I. MINUTES
1. Approval of Directors’ minutes from November 6, 2017

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE
1. 2018-2020 Budget Schedule and Department Hearings

V. DIRECTORS CORRESPONDENCE

PLANNING DEPARTMENT
1. Administrative Approvals from November 14, 2017 through November 20, 2017

CITY TREASURER
1. Cash Letter for the month of October, 2017

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
1. Parks & Rec - Gaylor Baird (11.04.17)
2. ISPC - Gaylor Baird (11.06.17)
3. LPED - Camp, Christensen, Eskridge (11.07.17)
4. PBC - Camp, Raybould (11.14.17)
6. MAC - Shobe (11.14.17)
7. Board of Health (BOH) - Shobe (11.14.17)
8. Performance Audit Committee (PAC) - Shobe, Lamm, Raybould (11.30.17)
9. PRT - Lamm (11.30.17)
10. ILC - Shobe, Christensen, Eskridge (11.27.17)
11. DLA - Gaylor Baird, Eskridge (11.28.17)
12. Correctional JPA - Christensen (11.28.17)
13. WHJPA - Eskridge (11.29.17)

VII. COUNCIL MEMBERS
1. City Council member appointments to Justice Council

VIII. CONSTITUENT CORRESPONDENCE
1. Community Improvement - Pat Anderson
2. Bicycling Concern - Diane Daly
3. Proposed Annexation Subarea E, opposition - Dave & Diane Spomer
4. Proposed Annexation Hillcrest Heights, opposition - Terry Neddenriep, HHA President
5. Sky Ranch Acres Appeal of SP17022
   Response provided by Geri Rorabaugh, Administrative Officer, Lincoln-Lancaster County Planning Dept.

IX. MEETINGS/INVITATIONS
See invitation list.

X. ADJOURNMENT
Memorandum

Date:  November 21, 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 November 14, 2017 through November 20, 2017:

**Administrative Approval No. 17065** to Special Permit No. 1219M, Bryan Medical Center East Campus, approved by the Planning Director on November 15, 2017, to add new freestanding, directional, and marquee signs, generally located at 1600 S. 48th Street.

**Administrative Approval No. 17068** to Change of Zone No. 05054E, Prairie Village North PUD, approved by the Planning Director on November 15, 2017, to revise the landscape plan, generally located at 84th Street and Market Drive.
OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

OCTOBER 31, 2017

TO: MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS

FROM: FINANCE DEPARTMENT / CITY TREASURER

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business October 31, 2017

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Forward</td>
<td>$345,687,101.38</td>
</tr>
<tr>
<td>Plus Total Debits October 1-31, 2017</td>
<td>$36,310,969.14</td>
</tr>
<tr>
<td>Less Total Credits October 1-31, 2017</td>
<td>($36,464,846.82)</td>
</tr>
<tr>
<td><strong>Cash Balance on October 31, 2017</strong></td>
<td><strong>$345,533,223.70</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Bank Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. S. Bank Nebraska, N.A.</td>
<td>$4,158,073.07</td>
</tr>
<tr>
<td>Wells Fargo Bank</td>
<td>($148,719.77)</td>
</tr>
<tr>
<td>Wells Fargo Bank Credit Card Account</td>
<td>($168,879.96)</td>
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<tr>
<td>Cornhusker Bank</td>
<td>$75,388.40</td>
</tr>
<tr>
<td>Pinnacle Bank</td>
<td>$86,066.48</td>
</tr>
<tr>
<td>Union Bank &amp; Trust Company</td>
<td>$97,223.85</td>
</tr>
<tr>
<td>West Gate Bank</td>
<td>$16,526.03</td>
</tr>
<tr>
<td>Idle Funds - Short-Term Pool</td>
<td>$39,211,505.36</td>
</tr>
<tr>
<td>Idle Funds - Medium-Term Pool</td>
<td>$301,442,094.97</td>
</tr>
<tr>
<td>Cash, Checks and Warrants</td>
<td>$763,944.37</td>
</tr>
<tr>
<td><strong>Total Cash on Hand October 31, 2017</strong></td>
<td><strong>$345,533,223.70</strong></td>
</tr>
</tbody>
</table>

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

I also hold as City Treasurer, securities in the amount of $20,960,616.75 representing authorized investments of the City’s funds.

**ATTEND:**

Teresa Meier, City Clerk

Melinda J. Jones, City Treasurer
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>CUSIP</th>
<th>MATURITY DATE</th>
<th>CURRENT PAR</th>
<th>MARKET VALUE</th>
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</thead>
<tbody>
<tr>
<td>FHLMC GOLD POOL C91166 6%</td>
<td>3128P7JK0</td>
<td>03/01/2028</td>
<td>$164,353.76</td>
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<td>FHLB 1.25%</td>
<td>3130A5PX1</td>
<td>08/28/2018</td>
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<tr>
<td>FNMA POOL #254548 5.5%</td>
<td>31371KWH0</td>
<td>12/01/2032</td>
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<tr>
<td>FNMA POOL 256125 5%</td>
<td>31371MPJ0</td>
<td>01/01/2026</td>
<td>$106,612.92</td>
<td></td>
</tr>
<tr>
<td>FHR 2776 CG FREDDIE MAC CMO 5%</td>
<td>31394WJC3</td>
<td>04/15/2019</td>
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<tr>
<td>SBIC 1998-20L 1 PASS-THROUGH 5.8%</td>
<td>83162CJR5</td>
<td>12/01/2018</td>
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<tr>
<td>SBIC 2010-10A 14.11%</td>
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<tr>
<td>FNMA POOL MA0909 25DD</td>
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<td>11/1/2021</td>
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<tr>
<td>SBAP 2002-20E 1 5.98%</td>
<td>83162CMF7</td>
<td>05/1/2022</td>
<td>$85,901.91</td>
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<td><strong>CORNHUSKER BANK</strong></td>
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<td>FNMA GTD PASS THRU POOL #AU5145</td>
<td>3138X4WF3</td>
<td>08/01/2028</td>
<td>$640,000.00</td>
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<td>$799,272.00</td>
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<td>09/13/2019</td>
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<td><strong>UNION BANK AND TRUST</strong></td>
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<tr>
<td>FHLB LOC #522941</td>
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<td>11/01/2017</td>
<td>$7,000,000.00</td>
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<tr>
<td><strong>USBANK</strong></td>
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<tr>
<td>FHM5 X707 A2 2.22%</td>
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<td><strong>PINNACLE BANK</strong></td>
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<td>FMAC FGPC 3.500%</td>
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<td>10/1/2026</td>
<td>$869,408.00</td>
<td>$168,582.94</td>
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<td><strong>WELLS FARGO</strong></td>
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<tr>
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<td><strong>$2,332,455.62</strong></td>
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<td><strong>$4,993,000.00</strong></td>
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<td><strong>TOTAL Pledged</strong></td>
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<tr>
<td><strong>TOTAL Pledged</strong></td>
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<td><strong>$6,763,112.98</strong></td>
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<td></td>
<td><strong>$870,408.00</strong></td>
<td><strong>$169,490.92</strong></td>
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</table>
All,
I am sharing (below) an email from One Omaha. I believe Omaha is serving as a great role model in providing incentives to engage residents and make improvements in their neighborhoods. In the past neighborhood associations grew strong and made improvements to their community because there was funding available to help them carry out their local projects such as public landscaping, sidewalk replacement, bike trail expansion, planting trees and the list goes on. NWL staff have visited with neighborhood associations across the city, many are struggling to keep an engaged membership.

It would be a very healthy endeavor for Lincoln to replicate Omaha's grants.

Please contact me if you are interested in starting this conversation.

Pat Anderson-Sifuentez
Community Engagement
NeighborWorks Lincoln
2530 Q Street
Lincoln, NE 68503
402-477-7181, ext. 106
panderson@nwlincoln.org
www.nwlincoln.org

nov. 8, 2017

new omaha neighborhood grants program launched

Great news, neighbors: the Omaha Neighborhood Grants Program is open for business!

The new program - a collaboration of the Peter Kiewit Foundation, the Omaha Community Foundation and ONE Omaha - has been designed to address local priorities with a grassroots approach, practice and grow active citizenship, and build community that improves the quality of life in Omaha neighborhoods. That's all fancy talk for making our neighborhoods better places, which many of you have been doing for years!

Here's the skinny:

- To be eligible, your group must be located within Omaha’s city limits and listed in the City of Omaha’s Neighborhood Association Directory.
- You don't have to have a 501(c)(3) designation to apply.
You have to submit your application electronically.

- Your request must be between $500 and $5,000 and can't exceed 50% of the total project cost.
- In order to be funded, you have to match the amount you apply for one to one. The match can be cash, volunteer hours, in-kind services or the contribution of materials and supplies.
- The application period opened Nov. 1 and continues through Feb. 1, 2018.
- You'll be notified via email March 31, 2018.
- Up to $50,000 will be awarded annually.

Here's the really cool thing:

If you don't know where to start, we can help! Our ONE staff is available to assist you in developing a project or building your group's capacity to do so on your own in the future. The application is available online here, and here's a one-sheet that explains the program in full detail.

Questions? Let us know. The sooner you start, the better your proposed project will be. This is going to be fun!

- Julie Smith
  ONE Omaha program director

oneomaha.org

--

NeighborWorks Lincoln's mission is to keep Lincoln a safe and prosperous community by revitalizing neighborhoods and promoting homeownership.
I am a resident of south central Lincoln, living on Box Canyon Circle and had written to Senator Geist in my district. She suggested I email you my concerns.

I travel Yankee Hill Road and south 56th street areas often, sometimes at dawn, dusk or after dark. While I own a bicycle, I haven’t ridden much due to the dangers that lie beyond our Big Thompson Creek sub-division. I mention this to ensure you that I’m not a one-sided thinker. My motivations come only for the safety of everyone on the road, not just the bicyclist but also the motorists who don’t want to carry the burden of injuring or killing a careless bicyclist.

As with all cases, there are careless motorists and there are careless bicyclists. Some roads were never intended for walkers or bicyclists to walk/ride on. Therefore, rather than adapting these areas to suit a very minimal population vs. motorized traffic, which costs $$ and time, perhaps the lesser threat should adapt and ensure their own safety.

Another level to this is there are bicyclists riding on WALKING paths. That is also a dangerous combination for walkers. Frequently I will have bicyclists come from behind at high speeds who say nothing and whiz by me – what if I had stopped or stepped to the side not knowing they were approaching? Many walkers are elderly and don’t hear a voice coming at 35 miles an hour. They are upon you before you know it! So it would seem that bicyclists are caught in the middle of these dangerous situations.

Some suggestions follow:

- Rarely do I see a bicyclist in BRIGHT colors – usually dark work-out clothing. You would think they would want to go to whatever lengths they need to protect themselves if they must ride.
  - Requirements to wear a reflective vest or shirt at all times;
  - Requirements for bright headlight on front of bike and something bright (more than a reflector) on the seat to be seen from the rear;
  - Requirements for a bell/horn/noise of some kind on the bike to warn walkers.

