IN LIEU OF
DIRECTORS’ MEETING
MONDAY, OCTOBER 10, 2016

I. MINUTES
1. Minutes of Directors’ Meeting of October 3, 2016

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’ CORRESPONDENCE
1. NEWS RELEASE. Water main break closes portion of South Street.
3. NEWS ADVISORY. Mayor Beutler will participate in the Monolith announcement, Wednesday, October 5th, at FUSE Coworking, 151 N. 8th Street, fifth floor, at 10:30 a.m.
4. NEWS RELEASE. Public invited to volunteer for Union Plaza cleanup.
5. NEWS ADVISORY. Mayor Beutler and Hear Nebraska will kick off the Calling Music Festival at a news conference Thursday, October 6th, at The Bay, 20th and Y Street, 10:00 a.m. Bicycling community members will also attend to celebrate the first-place finish of the National Bike Challenge for both Lincoln and Nebraska.
6. NEWS RELEASE. Portion of Tierra-Williamsburg Trail to close for two weeks.
7. NEWS RELEASE. Mayor Beutler’s statement on court ruling.

V. DIRECTORS CORRESPONDENCE

PUBLIC WORKS & UTILITIES/ADMINISTRATION
1. Councilman Camp’s request to Miki Esposito, Public Works and Utilities Director, on constituent Becky Burback’s email asking for statistics on the 14th and Superior roundabout and information on the 70th and Pine Lake intersection, with response from Miki Esposito.

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

VII. MISCELLANEOUS

VIII. COUNCIL MEMBERS

JON CAMP
1. Jackie Swanson inquiring about movie theaters away from the downtown area.
2. Andy Ringsmuth commenting on the budget court decision and his belief the decision was wrong.
3. Sarah McCurley expressing her concerns about Costco’s proposal to build on 14th and Pine Lake Road.

IX. CITIZEN CORRESPONDENCE
1. Carl Sjulin outlining his opposition to the Costco proposal, giving explanation to why he is opposed to this land use at 16th and Pine Lake Road.
2. Shelly Sellers stating her feelings on the City budget.
3. Dick Brandt encouraging the Council to appeal of Court decision on budget.
4. Lyle Vannier urging Council to approve the budget, with no appeal.
X. MEETINGS/INVITATIONS
   See invitation list.

XI. ADJOURNMENT

F:\Admin\Private\Directors Meetings\2016\October 2016\da 10.10.16.wpd
WATER MAIN BREAK CLOSES PORTION OF SOUTH STREET

About two blocks of South Street, from 62nd Street to Broadmoore Drive, will be closed until at least October 12 to repair a broken water main. The break, which occurred about 2 a.m. Saturday, October 1, also damaged the pavement, and a contractor has been hired to repair the street.

During the closure, local access to residential and business properties will be maintained. Drivers are encouraged to use either 56th, “A” and 70th Streets to reach their destinations. Motorists should expect delays and are asked to drive with additional caution.

The Public Works and Utilities Department appreciates the public's patience during this project. For more information, visit lincoln.ne.gov (keyword: projects) or contact Shane Dostal at sdostal@lincoln.ne.gov or 402-525-7852.

-30-
FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: City Law / Human Rights

DATE: 09/28/2015

NEED

This is a request to increase appropriations in the HUD and EEOC Grants-in-Aid to accurately represent the actual grant award received and reconcile the grant project balances.

FUTURE IMPACT:
☐ Ongoing
☒ Limited
Projected Completion Date 08/31/2017

REVENUES GENERATED

FY 16/17 HUD/EEOC Grant Awards higher than estimates available during the budget creation in February of 2016.

LEGISLATIVE CHANGES

| City | Yes ☐ | No ☒ |
| County | Yes ☐ | No ☒ |
| State | Yes ☐ | No ☒ |

IMPACT

PERSONNEL (full time equivalents)

PERSONNEL (cost) business unit: 217001

object code description

217001.5020 HUD Grant - Salaries + $3,905
217001.5080 HUD Grant - Fringe Benefits $0

217003.5020 EEOC Grant – Salaries + $18,161
217003.5080 EEOC Grant – Fringe Benefits + $429

SUPPLIES business unit:
object code description

OTHER SERVICES & CHARGES business unit: 217001
Object Code: 5952 Description: Advertising +$22,500

EQUIPMENT business unit:
object code description

TOTAL EXPENDITURES
+$44,995

SOURCE OF REVENUES
FY 2016/2017 HUD and EEOC Grant Awards

DIRECTOR [Signature] DATE 7/30/16
WHEN TO USE FISCAL IMPACT STATEMENT

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

HOW TO USE FISCAL IMPACT STATEMENT

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

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

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

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

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

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

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

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.
When we go into budget submission process, Terry very conservative on estimating grant revenue. When she prepares budget—she doesn’t know what next contract amount will be. She estimates conservatively b/c she doesn’t want to go back and ask for GF dollars.

