I. MINUTES
   1. Approval of Directors’ minutes from April 9, 2018

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE

   PLANNING DEPARTMENT
   1. Administrative Approvals April 3, 2018 through April 9, 2018
   2. Action dated April 11, 2018

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   1. Funders Group - Gaylor Baird (04.12.18)
   2. ISPC - Gaylor Baird (04.12.18)
   3. Parks & Rec - Gaylor Baird (04.12.18)
   4. PBC - Camp, Raybould (04.10.18)
   5. PAC - Lamm, Shobe, Raybould (04.11.18)
   6. MAC - Shobe (04.10.18)
   7. BOH - Shobe (04.10.18)

VII. CONSTITUENT CORRESPONDENCE
   1. Proposed JPA, opposition - Ron and Lynette Nash
   2. Proposed JPA, opposition - Deryl Travis Jr.
   3. Proposed JPA, opposition - Wayne and Lydia Arnold
   4. Proposed JPA, opposition - Gary Gutgesell
   5. Proposed JPA, opposition - Mary K. Stillwell
      Staff response provided by Councilman Camp
   7. Jobs in the Lincoln area - Dennis Wertz
   8. Proposed JPA - Patrick Conway

VIII. MEETINGS/INVITATIONS
   See invitation list.

IX. ADJOURNMENT
Memorandum

Date: ♦ April 10, 2018
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 April 3, 2018 through April 9, 2018:

Administrative Amendment No. 18003, to Special Permit No. 16041, DE Enterprises, approved by the Planning Director on April 3, 2018, to allow the sale of alcohol for consumption on premises based on verification that NRA, NE Game & Parks Commission, and separation guidelines have been met, generally located at N. 134th Street & O Street.

Administrative Amendment No. 18007, to Use Permit No. 16009, Costco Center Use Permit, approved by the Planning Director on April 4, 2018, to revise lot layout and uses, generally located at S. 14th Street & Pine Lake Road.

Administrative Amendment No. 17030, to Special Permit No. 14015A, Grandview Estates CUP, approved by the Planning Director on April 6, 2018, to reflect the most recent annexation and change of zone by amending the boundary of the CUP, generally located at S. 70th Street & Rokeby Road.

Administrative Amendment No. 18016, to Use Permit No. 56F, 27th and Cornhusker Use Permit, approved by the Planning Director on April 5, 2018, to change a parking area to a commercial/restaurant site with up to 3,630 square feet, generally located at N. 27th Street & Knox Street.
**ACTION BY PLANNING COMMISSION**

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 11, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of “FINAL ACTION”. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, APRIL 11, 2018

[Commissioners Hove and Washington absent]

Approval of minutes of the regular meeting held March 28, 2018. **APPROVED: 7-0; (Hove and Washington absent)**

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

   COMPREHENSIVE PLAN AMENDMENT:

   1.1 Comprehensive Plan Amendment No. 18002, to amend the 2040 Lincoln Lancaster County Comprehensive Plan to add the Oak Creek, Lynn Creek and North Salt Creek Watershed Master Plans to the list of subarea plans in the Plan Realization Section of the Comprehensive Plan.

   Staff recommendation: Approval
   Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov
   Planning Commission recommendation: APPROVAL; 7-0 (Hove and Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.

   TEXT AMENDMENT AND RELATED SPECIAL PERMIT:

   1.2a Text Amendment No. 18004, to amend Section 27.63.810 of the Lincoln Municipal Code to allow a dwelling unit with a farm winery; and repealing Section 27.63.810 of the Lincoln Municipal Code hitherto existing.

   Staff recommendation: Approval
   Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: APPROVAL; 7-0 (Hove and Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.

1.2b Special Permit No. 18010, to allow a farm winery, on property generally located at 2361 Wittstruck Road.

Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated March 26, 2018; 7-0 (Hove and Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.

SPECIAL PERMIT:

1.3. Special Permit No. 09022C, for an amendment to SP09022, and request a waiver to reduce the west side yard setback to 0 feet, on property generally located at 3201 Yankee Hill Road.

Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated April 2, 2018; 7-0 (Hove and Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: None.
   (Public Hearing and Administrative Action):

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE AND RELATED TEXT AMENDMENT:

4.1a Comprehensive Plan Conformance No. 18008, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a request to add a project to the Fiscal Years 2016/17 - 2021/22 Capital Improvement Program to update city wide street lights to LED through Energy Savings Performance Contract, Lincoln, Lancaster County, Nebraska.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov
Planning Commission recommendation: Conforms to the Comprehensive Plan; 7-0 (Hove and Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.
Text Amendment No. 18005, amending the Design Standards, Chapter 3.100, to allow other electrical contractors, in addition to Lincoln Electric System (L.E.S.), to bid on design, and installation, and maintenance of the City's street light system, and repealing Section 6, Chapter 3.100 as hitherto existing.

Staff recommendation: Approval
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov
Planning Commission recommendation: APPROVAL; 7-0, Hove and (Washington absent). Public hearing before the City Council tentatively scheduled for Monday, April 30, 2018, 5:30 p.m.

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

Adjournment: 1:22 p.m.
Dear City Council Members and School Board Members,

As taxpayers, we agree with Council Member Lamm. As Lamm clearly stated, there is NO LACK of funds! We do NOT need another entity that lacks transparency and increases bureaucracy. We are opposed to any "new agency" to collect property taxes!!

Both Lamm and school board member Matt Schulte said there is NO NEED for a new JPA to be formed and we are very OPPOSED to any such action. As Lamm said, "There is a need to be GOOD STEWARDS of the tax dollars you already have control over.

Sincerely,

Ron and Lynette Nash
City Council - Contact

Date: 4/9/2018 2:12:40 PM

name: Deryl Travis Jr.
address: 5943 Dobsons Ct
city: Lincoln
state: NE
zip: 68516
email: Dltravisjr@gmail.com

comments: I want to advocate in favor of council woman Lamm’s Proposal regarding school safety and the funding thereof. This is one of Lincoln’s critical issues that has been neglected for many years and should not be politicized for further government expansion. Many people will be watching this outcome. Thank you! Deryl Travis Jr.
Dear Council Members and School Board Members,

We are all for proactivity in protecting our students, but we agree with Council Member Lamm's recommendation for how to fund such. We especially agree "We don't need another entity that lacks transparency and increases bureaucracy," especially not one that leaves a door open for future abuse of the taxpayer... ESPECIALLY since, as Council Member Lamm testified, there IS money available. (And so why is a new levy even being thought of?????)

Thank you,
Wayne and Lydia Arnold
5210 Ervin Street
Council Member Lamm has it right! There is no reason to form yet another JPA, this time to collect property taxes funding the hiring of school resource officers. There are more than enough funds available to LPS now with the increase in property evaluations. We don't need another increase in bureaucracy! Another new entity is not needed to collect our property taxes. Also current revenue is enough to fund all the additional mental health services, learning centers, social workers, etc., etc. we apparently "need." Let's put the brakes on this love affair that some have with JPAs!

Gary Gutgesell
Faye Gutgesell

7154 Culwells Ct.
Lincoln, NE 68516
Dear Mayor Beutler, School Superintendent Joel, Lincoln City Council, Lincoln Public School Board, and the Lincoln Community,

“Safe communities are essential to safe schools” was a reoccurring theme of last week’s public assembly at Lincoln High on school violence. “Build relationships,” one of the panelists advised, they “don’t cost anything.” Lincoln parents and grandparents seem willing to step up to make our community stronger and more welcoming to children who may need a mentor and or a friend. We know most parents want the best for their kids and the LPS 94.6% daily school attendance rate suggests they are supporting their kids’ education.

There has been a lot of criticism of last week’s assembly, some of it valid, but for all its faults it did get us all thinking about what we as Lincoln citizens can do to keep our schools and our community safe. We have a lot to take pride in, including the dedication of our LPS teachers, paraprofessionals, and administrators who serve over 40,000 students. But we also know our community and children can use additional support at home and at school.

The good news is that Lincoln has a 2.3% unemployment rate; most families have money coming in. Even so, about 16% live below poverty level. Health care, health insurance, child care, and other essentials are expensive and public transportation limited. We also know LPS resources are stretched to provide a variety of programs. Over 38% of our students receive free lunches (50% in the elementary school our kids attended) and another 8% receive reduced lunches. Lincoln is among the top ten most welcoming cities, and our lives are enriched by new comings from across our country and world.

More good news is that better solutions are coming to light that will insure our kids’ safety and begin to change the cultural climate. As many of us have read in the news, the "Call for Action To Prevent Gun Violence In The United States of America," an interdisciplinary group of experts, has put together an evidence-based set of recommendations to prevent school and community violence. It has the support of over 200 national education groups, universities, mental health groups, school districts, and more than 2300 individual experts—a number representing Nebraska.