- Laws probably can’t address the following issues, but I feel there needs to be a safer and more defensive ATTITUDE accepted and adopted by bicyclists as motorists do in driving defensively. It is unrealistic for a 10 pound bike to think they can compete/contend with a 3-ton vehicle.
  - It’s very difficult to adjust for bicyclists who cut in and out of traffic at high speeds in high traffic areas and on paths. This is where attitude could help;
  - Riding on the side of a busy street that has no shoulders – a line of 20-30 cars behind a stubborn bicyclist is not safe for anyone. Again, attitude;
  - Consider using the sidewalk (if lawful) or not using that street/road;
- Transport bicycles to areas that are safer and more appropriate in accommodating riders;
- Use of the bell/horn to forewarn walking traffic of approaching bicycle.

- How about bicyclists being required to take a riding course (as with motorcycles) in which these issues are taught as more than *suggestions*? And then taking a test to earn a license they carry with them? If they want to ride with the motorists, be licensed as one.

- How about the local riding clubs being asked to enforce/strongly urge participation of their members to avoid these issues?

Thank you for your attention.

Diane Daly

Diane Daly | Administrative Assistant, Juvenile Services Division
Supreme Court/Administrative Office of Probation

521 S. 14th Street | Lincoln, NE 68508

T 402.471.4816  | F 402.471.4891

diane.daly@nebraska.gov
Dear Council Members,

We live in one of the areas soon to be voted on by you for annexation into the City. Specifically sub area E, Dunrovin Acres. While we do not like the idea, we always knew this would happen someday. We are asking you to consider delaying this as was done with one of the other areas (Sunrise Hills) already voted on. Dunrovin Acres was included with Clarendon Hills and Amber Hill Estates number of years ago for annexation but this was then dropped by the City. We were caught off guard by this new annexation because we thought when this was proposed again, we would be included in a discussion with this larger area.

Several things we would like you to consider:

1. Fire Service. We are currently well served by Southeast Rural Fire. Yes there are two proposed fire stations to be built in southeast Lincoln, but they won't be ready for 12 to 18 months as reported by a recent article in the newspaper. Also, another article that appeared recently stated that Fire Department has been stretched to the limit in recent years by a growing population.

2. Taxes. We recently went through a property revaluation that will cause our taxes to jump. Now with annexation, the City taxes will be added on top of this causing an overall large tax increase.

3. Burning. A property owner in our area can now get a burn permit to dispose of brush piles. After annexation this is not allowed. On our property alone we have disposed of 10-12 trees in the last couple of years due to the Pine Beatle, and thinning out of Ash trees to make ready for the Ash Borer. We have several more trees to go and a delay would be very helpful to finish our task.

4. Snow removal. The County currently does a very good job plowing our road after a snow storm, most often plowing on the same day the snow falls. I know for a fact the City does not plow residential streets that fast. We get a lot of drifting on our road so when the City takes over responsibility for this task it will create a hardship for the residents.

We respectfully request that you would consider these points before voting on the annexation of subarea E.

Respectfully,

Dave and Diane Spomer
8200 Dunrovin Road
On behalf of the Hillcrest Heights Board of Directors and our association members, I would like to express our appreciation for your responsiveness during the past several weeks. You have taken our phone calls, agreed to one on one meetings, and been a willing resource as our plans have taken shape. We are grateful for your transparency, openness and for the attention you have given our communications.

Although, at this point, we have not been able to reach a win-win solution, we respect your reasoned approach and careful study of the proposed annexation details. Thank you for your continued service as City Council members.

Terry Neddenriep, HHA President
To: Steve Henricksen

Subject: SP17022

On behalf of SkyRanch Acres Neighborhood Association, I hereby give notice of an appeal to the City Council of the decision of the Planning Commission to approve Special Permit No. 17022.

Rodger Johnson
1320 Cessna Lane
Lincoln, NE 68527

Email: Rj62205@windstream.net
Ms. Howell and Mr. Johnson,

I am in receipt of the Appeal of Planning Commission Resolution No. PC-01575, adopting Special Permit No. 17022, as submitted on behalf of the Sky Ranch Acres Neighborhood Association by Mr. Rodger Johnson on November 28, 2017.

Yesterday, I had relayed to Mr. Johnson that our office had previously received an appeal request of this Special Permit by Mark Hunzeker, on behalf of the developer, on November 16, 2017. I explained that it only takes one appeal request to move this matter to the City Council where it will be scheduled for a separate public hearing and action. However, as you requested, a copy of Mr. Johnson’s appeal, on behalf of Sky Ranch Acres Neighborhood Association, is being provided to the City Clerk for the record. I am also providing a copy to each Planning Commission member, as well the staff planner and the applicant.

At this time, please note that the City Council public hearing on the appeal of this special permit, as well as the associated Annexation No. 17007 and Change of Zone No. 17015, is pending per the developer’s request. You will be notified once these three applications are scheduled before the City Council.

Please let me know if you have any questions.

Thank you.

Geri Rorabaugh, Administrative Officer
Lincoln-Lancaster County Planning Department
(402) 441-6365
GREETINGS! So our Association was made aware that the Developer put in an appeal for Stevens Creek Dominion CUP.

However, I wanted to make sure that there was also on record an appeal from Sky Ranch Acres to City Council in regards to the Planning Committee's November 15, 2017 recommendation?

If not, please consider this as our petition for an appeal to the Planning Commissions recommendation. Hopefully we will get a chance to address our concerns with City Council and get some things in writing.

Thanks.
Andrea Howell
Sky Ranch Acres
1360 Beechcraft Road

Sent from Yahoo Mail on Android
I. CITY CLERK

II. MAYOR’S CORRESPONDENCE

III. DIRECTORS CORRESPONDENCE
PLANNING DEPARTMENT
1. Street & Alley Vacation No. 17010

IV. CONSTITUENT CORRESPONDENCE
1. Speed limit on Vine Street 70th to 84th - Jay Edmiston
2. Aging Partners Food Service, Belmont & Malone Senior Centers - Faye Cadwallader
3. Annexation Concerns, Proposed Annexation of 7740, opposition - Kathy Berrick
   Response from Council member Lamm including Fact Sheet and Map form Annexation study
4. Proposed Annexation Hillcrest Heights, opposition - Robert Creager
A request has been made to vacate Coral Drive from the south edge of Yankee Hill at approximately 74th Street to Lot 3, Block 2, Walnut Heights and that part of Sunburst Lane that extends to the west, from Coral Drive. The areas to be vacated are as follows: Coral Drive - 37,026 square feet (.85 acre) and Sunburst Lane - 7,841 square feet (.18 acre) for a total of 44,867 square feet (1.03 acres).

This area will become part of the Woodland at Yankee Hill development. The area was viewed by the writer, and the privately owned residences located in this vicinity currently use Mohave Drive as Coral Drive has already been graded and portions of the former streets have been removed. There is also no access to Coral Drive from Yankee Hill as sign barricades have been installed across the entrance. According to the staff reports, there are no water, sewer or other utilities in the existing ROW. The only utility appears to be LES which has facilities located in the north 20 feet of Coral Drive and have requested an easement to be retained for this area.

The properties adjacent to Coral Drive were appraised for the recent Yankee Hill Widening Project at a value of $2.18 a square foot and will be used for valuation purposes for this vacation. The street to be vacated will ultimately become part of a larger parcel and then subsequently subdivided as shown in the developer's PUD. It's not expected a purchaser would pay full value for a long and narrow strip which has little use in and of itself nor would it take on the proposed commercial or higher density residential value as noted in the PUD. Since it has no encumbrances other than the small area for LES, a discounted rate of 50% of fee value is considered appropriate for assemblage purposes. This is deemed reasonable and consistent with the basis of compensation in similar ROW situations. The areas to be vacated are then calculated as follows:

\[ 44,867 \text{ sf} \times 2.18/\text{sf} \times 50\% = 48,905 \]

Therefore, if the area is to be vacated, it is recommended that the area be sold to the applicant for $48,905.

Respectfully submitted,

Michelle R. Backemeyer
Real Estate & Relocation Assistance Agent
December 1, 2017

Cyndy Lamm and Other City Council Members

RE: Speed Limit on Vine Street 70th to 84th

Dear Council Reps,

I have lived in the east Vine area for 21 years and drive this stretch of road daily. Recently the folks from Traffic installed stop signs at the cross streets that did not have stop signs before. Now every cross street along Vine has a stop sign. The posted speed limit stayed at 25 MPH as it has always been.

When I first moved into the area, Vine had two through lanes and a parking lane. During the Seng administration, parking was eliminated and the street changed to two through lanes with a common left turn lane, which was a big improvement.

With all the new development in east Lincoln and the new signage, the idea of raising the speed limit along here to 35 MPH would make sense. What we currently have is a traffic slowdown and a need for LPD to commit resources to frequent visits with a radar gun.

There may be some objections to raising the speed limit because there are two schools in the area, St. John’s and Meadowlane, but I am not convinced that this is a deal breaker. For a comparison look at Clinton school at 30th and Holdrege, and Hartley School at 33rd and Vine. Please note that both schools on east Vine already have signalized pedestrian crossings. Based on LPD speed enforcement efforts it is fairly apparent that a lot of people are already driving over the currently posted limit, so it’s unlikely that raising the limit will be a dynamic change from what is already happening on Vine.

It seems like raising the speed limit here is an idea whose time has come. Here’s hoping the Council will consider making this change. Otherwise, what was the point of expending City resources to install several new stop signs at intersections on a 25 MPH street?

Thanks for listening, would appreciate knowing your thoughts on this,

Jay Edmiston
528 Trail Ridge Road
Lincoln, NE 68505

jdjedm@windstream.net
402-484-5622
I am writing to let you know that I go to Belmont Malone Centers with Aging Partners five days a week.

Due to health problems, I'm on a strict diet. Due to this, I'm limited on what I can eat. I need a diet of lean meats and fresh veg. I have no way to ask for what I need. Who do I talk to?

I'm a senior on limited income so the lunches are very important to me. I'm having to skip lunch often, because of the way lunch is. Heavy gravy & cheese, processed meats, canned fruits, canned veg.

On Nov. 27, 2017

I ate pork lunch of chicken salad. Chicken was processed chicken. I trashed it. The lettuce was old and dirty. Lettuce needs to be washed.

I have been more food in the trash in the last month. Seniors are on meds. Need to eat lunch or they will get sick/sicker.
This is a problem that needs someone who cares about the seniors.

Please see what can be done in this matter. Your cooperation in this matter is appreciated.

Jane Caldwell
608 W. Saunders Ave
Lincoln, NE.
Ms. Berrick,
Thank you for your email and for updating us on the estimated cost to you should you hook up to city water post-annexation. I am including my colleagues in this response so that they too have the additional information.

Cyndi Lamm
Lincoln City Council
District 1/NE Lincoln

clamm@lincoln.ne.gov
402.432.9770
follow me on facebook at cyndiforthecity

Dear City Councilwoman Lamm,

I appreciate that you came out into the audience of the group of citizens, and thanked us for coming to the meeting on Nov. 20th.

