I. MINUTES
   1. Approval of Directors’ Minutes September 11, 2017

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S CORRESPONDENCE
   1. Fiscal Impact Statement dated September 9, 2017
   2. Fiscal Impact Statement dated July 5, 2017

V. DIRECTORS CORRESPONDENCE

   PLANNING DEPARTMENT
   1. Weekly Administrative Approvals from September 5, 2017 through September 11, 2017
   2. Final Action Notification dated September 13, 2017
   3. Action dated Wednesday, September 13, 2017

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   2. Public Building Commission (PBC) - Camp, Raybould (09.12.17)
   3. Correctional JPA - Christensen (09.12.17)
   4. RTSD - Christensen, Lamm, Raybould (09.12.17)
   5. ISPC - Raybould (09.14.17)
   6. Multi Cultural Committee (MAC) - Shobe (09.12.17)
   7. Board of Health (BOH) - Shobe (09.12.17)

VII. CONSTITUENT CORRESPONDENCE
   1. Support Anti-Hate Resolution - Mary Boschult

MISCELLANEOUS

VIII. MEETINGS/INVITATIONS
      See invitation list.

IX. ADJOURNMENT
FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Urban Development
DATE: 8-09-2017

NEED
To transfer CDBG and HOME Federal appropriations from projects completed in FY 15/16 with remaining unused funds into projects with additional funding needs and to increase the total appropriation by the amount of program income received in FY 15/16 that exceeded the budgeted amount. (see attached)

FUTURE IMPACT:
- Ongoing
- Limited
- Projected Completion 8/31/17

REVENUES GENERATED

<table>
<thead>
<tr>
<th>LEGISLATIVE CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Yes □ No X</td>
</tr>
<tr>
<td>County Yes □ No X</td>
</tr>
<tr>
<td>State Yes □ No X</td>
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IMPACT

<table>
<thead>
<tr>
<th>Current Fiscal Year</th>
<th>Next Fiscal Year Annualized</th>
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PERSONNEL (full time equivalents)

PERSONNEL (cost) business unit:
object code description

SUPPLIES business unit:
object code description

OTHER SERVICES & CHARGES business unit:
object code description

EQUIPMENT business unit:
object code description

TOTAL EXPENDITURES

SOURCE OF REVENUES CDBG & HOME

DIRECTOR DATE 8/18/17
FINANCE DEPARTMENT COMMENTS

Availability of Appropriations: Yes ☑ No ☐

BUDGET OFFICER

Purchasing Agent

FINANCE DIRECTOR

DATE 8/23/17

APPROVED: Yes ☑ No ☐

MAYOR

MAYOR

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 fee 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.
In FY 15/16, Urban Development budgeted $536,127 for CDBG program income and received $697,326.29, giving the program an additional $161,199.29 to appropriate in FY 16/17. The HOME program income budget for FY 15/16 was $450,000 and received $663,027.68, an additional $213,027.68 to appropriate.

CDBG Transfers:

a. Temporary/permanent relocation, we need to have funding available should a housing rehabilitation project require a temporary relocation. UDD lowered the amount available to $5,000
b. Barrier removal, the League of Human Dignity did not use $640 of their contract for FY 14/15
c. Housing Rehab Administration, Loren Roberts was hired at a lower rate than the previous Housing Rehab Specialist
d. NIFA discontinued the bond financing for the HOME Improvement Loan Program, these funds were transferred to the programs listed in e, f, g & h
e. Direct/deferred loan program is available to low-moderate income homeowners in the LMI area
f. Emergency repair loan program is City-wide to assist homeowners with emergency repairs
g. Lead-based paint abatement grants are available to homeowners receiving a direct/deferred loan to remove any lead paint found in the home
h. The first-time homebuyer loan program is a 3% first mortgage for buyers with unusual circumstances. For example, if a school teacher has substantial student loan debt, private lenders will not approve them for a mortgage. We have processed two of these in FY 16/17.
i. Funds are being transferred from the completed 11th St Streetscape and South Capitol Sidewalks into the uncommitted Focus area public improvement project
j. The majority of the Peter Pan Pathways and Continuum of Care funding is being transferred into the uncommitted LMI park improvement project and will wait for Parks direction on which LMI park they'd like to work on next
k. The American Job Center funds (WIOA Program) and unused CD Staffing is being transferred into a Façade Loan program for the former Maria Ricco building's new owner in Havelock and into Administration for health insurance increases.

