I. CITY CLERK

II. MAYOR
1. City of Lincoln Executive Order regarding accepting gifts.
2. City of Lincoln Executive Order providing for early Mayoral review of certain categories of multi-year City contracts.
3. City of Lincoln Executive Order providing for early Mayoral review and approval of certain categories of City applications for grants.

WEST HAYMARKET JOINT PUBLIC AGENCY
1. The West Haymarket Joint Public Agency will meet on Wednesday, October 26, 2011. To access the agenda and attachments go to: http://lincoln.ne.gov/city/finance/account/jpa-mtgs.htm

III. DIRECTORS

FINANCE/BUDGET
1. October sales tax reports reflecting August activity:
   a) Actual Compared to Projected Sales Tax Collections;
   b) Gross Sales Tax Collections (With Refunds Added Back In) 2007-2008 through 2011-2012;
   c) Sales Tax Refunds 2007-2008 Through 2011-2012; and

HEALTH DEPARTMENT
1. NEWS RELEASE. Cleanest High School competition begins second year.

PLANNING COMMISSION
2. Final action by Planning Commission, October 19, 2011.

PLANNING DEPARTMENT
1. Letter from Brian Gorman in opposition to rezoning certain property and changing the 20 acre rule in AG. (Letter distributed to all Council Members before the City Council/County Board Joint Public Hearing on the 2040 Comprehensive Plan on Tuesday, October 18th)
2. Administrative Amendments approved by the Planning Director from October 11, 2011 through October 17, 2011.
3. Letter from Nicole Jensen, Realtors® Association of Lincoln, in support of the proposal to remove the 20 acre parcel size requirements from the LPlan 2040 in areas under County jurisdiction. (Letter distributed to all Council Members before the City Council/County Board Joint Public Hearing on the 2040 Comprehensive Plan on Tuesday, October 18th)
4. Memo from Marvin Krout, Planning Director, with maps demonstrating three options for the new City Council districts.
5. Capital Improvement Program (CIP) 2011/12 - 2016/17 Final Edition. To access the CIP electronically, see page 2.

IV. COUNCIL MEMBERS
V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS
1. Email from Marty Minchow listing reasons not to change the 20 acre rule and also questions regarding the proposed change. (Email distributed to all Council Members before the City Council/County Board Joint Public Hearing on the 2040 Comprehensive Plan on Tuesday, October 18th)
2. Reply concerning Donald Glaser from Steve Beal, Animal Control Manager, regarding correspondence listed on the Directors Addendum, #2 under Citizen Correspondence, October 17, 2011 from Mr. Glaser.
3. Letter from Zion Koch with concerns of neighborhood swimming pools being closed next year.

VII. ADJOURNMENT
BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

I hereby accept and approve on behalf of the City, the attached Administrative Regulation No. 33 establishing clear, understandable and workable standards to prevent conflicts of interest which might interfere with the performance of public responsibilities in the event that City employees were to accept gifts from those with whom the City does business or others who may be affected by City operations.

The City Clerk is directed to forward one fully executed copy of this Executive Order and Administrative Regulation No. 33 to all City Directors.

Dated this 10th day of October, 2011.

Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:

City Attorney
PURPOSE:

To further the cause of good government, ensure the confidence of City residents in the loyalty and integrity of their public servants and to provide the City of Lincoln workforce with certainty and guidance in the performance of their duties by providing clear, understandable and workable standards to prevent conflicts of interest which might interfere with the performance of public responsibilities in the event that City employees were to accept gifts from those with whom the City does business or others who may be affected by City operations.

POLICY:

City Employees are prohibited from knowingly soliciting or accepting gifts, or knowingly permitting their immediate family members or members of their households to do so, from persons and under circumstances described in this Regulation.

RATIONALE AND BACKGROUND FOR THIS REGULATION:

All City of Lincoln Employees are expected to perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the City. As an organization entrusted with public funds, the City of Lincoln is obligated to ensure the protection and appropriate use of all its resources and assets. As some of the Lincoln's most valuable and important assets, City employees therefore are expected to demonstrate the highest standards of ethical behavior and to avoid even the appearance of impropriety. As a general rule, the acceptance of even customary business amenities should be avoided. However, it is recognized that this type of hospitality may be acceptable within strict limits.

The Nebraska Political Accountability and Disclosure Act prohibits bribery, by providing that city employees may not solicit or accept anything of value, including a gift, based on an agreement that their official actions or judgment would be influenced thereby. Neb. Rev. Stat. § 49-14,101. Employees are subject to criminal penalties for violation of these provisions.

The Lincoln Municipal Code also prohibits City employees from using their official positions to obtain financial gain other than their authorized compensation and provides that they may be subject to disciplinary action, including dismissal for seeking or accepting gifts that may be given by anyone in the hope or expectation of influencing them or receiving a favor or better treatment than the employee provides to others in the exercise of official duties. L.M.C. §§ 2.54.025 (a) and (b); 2.54.050(c); 2.76.445 (m).

Executive Order 28781, dated January 6, 1985 formerly contained restrictions on the acceptance of gifts by officials or employees. In order to strengthen, clarify and update City of Lincoln policies strictly limiting gifts to its employees, Executive Order 28781 was repealed February 1, 2011, by Executive Order 83783, which promulgated the substantive provisions and policies contained herein. Executive Order 83783 is hereby replaced and superseded by this Administrative Regulation that incorporates and restates the provisions of the executive order without substantive change.
Current requirements of state and local law and administrative policy, while instructive and helpful, are subjective and may be open to interpretation or subject to evasion. To further the cause of good government, ensure the confidence of City residents in the loyalty and integrity of their public servants and to provide the City of Lincoln workforce with certainty and guidance in the performance of their duties, clear, understandable and workable standards should be provided to prevent conflicts of interest which might interfere with the performance of public responsibilities. This Administrative Regulation is issued to achieve those ends.

PROCEDURE:

1. **Gift policy.** It is hereby declared to be the policy of the City of Lincoln that no employee shall knowingly solicit or accept gifts or knowingly permit an immediate family member or member of his or her household to solicit or accept gifts from any person who:

   (a) Has or is seeking to obtain any contractual or other business or financial relationship with the employee's department; or

   (b) Conducts operations or activities which are regulated by the employee's department; or

   (c) Has interests which may be substantially affected by the employee's performance or nonperformance of official duty.

2. **Violation.** Any employee violating this policy shall be subject to disciplinary action, including reprimand, disciplinary probation, suspension, demotion, or dismissal, in accordance with procedures set forth in the Lincoln Municipal Code. Disciplinary action shall not affect whether an employee may also be subject to criminal prosecution or civil remedies.

3. **Departmental Policies.** Any department of the City may adopt a gift policy which is more restrictive than this policy, provided the department's policy is first approved by the Mayor and the City Law Department.

4. **Definitions.** The following definitions shall be used in interpreting this policy:

   **EMPLOYEE:** Any person employed or retained by the City of Lincoln for compensation, including temporary or probationary employees, whether part-time or full-time, but excluding any independent contractor.

   **GIFT:** Any payment, subscription, advance, loan, forbearance, the reimbursement of or waiving of regular fees or costs, or the rendering or deposit of money, services, or any thing of value, unless consideration of equal or greater value is received therefor.

   **Exceptions to the definition of "GIFT":**

   The definition of gift shall not include: (a) a campaign contribution otherwise reported as required by law; (b) a commercially reasonable loan made in the ordinary course of business; (c) a gift received from a relative, the relative of an immediate family member or a member of the employee's household; (d) a gift received from a co-worker; (e) a breakfast, lunch, dinner, or other food or beverage provided for immediate
consumption; (f) ceremonial gifts or awards of insignificant monetary value; (g) a donation to the City or a department or division of the City that is accepted by an employee in his or her official capacity if such gift is identified forthwith in writing to the Mayor, who shall direct use of the gift by an executive order to be maintained as an official record of the City by the City Clerk; (h) a gift with a value not exceeding fifty dollars ($50.00), accepted by the employee with the intent of re-donating it to a charitable or eleemosynary organization, which the employee re-donates to such organization within thirty (30) days, and for which the employee does not claim a charitable tax deduction; (i) free or reduced admission to an event attended or in which the employee participates as part of his or her official duty, as assigned by or necessarily included within the employee's position description or customary duties and functions, or as directed by the employee's superior or supervisor; or (j) flowers, plants, food or like items given to an employee or their immediate family member as an expression of sympathy, good wishes or concern because of an illness, death or similar situation.

