I. CONSTITUENT CORRESPONDENCE
1. Proposed Change of Zone TX17001 - Marilyn McNabb
2. Proposed Change of Zone TX17001 - E. Wayne Boles, Empyrean Brewing Company
3. Proposed Change of Zone TX17001, opposition - Joe Shaw
4. Proposed Change of Zone TX17001, opposition - Pat Halderman
5. Proposed Change of Zone TX17001 - Nathaniel Anderson
6. Proposed Change of Zone TX17001, opposition - Nicole Bauer
7. Charter Revision Commission Meeting - Jim Frohman
   Response provided by, Nick Cusick, President, Bison Inc.
8. Proposed Change of Zone TX17001 - Carla McCullough
9. Proposed Change of Zone TX17001 - Evelyn Fink
10. Roofing Companies - Robert Batterman
11. Proposed Change of Zone TX17001, opposition - Bob Reeves
12. Proposed Change of Zone TX17001, opposition - Margaret Woeppel
13. Proposed Change of Zone TX17001 - Amber Reinkordt
14. Proposed Change of Zone TX17001, opposition - Becky Schenaman
15. Proposed Change of Zone TX17001 - Anna Wishart
16. Proposed Change of Zone TX17001 - Moni Usasz
17. Proposed Change of Zone TX17001 - Sydney Lynch
City Council - Contact

Date: 2/1/2018 12:20:05 PM

name Marilyn McNabb
address 1701 W. Rose St.
city Lincoln
state NE
zip 68522
email dropseed3@gmail.com
comments Council members:

Patte Newman's column in today's (2/1) Lincoln Journal Star, "Council should OK special permits" addresses very well the controversy about permitting Open Harvest to sell alcoholic beverages.

Consistency in city rules is valuable, but not the only or most important value to consider here. For me, more important are the other values such as keeping a business going that supports local farmers and other local businesses as well as all of us who are local owners of the co-op.

Please consider Patte Newman's analysis when you vote on Monday. Thank you!

Marilyn McNabb
Dear Friends,

Thank you for your service.

Telesis, Inc., Lazlo, Inc. and Empyrean Brewing Company have been strong supporters of Responsible Hospitality in Lincoln since 1991, the year that the City of Lincoln admirably founded District Energy Corporation and began providing environmentally friendly energy to City, County and State government buildings in Lincoln. We are actually proud that Lincoln has more Responsible Hospitality ordinances than any other city in the State of Nebraska.

Through our involvement in the Lincoln Chamber of Commerce, we have supported local businesses, as has Lincoln City Government, of which the TIF program is proof.

Empyrean Brewing Company, a local company, has expanded distribution to 9 states. The company’s dozen representatives in those states, while providing tasting experiences, always practice responsible hospitality and none have ever been cited for a violation.

We strongly recommend approval of the amendment to allow Open Harvest grocery store to sell sealed wine and beer products. They have no intention of selling open containers. If this amendment is approved, Empyrean Brewing Company, through its distributor, K&Z Distributing Company, promises to sell craft beer in sealed containers to Open Harvest. If allowed, Empyrean can provide free tasting experiences for very small consumption in the store. If not approved, Empyrean will abstain from tastings.

Open Harvest, as you know, has been a local, organic, health food store since 1975. Over 30% of the store’s products are from local sources. Approval of the amendment will be an indication of support for this local grocery store and the local wineries and craft breweries.

Thank you for your consideration.

Sincerely,

E. Wayne Boles

Residence: 128 8 13th St., # 506, Lincoln, NE 68508

E. Wayne Boles, Government & Community Liaison / Safety Director / Compliance Manager
TELESIS, INC. | DATA SECURITY, INC. | LAZLO, INC. | EMPYREAN BREWING COMPANY
729 Q Street, Lincoln, NE 68508
Main:402.434.5960  Direct:402.434.5973  Fax:402.434.3291  wboles@telesis-inc.com
Honorable Councilmembers,

My name is Joe Shaw, I live at 2311 Q St., in the Antelope Creek Valley Townhomes. I am also a board member of NeighborWorks Lincoln.

I oppose the text amendment for the following reasons:

1. I live in a neighborhood that has reversed its slide, in large part because of NeighborWorks Lincoln. Dozens of homes in our 20-block square radius have been rehabbed, new homes have been built and more are on the way. Despite our success, we still have stumbling blocks. We have one liquor store a block away grandfathered in, we are surrounded by social service agencies and car lots. There is at least one store and maybe two that would be eligible to sell alcohol near us on R St. Plus, dozens more stores on N.27th St. that may become eligible to sell alcohol. Please let's not go backwards.