HOME transfers:

a. Unused CHDO loan funds, CHDO operating, Housing development loan, LHA security deposit program & unused Administration funds are being transferred into the First-time homebuyer program where there is always a demand, including the commitment of $25,000 down-payment assistance loans for the low-moderate income first-time homebuyers at Antelope Square
b. Additional RESCUE funds are needed to build the new construction house at 3275 Hitchcock, a home on Building & Safety's neglected property list that UDD was able to purchase for $15,000
<table>
<thead>
<tr>
<th>Business Unit/ Object Code</th>
<th><strong>HOUSING</strong></th>
<th>8/9/2017 Fiscal Impact Statement IN/(OUT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>270004.6025</td>
<td>Temporary/Permanent Relocation</td>
<td>(9,288.62)</td>
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<tr>
<td>270013.5656</td>
<td>Barrier Removal</td>
<td>(640.00)</td>
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<tr>
<td>270200.5021</td>
<td>Housing Rehab Administration</td>
<td>10,903.00</td>
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<tr>
<td>270202.5639</td>
<td>Home Improvement Loan Program</td>
<td>(409,982.19)</td>
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<tr>
<td>270203.5639</td>
<td>Direct &amp; Deferred Loan Program</td>
<td>150,000.00</td>
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<tr>
<td>270206.5639</td>
<td>Emergency Repair Loan Program</td>
<td>139,670.19</td>
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<td>270211.6023</td>
<td>Lead-Based Paint Abatement Grant</td>
<td>100,000.00</td>
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<tr>
<td>270212.5639</td>
<td>First-Time Homebuyer Program</td>
<td>197,098.52</td>
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<td></td>
<td></td>
<td><strong>177,760.90</strong></td>
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<td></td>
<td><strong>COMMUNITY DEVELOPMENT</strong></td>
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<tr>
<td>270006.6143</td>
<td>Focus Area Public Improvements</td>
<td>55,913.85</td>
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<tr>
<td>270007.6143</td>
<td>11th Street Streetscape, A to H</td>
<td>(12,250.91)</td>
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<tr>
<td>270010.6143</td>
<td>South Capitol Sidewalks</td>
<td>(43,662.94)</td>
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<td>270033.6138</td>
<td>LMI Park Improvements (Uncommitted)</td>
<td>31,446.71</td>
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<tr>
<td>270042.6138</td>
<td>LMI Park Improvements (Peter Pan Pathways)</td>
<td>(18,270.45)</td>
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<tr>
<td>270030.5656</td>
<td>Continuum of Care</td>
<td>(20,703.99)</td>
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<tr>
<td></td>
<td></td>
<td><strong>(7,527.73)</strong></td>
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<td><strong>ECONOMIC OPPORTUNITY</strong></td>
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<tr>
<td>270105.5656</td>
<td>American Job Center</td>
<td>(35,305.93)</td>
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<tr>
<td>270102.5639.30</td>
<td>Façade Loans</td>
<td>30,779.00</td>
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<td></td>
<td></td>
<td><strong>(4,526.93)</strong></td>
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<td></td>
<td><strong>ADMINISTRATION</strong></td>
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<td>270000.5021</td>
<td>Administration</td>
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<tr>
<td>270400.5989</td>
<td>Community Development Staffing</td>
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<td><strong>(4,506.95)</strong></td>
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<tr>
<td></td>
<td>Program Income received in FY 15/16 in excess of budget</td>
<td><strong>161,199.29</strong></td>
</tr>
</tbody>
</table>
## 2016/17 HOME INVESTMENT PARTNERSHIP PROGRAM

<table>
<thead>
<tr>
<th>HOUSING</th>
<th>8/9/17 Fiscal Impact Statement IN/(OUT)</th>
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<tbody>
<tr>
<td>265010.5639.15 First Time Homebuyer Loan Program</td>
<td>421,082.35</td>
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<tr>
<td>265010.5639.25 CHDO Loan</td>
<td>(109,800.30)</td>
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<tr>
<td>265010.5638 CHDO Operating Funds</td>
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<td>265010.5639.29 Housing Development Loan Program</td>
<td>(59,792.00)</td>
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<tr>
<td>265010.6026 RESCUE</td>
<td>3,804.77</td>
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<td><strong>235,294.82</strong></td>
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## CONTINUUM OF CARE

<table>
<thead>
<tr>
<th>265010.5656 Security Deposits for Homeless Families</th>
<th>(5,658.00)</th>
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</thead>
<tbody>
<tr>
<td>265010.5021 <strong>ADMINISTRATION</strong></td>
<td>(16,609.14)</td>
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</table>