We now know what the grant revenues will be. Fiscal Impact Statement shifts some salary over to grant funding—saving some GF dollars.

This will likely happen every fiscal year with biennial budgeting.
DATE: October 4, 2016
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831
Rena Valentino, EMBRACE STRATEGY, 402-880-6313, rena@embracestrategy.com

Mayor Chris Beutler will participate in the announcement that Monolith, an innovative advanced manufacturing company has chosen Lincoln as the site for its commercial-sized facility at a news conference at 10:30 a.m. Wednesday, October 5 at Fuse Coworking, 151 N. 8th Street, fifth floor.

Information on the announcement is embargoed until 10:30 a.m. CDT October 5.
PARKS AND RECREATION DEPARTMENT
2740 “A” Street, Lincoln, NE 68502, 402-441-7847

FOR IMMEDIATE RELEASE: October 5, 2016
FOR MORE INFORMATION: Katie Kreuser, Volunteer Coordinator, 402-429-7411
Chris Myers, Parks Operations Coordinator, 402-441-6051

PUBLIC INVITED TO VOLUNTEER FOR UNION PLAZA CLEANUP

Lincoln Parks and Recreation invites the public to participate in a park cleanup from 8 to 11 a.m. Saturday, October 15 at Union Plaza. The cleanup is part of the Volunteer in Parks (VIP) program and will focus on the prairie band parallel to the Antelope Trail.

Reservations are requested, but not required. New volunteers are asked to complete the online volunteer application form at http://lincoln.ne.gov/city/parks/volunteer/ and select “register online to volunteer” for the October VIP event. For more event or registration information, email ParksVolunteers@lincoln.ne.gov.

Volunteers will meet at the Snyder Trail Center at 21st and “Q” streets. In the event of inclement weather, all registrants will be notified of an alternative cleanup date. Please bring gloves and wear sturdy shoes. Tools and materials will be provided.

For more information about Lincoln Parks and Recreation, visit parks.lincoln.ne.gov.

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DATE: October 5, 2016
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Chris Beutler and Hear Nebraska will kick off the three-day Lincoln Calling music festival at a news conference at 10 a.m. Thursday, October 6 at The Bay, 20th and “Y” streets. Members of the bicycling community will also attend to celebrate the first-place finish of both Lincoln and Nebraska in the National Bike Challenge.
PORTION OF TIERRA-WILLIAMSBURG TRAIL TO CLOSE FOR TWO WEEKS

The Tierra-Williamsburg trail will be closed from 27th to 32nd streets beginning Thursday, October 6 for utility work related to the Scheels project at SouthPointe Pavilions. The trail is scheduled to reopen October 20.

The suggested detour is S. 27th Street north to Laredo Drive, east to S. 30th Street and continuing on Williamsburg Drive to S. 32nd Street. The trail can be rejoined at S. 32nd Street just south of Williamsburg Drive.

For more information, contact Sara Hartzell, Parks and Recreation, at 402-441-8261 or shartzell@lincoln.ne.gov. More information on Parks and Recreation facilities and programs is available at parks.lincoln.ne.gov.

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OFFICE OF THE MAYOR
555 S. 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: October 5, 2016
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

MAYOR BEUTLER’S STATEMENT ON COURT RULING

“The Charter is clear, and the issue has now been settled by the court. I anticipate the City Council will follow the law by passing the levy that supports the City budget. Despite the disagreement, we should remember that the Council and I agree on most budget matters, including improving public safety, funding StarTran service, and increasing our infrastructure investments. The Council and I will continue to work together to move Lincoln forward.”

-30-
Good Afternoon Ms. Burback –

We’d be happy to provide the information. I’ve cc’d our Traffic Manager, Lonnie Burklund to gather the traffic data for both intersections. This may take a little time to gather so please be patient with us.

Sincerely,
Miki

Miki Esposito, Director
Public Works & Utilities
O: 402.441.6173
C: 402.525.0065

Miki:

Becky Burback asked for information on the 70th & Pine Lake intersection.

