I. CITY CLERK

II. MAYOR
1. NEWS RELEASE. Roadways to open at the end of the week.
2. NEWS RELEASE. Scrap metal recycling drive to raise money for LPS program.
3. NEWS RELEASE. Billy Wolff Trail connector closed for repair.

III. DIRECTORS

CITY ATTORNEY
1. City Attorney Confer’s reply to Councilman Camp (See Correspondence from Citizens, #c) giving explanation as to the denial of Mr. Pischel’s claim: the Tort Claims Act; consideration for the claimant; Assistant City Attorney’s response.

FIRE AND RESCUE
1. Fire Chief Huff’s response to questions raised by Councilman Camp (See below: Councilman Jon Camp) on billing procedures.
   a) Councilman Camp’s thank you to Chief Huff for his analysis of the account.

HEALTH DEPARTMENT
1. NEWS RELEASE. Last chance this year to dispose of hazardous household chemicals is November 16th.

LINCOLN CITY LIBRARIES
1. Memo from Barbara Hansen, on behalf of the Library Board of Trustees.

PLANNING COMMISSION

PLANNING DEPARTMENT
1. Administrative Amendment No. 12039 approved by the Planning Director on October 24, 2012.

IV. COUNCIL MEMBERS

JON CAMP
1. Correspondence to Chief Huff from Councilman Camp regarding LFR billing for a June 11, 2009 transport.
2. Letter from Kent Weishahn on receiving invoice for transport service which his son incurred in 2009.
   a) Copy of City of Lincoln invoice, with amount paid by insurance and amount due.
3. Councilman Camp’s letter to Kent Weishahn on the Lincoln Fire and Rescue ambulance billing.
V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS
1. Correspondence from Kennard Pischel regarding having submitted a claim for medical expenses related to a fall.
   a) Kennard Pischel letter submitted after tripping on sidewalk, caused a fracture to his right wrist in two places.
   b) Letter from Assistant City Attorney, Marcee Brownlee denying Kennard Pischel’s claim against the City of Lincoln.
   c) Correspondence from Councilman Camp to Rod Confer, City Attorney, regarding letter from Kennard Pischel related to his fall, medical expenses, and reply from the City.
2. MEDIA RELEASE. Community Health Endowment announces funding availability.
4. Message from Ron Jonas with a complaint on the alarm system fee. He has no idea why he would pay this fee as he has had no false alarms, or break ins, etc.

VII. ADJOURNMENT
FOR IMMEDIATE RELEASE: October 31, 2012
FOR MORE INFORMATION: Devin Biesecker, Engineering Services, 402-937-5515

ROADWAYS TO OPEN

Lincoln motorists will have more traffic options available at the end of the week with two road improvement projects nearing completion:

• North 14th Street will have one lane of traffic open in each direction Friday afternoon, allowing traffic to travel from Superior Street to Alvo Road for the first time in over a year.
• The roundabout at 1st and Adams Street will open Saturday afternoon.

With the opening of the 1st and Adams roundabout as well as North 14th Street, Public Works and Utilities officials would like to remind motorists of these important rules when driving a roundabout:

• Slow down when approaching a roundabout.
• As you approach, yield to vehicles in all lanes of the roundabout.
• While in the roundabout, stay in your lane. Do not stop or pass in the roundabout.
• Do not drive next to large trucks in a roundabout. They may need multiple lanes to maneuver their turn.

For more information, go to lincoln.ne.gov (keyword: roundabouts).

-30-
FOR IMMEDIATE RELEASE: October 31, 2012
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043
Marti Franti, LPS Recycling Coordinator, 402-436-1072, ext. 82007

SCRAP METAL RECYCLING DRIVE
TO RAISE MONEY FOR LPS PROGRAM

Lincoln and Lancaster County residents are encouraged to recycle their scrap metal during the
month of November to benefit the Lincoln Public Schools (LPS) recycling program. The
recycling drive is being conducted as part of Lincoln Recycles Day (LRD) Saturday, November
17.

The two companies participating are Alter Scrap Processing, 6100 N. 70th St., and Sadoff Iron
and Metal Company, 5020 N.W. 39th St. All types of scrap metal including aluminum and tin
cans, pots and pans, appliances, wiring, sinks, bathtubs, electric motors can be recycled. All or
part of the proceeds from the scrap metal can be donated to the LPS program. At the end of the
drive, the two companies will match the amount of the public donation.

Funds raised for the LPS recycling program will be used to replace aging, worn out steel
recycling containers. They will be recycled as scrap metal and be replaced with containers
manufactured from recycled steel. The LPS recycling program provides recycling education and
opportunities in all LPS school classrooms, offices and support buildings. Currently, LPS
recycles about 1.2 million pounds of material annually, or 24 percent of its refuse.

LRD is observed in conjunction with America Recycles Day (ARD), recognized annually on
November 15. Celebrating its 15th year, ARD has grown to include millions of Americans and
is the only nationally recognized day dedicated to encouraging Americans to recycle and to buy
recycled products.

City Recycling Coordinator Gene Hanlon reminds residents of the difference they can make by
recycling. “By recycling, we conserve resources and valuable landfill space,” said Hanlon.
“There is a network of 35 recycling drop-off sites in Lincoln and Lancaster County. There are
also many private businesses that offer curbside recycling services as well as recycling services
for other household items such as electronics, batteries, tires and fluorescent bulbs.”

Several other local events are planned in November in conjunction with LRD:
• Individuals can shred up to two boxes of paper at no charge from 9 to 11 a.m. Saturday,
November 3 at South Pointe Pavilions (parking lot east of Famous Dave’s, 27th Street
and Pine Lake Road); North Star High School student parking lot, 5801 N. 33rd St.; and
Lincoln High School senior parking lot, 2229 “J” Street. The paper shredding services
have been donated by Recycling Enterprises and Shredding Solutions.

-more-
• The last day for 2012 household hazard waste collections for Lincoln and Lancaster County residents is Friday, November 16 by appointment only. To make an appointment, call Dan King, Lincoln-Lancaster County Health Department, at 402-441-8084.

• Free wood waste recycling will be available to Lincoln and Lancaster County residents from 8 a.m. to noon Saturday, November 17 at Hofeling Enterprises, 2200 S. Folsom Ct. Accepted items include unpainted wood such as pallets, clean construction wood waste and tree trimmings. Yard waste and treated wood are not accepted.

During the month of November, residents are urged to sign a pledge for recycling by visiting recycle.lincoln.ne.gov. More information about LRD and other local recycling opportunities can be found at recycle.lincoln.ne.gov or by calling the recycling hotline at 402-441-8215.
FOR IMMEDIATE RELEASE: October 31, 2012
FOR MORE INFORMATION: J.J. Yost, Parks and Recreation, 402-441-8255

BILLY WOLFF TRAIL CONNECTOR CLOSED FOR REPAIR

The Lower Platte South Natural Resources District (LPSNRD), in conjunction with the City Parks and Recreation Department, has awarded a contract to T.J. Osborn Construction to complete necessary repair work on the at-grade connector for the Billy Wolff Trail on the west side of 48th Street south of Normal Blvd. The repair work, addressing erosion concerns and trail settlement issues, started today.

Construction is anticipated to last about two weeks, weather permitting. The work will require the closure of the segment of trail that connects from the main trail, which runs underneath 48th Street, to the sidewalk along the west side of 48th Street. Closure of the main trail is not needed for the repair. The at-grade connector for the trail on the east side of 48th Street will not be affected.
Dear Jon:

I am sorry that Mr. Pischel was not happy with this office’s letter notifying him of the hearing on his claim and our recommendation that the claim be denied. The City Attorney’s Office processes hundreds of claims every year and Assistant City Attorney Brownlee carefully evaluates each one according to the applicable criteria of state law. She does try to maintain a cordial and understanding tone in claims correspondence, but sometimes that’s not an easy task when officially informing a claimant that we recommend denial of a claim for injury or property damage she or he contends was caused by the City. That is especially the case when a reason for denial is the claimant’s own negligence.

I’ve reviewed Mr. Pischel’s claim file and letter – as I do for every claim that we recommend be denied-- and I do not consider the letter written to him to be inappropriate. Nebraska law requires that Mr. Pischel’s claim be denied for the reasons explained in Ms. Brownlee’s letter: (1) the City is not an insurer of people's safety, but may only pay claims caused by City negligence; (2) the City isn’t liable for an accident caused by a defect in the sidewalk unless it knew about the defect before the accident; and (3) even if the City were negligent, it isn’t liable if the claimant’s negligence in failing to observe and avoid an apparent defect is greater than the City's negligence.

The Tort Claims Act does not require us to disclose the reason we recommend denying a tort claim; we could just give notice we recommend denial and that the claim will be considered at the next Council Meeting. Our policy is to give our reasons for denying a claim, however, because: (1) a claimant who has experienced a loss and has gone to the trouble to prepare and submit a claim deserves to know the reasons we recommend the claim be denied; (2) stating the reasons for denying the claim lets the claimant know that his or her claim was seriously and fully considered; (3) advance knowledge of the City Attorney's rationale for recommending denial of a claim gives the claimant a fair chance to challenge our recommendation in front of the Council; and (4) denial of the claim is only the first step in the process; knowledge of our reasoning lets the claimant and claimant’s legal counsel realistically evaluate whether to pursue the matter further in court.

Although my assessment is that Ms. Brownlee treated Mr. Pischel courteously and that her letter appropriately sets forth the relevant legal standards and reasons for denying his claim, she and I have discussed your e-mail and Mr. Pischel’s concerns. As I have already stated she does try to be considerate and respectful when she informs claimants of the basis upon which their claims have been resolved. I’m confident she will continue to make every effort along those lines.

With regard to the other issues in your e-mail, my perception is that the City is taking proper measures to keep its sidewalks safe. In the case of Mr. Pischel’s accident, there was only a one-inch difference in level between two sections of sidewalk, which neither indicates neglect on the part of the City nor presents an unreasonable danger to the public.

I hope this addresses the concerns addressed in your e-mail, but if not I’d be glad to discuss them further.

Sincerely yours,

Rodney M. Confer
City Attorney
Rod:

Please see the email below from Mr. Pischel. Also attached are his original letter and Marcee Brownlee's response.

This is the second time in several months I have had a constituent express concerns on the manner in which their claim was handled--the format of the letter in particular. Perhaps a revision can be made to make the text more friendly.

I would be interested in your response on the notice given on other construction and how the City can continue to ignore these situations. You will recall the recent Pre Council I requested on our sidewalk policies and concerns I expressed to those in attendance over continuing to require "sidewalks to nowhere" when we cannot maintain what we have.

Thank you,
Jon

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

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001
Councilman Camp,

In response to your questions, our billing company records indicate that there were at least three bills sent to the patient and/or his insurance company prior to the most recent one referenced by Mr Weishahn. Admittedly, none in 2011, due to error on the part of the billing company.

We outsource accounts receivable to the private sector, and the contract was rebid and awarded to our current provider after this company had it for only one year. We would prefer to have a long term relationship with a competent billing contractor, because this is exactly the kind of thing that happens when you change horses in the middle of the stream. We monitor the contractors work, however we don't have the resources to double-check every bill, and we shouldn't have to.