Program Income received in FY 15/16 in excess of budget  

<table>
<thead>
<tr>
<th></th>
<th>213,027.68</th>
</tr>
</thead>
</table>
FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Urban Development/WIOA Program

DATE: 7-05-2017

NEED
When the 2016/2017 budget was prepared, the final allocated WIOA funds and carry-in funds were unknown at that time. This Fiscal Impact Statement is to adjust amounts to the actual allocation received from Nebraska Department of Labor and to adjust for the actual carry-in amounts from FY 2015/2016. (see attached spreadsheet)

FUTURE IMPACT:
☐ Ongoing
X Limited  Projected Completion 8/31/17

REVENUES GENERATED

<table>
<thead>
<tr>
<th>LEGISLATIVE CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
</tr>
<tr>
<td>County</td>
</tr>
<tr>
<td>State</td>
</tr>
</tbody>
</table>

☐ Yes ☐ No

IMPACT

PERSONNEL (full time equivalents)

PERSONNEL (cost) business unit:
object code   description

SUPPLIES business unit:
object code   description

OTHER SERVICES & CHARGES business unit:
object code   description

EQUIPMENT business unit:
object code   description

TOTAL EXPENDITURES

SOURCE OF REVENUES  WIOA

DIRECTOR  DATE  8/18/17
WHEN TO USE FISCAL IMPACT STATEMENT

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SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.
## 2016/2017 WIOA FISCAL IMPACT STATEMENT

### 9/5/2017
Fiscal Impact Statement
IN/(OUT)

| Business Unit/Object Code | WIA ADMINISTRATION |  |
|---------------------------|--------------------|--
| 277512.5021               | Salaries           | 8,621 |

**WIA ADULT**

<table>
<thead>
<tr>
<th>Business Unit/Object Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>277012.5022</td>
<td>Unclassified Salaries</td>
<td>(5,000)</td>
</tr>
<tr>
<td>277012.5031</td>
<td>Vacation Pay</td>
<td>8,000</td>
</tr>
<tr>
<td>277012.5033</td>
<td>Sick Leave Pay</td>
<td>1,800</td>
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<td>277012.5034</td>
<td>Family Sick Leave Pay</td>
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<tr>
<td>277012.5087</td>
<td>Medicare Tax</td>
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</tr>
<tr>
<td>277012.5091</td>
<td>PEHP</td>
<td>8,000</td>
</tr>
<tr>
<td>277012.5094</td>
<td>New Pension Plan</td>
<td>3,000</td>
</tr>
<tr>
<td>277012.5621</td>
<td>Misc Contractual Services</td>
<td>3,000</td>
</tr>
<tr>
<td>277012.5728</td>
<td>Schools &amp; Conferences</td>
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<tr>
<td>277012.5922</td>
<td>Rent of Bldgs &amp; Lots</td>
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<tr>
<td>277012.5925</td>
<td>Rent of Office Equip</td>
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<tr>
<td>277012.5956</td>
<td>WIOA Support Services</td>
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<tr>
<td>277012.6005</td>
<td>On the Job Training</td>
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**Total** 156,745

**WIA DISLOCATED WORKER**

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<tr>
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<td>Sick Leave Payout</td>
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<td>277112.5087</td>
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<td>277112.5091</td>
<td>PEHP</td>
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<td>Misc Contractual Services</td>
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<td>277112.5728</td>
<td>Schools &amp; Conferences</td>
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<td>277112.5956</td>
<td>Support Services</td>
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<tr>
<td>277112.5961</td>
<td>Education &amp; Training</td>
<td>65,271</td>
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**Total** 112,011

**WIA YOUTH - IN SCHOOL**

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<tr>
<td>27712.5922</td>
<td>Rent of Bldgs &amp; Lots</td>
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**WIA YOUTH - OUT OF SCHOOL**

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<td>Unclassified Salaries</td>
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<td>Family Sick Leave</td>
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<td>Holiday Pay</td>
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<td>277614.5087</td>
<td>Medicare Tax</td>
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<td>New Pension Plan</td>
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**OUT OF SCHOOL YOUTH WE**

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**Total**

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<tr>
<td></td>
<td></td>
<td>450,755</td>
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Memorandum

Date: September 12, 2017
To: City Clerk
From: Amy Huffman, Planning Dept.
Re: Administrative Approvals
cc: Mayor Chris Beutler
     Planning Commission
     Geri Rorabaugh, Planning Dept.