At the time of the city council meeting on Nov. 20th, I was waiting to receive a bid for the portion that we will have to pay a plumber to hook our acreage up to the city sewer. In my testimony, I stated that it is an exorbitant amount, but at that time, our plumbing company was waiting to hear back from the city on some items. I realize that many of the members of the City Council may not be aware of the high cost to homeowners to be forced to hook up to the city sewer. When Councilman Shobe asked Bob Simmering the cost, he gave the costs that we will have to pay the city, which he had also emailed to me previously:

The expenses to the homeowner include:
- Impact fees $653 (with ¾” water meter or well).
- Cost of plumber installation from main to house including tapping fee ($210), excavation permit ($75), placing service line and restoration of property.
- A bimonthly billing for the service which is estimated at $44.00 for an unmetered residential property.

He did not mention our costs for our plumber, and I realize that he would not be able to give an exact amount, but I now have attached our plumber's bid, which is $8,550.00. Our total cost will be approximately $9,488.00.
About a year and a half before we got our first annexation letter, I was told by the City Planning Department that the city was in no hurry to annex us. What changed? A speculator bought my elderly neighbor’s beautiful acreage one day after it went on the market. That formerly beautiful acreage sat there for almost nine months without any care. No mowing or trimming was done. It became an eyesore to our neighborhood. I believe that the sudden interest in annexing our small area is to meet the desires of this speculator. One of the City Planning members even mentioned that the reason she voted for annexation is because of the plan for twelve homes on the land across the street from us. It is very disappointing and frustrating to know that we have very little say in what happens to us, our neighborhood, and our economic situation.

Below, for reference, is my previous email and testimony from the Nov. 20th meeting.

Thank you,
Kathy Berrick
7740 Portsche Ln
Lincoln, NE 68516

Dear City Councilwoman Lamm,

I plan on attending the City Council meeting next Monday at 5:30 p.m., but I am submitting this letter for the record, in case there are unforeseen circumstances preventing me from attending the meeting:

I am a homeowner of an acreage located at 7740 Portsche Lane. I am against the annexation of my property. I do not want to be forced to hook up to city sewer; we have invested in initially setting up and then properly maintaining and expanding our septic system as our family has grown throughout the greater than 23 years we have lived here. The amount of money required to pay to hook up to city sewer is exorbitant. We have two children in college, and after they graduate we will be retired and on a limited income. It would be a tremendous hardship to our economic situation. We have also invested in our own private well, again, keeping it properly maintained, and having our water tested numerous times throughout the years. The annual “certification fee” which the city wishes to charge us is much more than we pay privately to have our water tested.

As most acreage owners in our area, we have planted hundreds of trees on our property, working with the Lower Platte Natural Resources District, to enrich our landscape and to provide ample wildlife habitat. A terrible disease is killing off our Scotch Pine trees, which make up a good portion of our shelterbelts. Most of us require burn permits a minimum of two to four times a year to burn the diseased and dead trees, which we have cut down. If we are annexed we will no longer be allowed to burn our dead trees, which number 15-25 a year; instead, we are told that if the city annexes us, we will have to somehow get them hauled away. Again, this will be a tremendous financial hardship.

We will not be able to use the services of the Southeast Rural Fire Department, which is more capable of handling fires on acreages than the city of Lincoln. The city does not have tankers, nor the means to get water to the rear of our lots. Taking the time to determine that tankers are necessary means valuable time will be lost obtaining the services of the rural fire department. We are told that we will receive quicker service by the City of Lincoln's Fire Department. This will not be the case, as Pine Lake Road is already in terrible shape and very congested many times of the day. It is someday soon to be closed and expanded into four lanes. The Southeast Rural Fire Department, which I can view out my kitchen window, is much more able to deal with acreage situations. On Nov. 5th, 2017, the Lincoln Journal Star published a story about Lincoln's Fire Department. The fire chief and the labor union president agree that Lincoln's firefighter force is "stretched thin". Now is definitely not the time to annex our area.

When we get a heavy snow on our county road, and it is impassable because our roads tend to drift more easily and more often than the city areas, the county is out here blading our roads early the next morning, so that we can get to our jobs and to school. I have strong concerns that our acreages will be near the bottom in priority,
when it comes to the city blading the snow off of our roads, since we are on the outer edges, and our density is low.

One final argument made by some city personnel is that it isn’t fair that those of us living here don’t pay city wheel tax. I believe that the city should look at other counties who have made the wise decision to impose the wheel tax on all residents of their county. This makes much more sense, since the majority of us living in the county drive on city streets.

Beyond the great emotional upheaval in losing our rural neighborhood, there is tremendous financial hardship which will result if my property is annexed. At this time, the city does not have the resources, and is not prepared to meet my needs, nor the protection of my property.

I invite you to take a "Sunday drive" down Portsche Lane, before the annexation of our neighborhood is put to a vote on Monday. There has got to be a better, more equitable way of doing things than the process that the city of Lincoln has placed on us.

Respectfully submitted,
Kathy Berrick
7740 Portsche Lane
Lincoln, NE 68516
Colleagues, Jeff Kirkpatrick, and Dave Cary,

As you are aware, we heard a lot of testimony objecting to portions of the proposed annexation of the Hillcrest Neighborhood at our November 20 meeting. I feel it is vitally important to consider each proposal individually with attention to the particularities of the situation. I think the primary issue for me on this particular annexation proposal is whether the entire proposed area is "ripe" for annexation, especially given testimony and evidence that, among other things, the neighborhood and the single dwelling we heard about are only "marginally" contiguous to the city, as well as the single access from O St, the 4000 foot distance from any city fire hydrant to the southern-most neighborhood property, and the development to the south that will cure most, if not all, of the safety concerns brought forward by the homeowners.

City growth is certainly important. At the same time, it is our responsibility as city leaders to make sure that our growth is reasonable, responsible, and logically organized. I know you are aware of my concern regarding the involuntary nature of this proposed annexation. As we move to annex areas like this, I think it is extremely important that we make certain future constituents in neighborhoods being annexed truly feel we are listening and feel confident they can connect to city services with ease. I think the testimony and evidence at the hearing on portions of this annexation proposal revealed that this is not the case for those objecting--at least not now.

I have attached a map that is numbered and identifies the 4 sections that nobody has objected to as being ripe for annexation (labeled 1 thru 4 ). It also includes the two sections that we have heard many objections to (labeled 5 and 6).

I have also attached the ordinance Fact sheet. Please note that on page 5, paragraph 16, Planning discusses the Hillcrest Country Club and notes that it is "not yet ripe" for annexation, but that once the land around it is developed, it will be considered for annexation. That is the same consideration the affected homeowners are asking of us, that we wait until areas around them are developed, so that there is access to the neighborhood from the south (A St), water sources are accessible, and, given the new necessity to take their children to school (more traffic), the danger of turning into and out of the development from O St. is reduced by additional access and perhaps a wider O St. In my mind, this is a reasonable approach for us to consider.

With all of this in mind, I wish to propose a compromise in the form of a motion to amend so that the areas numbered 1-4 be annexed immediately, but that the two remaining sections (labeled 5 and 6) be excluded from the currently proposed annexation ordinance. I propose that areas 5 and 6 resubmitted once there has been development in areas 1-4. All of these sections have been part of the planning department's process.
At this point in time, the Hillcrest neighborhood and single property that we heard objections to at the hearing are only marginally "contiguous" to the city and, unlike Sunrise Estates, are certainly not "engulfed" by the city. Annexing the neighborhood at the same time as annexing the farmland that separates the properties from the city seems premature; whereas, once the land around the neighborhood is developed, the major concerns of the objectors will cease to exist.

I believe the following accurately provides the legal description for the boundaries of the annexation I am proposing as a compromise:

SE ¼ of NW ¼ excluding railroad, Lot 7 Irregular Tract, W 370’ of Lot D lying north of railroad; Lot 25 and Lot 26 Irregular Tracts, located in the SE ¼ 23-10-07; Lot 10 Irregular Tract and adjacent right-of-way, located in the SW ¼ of 24-10-07; Lancaster County, Nebraska.

Jeff, with this email, I am asking the Law Dept to draw up an amendment to the ordinance based upon this legal description and attaching the map.

David, please confirm that this description is accurate and let Jeff Kirkpatrick and the council know if any changes are necessary before our meeting on Monday.

For reference, here is the legal description for all properties proposed in Annexation No. 17017. Underlined is the Hillcrest neighborhood (labeled 5 on the map) and the single house on 'O' street (labeled 6 on the map).

Lot 1 excluding portion dedicated for ROW, Lots 2-6, Block 1, Lots 1-4, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4, Lots 1-5, Block 5, Lots 1-4, Block 6, Lots 1-9, Block 7, Lots 1-8, Block 8, and adjacent rights-of-way, Hillcrest Heights, SE ¼ of NW ¼ excluding railroad, Lot 7 Irregular Tract, W 370’ of Lot D lying north of railroad, portion of Lot B in NE corner, located in 26-10-07; Lot 25 and Lot 26 Irregular Tracts, located in the SE ¼ 23-10-07; Lot 10 Irregular Tract and adjacent right-of-way, located in the SW ¼ of 24-10-07; Lancaster County, Nebraska.

Colleagues, I believe this compromise takes the concerns of the homeowners into consideration and signals to those affected that the process is not simply "window dressing" where their input is of no import. In other words, we respect and hear their concerns and do not simply decide to annex and simply "go through the motions" of public meetings in order to say we did it before the city does whatever it wishes. It also seems to be a more sensible and responsible approach to orderly and efficient growth.

Thank you for taking the time to consider this compromise. I welcome discussion of the proposal with each of you.
Cyndi

Cyndi Lamm

District 1/Northeast Lincoln

402.432.9770
FACTSHEET

TITLE: Annexation No. 17017 -  
Annex approximately 156 acres  
(Between 84th & 105th Streets, adjacent to O Street on the  
north and south, including the entire Hillcrest Heights  
Subdivision).

APPLICATION: Planning Department.

RECOMMENDATION: Approval (8-0, Beckius, Corr,  
Edgerton, Finnegan, Harris, Joy, Hove, and Scheer  
voting 'yes'; Washington absent).

OTHER DEPARTMENTS AFFECTED: Public Works  
& Utilities will be responsible for the maintenance and  
replacement of the streets and utilities in the new  
addition, and other departments will provide City  
services to the area and its residents.

SPONSOR: Planning Department.

OPPONENTS: 6 present at hearing; 4 letters of  
opposition were submitted.

REASON FOR LEGISLATION:
This is a City-initiated request to annex approximately 156 acres that are contiguous with city limits. The area is mostly  
developed as acreages, and includes 56 dwelling units (primarily located in the Hillcrest Heights subdivision),  
recreational fields, and an LES substation.

DISCUSSION / FINDINGS OF FACT:
1. This request for annexation was submitted by the Director of Planning, which had public hearing before the  
Planning Commission on October 25, 2017.

2. The staff recommendation to approve the annexation request is based upon the “Analysis” as set forth on pp.3-5,  
concluding that the area was recommended for annexation in the 2017 Annexation Study completed by the  
Planning Department. Per the Annexation Policy in the Comprehensive Plan, this area is recommended to be  
annexed because it is in Growth Tier I Priority B, contiguous to the city, urban in character, and basic  
infrastructure is available. The staff presentation is found on pp.13-15. Staff is the applicant.

