I. DIRECTORS CORRESPONDENCE
   PARKS AND RECREATION
   1. Issuance of Public Art License

   PLANNING
   1. Downtown Master Plan, revised Planning Commission Hearing Minutes

II. CONSTITUENT CORRESPONDENCE
   1. Underground Issues - Andrew Ross
   2. Downtown Master Plan, opposition - Ron and Lynette Nash
   3. Recycling styrofoam - Jeanie Heuke
   4. Energy Efficient Projects - Rosina Paolini
      Staff response provided by Jeff Kirkpatrick, City Attorney
   6. Recycling Center, 70th and ‘A’ Street - Jyl Voge
   7. Energy Efficiency - Pat Anderson-Sifuentez
   8. Proposed Amendment, section 10.32.080 Municipal Code - Arnold Radloff
Good afternoon. Please find attached a memo regarding issuance of a Public Art License pursuant to Chapter 14.50 of the Lincoln Municipal Code for two stone sculptures that have been installed at the northeast and southeast corners of the intersection of 11th and G Streets within the South of Downtown area. The sculptures by artist Jim Huntington were previously part of a temporary exhibition in 2017 around the pond at Densmore Park and the Cooper Branch YMCA on South 14th Street. The funding to purchase the sculptures was provided by five generous donors. Please let me know if you have questions or would like additional information.

Thanks! Lynn
Memorandum

December 4, 2018
TO: City Council Members
FR: Lynn Johnson, Parks and Recreation Director
RE: Issuance of a License for Placement of Sculptures at 11th and G Streets
Cc: Mayor Beutler

The purpose of this memo is to let you know that a license agreement is being issued pursuant to Chapter 14.50 of the Lincoln Municipal Code for installation of two carved stone sculptures titled “Sluice Scythe” and “Wedgie SPR” on the northeast and southeast corners of 11th & G Streets. The sculptures are by Texas artist Jim Huntington. The sculptures range in size from 6’-8’ in height and weigh 4,000 - 5,000 pounds each. The granite is from quarries in New York and Texas and are unitary pieces of stone with no faults. They should withstand Lincoln’s freeze-thaw cycles and last for hundreds of years.

The sculptures have been reviewed by Public Art Lincoln and the group has recommended approval of placement of the sculpture at the 11th & G Street location. Locations were selected based upon proximity to pedestrian, cyclist and vehicular traffic as the works have a high degree of finish, with varied marks and textures. It is anticipated that lighting of the sculptures will be completed by spring of 2019. Photos of the sculptures and locations are included below.

A copy of the license agreement is available for your review by contacting me by phone at 402-441-8248,
MEMORANDUM

TO: City Council Members

FROM: Geri Rorabaugh, Administrative Officer, Planning Department

SUBJECT: Revised Planning Commission Minutes Excerpt (November 28, 2018) – Comp. Plan Amendment 18003 - Downtown Master Plan

DATE: December 13, 2018

CC: David Cary
Paul Barnes
Steve Henrichsen
Andrew Thierolf

Attached please find an excerpt of the amended November 28, 2018, Planning Commission meeting summary relating to CPA18003 – Downtown Master Plan. This revision clarifies the intent of a statement made by Commissioner Harris at the November 28 hearing. On December 12, 2018, the Planning Commission voted 8-0 (Joy absent) to approve the minutes as amended. This matter is scheduled for public hearing before the City Council on December 17, 2018.

Thank you!
COMPREHENSIVE PLAN AMENDMENT 18003
EXCERPT OF AMENDED PLANNING COMMISSION
MEETING SUMMARY

COMPREHENSIVE PLAN AMENDMENT 18003, TO AMEND THE COMPREHENSIVE PLAN TO INCLUDE THE “DOWNTOWN LINCOLN MASTER PLAN” BY REFERENCE, GENERALLY BOUNDED BY G STREET, PINNACLE ARENA DRIVE, SALT CREEK ROADWAY AND ANTELOPE CREEK;
PUBLIC HEARING: November 28, 2018

Members present: Beckius, Campbell, Corr, Edgerton, Finnegan, Harris, Joy, Scheer and Washington.

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed. [At a later time during the Public Hearing, Corr disclosed that she attended a Mayor’s Neighborhood Roundtable meeting where this topic was presented].