2. The alcohol spacing standards have served our neighborhoods well. If we change the requirements for 'grocery stores' we are on a slippery slope. The Planning Department's recommendations acknowledge that:

   "Both the Planning and Law Departments believe it will be very difficult to define and enforce regulations specific to a "grocery store". The reason is that there is a wide range of retail outlets that sell food products beyond grocery stores. This would include convenience stores, some pharmacies, and dollar stores to name a few. The distinction between any of these uses is not significant and hard to define. There is no rationale staff is aware of to say that a grocery store operates in a safer or more professional manner than a convenience store or pharmacy. Given the lack of operational distinction, it is a reasonable assumption that other retail uses would also request exemptions similar to that of grocery stores. The basis for an argument to denying such an amendment is not apparent."

3. Changing the rules for one store, for one player, for one time is bad public policy. That is why the city has had non-waivable standards for a number of years. One exception leads to another exception.

4. We would all like to have more grocery stores near our neighborhoods. Open Harvest likes to talk about a 'food desert,' but the fact is the Near South neighborhood has a very nice Russ's, some very fine ethnic foods grocery stores and many affordable restaurants. Likewise, North 27th St. has a SavBest, and very many fine ethnic foods grocery stores which appear to be thriving and which we enjoy very much. As much as we sympathize with Open Harvest's business woes, making an exception for them is a bad precedent and one which could negatively affect some of our older more fragile neighborhoods.

Please vote against this text amendment.

Joe Shaw
about.me/shawjoe
714-858-0599
City Council - Contact

Date: 2/1/2018 5:37:35 PM

name  Pat Halderman
address  3180 S 72nd St
city  Lincoln
state  NE
zip  68506
email  cyclecrow@gmail.com

I do not think Open Harvest should sell alcohol. Please vote NO on the zoning change.

IP: 97.98.197.70
Form: http://lincoln.ne.gov/city/council/contact.htm
User Agent: Mozilla/5.0 (X11; CrOS x86_64 10032.86.0) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/63.0.3239.140 Safari/537.36
To Whom It May Concern:

My name is Nathaniel Anderson and I am a member of the Antelope Square Homeowner’s Association.

I am writing to urge you to support Change of Zone TX17001. This needed change would allow small community grocery stores to sell alcohol including local beers and wines. This will help support local grocery stores and help them survive in a very competitive market where all the big players already have the ability to sell these goods.

Please enact this change and help level the playing field for local stores in our community!

Nathaniel Anderson
2232 Q St.
Lincoln, NE 68503
(402) 617-9476

Sent from my iPhone
As much as I wish Open Harvest could sell alcohol, this measure could open the door for hundred of other locations in neighborhoods that are currently trying to revive themselves, especially the neighborhoods along 27th and O streets.

Thank you.
Jim:
You are clearly correct that the City Council votes to put charter issues on the ballot. Be assured that it is our plan to make recommendations to the Council in time for them to make their decision for possible November
inclusion.
Nick

I'm disappointed.

It is not the responsibility of the Charter Revision Commission to decide if changes should be on the ballot or when the changes should be on the ballot. This is the responsibility of the City Council. As laid out in ordinance the Commission's only responsibility is to recommend changes.

I understand that the subcommittee may not have had time to properly review the changes. This is primarily due to the excessive delay in having the subcommittee meet, a five month delay. I do not know who was responsible for that delay but it was uncalled for especially when many members of the Commission requested that the subcommittee review be done as soon as possible during the August 24th meeting.

Having no choice I look forward to the next meeting of the Charter Revision Commission, hopefully before the September cutoff for the November election.
From: Nick Cusick <ncusick@bisoninc.com>
Sent: Thursday, February 1, 2018 9:25 AM
To: 'Jim Frohman'; JKirkpatrick@lincoln.ne.gov; dstading@keatinglaw.com
Cc: mayor@lincoln.ne.gov
Subject: RE: Next Charter Revision Commission Meeting

Jim:
Our subcommittee has determined to wait and have any changes put on the November ballot when there will be greater voter turnout and it will give up more time to finalize our language and have a regular committee meeting to discuss and approve the proposed changes.
Nick

From: Jim Frohman [mailto:jimfrohman@outlook.com]
Sent: Wednesday, January 31, 2018 7:23 AM
To: JKirkpatrick@lincoln.ne.gov; dstading@keatinglaw.com; ncusick@bisoninc.com
Cc: mayor@lincoln.ne.gov
Subject: Next Charter Revision Commission Meeting

Has a meeting been scheduled for the Charter Revision Commission?