IMMEDIATE FAMILY: A spouse, child, parent or individual claimed as a dependent for federal income tax purposes by an employee or the employee's spouse.

MEMBER OF THE EMPLOYEE'S HOUSEHOLD: A person residing in the employee's household other than as a rent-paying tenant.

PERSON: A business, individual, legal entity, organization or group of persons acting jointly.

RELATIVE: Any person related by blood or marriage to and including the third degree of consanguinity (i.e., aunt or uncle, niece or nephew, great-grandparent and great-grandchild), including a foster parent, foster child, stepparent, stepchild, adopted child, and adopted parent, or a spouse of any such relative.

The foregoing Administrative Regulation, incorporating and superseding Executive Order No. 83783, dated February 1, 2011 is hereby APPROVED.

Administrative Aide to the Mayor

Chris Beutler, Mayor of Lincoln
BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

I hereby accept and approve on behalf of the City, the attached Administrative Regulation No. 32 providing for early Mayoral review of certain categories of multi-year City contracts in order to fully advise the Mayor concerning City finances, responsibilities and affairs, including obligations arising from City contracts.

The City Clerk is directed to forward one fully executed copy of this Executive Order and Administrative Regulation No. 32 to all City Directors.

Dated this 10th day of October, 2011.

Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:

Rod Confer
City Attorney
PURPOSE:

To fully advise the Mayor concerning City finances, responsibilities and affairs, including obligations arising from City contracts, by providing for early Mayoral review of certain categories of multi-year City contracts.

POLICY:

All departments and employees within the executive branch shall submit any contract or agreement meeting one or more criteria described in this Regulation to the Mayor for review before it is presented to the City Council for approval by resolution or ordinance.

PROCEDURE:

A. Contracts or agreements meeting one or more of the following descriptions shall be submitted to the Mayor for review before their presentation to the City Council for approval by resolution or ordinance:

1. Contracts or agreements which involve matters that the department determines may be sensitive or potentially controversial or which may require important policy decisions.

2. Contracts or agreements that incur or which potentially involve expenditures of $25,000 or more, or multi-year contracts in which the average annual expenditure will exceed $25,000;

3. Contracts or agreements of any amount that extend beyond four years, including renewals.

4. Contracts or agreements that incur or which potentially involve commitments of City resources other than money that the department determines may be extensive or burdensome.

B. For purposes of this executive order, contracts or agreements under which the City receives funds need not be submitted to the Mayor for prior review unless they fall into one of the enumerated categories above.
ADMINISTRATION:

Contracts or agreements shall be submitted for Mayoral review and approval using the form attached as Exhibit "A" to this Administrative Regulation.

The foregoing Administrative Regulation is hereby APPROVED.

______________________________  ______________________________
Administrative Aide to the Mayor  Chris Beutler, Mayor of Lincoln
# Routing Slip Sign-Off

**Procedure for Processing Purchasing Vendor Contracts Request of Mayor Beutler**

<table>
<thead>
<tr>
<th>TRACKING</th>
<th>DATE LEFT DEPARTMENT</th>
<th>CHECK OFF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purchasing Bid Name:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Purchasing Bid No:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. <strong>Purchasing/Relevant Department:</strong>&lt;br&gt;Delivers Contract(s) to Jamie in Finance</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Finance:</strong>&lt;br&gt;Jamie obtains signature and delivers contract(s) to mayor</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Mayor:</strong>&lt;br&gt;Mayor reviews to advance to Council Agenda and delivers to City Clerk</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>4. <strong>City Clerk:</strong>&lt;br&gt;Assigns Bill No. for Council Agenda</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>5. <strong>After Council Action:</strong>&lt;br&gt;Delivers back to Mayor in the Wednesday Council Packet</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>6. <strong>Mayor:</strong>&lt;br&gt;Delivers packet back to City Clerk</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
<tr>
<td>7. <strong>City Clerk:</strong>&lt;br&gt;Return copy(s) back to Purchasing</td>
<td>Date Left Dept.:</td>
<td></td>
</tr>
</tbody>
</table>
CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER

EXECUTIVE ORDER

NO. 33457

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

I hereby accept and approve on behalf of the City, the attached Administrative Regulation No. 31 providing for early Mayoral review and approval of certain categories of City applications for grants in order to fully advise the Mayor concerning City finances, responsibilities and affairs, including any obligations that may be associated with acceptance of state, federal or other grants.

The City Clerk is directed to forward one fully executed copy of this Executive Order and Administrative Regulation No. 31 to all City Directors.

Dated this 10th day of October, 2011.

Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:

City Attorney
PURPOSE:

To fully advise the Mayor concerning City finances, responsibilities and affairs, including any obligations that may be associated with acceptance of state, federal or other grants, by providing for early Mayoral review and approval of certain categories of City applications for grants.

POLICY:

All departments and employees within the executive branch shall present any grant application or agreement meeting one or more criteria described in this Regulation to the Mayor for review and approval either before or within five days after such grant application has been submitted to the granting authority.

PROCEDURE:

A. Grant applications or agreements meeting one or more of the following descriptions shall be presented to the Mayor for review and approval either before or within five days after such grant application has been submitted to the granting authority:

1. Grants that require or which may potentially require the City to incur financial obligations involving $25,000 or more annually. For purposes of calculating the amount of the City’s financial obligation under this subparagraph, expenditure of City employee time and other in-kind contributions shall not be considered unless they would require overtime, additional staffing or an extraordinary or unreasonably burdensome investment of employee time.

2. Grants that require or which may potentially require the City to incur financial obligations of any amount if such obligations extend beyond a four year period.

3. Grants that require or which may potentially require the City to incur extensive or burdensome commitments of City resources or additional staffing requirements.

4. Grants which involve sensitive or potentially controversial matters, or require important policy decisions.

5. Grants for which council approval is required before the application is submitted.
B. **Exception:**

Notwithstanding the foregoing, this Administrative Regulation does not require an application for renewal or continuance of an existing grant to be submitted for review unless it will result in significant new or additional financial obligations, staffing requirements, or other commitment of City resources.

**ADMINISTRATION:**

Grants shall be submitted for Mayoral review and approval using the form attached as Exhibit "A" to this Administrative Regulation.

The foregoing Administrative Regulation is hereby APPROVED.

Administrative Aide to the Mayor

Chris Beutler, Mayor of Lincoln
GRANT PROPOSAL
MAYORAL APPROVAL TO PROCEED

DEPARTMENT __________________________
DATE SUBMITTED ______________________

DIRECTIONS:
- AR #31 outlines when this form must be utilized.
- The form must be submitted either before a grant application is submitted to the grantor agency or within five days thereafter. A copy of the grant application/agreement should also be submitted.
- Please submit the form and grant application/agreement to Denise Pearce via e-mail (dpearce@lincoln.ne.gov).
- The completed form must be approved by the relevant Department Director. If more than one Department is directly involved in the grant, please secure the approval of each Director.
- Please note that the City Grants Administrator (402.441.8272) is available to assist you in writing a successful grant proposal.

Funding Source _____________________________________________________________

Funding Source Priorities

Range of Funding Available:
Maximum Award $________ Minimum Award $________ Average Award: $________

Required Match $________ (or percentage) _______% (or dollar-for-dollar) _______

In-kind ______ (e.g., staff time, volunteers, space) Cash______ Both In-kind & Cash____

How much are you applying for? $______________

Due Date for Proposal Submission _________________________________

Is a Letter of Intent required? Yes____ No____ If Yes, Date due ______________________

Will this grant agreement include any unique conditions that could trigger a repayment of all or a portion of the granted monies? If so, please describe (attach separate sheet if necessary):

________________________________________________________________________

Will this grant agreement create any ongoing commitment of City resources beyond the term of the grant itself? If so, please describe (attach separate sheet if necessary):

________________________________________________________________________

Please attach a summary (no more than one page) describing the project, outlining why the project is needed, and listing the project partners and their respective contributions.

