a wavier stating they may encounter 2nd hand smoke.

Sincerely,

Will Prout
November 22, 2004

Terry Werner
City of Lincoln
City Council Office
555 S. 10th Street
Lincoln, NE 68508

Dear Councilman Werner:

A year ago I wrote you a letter asking about the possibilities of the city council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment. Big John's is a pool hall and pool players smoke while waiting for their turn to shoot the balls. Big John's Billiards operates in a 13,000 square foot building that was designed 21 years ago to rid the pool hall of smoke. Big John's does not have a smoke problem.

Big John's cannot survive as a "Non-Smoking Pool Hall". I would rather have Big John's Billiards be a business that caters to people who smoke and enjoy a "Smokers Only Pool Hall". Lettering on the entrance of the business can warn Non-Smokers to enter at their own risk, it's their choice.

Big John's Billiards for more than 21 years has been a good entertainment business for thousands of Lincoln citizens that enjoy playing pool. Granting a License for a business to allow smoking will make the city more money. A smoking license will keep Big John's Billiards operating as a successful First Class Billiard Center that has provided over $613,000.00 in expenses to employees, local vendors and taxes, this year. Big John's Billiards is an asset to the City of Lincoln. Please don't put us out of business because someone's smoking in the pool hall.

Please let me know what you can do to help me keep my business operating in the City of Lincoln.

Sincerely,

Will Prout
WARNING

"SMOKERS ONLY POOL HALL"

THE AIR IN THIS BUILDING MAY BE HAZARDOUS TO YOUR HEALTH

NON-SMOKERS ENTER AT YOUR OWN RISK
IT'S YOUR CHOICE

CIGARETTE SMOKE CLEANED ELECTRONICALLY
NOTE

TO: WILL PROTUT
Big John's Billiards, Inc.
9819 "M" Street
Omaha, NE 68127

FROM: TERRY WERNER
CITY COUNCIL

DATE: NOVEMBER 29, 2004

RE: YOUR CONCERNS REGARDING THE NEW SMOKING BAN

Dear Will Prout: Attached is a copy of the Request for Information which I have forwarded to our City Law Department for a response to your letter. That Department will be responding directly to you with answers to your concerns. The Council Office will also receive copies of the response. If you have any questions regarding this process, please do not hesitate to call us at 441-7515.

cc: T Werner
File
December 13, 2004

Will Prount
Big John’s Billiards, Inc.
9819 “M” St.
Omaha, Ne 68127

Dear Mr. Prount:

I have been asked by Councilperson Werner to respond to your November 22nd letter. I understand you are attempting to establish a business that only caters to smokers and to allow smoking anywhere inside your facility. As you may be aware, the voters of the City of Lincoln have adopted an ordinance to regulate smoking within the City of Lincoln, codified as Lincoln Municipal Code Chapter 8.50.

The purpose of this ordinance is to protect workers and the public from exposure to secondhand smoke. Exposure to secondhand smoke is a documented health hazard resulting in more than 50,000 deaths per year making it the third most common cause of preventable death. It is linked to heart disease, many cancers, asthma, emphysema and other respiratory diseases, ear infections and respiratory diseases in children, Sudden Infant Death Syndrome, and a variety of other health conditions. Prohibiting smoking in indoor environments is an effective public health policy to lessen or prevent disease, to help smokers reduce or quit smoking, and to keep youth from starting to use tobacco. (Lincoln-Lancaster County Health Department’s Frequently Asked Questions).

The ordinance as passed is a legal measure to eliminate the exposure of smoke in all places of employment and public places. As you are aware, smoking in places of employment and public places has been regulated by the Nebraska Clean Indoor Act (Act) since 1979. This Act required business such as yours who provides food to have separate smoking and nonsmoking areas. Lincoln Municipal Code Chapter 8.50 extends the regulation of smoking by preventing smoking in indoor areas of places of employment and public places, eliminating the need for separate areas. Your idea to create smoking license would be inconsistent with the purpose and intent of the ordinance and illegal under the Clean Indoor Air Act. The effect of such a license would cause more exposure to smoking and harm to your employees. Allowing smoking inside Big John’s Billiard would be a violation of LMC Chapter 8.50.

I hope this information is helpful in furthering your understanding of the Lincoln Municipal Code 8.50. Please feel free to contact the Lincoln-Lancaster County Health Department or visit the City of Lincoln’s website at www.ci.lincoln.ne.us for further information to assist you in implementing a smoke-free place of employment and public place.