Staff Presentation: Paul Barnes, Planning Department, stated Staff is excited to present the 2018 Downtown Lincoln Master Plan. It represents over a year’s worth of work including outreach and discussion. Planning Commission has been involved in the process and has been briefed regularly, most recently on November 14, 2018. The plan covers a wide variety of topics and incorporates community vision within a defined area. The history of having a plan dates back to 1974, with several subsequent efforts since then. This plan was done in partnership with the Downtown Lincoln Association (DLA) and with a consultant hired to help us with market assessment, development forecasting, and global trend forecasting. The public and stakeholders have been involved throughout the process. The plan is called the “Center of Opportunity” which builds on the national trends showing that many are moving from expensive cities to smaller opportunity markets like Lincoln.

Terry Uland, DLA, 206 S. 13th Street, stated the DLA has submitted a letter in support (see Exhibit “1”) of this plan and has warmly welcomed the partnership formed with the City. He thanked the City and the consultants for their transparency and public outreach throughout the process. This was the top of the line in terms of collaboration. The plan provides a workable, successful vision and builds on the 13 years of successful growth since 2005. The Board of Directors of DLA endorses this plan and respectfully urges the Planning Commission to do the same.

Andrew Thierolf, Planning Department, said this plan would be added to the 2040 Comprehensive Plan by reference if approved. The plan outlines a number of catalyst projects including the Community Commons on the Pershing block, O Street enhancements, linear greenways along 11th Street and M Street, the West Park area south of the Haymarket, and highlighting the local music scene, and completing
projects from the 2005 plan.

The mobility aspect of the plan has gotten a lot of attention recently. The plan proposes to evaluate the efficiency of the one-way streets and to consider their conversion to two-way streets. The current configuration can be confusing and potentially dangerous. Two-way traffic can balance traffic flow, reduce speeds, and provide economic benefit by improving access to businesses. 9th, 10th, K and L Streets will be excluded from the review since they remain appropriate one-way streets. All others would be considered according to a phasing plan and implemented incrementally, if it makes sense to do so after analysis.

Finnegan asked how this will be publicized since past changes have been difficult for the public. Thierolf said that the streets will be considered in one-way pairs, as necessary. The strategy is to look at downtown as a network.

Harris asked the cost of addressing the remaining one-way portion of 13th Street. Mark Lutjeharms, Public Works, said Public Works endorses this concept with caveats. There is a hierarchical process for assessing the changes, beginning with less impactful areas and working up to streets like 16th/17th. This will also require more detailed traffic studies to ensure the right streets are converted. In addition to the positive benefits, it will be important to look at other details such as delivery vehicle flow, parking, retrofitting of traffic signals, and changes in curbs, among other things. It will be an intensive effort. Harris asked what funding mechanisms are available for such a project. Barns said there are several potential funding sources mentioned in the plan.

Corr asked about the maintenance of the new green spaces. Barnes said at this master plan level, concepts are outlined. Once they become official projects, they enter into the public process and that level of detail is worked out and incorporated into the plan as it is designed. The specific responsibilities are yet to be decided. It is a balancing act to incorporate the greenspaces downtown since parks are also planned in areas of growth at the edges of the city.

Edgerton asked staff to touch on the conceptual path that runs around downtown. Barnes said the concept is a shared path for pedestrians and bicycles that would encompass downtown, connecting surrounding neighborhoods with downtown and its various districts. The discussion has included the use of existing facilities to connect, including trails. Other cities have done this, incorporating a cultural aspect, and they have been very well received and have served as an economic engine. Similar to other items discussed today, this would have an entire public process and more detailed planning when it moves to the status of a project.

Corr wondered about the future of the skywalks. Barnes said the history of the skywalks is mentioned but there is no recommendation one way or the other. That matter is under discussion between public and private entities.
**Proponents:**

**Tom Huston, 233 S. 13th Street, Suite 1900**, said he served as the chair of the steering committee. The outreach process for this plan was impressive and there was very good input from multiple parties, including the public. One reason he got involved was because many of those projects from the 2005 plan were accomplished and it is remarkable. A goal is to focus efforts and encourage investment in downtown and that has been a successful endeavor. The master plan is a key ingredient to that success.