During the time covered by this, we not only changed our billing company, but we did not have a collection contractor in place, and it took an inordinate length of time to get one. The delays were not our fault.

At this time, we are much more confident in both our billing company and our collection company, and we hope we can continue to do business with them. They have been trying to clean up the problems they inherited from Abbott as best they can.

We have a BC/BS contract for a reduced amount because they pay us directly, instead of the insured. Direct payment to the city avoids collection problems on our end, and our billing company believes that in the final analysis, this works to our financial benefit. The recommendation of our billing company was confirmed in discussion with the health department who advised that these managed care negotiated rates, esp. with BC/BS are par for the course, and that getting paid quickly, directly, and electronically is usually to the benefit of the provider. We are, however, re-evaluating this to make sure that we still believe this to be the case.

Respectfully,

John Huff
Fire Chief
Lincoln Fire & Rescue
Office 402-441-8350
Cellular 402-430-6018
Chief Huff:

Attached are a cover letter and the LFR billing for a June 11, 2009 transport. Please review this situation—this is a most unfortunate matter as Matthew Weishahn died in the interim and LFR has billed the remainder of his ambulance charges 40 months later. Even the insurance reimbursement from Blue Cross/Blue Shield was made on June 25, 2009.

I would also be interested in learning why BC/BS received a discount of $245.43 and only paid $10.66, and now, after 40 months, an invoice is made for $344.91 to the person transported. This is very strange.

Separately, I will send a letter to Mr. Weishahn expressing our condolences.

Thank you in advance for your prompt attention to this matter.

Jon

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

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com
Website: www.lincolnhaymarket.com

“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:

Subject: Matthew Weishahn, Account #98343

From: Jon Camp [mailto:joncamp@lincolnhaymarket.com]
To: John Huff
Subject: RE: Matthew Weishahn, Account #98343

Chief Huff:

Thank you for your email and analysis of this situation.

While I have already mailed a letter to Mr. Weishahn, would you mind also sending a letter detailing what you wrote. . .at least the portion on the billing companies. . .and expressing LFR’s thoughts on this unfortunate matter.

Knowing your professionalism, you are probably a step ahead of me in sending a letter.

Thank you,
Jon

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

Office:  402.474.1838/402.474.1812
Fax:  402.474.1838
Cell:  402.560.1001

Email:  joncamp@lincolnhaymarket.com
Website:  www.lincolnhaymarket.com

From: John Huff [mailto:jhuff@lincoln.ne.gov]
Sent: Wednesday, October 31, 2012 9:03 AM
To: Jon Camp
Cc: Mayor; Mary M. Meyer; Tom K. Casady; John Huff; Sherrie A. Meints; Roger E. Bonin; Trish A. Owen
Subject: RE: Matthew Weishahn, Account #98343

Councilman Camp,

In response to your questions, our billing company records indicate that there were at least three bills sent to the patient and/or his insurance company prior to the most recent one referenced by Mr Weishahn. Admittedly, none in 2011, due to error on the part of the billing company.

We outsource accounts receivable to the private sector, and the contract was rebid and awarded to our current provider after this company had it for only one year. We would prefer to have a long term relationship with a competent billing contractor, because this is exactly the kind of thing that happens when you change horses in the middle of the stream. We monitor the contractors work, however we don't have the resources to double-check every bill, and we shouldn't have to.
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Respectfully,

John Huff
Fire Chief
Lincoln Fire & Rescue
Office 402-441-8350
Cellular 402-430-6018
Last Chance This Year to Dispose of Hazardous Household Chemicals is Nov. 16

The Lincoln-Lancaster County Health Department reminds residents finishing fall home and garden projects to store hazardous household products safely, avoiding temperature extremes and keeping products in their original containers, tightly sealed, away from children or pets.

Unwanted products or outdated chemicals may be taken to the last 2012 Household Hazardous Waste Collection from 9 a.m. to 1 p.m. Friday, November 16. This collection, for Lancaster County households only (no business products or chemicals will be accepted), is on an appointment-only basis. Call Dan King at 402-441-8084 for an appointment and location information.

So far this year, over 75,400 pounds of household hazardous waste have been collected from 2,329 Lancaster County residents. The hazardous materials collection program is funded in part with a grant from the Nebraska Department of Environmental Quality.

Items accepted at the collections include:

- pesticides or lawn chemicals
- burned out fluorescent bulbs (CFLs) and tubes
- paint thinners, stains, polishes and waxes
- turpentine, oil-based paint
- pool cleaning chemicals, flea and tick powders, rodent poison
- charcoal starter fluids, mixed or old gasoline, brake or power steering fluids
- mercury-containing items including thermometers
- upholstery cleaners and grease removers

Do NOT bring latex paint, motor oil, gas grill cylinders, pharmaceutical waste, electronics, or batteries—these items are NOT accepted at the HHW collections, since they can be recycled or safely disposed of at local
businesses. For recycling information about products not accepted at collections, call 402-441-8021 or check [lincoln.ne.gov, keyword: recycling].

###
On behalf of the Library Board of Trustees of Lincoln City Libraries, attached is the library's annual report for fiscal year 2011-2012. A copy will be available for public inspection on the library's website www.lincolnlibraries.org by the end of the day. Please refer any questions about the report to Library Director Pat Leach, at 402-441-8510 or p.leach@lincolnlibraries.org

Barbara Hansen
Administrative Aide
Lincoln City Libraries
402-441-8512
Annual Report
Lincoln City Libraries
September 1, 2011 – August 31, 2012

A major milestone was accomplished with the completion of the Main Library Vision and Concept Study, which was presented at the July 2012 Library Board meeting. The Library worked with consultants at Sinclair Hille Architects of Lincoln in partnership with Jack Poling, an architect with M S & R of Minneapolis, and Susan Kent, a library building specialist. The Study was funded with support from the Foundation for Lincoln City Libraries, the Lincoln Community Foundation, and the Woods Charitable Fund. At its August meeting, the Library Board voted to submit a proposal for re-use of the Pershing Center site as a new Main Library.

The new Lied Bookmobile began its travels in August. One unique feature of the vehicle is its use of compressed natural gas (CNG), which is considered a “clean” fuel alternative. It also costs significantly less operationally than conventional fuels. The vehicle was funded with City keeno funds, County funds, “Cleaner Greener” Lincoln funds, and private support including Black Hills Energy, the Foundation for Tomorrow, the Dillon Foundation, the Pegler Family Foundation, the Kinder Porter Scott Family Foundation and a major grant from the Lied Foundation. Thanks to the Foundation for Lincoln City Libraries for securing such substantial and generous private support.

The 2012 One Book - One Lincoln title is “Destiny of the Republic: A Tale of Madness, Medicine, and the Murder of a President” by Candice Millard. The other finalists were “The Submission” by Amy Waldman and “The Tower, the Zoo, and the Tortoise” by Julia Stuart.

Overall circulation in the 11-12 fiscal year declined 3.6% when compared to the previous year.

Our Summer Reading Program registration grew by 8% over 2011, with the highest percentage growth in the adult category. The total registration was 15,588, including 10,154 children, 2,540 teens, and 2,894 adults.

The library continues to adjust to reorganization that went into place at the conclusion of the previous fiscal year, with five upper level positions eliminated and the hours re-allocated to the Library Service Associate level. A reclassification project went into effect early in the fiscal year, flattening the organization and reducing the number of classifications within the library.

Pat Leach
Library Director
November 1, 2012
Annual Report
Lincoln City Libraries
September 1, 2011 – August 31, 2012

Lincoln City Libraries
136 So. 14th Street
Lincoln, NE 68508
www.lincolnlibraries.org
402-441-8500

Population of Legal Service Area: 285,407
Public Service Hours Per Week: 467
Number of Facilities: 8
Number of bookmobiles: 1

HEADQUARTERS:
Bennett Martin Public Library
136 So. 14th Street
Circulation: 436,812
Public Service Hours Per Week: 54
Monday – Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 6 p.m.

Dan A Williams Branch
5000 Mike Scholl Street
Circulation: 33,794
Public Service Hours Per Week: 28
Monday – Thursday 4 p.m. – 8 p.m.
Friday 4 p.m. – 6 p.m.
Saturday – Sunday 1 p.m. – 6 p.m.

BRANCH LIBRARIES:
Bess Dodson Walt Branch
6701 So. 14th Street
Circulation: 672,005
Public Service Hours Per Week: 64
Monday – Thursday 10 a.m. – 8 p.m.
Friday – Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 8 p.m.

Loren Corey Eiseley Branch
1530 Superior Street
Circulation: 489,823
Public Service Hours Per Week: 64
Monday – Thursday 10 a.m. – 8 p.m.
Friday – Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 8 p.m.

Bethany Branch
1810 No. Cotner Blvd.
Circulation: 127,188
Public Service Hours Per Week: 48
Monday – Saturday 10 a.m. – 6 p.m.
Sunday Closed

South Branch
2675 South Street
Circulation: 139,084
Public Service Hours Per Week: 64
Monday – Thursday 10 a.m. – 8 p.m.
Friday - Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 8 p.m.

Charles H. Gere Branch
2400 So. 56th Street
Circulation: 1,025,928
Public Service Hours Per Week: 64
Monday – Thursday 10 a.m. – 8 p.m.
Friday – Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 8 p.m.

Victor E. Anderson Branch
3635 Touzalin Avenue
Circulation: 238,680
Public Service Hours Per Week: 64
Monday – Thursday 10 a.m. – 8 p.m.
Friday – Saturday 10 a.m. – 6 p.m.
Sunday 12 p.m. – 8 p.m.

Bookmobile
Circulation: 23,246
Public Service Hours Per Week: 17
REVENUES:
Local Government Revenue: This includes all local government funds designated by the community and available for expenditure by the public library. Does not include the value of any contributed or in-kind services or the value of any gifts and donations, library fines, fees, or grants.
City of Lincoln: $ 6,548,793
Lancaster County: $ 658,902
Keno & Interest Earned: $ 515,132
Total Local Revenue: $ 7,722,827

State Revenue: These are funds distributed to public libraries by Nebraska state government for expenditure by the public libraries. This does not include federal money distributed by the state.
State Aid: $ 53,860
Continuing Ed/Training Grant: $ 4,000
Other State Gov. Revenue: $ 5,000
Total State Government Revenue $ 62,860

Federal Government Revenue: This includes all federal government funds including federal money distributed by the Nebraska Library Commission as Library Improvement grants.
Total Federal Government Revenue $ 0

Other Revenue: This is all operating revenue other than that reported under local, state, and federal operating revenue including monetary gifts and donations received, interest, library fines, fees for library services, and grants. Does not include the value of any contributed or in-kind services or the value of any non-monetary gifts and donations.
Other Revenue $ 727,172
TOTAL OPERATING REVENUE $ 8,512,859

CAPITAL REVENUE: $ 170,000
(Bookmobile)

EXPENDITURES:
Operating Expenditures are current and recurrent costs necessary to support library services.
Salaries and Benefits: $ 5,770,345
Collection Materials: $ 1,370,963
Facility: $ 259,278
Utilities: $ 304,153
Office Supplies: $ 78,786
Postage: $ 42,393
Telephone: $ 25,547
Insurance: $ 43,217
Contracts for Services: $ 571,222
Computer Hardware & Software $ 242,470
Electronic Access $ 38,452
Continuing Education: $ 15,155
Miscellaneous: $ 133,007
TOTAL OPERATING EXPENDITURES: $ 8,894,990

Capital Expenditures
Williams Branch $ 694
Gere HVAC 74,524
Bookmobile 278,940
TOTAL CAPITAL EXPENDITURES: $ 354,158
LIBRARY MATERIAL HOLDINGS (volumes)
Adult Print: 432,730
Adult NonPrint: 86,357
Youth Print: 293,469
Youth NonPrint: 37,575
Total Materials Owned: 850,131

LIBRARY SERVICES
Number of registered borrowers 206,491
Annual library visits 1,494,607
Annual reference transactions 269,875
Number of Public Internet computers 113
Annual Public Internet Computer Reservations 224,668
Children's program attendance 77,012
Adult program attendance 2,897
Circulation of adult materials 1,763,307
Circulation of children's materials 1,530,434
Circulation total 3,293,741
Total lost materials 12,045
Total library materials loaned to other libraries 2,696
Total library materials borrowed from other libraries 10,114
Number of online public access catalog computers 68
Total employees (FTEs) 107
Total number of volunteers 1018
**ACTION BY PLANNING COMMISSION**
October 31, 2012

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 31, 2012, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, (402) 441-7491.

**PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of “FINAL ACTION”. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council 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 31, 2012

[Commissioner Butcher absent]

Approval of minutes of the regular meeting held October 17, 2012. **APPROVED 4-0 (Hove, Lust, Francis and Cornelius voting ‘yes’; Gaylor Baird, Weber and Sunderman abstained; Butcher absent)**

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

   PERMITS:
   1.1 Special Permit No. 12032, for the authority to sell alcoholic beverages for consumption on the premises of a restaurant, on property generally located at N. Cotner Boulevard and Fairfax Avenue (1551 N. Cotner Boulevard). ***FINAL ACTION***

   Staff recommendation: Conditional Approval
   Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
   Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated October 17, 2012, 6-0 (Hove absent at time of vote; Butcher absent).
   Resolution No. PC-01305.
1.2 Special Permit No. 12033, for an early learning childhood care facility for up to 99 children, on property generally located at S. 48th Street and Apple Hill Lane (3134 S. 48th Street). *** FINAL ACTION ***

Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Removed from Consent Agenda and had separate public hearing.
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated October 17, 2012, 5-1 (Francis dissenting; Hove absent at time of vote; Butcher absent).
Resolution No. PC-01306.

MISCELLANEOUS:

1.3 Street & Alley Vacation No. 12008, to vacate a portion of the existing 38th Street right-of-way from the south right-of-way line of South Street to a point 63.06 feet on the west side of right-of-way and 96.27 feet on the east, also a triangular tract of land in the NW corner of Lot 4, Woods Bros. Half Acres Addition, generally located at S. 38th Street and South Street.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Christy Eichorn, 402-441-7603, ceichorn@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 6-0 (Hove absent at time of vote; Butcher absent), Public Hearing before City Council tentatively scheduled for Monday, December 3, 2012, 3:00 p.m.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: See Item No. 1.2 above.

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN:

4.1 Comprehensive Plan Conformance No. 12012, to review the proposed declaration of surplus property as to conformance with the 2040 Comprehensive Plan, generally located west of S. 21st Street and between O Street and M Street.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brandon Garrett, 402-441-6373, bgarrett@lincoln.ne.gov
Had Public Hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 7-0 (Butcher absent).
Public Hearing before City Council tentatively scheduled for Monday, December 3, 2012, 3:00 p.m.
5. **CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**ANNEXATION WITH RELATED ITEMS:**

5.1a Annexation No. 12004, to annex approximately 5 acres, more or less, generally located at S. 84th Street and Amber Hill Road.

Staff recommendation: Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Had continued public hearing.

Planning Commission recommendation: APPROVAL, 7-0 (Butcher absent).

Public Hearing before City Council tentatively scheduled for Monday, December 3, 2012, 3:00 p.m.

5.1b Change of Zone No. 12027, from AGR Agricultural Residential District to R-3 Residential District, on property generally located at S. 84th Street and Amber Hill Road.

Staff recommendation: Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Had continued public hearing.

Planning Commission recommendation: APPROVAL, 7-0 (Butcher absent).

Public Hearing before City Council tentatively scheduled for Monday, December 3, 2012, 3:00 p.m.

5.1c Special Permit No. 06001B, an amendment to the Grand Terrace Community Unit Plan, to expand the boundaries by adding a five acre lot to allow approximately 31 additional dwelling units, with a waiver request to cul-de-sac radius, on property generally located at S. 84th Street and Amber Hill Road. ***FINAL ACTION***

Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Had continued public hearing.

Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated September 19, 2012, as amended by the applicant and agreed upon by staff, 7-0 (Butcher absent).

Resolution No. PC-01307.

******

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

******
PENDING LIST: none

Planning Dept. staff contacts:

Stephen Henrichsen, Development Review Manager . 402-441-6374 . shenrichsen@lincoln.ne.gov
David Cary, Long Range Planning Manager . 402-441-6364 . dcary@lincoln.ne.gov
Michael Brienzo, Transportation Planner . 402-441-6369 . mbrienzo@lincoln.ne.gov
Tom Cajka, Planner . 402-441-5662 . tcajka@lincoln.ne.gov
Christy Eichorn, Planner . 402-441-7603 . ceichorn@lincoln.ne.gov
Brandon Garrett, Planner . 402-441-6373 . bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, Planner . 402-441-6361 . slhageman@lincoln.ne.gov
Sara Hartzell, Planner . 402-441-6371 . shartzell@lincoln.ne.gov
Brian Will, Planner . 402-441-6362 . bwill@lincoln.ne.gov
Ed Zimmer, Historic Preservation Planner . 402-441-6360 . 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
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Chris Beutler
     Lincoln City Council

FROM : Jean Preister, Planning

DATE : November 1, 2012

RE : Notice of final action by Planning Commission: October 31, 2012

Please be advised that on October 31, 2012, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

**Resolution No. PC-01305**, approving Special Permit No. 12032, with conditions, requested by Katherin Cloran, for authority to sell alcoholic beverages for consumption on the premises generally located at Gratitude Café, 1551 North Cotner Boulevard.

**Resolution No. PC-01306**, approving Special Permit No. 12033, with conditions, requested by Jerry Beach, for an early childhood care facility for up to 99 children and 12 staff, including a waiver of the requirement that a childhood care facility caring for more than 31 children front onto a major street, on property generally located at 3134 South 48th Street.

**Resolution No. PC-01307**, approving Special Permit No. 06001B, with conditions, as amended, requested by Fox Hollow, LLC, for authority to amend the Grand Terrace Community Unit Plan to add 4.6 acres and up to 31 additional dwelling units, including a waiver of the Designs Standards for cul-de-sac bulb radius from 43.5’ to 30’, on property generally located at South 84th Street and Amber Hill Road.

This is final action unless appealed to the City Council by filing a notice of appeal with the City Clerk 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. SP12032, SP12033, SP06001B). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.
Memorandum

Date:◆October 30, 2012
To:◆City Clerk
From:◆Teresa McKinstry, Planning Dept.
Re:◆Administrative Approvals
cc:◆Jean Preister, Planning Dept.

This is a list of the administrative approvals by the Planning Director from October 23, 2012 thru October 29, 2012:

Administrative Amendment No. 12039 to Use Permit No. 132B, The Humane Society at Willowbrook Shopping Center, approved by the Planning Director on October 24, 2012, requested by Capital Humane Society, to show a fenced dog run area with enhanced landscape screening within the 100’ setback to buildings and 75’ setback to parking areas adjacent to Highway 2, on property generally located near S. 70th St. and Highway 2.
Chief Huff:

Attached are a cover letter and the LFR billing for a June 11, 2009 transport. Please review this situation—this is a most unfortunate matter as Matthew Weishahn died in the interim and LFR has billed the remainder of his ambulance charges 40 months later. Even the insurance reimbursement from Blue Cross/Blue Shield was made on June 25, 2009.

I would also be interested in learning why BC/BS received a discount of $245.43 and only paid $10.66, and now, after 40 months, an invoice is made for $344.91 to the person transported. This is very strange.

Separately, I will send a letter to Mr. Weishahn expressing our condolences.

Thank you in advance for your prompt attention to this matter.

Jon

---

**JON A. CAMP**

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

Office:  402.474.1838/402.474.1812
Fax:  402.474.1838
Cell:  402.560.1001

Email:  joncamp@lincolnhaymarket.com
Website:  www.lincolnhaymarket.com

“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](https://en.wikipedia.org/wiki/Alexis_de_Tocqueville) and Political scientist. 1805-1859)
Kent D. Weishahn
4800 Thomasbrook Ln
Lincoln NE  68506

October 26, 2012

City of Lincoln
Lincoln Fire & Rescue
555 S 10th St  Mailbox 28
Lincoln NE  68508

RE: Account #98343  Matthew D. Weishahn

To Whom It May Concern:

An invoice for the above-referenced account was received yesterday showing a balance of $344.91. It shows a service date of June 11, 2009. A copy is enclosed.

Matthew is my son. As a father, I am disappointed that he did not pay this bill.

As a taxpayer, I am amazed that you are sending invoices for a debt that is over forty months old! Why wasn’t this turned over to a collection agency long ago? How many more hundreds or thousands of these grossly stale debts are still sitting on your system? What kind of income are you losing?

Matt’s mail has been delivered to our Thomasbrook Lane address since mid-January. No bills for this debt have been received since then, so I’m also wondering about your diligence in notifying citizens of their debt.

For this particular account, your collection effort, or lack thereof, is a moot point. My son died January 3rd of this year. I will provide a copy of his death certificate if required. There was no estate left after his immediate expenses were paid, so you will need to write off this amount as uncollectable.

Sincerely,

Kent D. Weishahn

Enc(1)

KDW:hs

Cc:  Jon Camp, Lincoln City Council
     Tom Casady, Public Safety Director
     Chris Buetler, Mayor
INSURANCE PAID, NOW PATIENT RESPONSIBLE:

THE REMAINING BALANCE SHOWN IS AFTER ALL INSURANCE PAYMENTS HAVE BEEN RECEIVED. PLEASE SEND YOUR CHECK FOR THE BALANCE DUE. YOUR PROMPT PAYMENT IS VERY MUCH APPRECIATED. TO ASSURE PROPER PAYMENT POSTING, PLEASE INCLUDE YOUR INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER.

Invoice Balance: $344.91

<table>
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<th>Account Number</th>
<th>Invoice Number</th>
<th>Authorization Number</th>
<th>Invoice Date</th>
<th>Due Date</th>
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<td>13.00</td>
<td>26.00</td>
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</tbody>
</table>

ON: 06/11/09
FROM: 222 N 48TH ST
TO: BryanLGH East
06/25/09 91748282 BLUE CROSS/SHIELD PAYMENT 10.66
06/25/09 91748282 BLUE CROSS/SHIELD DISCOUNT 245.43

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

Please return this portion with your payment.