Sincerely,

Tonya Skinner
Assistant City Attorney
November 26, 2004

Equal Opportunity Commission
P.O. Box 94934
Lincoln, NE 68509-4934

Dear Commissioner:

I opened my business Big John’s Billiards in Lincoln Nebraska in 1984. My 13,000 square foot building was designed to have 30 pool tables and eliminate the smoke from the interior of the building. My building is a Pool Hall and 80% of my customers smoke cigarettes. It has been that way for over 20 years. (Maybe even hundreds of years)

As a business owner and a non-smoker I have supported my family, my employees, and the community by catering to people who smoke cigarettes and play the game of pool. I have been a good employer and never discriminated against any employee or customer.

I now have found myself being forced to operate a non-smoking pool hall in Lincoln. The Lincoln City Council is telling me to change the way I operate my business and eliminate 80% of my customers. The no-smoking ordinance will eliminate enough revenue to close the doors on my beautiful Billiard Center.

I am hoping that the Lincoln City Council will create a “Smoking License” or “Grandfather Clause” to help me protect my business and my million-dollar investment from being voted out of business by Non-Smokers.

My question to the Equal Opportunity Commission is: As an employer I would like to operate my business for smokers only. I want all my employees to be people who smoke cigarettes. The problem with second-hand smoke is not an issue for people who smoke. “Bartender needed (non-smokers need not apply).” Is this discrimination?

Sincerely,

Will Prout
Will Prout  
Big John's Billiards, Inc.  
9819 M St.  
Omaha, NE 68127

RE: Advertisement

Dear Mr. Prout:

Your letter to the Commission dated November 26, 2004, has been assigned to me for response. Please be advised the only bases covered under employment discrimination law are age, race, color, religion, sex, national origin, disability, pregnancy and related conditions, and retaliation. Also, the issue of smoking or non-smoking would not be a covered basis under any other discrimination law.

Copies of the employment discrimination statutes, the public accommodations statute, and related brochures have been enclosed for your review. As the Commission is unable to provide legal advice, it is recommended any further questions you might have about your concern be referred to an attorney.

On behalf of the Commission,

Mary F. Hutson  
EOC Investigator II
February 10, 2004

Will Prout  
Big John’s Billiards  
9819 M Street  
Omaha, NE 68127  

Dear Mr. Prout:

Thank you for your letter regarding Legislative Bills 480 and 730.

I introduced LB 480 because I believe that exposing employees and the public, especially children and young adults, to secondhand smoke is a serious public health issue. However, as introduced, it would continue to allow smoking in bars (bars are defined as “an establishment that serves alcoholic beverages, may provide limited food service, and prohibits the presence of minors).  

Regarding LB 730, I am opposed to this measure because I believe that local governments and the citizens of those entities should have the right to enact stricter local ordinances. The people of Lincoln voted to enact a total smoking ban in public places after considerable debate before the City Council and prior to the election. In your letter, you state that “This can’t be the view of democracy in Nebraska.” However, one definition of democracy is “Government by the people, exercised either directly or through elected representatives.” I support the right of the people to enact ordinances.

Thank you for contacting me.

Sincerely,

Nancy Thompson  
District 14
Please be advised that I did not authorize the use of our trade name. "HAYMARKET HOTEL".

Ace Financial Service Co.
Lincoln, Ne 68502.
MINUTES
DIRECTORS’ MEETING
MONDAY, MARCH 7, 2011

Present: Jon Spatz, Chair; Gene Carroll, Vice Chair; Jon Camp; Jonathan Cook; Doug Emery; Adam Hornung; and Jayne Snyder

Others: Joan Ross, City Clerk; Rod Confer, City Attorney; Rick Hoppe, Chief of Staff; Trish Owen, Deputy Chief of Staff; Niles Ford, Fire Chief; and Lynn Johnson, Parks and Recreation Director

Chair Spatz opened the meeting at 2:00 p.m. and announced the location of the Open Meetings Act.

I. CITY CLERK
Ross stated on Item #10, under Public Liquor Resolutions, we do not have a manager application, as he withdrew. We went forward with the application because of the 45 day limit, approximately on the 10th or 11th. The investigative officer suggests recommending denial to the Commission, until they have a manager. The owner will attend the meeting. Cook asked if the owner knows of our recommendation? Ross has spoken to him and to their attorney.

Ross continued saying Items #11 and #12 will be called together and on Item #24 there was a Motion to Amend No. 1.