Further, she asked for statistics for the 2 years before and 2 years after on the 14th and Superior roundabout.

Thanks for forwarding this information.

Betty’s contact information:

Betty Burback
402-432-3151
BB140@yahoo.com

Thanks in advance for assisting.

Jon
Hi Jon,

I realize you have more important things to work out but I just wanted to comment on city planning that favors theaters downtown and encourages the monopoly for Marcus Theaters.

I haven’t been able to go to many movies this year and hoped to see one this week on Thursday. Apparently all of the outlying theaters are basically closed and only the Grand downtown is open with a choice of movies to see.

I thought a couple years ago, another group wanted to put in a theater at 84th and Highway 2 and gave up because they didn’t want to fight to get the city restriction changed. An IMAX theater in Lincoln would be wonderful and give more viewing options.

I don’t need wine and multiple food choices when I go to a movie, I would just like to have a choice in what to see.

Thanks for your time,

Jackie Swanson
From: Andy Ringsmuth [mailto:Andy@newslink.com]
Sent: Wednesday, October 05, 2016 10:43 PM
To: oped@journalstar.com  Cc: Sheri A. Lampe
Subject: REVISED Letter to the Editor

(If my letter is to be considered for publication, please use this as a baseline instead of my earlier one from this afternoon. Thank you very much!)


Letter to the Editor for publication in the Journal Star.

To The Editor:
Judge Robert Otte got it wrong in his decision regarding the budget battle.

The city charter is, as Otte says, very clear. Yet he ignored that clarity.

The charter states “the council shall... adopt a budget, set the tax levy.” The word “shall” in the legal sense is that of a requirement. The council is required to adopt a budget and set a tax levy. By the wording of Article 4 Section 8 of the charter, the budget and tax process is separate from the council’s legislative duties and therefore falls outside the veto power laid out elsewhere in the charter. The budget from the council only requires four votes, which unambiguously happened. Article 4 Section 13 gives the mayor power to veto legislation, that is, laws. Article 4 Section 8, however, specifically separates the budget from the legislative process.

Article 9 Section 26a provides for the mayor to “submit to the council for its consideration a recommended biennial operating and capital improvement program budget.” That same section specifically grants to the Council the authority to revise the mayor’s recommended budget, which they did. “The council shall have the full power at any time prior to the adoption of the biennial budget to revise revenue estimates and to increase or decrease appropriations of departments or divisions or capital improvement program projects. No later than five days prior to the beginning of the biennial period the council shall, by a vote of four of its members, adopt the biennial budget by resolution and thereafter authorize appropriations for the ensuing biennial period.”

The mayor may only override that process if the council fails to adopt, by four votes, a budget. Legislation pertaining to the budget is subject to a veto, but not the budget itself. The mayor can recommend a budget for their consideration, but that’s all it is - a recommendation. The council sets the budget and passes it with four votes, after which the budget is adopted. Judge Otte got it wrong. And all of us taxpayers will pay for his mistake.

Andy Ringsmuth
andy@newslink.com
5609 Harding Dr., Lincoln, NE 68521
(402) 304-0083 cellular
Hello Jon,
I'm writing to express my concerns about Costco's proposal to build on 14th & Pine Lake Rd in Lincoln.

Please take a minute to click on the google satellite image. I think it demonstrates the differences between the only Costco ever built by a school and the proposed Lincoln Costco site. There is no other Costco in the country in between two schools. Of the 700 Costco's in the U.S. only 1 is by a school, in La Habra, CA.

Google Satellite image of La Habra Costco/School:
https://www.google.com/maps/place/101+N+Beach+Bvld,+La+Habra,+CA+90631/@33.9343366,-117.9679491,17z/data=!3m1!1e3!4m2!3m1!1s0x80c2d52b04a12a23:0x7ef28a5bd2200327

Highlighted differences between La Habra's Costco & Lincoln's proposed Costco:

- replaced an existing shopping mall
- located on a 6 lane highway
- 4 entrances/exits spread out on two main multi lane roads, none share entrances/exits with the school - proposed Lincoln location will utilize all of and the only entrances/exits to both schools (Hazel Scott Drive/20th St, Ridge Rd, 14th&Pine Lake intersection)
- Whittier Christian School has 578 students - Scott & Southwest have ~3000
- At time of Costco build La Habra had 11% unemployment rate - Lincoln's is one of the lowest in the country*
- La Habra population is ~60,000

If you look at the google satellite image of the school, it's more like they share a backyard and nothing else. And the school is buffered by sports fields.

