I. DIRECTORS CORRESPONDENCE

PLANNING
1. Staff Memo to Council CZ19002, Stone Bridge Creek Commercial

II. LES
1. 6-month update on LES low-income energy efficiency pilot project

III. CONSTITUENT CORRESPONDENCE
1. Proposed name for the South Beltway - Walter W. Case
2. Claim Against the City - Lisa London
3. Stone Bridge Creek Applications 4848-6403-7549 - Thomas Ackley
This memo is submitted to the City Council to state the position of City staff on several topics that were discussed at the public hearing on November 4, 2019 for the proposed Stone Bridge Creek Commercial Planned Unit Development (PUD) generally located at N. 27th Street and Arbor Road.

Several requests were made by Mr. Thomas Ackley on behalf of Kuck Investment Partners, owner of the property located east of the PUD along the south side of Humphrey Avenue, northeast of Centurion Drive and zoned I-3 Employment Center District.

Responses from the Planning Department and Transportation and Utilities Department (LTU) have been provided for each comment on the next page.
1) Identify with certainty the traffic calming measures in Humphrey Avenue required as a condition of approval based on concerns about limiting the use of Humphrey Avenue by industrial truck traffic that frequents the Kuck property.

The traffic calming measure originally discussed between LTU and Olsson was the installation of splitter islands in Humphrey Avenue at the intersection of Humphrey Avenue and Centurion Drive. LTU concludes that the best approach would involve a splitter island on the southwest leg of Humphrey Avenue to narrow traffic lanes to 11 feet. The northeast leg would have yellow markings to project vehicles to the proper path while accommodating large trucks. Condition of Approval 3.6 can be amended to reflect this conclusion. The City Attorney will prepare a Motion to Amend.

2) Ban parking on Humphrey Avenue.

LTU would not agree to prohibit on-street parking on Humphrey Avenue because there is not a clear need. On-street parking will aid in traffic calming and should be allowed. Parking, truck and traffic movements can be monitored in the future and adjustments to parking made if necessary. At this time, it is premature to ban parking on Humphrey Avenue, which is approximately 38 feet wide.

3) Reflect the private agreements referenced between the landowners on City documents, specifically the PUD.

Private agreements are not enforced by the City and they could change without any notice to the City. Therefore, they should not be shown on City site plans such as the proposed PUD. The approved Use Permit #139A on the Kuck property includes a note requiring a 300 foot separation between the storage or use of hazardous material and any residential dwelling. The Use Permit requirement protects the future housing proposed with the PUD. In addition, the PUD applicant, Stone Bridge Creek LLC, does not agree to show the 300 foot separation over their property on the site plan. General Note 19 on Use Permit #139A reads as follows:

Good afternoon,

I am writing to all of you with a 6-month update of the low-income energy efficiency pilot project that LES began on June 1, 2019. You may recall that we ended the year in 2018 with a remaining balance of $1.4 in the Sustainable Energy Program (SEP). This money was transferred at the end of 2018 to our rate stabilization fund for future energy efficiency projects or shortfalls in annual SEP funding. Prior to 2018, LES staff had identified a need to promote energy efficiency among income-limited customers as well as multi-family housing occupants and had initiated a variety of pilot programs with limited success.

The pilot program we initiated in June 2019 is a collaboration between Community Action Partnership of Lancaster and Saunders Counties (CAPLSC) and LES. CAPLSC administers the weatherization program for our service territory and has numerous requirements that they must adhere to in order to qualify for funding. These requirements include:

- Dwelling cannot have received weatherization funding in the past 25 years
- Dwelling must meet safety and structural requirements
- Household may own or rent the dwelling
- Participant qualifications
  - Income at or below 200% of the federal poverty guideline OR have received certain assistance payments (i.e. SSI, ADC, etc.) within the last 12 months
  - Household member aged 65 or older
  - Household with one or more members with a disability
  - Households with at least one child under the age of 6
- Each energy efficiency measure (i.e. insulation, windows, air conditioner) must have a savings to investment ratio of 1 or greater. In other words, the cost of the measure must be recovered over the life of the measure.