Staff Contact: __________________________ Date ______________________
(Please identify who should be contacted if the Mayor has any questions regarding this grant.)

Department Director
Decline ______ Approve ______ __________________________ Date ______________
Decline ______ Approve ______ __________________________ Date ______________
Decline ______ Approve ______ __________________________ Date ______________

Mayor's Signature ______________________ Date ______________________
Subject: West Haymarket JPA Meeting October 26, 2011

The West Haymarket Joint Public Agency will meet on Wednesday, October 26, 2011 at 3:30 P.M. in the Council Chambers Room 112.

The agenda and attachments are now posted at:  [http://lincoln.ne.gov/city/finance/account/jpa-mtgs.htm](http://lincoln.ne.gov/city/finance/account/jpa-mtgs.htm)
### Actual Compared to Projected Sales Tax Collections

<table>
<thead>
<tr>
<th></th>
<th>2011-12 PROJECTED</th>
<th>2011-12 ACTUAL</th>
<th>VARIANCE FROM PROJECTED</th>
<th>$ CHANGE</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$4,803,859</td>
<td>$4,542,250</td>
<td>($261,609)</td>
<td>($225,064)</td>
<td>-4.72%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$4,991,555</td>
<td>$5,127,466</td>
<td>$135,911</td>
<td>$261,620</td>
<td>5.38%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$4,997,421</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$4,686,548</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JANUARY</td>
<td>$4,751,069</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$6,012,155</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARCH</td>
<td>$4,434,331</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>$4,252,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>$4,956,362</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>$4,792,128</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>$4,833,186</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>$5,144,060</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$58,655,174</td>
<td>$9,669,716</td>
<td>($125,698)</td>
<td>$36,555</td>
<td>0.38%</td>
</tr>
</tbody>
</table>

Actual collections for the fiscal year to date are 1.283% below projections for the year.
<table>
<thead>
<tr>
<th>Month</th>
<th>Actual 2007-2008</th>
<th>Actual 2008-2009</th>
<th>Actual 2009-2010</th>
<th>Actual 2010-2011</th>
<th>% CHG. FR. PRIOR YEAR</th>
<th>Actual 2011-12</th>
<th>% CHG. FR. PRIOR YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>$4,612,020</td>
<td>$4,812,555</td>
<td>$4,703,478</td>
<td>$4,822,814</td>
<td>2.54%</td>
<td>$4,805,254</td>
<td>-0.36%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$5,052,950</td>
<td>$4,845,000</td>
<td>$4,687,315</td>
<td>$4,987,584</td>
<td>6.41%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$4,818,715</td>
<td>$4,937,998</td>
<td>$4,922,939</td>
<td>$4,938,240</td>
<td>0.31%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$4,753,456</td>
<td>$4,545,947</td>
<td>$4,502,684</td>
<td>$4,708,180</td>
<td>4.56%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>$4,617,097</td>
<td>$4,465,270</td>
<td>$4,354,458</td>
<td>$4,777,606</td>
<td>9.72%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$5,596,617</td>
<td>$5,775,594</td>
<td>$5,426,478</td>
<td>$5,920,886</td>
<td>9.11%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>MARCH</td>
<td>$4,421,405</td>
<td>$4,258,773</td>
<td>$4,226,466</td>
<td>$4,418,795</td>
<td>4.55%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>APRIL</td>
<td>$4,227,476</td>
<td>$4,119,617</td>
<td>$4,294,043</td>
<td>$4,421,797</td>
<td>2.98%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>MAY</td>
<td>$4,753,366</td>
<td>$4,744,089</td>
<td>$5,186,573</td>
<td>$5,374,035</td>
<td>3.61%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>JUNE</td>
<td>$4,859,251</td>
<td>$4,624,054</td>
<td>$4,662,293</td>
<td>$4,995,388</td>
<td>7.14%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>JULY</td>
<td>$4,983,976</td>
<td>$4,501,197</td>
<td>$4,567,893</td>
<td>$4,865,530</td>
<td>6.52%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>AUGUST</td>
<td>$5,026,702</td>
<td>$4,856,331</td>
<td>$5,105,968</td>
<td>$5,245,798</td>
<td>2.74%</td>
<td>$5,206,659</td>
<td>4.39%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$57,723,030</td>
<td>$56,486,425</td>
<td>$56,640,589</td>
<td>$59,476,653</td>
<td>5.01%</td>
<td>$10,011,913</td>
<td>2.05%</td>
</tr>
</tbody>
</table>
## CITY OF LINCOLN
### SALES TAX REFUNDS
#### 2007-2008 THROUGH 2011-2012

<table>
<thead>
<tr>
<th>Month</th>
<th>ACTUAL 2007-2008</th>
<th>ACTUAL 2008-2009</th>
<th>ACTUAL 2009-2010</th>
<th>% CHG. FROM PRIOR YEAR</th>
<th>ACTUAL 2010-2011</th>
<th>% CHG. FROM PRIOR YEAR</th>
<th>ACTUAL 2011-2012</th>
<th>% CHG. FROM PRIOR YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER</td>
<td>($90,282)</td>
<td>($435,079)</td>
<td>($100,061)</td>
<td>-77.00%</td>
<td>($55,500)</td>
<td>-44.53%</td>
<td>($263,004)</td>
<td>373.88%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>($79,688)</td>
<td>($108,925)</td>
<td>($95,246)</td>
<td>-12.56%</td>
<td>($121,738)</td>
<td>27.81%</td>
<td>($79,193)</td>
<td>-34.95%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>($158,855)</td>
<td>($86,760)</td>
<td>($149,347)</td>
<td>72.14%</td>
<td>($48,320)</td>
<td>-67.65%</td>
<td>($73,585)</td>
<td>52.29%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>($29,848)</td>
<td>($209,674)</td>
<td>($202,950)</td>
<td>-3.21%</td>
<td>($12,388)</td>
<td>-93.90%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JANUARY</td>
<td>($26,308)</td>
<td>($256,270)</td>
<td>($257,206)</td>
<td>0.37%</td>
<td>($363,009)</td>
<td>41.14%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>($489,939)</td>
<td>($83,713)</td>
<td>($104,235)</td>
<td>24.51%</td>
<td>($70,579)</td>
<td>-32.29%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARCH</td>
<td>($325,269)</td>
<td>($73,785)</td>
<td>($14,233)</td>
<td>-80.71%</td>
<td>($485,268)</td>
<td>3309.51%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APRIL</td>
<td>($108,764)</td>
<td>($70,988)</td>
<td>($75,738)</td>
<td>6.69%</td>
<td>($10,063)</td>
<td>-86.71%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>($22,529)</td>
<td>($117,201)</td>
<td>($68,551)</td>
<td>-41.51%</td>
<td>($168,421)</td>
<td>145.69%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNE</td>
<td>($136,308)</td>
<td>($444,973)</td>
<td>($110,343)</td>
<td>-75.20%</td>
<td>($104,492)</td>
<td>-5.30%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JULY</td>
<td>($478,184)</td>
<td>($331,804)</td>
<td>($251,505)</td>
<td>-24.20%</td>
<td>($73,768)</td>
<td>-70.67%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUGUST</td>
<td>($43,759)</td>
<td>($11,878)</td>
<td>($286,162)</td>
<td>2309.23%</td>
<td>($3,563)</td>
<td>-98.75%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>($1,989,734)</td>
<td>($2,231,050)</td>
<td>($1,715,576)</td>
<td>-23.10%</td>
<td>($1,517,108)</td>
<td>-11.57%</td>
<td>($415,782)</td>
<td>84.34%</td>
</tr>
</tbody>
</table>

*Year to date vs. previous year*
## CITY OF LINCOLN
### NET SALES TAX COLLECTIONS
#### 2007-2008 THROUGH 2011-2012