This is a list of the administrative approvals by the Planning Director from September 5, 2017 through September 11, 2017:

Administrative Amendment No. 17040, to Use Permit No. 63, approved by the Planning Director on September 5, 2017, to increase the maximum floor area from 2,070 to 2,207 square feet, generally located at 7026 O Street.

Administrative Amendment No. 17043, to Change of Zone No. 08066, Antelope Village PUD, approved by the Planning Director on September 5, 2017, to add 14 residential lots to the site plan and modify setbacks, generally located at 23rd and P Street.

Administrative Amendment No. 17038, to Preliminary Plat No. 04011, Waterford Estates, approved by the Planning Director on September 7, 2017, to reflect a change in the storm sewer configuration and grading plan, generally located south of Holdrege Street and east of 98th Street.

Administrative Amendment No. 17056, to Use Permit No. 05006, Grainger Heights, approved by the Planning Director on September 11, 2017, to clarify Note 18 to allow basements if served by a sewer injector pump, generally located at 40th Street and Grainger Parkway.
TO: Mayor Chris Beutler  
Lincoln City Council  

FROM: Geri Rorabaugh, Planning  

DATE: September 13, 2017  

RE: Notice of final action by Planning Commission: September 13, 2017

Please be advised that on September 13, 2017, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

Resolution No. PC-01572, approving SPECIAL PERMIT NO. 17033, for a building addition along with expansion of vehicle storage and parking with reduction of rear yard setback from 28.4 feet to 10 feet, on property legally described as Lots 1-9, Block 3, McMurtry’s Addition, located in the NE 1/4 of Section 25-10-6, Lincoln, Lancaster County, Nebraska, generally located at 2051 K Street, as set forth in the amended conditions as offered by the applicant.

The Planning Commission action on this application is final, 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 (Keyword = PATS). Use the “Search Selection” screen and search by application number (i.e. SP17033). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.
**ACTION BY PLANNING COMMISSION**

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 13, 2017, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. 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, SEPTEMBER 13, 2017

[All Commissioners present]

Approval of minutes of the regular meeting held August 30, 2017, as revised. **APPROVED: 9-0**

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

   **COUNTY CHANGE OF ZONE:**

   1.1 County Change of Zone No. 17025, from AG (Agricultural District) and I (Industrial District) to B (Business District), on property generally located at the intersection of Highway 2 and Highway 43.

   Staff recommendation: Approval
   Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
   Planning Commission recommendation: APPROVAL; 9-0. Public hearing before the Lancaster County Board of Commissioners is pending at this time.

2. **REQUESTS FOR DEFERRAL:** None.

3. **ITEMS REMOVED FROM CONSENT AGENDA:** None.

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**
CHANGE OF ZONE AND RELATED SPECIAL PERMIT:

4.1a Change of Zone No. 17021, from B-3 (Commercial District) and R-6 (Residential District) to B-4 (Lincoln Center Business District), on property generally located at 2051 K Street.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, as set forth in the revised staff report dated August 30, 2017; 9-0. Public hearing before the City Council is tentatively scheduled for Monday, October 2, 2017, 3:00 p.m.

4.1b Special Permit No. 17033, for a building addition along with expansion of vehicle storage and parking with reduction of rear yard setback from 28.4 feet to 10 feet, on property generally located at 2051 K Street.
**FINAL ACTION**
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the amended conditions as offered by the applicant and revisions to the staff report dated August 30, 2017; 7-2, Harris and Washington dissenting. Resolution No. PC-01572.

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

Adjournment: 1:50 p.m.
Councilman Eskridge and members of the Lincoln City Council,

Attached is a letter of support from the League of Women Voters of Lincoln and Lancaster County. I am unable to attend the Council meeting today, but want you to know the League urges all members to support this resolution.

Mary Boschult, President
League of Women Voters of Lincoln and Lancaster County
mary4now@aol.com
September 11, 2017

Re: Resolution 17R-226 to affirm our City's commitment to safeguard the civil rights, safety and dignity of all community members and our City's commitment to a diverse, supportive, inclusive and protective community.

To: Members of the City Council of Lincoln, Nebraska

The League of Women Voters of Lincoln and Lancaster County is appalled at the recent gathering of white supremacists in Charlottesville, Virginia. The League values the right of peaceable assembly and our freedom of speech guaranteed by the Bill of Rights to our U.S. Constitution. We do not condone the gathering of people to announce their hate, or to act to harm others.

We concur with the statement of Chris Carson, President of the League of Women Voters of the United States that "There is no place for hatred and violence in our democracy and all leaders must condemn these acts of domestic terrorism."