While early proposals in Lincoln focus on more armed officers in schools, now we know from evidence that armed officers in school don’t work and in fact statistics show they result in the harm of students and adults alike. What does work is becoming clearer. The first two levels of the “Call to Action” follow, but I urge you to read all of the recommendations and supporting materials.
On the first level we need:

1. A national requirement for all schools to assess school climate and maintain physically and emotionally safe conditions and positive school environments that protect all students and adults from bullying, discrimination, harassment, and assault;

2. A ban on assault-style weapons, high-capacity ammunition clips, and products that modify semi-automatic firearms to enable them to function like automatic firearms.

On the second level we need

3. Adequate staffing (such as counselors, psychiatrists, psychologists, and social workers) of coordinated school-and-community-based mental health services for individuals with risk factors for violence, recognizing that violence is not intrinsically a product of mental illness;

4. Reform of school discipline to reduce exclusionary practices and foster positive social, behavioral, emotional, and academic success for students;

5. Universal background checks to screen out violent offenders, persons who have been hospitalized for violence towards self or others, and persons on no-fly, terrorist watch lists.

There is skepticism that national gun regulation is possible. However, across the country, we now see effective gun reform beginning locally. Last week, a federal judge upheld a Massachusetts law banning assault weapons including the AR-15, saying the U.S. Constitution’s Second Amendment guarantee of Americans’ right to bear firearms does not cover them. Washington D.C., New Jersey, Connecticut, New York, Hawaii, Maryland, and California have also banned them. Minnesota and Virginia regulate them. In Ohio, Governor Kasich and bipartisan lawmakers are instigating rigorous background checks, outlawing armor-piercing ammunition and bump stocks, and other gun safety measures.

If our state legislature will not move to protect us, our Lincoln city government can. For the last four years, public pressure has defeated Nebraska legislatures who hoped to strip communities from passing their own gun ordinances. Lincoln and other Nebraska cities can lead the way.

As Lincoln grapples with how to make our community and schools safer, it is gratifying to see the City Council and Board of Education work closely together. Less gratifying was the immediate political posturing of how we might pay for it. If we want our community and schools safe, we will find a way to fund the necessary steps we must take to make it so. Many members of the audience last week expressed a willingness to pay higher taxes if that’s what it took. Another idea coming out of last week’s assembly is to tax gun and ammunition sales in order to pay for upgrading our safety. Tax on items that cause harm or death are already in place (on tobacco and alcohol, for example). I’m sure we can come up with other ways to finance our children’s security and safety.

How do we move forward? Beginning today of us can begin to build relationships with others in our community. We can do that for free. The City and School task force sets a good example of groups working together. I suggest a series of town halls in schools around town this spring so we can hear from more students, parents, and experts in the area of school safety/violence. Let’s also tap the expertise of those who have signed on to the “Call for Action” and ask them to share their knowledge with us.
From: Thomas C. Huston <thuston@clinewilliams.com>
Sent: Wednesday, April 11, 2018 2:57 PM
To: Jon Camp
Cc: Angela M. Birkett; Jane Raybould; David Landis; Miki M. Esposito; Thomas S. Shafer; Sam Manzitto Jr.; Mike Malone; Corey Brodersen
Subject: RE: Lincoln Sports Facility- Opposition to Motion to Amendment #3

Follow Up Flag: Follow up
Flag Status: Completed

Jon:

Thanks for the quick reply.

I spoke with the project architect this morning at JEO and asked that JEO more closely examine the built environment to determine what obstacles may exist to the installation of a turn lane. He believes that no storm sewer inlets would be impacted and perhaps one street light may need relocated. I am trying to obtain a pricing estimate to add to this discussion.

You are correct that if the turn lane cost in on the lower end of the range, then the problem is more manageable.

I would agree with you that a good use of TIF funds would be a turn lane or other traffic improvements. The challenge presented to this project was the stage in the proceedings at which the issue was raised.

I will share the cost estimate upon receipt. In the meantime, if public works has any current estimates, I would be interested in hearing of those.

Tom
Tom

Thank you for your email explaining your position. This situation is unfortunate and Jane and I will request further information from staff.