City of Lincoln
Lincoln Fire & Rescue
555 S. 10th St. Mailbox 28
Lincoln, NE 68508
October 30, 2012

Kent D. Weishahn
4800 Thomasbrook Lane
Lincoln, NE  68506

Re: Matthew D. Weishahn
   Lincoln Fire and Rescue Ambulance Billing

Dear Mr. Weishahn:

Words cannot express my thoughts with regard to your son’s death and the tardy billing for his ambulance services on June 11, 2009. None-the-less, please accept my condolences on Matthew’s death and this subsequent unfortunate billing.

Separately, I emailed Lincoln Fire Chief John Huff and copied Mayor Beutler on this situation. Please be assured that I will endeavor to prevent this from happening to other citizens. Since I know of at least one other tardy billing and that LFR has engaged several different billing firms since it assumed the emergency ambulance service, the City of Lincoln needs to once and for all fix this situation.

Again, please accept my sincerest apologies for a most unfortunate situation.

Sincerely,

JON A. CAMP
I recently submitted a claim for medical expenses related to a fall at the bus stop immediately south of 48th & Claire. Please see attached letter.

Last week I received a letter (copy attached) from Marcee Brownlee of the City Law Department indicating she was recommending denial of my claim. I found the letter quite "belittling", implying that any "intelligent" person should watch where they walk to avoid tripping. I retired in 2004 and took up walking from 7 to 10 miles per day (including volunteering to clean city parks and trails), thus I am quite well aware of the deplorable condition of Lincoln's city sidewalks. I'm also aware of the many distractions while walking, some intentional, such as loud barking dogs hanging out car windows, truck horns, yelled obscenities and screeching tires, all when being approached from one's back side thus startling one to take concentration off the next foot step.

Ms. Brownlee also indicated that unless the city had knowledge of such condition they could not make the necessary repairs. I find this ludicrous with the following example; in the past two years LES buried a underground line from Holmes Golf course southwest to 40th & Hwy 2. When they bored under Pioneers Blvd. at approximately 60th Street a large 2 foot deep sink hole developed on the south side of the street between the curb & sidewalk near the highline tower. I called the Lincoln Police, Lincoln Fire Dept and Public works many times. Finally after several weeks, I witnessed a Public Works truck stop to inspect. He painted a RED circle on the grass around the hole and left. A week later a mower cut the grass, thus removing the red-painted circle. To this date it remains unfixed, though some erosion has left the hole approximately one foot deep. Thus an example the city was aware of a public danger but did nothing but paint a red circle for a week. At 48th & Claire, nearly two months have passed and nothing has been done.

Therefore, I urge you to reconsider Ms. Brownlee's stance and reimburse me for my medical expenses related to my broken wrist. Unfortunately due to some recent medical issues I will be unable to attend the council meeting to discuss this in person.

Kennard Pischel
4621 South 54th Street
Lincoln, NE 68516
(402) 489-3544
September 5, 2012

City Attorney's Office
555 South 10th
Lincoln, NE 68508

RE: Fracture to Right Wrist in two places from a fall due to tripping on a sunken sidewalk in front of bus stop--48th & Claire

To Whom It May Concern,

I'm am a senior citizen (65 in Oct.). My wife & I have volunteered to clean City Parks & Recreation Trails for the past 6 to 7 years. As we live about a mile from the trails, we must walk about a mile to reach the trails.

On Friday, August 24, 2012, we were walking towards 48th & Hwy 2 to start cleaning the trails when I tripped on a sunken sidewalk right in front of the bus shelter on the west side of 48th street, just south of 48th & Claire. As a result of this fall, my wife took me to BRYAN/LGH East Emergency Room where upon examination by doctors I found I had fractured my right wrist in two places. The doctors said it would require a cast for a minimum of 8 weeks.

I have enclosed pictures of the bus shelter and sunken sidewalk which caused the fall. They clearly show the sidewalk is near new, but "sunken" leaving a "lip" to catch a toe.

By copy of this letter, I am hereby requesting the city to pay all related Hospital Emergency Room charges and Orthopedic charges for medical services.

I may be reached at 402-489-3544 if you have additional questions.

Sincerely,

Kennard Pischel
4621 S 54
Lincoln NE 68516

Enclosures

cc:
BryanLGH Medical Center
Nebraska Orthopaedic and Sports Medicine P.C.
October 18, 2012

Kennard Pischel
4621 South 54th Street
Lincoln, NE 68516

RE: Claim Against the City of Lincoln

Dear Mr Pischel:

This is in reference to your claim against the City of Lincoln received in this office on September 6, 2012. In order for your claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such claim. The mere occurrence of an accident on public property resulting in damages, in and of itself, is not a sufficient basis for a claim for those damages. In order for this type of claim to be authorized for payment from public funds it must be shown that the public had knowledge of the claimed defect prior to the accident giving rise to the claim. According to the records of the Public Works Department, the first notice concerning the claimed defect occurred when you filed this claim.

In addition, it must be shown that the claimed defect which contributed to the fall was of such a nature that a person using the sidewalk would not anticipate the condition of the sidewalk and take actions to prevent injury. Finally, the public is not an insurer of those using its property, to wit, its sidewalks. That is, it is not unusual for a sidewalk, public or private, to have uneven surfaces, so unless the City had knowledge of the condition, and such condition was a hidden hazard, I cannot find that negligence of the City or its employees was the proximate cause of your injuries. Therefore, I must inform you that I am referring your claim to the City Council with a recommendation that they deny this claim.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on October 29, 2012, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by emailing the City Council at council@lincoln.ne.gov or by contacting your individual councilperson.

Sincerely,

Marcia A. Brownlee
Assistant City Attorney

MAB/skb
cc: BlueCross Blue Shield of Nebraska
Rod:

Please see the email below from Mr. Pischel. Also attached are his original letter and Marcee Brownlee's response.

This is the second time in several months I have had a constituent express concerns on the manner in which their claim was handled--the format of the letter in particular. Perhaps a revision can be made to make the text more friendly.

I would be interested in your response on the notice given on other construction and how the City can continue to ignore these situations. You will recall the recent Pre Council I requested on our sidewalk policies and concerns I expressed to those in attendance over continuing to require "sidewalks to nowhere" when we cannot maintain what we have.

Thank you,

Jon

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

Office:      402.474.1838/402.474.1812
Fax:          402.474.1838
Cell:          402.560.1001

Email:         joncamp@lincolnhaymarket.com
Website:     www.lincolnhaymarket.com

"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

-----Original Message-----
From: kpischel@neb.rr.com [mailto:kpischel@neb.rr.com]
Sent: Monday, October 29, 2012 1:53 PM
To: Jon Camp
Cc: councilpacket@lincoln.ne.gov; mayor@lincoln.ne.gov
Media Release

To: Media
CC: Mayor's Office, Lincoln City Council
From: Lori Seibel, President & CEO, 402-436-5516
Date: October 30, 2012
Re: New Funding Opportunity

Community Health Endowment Announces Funding Availability

The Board of Trustees of the Community Health Endowment (CHE) announces the availability of $1,200,000 to achieve its vision of making Lincoln the healthiest community in the nation. CHE recognizes that healthcare systems on the local, state, and national levels are undergoing extraordinary transformation and, while some changes remain uncertain, our community must act now to assure that Lincoln's safety net is strong and sustainable. According to Joe Flower, healthcare futurist and keynote speaker at the 2012 CHE Annual Meeting, "If we are smart and fast and aggressive and have a clear vision, there is a better chance than ever that we can help (the healthcare system) change not chaotically but in ways that will make it better and cheaper for everyone. That's our job and this is our chance."

Using the theme of Rethinking, Revitalizing, and Reforming, CHE has established the following funding priorities:

INCREASE ACCESS TO PATIENT-CENTERED MEDICAL AND DENTAL HOMES

- Increase the availability of primary care, behavioral health, dental, and related safety net services through innovation, collaboration, and effective business planning.

IMPROVE THE QUALITY OF SAFETY NET SERVICES

- Integrate primary care, behavioral health, and dental services to achieve evidence-based improvements in patient care.
- Build the cultural competency of organizations and providers to effectively meet the healthcare needs of people from diverse backgrounds and cultures.
- Use technology to improve quality of health services and patient engagement in care.
- Focus on the prevention and/or management of chronic conditions using innovative practices.
PREPARE FOR CHANGE

- Assure that Lincoln is well-positioned to respond to new models of care on the local, state, and federal level by developing an adequate healthcare workforce and implementing creative opportunities for meaningful education and outreach to diverse populations.

SUPPORT HEALTHY LIVING

- Increase physical activity and prevent obesity through focused programmatic and marketing efforts, community education, development of public policy, and partnerships with traditional and non-traditional partners.

Stage I applications are now being accepted as part of an open, competitive funding process. Additional information and application materials can be found at www.chelincoln.org. The deadline for submission is January 4, 2013.

For further information, contact CHE at 402-436-5516.
Call to Order

Customer Comment

Minutes of special meeting held at 7:00 p.m., Tuesday, October 30, 2012, at the offices of Lincoln Electric System, 1040 O Street, Lincoln, Nebraska.

Board Members Present: Pat Beans, Marilyn McNabb, Cathy Beecham, Dan Harshman, Vicki Huff, Libby Raetz

Board Members Absent: Jerry Hudgins, W. Don Nelson, one vacant seat on the Board

LES Staff Present: Dan Pudenz, Steve Adams, Laura Kapustka, Lisa Hale, Emily Koenig, Kelley Porter, Kevin Wailes, Shelley Sahling-Zart

News Media Present: Bill Schammert—KLKN-TV Ch. 8

Others Present: Andy Pollock, Duane Hovorka, John Atkeison, K. Hammelmann

Chair Pat Beans called the special meeting to order at approximately 7:00 p.m. He noted that LES conducts its meetings in compliance with the Nebraska Open Meetings Act and noted that copies of the Act are located near the entrance to the Board room.

The floor was opened for public comment. The following individuals addressed the Board:

- Duane Hovorka on behalf of the Nebraska Wildlife Federation (NWF). He noted that he had previously sent a letter noting support for the budget. He indicated that the NWF supports the Sustainable Energy Program (SEP) as “smart money” and noted that they would like to see funding for the program increased. He noted there were concerns about being able to expend all of the funds currently, but he noted that the ReEnergize Lincoln program will be going away which should increase utilization of the SEP.

- Andy Pollock on behalf of the Lincoln Employers Coalition (LEC). The LEC commends the staff and Board work on the budget noting that LES does an exemplary job of managing its budget. He also thanked staff for the outreach efforts and accessibility to answer questions. He also noted that a year ago the LEC had asked LES to consider refunding the amount
budgeted for Cross-State Air Pollution Rule (CSAPR) compliance should CSAPR be overturned. The LEC was appreciative that LES instituted the credit when CSAPR was vacated. He noted, however, that the amount included in the rate increase for CSAPR is essentially still in the rate base making the proposed 2.6% rate increase more equivalent to 3.94%, depicted in a chart which Pollock distributed. (Exhibit I)

Pollock made two requests on behalf of the LEC. First, he noted that there is currently a net revenue surplus of nearly $5 million. Pollock asked that the Board condition its approval of the budget based on updated projections that will be received in a couple of weeks to see if there is sufficient net revenue surplus to reduce the budget and proposed rate increase. Second, he noted that the LEC is supportive of the SEP. However, he requested that if there are unexpended SEP funds at the end of 2012, that the SEP funding for 2013 be reduced by an equivalent amount.