We support the resolution introduced by Councilman Eskridge to affirm the City's commitment to safeguard the civil rights, safety and dignity of all community members and our City's commitment to a diverse, supportive, inclusive and protective community.

We appreciate the City Council's willingness to set this standard for our community.

The League is a non-partisan organization as is the Lincoln City Council. We promote the informed and active participation of citizens in their government.

We urge all members of the Council to support it.

Sincerely,

Mary Boschult, President
League of Women Voters of Lincoln and Lancaster County
I. CITY CLERK

II. MAYOR’S CORRESPONDENCE

III. DIRECTORS CORRESPONDENCE
   PLANNING DEPARTMENT
   1. Update Memo on Drainage Concerns

IV. CONSTITUENT CORRESPONDENCE
   1. Drainage Issues in Northbank preserve - Eldonna Schwisow
   2. Senior Center Food Service - David Anderson
MEMORANDUM

TO: Lincoln City Council Members

FROM: David Cary, Director, Lincoln-Lancaster County Planning Department

RE: Drainage Concerns in New Residential Development Areas

DATE: September 15, 2017

CC: Miki Esposito, Director, Public Works & Utilities
    Chad Blahak, Director, Building & Safety
    Jeff Kirkpatrick, City Attorney
    Jon Carlson, Mayor’s Office

The purpose of this memorandum is to update members of the Lincoln City Council on efforts underway to address concerns over drainage issues in areas of new residential development. Staff from the Planning Department, Public Works & Utilities Department, City Attorney’s Office, and Building & Safety Department are working on a range of related items intended to address these issues. These efforts are summarized below.

Summary of City Authority
The Planning, Public Works & Utilities, and Building & Safety departments are charged with protecting the health, safety and property of Lincoln residents, and we take this responsibility to heart. These three divisions review plans and/or inspect work at several points along the development, engineering and construction timeline. The process related to grading and drainage is outlined for you in the attached memorandum.

Throughout the process, our departments’ first priority is to ensure that developed property and structures meet city code. All plans submitted for review have been prepared by well-trained professional engineers. There are also other permits and regulations that guide development and construction through the homebuilding process (Nebraska SWPPP and Building Permits).

Although not typical, it is also not uncommon that developments experience drainage problems after build-out. This issue is not limited to flat ground or low-laying areas. Drainage issues are just as likely to develop in higher elevations, or hilly land. There are a number of factors beyond the city’s control that affect drainage outcomes. To name a few: intensity of rainfall; sump pump drainage discharge; design and models of private homes; elevation of home foundations; homeowner landscaping and fencing preferences.

Developers, engineers and contractors are very familiar with our open-door policy when unexpected challenges occur. We have been in ongoing discussions with the developer of Northbank Preserve. A number of the action items proposed for the existing lots below are a direct result of those discussions.

Drainage Concerns in Existing Areas of Northbank Preserve
Staff from the Public Works & Utilities Department have held several discussions with the developer of the residential lots in Northbank Preserve, his engineer, and residents of the neighborhood over the
past several weeks. The result of these meetings has been better understanding of the drainage issues the existing lots face, as well as potential solutions to a majority of issues. The developer is in discussions with the private landowners to address some of the drainage issues using a range of options. For example, the installation of a sump pump drainage collection system along some yards to direct water toward the storm drain system may be an appropriate measure. Site plans for this option have been submitted to the City by the developer for input, but any improvements made to the existing lots are matters to be resolved between the individual home owners and the developer.

NEXT STEP: City staff will continue to encourage the private parties involved to enter into agreements that address drainage concerns on previously approved lots.

Addressing Drainage in the Next Phase of Northbank Preserve
Staff from Planning, the City Attorney’s Office, Public Works & Utilities, and Building & Safety have discussed potential updated conditions of approval to accompany the Change of Zone currently before the City Council (Change of Zone No. 17011). As a result of the public hearing process and subsequent discussions related to this Change of Zone, updated drainage needs within the next phase of development of lots in this approved plan area have been identified. One such item identified is the opportunity to improve the drainage capabilities in this new area of development with a change to the grading on the backs of some lots in Outlot A in the Change of Zone area. Other potential conditions include requiring drainage ‘directional flow arrows’ on the final plan sheets, and identifying those lots that should be developed as flat lots instead of daylight basement lots or walkout basement lots.

NEXT STEP: Request the City Council delay action on Change of Zone No. 17011 with a date certain in order to allow additional time to work with the developer on an agreement that updates the conditions of approval to clearly identify the grading work that will improve the drainage needs of the new phase of development, along with adding other additional information to the approved plans.

