I. MINUTES
   1. Approval of Directors’ minutes from June 17, 2019

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE
   PLANNING
   1. Administrative Approvals from June 18, 2019 through June 24, 2019
   2. Action dated Wednesday, June 26, 2019
   3. Final Action dated Thursday, June 27, 2019

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   1. ILC - Shobe, Christensen, Washington (06.24.19)
   2. DLA - Meginnis, Ward (06.24.19)
   3. PRT - Bowers (06.27.19)
   4. WHJPA - Ward (06.27.19)
   5. Safe & Successful Kids Inter-Local - Shobe, Meginnis (06.20.19)

VII. CONSTITUENT CORRESPONDENCE
   1. Appeal of Denial of Request for Deviation - Ann Post, Baylor Evnen Law Firm
   2. Garbage and Waste Services - Taylor
      Staff response provided by Councilwoman Washington

VIII. MEETINGS/INVITATIONS
   See invitation list.

IX. ADJOURNMENT
Memorandum

Date: June 25, 2019

To: City Clerk

From: Teresa McKinstry, Planning Dept.

Re: Administrative Approvals

cc: Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from June 18, 2019 through June 24, 2019:

Administrative Amendment 19041 to Special Permit 10004B, North Bluff Soil Extraction, approved by the Planning Director on June 18, 2019, to adjust the final grading surface, generally located at N. 56th St. and Interstate 80.

Administrative Amendment 19042 to Special Permit 1878, Verizon Personal Wireless Facility, approved by the Planning Director on June 19, 2019, to delete the 15-year time limit on the approval of the special permit, located at 1701 Windhoek Dr.

Administrative Amendment 19045 to Special Permit 10004B, North Bluff Soil Extraction, approved by the Planning Director on June 19, 2019, to rescind Special Permit 10004B, generally located at N. 56th St. and Interstate 80.

Administrative Amendment 19039 to Special Permit 17017, Iron Ridge Community Unit Plan, approved by the Planning Director on June 19, 2019, to reduce the rear yard setback from 20 feet to 10 feet on certain lots, generally located at S. 27th St. and Rokeby Rd.

Administrative Amendment 19031 to Final Plat 17090, Wilderness Hills 8th Addition, approved by the Planning Director on June 21, 2019, to correct a typographical error regarding Lot 18, Block 4, generally located at S. 32nd St. and Tree Line Dr.
**ACTION BY PLANNING COMMISSION**

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 26, 2019, 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, June 26, 2019

[Commissioners Campbell and Edgerton absent]

Approval of minutes of the regular meeting held June 12, 2019. **APPROVED: 6-0; (Campbell and Edgerton absent)**

Resolutions of Appreciation presented to: Maja V Harris – ADOPTED; 5-0; Resolution PC-01658; and Sändra Washington - ADOPTED; 6-0; Resolution PC-01659.

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

   **TEXT AMENDMENT:**

   1.1 TEXT AMENDMENT 19003, amending Lincoln Municipal Code Chapter 27.02 Definitions by amending Section 27.02.190 to add a new definition for "Retail Sales, Large Items"; amending Section 27.67.040 Parking Requirements, Special Conditions to add that large item retail sales require 1 parking space per 600 square feet of floor area; amending Figure 27.67.040 Uses with Special Parking Requirements to add "Retail Sales, Large Items"; and repealing Sections 27.02.190, 27.67.040, and Figure 27.67.040 of the Lincoln Municipal Code as hitherto existing.

   **Staff recommendation: Approval**

   Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

   Planning Commission recommendation: APPROVAL, 5-0 (Joy declared a conflict of interest; Campbell and Edgerton absent). Public hearing before the City Council is tentatively scheduled for Monday, July 22, 2019, 3:00 p.m.
CHANGE OF ZONE:

1.2 CHANGE OF ZONE 19017, from R-6 (Residential District) to B-3 (Commercial District), on property generally located at 534 North 27th Street.

   Staff recommendation: Approval
   Staff Planner: George Wesselhoft, 402-441-5662, gwesselhoft@lincoln.ne.gov
   Planning Commission recommendation: APPROVAL, 5-0 (Campbell, Edgerton and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, July 22, 2019, 3:00 p.m.

2. REQUESTS FOR DEFERRAL:

2.1 Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street. *** FINAL ACTION ***

   Staff recommendation: Applicant has requested this application be placed on hold.
   Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
   Planning Commission voted 6-0 (Campbell and Edgerton absent) to grant the applicant’s request to place this application on hold until further notice.