3. There was no testimony in support of this application.

4. Six individuals testified in opposition, which is can be found on pp.16-17, and referenced exhibits can be found on  
pp.20-21. There were 4 letters of opposition submitted by adjacent property owners, which are found on pp.22-28.  
The main issue of opposition relate to the delivery of adequate fire protection services by Lincoln Fire and  
Rescue, specifically their response times to service this area.

5. The Planning Commission discussion with staff and the response to concerns expressed by opponents is found  
on pp.17-19.

6. On October 25, 2016, the Planning Commission agreed with the staff recommendation and voted 8-0  
(Washington absent) to recommend approval of this annexation request.

7. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance  
assign the newly annexed area to Council District #1 north of O Street and District 2 south of O Street.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer  
DATE: October 31, 2017

REVIEWED BY: David R. Cary, Director of Planning  
DATE: October 31, 2017

F:\devreview\factsheets\CC\2017\Oct 25, 2017\AN17017
COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Per the Annexation Policy in the Comprehensive Plan, the City should annex areas in Growth Tier 1, Priority B that are engulfed by the city. The City should also annex contiguous land that is urban in character with basic infrastructure available. This area is in Growth Tier 1, Priority B, contiguous to the city, urban in character, and basic infrastructure is available.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

Pg. 1.10 - This site is shown in Tier 1, Priority B on the Growth Tier Map.

Pg. 12.7 - Priority B areas are designated for development in the first half of the planning period (to 2026), are generally contiguous to existing development, and should be provided with basic infrastructure as they develop.


Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I, Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.
A. Sanitary Sewer: All areas within this annexation are located in the general vicinity of a sewer line. A tappable sewer line is located in the recreational fields and connects to Anthony Lane in the northern portion of Hillcrest Heights. That same sewer line can be tapped by the acreage property directly north of Hillcrest. The remaining properties in Hillcrest Heights could be served by extending the sewer line through the remaining portion of the neighborhood. The single residential property north of the golf course is located next to a 24” main, and could be served by sewer if a local main were connected to the 24” main. The residential property north of O Street can connect to the sewer in Waterford Estates by extending a local main. Extension of local sewer mains can be requested by property owners and would primarily be paid for through assessment districts.

B. Water: A 24” main is located in O Street and ends at 98th Street. Extension of local mains to serve individual properties north and south of O Street can be requested by property owners and would primarily be paid for through assessment districts. A tappable main is located in front of the residential property north of the golf course. The residential property north of O Street can connect to the water in Waterford Estates by extending a local main.

C. Roads: This annexation includes approximately 2.1 miles of local roads and two small portions of O Street. The roads are in generally good condition.

D. Fire Protection: The site is currently served by Southeast Rural Fire and Rescue. It would be served by Lincoln Fire and Rescue (LFR) upon annexation. The nearest LFR station is at 84th Street south of A Street, approximately 2.25 miles from this area. Hydrants are available in O Street east to 98th Street.

ANALYSIS

1. This request is to annex approximately 156 acres that are contiguous with city limits. The property owners did not initiate the annexation; the applicant is the City of Lincoln. Most of the area consists of residential acreages in the Hillcrest Heights subdivision, but the area also includes LPS recreational fields west of the subdivision and several individual parcels contiguous to city limits. Neighboring urban development includes Shadow Creek, Waterford Estates, White Horse, and Gable Pines assisted living.

2. This site was identified for annexation in the 2017 Annexation Study completed by the Planning Department (see attached page on this area from the study). The annexation recommendation is based on the Annexation Policy found in the Comprehensive Plan and page 2 of this staff report. The complete study is available at lincoln.ne.gov keyword: annstudy17.

3. The following paragraph from the Annexation Policy describes areas appropriate for annexation.

   To demonstrate the City’s commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

The 2017 Annexation Study used this policy to identify four specific criteria for annexation. Areas that meet at least one of the following criteria may be appropriate for annexation. This site meets multiple criteria (A and D), so it is appropriate for annexation.

a. Land in Tier I Growth Area, Priorities A and B. This area is within Tier I, Priority B.

b. Land which is engulfed by the city limits. This area is contiguous to the city on multiple sides.

c. Land which is contiguous to the city limits and in urban zoning. This area is zoned AG, so it is not in urban zoning.

d. Land which is contiguous to the city limits, in agricultural zoning, in which basic infrastructure is in place or planned in the near term, and is in urban character. The site is contiguous to city limits, urban infrastructure is available, and it is primarily developed into residential uses.
4. Reasons for annexation include:
   a. Equity for taxpayers. Property owners north and west of this area pay City taxes. These properties benefit from being within an urban setting, and they should be subject to the same tax levy as their neighbors.
   b. Clarity for emergency services. This area is within the jurisdiction of Southeast Rural Fire and Rescue, while the neighboring areas inside city limits are served by LFR. The area would be served by LFR upon annexation. The annexation also addresses small portions of O Street right-of-way that alternate between County and City jurisdiction. Following annexation all of O Street in this area will be within City jurisdiction.
   c. Allow for continued growth of Lincoln in an efficient and orderly fashion. As Lincoln continues to grow, it doesn’t make sense to have areas in rural jurisdictions surrounded by the City.
5. Acreage residential subdivisions typically have lots of at least three acres in size to accommodate septic systems and wells. The lots in Hillcrest Heights are around one acre in size. The subdivision has a history of problems with individual wells and septic systems due to insufficient spacing. Some owners have inquired about annexation in order to receive City sewer and water.
6. The existing zoning is AG Agriculture. This annexation would not change the zoning on the site.
7. This area is within the Waverly Public Schools district. Upon annexation it would change to Lincoln Public Schools (LPS). Annexed property owners are required to continue paying the levy on outstanding bonds that were approved while they were within the Waverly school district. Property owners paying for bonds in other districts do not have to pay for past LPS bonds; however, they will have to pay for any LPS bonds approved after annexation. Residents with children attending Waverly Public Schools can request to have their children remain in that school.
8. The large acreage property north of O Street is currently designated as Greenbelt for tax purposes. The Greenbelt program is regulated by the State and provides reduced valuations for properties in agricultural use near cities. Property owners cannot keep their Greenbelt designation once the property is annexed unless a conservation easement is obtained. The site currently does not include a conservation easement; it does not appear to be located within a floodplain or otherwise environmentally sensitive area, so it is unlikely that the City or any agencies would accept an easement in this location.
9. Eight properties along Anthony Lane in the northern portion of Hillcrest Heights are within 300 feet of an available sewer main, so per City ordinance they will be required to connect to City sewer within six months following annexation. The Public Works & Utilities Department and Health Department have an established protocol for assisting affected property owners with the transition.
10. The 2017 assessed value of this land is approximately $17,391,300. Estimated annual property tax revenue for the City, based on the existing levy, would be approximately $51,500. The total valuation would likely change upon annexation due to loss of the Greenbelt designation for the larger acreage property. The valuations of non-Greenbelt properties should not be impacted by annexation.
11. The City of Lincoln’s ability to annex property comes from State authorization. Per Nebraska Revised Statute 15-104, the City Council may “at any time” annex “any contiguous or adjacent lands, lots, tracts, streets, or highways”. Additional information about state statutes and court cases relating to annexation in Nebraska can be found in the 2017 Annexation Study.
12. Urban character is defined by a site’s relation to the urban area. The Nebraska Supreme Court has consistently determined (Sullivan v. City of Omaha, Holden v. City of Tecumseh) that areas contiguous to a city or part of the larger urban context, even if being currently used for agriculture, are urban or suburban in character due to their development potential and are subject to annexation per State Statute. The larger Greenbelt parcel in this area may be used for agricultural purposes, but it is urban in character due to its relation to the surrounding urban area.
13. The Annexation Policy found in the Comprehensive Plan provides guidance for annexing acreage areas. The character of existing residential areas should be respected as much as possible during the annexation process. When low density “acreage” areas are proposed for annexation due to the City’s annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.
Staff sent out initial notification letters to impacted property owners on August 1st. Four informational meetings were held in late August. One of the informational meetings was at Southeast Community College and focused on this annexation area. Staff from Planning, Public Works and Utilities, LFR, and the Health Department answered questions about the annexation process and potential impact on annexed properties. Approximately 40 residents attended the meeting at Southeast Community College.

14. Annexation would not significantly change the character of the area. Existing roads would remain, and residents can keep their well and septic systems if they choose to do so. Upgrading streets to an urban standard, or installing local water and sewer mains to serve individual properties, can be requested by property owners and would primarily be paid for through assessment districts. Any assessment district would need to be approved by City Council as a separate action from this annexation.

15. There would be several impacts on annexed properties as they switch from rural to City jurisdiction. Property taxes would increase approximately 21 percent based on preliminary estimates from the Assessor’s Office. The property tax increase would go into effect for the 2018 tax year, to be paid in 2019. Property owners would be subject to other taxes and fees, such as wheel tax, well permit fees, and pet licensing fees (if applicable). In addition, there are miscellaneous City ordinances that property owners would now be subject to, including restrictions on fireworks, discharging firearms, animals, and open burning.

16. The area to the east, including the Hillcrest Country Club, will be considered for annexation at a future date as the surrounding area continues to develop. The area identified for annexation currently has more immediate access to utilities than the area to the east. In addition, annexing the country club would require the City to annex the adjacent 98th Street right-of-way. The County has an agreement to participate in improvements to 98th Street at a future date, and City annexation of the right-of-way could complicate that agreement. As additional land is annexed for development and utilities are installed in this area, the golf course property will become contiguous on multiple sides and will be considered for annexation.

EXISTING LAND USE & ZONING: Residential, Electrical Substation, Recreational Fields, Agriculture
AG Agriculture

SURROUNDING LAND USE & ZONING
North: Developing/Urban Residential B-2 Planned Neighborhood Business, R-3 Residential
South: Agriculture AG Agriculture, R-3
East: Golf Course, Agriculture AG
West: Urban Residential, Commercial O-3 Office Park, R-3

APPLICATION HISTORY
June 1956 Original approval of Hillcrest Heights plat.
May 2006 Southeast Community College campus annexed, located northwest of this annexation area.
Waterford Estates annexed, located north of this annexation area.
January 2015 Gable Pines annexed, located directly east of Hillcrest Heights.
January 2016 Shadow Creek annexed, located directly west of Hillcrest Heights.
April 2017 White Horse annexed, located southwest of the LPS fields.

APPROXIMATE LAND AREA: 156 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 1 (north of O Street), District 2 (south of O Street)
LEGAL DESCRIPTION: Lot 1 excluding portion dedicated for ROW, Lots 2-6, Block 1, Lots 1-4, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4, Lots 1-5, Block 5, Lots 1-4, Block 6, Lots 1-9, Block 7, Lots 1-8, Block 8, and adjacent rights-of-way, Hillcrest Heights, SE ¼ of NW ¼ excluding railroad, Lot 7 Irregular Tract, W 370’ of Lot D lying north of railroad, portion of Lot B in NE corner, located in 26-10-07; Lot 25 and Lot 26 Irregular Tracts, located in the SE ¼ 23-10-07; Lot 10 Irregular Tract and adjacent right-of-way, located in the SW ¼ of 24-10-07; Lancaster County, Nebraska.