<table>
<thead>
<tr>
<th>Month</th>
<th>Actual 2007-2008</th>
<th>Actual 2008-2009</th>
<th>Actual 2009-2010</th>
<th>% CHG. FROM PR. YEAR</th>
<th>Actual 2010-2011</th>
<th>% CHG. FROM PR. YEAR</th>
<th>Actual 2011-2012</th>
<th>% CHG. FROM PR. YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>$4,521,738</td>
<td>$4,377,476</td>
<td>$4,603,417</td>
<td>5.16%</td>
<td>$4,767,314</td>
<td>3.56%</td>
<td>$4,542,250</td>
<td>-4.72%</td>
</tr>
<tr>
<td>October</td>
<td>$4,973,261</td>
<td>$4,736,074</td>
<td>$4,592,069</td>
<td>-3.04%</td>
<td>$4,865,846</td>
<td>5.96%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>November</td>
<td>$4,659,859</td>
<td>$4,851,237</td>
<td>$4,773,592</td>
<td>-1.60%</td>
<td>$4,889,920</td>
<td>2.44%</td>
<td>$4,911,392</td>
<td>2.44%</td>
</tr>
<tr>
<td>December</td>
<td>$4,723,609</td>
<td>$4,336,273</td>
<td>$4,299,735</td>
<td>-0.84%</td>
<td>$4,695,792</td>
<td>9.21%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>January</td>
<td>$4,590,789</td>
<td>$4,209,000</td>
<td>$4,097,252</td>
<td>-2.65%</td>
<td>$4,414,597</td>
<td>7.75%</td>
<td>$4,911,392</td>
<td>2.44%</td>
</tr>
<tr>
<td>February</td>
<td>$5,106,677</td>
<td>$5,691,881</td>
<td>$5,322,243</td>
<td>-6.49%</td>
<td>$5,850,307</td>
<td>9.92%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>March</td>
<td>$4,096,136</td>
<td>$4,184,988</td>
<td>$4,212,234</td>
<td>0.65%</td>
<td>$3,933,528</td>
<td>-6.62%</td>
<td>$4,911,392</td>
<td>2.44%</td>
</tr>
<tr>
<td>April</td>
<td>$4,118,712</td>
<td>$4,048,629</td>
<td>$4,218,305</td>
<td>4.19%</td>
<td>$4,411,735</td>
<td>4.59%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>May</td>
<td>$4,730,837</td>
<td>$4,626,889</td>
<td>$5,118,022</td>
<td>10.61%</td>
<td>$5,205,614</td>
<td>1.71%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>June</td>
<td>$4,722,943</td>
<td>$4,179,081</td>
<td>$4,551,950</td>
<td>8.92%</td>
<td>$4,890,896</td>
<td>7.45%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>July</td>
<td>$4,505,792</td>
<td>$4,169,394</td>
<td>$4,316,388</td>
<td>3.53%</td>
<td>$4,791,762</td>
<td>11.01%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td>August</td>
<td>$4,982,944</td>
<td>$4,844,454</td>
<td>$4,819,806</td>
<td>-0.51%</td>
<td>$5,242,236</td>
<td>8.76%</td>
<td>$5,127,466</td>
<td>5.38%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$55,733,297</td>
<td>$54,255,376</td>
<td>$54,925,013</td>
<td>1.23%</td>
<td>$57,959,545</td>
<td>5.52%</td>
<td>$9,669,716</td>
<td>0.38%</td>
</tr>
</tbody>
</table>

Year to date vs. previous year
Cleanest High School Campus Competition Begins Second Year

Judging for the second year of the “Cleanest High School Campus” competition, sponsored by Keep Lincoln & Lancaster County Beautiful (KLLCB), began in mid-October. Last spring, Southeast High was declared the winner of this first-of-its-kind competition in Lincoln, receiving a trophy and a congratulatory billboard.

The competition was initiated in the fall of 2010 to test the assertion by Keep America Beautiful (KLLCB’s national affiliate) that “high schools parking lots, and areas that surround them, are among the most littered areas of most cities.” Competition judges, from various community agencies, toured the campuses of the six large LPS schools three times during the 2010-2011 school year. They were especially impressed with Southeast High, since they had difficulty spotting even one or two small pieces of litter in the parking lots or elsewhere on the campus. This year, the competition has been expanded from to include the four high schools in the county outside Lincoln.

The first round of this year’s judging resulted in these average litter scores (scores run from “1—little or no litter” to “4—extremely littered”): East High, .66; Malcolm and Raymond Central, 1; Southeast High, 1.17; Northeast High, 1.25; Norris, 1.3; Waverly, 1.5; Southwest High, 2.17; North Star High, 2.5, and Lincoln High, 2.8. Judges noted that many of the least littered campuses had more trash receptacles in or adjacent to the parking lots.

Additional judging will take place this winter and next spring to determine an overall winner. Student groups wishing to organize a campus/neighborhood cleanup to improve their schools’ litter scores are eligible to apply for cleanup mini-grants (Contact KLLCB at 402-441-8035 for information).
NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 19, 2011, 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, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, October 19, 2011, from 11:45 a.m. - 12:45 p.m. in Room 113 of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a workshop on “Use Groups”.

**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 or County Board by filing a Notice of Appeal with the City Clerk or County 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, OCTOBER 19, 2011

[Commissioner Francis absent]

Approval of minutes of the regular meeting held October 5, 2011. **APPROVED, 7-0 (Larson abstained; Francis absent)**
1. CONSENT AGENDA

(Public Hearing and Administrative Action:

COMPREHENSIVE PLAN:

1.1 County Comprehensive Plan Conformance No. 11009, to review the proposed Lancaster County Road and Bridge Construction Program, Fiscal Year 2012 and 2013-2017, as to conformity with the Lincoln City/Lancaster County Comprehensive Plan.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Michael Brienzo, 441-6369, mbrienzo@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Francis absent).
Public Hearing before the Lancaster County Board of Commissioners tentatively scheduled for Tuesday, November 29, 2011, at 5:00 p.m.

1.2 Comprehensive Plan Conformance No. 11010, to review the proposed “Yolande Avenue Redevelopment Plan” as to conformance with the Lincoln-Lancaster County Comprehensive Plan. The Redevelopment Plan area consists of an estimated 96.6 acres, more or less, and is generally bounded by North 14th Street to North 24th Street between Cornhusker Highway and Salt Creek, Lincoln, Lancaster County, Nebraska.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Francis absent).
Public Hearing before City Council tentatively scheduled for Monday, November 14, 2011, 3:00 p.m.

PERMITS:

1.3 Special Permit No. 11024, for the Expansion of a Nonstandard Use (single-family dwelling) into the required front yard to build an addition to an existing house and to build a covered deck, on property located at 1941 W. Peach Circle. *** FINAL ACTION ***

Staff recommendation: Conditional Approval
Staff Planner: Sara Hartzell, 441-6371, shartzell@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated October 4, 2011, 8-0 (Francis absent).
Resolution No. PC-01252.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: None.
PENDING LIST:

1a. Change of Zone No. 11009, amending Section 27.63.500 of the Lincoln Municipal Code relating to Zoning Code Special Permits for Scrap Processing Operations, Salvage Yards, and Enclosed Disassembly Operations, to allow outdoor salvage material to be located closer than 500 feet from certain entrance corridors if land forms or screening completely obstructs the view by the traveling public of the salvage material, and to authorize the City Council to decrease the 500-foot setback under limited circumstances; and repealing Section 27.63.500 of the Lincoln Municipal Code as hitherto existing.

(6-11-11: Planning Commission voted 8-0 to place on pending, no date certain, at the applicant's request.)

1b. Special Permit No. 11006, for a scrap processing operation and to allow salvage material kept outside a building to be located closer than the 500 feet to the West “O” Street entrance corridor, on property generally located at West O Street and Sun Valley Boulevard (545 West “O” Street).

(6-11-11: Planning Commission voted 8-0 to place on pending, no date certain, at the applicant's request.)

2. Change of Zone No. 11028, amending Section 27.35.025 of the Lincoln Municipal Code to allow the sale of alcoholic beverages for consumption on the premises in the B-4 Lincoln Center Business District as a permitted conditional use; and repealing Section 27.35.025 of the Lincoln Municipal Code as hitherto existing.