**Angie Tucci, 122 N. 11th Street, #404**, said she has been a downtown resident for seven years and has served as a DLA board member. She also served on the steering committee. As someone who lives, works and plays downtown, she and her family are impressed by the amount of growth and encouraged by the proposed catalyst projects. Reviving the library and expanding the arts and music scenes are important. She is excited and proud to be a downtown resident.

**Nancy Gade, 1000 Evergreen Drive**, said that she is a member of the DLA. Her family company has an interest in downtown. She moved downtown in 1983 and has seen its evolution. A good plan looks both forward and backwards and continues to support past investments. She loves that downtown is defined as multi-dimensional, with concentrated diversity. These projects have the power to be transformational. Conversations with the public will continue. She is happy the focus on cars is diminishing. As a citizen, she has confidence in City staff that concerns will be addressed.

**Michele Tilley, 1314 O Street**, said she is a new downtown resident and loves it. She is also here as a Lied Center employee. She proposed that a designated arts district be included in the master plan to connect with other districts (see Exhibit "2). The Lied Center serves as an anchor to many including Sheldon, the Great Plains Museum, Kiechel, to name a few. We believe the designation of a district will be a perfect solution to round out the connectivity of the downtown district.

Washington asked if an arts district is not included at this point. Tilley said there the music district at 14th and O Streets is called out, and an arts district would be a natural zipper between Union Plaza and the Haymarket.

Campbell asked if this was brought up to the task force. Barnes said there have been conversations with the Lied Center regarding this designation and the concept is mentioned in the plan in the discussion about the contributing facilities, their contribution and how to recognize them in a district. Tilley said it would be a perfect fit. An arts district does bring people downtown, makes it a more satisfying place to live, revitalizes areas, and draws people from out of town. The music district is called out for the area at 14th street, but it stops there. There is a wealth of arts in the area, so why not give it a designation.
There was no testimony in opposition.

**Staff Questions:**

Corr asked staff how they feel about the arts district designation. Barnes said it is welcomed. The City hopes to be involved in the university’s campus master plan. The area mentioned is between campus and downtown and could easily blossom into a full-fledged district. Beckius thought the district was already inclusive of the idea. Barnes said the facilities are included and acknowledged. Cary said that there have been discussions with the Lied Center and language was added that was onboard with what is a strong idea. There is also that relationship with the campus plan, to be updated soon, and staff feels there should be coordination.

**COMPREHENSIVE PLAN AMENDMENT 18003**

**ACTION BY PLANNING COMMISSION:**  

November 28, 2018

Corr moved Approval; seconded by Finnegan.

Beckius thanked staff, community leaders, and the public for the feedback. The plan sets forth clear priorities with avenues for achieving them. It is aspirational, but also takes into account the challenges of implementation. It has been an open and honest discussion. This is a valuable document to guide implementation and he looks forward to seeing the process as the years pass.

Harris appreciated how fun the process was with the inclusion of the public and public meetings held in vibrant locations. She is excited about the music district. The local music scene has grown organically here and is a treasure. She is excited to promote it to people who are not from here. She offered a practical suggestion that a designated rideshare pick-up and drop-off location would help traffic flow, be more convenient, and safer.

During approval of the minutes at the regular Planning Commission meeting of December 12, 2018, Harris proposed the following clarification to her statement. The revised minutes were approved by Planning Commission by a vote of 8-0; Commissioner Joy absent.

“Harris later clarified that she is aware that Uber drivers are technically permitted to drop off in the designated taxi area outside Duffy’s. Her suggestion is to create a separate ride sharing spot that is not shared with taxi cabs. The reason, she stated, is that ride sharing is an inherently different business model than the taxi business, and successful ride sharing depends upon the ability to make frequent short stops in order to pick up and drop off passengers. Conversely, the taxi model is based upon waiting in place for passengers, and as a result, Uber and Lyft drivers are often not able to park in the taxi area outside Duffy’s because it is occupied by taxis. A separate designated ride sharing spot would benefit patrons of the bar scene and increase public safety.”
Corr commented that this is a well fleshed out plan. She is happy to hear that so many people were involved and that the process was better than ever. We are learning as we go. She supports the change in the one-way streets.

Joy thanked everyone for making this a fun and educational process with excellent outreach and participation. There are ways to be fiscally responsible with this plan and to look at opportunities to encourage private investment to achieve continued success.