Prepared by

___________________________
Andrew Thierolf, Planner

October 17, 2017

Applicant/ Andrew Thierolf
Contact: Lincoln-Lancaster County Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov
Annexation #: AN17017
93rd St & O St

Zoning:

- **R-1 to R-8**: Residential District
- **AN**: Agricultural District
- **AGR**: Agricultural Residential District
- **O-1**: Office District
- **O-2**: Suburban Office District
- **O-3**: Office Park District
- **R-T**: Residential Transition District
- **B-1**: Local Business District
- **B-2**: Planned Neighborhood Business District
- **B-3**: Commercial District
- **B-4**: Lincoln Center Business District
- **B-5**: Planned Regional Business District
- **H-1**: Interstate Commercial District
- **H-2**: Highway Business District
- **H-3**: Highway Commercial District
- **H-4**: General Commercial District
- **I-1**: Industrial District
- **I-2**: Industrial Park District
- **I-3**: Employment Center District
- **P**: Public Use District

Four Square Miles:
Sec. 23, 24, 25 & 26
T10N R07E
AREA D
93RD STREET & O STREET

Area  156 Acres
Uses  56 dwelling units, LES substation, LPS recreational fields
Assessed Valuation  $17,391,300
Zoning  AG
Comprehensive Plan  Growth Tier I, Priority B
Current Jurisdictions  Waverly Public Schools, Southeast Rural Fire and Rescue

The areas north of O Street are surrounded on three sides by existing City. The areas south of O Street are adjacent to the City on two sides. The area includes the Hillcrest Heights subdivision.

The nearest LFR station is at 84th Street south of A Street, approximately 2.25 road miles from this area.

UTILITIES
The properties could be served by sanitary sewer and water if lines are extended to individual properties. A new City sewer line is located along Anthony Lane in the north part of the Hillcrest subdivision. If the property owners in the remaining portions of Hillcrest request an assessment district, and if approved by City Council, the cost would be assessed to the properties. The City may provide a partial subsidy in some cases. Separate assessment districts would be required for water and sewer. Property owners would also be required to pay impact fees when connecting to City utilities.

It appears that eight properties may be within 300 feet of a sewer line and have direct access. Those properties would need to connect to City sewer within six months of being notified by the Health Department.

Most of the lots in Hillcrest are less than one acre in size but have well and septic. The Health Department requires a minimum of three acres for a new septic system to prevent health and safety hazards. This is a requirement in both the City and County, so annexation does not change the status of the septic systems. The majority of the existing systems can remain, but the residents may want to eventually request an assessment district for City sewer and water.

ROADS
The area includes approximately 2.1 miles of paved local roads and two small portions of O Street. O Street is maintained by the City with funding from the Nebraska Department of Transportation. The County has been crack sealing the local roads in Hillcrest. The City will need to continue crack sealing, and a mill and overlay will likely be needed on the local roads within the next five years. A mill and overlay would cost approximately $400,000 and come out of the maintenance budget.

SUMMARY OF ESTIMATED CITY COSTS AND REVENUES

<table>
<thead>
<tr>
<th>Annual City Costs and Revenues</th>
<th>One-Time Payments by City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax¹</td>
<td>Wheel Tax¹</td>
</tr>
<tr>
<td>$51,500</td>
<td>$9,900</td>
</tr>
</tbody>
</table>

1. Taxes are based on 2016/2017 rates and 2017 proposed valuations.
2. Wheel tax is $74 per automobile, with an assumption of 2.4 automobiles per dwelling unit.
3. Motor vehicle tax based on the following assumptions for the typical vehicle: cost when new of $32,000-$34,000; average vehicle age 9-11 years, 2.4 vehicles per household. The value shown represents the 18 percent allocation of the tax that Lincoln receives.
4. Water and wastewater O&M costs are offset by user fees.
5. The fire department has no net debt per the formula used to calculate reimbursement.
6. This area is not within the RWD boundary.
<table>
<thead>
<tr>
<th>Agency Name</th>
<th>User Name</th>
<th>Review Cycle</th>
<th>Review Status</th>
<th>Comments</th>
<th>Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Engineer</td>
<td>ken Schroeder</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Upon review, this office has no direct objections to this submittal. Recommend approval. October 3, 2017 (kds)</td>
<td>Individual</td>
</tr>
<tr>
<td>County Health</td>
<td>chris Schroeder</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller. If the city sewer system is more than 300 feet away from the building or premise, the building or premise may maintain its current on-site wastewater system provided the system is not failing. When the city sewer is within 300 feet and Public Works determines its availability, the building or premise must connect to the city sewer. The existing system must then be properly abandoned a licensed wastewater treatment system installer.</td>
<td>Individual</td>
</tr>
<tr>
<td>County Sheriff</td>
<td>Todd Duncan</td>
<td>1</td>
<td>Pending</td>
<td></td>
<td>Individual</td>
</tr>
<tr>
<td>Emergency Communications</td>
<td>Kelly Davila</td>
<td>1</td>
<td>Pending</td>
<td></td>
<td>Individual</td>
</tr>
<tr>
<td>Fire Department</td>
<td>Patrick Borer</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Lincoln Fire and Rescue is in the process of acquiring land in the area of 84th and Holdrege to build station 16 which has been approved by tax payers. When land is secured in this area and constructed, we will be able to serve the area of 93rd and O and meet travel time goals of approx. four minutes.</td>
<td>Individual</td>
</tr>
<tr>
<td>LES</td>
<td>LES</td>
<td>1</td>
<td>Pending</td>
<td></td>
<td>First In Group</td>
</tr>
<tr>
<td>Lincoln Police Department</td>
<td>Lincoln Police Department</td>
<td>1</td>
<td>Pending</td>
<td></td>
<td>First In Group</td>
</tr>
<tr>
<td>Norris PPD</td>
<td>Norris PPD</td>
<td>1</td>
<td>Pending</td>
<td></td>
<td>First In Group</td>
</tr>
<tr>
<td>Public Works - Engineering Services</td>
<td>brion perry</td>
<td>1</td>
<td>Recommend Approval</td>
<td>9-29-17 See other remarks</td>
<td>First In Group</td>
</tr>
<tr>
<td>Public Works - Survey Check</td>
<td>Troy Griffin</td>
<td>1</td>
<td>No Review Required</td>
<td></td>
<td>First In Group</td>
</tr>
<tr>
<td>Public Works - Watershed Management</td>
<td>ben higgins</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Note: Private streets are all rural sections. If and when revised to urban section will need to include urban storm drain system. Existing culverts for the main drainage thru the area are undersized</td>
<td>First In Group</td>
</tr>
<tr>
<td>School District 145 - Waverly</td>
<td>School District 145 - Waverly</td>
<td>1</td>
<td>Pending</td>
<td></td>
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</tr>
</tbody>
</table>
ANNEXATION NO. 17017

ANNEXATION NO. 17017, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 156 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED BETWEEN 84th and 105th STREETS, ADJACENT TO O STREET: October 25, 2017


Staff recommendation: Approval.

There were no ex communications disclosed on this item.

Staff Presentation: Paul Barnes of the Planning Department stated that in the mid-1990s, City Council asked the Planning Department to put together a process for conducting annexation studies. The community has been growing at a consistent rate of around 1.2%-1.3% annually. Today, that amounts to between 3,000 and 4,000 people each year. In order to accommodate that growth, annexation is required. Since the annexation study process was developed in the 1990s, several annexation packages have come forward, the last one in 2008.

The annexation policy is rooted in State Statute 15-104, which grants local governing bodies annexation rights based on class of city. Lincoln is considered a “primary” class city and, as such, the City Council may annex contiguous lands at any time, in any direction, in ways that are deemed proper.

At the local level, most annexations are requested by developers. There are several factors that make consideration of City-initiated annexations appropriate. First is to provide equity for all tax payers. Some of the edge developments that are adjacent or contiguous to City limits benefit from City services, such as use of streets, trails, and parks, among other things, without paying the same taxes. Another important reason is to provide clarity of services such as street maintenance, and especially emergency services. A final reason is to allow for the orderly and efficient growth of the community to get the best use out of the investment made in streets, utilities, and all City services.

The Annexation Policy Text came directly from the 2040 Comprehensive Plan. The guideline states that the “City should annex land in Priority B that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.”

Relevant to the proposed annexations before this body today is text regarding annexation of acreage developments. There are some costs associated with annexation, so it is important not to discredit that. Staff also acknowledges the importance of the character and way of life in acreage developments and even with annexation, those qualities should remain unchanged. Zoning will stay the same unless requested by a property owner.

Part of the annexation process that is especially important includes having open conversation in public meetings and in written materials to help to explain some of these changes. With acreage areas, additional steps should be taken to have this open process. The Draft Annexation Study was published online on July 19, 2017. Notifications were sent out, and there were four
public meetings held in late August. A presentation and written materials have been available on a website created specifically for the annexation study and package.

The methodology and criteria for City-initiated annexation, devised by putting together elements of State Statute, the Comprehensive Plan, and the annexation policy, are very clear. Areas that are in Tier I, Priorities A and B; land that is engulfed by city limits, land that is contiguous to city limits and in urban zoning; or land that is contiguous to city limits, in agricultural zoning, where basic infrastructure is in place or planned and urban in character, are all appropriate areas for consideration. After going through this process and analyzing land surrounding the city limits, there were thousands of areas that met at least one of the criteria. Eight subareas were identified that meet more than one of the criteria.

Several comments have been received throughout this process. One has to do with timing and that these annexations seem to be happening on too quick a timeline. To address this, one can look back at the process undertaken by Staff with the study published in July and meetings in August. We are currently at the Planning Commission level and action will also be taken by City Council sometime in December. Although payment of the City levee would kick in in 2018, payment would not be due until 2019. There were other broad comments regarding traffic, drainage, safety, and security. Given the future growth areas of Lincoln, these are some good topics for discussion, but not necessarily directly related to annexation.

Andrew Thierolf of the Planning Department said this annexation is for an area east of 84th Street, mostly south of O Street. It includes 156 acres, with 56 dwelling units and an LES substation. LPS fields are to the west. The annexation will bring in portions of O Street where it switches from City to County, back to City jurisdiction. Waterford Estates is to the northeast. The area is in the Waverly School District and will switch to the LPS district upon annexation. It is currently within the jurisdiction of the SE Rural Fire district.

A primary question that arises with proposed annexations is from citizens who want to know what benefits they are getting by being annexed. The answer is that they are already experiencing many benefits. Residents already use City streets to leave the area and staff believes it is fair to say that they use other City streets and other services at exactly the same rate as other residents located within city limits. It is important to note that there is no scenario where the City installs water, sewer, or fire hydrants before annexing. If a developer were selling lots prior to building, the costs of connecting to City services would be included in the sale price of the lots. For existing areas, those services would be paid for by property owners via the assessment district process.