Potential Future Regulatory Changes
Staff from Building & Safety and Public Works & Utilities have met with representatives from the Home Builders Association of Lincoln and staff from various departments to discuss potential changes in regulations that could be beneficial in avoiding future drainage issues in residential areas. As part of these discussions, consideration has been given to ensure a balance is struck between applying additional regulations that could cause additional review time and added cost to lot development with the desire to ensure drainage needs are better met.

As noted earlier, attached to this memorandum is a summary of the steps currently taken in the development review process related to grading and drainage reviews. This process results in proper drainage in the vast majority of lots and developments. In the spirit of considering how the City may improve on this process further, the following potential measures are under consideration for addressing final lot grading and drainage needs:

1. Require house type designations (flat, daylight, or walkout) to be shown on the final plat, or in the form of deed restrictions, enabling Building & Safety to review this information at the time of building permit issuance. By including these designations on a final plat or as a deed restriction, it would also place prospective buyers of the lots on notice that there may be limitations on the design of the home that can be constructed on the parcel.
2. Require as-built elevations for rear property corners that comply with the approved grading plan to be shown on the grading certificate and share that information with Building & Safety to enable the agency to review at the time of building permit issuance.

3. Expand site grading certificate requirements to include the entire site, which helps ensure that lot grading complies with the approved grading plan prior to building permit issuance. Currently the required certificate is limited to the areas within the public right-of-way.

4. Develop minimum opening elevations for all or some lots and require them to be shown on final plats enabling Building & Safety to review at the time of building permit issuance.

5. Set a maximum main floor elevation relative to the adjacent top of curb elevation to ensure that lots are not unnecessarily elevated relative to the adjacent up-slope lot.

6. Require final site grading certificate for each lot, ensuring compliance with the approved grading plan prior to the issuance of occupancy certificate.

Each option above presents a varying range of potential impacts, including the need for additional city staff time to conduct plan reviews, additional time overall to complete the review process, and potentially additional direct costs to the development process. With this in mind, each of these ideas deserve additional consideration before a determination is made on whether or not to implement any one of them.

NEXT STEP: Continue to discuss these and other potential regulatory changes with stakeholders to determine their impact on effectiveness in addressing drainage issues, cost to the City, and cost to the development/building community. A meeting will be scheduled with representatives of the development community to discuss the positives and negatives of these options. Follow-up meetings will be needed with various departmental staff to decide on the most appropriate package of regulatory changes should any be required.

The information contained in this memorandum is intended to assist your understanding of the various aspects of this topic. Please do not hesitate to contact me or any other departmental representative with any questions you may have regarding this information.
Development Process (emphasis on Grading & Drainage)

This Memorandum is for informational purposes, to generically describe the development process in the City of Lincoln, as it relates to site grading and stormwater drainage. It describes the process of land development from rural or raw undeveloped land; as it is planned, designed and approved; through to creation of streets, infrastructure, and lots with completed buildings. The final collective outcome commonly results in a fully developed subdivision, or residential neighborhood. The following outline describes the process in order as it occurs:

1. Developer hires a Professional Engineer, or Engineering Firm, who lays out and designs the development proposal, called a Preliminary Plat. Note that Community Unit Plans (CUP’s) and Planned Unit Developments (PUD’s) are treated similar to Preliminary Plats.
   a. The Preliminary Plat contains their proposed layout of the development and includes Streets, Infrastructure (water, sewer, storm drainage), other utilities, easements, lot layouts, etc.
      i. As it relates to drainage, they typically include a Grading & Drainage Plan as part of their Preliminary Plat, which shows:
         1. Topography (existing and proposed contours) of land grading.
         2. Existing and proposed drainage patterns and runoff rates.
         3. Calculations (or Drainage Report) for their runoff rates and detention.
         4. The proposed layout of the private and public storm drainage system, including pipes, inlets, channels, swales, etc.
         5. Floodplain information.
   b. The Preliminary Plat is submitted to the Planning Department, who routes the Preliminary Plat to most City Departments; this includes Watershed Management (a Division of Public Works & Utilities) who reviews the grading and drainage information against:
      i. Design Standards (specifically, Chapter 2.05)
      ii. Lincoln Municipal Code (generally the Land Subdivision ordinances in Title 26, and also Zoning ordinances in Title 27).
   c. Upon review, Watershed either “recommends approval” to the Planning Department, or comments on the plan asking for “additional information” to correct any errors and omissions we see. (Note we do not have resources to review and ‘catch’ every single detail.) We can also “Recommend Denial”, but that is rare as we try to work with parties involved.
   d. The Planning Department writes a Staff Report to either “Recommend Approval” or “ Recommend Denial”, and submits to the Planning Commission, who votes to approve the plan or not. (Often they recommend approval “with conditions”, and then the Applicant has to address the conditions, and resubmit to Planning Department.)
   e. After Planning Commission, then City Council must also approve the same.
   f. After it’s approved, the Developer’s Engineer submits a Final Approved Copy of the Plan and the Planning Department approves it.