(8-10-11: Planning Commission voted 9-0 to continue public hearing on November 30, 2011 at the request of the applicant.)
Planning Dept. staff contacts:

Steve Henrichsen, *Development Review Manager* . . 441-6473 . . 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
David Cary, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-6364 . . dcary@lincoln.ne.gov
Christy Eichorn, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-7603 . . ceichorn@lincoln.ne.gov
Brandon Garrett, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-6373 . . bgarrett@lincoln.ne.gov
Sara Hartzell, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-6371 . . shartzell@lincoln.ne.gov
Rashi Jain, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-6372 . . rjain@lincoln.ne.gov
Brian Will, *Planner* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 441-6362 . . bwill@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* . . . . . 441-6370 . . ezimmer@lincoln.ne.gov

* * * * * *

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

* * * * * *

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm
TO : Mayor Chris Beutler  
Lincoln City Council

FROM : Jean Preister, Planning

DATE : October 19, 2011

RE : Notice of final action by Planning Commission: October 19, 2011

Please be advised that on October 19, 2011, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

**Resolution No. PC-01252**, approving Special Permit No. 11024, with conditions, requested by Jeff and Connie Plager, for authority to expand a nonstandard single-family dwelling into the required front yard setback for the purpose of building an addition and deck to the existing house, on property located at 1941 W. Peach Circle.

This is final action unless appealed to the City Council within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at [www.lincoln.ne.gov](http://www.lincoln.ne.gov) (Keyword = PATS). Use the “Search Selection” screen and search by application number (i.e. SP11024). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.
Dear Mr. Krout:

I am writing to oppose the proposal to rezone the property between 148th and 162nd street north of Hwy 2 to commercial/industrial use. This is clearly an area that has been and is in the process of being developed for acreages and residential uses. In fact, a parcel was rezoned for residential use just a few years ago adjacent to this area. To now zone the area commercial/industrial does not fit with this plan that has already been implemented. In addition, there are no sewer or water services in the area adequate to serve a commercial or industrial use and the existing utilities are not capable of meeting those demands. There are better areas closer to Lincoln where these services are more readily available.

In addition, I am opposed to the proposal to change the 20-acre rule in subdividing agricultural property. Uncontrolled urban sprawl is already a problem in this area and this will only make it worse. I am originally from southern Wisconsin where this was a huge problem. Rural areas must be kept rural, don't make them into a suburb of Lincoln. My experience from Wisconsin is that urbanites move to a rural setting, realize it is more work than they anticipated and then either move away, or do their best to bring water, sewer, paved roads, curbside trash service, and all the amenities of the city with them. In effect, they make the rural area into an urban area, thus urban sprawl.

I appreciate your consideration in these matters. I will try to attend tonight’s meeting as well, but may have a conflict.

Sincerely,

Brian Gorman
10600 S. 162nd Street
Bennet, NE  68317
(402) 782-2170
Memorandum

Date: October 18, 2011

To: City Clerk

From: Teresa McKinstry, Planning Dept.

Re: Administrative Amendment approvals

cc: Jean Preister

This is a list of the Administrative Amendments that were approved by the Planning Director from October 11, 2011 thru October 17, 2011:

Administrative Amendment No. 11043 to Special Permit No. 04049, Fisherman’s Landing Community Unit Plan, approved by the Planning Director on October 13, 2011, requested by ESP, Inc., to increase lot size and extend lots into the pool of the pond, delete note 15, and add note 21 regarding a recreational easement over the pond, on property generally located at S. 176th St. and Firth Rd.

Administrative Amendment No. 11053 to Special Permit No. 2022C, Pine Lake Heights South Planned Service Commercial, approved by the Planning Director on October 17, 2011, requested by Olsson Associates, to update the site plan to show Lot 4, Block 2 subdivided into two lots and to update the land use table to reflect this change, on property generally located at S. 27th St. and Grainger Parkway.
Date: October 17, 2011
To: Lancaster County Commissioners and Lincoln City Council Members
From: REALTORS® Association of Lincoln
Re: LPlan 2040 – County Proposed Amendments

The REALTORS® Association of Lincoln supports the proposal to remove the 20 acre parcel size requirements from the LPlan 2040 in those areas under Lancaster County’s jurisdiction. A presentation on the proposal was given to the Association by Commissioners Larry Hudkins and Bernie Heier and we are supportive of what they hope to accomplish with the amendments.

Removing this language from LPlan 2040 will not, by itself, change the existing zoning or subdivision requirements. The specifics of the changes, if any, to be made, remain for further public discussion and debate. The Association hopes to be involved in future discussion to create a reasonable and updated policy which takes into consideration the increasing value of agricultural land and the interest in having land remain in productive agricultural use.

The twenty (20) acre minimum parcel size results in sprawl and a greater likelihood that more, rather than less, land will be taken out of production for acreage development. The requirement makes Lancaster County uncompetitive with the counties on our borders. Further, because of the current cost, burdens and controls over the cluster development approval process, this option does little to remedy the problems caused by the 20 acre requirement.

Thank you for your consideration of the Association’s position on the proposed amendments.

With regards,

Nicole D. Jensen
Executive Vice President
REALTORS® Association of Lincoln

Cc: Lincoln Planning Commissioners
MEMORANDUM

TO: Lincoln City Council
FROM: Marvin Krout, Director of Planning
SUBJECT: Redistricting maps
DATE: October 18, 2011

Attached, per request of Councilmember Camp, are the three options for new City Council districts that were discussed at the October 3 Pre-Council meeting.

If you have questions, or need any additional information, please feel free to contact me at 402-441-6366.

q:\cc\paperless\2011\BP\BP111018
Two hard copies have been delivered to the Council office. To access the CIP electronically, see below.

--Jean Preister, Administrative Officer
Planning Department
402-441-6365

As we have done with the last several versions of the City’s Capital Improvement Program (CIP), we are not distributing hard copy versions of the document to all individual City department staff. Rather, we have placed a copy of the Final Edition of the FY 2011/2012 - 2016/2017 CIP on the Planning Department’s InterLinc site for your use. Please use this version of the CIP as a reference during this current budget year and in preparation of the 2012/13 - 2017/18 CIP.
Once you have logged onto the City’s InterLinc site (www.lincoln.ne.gov), follow these easy steps to view the CIP document:

- Type the keyword “cip” into the Search box in the center of the page
- Select “Final Edition FY 2011/12 - 2016/17” under the Current Program heading
- From there you are able to link directly to the summary tables and departmental programs by clicking the appropriate link
- Note that there is the link to “Interactive Maps” under the 2011/2012 – 2016/2017 CIP

Each file has been created in a “pdf” format, which means that you and your staff will be able to print copies of the CIP as you need them.

We would also request that you make this procedure known to members of your staff who may have a need to have a copy of the CIP.

If you have any questions concerning the draft CIP document, or how to view and print the document, please contact David Cary at 441-6364 or dcary@lincoln.ne.gov or Sara Hartzell at 441-6371 or shartzel@lincoln.ne.gov.

Michele Abendroth
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6164
Since the Lord has given us another great day to harvest, we will not be able to attend the hearing at 5:00.

As you consider the changes we would like you to consider:
- once land is taken out of agricultural production, it is very unlikely that it will ever return to production,
- there might be an initial gain is taxes collected, however, homes depreciate in value while a yearly planted crop continues to bring in revenue to the land owner and taxes to the county & state.
- we all know that when a farmer makes money so does the community. Farmers reinvest (machinery, land improvements, etc.) when they make a profit.
- how will farmers be able to continue to feed the world if productive farm ground is taken out of production?
- didn't the President just sign a trade agreement with several countries for ag. products?
- then too, who initiated this proposed change? Should the 'developers' on the board be able to vote on these changes or is it a conflict of interest?

Thank you,
Marty Minchow
Mary,  

I called Mr. Glaser regarding his call to the office Friday afternoon and subsequent email to Council. He told me what happened and I listened to what he had to say. I did apologize and was sorry if he felt the dispatcher was rude to him over the phone. I told him I had met with the dispatcher. We had one officer on a call and sent the next and only available officer as soon as possible we could. He was also concerned that the dispatcher would not give her name. He told me he appreciated my call and happy that someone called him back.