Another concern raised is that City staff will be stretched too thin by this annexation package. With all of the areas, around 300 residents are being annexed. The city grows by around 3,500 individuals per year, so the addition from annexation is not significant. As the City grows, more staff will be needed, but these annexations will not create any sort of big shock to the system. A final issue for the Hillcrest Subdivision is the current Health Department policy requiring three acres for private well and septic systems. These properties would be grandfathered in, but it could lead to potential problems down the road. If this development were new, Health would not allow it.
Pat Borer, Assistant Fire Chief, Lincoln Fire & Rescue, stated lots of information was presented at the last regular Planning Commission hearing about the differences between two good fire departments - Lincoln Fire and Rescue and the SE Rural Fire Department. It is not as simple as just comparing “a” and “b”. When considering the data, he starts with people. Even if a person lives next door to a rural station, if no one is there, the response time is affected. Even in cases where someone is at the station, there is something called “effective response force” which refers to having the right number of people to do the job effectively. On a cardiac arrest case, one person doing CPR may not save a life. LFR has done an analysis of all emergency tasks. It takes six people to create an effective response force for cardiac arrest. For a structure fire, it takes 16-19 people to put out the fire, vent the structure, and conduct search and rescue simultaneously. The effective response force is a critical consideration; station location is not good response time measurement criteria unless you have the effective number of people on hand to respond. He is unaware of how many volunteers are available at any given time. LFR also has an ISO rating of Class 2 and is doing things today that will bring the department up to Class 1, the top rating given by the independent third party. The SE rural department is a Class 4 department. Additionally, LFR rated top in the entire nation for cardiac arrest save rates. That data is also tracked by a third party made up of physicians. Lincoln continues to grow and LFR is aware of the need for staff. City elected officials have produced results and more fire fighters and police are set to be added. It is important to consider each of the departments based on factual evidence. Both are good departments; LFR has the data to back this up.

Hove asked if it would be necessary to daisy chain to reach any of the properties proposed for annexation in this subarea. Borer said tapping into a hydrant supplies a virtually limitless water supply. The key to effectiveness is the availability of people and response time. If the daisy chain is necessary, it does take time, but again, that is only one part of the equation. Hove asked how soon this area might have hydrants. Tierolf said that depends on the timetable of the homeowners. They could request a water assessment district upon annexation.

Beckius asked for clarification of tax revenue listed in the Staff Analysis of the Staff Report. Tierolf said it only includes the City levee.

Harris noted that a letter submitted by a member of the public stated that the City officials told residents they would not be annexed. Tierolf said that was a question addressed in a letter from Olsson Associates regarding a specific development project in the area.

Corr asked for information about the eight properties that would be required to hookup to the City sewer within six months of annexation. Scheer asked the location of the sewer main. Tierolf replied that the sewer main goes through the north side of the Hillcrest development, under the road, and a certain portion of residents are within 300 feet.

Corr wondered about changes to the speed limit in the area and the traffic thresholds that would create those changes. Robert Simmering, Public Works Department, said the he does not know how much traffic it takes to change the speed limit; there is an entire study that takes place and it is a complicated process. There is currently a request to do a study on this part of O Street all the way to 112th Street. In his opinion, the study could take place within a year.
Opponents:

1. **Ryan Sullivan, 609 Anthony Lane**, came forward both for himself, and as Vice President of the Hillcrest Neighborhood Association. The neighborhood is not opposed to annexation and understands the reasons for it; rather, they are opposed to the timing of it. The push has been extremely sudden and it was unexpected. As a result, neighbors are not ready for it. Over the years, neighbors have been given assurances there were no immediate plans for annexation and they made important decisions based on that, such as costly upgrades to their septic systems and wells, and enrolling their children in the Waverly school system. No money was set aside to pay for new expenses. Many are on fixed incomes and this will create a hardship. Much opposition could be avoided by simply waiting a few years. Then neighbors could work in partnership with the City. Some of the infrastructure planning should be in place first. There does not appear to have been consideration of maintenance of asphalt roads, sewer and water, and storm drainage.

Beckius asked if they, as an association, have talked about the possibility of connecting to City services. Sullivan replied that the association was disbanded for several years and has now scrambled to have meetings to discuss these types of options. Only two in attendance were in favor. Many assumed the City would bring in water and sewer as part of the process. One thing missing from the equation is that residents have already expended money for their own septic and well systems, so in a way, they are paying twice. The same goes for the County roads. The fair thing to do is to give us time to budget for changes.

Beckius noted the concern about emergency response time. He commented that concern about the decrease in response time and effectiveness appears to be a perception rather than based on factual data. He wondered if there has been any factual data that would confirm a decrease in service. Sullivan said that was their number one concern. Based on data he has seen, he believes there will be a sharp drop in service, especially for those in the southernmost part of the neighborhood.

2. **Leo Kreifels, 641 Anthony Lane**, came forward to speak for himself, and as a member of his neighborhood association. He agrees annexation is inevitable, but it should not occur until the proper planning has occurred and sufficient notification is given. Main concerns include traffic, drainage, safety, and security. He does not believe the City is prepared for these annexations and thinks that services will become diluted. According to Borer’s testimony, it is around two minutes per mile in travel time so that would be around 10 minutes. There are no hydrants within the neighborhood and no answer can be given as to how long it takes to string together hoses. The SE Rural Chief said they cover around 23 square miles of area. They are all volunteers and their station is at 84th and Holdrege. One volunteer lives across the street. It would be best to slow this process down and wait for the City fire stations to be built.

Beckius asked what items the neighbors would like to see addressed by more thoughtful planning. Kreifels said one problem is that LFR cannot provide their goal response time, even now. Beckius asked if the information from the rural fire district is available anywhere. Kreifels said it is word-of-mouth. He was told the rural station could provide 7,200 gallons of water in around 6 minutes.

3. **Rodney Schwartz, 1010 Anthony Lane**, stated that annexation for reasons of equity, clarity, and orderly growth seem valid at first, but not if you dig deeper. County citizens already pay a significant amount to the City through their businesses and rental properties. Many work in
Lincoln, or come to Lincoln and spend money, paying sales tax. As County residents, they are commuters, like any other. City services will not be provided at the same level for several years, until residents are willing and ready to pay for them. As for clarity of services, only a small portion of the area touches City limits and most of the area is farmland. Instead of clarity, the annexation causes confusion as to who will provide services, kids having to switch school districts, or having to arrange different transportation to school. Annexation should not be to encourage growth in a particular area, but should be to absorb areas when everyone is prepared. LFR confirmed it would take around 10 minutes to reach their subdivision and they would work with SE fire to use their trucks to pump water. The City department is not equipped to handle rural fires. A letter to the Lincoln Journal Star addresses this issue as it occurred in Sky Ranch Acres, where one house was a total loss, even with the combined efforts of LFR and the rural fire service. Snow removal service will decrease when it becomes the responsibility of the City. The City should consider the impacts to people’s lives and creating adverse effects with annexation. If they were aware of this annexation proposal as early as January of 2017, they did not communicate that with the neighborhood.

4. Terry Neddenriep, 550 Anthony Lane, said that timing is a key part of the fairness issue. Although the neighborhood abuts the City, but it is farmland and the golf course contributes to the rural feel. The neighborhood was caught off guard. As far as we know, the Waverly School District was unaware of any of this. A school representative attended one of their neighborhood meetings to find out what was going on. It would be better to plan first, then announce the plan. Then the City and the neighborhood can be partners in growth.

5. Fred Myers, 6801 O Street, stated he is the lot at the eastern edge in the annexation subarea. One parcel got skipped over for some reason and they should be a part of this annexation since they are a part of the area.

Beckius asked if it is the Country Club access point on O Street. Myers said the access is just west of his house. He operates a small business from his home. It is not fair that the other property is not included.

6. Stanley Jensen, 930 Anthony Lane, said that due to the slope and drainage in the area, he is concerned about annexation until sewer and water is installed to the west. As soon as the area is developed, there will be a lot of pressure to have a through-street to A Street. The streets in the area were not developed with the intention of being City streets and they are not meant to withstand heavy traffic.

Staff Rebuttal and Questions:

Cary stated the process for presenting this annexation package was done very deliberately and following the policies and procedures for annexation of this sort. An involuntary annexation is never anyone’s favorite topic, but it is necessary at certain junctures. He does not discount the importance of issues raised with these annexations, but the policy, planning, and facts related to these areas address these issues. He can say with confidence that emergency response time and service will be extremely improved, especially for medical services. LFR is a very highly rated fire department. Cary concluded by noting that direct contact was made with the Waverly School District, including phone calls with the superintendent.
Barnes stated that the annexation policy follows State Statue which grants the authority to annex area that are contiguous. No part of this area is remote or separated and that is something that would be challenged. The subarea meets more than one criteria of the annexation policy since it is in Tier I, Priority B, is contiguous, and has the appropriate infrastructure. There is no need to pull lines from the west; the lines are already there. This has been an open process. If the idea of annexation was thrown out earlier, no decisions were made at that time. There were thousands of acres reviewed and background and analysis work was done prior to the study being published in July. The number of dwellings being annexed is a small percentage compared to what is being built in the city overall. To say that adding 56 units will dilute services seems to be a perception. This particular subarea was not considered a reach into a rural area. Not only has Hillcrest been platted into residential lots, Gable Pines is being built and Shadow Creek and Whitehorse are nearby. Though there are agricultural fields there now, the area is not rural, it is transforming and the utilities are in place. The small parcel left out of this subarea does not have access to the same utilities and so was intentionally left out of this subarea.

Thierolf reiterated that Waverly has been contacted via phone and email on multiple occasions and they are fully aware of the proposed annexation areas. Staff has been told that students going to Waverly schools could remain if they have been in the school system for a certain amount of time. There will most likely not be a bus stop at Hillcrest, so they may need to drive to other stops. It does not make sense for Staff to conduct a detailed engineering analysis before a request is made because a neighborhood could choose not to file a petition for assessment for years, by which time, the analysis would be useless. There is no question about this area being sewerable.

Borer said the letter to the Journal Star mentioned in Mr. Schwartz’s testimony was a letter to the editor and not written by staff. Due to a mutual agreement between fire departments, the responding station called the rural department as they left the station, so both departments worked together from the very beginning. Even so, the house was a loss. There is an upcoming meeting with the chief of the SE Rural Fire department to discuss expanding upon the mutual agreement in order to take advantage of each other’s resources.

Beckius asked for confirmation that this entire area can be served by LFR. Borer said yes. LFR carries 500 gallons, though he acknowledges that amount will not go far in a house fire. But all engines carry 750 feet of 5-inch hose and 1,100 feet of 2-inch hose. This subdivision is not that different from Firethorn. With that subdivision, LFR added extra equipment to reach the entire area. Beckius asked Borer to comment on LFR response times. Borer said the average travel time is 2 minutes per mile and that average is based on times calculated during traffic, day or night, in all weather. Engines can travel faster, but there are times when they are just slowed down. Turnout time is the time when the call is heard to when the wheels on the engine are moving. Our goal is 60 seconds. That time could vary significantly for a volunteer force, who may not be at home when a call comes in. Other factors include the amount of time from when a person experiences an emergency and then makes the call, and the amount of time it takes for work to begin once arriving at the scene.