From a pure planning perspective, allowing Costco to build in this location is inconsistent with Lincoln's city planning decisions in the past.

Under Costco's current proposal:

- 6 traffic lights will exist on the 1.1 mile stretch of Pine Lake Rd between 14th and 27th St.
- All traffic coming from Hwy 77 and anywhere North will funnel through the already over capacity intersection at Old Cheney Road and 14th.
- The city is planning to close the OCR & 14th St intersection for 2 years to build a double decker round about to alleviate existing issues.
- No other Lincoln big box retailer is on a dead end road like Pine Lake.

Costco is a destination store. People often drive a hundred miles or more to shop there. What makes us think they won't drive 2 more miles to a different, already zoned commercial location with better traffic flow, that is not putting Lincoln's children in danger. We are not California, we have a lot of potential land for a Lincoln
Costco, some only 1.2 miles away from their desired location.

Putting a Costco at 14th & Pine Lake is inconsistent with Lincoln's previous care in city planning. Let's believe that Costco will still come to Lincoln without damaging our city plan!

In addition, please check out the petition with signatures and thoughtful, relevant comments from Lincoln citizens opposing Costco in this location:

Sincerely,
Sarah McCurley

References:
* http://www.wchs.com/about/
I am writing in opposition to the proposed land use at 16th and Pine Lake Road. As a local community banker, I am a strong supporter of economic development and land use that creates jobs, sales tax and property taxes. However, the Costco proposal is such a radical departure from responsible land use that I feel compelled to publically oppose it and share my reasoning with you.

The Safety of Over 3,000 School Children Should Be Everyone’s Number 1 Priority

What Costco is asking of the Lincoln community is unprecedented. Nowhere can a big box destination retailer be found on a dead end street directly between a middle school, a high school, a cemetery and only a few blocks away from an elementary school, YMCA, ball fields and a library. The increased traffic generated by a Costco will create a congested and dangerous environment for child pedestrians, bicyclists and young motorists—all of whom are busy getting to and from schools for hundreds of events through the day, evening and weekends. Anyone who drives this area knows that traffic is already heavy throughout the day. Adding a 150,000 SF destination retailer to the mix will create traffic problems that no traffic study can accurately model. No traffic study can account for inexperienced drivers, child pedestrians and bicyclists and the fact they HAVE to be at school; there is no alternative for them to “self-regulate” and opt out of these daily trips.

In all land use decisions, the safety of our kids should be our number one priority. The Costco proposal fails this test.

The Unique Configuration of 14th and Pine Lake Road Make This Site Inappropriate for Big Box Retail

The fact that PLR dead ends at 14th Street creates immense traffic issues. The only direction Lincolnites will be coming to this site is from the north on 14th and from the east on PLR. Costco has no answer for the impact on the already congested (and highly flawed) intersection at 14th and Old Cheney Road. The traffic problems at this intersection have been well documented over the past decade. The latest plan is for a multi-million dollar elevated roundabout with no timetable for completion. The 14th and OCR intersection is already at capacity many times throughout the day as the primary connector to the bypass for a growing south Lincoln. There is no way this bottleneck intersection can handle the increased traffic from a Costco. There are too many streets converging into an area where the buildings are too close to the intersection. I attended one of the Costco public meetings, and Costco said disingenuously that “we do not know what the impact will be at 14th & OCR.” We all know the answer: we will be left with a traffic disaster.

Pine Lake Road represents an even worse situation. In a weak attempt to address the increase in traffic, Costco is proposing the addition of two traffic lights at 16th and 20th Streets. The 13 blocks of PLR from 14th and 27th Streets would have a total of six lights—one every 600 feet. This represents a stacking issue of immense proportion. There is no way the city can time that many lights in such a short distance—particularly since they
are heavy pedestrian intersections whose lights can be triggered by push buttons. Motorists (especially those leaving LSW) will have to wait for multiple lights to clear each intersection. PLR will turn into a parking lot.

The purported left turn restriction onto Hazel Scott Road will be disregarded by many motorists thereby allowing significant traffic onto the school street and the adjacent residential area.

**Costo is Not Like Other Retail Uses**

Everyone understands that this property was likely to develop in a manner similar to the south side of PLR—strip retail, office, fast food, gas, etc. The site is not going to stay a corn field, and it is not appropriate to compare the Costco proposal to the existing agricultural use. Notwithstanding, a traditional mixed use center would not generate anywhere close to the traffic of a destination big box retailer. A Costco in Lincoln will draw customers from Greenwood to Grand Island and Beatrice to Columbus. It will be one of the busiest retail businesses in Lincoln.