2. Once approved, the developer has the right to begin work on the subdivision. They will typically do mass grading of the site first. Sometimes this means mass grading a large site (40
Memorandum:
Development Process related to Grading & Drainage
City of Lincoln, Public Works & Utilities, WSMJLN, 9/15/2017

acres or more is common). Note: A Stormwater Prevention Pollution Plan (erosion and sediment control plan) is required to be submitted prior to grading.

a. Watershed Management then receives a Grading Certificate certified by the Developer’s Engineer, that the site has been graded (per the approved Preliminary Plat). A Watershed Inspector visits the site to identify any significant diversions from the original grading plan. (Due to staff time and surveying ability and equipment, it’s not feasible to check this grading in detail.)

b. After this, the Developer is “released” to do his Utility work (water, sewer, storm) and Street Paving. The Developer usually hires their same Engineer who designs all of this infrastructure, puts up bonds for it, and builds it in accordance with the Private Contractor Agreement (formally known as ‘EO process’). This infrastructure eventually becomes the City’s and the City’s obligation. Separately, private utilities such as LES can begin to install their private utility lines and pedestals too.

i. Watershed reviews the Construction Plans for public stormwater drainage infrastructure, as submitted by the Developer’s Engineer, to ensure it meets code and aligns with the Preliminary Plat.

3. Typically, once all the Streets and necessary infrastructure is in place, the developer will then formally subdivide his land into individual lots, by final platting. They typically hire the same Engineer to draw up a Final Plat, which is a plan showing each lot to be subdivided, and contains easements and dedication language. Once the Final Plat is approved, the developer can sell the lots.

a. The Final Plat is submitted to the Planning Department, and the Planning Department again routes this for review. Watershed Management reviews it and checks a few items, such as:

i. Checks the lots layout against the Preliminary Plat (for example, that they are not extending a lot into a floodplain inadvertently).

ii. Checks that easements will be dedicated, as proposed in the Preliminary Plat.

iii. Checks Minimum Opening Elevations, and Lowest Floor Elevations shown on the Final Plat, that they protect necessary lots against the 100-yr flood limits of Floodplains, channels, detention ponds etc.

b. Once everyone has signed off, the Planning Department approves the Final Plat administratively. Then the developer can sell the lots.

4. Once the lots are sold, typically to Home Builders, the Builders obtain necessary permits from Building and Safety to begin building the buildings.

a. They usually start by digging a hole for the foundation of the home, and pile dirt up on the site (thus ruining what grading had been established).

b. The Builder must bring construction plans into Building & Safety for review prior to any permits being issued and before work on the building can occur. The Site Plan is reviewed and stamped as the approved building document that the Builder must follow.

i. If the Final Plat lists a Minimum Opening Elevation or Lowest Floor Elevation, Building & Safety puts a note on the Site Plan that states the actual required Minimum Opening Elevation or Lowest Floor Elevation.
c. When the building foundation is poured, Building & Safety checks that the foundation is a certain height above the street. This basically ensures that the house is not build too low on its lot in relation to the street.
   i. If the Final Plat lists a Minimum Opening Elevation or Lowest Floor Elevation, the Builder is required to have a licensed Surveyor (or Professional Engineer) certify that elevation(s) of the foundation meet the required Minimum Opening Elevation or Lowest Floor Elevation. This must occur before Building & Safety conducts a Framing Inspection.

d. After the Framing Inspection, the Builder can then continue building the rest of the building, and complete general site grading (prior to sod).

e. Before Occupancy Permit is approved, Building & Safety checks that the lot is graded to drain away from the building for the first five (5) feet, along the entire perimeter of the foundation; and the grading is six (6) Inches below any untreated lumber.
   i. If the lot is, or was, in a FEMA floodplain, those lots with Lowest Floor Elevations listed on the Final Plat, are required to have a second certification submitted by a Surveyor or Engineer for the final completed structure.

f. Building and Safety approves the occupancy permit.