For any approved changes to get on the May ballot they will need to be finalized by the Commission and in front of the Council for the February 12th meeting.

I believe that there are several previously approved changes, especially the gender neutral change, that should be put in front of the Council for consideration and possible inclusion on the May ballot.

Jim Frohman
7335 Pioneers Blvd
Apt. 212
Lincoln, NE 68506
402.617.2484
jimfrohman@outlook.com
Dear Members of the Lincoln City Council,

I am writing to express my strong support for the Liquor License text amendment #17001.

When I moved to Lincoln in 1999, one of the first things I did was look in the phone book to see if there was a local food cooperative. I was thrilled to find Lincoln had Open Harvest and shortly thereafter became a Member Owner and eventually served on the board of directors for nine years. Open Harvest is a true gem, adding much to the history and character of this community.

Since 1999, competition for natural and organic foods has increased exponentially. While competitors such as Whole Foods, Natural Grocers and Fresh Thyme offer many of the same products, they are national chains without the network linking them to local food producers. Their profits go to shareholders across the globe. They don't 'do local' like our community co-op. They do, however, have fiscal advantages over our co-op in many ways, including being able to sell wine and beer.

By allowing for text amendment #17001, Open Harvest and other neighborhood grocery stores will be given the same treatment that restaurants were given when the Planning Commission reduced the setback for restaurants to 25 feet. Just as that decision was seen as being good for business, so would this text amendment. Helping neighborhood groceries to survive is vital for older neighborhoods in Lincoln, helping to maintain and attract residents to the heart of the city. The current setback of 100 feet has the consequence of harming smaller local businesses in the heart of Lincoln.

Thank you for your time and consideration.

Regards,
Carla McCullough
1303 N 42nd St
Lincoln, NE 68503
m.carla.mccullough@gmail.com
City Council - Contact

Date: 2/2/2018 1:03:26 PM

name Evelyn Fink
address 6510 S 41st ST
  city Lincoln
  state NE
  zip 68516
email evloveslabs@gmail.com

comments I am asking you to approve the special permit process for Open Harvest to carry alcohol. My family has multiple food allergies and Open Harvest has accommodated our needs for over twenty years now. I would like to be able to pick up wine or craft beer while I am at their store. I also want to see them remain competitive with an organization like Whole Foods or HyVee's Natural Market as Open Harvest supports our local farmers, cheesemakers, and livestock growers. Thank you.
There seems to be a problem with "out of the city roofers" doing business in Lincoln. Example is attached. This needs the attention of the city council. Many of the Rolloff companies (used shingles) are experiencing non payment by these persons. This needs to be tightened up because home owners are stuck with the expense of disposal. Robert Batterman, 7920 Myrtle St. Lincoln, NE
Ron's Rolloffs, Inc.
Also offering Flatbed Services
402-450-3495
www.RonsRolloffsinc.com
Mailing address:
15401 N. 14th Street • Raymond, NE 68428

36608

CONSTRUCTION LIEN

1. The real estate subject to this lien is: Address of 7920 Myrtle Lincoln 68506
   Trendwood 5th Addition, Block 8, Lot 19

2. The person against whose interest in the real estate the lien is claimed is: Robert Batterman - Judy Lechtenberger

3. The name and address of the claimant is: Ron's Rolloffs Inc.
   15401 North 14th Street • Raymond NE 68428

4. The name and address of the person with whom the claimant contracted is: 7920 Myrtle Lincoln 68506
   Robert Batterman - Judy A Lechtenberger

5. A general description of the claimant's services performed to, to be performed or materials furnished or to be furnished for the improvement and the contract price is:
   Rolloff for Roofing By Chito Flores

6. (Complete one of the following)
   X The amount unpaid, whether due or not, to the claimant for the services or materials is $ 476.52
   _______ The unpaid amount is not fixed by the contract, but a good faith estimate in the amount of $ _______

7. (Complete one of the following)
   X The time the last services or materials were furnished was 5-12-17
   _______ The time the last services or materials were furnished has not yet occurred but is estimated to occur

Signature of Claimant

Subscribed and sworn to before me this _______ day of _______ , _______

Notary Public
Proposal Total: SEVEN THOUSAND FIVE HUNDRED DOLLARS $7,500
Terms: Down Payment: $4,500.00  Final Payment: $3,000 upon completion

Acceptance of Proposal

I/We have reviewed your proposal and hereby indicate our acceptance of the same, as per the details, specifications and amounts mentioned in the proposal form. I/We agree to the proposed terms of payment and will release the funds as per agreed herein.