3. ITEMS REMOVED FROM CONSENT AGENDA: None.

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

   SPECIAL PERMIT:

4.1 SPECIAL PERMIT 19025, for a CUP (Community Unit Plan) for one residential lot, with waivers to drainage study, grading plan, sidewalks, and post-construction storm water management plan, on property generally located at 66th Street and Pine Lake Road. The Planning Commission action is final, unless appealed to the Lincoln City Council. ***FINAL ACTION***

   Staff recommendation: Denial.
   Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
   Planning Commission ‘final action’: DENIAL: 6-0 (Campbell and Edgerton absent). Resolution No. PC-01660.

*************

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

*************

Adjournment 2:51 p.m.
PENDING LIST: Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.
Please be advised that on June 26, 2019, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution PC-01658, resolution of appreciation for Maja Harris’ over 5 years of service as a Planning Commission member;

Resolution PC-01659, resolution of appreciation for Sandra Washington’s over 2 years of service as a Planning Commission member; and

Resolution PC-01660, denying SPECIAL PERMIT 19025, for a CUP (Community Unit Plan) for one residential lot, with waivers to drainage study, grading plan, sidewalks, and post-construction storm water management plan, on property legally described as a portion of Lot 1, Country Place 7th Addition, also known as Unit #2, Hannan Place Condominium, located in the SE 1/4 of Section 16-9-7, Lincoln, Lancaster County, Nebraska, generally located at 66th Street and Pine Lake Road.

The Planning Commission action on this application is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the “Search Selection” screen and search by application number (i.e. SP19025). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.
Hand Delivery

Lincoln City Council
555 S 10th Street
Lincoln, NE 68508

RE: Appeal of Denial of Request for Deviation

Dear Council Members:

On June 6, 2019, our office submitted a Request for Deviation regarding the proposed Hannan Place Condominium, Unit #2 located at approximately 66th and Pine Lake Road. By letter dated June 13, 2019, this Request for Deviation was denied. This letter serves as our appeal to the Lincoln City Council of denial of our Request for Deviation.

Vic and Kathleen Hannan own 1.56 acres at approximately 66th and Pine Lake Road. They have owned this property for more than thirteen years and wish to relocate to Lincoln and build their retirement home here. However, first they need to obtain access to their property.

To accomplish this, we have submitted an application for Community Unit Plan (SP 19025) and an associated Request for Deviation. The Deviation will allow access to Pine Lake Road while the CUP creates the private roadway the Hannans and their neighbors will use to access Pine Lake Road. The Hannans will build this private roadway at their own cost.

The Department stated three reasons for denial of our Request for Deviation. These are (1) because access to Pine Lake Road from the Hannan’s Property was relinquished via a Final Plat filed in 1982, (2) because the date for consolidation of access between adjoining properties is uncertain, and (3) because of the lack of a right turn lane.

Relinquished Access. The concern has been raised that because access was relinquished via a plat approved and accepted by the Lincoln City Council, only the Lincoln City Council, not the Transportation and Utilities Department, has the authority to grant access to the property. Via this appeal, we are resolving this issue by bringing the decision before the Lincoln City Council, the governing body with the uncontested final authority to grant access.
Uncertain Date of Consolidation. Through our CUP, we propose creating a new access to Pine Lake Road while eventually eliminating an existing access thus maintaining the current number of access points on Pine Lake Road. The adjoining property to the east, owned by the Pine Lake Heights Congregation of Jehovah’s Witnesses (“Church Property”), is in a prime location for commercial development and is currently zoned R-1. The Church Property’s current use generates limited trips mostly during non-peak hours. If and when the Church Property redevelops for commercial use, it must be rezoned, and the City can require the Church Property take access through the Hannan private roadway at that time. Therefore, though the date of consolidation is uncertain, access would be consolidated in the course of the customary regulatory process precisely at the time Church Property begins generating additional traffic.

Right Turn Lane. Our CUP and Requested Deviation ultimately creates a private roadway, with right-in right-out access only, limited to use by one single family home and potentially one church. Our Request for Deviation has been denied in part because of a lack of a right turn lane. Both current and potential uses of the private roadway generate minimal traffic during non-peak hours mitigating against the need for a right turn lane. We acknowledge that the Church Property may redevelop for commercial use, however, at the time it redevelops, it will have to go through a change of zone, allowing the city to require construction of a right turn lane when a right turn lane is necessary.