Chair Beans noted that the Board and staff have been working on the budget for weeks and that it is late in the process to ask the Board for additional changes. In order to get a budget approved by the end of the year, the LES Administrative Board needs to take action now to advance a proposal to the Lincoln City Council.

Marilyn McNabb, Chair of the Board Budget & Rates Committee, moved adoption of LES Resolution 2012-18, approving the LES 2013 Operating & Capital Budget and recommending its approval by the Lincoln City Council. (Exhibit II) Dan Harshman seconded the motion. The total authorization of $326,244,000 includes an operating authorization of $255,377,000 and a capital authorization of $70,867,000.

Following discussion the vote to adopt LES Resolution 2012-18 was:

Aye: Beans, Beecham, Harshman, Huff, McNabb, Raetz

Nay: None

Absent: Hudgins, Nelson, one vacant seat on the Board
Marilyn McNabb moved adoption of LES Resolution 2012-19, approving a system average rate increase of 2.6 percent effective with bills rendered on or after January 1, 2013 and recommending its approval to the Lincoln City Council. (Exhibit III) Vicki Huff seconded the motion. The vote to adopt LES Resolution 2012-19, thereby approving a rate increase and recommending approval by the Lincoln City Council, was:

Aye: Beans, Beecham, Harshman, Huff, McNabb, Raetz

Nay: None

Absent: Hudgins, Nelson, one vacant seat on the Board

The next regular meeting of the LES Administrative Board is scheduled for November 16, 2012, at 9:30 a.m.

There being no further business before the Board, Chair Beans declared the meeting adjourned at approximately 7:27 p.m.

Jerry Hudgins, Secretary

BY: Shelley R. Sahling-Zart
Shelley R. Sahling-Zart
General Counsel
Exhibit I
Exhibit II
LES RESOLUTION 2012-18

WHEREAS, it is the responsibility of the Lincoln Electric System (LES) Administrative Board to develop and recommend to the City Council of the City of Lincoln (City) for their consideration and action a proposed annual budget for the operation of LES consisting of an operating budget and a capital budget;

WHEREAS, the LES Administrative Board is charged with the responsibility for the control and management of the personnel, property, facilities, equipment, and finances of LES and annually approves the Budget Appropriation Request to guide the financial and operational activities during the upcoming year;

WHEREAS, the Proposed Budget Appropriation Request consisting of the 2013 LES Operating Authorization in the amount of $255,377,000 and the Proposed 2013 LES Capital Authorization in the amount of $70,867,000 was transmitted to the Budget & Rates Committee of the LES Administrative Board for review;

WHEREAS, the Budget & Rates Committee met and reviewed the Budget Appropriation Request on August 29 and August 31, and recommends it to the full Administrative Board for adoption;

WHEREAS, the LES Administrative Board reviewed the Budget Appropriation Request on September 21, 2012, and customer feedback on the Budget Appropriation Request on October 19, 2012;

WHEREAS, LES staff provided extensive customer information and outreach on the proposed 2013 Budget throughout the period September 21, 2012 to October 29, 2012, including a public meeting on the proposed budget on October 23, 2012;

WHEREAS, LES has the obligation to make capital improvements necessary to maintain the electric system in good working order and repair, and expenditures for such purposes which are made from revenues, may be reimbursed to the LES revenue fund or other funds from the issuance of the City's electric system revenue bonds;
WHEREAS, obtaining right-of-way is an ongoing and necessary process for construction of transmission and distribution facilities that are identified in capital improvement budgets, the implementation of which on occasion requires the use of eminent domain requiring Lincoln City Council approval;

WHEREAS, although Governmental Accounting Standards Boards (GASB) Statement Number 65 will require debt issuance costs to be expensed in the current period for financial statement ending December 31, 2013, LES proposes to continue to amortize those costs over the life of the related debt;

WHEREAS, GASB Statement Number 62, among other things, allows special accounting or amortization of certain expenses subject to certain requirements, including a plan to recover such costs through future rates and regulatory body approval.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Budget & Rates Committee, the LES Administrative Board hereby adopts the 2013 LES Operating and Capital Appropriation Request in the total amount of $326,244,000 and directs that it be properly transmitted to the Lincoln City Council for its full consideration and adoption;

BE IT FURTHER RESOLVED, that to the extent capital improvements of LES are made from LES revenues, it is intended that the amount of such expenditures, which is not reasonably expected to exceed $95 million, shall be reimbursable to the LES revenue fund and other funds through the issuance of future electric system revenue bonds, there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof. The proper officers of LES shall keep and maintain records at least annually to determine the amount of such excess capital expenditures that may be reimbursed from electric system revenue bond proceeds;

BE IT FURTHER RESOLVED, that the LES Administrative Board hereby requests that the Lincoln City Council give LES ongoing eminent domain authority for those projects identified in the LES Appropriation;

BE IT FURTHER RESOLVED, that the LES Administrative Board also approves the application of GASB 62 to continue to amortize debt issuance costs over the life of the related debt.

S/Pat E. Beans
Chair

Adopted: October 30, 2012
Exhibit III
LES RESOLUTION 2012-19

WHEREAS, it is the responsibility of the Lincoln Electric System (LES) Administrative Board to develop and recommend to the City Council of the City of Lincoln rate schedules and service regulations for electric service to ratepayers in the LES service area;

WHEREAS, the LES staff has prepared a document entitled, “Rate Schedules and Service Regulations,” which provides for a system-wide average retail rate increase of 2.6 percent to be effective January 1, 2013;

WHEREAS, the rate increase is necessary to cover ordinary increases in operating and maintenance expenses, administrative and general expenses and to achieve certain debt service coverage;

WHEREAS, LES staff provided extensive customer information and outreach on the proposed 2013 Rates throughout the period September 21, 2012 to October 29, 2012;

WHEREAS, a public meeting on the proposed rate increase and changes to the rate schedules and service regulations was held on Tuesday, October 23, 2012 at 7:00 p.m. at the Walter A. Canney Service Center, 2620 Fairfield Street, to receive public input regarding the proposed increase;

WHEREAS, the LES Administrative Board has reviewed the cost analysis with LES staff and has determined that there is sufficient justification for such change in rates and charges as has been recommended;

WHEREAS, it has been determined that said rate recommendations are consistent with the LES financial targets and the requirements of the City of Lincoln’s Bond Ordinance for LES;

WHEREAS, LES Resolution 2005-12 previously adopted by the Board directs a review of the funding level for the Energy Assistance Program following approval of adjustments in LES retail electric rates.

NOW, THEREFORE, BE IT RESOLVED, that the LES Administrative Board approves and recommends to the Lincoln City Council the adoption of the “Rate Schedules and Service Regulations,” providing for a system-wide average retail rate increase of 2.6 percent, to be effective January 1, 2013;

BE IT FURTHER RESOLVED, that the LES Administrative Board approves the recommended changes to the LES rate schedules and service regulations;
BE IT FURTHER RESOLVED, that the LES Administrative Board approves an increase in LES funding for the Energy Assistance Program of $10,000 which will raise the total 2013 funding level to approximately 255,000;

BE IT FURTHER RESOLVED, that the LES Administrative Board directs the LES Administrator and CEO to transmit said documents to the Lincoln City Council for its consideration and approval.

S/Pat E. Beans
Chair

Adopted: October 30, 2012
Message from:

Ron Jonas     402.421.1017
re: Alarm System Complaint
He has an alarm system but has had no false alarms, and doesn’t believe he should be paying this fee.

If he had false alarms he would be willing to pay.

Did call Cry Wolf, didn’t receive an adequate response.
Message from:

Ron Jonas        402.421.1017
re: Alarm System Complaint
He has an alarm system but has had no false alarms, and doesn’t believe he should be paying this fee.

If he had false alarms he would be willing to pay.

Did call Cry Wolf, didn’t receive an adequate response.
I. CITY CLERK

II. MAYOR & DIRECTORS CORRESPONDENCE

MAYOR
1. NEWS RELEASE. Public invited to open house and online town hall on solid waste management plan.
2. NEWS RELEASE. Public invited to reEnergize Rally Saturday.
3. NEWS ADVISORY. Mayor Beutler’s public schedule for the week of November 3rd through November 9, 2012.
4. NEWS RELEASE. Newspaper only recycling site to close for construction.

III. DIRECTORS

PARKS AND RECREATION

PLANNING DEPARTMENT
1. The November 7, 2012 Urban Design Committee meeting has been cancelled.

WEED CONTROL - LANCASTER COUNTY AND CITY OF LINCOLN
1. City of Lincoln Weed Abatement - Lancaster County Weed Control October 2012 newsletter.

IV. COUNCIL MEMBERS

V. CORRESPONDENCE FROM CITIZENS
PUBLIC INVITED TO OPEN HOUSE AND ONLINE TOWN HALL ON SOLID WASTE MANAGEMENT PLAN

The public is invited to an open house Tuesday, November 13th on the Solid Waste Management Plan for Lincoln and Lancaster County – Solid Waste Plan 2040. The open house will be from 6 to 8 p.m. on the lower level of the Lincoln-Lancaster County Health Department, 3140 “N” Street. The open house will focus on the Needs Assessment, which summarizes the current solid waste management systems, facilities and programs and identifies future solid waste management needs. Informative posters will be displayed and City staff will be available to answer questions. No formal presentation is planned.

The open house will be an opportunity for residents and businesses to provide input. “It is important to have a solid waste management plan that is forward looking, addresses conservation of resources, and ensures we are protecting the health and safety of our community and the environment.” said Miki Esposito, Director of the Public Works and Utilities Department.

An online “Town Hall” meeting also will be available from November 6th through 20th for anyone unable to attend the open house. It can be found at the on the project website at lincoln.ne.gov (keyword: solid waste plan). The public also may submit comments through the project phone line at 402 441-7738.

“The public is encouraged to participate in the process because the solid waste management plan is intended to reflect the values and desires of residents and the businesses,” Esposito said. A draft of the Solid Waste Plan 2040 is scheduled to be completed by late summer 2013. The plan will be submitted to the City-County Planning Commission, the County Board and the City Council.

In addition to using the project website and phone number, the public can be involved by:
• Following the planning effort on Facebook and Twitter at Solid Waste Plan 2040.
• Joining the mailing list online or by phone to receive additional information.
• Attending an Advisory Committee meeting. A schedule is available online.