Beckius asked if the golf clubhouse will be eligible for annexation when the Whitehorse subdivision is infrastructured out. Thierolf said that in addition to water and sewer, annexation of the clubhouse would also bring in 98th Street. The County currently has an agreement with the neighboring property owner, and annexation would create complications. 98th Street is currently just right-of-way.
Beckius asked about the past letter sent by Olsson Associates as referenced in the public testimony. Mr. Schwartz provided copies of the Olsson letter (see Exhibit A) and the City notification letter dated August 1, 2017 (see Exhibit B) to the Commission. Thierolf responded that the letter had to do with information Olsson was seeking for Waterford. **Steve Henrichsen of the Planning Department** added that the specific question of annexation was addressed when talking about the Whitehorse development. The question was posed at that time about whether Hillcrest would be annexed as part of that process and the answer at that time was ‘no’. The same goes for Shadow Creek and the assisted living facility. In 2016, Shadow Creek was approved and Olsson was hired to host a meeting. Olsson knew this question of annexation would come up and they addressed it. No government assurances were given that this particular subdivision would not be annexed. Scheer asked if that meeting was in 2016. Henrichsen said yes, it was last year and was dealing with the sewer line paid for by the developer. The rest of that line would have to be assessed.

Edgerton asked about the issue of road maintenance. Thierolf said that many areas have been annexed and Public Works is capable of maintaining the roads.

Corr asked if 98th street will connect through to A Street. Barnes said that it ultimately will, once it becomes a funded project.

Hove asked about the timing of the taxation if annexation is approved. Thierolf said taxation will occur on the 2018 tax year, to be paid in 2019.

**ANNEXATION NO. 17017**
**ACTION BY PLANNING COMMISSION:**
October 25, 2017

Corr moved for Approval, seconded by Beckius.

Beckius said annexation is never easy. He is not concerned about the dilution of City services and believes there is equity for tax payers. His biggest concern would be if there were a decline in public safety. He is not saying that one department is better than another, but if nothing can be demonstrated beyond anecdotal evidence, he has a hard time believing that the quality of service will decline.

Hove said he appreciates all of the comment made throughout this process. It is a timing issue and he wishes there were a better way to prepare resident for the changes, but it is a ‘chicken and egg’ situation. Residents could be told annexation is possible and then choose not to improve their private water systems, and then have the annexation not go through. Unfortunately, this is the way it is.

Scheer said the comments heard throughout this process have revolved around the issues of timing and justification. Timing is always a problem and he agrees with Hove that it is a ‘chicken and egg’ situation. To get things moving and to have the detailed engineering and planning, annexation must happen first.

Motion carried, 8-0; Washington absent.
June 28, 2016

Re: Upcoming Sanitary Sewer Project

Dear Hillcrest Homeowners:

Olsson Associates is working with the Lincoln Wastewater System (LWWS) to provide sanitary sewer service to two developments on either side of the Hillcrest neighborhood. These projects will be done in two separate phases. The first phase will connect to the Waterford Estates neighborhood and extend to just east of Anthony Lane and E. Hillcrest Drive. The second phase will pass through the neighborhood along Anthony Lane and extend to the Shadow Creek development to the west.

Since sanitary sewer service is being provided through your neighborhood, we would like to request some information and assistance from you. We will be holding a community information meeting at the Cornhusker Council BSA Outdoor Education Center (OEC), 600 S. 120th Street, downstairs in the Woods Room on Wednesday, July 13 at 5:30 pm, and would like to invite you to attend.

Secondly, as we lay out the trunk sewer through the neighborhood, we would like to place manholes and sewer stub-outs in locations that would be beneficial for future connection of homes within the development. In order to do this, we need your feedback regarding location of your well, septic system, and house sewer exit locations. This will assist us in the layout of the new sanitary sewer collection mains.

In order to help you mark these locations, we have provided a number of blue and green marking flags. These will be available at the public meeting. We request that you take one blue flag for each well and one green flag for each septic tank and house sewer exit location on your lot(s). We realize that you may not know where these items are located, but please mark them to the best of your ability. Please mark the septic tank near the inflow pipe, generally marked by a PVC pipe. Adjustments can be made as necessary during the construction process. We request that you have these locations marked by August 1, 2016. Surveyors will be on your property that week to collect data points from the marked locations. Any information that we can collect by this date will save time during the design and construction of this and future projects. We have also enclosed a map of your property so that you can mark the well, septic tank, and house sewer exit locations. Please return these to me in the enclosed stamped and addressed envelope, or bring it to the community information meeting.

At this time the City is not planning to annex the Hillcrest neighborhood or provide any City services.

Thank you in advance for your help! We look forward to working with you during the design and construction of the system. Please contact me if you have any questions. I can be reached at either 402.458.5671 or creinsch@olssonassociates.com. If you would like to contact LWWS directly, please contact Brian Kramer at 402.441.7987 or bakramer@lincoln.ne.gov.

Sincerely,

Craig Reinsch, PE

601 P Street, Suite 200
Lincoln, NE 68508
TEL 402.474.6311
FAX 402.474.5160
www.olssonassociates.com
Dear Property Owner:

City Staff have completed a review of land adjacent to Lincoln city limits and eligible for annexation. This included reviewing annexation policies, existing land uses, zoning, costs for infrastructure and services, potential revenues, and government jurisdiction issues.

As part of this process, your property has been identified for potential annexation into the City of Lincoln.

The results of the City's review are included in the 2017 Annexation Study. The study identifies eight areas that conform to State statutes and the City's policies, and are appropriate for annexation. The eight areas include 138 parcels and 987 acres. The 2017 Annexation Study can be found online at lincoln.ne.gov (keyword: annstudy17).

The City Council will need to take action on the annexation before property is included in the City limits. Prior to formal public hearings, the City has scheduled informational meetings to discuss the annexation process and answer any questions you may have.

**Wednesday, August 30**, from 6:00 to 8:00 pm (6:15 pm presentation) at Southeast Community College, 8800 "O" Street, Room U-106. Enter through the main doors on the southeast side and take a right at the end of the hallway. There will be a presentation at 6:15 pm to provide an overview of the annexation study, as well as an opportunity to ask questions of staff. The focus of this meeting is Annexation Subarea D (shown on the attached map) but anyone may attend.

The meetings below will focus on annexation areas that don't include your property, but you are welcome to attend.

**Wednesday, August 23**, from 6:00 to 8:00 pm (6:15 presentation) at the Northern Lighthouse Church, 6141 N 14th Street. The focus of this meeting is Annexation Subarea A.

**Thursday, August 24**, from 6:00 to 8:00 pm (6:15 pm presentation) at Southeast Community College, 8800 "O" Street, Room U-106. The focus of this meeting is Annexation Subarea C.

**Thursday, August 31**, from 6:00 to 8:00 pm (6:15 pm presentation) at Wysong Elementary School, 7901 Blanchard Boulevard, Room 101. The focus of this meeting is Annexation Subarea E.

It is anticipated that formal annexation applications will be submitted to the Lincoln-Lancaster County Planning Commission in October. The Planning Commission public hearing will be your first official opportunity to appear and speak or submit written comments on this proposal. The City will notify you of the public hearing date once it has been established. The City Council will also schedule a public hearing, tentatively set for December, and then take action on the proposal.

You are encouraged to contact the project planner if you would like additional information on the proposed annexation: George Wesselholtz, (402) 441-6366, gwesselholtz@lincoln.ne.gov

Sincerely,

Andrew Thierolf
Planner
PUBLIC COMMENT

To: City of Lincoln Planning Commission
Re: Annexation of Hillcrest Heights Subdivision

My name is Ryan Sullivan, and I live in the Hillcrest Heights Subdivision at 609 Anthony Lane. I am speaking today in my individual capacity and as vice president of the Hillcrest Heights Neighborhood Association.

I would like to start off by saying that I, and many in our Neighborhood are not generally opposed to annexation. We understand that we are near the city, and that as the farm ground around us is developed, it will make sense for us to be part of the city. What we are opposed to is the timing of the annexation. This push for annexation was extremely sudden and unexpected, and as a result, we are not prepared for it, and we don’t believe the city is prepared for us either.

Let me first explain why and how we are not prepared for annexation. Over the last several years, members of our community have been assured by city officials that there were no immediate plans to annex our neighborhood. As a result, homeowners relied on these promises in making decisions that affected their lives and their properties. For instance, in reliance on these assurances, some homeowners made significant and expensive improvements to their septic systems and wells. On these assurances, several families made decisions on where to send their children for school. And, because this was unexpected, homeowners haven’t had time to save the thousands of dollars that it will cost each homeowner to connect to the city water and sewer.

This rush to annexation is going to cause many families extreme hardship – and much of that hardship can be avoided by waiting – waiting a few years, giving us adequate time to prepare for it – so that we can join the city as economic partners, not frustrated and injured captives.

Not only are we not ready for this annexation, as I noted, the city is not ready for us either.

For one, the city is not capable of providing adequate fire and safety services, as others may talk about in more detail. Also, based on our discussions with planning officials, there has been little to no planning as it relates to maintaining our asphalt roads, engineering water and sewer services, or handling storm drainage.

Annexing us now, without there having been adequate notice or proper planning amounts to nothing more than a land grab for purposes of increasing the tax base, without much consideration for the consequences, including not only the negative impact on our community, but also the further dilution of services to current Lincoln taxpayers. That is simply bad policy, and bad governance.

We want to be economic partners, we want to be willing participants in this process, and I think the city should want that too.

We ask that you consider all the facts and conclude that the conservative and informed approach is to wait until the time is right. And the time is not right.

Thank you.
To: Lincoln/Lancaster County Planning Commission

Subject: City-initiated Annexation AN17017

My name is Leo Kreifels, and I live at 341 Anthony Lane. I am speaking today for myself and as a member of the Hillcrest Heights Neighborhood Association. I, along with many members of our community are not totally against annexation, but only when the time is right. When we feel a partnership is formed to ensure adequate planning has been completed, objective justification for the annexation can be shown and sufficient notification is provided.

I have spoken with numerous home owners and many of us are troubled about various issues with this annexation including traffic, drainage and flooding, and in particular, the safety and security of our neighborhood and its members. Importantly, we do not believe the City is adequately prepared to provide the additional emergency, safety and other necessary services without diluting services to the rest of the City. Also, many of the services we currently have will be diminished if we are annexed so soon. With the limited time I have, I want to focus on the important safety issues:

- Can we receive adequate response to emergency situations? Many are concerned whether LFR is capable of providing timely service in the case of a fire or medical emergency, or if the required equipment or personnel are in place to support our neighborhood as quickly or as readily as the Southeast Rural Fire Dept. (SERFD)
- Are there adequate personnel for the policing of our neighborhood? We are told that no additional personnel will be added as part of the annexation plan.

With regard to response time for fire, here are our concerns:

- The City currently has no fire station near enough to our neighborhood to achieve the City’s own response time goals. We are told the response time goal is 4 minutes to any City location, but that actual response times would be closer to 10 minutes
- Fire Station #9 and #12 are both approximately 3 miles from our neighborhood which would equate to about 12 minutes. Even if LFR can get to our property in 10 minutes, there are no fire hydrants in our neighborhood. We are told that they will have to string multiple trucks together in order to “daisy chain” the hoses from the nearest fire hydrant to the house in need. Many houses on the south end of our neighborhood are 3000 to 3500 feet from the nearest hydrant and could not be serviced in this method.
- This daisy chain process will require significantly more time, including the time necessary to call in more trucks from other fire stations, to position the trucks, to run and connect all the hoses and to charge the lines.