If the savings to investment ratio requirement is not met, CAPLSC is not able to pay for the particular measure. That means they are only able to complete the measures that do meet the ratio using the federal weatherization funds. The work that goes into each of these dwellings as a result of the weatherization program may be quite extensive and include many home improvements. Each of these requires multiple bids and subsequent follow-through to completion.

CAPLSC staff also provides evaluation, measurement and verification (EMV) for the weatherization program. It's a requirement for their federal funding. This information is important to LES as well because we monitor the success of our existing SEP efforts in similar ways. By collaborating with CAPLSC, we are able to leverage their existing EMV practices for a nominal administrative fee.
Our effort through this pilot program has been to provide supplemental funding to CAPLSC to either bring the savings to investment ratio to 1 for certain measures or pay for other measures that do not qualify for federal funds. To date, we have provided supplemental funding for 15 weatherization projects. These projects have included the following:

- Heat pumps for 4 dwellings
- Insulation for 6 dwellings
- Air Conditioners for 7 dwellings
- Electric furnaces for 2 dwellings
- Energy Star refrigerators for 2 dwellings
- One other miscellaneous project that involved modification of HVAC supply, etc.

LES has spent a little over $40,000 on these 15 projects. On average, we are only providing about 1/3 of the total cost for weatherizing these homes. However, much of this work would not meet the savings to investment ratio without the funding assistance from LES. So, by leveraging monies from both sources, significant improvements have been made to these 15 homes. I’m sure many of you have done similar home improvements and realize that these projects are not done quickly. But they do have lasting results. Thus far, we are happy with the process we have established and continue to look for efficiencies so that more can be done to help those in need of these services in our community.

To date, none of the other agencies that we contacted during our initial inquiries have approached us with potential collaborations. We have had a few inquiries, but those groups have not provided us with suggested partnership opportunities.

We will keep you updated periodically as we continue to look for community partnerships that will provide our customers with solutions to their energy efficiency challenges.

Please don’t hesitate to contact me if you have any questions or you would like to discuss further.

Lisa Hale | Vice President, Customer Services

Office: 402-473-3282
Mobile: 402-310-5915

LES.com | 1040 O St. | Lincoln, NE 68508

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November 10, 2019

Lincoln City Council  
555 South 10th St., Rm 111  
Lincoln, Nebraska 68508

RE: New Expressway

The City of Lincoln is moving closer to having a southern four lane expressway-standard highway which will alleviate the congestion on Highway 2 through Lincoln. Construction could possibly begin next year. The new facility will extend from 122nd Street and Highway 2 to a connection with U S 77 south of Saltillo Road.

Within the last three months there has been some discussion concerning what to name the new highway. I would like to propose that the new facility be named the George Flippin South Beltway.

George Flippin was born February 8, 1868 in Ohio. His father was a freed slave who fought on behalf of the Union in the 14th US Colored Troops during the Civil War. After his mother died in 1871, his father remarried and the family moved to Marion County, Kansas. His father attended the Bennett Eclectic Medical School and became a doctor. In 1888 the family moved to Henderson, Nebraska and set up a clinic and pharmacy.

George Flippin attended the University of Nebraska from 1891 to 1894. He was the first African American to play football for the University. The University of Missouri refused to play in a scheduled football game with the University of Nebraska because of Flippin’s presence on the team. That remains as the only forfeit that Nebraska has ever received in football. George Flippin was inducted in the Nebraska Football of Fame in 1974.

George Flippin married Georgia Smith in 1895. The couple had two children. In 1907 George Flippin and his family moved to Stromsburg, Nebraska, where he built the first hospital.

George Flippin was a respected physician and surgeon known across the state for his willingness to make house call regardless of the distance or the ability of the family to pay.

George Flippin died May 15, 1929, and is the only African American buried in the Stromsburg Cemetery.

The city of Lincoln set a precedent in naming the connection from 10th Street to the West Bypass as Rosa Parks Way. While Roasa Parks was a great figure in the civil rights movement, I seriously doubt that she ever visited Lincoln, Nebraska. George Flippin spent the majority of his life in Nebraska and would be a worthy candidate as a name for the new South Beltway.