The **150,000 metal building** is not consistent with the neighborhood area. The **light pollution** from the giant parking lot is also inconsistent with the adjacent cemetery and residential neighborhood. Big box destination retailers are nearly always located in power centers that have 500,000 SF+ of retail (e.g., 87th & Highway 2, 27th & Superior, Gateway, etc.). Power centers have complete access in all directions to multi-lane streets and highways. The street infrastructure at 16th & PLR has limited access and inadequate traffic control to adequately handle the proposed use.

**We Can Do Better**

Everyone would like to have a Costco in our community. However, this should not blind us to the fact the proposed site is in an area dominated by schools and youth activities. Big box retail is simply too intense to be shoehorned into 16th & PLR. **Costo has other more suitable options in Lincoln.** We are not a desperate community and should not sacrifice prudential planning just to get Costco. We can do better. Thank you.

Carl J. Sjulin, President
West Gate Bank
6003 Old Cheney Rd.
P.O. Box 82603
Lincoln NE 68501-2603
(402) 434-3456
(402) 434-3450 (direct)
Fax (402) 323-8999
NMLS #902320
csujulin@westgatebank.com

**Integrity. Strength. Trust.** West Gate Bank is committed to providing a strong foundation to build relationships that empower our customers and employees to achieve their dreams.

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First, I would like to thank Cyndi Lamm who represents my district in North Lincoln, by NE High School for using good judgement and not voting for the tax levy increase.

Next, to all Council Members, the Mayor’s budget should be give-and-take. No matter what the “Charter” and “law” is, no Mayor or State Government should have the power to set any budget anywhere in the USA.

As it stands, our taxes already increased from $2,188 in 2015 to a HUGE increase of $2,647! If not for the State tax credit $128, our monthly taxes would have gone up $49! As of 2016, our taxes went up $38 monthly.

Yes, I am aware that most of the increase was due to “bonds” that Lincoln residents approved, but the amount is staggering to residents who are low-income or elderly on a fixed income.

I beg that the City Council bear-in-mind that many areas of Lincoln already are deemed to be in "poverty" since the last Census, (below), and wonder how you can justify to these people their taxes are going up, even if they rent?

In addition, honestly, my husband (works at Zoetis) and myself have only one child. If we had more, we would need to move out-of-town to make-ends-meet. We plan on moving as-soon-as our son has finished school.

Please reconsider allowing the budget to increase. The Mayor did not not seem to consider the last budget survey, which I have completed 2 times now, to consider areas that I considered the most important.

Thank you for your time,
Shelly Sellers
https://www.census.gov/quickfacts/table/PST045215/3128000

Median household income (in 2014 dollars), 2010-2014
$49,794
Per capita income in past 12 months (in 2014 dollars), 2010-2014
$26,574
Persons in poverty, percent
Warning Sign 16.2%
From: WebForm <none@lincoln.ne.gov>
Sent: Thursday, October 06, 2016 10:46 AM
To: Council Packet
Subject: InterLinc - Feedback

Council Office - Feedback

Date: 10/6/2016 10:45:51 AM

Full Name: dick brandt
Address: 4911 n w 10th st.
City: Lincoln, NE 68521
Phone: 402-904-4410
Email: djbrandt8513@yahoo.com

Comments: I am not only encouraging the council to appeal the decision of the political judge, I am asking the council to proceed with the appeal of this decision. It is time to stop the dictator Beutel, now!! Thank you! Richard Brandt

IP: 76.85.176.231
Form: http://www.lincoln.ne.gov/city/council/feedback.htm
User Agent: Mozilla/5.0 (Windows NT 10.0; WOW64; rv:49.0) Gecko/20100101 Firefox/49.0
The City Council has made statement of budget philosophy in refusing to approve the Mayor's City Budget.

The issue has now been settled with the Lancaster County District Court's ruling that the budget process followed statutory requirements and is complete.

I want to urge all Council Members to approve the budget as required. The philosophical issues of holding the line on tax increases has been made and voters can make their own independent voices known in the election process. An appeal of the judicial ruling would be counter productive and only result in a waste of time and money.

We saw the Republican PARTY ideological refusal to fund government services make an expensive mess of government operations on a national level. Please don't let it happen in Lincoln.

Thanks, Lyle Vannier, 7421 Osage Ct., Lincoln, NE