5. **After homes are built and the occupancy permit approved, the City is not involved** and has no authorities to intervene related to drainage. Drainage issues become a private and civil matter. Issues related to drainage concerns after occupancy may, have in the past, and continue to include inappropriate landscaping, fences with no or little gaps or built too low, downspout extensions/redirection, and blockage of drainage. These cause drainage issues unrelated to the original drainage intent of the subdivision.
Here is a picture Dated 9 - 20 – 2013 showing these homes being build. You can see where there was drainage along the west side of the home that Pat and Linn own. The dirt was piled in the drainage swale and on the adjacent lot. These homes were being built by Mike McGill construction. I sold the lots to him and once he bought them before any homes were started I had no more say on how the lots were graded. I never even met the owners until the first neighorhood block party was held. I don't understand how a reasonable person can think that I or ESP Engineering caused the problems. As lyle Loth with ESP Eng has certified there was enough fall for the water to drain along the property line if the lots had been finish graded right.
Here is another picture dated 10-20-1914 showing the two story house being built next to Kevins House. It looks as if there may have been drainage on the East side of the lot next to Pat and Linns house before this house got completed. Kevins yard was already finish graded with out the dirt being hauled off leaving the dirt within about 2" of his window and his yard basicly flat with no fall away from the house. A occupancy permit should never have been even approved as this does not meet the citys existing grading requirements. Here again the lot was sold to the builder and once that happens I have no control over what he does. In stead of hauling off the excess dirt it was wasted on site
blocking the drainage that was there and changing
where the water is supposed to flow. There is no way
for me to control that. The house beside of kevins is
probably 2" higher which pushes all of that water on to
his also. All of these lots were graded to the same
height

before these homes were built. Why are these people
not looking to there builders to resolve the issues as they
were not caused by anything we did.

On the west side of 50th street we had a problem with
excess water in the back yards making it nearly
impossible for one house to mow. We have moved this
water out to the street and have a permitt application in
to install a drain line behind of the curb to pick up this
water and direct it to a storm sewer inlet. This has
eliminated the wet yard that he couldn't mow. We have
revised our grading plan for the proposed 4th addition
so that we are requesting to be annexed in and are lowering
a pipe across 49th street to give us additional fall behind
the houses on 50th street. By doing this we now have
1% of fall behind of the house with this being lower 9"
to create positive drainage from there back yards on 50th
street.

I had requested a meeting with Cindy Lamb to look at
the issues and she never showed up. Last week Tuesday
we had a meeting with the city and the homeowner that
agreed upon a pipe line issue and a pipe line that was
again Cindy was supposed to be at and she called one of
the homeowners and said she couldn't make it. Never left the city people or me even now.

There was a article in the Lincoln Journal star about TIF money being used for housing in Northbank Preserve. This is what Donald Trump calls fake news. There was no TIF money used by me for the housing development. We did receive TIF money for the commercial portion of Alvo Rd. This went to Duane Hartman, Inland Truck and myself. We got no moneies from the city for oversizing the water mains or sewer mains. Some of this TIF moneies went to install a Sewer pipe from N 70th street to 56 and to install water and sewer along 56th to I 80 for development north of I 80. This project has created more than $15,000,000 worth of new buildings
along 56 and also Arbor rd. Mapes industries has had I big expansion and is getting ready for another. Kenworth Trucks have built along I 80 as well as 6 or seven other business because of this. This TIF money was not about my few houses on Alvo rd.

Again, How can it be my fault for the drainage issues when you can see what the lots looked like during construction and Lyle Loth with ESP Eng will certify that they did drain properly when the lots were plotted.
Hi, Jon-
I hope you are well.
I wanted to comment on the article on the front page of today's LJS about contracting out the food service for the senior center. I am unsure of whether I have any interest in this issue, but I assume so, if only as a taxpayer. Ordinarily I would be in favor of saving tax payer dollars, but this plan seems "penny-wise and pound-foolish." I worry about how vulnerable our food supply is to transportation issues. Then there's the weather. Icy road and blizzard conditions could easily interfere with the delivery of meals to the senior center. Finally, I don't think Treat America has a sterling record when it comes to food service. You should explore the two (2!) failed attempts they have experienced at Mahoney State Park.
If the council decides to vote for the service, I believe they should require that the city have a plan B should the food service fail to deliver on any day. Perhaps storing food (MREs) would be an option.

I hope I never have to see an article about disadvantaged senior citizens not receiving their meal someday because Treat America failed to deliver, no matter the reason.

--
Dave Anderson
6117 Orwell Circle

ECK Quote of the Day