The plan will be a guide for policy decisions regarding solid waste management systems, facilities and programs for the next 30 years. The development of a comprehensive, integrated solid waste management plan was identified as a key strategy in the Lincoln-Lancaster County 2040 Comprehensive Plan (LPlan 2040), adopted in October 2011. The Solid Waste Plan 2040 is being guided by the Public Works and Utilities Department, the Lincoln-Lancaster County Health Department and an Advisory Committee.
PUBLIC INVITED TO reENERGIZE RALLY SATURDAY

Lincoln residents are invited to attend a reEnergize rally from 11 a.m. to 1 p.m. Saturday, November 3 at EcoStores Nebraska, 530 West “P” St., for food, fun and home energy assistance. The reEnergize staff will be on hand to discuss the grant program, answer questions and help citizens save thousands of dollars through financial assistance for home energy efficiency upgrades.

The reEnergize team will share new program developments and new opportunities for funding as the winter season approaches. They’ll also share information on how individual Lincoln homeowners are already receiving hundreds of dollars in reEnergize incentives. Grant time is limited, so interested citizens are urged to attend Saturday’s rally to find out how they can qualify for energy efficiency upgrades to their home.

A reEnergize consumer education event is also scheduled from 6 to 8 p.m. Thursday, November 15 at the Jayne Snyder Trail Center in Union Plaza. Those in attendance will receive energy savings tips for the home, information on how to maintain reEnergize home upgrades, energy savings finance information and another opportunity to meet with reEnergize evaluators and contractors. Snacks will also be provided.

The reEnergize Program is a collaboration between the City of Lincoln and the City of Omaha to promote the local energy efficiency market. The program, which was awarded a $10 million grant from the U.S. Department of Energy in 2010, is one of 25 pilot projects in the U.S.

The program provides Lincoln residents who live in single-family homes or duplexes with financial incentives for energy efficiency upgrades. Through the “market rate” path, homeowners can receive a discounted professional energy evaluation plus up to 50 percent off the cost of installing the recommended upgrades. Those with incomes less than 80 percent of Lincoln’s median income may qualify for up to $3,000 in energy upgrades for just $100.

Questions? Call 402-441-7658 or email sarah@reEnergizeprogram.org.
Mayor Beutler’s Public Schedule
Week of November 3 through 9, 2012
Schedule subject to change

Saturday, November 3
• Women and Money Conference, remarks - 8:30 a.m., Center for People in Need Conference Center, 3901 N. 27th St. (Unit 1)
• NAACP Annual Freedom Fund Banquet, remarks - 6:30 p.m., Cornhusker Hotel Grand Ballroom, 333 S. 13th St.

Monday, November 5
• Mayor’s Neighborhood Roundtable meeting - 5:30 p.m., Mayor’s Conference Room, County-City Building, 555 S. 10th St.
FOR IMMEDIATE RELEASE: November 5, 2012  
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 402-441-7043

NEWSPAPER-ONLY RECYCLING SITE  
TO CLOSE FOR CONSTRUCTION

The newspaper-only recycling drop-off site at Elevate Church, 8251 Pioneers Blvd., will close Wednesday, November 7 due to construction at the church. Plans are for the recycling site to be restored once construction is complete in the fall of 2013.

Area residents may take their newspapers to nearby recycling sites at 53rd and Calvert, 70th and “A” streets and 33rd Street and Highway 2 (behind Russ’s Market).

More information on the City recycling program is available at recycle.lincoln.ne.gov or by calling 402-441-8215.

- 30 -
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:     November 8, 2012
LOCATION:         Parks & Recreation Dept. (Large Conference Room)
TIME:             4:00 - 5:30 p.m.
CHAIR:            Anne Pagel

AGENDA

1. Call to Order and Recognition of 'Open Meetings Act'

2. Approval of Minutes:  * October 11, 2012, meeting

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

4. Committee Reports
   A. Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224
      Please note the recommendation re: proposed fees for rental of indoor park
      shelters, wedding sites, and special use permits will be presented during the
      December meeting.
   B. Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131
   C. Golf Report
      Rounds and revenue report for September.
   D. Executive Committee - Anne Pagel (Chair) - 402-570-9194
      Discussion regarding executive sessions
      * Adoption of Purpose and Intent Statement and By-Laws for Lincoln Municipal
      Golf Advisory Committee as a subcommittee of the Parks and Recreation
      Advisory Board.
      * Presentation of slate of officers for 2013
      * Appointment of Board members to the Lincoln Municipal Golf Advisory
      Committee

7. Staff Report:
   - Overview of Lincoln Parks Foundation strategic planning project
   - Overview of Lincoln Children’s Zoo master planning project
   - Presentation regarding long grass maintenance research

8. Announcements:
   *

* Denotes Action Items
MINUTES
Parks & Recreation Advisory Board Meeting
Parks & Recreation Conference Room
Thursday, October 11, 2012

Members Present:
Molly Brummond    Jonathan ICook    Jim Crook    Susan Deitchler
Caitlyn Do        Todd Fitzgerald   Karen Hand   Peter Levitov
Cleo Mullison     Anne Pagel       Dennis Scheer Bob Ripley
Jeff Schwebke

Members Absent:
Justin Carlson    Jane Raybould    Joe Tidball

Recognition of ‘Open Meetings Act’: As per law, Chairperson Anne Pagel announced that the Board follows the regulations of this Act, as posted.

* APPROVAL OF MINUTES: It was moved (Deitchler) and seconded (Levitov) to approve the minutes of the September 13, 2012, meeting as mailed. Motion carried by unanimous vote of members present.

PUBLIC COMMENTS FOR ITEMS (other than those listed on the current Agenda): none

COMMITTEE REPORTS

Fees & Facilities Committee - Susan Deitchler, Chair - 488-4224

* Recommendation re: renaming of Iron Horse Park in recognition of the late Mayor Bill Harris: Mary Sue Harris and her son, Ben Harris, were in attendance at the meeting and offered comments relating to this agenda item (a copy of which is attached to the file copy of these minutes). A proposal has been received by the Parks & Recreation Department to rename Iron Horse Park at 7th & ‘Q’ Streets as Bill Harris Park in recognition of the late Mayor Bill Harris. Mayor Harris died in January, 2011. He served as Mayor of Lincoln between 1987 and 1991. As Mayor, he was actively involved in promoting early development of the Lincoln Historic Haymarket as a retail and entertainment district. Harris also served as a State Senator from 1983 to 1987. The guidelines for naming of park facilities state that a facility may be named in recognition of significant civic accomplishments related to Department activities, and that a marker or monument be placed explaining the significance of the naming. This proposal falls within these Department guidelines. It was moved (Committee) and seconded (Hand) to approve the recommendation to rename Iron Horse Park as ‘Bill Harris Park’, and placement of a marker on the site recognizing Mayor Bill Harris’ service to the community and promotion of development of Lincoln’s Historic Haymarket. The motion carried by a unanimous vote of members present. This recommendation will be forwarded to the City Council and the formal renaming will occur through a Resolution from the City Council.

Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131

* Adoption of Golf Advisory Committee By-Laws: Todd Fitzgerald reported that the last Golf Committee meeting went very well. Lynn Johnson said he took the recommendation from the
PRAB back to the working golf committee and felt that it was a good discussion. Johnson reported there is a section within the LMC that created the PRAB that gives the Board authority to establish sub-committees and/or committees. The City Law Department feels that because this would be a working committee of the PRAB, and because the Board has the opportunity for multi-year terms, that the same ruling could extend to the at-large members of the golf committee. At the working golf committee meeting on Oct. 3rd, by consensus, they agreed that the Department should move forward with the proposed by-laws and the purpose and intent statement. The recommendation before the Board at this meeting is to reestablish the golf committee with one designee from the PRAB, the Lincoln Municipal Golf Association, the Lincoln Women’s Golf Association, and the Men’s Senior Golf League. There would also be three at-large members who would be on rotating 3-year terms. The Board felt that the new working committee should definitely be a committee under the direct supervision of the PRAB. Lynn Johnson suggested that interested members of both the Futures Committee and Fees & Facilities Committee meet with members of the working Golf Committee to review and revise the by-laws. This meeting will be held on Oct. 25th at 4:00 p.m. at the Parks Admin Office. The Board approved of Dale Hardy sending out a group e-mail to golfers in the community and if they are interested in serving on the Board, to ask them to fill out an application. Johnson said what’s driving this agenda item is that the golf fund overspent their budget by over $400,000 last year but revenue, however, exceeded expenditures for the same period. The Department is at a point where they need to bring in an outside consultant to do a review of the entire golf program and help the Department develop a sustainability strategy. The Department is hoping to accomplish that over the winter months because if it’s pushed out too far, they will be into the next golf season. The Department feels it needs to look at the sustainability of the entire golf program - can the program sustain 4.5 golf courses and is there enough revenue to cover the operating expenses. Lynn Johnson said he has told the Mayor that there will be a golf committee in place who can help guide this process and then bring in a private consultant to take a serious look at the program. After lengthy discussion, this agenda item was tabled and instead it was moved (Cook) and seconded (Deitchler) that Parks & Recreation staff evaluate the comments from the Board members, make revisions and come back with a draft of those recommendations to the Futures Committee who would, in turn, bring them to the entire Board. Motion carried by unanimous vote of members present.

Golf Report:
- Construction of Holmes Golf Course Clubhouse initiated: Lynn Johnson shared images of the construction taking place at the Holmes Golf Course Clubhouse. The contract has been issued and the clubhouse is to be completed by May 1, 2013.

Executive Committee - Anne Pagel (Chair) - 570-9194
- No report.

Staff Report:
- Neighbors Park Community Garden Proposal Update: Nicole Fleck-Tooze reported on the progress of establishing a community garden in Neighbors Park, located at 30th & “D” Street. The Department is working with the Woods Park Neighborhood Association for their feedback. On Sept. 22, the Department invited neighbors to a meeting to discuss the project and discussed a potential location within the park for the garden. Nicole said they are now trying to get feedback from everyone involved for establishing gardens in other City parks and how they would be maintained and who would pay for them. Trina Derickson attended the meeting and said that her group (Occupy Lincoln) will be looking into some private funding etc. for the project. Lynn Johnson said the next step in this process would be a set of guidelines, including policies/procedures, as well as a specific plan for the Neighbors Park site will be brought to the Board for their approval.

- Idylwild Park Endowment and Renaming: Lynn Johnson said an agreement went before the City Council in conjunction with a redevelopment proposal for an area at Idylwild and Holdrege Streets for a new Valentinos Restaurant and new housing project to be constructed at that site. In that agreement is a provision to establish an endowment for Idylwild Park and a proposal will be coming back the PRAB to rename that facility in recognition of that gift. The Agreement says
it will be named Valentinos but Johnson suggested that it not be named after the restaurant, but instead after the family who originally established Valentinos. Final details still need to be worked out.

- **Open Studio Program review - request for a PRAB member to participate:** Sandy Myers briefed the Board on the establishment of the Open Studio Program that is a free workshop, along with Writers Workshop, that are located at the "F" St. Community Center. The program provides opportunities for self expression through art. Meetings are guided by professional artists/writers and some participants have been involved in behavioral health services at the Community Mental Health Center and CenterPointe. Others are low-to-moderate income residents. The project nurtures self-esteem by exhibiting unique works of art through periodic exhibitions. Presently, approximately 50 to 60 people participate in the two programs which have served a total of 315 different individuals last year. Sandy asked if there were any PRAB members who would be interested in serving on a committee that would do an annual activity review for this group. Cleo Mullison volunteered to serve in that capacity and the LPF submitted names of four of their members who are interested. The group will meet sometime in November at "F" Street Center - one week would be artists and the next week would be writers - and bring forward suggestions they've gathered from the two groups.