My reasoning for requesting the Developer pay for any required deceleration or acceleration lanes on West O is based on following the City’s policy with past projects and developers. As the representative for many developments, you have seen this policy followed.

Turn lanes would be a perfect use of TIF funds since the lanes would be a “public improvement”. At the same time, I understand the financial challenges of this project and the desire to apply TIF funds elsewhere.

Another concern for me lies in the wide range of estimates for the cost of a traffic lane. You estimated $60,000; Thomas Shafer estimated $100,000 to $300,000. Other testimony was rather sketchy on the cost. The City Council needs to understand such an unfunded liability and has to be fiscally prudent in representing the City and its taxpayers. Regardless, if your estimate of $60,000 is correct, then this would appear to be manageable for the developers.

I support the sports complex and recognize the high value to Lincoln and youth sports. I look forward to resolution of this situation.

Best regards,

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office:     402.474.1838/402.474.1812
Fax:        402.474.1838
Cell:       402.560.1001
Email:      joncamp@lincolnhaymarket.com

From: Thomas C. Huston [mailto:thuston@clinewilliams.com]
Sent: Wednesday, April 11, 2018 9:13 AM
To: Jane Raybould; Jon Camp
Cc: Carl B. Eskridge; Leirion Gaylor Baird; Cyndi Lamm; Bennie R. Shobe
Subject: Lincoln Sports Facility- Opposition to Motion to Amendment #3

Jane and Jon:

I was contacted Tuesday morning by Dave Landis to inform me of your request for a Motion to Amend No. 3 to modify Section 212 of the Redevelopment Agreement to require the Redeveloper to be responsible for the cost of any of the traffic improvements revealed by the traffic study. I believe it is unfair in this transaction to require that result for the following reasons:
1. **Special Permit.** The question of whether or not a traffic study was going to be required was asked of the Public Works Department during the land use discussion. The Public Works Department did not require a traffic study. Consequently, the Special Permit was approved without mention of any traffic study. The Public Works Department later changed its mind I can understand but there are consequences. Amendment #3 would permit the City regulatory process to have two bites of the apple in the land use approval process which should not happen.

2. **Fairness.** I believe that I was too nice on this issue. Since the Special Permit had been approved, I should have merely informed the City that the developer is not willing to address the traffic study in the Redevelopment Agreement. I believe that would have been the right of the developer under those circumstances. If the private sector must comply with the City processes, so should the City departments. The city agreed that if the redeveloper would provide the traffic study, that the city would pay for a turn lane if the traffic study indicated that it would address any traffic issue.

3. **Sales Tax Revenue.** This facility will be a beacon for bringing participating teams and families to the City of Lincoln and will generate significant sales tax and lodging tax revenue. As indicated by Jeff Maul:

   - 80% of the CVB hotel room bookings are generated by the sports market, particularly youth sports;
   - Youth sports tourism has grown 55% since 2010; and
   - The Average spending per travel party for tournaments is in the range of $350-375 per night.

The city will be a beneficiary in sales tax receipts from the events that this facility will bring to Lincoln.

4. **City Costs.** Amendment #3 adds another layer of costs imposed by the City. The developer was informed that the City projected the Impact Fee for this facility will be in excess of $310,000.00 which is exorbitant based upon comparable facilities. Further, we are also informed that the turn lane would not be eligible for utilization of impact fees because it is not an impact fee facility. We are further examining that issue.

   For these reasons, the accumulative effect of requiring the developer to pay for the traffic improvements is unfair. I ask for your reconsideration of the Motion to Amend No. 3.

Please let me know if you have questions.

Tom

---

**Cline Williams**

**THOMAS C. HUSTON**

**CLINE WILLIAMS WRIGHT JOHNSON & OLFATHER, L.L.P.**

233 South 13th Street | 1900 US Bank Bldg | Lincoln, NE 68508


Lincoln | Omaha | Aurora | Scottsbluff | Fort Collins | Holyoke
City Council - Contact

Date: 4/12/2018 8:43:31 AM

name  Dennis Wertz  
address  7208 Shirl Dr.  
city  Lincoln  
state  NE  
zip  68516  
email  nebden1@hotmail.com  

A 10/11 news article indicates there are 32 Title I schools in Lincoln. They are ones with a high percentage of children from low income families.

I for one am appalled. So much for Lincoln being a good place to live for all.

Maybe the council should concentrate on bringing good paying jobs for all of Lincoln rather than concentrating so much on the Hay Market.