It is for these reasons, as well as those stated in our original Request for Deviation and CUP application (attached) that we believe access to Pine Lake Road is appropriate and our Request for Deviation should be granted. Thank you for your consideration of this appeal of the denial of Request for Deviation. If you have any additional questions or need additional information please contact me.

Sincerely,

Ann K. Post
For the Firm
APost@baylorevnen.com

APO/apo

Enclosure

CC: Councilperson Raybould, Councilperson Meginnis, Councilperson Ward, Councilperson Washington, Councilperson Christensen, Councilperson Shobe, Councilperson Bowers, City Clerk Teresa J. Meier, Director Esposito, Director Blahak, Planner Brian Will

2569286
SPECIAL PERMIT
#19025
APPLICATION
May 1, 2019

David Cary
Interim Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Community Unit Plan to Consolidate Access at Approximately 66th and Pine Lake Road

Dear Mr. Cary:

Our office represents Vic and Kathleen Hannan, owners of Hannan Place Condominium, Unit #2 ("Property") located at approximately 66th and Pine Lake Road. The Hannans currently live in Kansas but their intent is to build their retirement home on the Property and relocate to Lincoln. To do this, first they need to obtain access to the Property via Pine Lake Road. Enclosed is our City of Lincoln Application and site plan for a Community Unit Plan creating access to the Property by establishing a private roadway on the Property, dedicating a public access easement over it, and eventually consolidating access of the Property and the eastern adjacent parcels to Pine Lake Road.

The Hannans first attempted to gain access to the Property in 2003. At that time, the Property and the adjoining parcel to the west were one lot and the Hannans attempted to subdivide the larger parcel into the two current lots. The complicating factor being that the Country Place Addition plat, which created the larger parcel, also relinquished access to Pine Lake Road. At that time, the Planning Commission approved Hannans plat with the condition that at the time Pine Lake Road was widened, access to the Property would be combined with access to the adjoining parcel to the east, Lot 1 Country Place 22nd Addition, owned by the Pine Lake Heights Congregation of Jehovah's Witnesses, Inc. ("Church Property"). At City Council this condition was modified to require the Hannans' consolidate access with the Church Property access.

In the intervening years, the Hannans approached the local members of the Church numerous times with generous offers to either provide or obtain an access easement with no success. Though local members of the church were cordial and receptive, all decisions were referred to the church's national office, which has been unwilling to provide access under any circumstances.

With the widening of Pine Lake Road beginning in 2017 the Hannans again began negotiations with the City to gain access to the Property. Ultimately, the City declined to require the church to move its access or to permit the Hannans to access to the Property via the Church Property.

The Hannan's redoubled their efforts to gain access and continued access discussions with the City, resulting in the application before you today.

The proposed Community Unit Plan dedicates a private roadway over the Property providing access to the Hannan's and eventually to the Church Property as well as any subsequently developing commercial use on the Church Property or a portion of the Church Property. Additionally, the Hannans' have agreed to pave
48’ of the private roadway to city specifications, dedicate a public access easemen: over the private roadway, provide a driveway easement for the Church Property to take access from the private roadway, and restrict the use of the Property to use for one single family dwelling.

This resolution accomplishes several objectives. It enables infill development increasing density and utilizing an otherwise valueless parcel. It creates the means for future consolidation of access and elimination of an access driveway on Pine Lake Road. Moreover, a similar access arrangements have already been approved at least twice this year. First, in January the Pine Garden PUD (CZ08041B) located just across Pine Lake Road from the Property, was approved. This PUD effectively requires that if the property adjoining the PUD should ever change from residential to commercial use it will take access via an access easement over the developer’s property. Next, in April Use Permit No. 132C, which added commercial lots to property located at the intersection of Highway 2 and Pine Lake Road, was approved. In this situation, the commercial property was required to provide access to the adjoining residential property which is expected to convert to commercial use in the future.

This additional access point on Pine Lake Road will have minimal impact. This driveway will be right-in right out only, with uses limited to one single family home and church uses, neither of which generate traffic during peak times.

It is true that this access point does not conform to the City’s Access Management Policy, however, there are already at least 12 driveway accesses to Pine Lake Road between 56th and 70th Street, including the Church Property access. While the proposed access does not conform, it is proposed to replace an already nonconforming access, moves that access point further away from the intersection of 70th and Pine Lake Road and provides for future access to surrounding parcels as the area develops.