Authorized Signatory: [Signature]
Robert Batterman
Date 5 May 2017

Authorized Signatory: [Signature]
Eustacio Flores

Estimate Prepared by: Chito Flores

Handwritten Note:
Received check #3867 for $2,750 as full payment on 5/24/2017. Paid in full Chito Flores

2801 West "O" St Lincoln 68528 (402)871-7572

Page 2 of 2
CLAIMS SERVICE CENTER

PAY
NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE $2,349.38****

To
the
order
of
Robert Batterman
7920 MYRTLE ST
LINCOLN, NE, 685063153

Claimant/Patient:
Insured:
Date of Loss:
Claim Unit Number:
Check Number:
Payment Under Insured’s:
Correspondence Reference:
Reference Number:
Print Date:
Requested By
Robert Batterman
Robert Batterman
09/06/2015
3008533950-1-1
1616834517
Building
D2946X37
undefined
05/03/2017 03:35 PM
Adam P Ellenberger

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CLAIMS SERVICE CENTER

PAY
NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE $3,535.28****

To
the
order
of
Robert Batterman
7920 MYRTLE ST
LINCOLN, NE, 685063153

Claimant/Patient:
Insured:
Date of Loss:
Claim Unit Number:
Check Number:
Payment Under Insured’s:
Correspondence Reference:
Reference Number:
Print Date:
Requested By
Robert Batterman
Robert Batterman
09/06/2015
3008533930-1-1
1617032987
Dwelling
CB2P2BZD
undefined
05/23/2017 12:50 PM
Matthew E Armbruster
Dear City Council members:

Please do not reduce the current requirement of 100 feet between liquor sales and residences. This requirement has served neighborhoods well for several years now, and should not be changed.

I shop at Open Harvest and am a member there. I recognize their concerns, but changing the rules to accommodate them would open up the possibility of many more liquor establishments in and near residential areas. We have plenty of places to purchase alcoholic beverages already.

Thanks for your consideration,

Bob Reeves
3236 Dudley St.
402-464-1803
bobreeves63@gmail.com
Dear Council Members,

This year I have moved my son and I to a recently blighted area. I have purchased and now live in the new townhomes at 2220 Q St.. I trusted the city and the developers that this area is in a state of rejuvenation and that work would continue to assure we are surrounded by safe neighbors. I believe in the continued betterment of neighborhoods in central Lincoln and how this will keep Lincoln a safer place to live.

While I understand the argument Open Harvest is advocating for, this is not in the best interest for all older Lincoln neighborhoods or the safety of their residents. I am a 20 year Emergency Department nurse and I see first hand the effects of alcohol on a daily basis. I also grew up in the area of 33rd and Holdrege and have lived amongst the environment of low income homes and easily accessible alcohol. On a daily basis there was significant amounts of intoxicated foot traffic in front and behind my home on Starr street; carrying alcohol on the sidewalks, begging for change for more alcohol and threatening children who were playing in their way.

I do NOT want my son growing up in that environment. When I purchased this Assurity and Neighborworks collaborative townhouse, I had the understanding that there were no alcohol sales venues in the near vicinity. If you allow this change of zone the small grocery store behind my home could begin to sell alcohol, as could multiple venues on 27th street.

Open Harvest's statement of need does not outweigh my son and I's safety in our neighborhood. Please do not let one stores argument outweigh the safety of our central neighborhoods.