- **Civic Plaza Design Update:** Lynn Johnson presented a powerpoint presentation on the proposal for the Lincoln Civic Plaza project to be constructed on the northeast corner of 13th & "P" Streets. The project will be under constructed next summer and will contain a significant art sculpture created by the artist Jun Kaneko. This artist has actually lead the process and the architects/engineers/landscape architects have been engaged in more of a technical role rather than leading the project. The Downtown Master Plan identified this location as a significant gathering and activity space that would support downtown retail. A group called "Projects for Public Spaces" was established to do some workshops and develop a program statement for this area. The area will contain a performance structure, an internally illuminated 57-foot fused glass tower and a 5 foot tall ceramic tile art wall that will be lit at night (both created by the artist). The projected cost of this project is $2.6 million plus a $600,000 endowment, for a total cost of about $3.2 million. Fundraising is currently in process and the private funding needed for the endowment and the tower has also been secured. The bids for construction should go out this winter with construction beginning in the summer of 2013.

- **Lincoln Parks Foundation Strategic Plan:** On October 10, 2012, The Lincoln Parks Foundation Board approved a contract with Mary Lane Geweke to do a strategic plan for the Foundation. As part of that plan, the Foundation will be doing a series of interviews, including the PRAB, looking at staffing and sustainability. Most likely there will be a joint LPF/PRAB meeting (possibly in December) to look ahead at what major capital projects may be in the future and report back to the Mayor.

Peter Levitov asked to introduce a topic to be discussed at a later date. He would like to request that lighting be installed on both sides of the trail that goes through Union Plaza. He feels this not only creates a serious safety issue, but also a usability issue for citizens who want to walk or bike the path after dark.

**Announcements:**

- None

There being no further business, the meeting adjourned at 5:20 p.m.
Meeting Date: November 8, 2012

Request: Adoption of by-laws for a re-organized Lincoln Municipal Golf Advisory Committee (LMGAC) as a standing committee of the Parks and Recreation Advisory Board.

Discussion: The proposed purpose and intent statement and by-laws for the LMGAC establish a nine member advisory committee as follows:
- three representatives of the Parks and Recreation Advisory Board
- one representative of the Lincoln Municipal Golf Association (LMGA)
- one representative of the Lincoln Women’s Golf Association (LWMGA)
- one representative of the Men’s Senior Golf League
- three at-large members

The LMGAC will meet monthly. A chair and vice-chair will be elected annually from and by members of the committee. Parks and Recreation Department Golf Division staff and the three contracted golf professionals will participate in monthly meetings.

The LMGAC will forward recommendations and make reports to the Parks and Recreation Advisory Board.

Conformance with Adopted Plans and Guidelines: Section 12.04.030 of the Lincoln Municipal Code states that the Parks and Recreation Advisory Board may “appoint committees and subcommittees to assist in the planning and carrying out of the park and recreational program in an efficient manner”. The Golf Committee is established as a standing committee of the Parks and Recreation Advisory Board pursuant to bylaws of the Board adopted in April, 2001.

Staff Recommendation: Adopt the resolution approving proposed by-laws re-establishing the Lincoln Municipal Golf Advisory Committee as a committee of the Parks and Recreation Advisory Board. Please note that the staff recommendation includes appointment of the six non-Board members of the committee by the Mayor.

Committee Discussion and Recommendation: Adopt the proposed by-laws re-establishing the Lincoln Municipal Golf Advisory Committee as a committee of the Parks and Recreation Advisory Board. Please note that the version of the draft by-laws discussed on October 25 stated that the Parks and Recreation Advisory Board Chairperson would appoint the six non-Board members of the committee.

Committee: Executive Committee

Date: ______________

Parks & Recreation Advisory Board Action:
Bylaws
Lincoln Municipal Golf Advisory Committee
a standing committee of the Parks and Recreation Advisory Board
Adopted by the Parks and Recreation Advisory Board: DATE

Article I. Name
The name of this standing committee is the Lincoln Municipal Golf Advisory Committee, hereafter referred to as the LMGAC. The LMGAC is a standing committee of the Parks and Recreation Advisory Board (the Board) pursuant to Lincoln Municipal Code Section 12.04.030 and the Bylaws of the City of Lincoln Parks and Recreation Advisory Board.

Article II. Goals, Purpose, Authority, Duties.
A. The goal of the LMGAC will be:

1. To foster and promote the interest and participation in the Lincoln municipal golf program, and to seek ongoing financial viability and sustainability of the program.

2. The purpose of the LMGAC is to act as an advisory group to the Lincoln City Golf Program staff including the Parks and Recreation Director (Director), the Golf Manager, the Superintendents, and the contracted PGA Golf Professionals, and through the Parks and Recreation Advisory Board to the Director, the Mayor and the City Council. The LMGAC is responsible for review and recommendations regarding matters related to managing, operating, and maintaining all aspects of the Lincoln municipal golf program.

B. Specific duties of the LMGAC include:

1. Provide review and recommendations to the Board regarding the annual operating budget and the capital improvement program (CIP) for Lincoln municipal golf program to ensure adequate golf facilities exist and are maintained for the citizens of the Lincoln community.

2. Provide review and advice regarding the management of Lincoln municipal golf courses, clubhouse and pro-shop facilities, and any private-sector contracts which may help manage and, otherwise, support the golf facilities, pro-shops, links and its patrons. Provide reports to the Board.

3. Annually review the Lincoln municipal golf program rules and regulations and recommend changes as needed to the Board.

4. Receive reports of infractions of Lincoln municipal golf program rules and regulations. Review and recommend revisions to rules and regulations. Designate a committee representative to participate in appeal meetings when an individual who has been banned from Lincoln municipal golf courses under the Parks and Recreation Department behavior policy and has appealed the banning. Provide reports to the Board.
5. Review monthly information regarding the number of rounds played, revenue generated, and expenditures. Make recommendations regarding opportunities to increase play and participation in the Lincoln municipal golf program. Provide reports to the Board.

6. Annually review and recommend fees for use of Lincoln municipal golf facilities to the Board. The recommendation of the LMGAC will be forwarded to the Parks and Recreation Advisory Board for review and action.

7. Assist the Director of the Department of Parks and Recreation with the creation of a Lincoln Golf Fund with the Lincoln Parks Foundation.
   a. Provide review and guidance regarding use of golf memorials and/or gifts directed to the Lincoln Golf Trust Fund.

8. Serve as a liason between the Lincoln municipal golf program and the golfing community.

**Article III. Membership, Term, Vacancy and Termination.**

A. The Lincoln Municipal Golf Advisory Committee will consist of nine (9) members. The Parks and Recreation Advisory Board Chairperson shall appoint three (3) members of the Board to the LMGAC, and the Mayor shall appoint six (6) additional members to the LMGAC by Executive Order.
   1. Three (3) representatives of the Parks and Recreation Advisory Board;
   2. Representative of the Lincoln Municipal Golfers Association (LMGA);
   3. Representative of the Lincoln Women’s Municipal Golf Association (LWMGA);
   4. Representative of the Lincoln Seniors Men’s Golf League; and
   5. Three (3) at-large members from the Lincoln golf community.

B. Representatives for the three golf organizations and at-large members will be appointed annually. Appointments will typically occur in April. Each member of the LMGAC will continue to serve until his or her successor is appointed.

C. Appointments to fill vacancies shall be as in the case of other appointments for the unexpired term of the member whose term became vacant.

D. Upon the failure of any member to attend three consecutive meetings, the LMGAC may recommend termination of that member’s appointment to the Director, and the Director will solicit nominations for the Mayor to appoint a new member as defined above to be filled in the manner of a regular appointment.

**Article IV. Officers and Staffing**

A. Officers. The officers of the LMGAC will consist of a Chair, Vice-Chair and Secretary. The Chair and the Vice-Chair will be elected by the LMGAC membership at the August meeting of the committee. The Director of the Department of Parks and Recreation or designee will serve as secretary to the LMGAC and will distribute meeting agendas and prepare meeting summaries.
of committee meetings.

B. Chairperson. The chairperson shall have general supervisory and directional powers over the LMGAC. The chairperson shall preside at all LMGAC meetings and, in consultation with support staff (i.e., Golf Manager in consultation with the contracted PGA Golf Professionals and Golf Superintendents), set the agendas. The chairperson may appoint temporary subcommittees to review and make recommendations regarding special topics or projects.

C. Vice Chairperson. The vice chairperson will execute all powers of the chair in the absence of the chair.

D. Secretary. The secretary will distribute agendas seven (7) days in advance of LMGAC meeting and will prepare and keep meeting summaries of said meetings. Following approval by the LMGAC, meeting summaries will be posted on the City of Lincoln, Department of Parks and Recreation official golf website.

E. Staff. The City of Lincoln will provide necessary staff support to the LMGAC to the extent that the Golf Division’s budget permits and/or is allowed by law. The Director of the Department of Parks and Recreation, Golf Manager, Golf Course Superintendents, and contracted PGA Golf Professionals will be invited to attend and participate in monthly LMGAC meetings.

Article V. Organizational Procedures, Meetings.
A. The LMGAC, as soon as practical after the initial appointments, will organize by election of a Chairperson and a Vice-Chairperson, and will adopt rules and regulations governing its proceedings.

B. Meetings will be held on the first Wednesday of the month at the Parks and Recreation Department Administration Office, 2740 A Street. All meetings shall be open to the public. The agenda and meeting summary of the prior monthly meeting of the committee will be posted on the City of Lincoln, Department of Parks and Recreation’s official golf website.

C. Five (5) members of the LMGAC will constitute a quorum. A quorum is needed to conduct official business of the Committee.

D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the LMGAC, with approval of the Board.

E. The parliamentary authority for the Commission is Robert’s Rules of Order Revised, except where superseded by these bylaws or local, state, or federal law.

Chairperson, Parks and Recreation Advisory Board
Resolution of the Parks and Recreation Advisory Board Adopting Bylaws for the Reorganized Golf Committee, a standing committee of the Parks and Recreation Advisory Board.

WHEREAS, the Parks and Recreation Advisory Board is established as per Chapter 12.04 of the Lincoln Municipal Code (LMC); and

WHEREAS, Section 12.04.030 of the LMC states that the Parks and Recreation Advisory Board may “appoint committees and subcommittees to assist in the planning and carrying out of the parks and recreational program in an efficient manner”; and

WHEREAS, the current version of the Bylaws of the Parks and Recreation Advisory Board was adopted on April 21, 2001; and

WHEREAS, Article VIII, Section 1. of the Bylaws of the Parks and Recreation Advisory Board establishes the Golf Committee as a standing committee of the Board; and

WHEREAS, Article VIII, Section 3. of the Bylaws of the Parks and Recreation Advisory Board states that committees shall be comprised of a minimum of three members and appropriate members of the Parks and Recreation Department, and that additionally citizens at large may serve on committees; and

WHEREAS, establishing bylaws for the Golf Committee provides structure and organization for the committee that involves participation by Board members and community citizens.