The Hannan’s have a dream of building their retirement home on the Property and retiring to Lincoln to be close to their children and 6 grandchildren. They have been trying to work with the City to clear the way for their dream for 16 years, each time being told that they might get access if only they wait a little longer for the widening of Pine Lake Road, for development next to their property etc. Therefore, over 16 years the Hannan’s have paid nearly $20,000 in property taxes waiting for the time they can build their home and become a part of the Lincoln community. The proposed CUP will finally allow the Hannan’s to move forward with their retirement, while furthering the goals of the comprehensive plan and providing access for future development.

Enclosed please find a City of Lincoln Application form and Site Plans for the Community Unit Plan, as well as a check for the application fee in the amount of $1,232.20. We appreciate your consideration of the above request. If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Ann K. Post

For the Firm
APost@baylorevnen.com

APO/apo

2495418
<table>
<thead>
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<th>Application Type</th>
<th>Subtype</th>
<th>Category</th>
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<td>NEW SPECIAL PERMIT</td>
<td>2142.320 C.U.P.</td>
<td>19025</td>
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Project Name: Hannan Community Unit Plan to Consolidate Access

Address/General Location: Approximately 66th and Pine Lake Road

Legal Description: Hannan Place Condominium, Unit #2

Parcel ID Number(s) (PID): 1616407001002

Number of Acres: 1.48

Number of Lots Being Platted: 1

App # Being Amended

**THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:**

1. LETTER stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."

2. FEE (View Fee Schedule) Note: Make checks payable to the City of Lincoln.

3. SITE PLAN The site plan shall be submitted electronically using e-plan. (View instructions on eplan submittal)

**NOTE:** See Forms & Fees section of Planning Department website for checklists with specific requirements for each type of project.

*** This application may be returned as incomplete if all requested information is not provided. ***

The City reserves the right to ask for additional information to process this application.

<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>Phone</th>
<th>Email</th>
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<tbody>
<tr>
<td>Vic Hannan and Kathleen Hoyt a/k/a Kathleen Hannan</td>
<td>(620) 450-823</td>
<td><a href="mailto:vichannan01@yahoo.com">vichannan01@yahoo.com</a></td>
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<th>Applicant Name</th>
<th>Phone</th>
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<tr>
<td>Ann Post</td>
<td>(402) 475-1075</td>
<td><a href="mailto:aposhy@baylorvenue.com">aposhy@baylorvenue.com</a></td>
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<tr>
<th>Contact Name</th>
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<tr>
<td>Ann Post</td>
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<th>ProjectDox Contact</th>
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<tr>
<td>Jill Schuerman</td>
<td><a href="mailto:jschuerman@civildg.com">jschuerman@civildg.com</a></td>
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</table>

* Property Owner Signature: 

* NOTE: If application is for a special permit or a use permit and the applicant is not the owner of the property, the property owner must sign the application or the applicant must attach written permission of the owner authorizing the applicant to sign on behalf of the owner. By signing this application request form or granting the applicant permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.
REQUEST FOR DEVIATION
APPLICATION
June 5, 2019

Delivered via Hand Delivery and via email to cblahak@lincoln.ne.gov and mesaposito@lincoln.ne.gov

Chad Blahak
Director, Building and Safety
555 S 10th Street
Lincoln, NE 68508

Miki Esposito
Director, Transportation and Utilities
555 S 10th Street
Lincoln, NE 68508

RE: Request for Deviation

Dear Mr. Blahak and Ms. Esposito:

Our office represents Vic and Kathleen Hannan, owners of Hannan Place Condominium, Unit #2 (“Property”) located at approximately 66th and Pine Lake Road. The Hannan’s currently live in Kansas but their intent is to build their retirement home on the Property and relocate to Lincoln. To do this, first they need to obtain access to the Property via Pine Lake Road. Enclosed is our City of Lincoln Request for Deviation, requesting a deviation of the City of Lincoln Access Management Policy (“Policy”). This request is intended for simultaneous consideration with the Community Unit Plan. Application Number SP19025 (“CUP”).

The Hannan’s are requesting a deviation from the Policy to allow private roadway access to Pine Lake Road that is less than 660 feet from adjacent connections. However, this connection is intended to replace an existing nonconforming connection and aligns with goals of the Policy by replacing an individual access point to create an access shared by multiple owners all without materially increasing delay or congestion or otherwise affecting the safety of the motoring public.