I have talked to my office manager and dispatcher that took Mr. Glaser's call. In the future the dispatchers will tell the caller their name if they are asked.

I have also listened to the call, as we tape all our dispatch calls. Patti did say, "Thank-you" at the end of the call. Please let me know if there is anything else I need to do.

Steve Beal, Manager  
Animal Control
Lincoln City Council  
Doug Emery, Jon Camp  
Jonathon Cook, Carl Eskridge  
Eugene Carroll, Adam Hormung,  
Di Anna Shimek  
555 South 10th Street  
Lincoln, NE 68508  

Dear City Council members:  

My three brothers and I felt sad to hear that some of the neighborhood pools including Eden, might not open next year. I am ten years old and I have been swimming at Eden for five years. I also have been on swim team for three years. My brothers, my mom, sometimes my dad, and I go swimming at Eden at least five times a week besides morning practices. I think the neighborhood pools should remain open for kids in Lincoln just like me.  

Today most kids and adults need more exercise. When kids play in the pool they work most all of their muscles. Not only that, if they are on swim team, they would get plenty of exercise.  

Swimming at a neighborhood pool is a safe activity for kids in the summer. The lifeguards are well trained and friendly. Swimming is a better choice than leaving kids home alone.  

My brothers and I love to go swimming and we hope you will decide to keep the Lincoln neighborhood pools open. Please respond to me with your decision. Thank you for reading my letter.  

Sincerely,  

Zion Koch
I. CITY CLERK
1. Memo from City Clerk Ross regarding items related to the Regalton Neighborhood Association.
   a) Letter from Regalton Neighborhood Association stating the Regalton Neighborhood
      Association Board voted in opposition to the proposed apartment project known as the Magic
      Hills Apartments.

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS
MAYOR
1. NEWS RELEASE. Mayor Beutler’s public schedule for the week of October 22nd through October
   28, 2011.
2. NEWS RELEASE. Credit/Debit payment option now available at the Development Services
   Center (DSC).

III. DIRECTORS
CITIZENS INFORMATION CENTER
1. Cable TV Advisory Board Meeting agenda for Thursday, October 27, 2011.
   a) Cable TV Advisory Board Meeting minutes of July 28, 2011.

HEALTH DEPARTMENT
1. NEWS RELEASE. Additional Saturday vaccine clinics offered for area students.

PLANNING DEPARTMENT
1. The Nebraska Capitol Environs Commission meeting canceled for October. Next meeting will be
   on Thursday, November 3, 2011.

IV. COUNCIL MEMBERS
JON CAMP
1. Memo on introductory language Councilman Camp would like amended into, and appended to, the
   LPlan 2040.
   a) Prefatory language for the LPlan 2040.
2. Marvin Krout, Planning Director, reply to Councilman Camp on introductory language
   suggestions to the LPlan 2040.
3. Councilman Camp’s response to Director Krout’s correspondence on the prefatory language for
   LPlan 2040.
4. Suggestion/question from Councilman Emery on the prefatory language.
V. CORRESPONDENCE FROM CITIZENS TO COUNCIL
1. InterLinc correspondence from Clair Guthrie regarding multi-dog household permits. (Sent to City Attorney)
   a) Reply from City Attorney, Rod Confer, on Clair Guthrie’s correspondence.

VI. INVITATIONS
See invitation list.
In opposition to COZ 11035, SP 11023 & COZ 3414. These items are on the Pending List - Date Certain to have P.H. 11/7 with action 11/14.

Joan E. Ross  
City Clerk  
(402) 441-7438  
(402) 441-8325 (Fax)
Regalton Neighborhood Association  
1301 SW5th Street, Suite 100  
Lincoln, NE 68522

2011 OCT 24 AM 11 04  
CITY OF LINCOLN  
NEBRASKA

October 21, 2011

Joan Ross  
Lincoln City Clerk  
City County Building  
555 South 10th Street, Room 103  
Lincoln, NE 68508

Dear Ms. Ross:

The Board of Directors of Regalton Neighborhood Association at a recent meeting voted in opposition to the proposed apartment project known as Magic Hills Apartments. The four overwhelming reasons why we oppose the project:
First, the only outlet for the project residents is 24th street which is not a wide street allowing for turn lanes and the parking that occurs on that street.
Second, any traffic on 24th Street necessitates turning onto Superior Street, which has no stoplight and is already a difficult intersection. The same problem turning onto Dodge Street, which is winding and often has high volume of parked cars.
Third, twice a day, this area is crowded with traffic from Campell’s Elementary School.
Fourth, a Day Care facility is located on 24th Street next to the proposed Apartment project.
We urge you to vote in opposition of the proposed project.

Sincerely,

Mike Foote, Director

James Schmidt, Director

Linda Scholl, Director

Ronald Sohl, Director
Mayor Beutler’s Public Schedule
Week of October 22 through 28, 2011
Schedule subject to change

Saturday, October 22
• Mayor’s Commission on Women and AARP Conference on Women and Money, remarks - 8:30 a.m., Center for People in Need, 3901 N. 27th St.

Sunday, October 23
• Northeast Kansans for Nebraska annual Husker Salute to the Troops, remarks - 10 a.m., Cornhusker Marriott (Grand Ballroom), 333 S. 13th St.

Tuesday, October 25
• Corrections Joint Public Agency (JPA) - 9 a.m., City Council Chambers, County-City Building, 555 S. 10th St.
• KFOR - 12:30 p.m. (pre-recorded)

Wednesday, October 26
• Lincoln Chamber of Commerce (LCOC) State Legislative Forum - 8 a.m., Nebraska Club, 233 S. 13th St.
• Downtown Lincoln Association annual meeting, remarks - 11:30 a.m., Embassy Suites, 1040 “P” St.
• West Haymarket JPA - 3:30 p.m., Council Chambers
• LCOC Executive Reception for Kim Moore (St. Elizabeth CEO) and Julie Bechtel (Lincoln Journal Star) - 4:30 p.m., LCOC, 1135 “M” St.

Thursday, October 27
• News conference - 10 a.m., topic and location to be announced
• Nebraska Sports Council annual banquet, remarks - 7:30 p.m., Holiday Inn S.W., 2500 Tamarin Ridge Road
CREDIT/DEBIT PAYMENT OPTION NOW AVAILABLE AT DSC

Development Services Center (DSC) officials today announced that residents can now pay their Lincoln Water System (LWS) and Lincoln Wastewater System (LWWS) bills with a credit or debit card through an self-service computer terminal near the DSC bill payment counter. Visa, Master Card and Discover Cards are accepted, and there is a $2 convenience fee for each transaction. The DSC is on the second floor of the County-City Building, 555 S. 10th St.

At the DSC, customers can epay their water and wastewater bills by following these steps:

- Enter the property address and click the “address search” tab.
- Click on the property address.
- Enter the PIN number found on the bottom-left corner of the billing statement, and click the “enter pin” tab.
- Click the “acct/detail/payment” tab.
- Click the “pay amount due” tab.
- Enter your credit card information and click the “process” tab to complete the transaction.

The epay credit/debit card option has been in place for LWS and LWWS customers using their personal computers since 2002. The self-service computer will help improve customer service by adding more options at the DSC office.

“We’ve had quite a few customers express a desire to pay their bills via credit or debit card while they’re at the County-City Building,” said Doug Luedtke, Assistant Business Manager for the Public Works and Utilities Department. “Instead of having to direct them downstairs to the ATM machine, they can now use our dedicated computer terminal to make their payment in a very efficient manner.”