NOW THEREFORE BE IT RESOLVED, that the Parks and Recreation Advisory Board hereby adopts the attached bylaws of the Golf Committee to be known as the Lincoln Municipal Golf Advisory Committee as a standing committee of the Board; and

BE IT FURTHER RESOLVED, that the Mayor shall annually appoint the three representatives of the golf organizations in Lincoln and the three at large citizens.

Approved this 8th day of November, 2012.

Anne Pagel, Parks and Recreation Advisory Board Chairperson
The November 7, 2012 Urban Design Committee meeting has been cancelled.

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
The Nebraska Capitol Environs Commission will hold a scheduled public meeting on Thursday, November 8, 2012. The meeting will convene at 9:00 a.m. in Legislative Hearing Room 1510, ground floor, Nebraska State Capitol, 15 & K Streets, Lincoln, Nebraska, to consider the following agenda. For more information, please contact the Lincoln/Lancaster County Planning Department at 441-7491.

**Agenda of November 8, 2012**

1. Approval of meeting notes of [September 27, 2012](http://www.lincoln.ne.gov/city/plan/bdscom/ncec/agenda/121108.htm)

   **Public Hearing & Action**

2. Certificate of Appropriateness for work on Block 120 in the Original Plat of Lincoln, bounded by Lincoln Mall and S. 11th, S. 12th, K Streets in the Capitol Environs District.
3. Certificate of Appropriateness for McMaster Enterprise Inc. for demolition at 1236 H Street in the Capitol Environs District.

   **Discussion**

5. Update and Miscellaneous
6. Recess to meet with Capitol Commission, 10 a.m.

*Note: At 10:00 a.m. the Commission will reconvene in the Capitol in joint session with the Capitol Commission for the two groups' annual joint meeting.*
Pat Dugan replaces Barb Frazier who retired early this year as Lancaster Counties new Chief Noxious Weed Inspector. Pat's most recent position was with the City of Lincoln Parks & Recreation as the Community Learning Center Director in the College View Neighborhood at Calvert.

Prior to moving to Lincoln Pat spent 25 years in northeast Colorado. While in Colorado he was an Agricultural Education Instructor in Yuma County and later owned his own insurance Agency.

Pat and his wife Michaela grew up on family farms near Greeley, NE. where both of their families still farm.

Pat's main responsibilities will be training and working with our seasonal inspectors for both the City of Lincoln Weed Abatement and Lancaster County Noxious Weed Program. In addition he will be responsible for noxious weed inspections for the western ½ of Lancaster County.

We are excited to welcome Pat to the Weed Control Department. His experience in education and agriculture will benefit our office as well as the people of Lancaster County that we serve.

Helicopter Spraying Cancelled

Due to a couple early freezes in October the planned spraying on phragmites this fall by Skycopters had to be called off. This was a huge disappointment because we had worked hard with a number of landowners getting this set up in order to get some very difficult areas treated. Our efforts will not go to waste as we can use the GPS locations for next year. We will try to get on Skycopters schedule a little earlier for fall 2013.

Timing is difficult with phragmites because we want to treat in the fall after it sets on the seed head but prior to killing frost to be able to get as much chemical down into the massive root zone as possible.

A large number of acres were treated by ground application this fall either by contractors or by the landowners themselves.

November Planned Activities

8 Management Team Meeting
9 NE Invasive Species Council
12 Holiday – Veterans Day observed
13 5 Rivers WMA
14 Van Diest Supply Training
20 Lower Platte WMA
22-23 Holiday - Thanksgiving
29 Problem Resolution Team
30 Monthly activity report
   NDA office evaluation
   Enter infestations into mapping program
   Preparing for Weed Assessment Hearing
   Information to City Clerk
   Preparing photos & files

Good Neighbors – Control Noxious Weeds!
Present:  Adam Hornung, Chair; Carl Eskridge, Vice Chair; Jon Camp; Gene Carroll; Jonathan Cook; Doug Emery; and DiAnna Schimek

Others:  Teresa Meier, Deputy City Clerk; Rick Hoppe, Chief of Staff

Chair Hornung opened the meeting at 2:14 p.m. and announced the location of the Open Meetings Act.

I. CITY CLERK
Deputy City Clerk Meier announced proceeding today’s City Council meeting there will be a Board of Equalization Meeting, including the Downtown Business Improvement District; Core Overlay Improvement District; and the Maintenance Improvement District. Deputy Meier and Chair Hornung went over the Board of Equalization meeting procedures.

II. MAYOR
1. NEWS RELEASE. Roadways to open at the end of the week.
2. NEWS RELEASE. Scrap metal recycling drive to raise money for LPS program.
3. NEWS RELEASE. Billy Wolff Trail connector closed for repair.
   No comments

III. DIRECTORS

CITY ATTORNEY
1. City Attorney Confer’s reply to Councilman Camp (See Correspondence from Citizens, #c) giving explanation as to the denial of Mr. Pischel’s claim: the Tort Claims Act; consideration for the claimant; Assistant City Attorney’s response.
   No comments

FIRE AND RESCUE
1. Fire Chief Huff’s response to questions raised by Councilman Camp (See below: Councilman Jon Camp) on billing procedures.
   a) Councilman Camp’s thank you to Chief Huff for his analysis of the account.
   No comments

HEALTH DEPARTMENT
1. NEWS RELEASE. Last chance this year to dispose of hazardous household chemicals is November 16th. No comments

LINCOLN CITY LIBRARIES
1. Memo from Barbara Hansen, on behalf of the Library Board of Trustees.
   No comments

PLANNING COMMISSION
   No comments
PLANNING DEPARTMENT
1. Administrative Amendment No. 12039 approved by the Planning Director on October 24, 2012.
No comments

PUBLIC WORKS & UTILITIES/ENGINEERING
Thomas Shafer, Manager/Design, Construction; and Kris Humphrey, Project Manager

Humphrey stated today there are two representatives from NDOR attending, who head the local products division, in the audience. She stated she will give an update on 56th Street. Met with Council on September 10th. In that week we submitted plans to NDOR for their review so they would give approval to move forward with appraisals. Expecting comments from NDOR this week and hopefully we’ll proceed with the property appraisals. Also have had a noise wall meeting with adjacent owners north of Shadow Pines Drive, north of Pine Lake Road. On the north east corner of Shadow Pines and 56th Street is a row of 80 town homes and it was proposed to have a noise wall. The study conducted showed this was feasible and reasonable, and will go to a vote of adjacent owners and tenants. When we receive votes from all the owners, and tenants, wanting a noise wall we will modify the right of way plans to show this noise wall to be constructed, consisting of approximately 300 feet. A little further north than some of the town homes.

Camp asked how tall the noise wall would be? Humphrey replied 8 feet tall, most likely having posts with pre-cast concrete panels, sectioned in the posts.

Humphrey said they submitted the last round of the environmental re-evaluation comments to the consultant. Expecting back this week and will submit to NDOR for review.

Hornung asked if this is to avoid, or adjust, the environmental study? Humphrey replied an environmental study, assessment, was done in 1998, and this is a re-evaluation of the environmental assessment, and part of the process for the Federal Government and federal money. She added a lot of agencies we work with, and a lot of the documentation in the environmental re-evaluation, goes through NDOR. It is a 500 page document, with a lot of the information having gone through NDOR. Hopefully this review allows us to proceed with minimum comments, and will also need to be approved by FHWA.

Humphrey stated at this point right of way acquisition is still the critical path. On moving the process forward we will receive NDOR approval to begin the appraisals, with the City taking responsibility to hire someone to do the properties appraisals. Then will send the appraisals to NDOR for their review and approval. Once approved we can begin negotiations. Probably a four plus month process to get to the point when starting negotiations. Hornung asked then once we get the next NDOR approval? Humphrey replied it will take about four months for the appraisals and the appraisals approval. Hornung asked if this starts when we get the next approval back from the NDOR? Humphrey replied this is only an estimate. Most likely in February or March we will begin negotiations, if all goes well.

Hornung asked how many landowners? Humphrey answered 31 tracts. Hornung stated 31 tracts having to be moved, adjusted? Humphrey replied we would receive temporary or permanent easements, or taking. Any combination of the three. Hornung asked if there are usual hang ups with the process of the appraisals? Humphrey answered the appraisal process usually goes smoothly. Then a review of appraisals, multiple steps in the appraisal process. Shafer added, fairly smooth with residential, but caution with commercial as it can be difficult finding variables. Hornung asked if we have flexibility, a route, to figure? Humphrey replied basically stay with the existing. Pretty tight right of way.

Camp asked if still thinking 2014 construction? Humphrey replied it would be the very end of 2014. Want to construct the Beal Slough crossing culvert during the winter, so it would be the winter of ‘14 - ‘15. Very
late 2014 when we start construction. Hornung asked if the timeline has changed? Humphrey answered the timeline is the same as discussed in September.

IV. COUNCIL MEMBERS

JON CAMP
1. Correspondence to Chief Huff from Councilman Camp regarding LFR billing for a June 11, 2009 transport.
2. Letter from Kent Weishahn on receiving invoice for transport service which his son incurred in 2009.
   a) Copy of City of Lincoln invoice, with amount paid by insurance and amount due.
3. Councilman Camp’s letter to Kent Weishahn on the Lincoln Fire and Rescue ambulance billing.
   No comments

V. MISCELLANEOUS
Camp stated he has received questions on the opening of Antelope Valley Parkway and the light sequencing. Working on having these work with the others on P & Q, etc? Constituents have said it seems like they stop and start more than in the past. Shafer answered they have traffic cameras at most of the locations, and believe lights are monitored. Traffic operations does on a regular basis. Camp asked if he wouldn’t mind checking.

Hornung stated he read a story on the amount of traffic accidents which occurred on the newly opened roundabout. Have accidents gone down, up, or stayed the same? Shafer replied accidents have come down quite a bit. In the last 28 days have had only 3 accidents. Sunday night had one, which broke 19 consecutive days without an accident. Accidents are leveling off. Opening 14th Street will help as it’s putting pressure from all four sides, instead of three zooming around one side. Designed for a certain capacity and we think it will pay off in reducing the number of accidents, with a good capacity. We’ve seen this during the last 28 days.

VI. CORRESPONDENCE FROM CITIZENS
1. Correspondence from Kennard Pischel regarding having submitted a claim for medical expenses related to a fall.
   a) Kennard Pischel letter submitted after tripping on sidewalk, caused a fracture to his right wrist in two places.
   b) Letter from Assistant City Attorney, Marcee Brownlee denying Kennard Pischel’s claim against the City of Lincoln.
   c) Correspondence from Councilman Camp to Rod Confer, City Attorney, regarding letter from Kennard Pischel related to his fall, medical expenses, and reply from the City.
2. MEDIA RELEASE. Community Health Endowment announces funding availability.
4. Message from Ron Jonas with a complaint on the alarm system fee. He has no idea why he would pay this fee as he has had no false alarms, or break ins, etc.
   No comments

VII. ADJOURNMENT
Chair Hornung adjourned the meeting at 2:24 p.m.