II. MAYOR
1. NEWS RELEASE. City garages offer $3 all-day parking for tourneys.
2. NEWS ADVISORY. Mayor Beutler, UNL, and Lincoln Electric will hold a news conference on Thursday, March 3rd, at the Whittier Building, 2200 Vine Street, to discuss two energy technology projects.
3. NEWS RELEASE. City partners with LES and UNL to test energy technologies.
4. NEWS RELEASE. Lincoln named a top 15 city for transit innovation.
5. NEWS RELEASE. Mayor urges defeat of bill to divert trust funds.

No comments.

RICK HOPPE, CHIEF OF STAFF
Hoppe stated last week’s release of data brought up a redistricting question involving City Council seats. First, the Legislature will re-divide their districts. Once done we have 6 months to complete our work. During this time we should meet with Planning, and discussing in the early fall, probably in September.

Hoppe stated Council will recall, we have a contract with Active Network, who will engage in some municipal marketing strategies. The organization President, and others, are coming to town on March 25th at 10:00 a.m. Would like a Council member, myself, and other city personnel to meet with the President to talk through the public portion strategy. Will have a Blue Sky Session, where city employees give ideas for marketing items which may make the city money to help reduce our budget deficit. Want to discuss public items to involve private citizens in discussions to understand what community standards we want observed in the process. Can discuss at the Organizational Meeting on who would like to attend from Council.

Hoppe stated Council has received the EMS Oversight Review Committee final draft, with recommendations. Ordinances and agreements are drafted and being reviewed by some committee members. We want the Committee on board in the final report, and will distribute for Council review before reducing.
WEST HAYMARKET JOINT PUBLIC AGENCY
1. The West Haymarket Joint Public Agency has been rescheduled to Thursday, March 10, 2011, 9:00 a.m. at 555 S. 10th Street, Room 303.
   No comments.

III. DIRECTORS

FINANCE/BUDGET
1. Sales tax reports for February reflecting December activity:
   a) Actual Compared to Projected Sales Tax Collections;
   b) Gross Sales Tax Collections (with refunds added back in) 2005-2006 through 2010-2011;
   c) Sales Tax Refunds 2005-2006 through 2010-2011; and
   No comments.

FINANCE/TREASURER
   No comments.

FIRE DEPARTMENT
Chief Ford stated 18 firefighters were checked, including blood tests, etc., and observed over a period of hours, and all did very well.

   He commented with the exception of some gear being replaced and refurbished the department is doing well. Cook asked with gear replacement is the business asked to reimburse part of the bill? Ford replied from his knowledge of this type of incident more often than not it is billed back to the organization of the call.

CITY LIBRARIES
1. Lincoln Libraries and local therapy dog organization, Healing Heart Therapy Dogs, are partnering to provide children the opportunity to practice reading skills by reading to a dog. Schedule included.
   No comments.

PARKS AND RECREATION DEPARTMENT
Johnson stated the Parks and Recreation Department received two awards. The Preservation Association of Lincoln held their Awards Ceremony and recognized both the relocation of the Hudson Cabin and the Heritage School at the Pioneers Park Nature Center as an award for stewardship. The Clark Enersen Partners presented the Great Plains Chapter of the American Society of Landscape Architects award, and we received the highest, the Award of Excellence for Sunken Gardens.

PLANNING DEPARTMENT
1. Administrative Approval of Administrative Amendment No. 11004 by the Planning Director.
   No comments.

PUBLIC WORKS & UTILITIES/ENGINEERING
1. ADVISORY. Antelope Valley construction project. North/South Road, K - P Streets. Project Number: 880109.
   No comments.
URBAN DEVELOPMENT/ HOUSING REHAB & REAL ESTATE
1. Street and Alley Vacation No. 11001. NW Highlands Circle east of NW 1st Street.
   No comments.

IV. COUNCIL MEMBERS

JON CAMP
1. Letter to Mayor Beutler suggesting options for the City Retirement plans.
   No comments.

DOUG EMERY
1. Letter from Don Tilley regarding proposed miniature golf court requirements.
   No comments.

V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS
1. InterLinc correspondence from Mike Growcock regarding panhandlers at the North 27th Street Wal-Mart location.
2. Email from Judy Montgomery asking where did the 6% occupation tax come from on cell phones.
   No comments.

VII. COUNCIL MEMBERS

Hornung   requested an update of the building which burned on O Street and the progress in reopening O street.
Snyder    no comments.
Carroll   no comments.
Spatz     thanked Chief Casady for his response to a constituent’s email on panhandling. Very detailed.
Emery     no comments.
Cook      no comments.

VII. ADJOURNMENT
Chair Spatz adjourned the meeting at 2:08 p.m.