Washington said she encourages thought about the greenspaces and the amenities that can be provided. People living downtown deserve access to parks and a pedestrian-friendly environment. If that means converting streets, that is fine.

Scheer said these plans are based on a solid foundation. Process is the key for addressing concerns. The amount of data compiled in this plan is impressive and these projections very often turn out to be true, so he has very few concerns about what will happen. We have a great track record for being accurate in our assumptions.

Motion carried, 9-0: Beckius, Campbell, Corr, Edgerton, Finnegan, Harris, Joy, Washington and Scheer voting ‘yes’.
Angela M. Birkett

From: Andrew Ross <andrew@arrowlincoln.com>
Sent: Thursday, December 13, 2018 5:08 PM
To: Jon Camp
Subject: Underground issues

Jon,

Been awhile since we've spoke - I am unfortunately writing you this email because I am at a complete loss on what to do as a city resident, investor, and business person.

I have now had 4 MAJOR underground issues happen at investment properties of mine. Two sewer lines have admittedly (on their part) been directly hit by LES, and two have been Allo/K2/Bauer underground. I have repaired these issues with Taylor's underground since I have to fix them for the tenants safety and property's best interest.

For the LES direct hits, I have filed a claim with the city (which was correct protocol according to LES), just to have them deny my claim saying that is my responsibility to locate city sewer lines - this would be reasonable except that we have no idea when they are coming for the work - the first one they hit was 6 months after the work was applied for - there is no reasonable timeframe for us to mark city sewer lines before LES just randomly shows up and starts tearing into a yard. That one was over 3 grand. I planned on continuing to fight it.

Now they have hit another one, and saying even though it was there fault they are not liable for the same reason - this one they came out right away, without us even having time to mark.

These are city sewer lines being damaged by LES employees with the property owner holding the bag for thousands and thousands of unnecessary repairs, not to mention the tenant's issues with sewer issues, smell, and mess.

I'm a very reasonable person and accept responsibility when I'm at fault. I wish LES and the city would do the same. I don't have a choice on fixing the issue - I HAVE to. I can't wait for things to settle in court or go to a higher power.

Finally, another property I had hit by K2/Allo/Bauer Underground at 728 S 10, across from city buildings. Repair costs were almost $7,000 on this one. Each entity is blaming the other and not assuming fault, again, me as the property owner is left cleaning it up on my dime, my contractor's time, and my tenant's inconvenience.

I'm lost. I feel I have no rights against bigger business (which I respect and think is good for the city), but when it comes to these issues, I just have to clean it up and pay the bill and hope someone somewhere will hear a very reasonable side to the story. I'm spending my life investing in this community and pouring back into Lincoln and have no problem investing millions of my own money into the betterment of this community, but I just need to be heard from someone, anyone, on these issues. The worst part is I am being penalized for IMPROVING these properties, putting in new electrical service (permitted), and investing huge amounts of money into dilapidated areas and properties. I feel crushed for being penalized for trying to do good.

I respectfully appreciate any consideration or advice before I progress through arduous and unpleasant legal alternatives. I just want someone to pick up the bill of damaged infrastructure, or change a policy that makes no sense to the property owner and customer of these enterprises. I'm not looking for anything other than the direct
sewer repair, not any other damages - just the bill to repair the damaged sewer lines, which are 10,000 and climbing. This truly is not right. I have plenty of documentation. Thank you for any representation you could provide - if you can't help I doubt I have a chance. I can't imagine what a homeowner would do in these situations...would be crippling financially - someone like you needs to know this is happening.

Respectfully submitted,

Andrew Ross
6830 Marcus Road
Lincoln, NE 68516

NMPP Energy
Arrow Capital
Andrew Ross Real Estate
JAM Real Estate
Poised Properties
PPYJJ Investments
Arrow Working Group
Arrow Brokerage
Dear Council Members and Planning Commission:

We are very opposed to the downtown master plan!!! The plan is bicycle-focused and is extremely expensive!

As taxpayers and citizens of Lincoln, we need well maintained streets throughout the city not just downtown! 70th street and the Wedgewood Streets, are TERRIBLE!

Stop this bicycle friendly stuff on our streets. We need our streets repaired for our vehicles. Us older people have paid our taxes and we want our streets repaired now!!!!