The proposed CUP creates a private roadway on the Property that provides access to Pine Lake Road from the Property and would eventually replace the private driveway of the adjoining property to the east. The CUP does this by dedicating a private roadway, creating a public access easement over the private roadway, and creating a driveway easement for the adjoining property to the east to take access from the private roadway. Additionally, the Hannan’s have agreed to pave 48’ of the private roadway to city specifications and restrict the Property to use for one single family dwelling.

This resolution enables infill development increasing density and utilizing a valueless parcel. It creates the means for future consolidation of access and elimination of an access driveway on Pine Lake Road all with minimal impact. This driveway will be right-in right out only, with uses limited to one single family home and church uses, neither of which generate traffic during peak times.
This plan as presented is the culmination of sixteen years of efforts to gain access to the Property, including generous offers to the owners of adjoining parcels for access easements and extensive discussions with the City of Lincoln Department of Transportation and Utilities, Planning Department, and Law Department. In the end, this solution furthers the infill and density goals of the comprehensive plan without a material negative impact on congestion, delay, or the safety of the motoring public.

We appreciate your consideration Request for Deviation. If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Ann K. Post
For the Firm
Apost@baylorevnen.com

CC: Brian Will, City of Lincoln Planning

Enclosure

APO/apo

2505008
Request for Deviation

A request for deviation must be complete and submitted in writing to the Director of Lincoln Transportation and Utilities or designee and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of Lincoln Transportation and Utilities has five (5) working days from receipt of a completed form to approve or deny such request. The Lincoln Transportation and Utilities Director reserves the right to request additional information from the Applicant in order to make a determination.

Property Owner: Vic Hannan and Kathleen Hannan /kk/ Kathleen Hoyt
Applicant Name: Ann K. Post
Contact Phone: 402-475-1075 Email: apost@baylorvnen.com
Property Address/Location: East of 66th and Pine Lake Road, Hannan Place Condominium, Unit #2, Lincoln, Lancaster County, NE
Deviations Requested:
Request private roadway access to Pine Lake Road as depicted in the enclosed site plan. Deviations include access to Pine Lake Road less than 660 ft. from adjacent connections and without turn lanes.

Justification for deviation(s):
Please see the enclosed letter

__________________________________________  ________________________________
Signature  Ann K. Post  Date 06/16/2019

Attach maps, drawings, and other information to aid in understanding the request for deviation.

Transportation and Utilities Use Only

Date Received: ____________________________

Deviations:  □ Approved  □ Denied

______________________________  ________________________________
Date  ________________________________

Director, Transportation and Utilities

cc: Building and Safety (if request involves a single or two-family residential unit)
    Nebraska Department of Roads (if involving a State Highway)
    Planning Department
Mr. Taylor: Lincoln, like all cities, deals with the issue of waste management. I think Lincoln does a very good job of managing waste, including the recent ban on corrugated cardboard into our landfill. I agree that more can be done to help our citizens reduce the amount of waste they discard and recycle. Your proposal is intriguing and I'm interested in researching how a program of that sort might work in Lincoln without negatively impacting the private haulers who now handle nearly all of the solid waste and much of the recyclables in Lincoln and Lancaster County.

--Sändra Washington

City Council - Contact

Date: 6/21/2019 9:00:21 PM

name Taylor
address 2815 Fletcher Ave.
city Lincoln
state NE
zip 68504
email taylor.christopher@huskers.unl.edu

Like many communities across the country, Lincoln has a trash problem: We throw away much more than we need to, much of it recyclable goods or other materials that have more value outside of the trash can than in it.

We pay a high cost for creating all this trash. Money that we could be spending on priorities like schools, parks, and public safety is instead going to cover a waste disposal bill that is much larger than it needs to be. Trash also has a high environmental cost, creating large amounts of greenhouse gases and wasting energy.

To fix this problem, I urge you to consider adopting a system known as “pay-as-you-throw” for our garbage. Pay-as-you-throw would move us from paying a set amount for solid waste services to...
paying based on how much we use. It would give every household financial incentives to recycle more and create less trash.

I would rather see my tax dollars going to fund valuable services than simply being thrown away. Unit-based pricing works well for other utilities, such as water, gas, and electricity—why not for trash too? Pay-as-you-throw has helped thousands of cities and towns cut their trash, save money, and help the environment, and it could help us in Lincoln.

Thank you for your consideration.