Margaret Woeppel
2220 Q St
402-202-4948
Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>  
Sent: Friday, February 02, 2018 7:51 PM  
To: Cyndi Lamm; Jon Camp; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe  
Subject: InterLinc - Contact  

Follow Up Flag: Follow up  
Flag Status: Completed  

City Council - Contact  
Date: 2/2/2018 7:51:03 PM  

name       Amber Reinkordt  
address    9700 W Pioneers Blvd  
city       Denton  
state      NE  
zip        683393048  
email      Adhollmann@gmail.com  
comments  Looking forward to Monday's council meeting. I hope that you've already decided to approve Open Harvest's request to sell alcohol. We support our coop every way we can and this would help further our efforts. Giving Open Harvest the opportunity to sell beer and wine would set them in line with other grocers in town.

Thank you

IP: 69.80.118.30  
Form: http://lincoln.ne.gov/city/council/contact.htm

User Agent: Mozilla/5.0 (Linux; Android 7.0; SM-G920P Build/NRD90M) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/63.0.3239.111 Mobile Safari/537.36
All:
I own and live in two homes in Lincoln
817 Y street, 2321 Q street
I am against the idea of alcohol being sold within 25 feet of neighboring homes or other structures. Alcohol is more then plentiful in Lincoln.
All it does is cause over use . And nothing good happens from parties and Drunkenness. It has ruined many lives and caused hardships for many families.
The current ordinance is more then lax, 100 feet is to close.
I hope you will all think long and hard about this issue and vote NO .
This is the last thing Lincoln needs is easier access to alcohol .
Thank you for allowing me to express my opinion on this important issue.

Sincerely
Becky Schenaman
Home Owner resident Lincoln Nebraska

Sent from Mail for Windows 10
February 5, 2018

City of Lincoln City Council
555 S 10th St, Ste 111
Lincoln, NE, 68508 USA

Dear Chairman Christensen and Members of the Lincoln City Council,

I am writing today to express my support for Text Amendment No. 17001, a special permit for grocery stores to sell alcoholic beverages for consumption off the premises.

As the State Senator who represents District 27 in west Lincoln, I represent several core city neighborhoods where there is little accessibility to good quality, affordable fresh food. I believe that TX 17001 removes financial barriers that will allow for grocery stores to consider locations in older core neighborhoods and those neighborhoods lacking walkable, accessible services by allowing them to be a competitive one-stop shopping experience.

Additionally, one of my priorities as a State Senator, is to review state regulations that prohibit economic development to make sure they are contemporary to the needs of our state, especially regulations that may get in the way of Nebraska incentivizing youth to stay and take root. I believe that in the case of TX 17001, this is a contemporary change to a local regulation that is needed to spur economic development in some of the core neighborhoods of our city, where younger residents, who are interested in moving closer to the downtown where they work, desire walkable amenities.

I have received emails outlining the concerns of those who are against this change. I believe with creative thinking, there are ways to address concerns while moving forward on this important economic development change.

Sincerely,

[Signature]

Senator Anna Wishart
Dear City Council,

I am writing in support of Open Harvest's request to sell Nebraska wine and beer at their grocery store. As a long-time customer I fear they are struggling as more chain organic grocers have moved into Lincoln. Adding liquor sales might help them stay in the green.

I've been in Lincoln long enough to have seen a number of small business grocery stores go out of business. The grocery store on 11th street is gone as is the IGA on 16th and South in my area. Across town there are only a handful of small stores left - of which Open Harvest is one.

I understand the concern about liquor sales close to neighborhoods but in the block Open Harvest is located, we have Brewskys bar and a gas station that sells beer off-sale. I am guessing other small groceries are located similarly.

The advantage of people being able to walk or bike to a neighborhood store is much more important than an arbitrary number of feet restriction when other options are already present for people to buy alcohol.

Please support Open Harvest and other small groceries as they struggle to compete with the bigger stores. The city core needs Open Harvest.
Hello, City Council members-- this email is in support for allowing Open Harvest to sell beer and wine. It's hard to understand what all the contention is about given that there are already a few businesses close to Open Harvest already selling alcohol.

I live about 2 blocks from Leon's, and have been happy to be able to pick up a bottle of wine there. I've never seen the slightest sign that selling liquor at Leon's has turned our neighborhood into a shady den of iniquity. I do a large portion of my grocery shopping at Open Harvest, and would love to see them expand their offerings to include beer and wine.

It's difficult for a small local grocer like Open Harvest to compete with stores like Trader Joe's and Whole Foods or our local Russ's stores. Open Harvest is an important element of our community, and this permit will help them remain competitive and thrive.

The arguments against the license are feeble at best. Please vote to support our local community food co-op!

Sincerely,
Sydney Lynch