For more on City epay services, visit the City website at lincoln.ne.gov (keyword: epay).
MEETING NOTICE
Cable TV Advisory Board
4 pm, Thursday, October 27, 2011
County-City Building
Room 303, 3rd Floor Conference Room
Lincoln, NE 68508

AGENDA

Call to Order
1. Introduction of board members and guests
2. Approval of Minutes (July, 2011 meeting)
3. Amend Cable Television Advisory Board Bylaws, Article V, Section 5. dealing with attendance.
   Section 5. The Board shall consider and may request the resignation or removal of a member having more than two absences from regularly scheduled meetings in any 12-month period of which the member has received proper notification. Members will notify the Chairperson of any expected absence prior to the meeting
4. Time Warner Cable Report
5. City Report (PEG status)
6. Public Comments

Adjournment

BOARD MEMBERS:
If you cannot attend this meeting
Please RSVP to Dr. Art Zygielbaum, Chairman
aiz@ctwsoft.com
402-472-3424 (wk)

Schedule of Regular Meeting Dates:
(Quarterly on 4th Thursdays)
UPCOMING MEETINGS in 2011
January 26, 2012 (annual meeting)
April 26, 2012
July 26, 2012
October 25, 2012
Members Present: Tom Higley, Ed Hoffman, Jerrod Jaeger, Jim Johnson, Laurie Thomas Lee, Shandi Peterson, Andy Pollock, Jon Rehm, Art Zygielbaum

Members Absent: Mary Herres (excused), Don Voges (excused)

City Staff: Connie Guilliaume, Diane Gonzolas, Steve Huggenberger

Representatives of Time Warner Cable: Doug Bauch, Ann Shrewsbury, Jamie Wenz

Meeting was called to order at 4:00 p.m. by chair Art Zygielbaum. Board members and guests introduced themselves. Zygielbaum welcomed new members Higley and Peterson. Zygielbaum congratulated Ann Shrewsbury on her upcoming marriage; name to be changed to Ann Teget.

Election of Officers

Zygielbaum called for election of officers. (Election had been rescheduled from an earlier meeting due to lack of a quorum.)

Zygielbaum asked for nominations for President. Art Zygielbaum was nominated, no other nominations; elected unanimously.

Zygielbaum asked for nominations for Vice-President. Ed Hoffman was nominated, no other nominations; elected unanimously.

Zygielbaum asked for nominations for Secretary. Jim Johnson was nominated, no other nominations; elected unanimously.

Minutes

Minutes from the October 28, 2010 meeting were read. Hoffman moved approval, Rehm seconded, motion carried.

Board Member Attendance/Definition of Quorum

A summary of past attendance of board members was distributed. Zygielbaum expressed concern with this, noting that our previous two meetings had to be cancelled due to lack of a quorum. He reminds members that City staff and representatives of Time Warner Cable have to prepare for meetings and that the time and resources involved in preparation goes wasted if we don't have a quorum.

In the past two months, the lack of a quorum was also partially due to vacancies on the board; to address the latter issue, Zygielbaum moved to amend Article V Section 4 of the bylaws (which defines a quorum): First sentence of that section currently says "Six(6) members of the board shall constitute a quorum." Zygielbaum moved to strike the “Six(6)” and replace with “One-half of the currently appointed”. Rehm seconded the motion. Motion carried unanimously.

Time Warner Cable/Big Ten Network Negotiations

Zygielbaum asked for an update on the Big Ten Network (BTN) negotiations with Time Warner Cable (TWC). Shrewsbury first wanted to address the general issue of negotiations with broadcasting channels, such as BTN, Fox, and ESPN. She said that many of the broadcasters require concessions from TWC to get their programs on the air; these concessions need to be passed on to the cable customers, and TWC feels that they need to do their best to control costs. Their “Roll Over or Get Tough?” Web site shows that customers want them to keep costs down.

Regarding the BTN situation, Shrewsbury said that BTN will be placed on Channel 24; the channel guide will be moved off the lowest tier, and QVC will move to a different channel. Zygielbaum asked Shrewsbury for a breakdown of how many subscribers they have on the digital tier vs the basic tier; Shrewsbury said that TWC doesn’t give that information out. Rehm said that putting BTN on the basic tier will be a big savings for football fans because they won’t have to go with Pay Per View. Shrewsbury did want to point out that it still might not be possible to get all of the Nebraska games on the lowest tier. With Big Ten football, there’s a three-level system. ABC/ESPN gets first choice on whether to broadcast a game. If they decline, then BTN gets their choice on which games will go onto their Game of the Week in their various markets, and which games will go onto one of their other stations (which will be on higher tiers) or Pay Per View. If ABC/ESPN doesn’t televise a Nebraska game on the same weekend as Michigan/Ohio State or some other top matchup in the Big Ten, viewers might have to go with Pay Per View anyway to see the Huskers. Shrewsbury hopes that people won’t blame TWC for this.

Customer Complaint

Zygielbaum noted that the board has received a complaint from O.A. Paulson; he asked Shrewsbury if she will contact Mr. Paulson to try resolving the complaint; she said she would.

Activities & Objectives for 2011-2012

Zygielbaum distributed a list of Activities & Objectives that we’d discussed in 2008; he would like a discussion on what updates are needed.

Gonzolas noted that Channel 10 has become a Wellness Channel.

Zygielbaum noted that we do need to keep working on the PEG channels.
Rehm wanted to see more in the area of Complaints Reporting; every once in awhile things happen that we need to know about. Zygielbaum noted that complaints seem to be way down now. Rehm asked if email contacts are included in the reports. Shrewsbury said that they were included for a couple of years but are no longer part of the report. She also said that TWC tries to be detailed with their reports but there are privacy issues.

Hoffman asked for a breakdown of phone complaints vs written complaints. Shrewsbury said that it depends on what one calls a complaint; with letters it’s usually easy to tell whether customers are complaining, but TWC gets lots of phone calls and many of them are just requests for information about equipment or channel lineups, as opposed to complaints. TWC gives quarterly reports to the City. Huggenberger said that these reports are public information.

Shrewsbury said she tries to keep the board informed on major issues that are likely to result in complaints. Rehm said that he thinks we still need to have email complaints included. Zygielbaum said that she had emails for awhile and the board didn’t do much with them. Rehm said that we need to know if there are trends. Shrewsbury said that she can contact their call center people and see what the hot issues are. Zygielbaum suggested that she do a walk through of the call center and see what she can report at the October meeting. Lee said that we had talked about a survey at one time and decided it wasn’t possible without a budget; however we could consider publicizing the Cable Board and have people send emails to us.

Returning to the list of Activities & Objectives, Gonzolas said that she could use someone from the board to work with “10 Health” (the new name of Channel 10). Peterson volunteered.

**Time Warner Cable Report**

Much of Shrewsbury’s report had been included in the earlier discussion, so she asked if there were questions. Lee asked about the status of apps such as ESPN. Shrewsbury said that subscribers can watch on their iPad, but only if they’re at home, due to contractual agreements. Lee asked if there might be a chance to get this expanded; Shrewsbury said no, the programmers wouldn’t go for it.

Wenz distributed the LCC-TV and Public Access Channel report.

**Reports from the City**


**Adjournment**

Meeting adjourned at 5:20 p.m.
FOR IMMEDIATE RELEASE: October 21, 2011

FOR MORE INFORMATION: Judith A. Halstead, MS - (402) 441-8001
Health Director

Andrea Mason, MSN, RN – (402) 441-8054
Community Health Services Manager

ADDITIONAL SATURDAY VACCINE CLINICS OFFERED FOR AREA STUDENTS

The Lincoln-Lancaster County Health Department will hold additional Saturday clinics for students who need Varicella and Tdap vaccines, required by Nebraska schools this year. Only students who live in Lancaster County and who need Varicella or Tdap will be served. Tdap is needed for 7th graders only.

The clinics will be held on Saturday, November 12th, Saturday, November 19th, and Saturday, December 3rd from 8:00 a.m. to 2:00 p.m. at the Lincoln-Lancaster County Health Department. The health department is located at 32nd and “O” streets. Parking is available just north of the building and clients may use the north entrance of the building, directly under the “Lincoln-Lancaster County Health Department” sign.

In order to quickly serve students, appointments are needed and no “walk-in” services will be available. Please call (402) 441-8065 for an appointment. If a student already has an appointment with the health department, please do not reschedule the appointment. Students must be accompanied by a parent or legal guardian.

Fees are charged depending upon health insurance and income level. A customary administration fee of $13.50 for the first vaccine and $10.50 for each additional vaccine is assessed. No student will be denied needed vaccine.