According to Fire Chief John Wiese, the SERFD is currently responsible for approximately 23 square miles in rural areas east and southeast of Lincoln. Chief Wiese told me, even though they are an all volunteer force, and with all things considered such as traffic and weather conditions, the average response time for all calls is about 10 minutes, some longer and some shorter. He also said that with 98th street now open between Holdrege and O streets, response times to our neighborhood to fight a fire would be around 6 minutes. Their response, from the 84th and Holdrege Station would include all required equipment and personnel, 7200 gallons of water, 1500 feet of 5” fire hose and the capability to drive up to and reach any house in our
neighborhood. Additionally, more equipment and personnel could be deployed from the Fire Station near Highway 2 and Pine Lake Rd. With that said, I believe we would be better served through SERFD, at least until the new fire station is built. Notably, we have been told by City officials that LFR will need to partner with SERFD to provide services anyway.

If the only argument for annexation is that we should have to pay our fair share, we understand that argument, but only when we are provided the same level of services afforded other taxpaying residents. As it stands now, that is not the case, and the services to current city taxpayers is going to be diluted even further. That does not seem like good policy.

These issues related to security and fire service are not the only issues. There are also safety and planning issues related to our roads, drainage, water and sewer, school districts and bussing and many others. There appears to be no plans in place to address any of them. When homeowners have asked City officials about these issues, the most common answers have been: “I don’t know,” “no, we haven’t looked into that yet,” or, “no, we have no plans to address that issue.”

Can we not slow things down a bit? Let’s wait until this new fire station is built, and let’s get together to do some thoughtful planning on all of these other issues. There is absolutely no good reason to rush into this.

As previously stated, I think most of us are not totally against annexation, when the time is right. And right now, the time does not feel right. We do not think you are not ready for us.

Thank you for your time and listening to these concerns.

Leo Kreifels
341 Anthony Lane
Lincoln, NE 68520
Planning Dept. - Comment on PC Agenda Item

Date: 10/24/2017 2:27:55 PM

Name: Terry Neddenriep  
Email: tneddenriep@neb.rr.com  
Application Number: Annexation No. 17017  
Location: Hillcrest Heights Subdivision  
Submitter's Position: In Opposition  
Comments: This comment is submitted by the Hillcrest Heights Neighborhood Association in opposition to the proposed application for annexation of the Hillcrest Heights Subdivision.

As an initial matter, the Association is not opposed to the future annexation of our subdivision. We do not disagree in theory with the argument that those who live on the fringes of the City should pay their fair share of City taxes. The laws on annexation account for this. However, we believe the annexation of our subdivision is premature. Notably, we remain surrounded by undeveloped farmland and a golf course, none of which has been plotted for urban development. Only a very small portion of our subdivision is presently in contact with the City border.

More importantly, we oppose this sudden application for annexation because we are not ready for it, and because the City is not ready for us.

Our neighborhood had been made aware that annexation was in our future. However, each time something has occurred that invited our attention to the possibility, we have been told by City officials that there were no plans for annexation, and that we were not even scheduled for evaluation until 2020. That timeline seemed reasonable, and we had no reason to question it—particularly where the farmland around us remained undeveloped.

Because of these assurances, some of our newest neighbors made financial, schooling and other decisions that are not consistent with being annexed by the first of next year. In the same way, our most senior neighbors who are on fixed incomes have had no time to save funds to cover the significant costs associated with annexation. Moreover, due to the sudden nature of the annexation, we have not had adequate time to research, consider, or discuss with the City all of the potential consequences of annexation, including those pertaining to fire and safety, water and sewer, drainage, road maintenance, traffic control, busing of school children, and others.

The annexation should be delayed so we have time to fairly address and plan for the issues that will arise from annexation.
Just as we are not prepared for the annexation, the City is not ready for us. What we have learned about the plan is that the City has no intent to utilize the added tax revenue to expand City services to meet the needs of its new residents. Not only will our services diminish, this annexation will result in further dilution of services to current Lincoln taxpayers. It is not fair to us, and it is not fair to them. We are concerned that annexing our neighborhood without funding additional infrastructure will make us all less safe—that is not good policy.

Your department heads should be able to tell you and us with particularity how the City is equipped to deal with the increased demand for essential public safety services without just saying “we can handle it.” Your own studies show that fire and emergency response times in the City are already not meeting standards or goals and are actually headed in the wrong direction. We are told there are plans to build a fire station that could serve our neighborhood, but that it will be years before those plans comes to fruition. We believe it is bad policy to rush into this annexation considering the land for this proposed fire station has not even been identified and purchased.

By the standards of good governance and the effective use of tax dollars, the City is not prepared to annex our neighborhood. We don’t think our safety and the safety of current Lincoln residents should be jeopardized in the name of increasing the tax base. When the City is ready to meet the demands of servicing our neighborhood, and all the proper planning has taken place, then annex us. Until then, we ask that you please hold off. In the meantime, let’s work together to develop a strategic plan to incorporate our neighborhood into the City.

We want to be willing partners in the future growth of the City. The City should want that too. Thank you.

______________________________
Terry Neddenriep
President, Hillcrest Heights Neighborhood Association
Planning Dept. - Comment on PC Agenda Item

Date: 10/24/2017 3:00:32 PM

Name: Leo Kreifels
Email: leok@neb.rr.com
Application: Annexation AN17017
Number or Name: Hillcrest Heights
Location: In Opposition

Comments: My name is Leo Kreifels, and I live in the Hillcrest Heights neighborhood at 341 Anthony Lane. I am speaking today for myself and as a member of the Hillcrest Heights Neighborhood Association. I, along with many members of our community are not totally against annexation when we feel a partnership is formed to ensure adequate planning has been completed, justification can be shown and sufficient notification is provided.

In the last couple of years we've seen the development of the Gable Pines senior living center on the northeast corner of our neighborhood and the Shadow Creek subdivision on what was farmland in the far northwest corner of our neighborhood. There were several meetings with the developers of these projects concerning how they would affect our neighborhood. Over the last several years, members of our community have been assured by city officials that there were no immediate plans to annex our community. The most recent in a letter from Olssen Associates dated June 28, 2016 regarding the Lincoln Wastewater System sanitary sewer project through our neighborhood. In that letter, Mr. Craig Reinsch stated; "At this time the City is not planning to annex the Hillcrest neighborhood or provide any City services." Our first official notification came on August 1st, 2017 stating that "your property has been identified for potential annexation". It was not until the 30 August, 2017 informational meeting that we were informed our neighborhood would be annexed beginning in January 2018.

Many home owners are troubled about various issues of this annexation including traffic, drainage and flooding and in particular, the safety/security of our neighborhood and its members. If equity for all taxpayers is a primary reason for this annexation, we do feel paying our fair share is important. If the City could provide sufficient justification, good faith information and especially adequate notification for our community to prepare for this partnership, most of us would not see this as City government overreach. However, at this time many of our residents are not fully prepared to be subjected to the additional expense this annexation will create. In addition we do not believe the City is adequately prepared to provide the additional emergency, safety and other necessary services without diluting services to the rest of the City. Also, many of the services we currently have will be diminished if and when we are annexed. Here are some of those services and safety issues to consider:
• Many are concerned if LFR is capable of responding in time during a fire or medical emergency or if the required equipment or personnel are in place to support our neighborhood as quickly or as readily as the Southeast Rural Fire Dept. (SERFD)
• If neighborhood kids are allowed to continue to attend Waverly schools, the bus service will be discontinued and we will not have our streets plowed until much later in the snow removal process making it much less safe for parents to get their kids to school
• Are there adequate personnel for the policing of our neighborhood
• Traffic continues to increase on O St. and there is a speed limit of 60mph past our neighborhood entrance and has been a safety issue for some time now
• We already seem to have much more runoff water than before the Shadow Creek development and especially since the completion of the SCC Tech Center and expansion of the parking lots there. Also it has already been identified that the culverts under East Hillcrest and O St. are undersized (Anthony Ln. culvert-23ft, E. Hillcrest-16ft)
• The drainage ditch that winds through the neighborhood is also dangerously close to certain portions of Anthony Lane and is 8-10 foot deep

As previously stated, most of us are not totally against annexation. We are however against a system where it feels like we are not partners with our City government to ensure the best outcome for all concerned parties, including the Waverly school district and the Southeast Rural Fire Dept. In addition, we feel there are some unanswered questions concerning this annexation:
• The Hillcrest Heights neighborhood consists of asphalt roads. How will the City handle road repair and in particular major improvements?
• If annexed, there are currently 8 home owners that are within 300 ft. of a new sewer trunk that was installed through our neighborhood earlier this year. Two of those home owners would incur very expensive hookup costs as one would be required to bore under the drainage ditch and both would have to bore under Anthony Ln. Is there a possibility the City could provide an exemption or a waiver to not connect for those home owners? At least until such time a complete neighborhood sewer assessment district is completed?

Thank you for your time and listening to our concerns.

Leo & Phyllis Kreifels
341 Anthony Lane
Lincoln, NE 68520
2017 ANNEXATION STUDY (Area D)

- 2040 Future Service Limit
- Current City Limits
- Annexation Subareas (Includes Road ROW)
- Dwelling Units = 56
Since we last visited, and as a result of the responses at the public hearing, we would like you to consider amending the annexation ordinance to remove Hillcrest Heights until we are connected to A Street.

Bob Creager
Robert B. Creager
Attorney at Law
1630 K Street
Lincoln, NE 68508
402-477-8800
rcreager@acwlaw.com
December 4, 2017

Dear Members of the Council:

As a member of the Board of the Hillcrest Heights Homeowners Association and as a property owner, I would like to thank the Council and Staff for the time and attention given to us in our efforts to reach an understanding with the City on the proposed annexation. We were sincere in our efforts to make this annexation a win-win situation for both parties. But it appears at this time as if the annexation will be an involuntary one, which is disappointing.

As a property owner at the far south end of the neighborhood, we are 4,000 feet from the city fire hydrant on O Street that could be used to suppress any fire. The closest City fire station is at 84th and South Street. My house is closer to A Street at the south end. So, any fire equipment and emergency services responding from 84th and South would have to pass A Street and go to O Street turn right to about 92nd Street then circle back almost to towards A Street to get to my house.

The City has no fire station near 84th & O Street, that could timely respond and enter from O Street. We understand one is proposed near 84th and Holdrege. But there is no timetable for its construction. So, my safety concerns, and those of my neighbors, are real. I have regretfully reached the conclusion that the City infrastructure is sufficient to assume the responsibility for timely responding to a fire or other emergency at my house, at this time.

That would all change when our neighborhood is connected to the City at A street. At that point, the fire station at 84th and South in well within a reasonable distance and could respond more rapidly. Also, at that time, there would be city fire hydrants at both the north and south ends of our neighborhood. From our discussion with Planning the development of the properties immediately to our South would result in that connection to A street. Planning also indicated to me that the development of the property is under review. So, that development should occur within a short period of time.

We are a neighborhood with unique issues. As a matter of good governance and public safety, waiting until our neighborhood is at least connected to A street makes sense. We hope you will consider amending the proposed annexation to exclude Hillcrest Heights until we are connected to A Street.

Robert B. Creager
1001 Anthony Lane