The city council and Mayor need to work together and making good decisions, not the Mayor's appointed people. Stop Mayor Beutler's pet projects now.

Sincerely,

Ron and Lynette Nash
City Council - Contact

Date: 12/14/2018 1:10:33 PM

name  Jeanie Heuke
address  2730 S 41st Street
          Lincoln
state  NE
zip  68506
email  jh70lincoln@gmail.com
comments  I receive shipments of food in styrofoam boxes. I can't find anyone in Lincoln that will recycle them. They probably never decay in the landfill. Plasticlite at 4930 Battlefield Drive, Omaha, NE 68512, 402-453-7500 is the closest recycler. Could the city council please arrange for a drop off point in Lincoln. J. A. Heuke
City Council - Contact

Date: 12/16/2018 7:02:57 AM

name Rosina Paolini
address 1850 Dakota St
         Lincoln
state NE
zip 68502
email rapaolinni@gmail.com
comments Thanks to you all for your service as Council member and members of an amazing community:

   Lincoln is known for being on the forefront of sustainability. To continue that progress Lincoln needs to support the energy efficient projects being considered by City of Lincoln Parks and Recreation and Lincoln City Libraries.

   May you all be well, I will look for you in the community : )

   All the best to you and yours-
   *rosina
Jim,

That is a good question. The city attorney’s jurisdiction is to enforce city ordinances. We do not have the authority to enforce state statutes. In Lancaster County, that authority is placed with the County Attorney’s office. As a consequence, when the state law changes we will typically attempt to mirror it with our city code. That results in a consistency and uniformity between what is enforced in Lancaster County whether it occurs inside or outside the city limits. Our prosecutors do an outstanding job in dealing with the public and fairly enforcing our laws, but they need to have jurisdiction provided in the code.

Jeff Kirkpatrick

It's my understanding that this change is being made because state law changed. If this true and this section is a duplicate of state law why have it in our code, delete it.

6.b. 18-121
Amending Section 10.14.360 of the Lincoln Municipal Code to provide that children up to eight years old transported in a motor vehicle shall be in a child passenger restraint system and that children up to two years old be in a rear-facing child passenger restraint system; and repealing Section 10.14.360 of the Lincoln Municipal Code as hitherto existing.
I was just at the recycling site at Lincoln East High School (70th and A St). What a mess it was as you can see with the attached picture & this is only a small portion of the mess.

With the mayor and city council pushing for recycling this should not happen.

Jyl Voge
City Council Members,

I am a member of the Mayor's Environmental Task Force and am writing in support of the energy efficiency projects proposed by Parks and Recreation and the city libraries. Utilizing keno money, LES rebates and the low interest loan through the state makes sense to follow through with these projects now and not delay for the future.

We would never think of using a 1990's computer for work. Technology costs for energy efficiency has decreased significantly in recent year, so the sooner we can replace old systems with more efficient new ones will save more money in the long run. The city has experienced such savings when replacing street lights with LED.

Please vote in support of these energy projects.

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

NeighborWorks Lincoln's mission is to keep Lincoln a safe and prosperous community
by revitalizing neighborhoods and promoting homeownership
City Council - Contact

Date : 12/17/2018 1:53:49 PM

name  Arnold Radloff
address  1741 Donald Circle
city  Lincoln
state  NE
zip  68505
email  arnoldrad@gmail.com

comments  Honorable City Council Members: Many of my neighbors and I would like the City Council to Amend Municipal Code Ordinance 10.32.080. We would like it to allow Perpendicular parking to the curb in Cul-De-Sac's.

Since 2011, my neighbors and I have been able to park our vehicles perpendicular to the curb without getting warning tickets from the police. This past Saturday, a police officer issued tickets to all the vehicles because someone called to report all of us. All the neighbors discussed it and realized that it was probably the new neighbor who recently moved in.

By complying with the law, it creates other problems. Vehicles now block access to the mailboxes. We can't run an extension cord all the way down the block for our vehicle block heaters. Without our trucks being plugged in, we can't make a living. Our vehicles were being broken into and vandalized. We installed security cameras on our homes and this stopped. We are concerned that it may start up again if our vehicles are parked on the next block.

Please contact me with your thoughts regarding this issue. I am certain that it affects all homeowners who live on Cul-de-sac's. Thank you very much.