Parents and guardians are strongly encouraged to bring the student’s current vaccine record to the appointment.
The Nebraska Capitol Environs Commission will not meet in October. The next meeting will be on Thursday, November 3 at 9:00 am in the Capitol, Hearing Room 1113. The joint meeting with the Nebraska Capitol Commission will follow at 10:00 am in Hearing Room 1507. An agenda will be sent prior to these meetings.

If you have any questions, please feel free to call the Planning Department at 441-7491.

Michele Abendroth
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6164
Subject: Prefatory Language for LPlan 2040
Importance: High

Director Krout, Members of the Lincoln City Council and Commissioners of the Lancaster County Board:

Please see the attachment for introductory language I would like to have amended into and appended to the LPlan 2040.

My purpose is to reinforce the intent of the Comprehensive Plan, namely that as was confirmed at our public hearing earlier this week, the Comp Plan is a set of suggestions, recommendations and ideas to assist in guiding future development of Lincoln, but not “black letter law”.

Thank you for reviewing these few sentences and concurring in your agreement to add this language.

Jon

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

Office:  402.474.1838
Fax:  402.474.1838
Cell:  402.560.1001

Email:  joncamp@lincolnhaymarket.com
Prefatory language for LP 2040:

The following document, “LPlan 2040: Lincoln-Lancaster County L2040 Comprehensive Plan and Long Range Transportation Plan,”, should be read in the context that it is a compilation of ideas for the City of Lincoln and County of Lancaster to consider as it progresses through the future.

The contents should not be interpreted as “black letter law”.

The individuals who participated in the evolution of this document are to be commended for their efforts and ideas. However, future actions should couple the particular ideas discussed in LPlan 2040 with (1) reality, (2) current conditions, (3) respect for individual rights and (4) the fiscal abilities of the governmental units and the private sector.
Councilmember Camp, thanks for your suggestion on introductory language.

As I indicated at the public hearing, the proposed plan does have language sprinkled throughout that refers to its being a “guide” to decision-making. Reviewing that language again, I believe it is adequate and an introductory statement is unnecessary. I am concerned that this language introduces terms that raise more questions for the public rather than clarifies the purpose of the plan. I also am concerned that it will be viewed as condescending and downgrading the value of the hundreds of people who participated in developing this vision for the community, e.g. suggesting that the plan should be weighed against “reality.”

I would suggest that Councilmembers or Commissioners who are interested in some introductory language should ask your attorneys for their opinions about this proposal, both in terms of the language and in terms of process. I think the attorneys may have concern with this “suggestion” not having been reviewed first by the Planning Commission.

Should the boards decide that you would like this or some other language appended to the 2040 Plan, we could bring that proposed language to the Planning Commission for their review, hearing, and recommendation. As you all know, we are planning to bring three plan amendments being proposed by the County Board to the Planning Commission for their review in December, and we could potentially add this to the package.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
402-441-6366

From: Jon Camp To: Marvin S. Krout (mkrout@lincoln.ne.gov) Subject: Prefatory Language for LPlan 2040

Director Krout, Members of the Lincoln City Council and Commissioners of the Lancaster County Board:
Please see the attachment for introductory language I would like to have amended into and appended to the LPlan 2040.

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Thank you for reviewing these few sentences and concurring in your agreement to add this language.

Jon
Marvin:

Thanks for your thoughtful response.

I remain convinced that prefatory language is needed. Unfortunately, during past years, the Comp Plan has been cited in “bits and pieces” which can undermine the overall intent and lead to the conclusion that the Comp Plan is “black letter” law.

I view this much like disclaimers in advertisements or the statements often found at the conclusion of many emails regarding the use of that email’s text.

My intent is not to be condescending and, in fact, I purposely added language congratulating and thanking those involved in the Comp Plan formulation.

Jon

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

Office:    402.474.1838
Fax:        402.474.1838
Cell:       402.560.1001

Email:    joncamp@lincolnhaymarket.com
Marvin,

Why can't the same group that put the Comp Plan together put forward the prefatory language?

Doug

In a message dated 10/24/2011 10:14:36 A.M. Central Daylight Time, JonCamp@lincolnhaymarket.com writes:

Marvin:

Thanks for your thoughtful response.

I remain convinced that prefatory language is needed. Unfortunately, during past years, the Comp Plan has been cited in “bits and pieces” which can undermine the overall intent and lead to the conclusion that the Comp Plan is “black letter” law.

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Jon

JON A. CAMP

Haymarket Square/CH, Ltd., 200 Haymarket Square

808 P Street

P.O. Box 82307

Lincoln, NE 68501-2307
InterLinc: City Council Feedback for General Council

Name: Clair Guthrie
Address: 1129 N 37th St
City: Lincoln, NE 68503

Phone: 402 325-6235
Fax: 
Email: clairmaryguthrie@windstream.net

Comment or Question:
I just spoke with Steve Beal at Animal Control. He was most cordial but it appears that to qualify for 6.02.380 multi-dog household permit I would need an acre of recently annexed land. However, the dog we would like to adopt is a miniature dachshund and it does not seem reasonable to require an acre of land to keep an animal that will weigh 5 to 10 pounds at maturity.

For the long term I would like the council to make an effort to change the municipal code to take into account factors other than an arbitrary number of animals, such as the breed when determining the acceptable number of dogs making up a "multi-dog" household. I believe it would be reasonable to allow some discretion with regards to the administration of ordinance 6.08.180 concerning multi-dog households, and that it could be accomplished so as to avoid losing all control over dogs in the city. If I were proposing to have a multi-dog household composed of pit bulls this would not be the same as desiring to adopt a miniature dachshund. Especially in view that the council has seen fit to allow 6.02.300 regulating a hobby kennel or cattery, "for the enjoyment of the household," that contain from 2 to 16 cats, but it seems there is no corresponding avenue for a dog owner to obtain a permit for similar enjoyment when the breed of dog is a toy or miniature that may very well weigh less than most felines.

In the short term, if possible I would appreciate if an exception could be made for my family to obtain a permit to adopt a fourth dog from the humane society, a miniature dachshund puppy named "Happy" who currently weighs less than five pounds, by allowing us to pay the extra $50 fee in addition to the license, and without having to move to the country or buy an acre of land in the city. It is true that we have three other dogs, a miniature dachshund, and two mixed labs. However, as responsible citizens and dog owners I do not believe that the addition of "Happy" to our home would constitute any possible threat to law and order within the city of Lincoln. When I spoke with Steve he was unsure about the possibility of any discretion concerning this matter. However, in my experience there is usually room for interpretation and discretion regarding the implementation of codes and regulations. So I ask you to please take my request into consideration so that we can give a tiny puppy a home and also in the long term to please work on a way to make this ordinance more fair in the future. Thank you, Clair Guthrie
Mary M. Meyer

From: Rodney M. Confer
Sent: Friday, October 21, 2011 4:33 PM
To: Council Packet
Cc: Judy A. Halstead; Steve R. Beal; Tim S. Sieh
Subject: RE: InterLinc: Council Feedback

Mary,

There really is no room for an exception. Besides the animal's size, the noise that a pack of dogs make was evidently also a consideration for limiting the number of animals a person can have in the City. The Council would need to amend the ordinance (LMC 6.02.380) in order to allow a person to have more than three dogs in the City limits without obtaining a multi dog household permit. I hope this is helpful, but if not I'd be glad to answer any additional questions.

Rodney M. Confer
City Attorney

-----Original Message-----
From: Mary M. Meyer On Behalf Of Council Packet
Sent: Friday, October 21, 2011 10:37 AM
To: Rodney M. Confer
Subject: FW: InterLinc: Council Feedback

Rod:
With the correspondence below is there any room for an exception, or any other measure?
Mary

-----Original Message-----
From: WebForm [mailto:none@lincoln.ne.gov]
Sent: Thursday, October 20, 2011 2:19 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for General Council

Name: Clair Guthrie
Address: 1129 N 37th St
City: Lincoln, NE 68503
Phone: 402 325-6235
Fax: 
Email: clairmaryguthrie@windstream.net

Comment or Question:
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