Sincerely,

Walter W. Case, P.E  
7030 Culwells Ct  
Lincoln, Nebraska 68516
Hello City Council members. As stated in the Oct. 21 e-mail, I cannot attend the Nov. 18 meeting because I have started a 2nd shift job and don't have any time off yet. We feel we have done all that is asked of us. We were told we needed this meter. We didn't ask for this, we didn't want it. We believe it was forced on us and then we had to deal with the leak and the problem afterward. We also dealt with considerable expense and inconvenience. We had a dry basement before the new meter. We would not be asking for full compensation of the repair bill or for any water damage. Any fair amount decided would be appreciated. Thank you for the opportunity to respond, and thank you for your time and consideration.

Sincerely, Lisa London. 2920 North 44th. Lincoln, NE 68504
November 15, 2019

VIA E-MAIL TMEIER@LINCOLN.NE.GOV, COUNCIL PACKET@LINCOLN.NE.GOV

City of Lincoln
Attn: Teresa J. Meier, City Clerk
       Council Members: Jane Raybould, Richard Meginnis, James M. Bowers, Tammy Ward,
                     Sàndra Washington, Roy Christensen, and Bennie Shobe

555 S. 10th Street, Suite 103
Lincoln, NE 68508

Re: Stone Bridge Creek, LLC’s Applications for Comprehensive Plan Amendment 19001,
    Annexation 19001, Conditional Annexation and Zoning Agreement, and Change of Zone 19002
    Our File No. 06257-0004

Dear Members of the City Council and City Clerk:

I’m writing on behalf of our client, Kuck Investment Partners, LLC (“Adjacent Owner”), who owns the industrial property located adjacent to certain applications being voted on by the City Council on November 18, 2019. As you may recall from my appearance at the November 4, 2019 City Council Meeting (the “November 4 Meeting”), and in follow-up to our discussion at that November 4 Meeting with regard to Public Hearing -- Ordinances 2nd Reading & Related Resolutions, Item 6.F., 6.G., 6.H., and 6.I., all relating to the Stone Bridge Creek, LLC’s applications for a Comprehensive Plan Amendment 19001, Annexation 19001, Conditional Annexation and Zoning Agreement, and Change of Zone 19002 (collectively, the “Stone Bridge Creek Applications”), I want to reiterate our client’s opposition to the Comprehensive Plan Amendment and the Change of Zone which would result in having multi-family residential development immediately adjacent to industrial development.

Adjacent Owner’s opposition to having residential zoning located adjacent to industrial zoning is because (i) in accordance with your current Comprehensive Plan, residential and industrial zonings generally don’t mix (which would be the case in this instance), and (ii) the Nebraska Department of Transportation also objected to this rezoning based upon the I-80 corridor being designed for industrial development. As you will recall, the Adjacent Owner has owned his property since 2002; has constructed a building worth approximately $4,900,000, and pays in excess of $120,000 in real estate taxes each year for such real estate. The Adjacent Owner employs approximately 15 employees and has been a good, long-standing business in the Lincoln, Nebraska area. Based on...
all of the above, the Adjacent Owner’s opposition is based upon its desire to preserve the successful business that it has built within an area that was previously designated for industrial zoning. By adding residential zoning adjacent to the current industrial zoning, there are several concerns with regard to the potential impacts that may occur to Adjacent Owner’s current business operations.

In the event that the City Council determines that it desires to move forward with the Stone Bridge Creek Applications, then the Adjacent Owner requests that you first address the following items which are of primary concern to his on-going business operations:

1. Provide for “no parking” along Humphrey Avenue between the proposed multi-family apartments and the Adjacent Owner’s lot (see “Area of Concern” on Exhibit A attached hereto). As we discussed at the November 4 Meeting, there are numerous 53 foot semi-trucks which enter and exit the Adjacent Owner’s property each day and these large vehicles need room for turning off of, and onto, Humphrey Avenue. If parking is allowed on Humphrey Avenue, we believe that it would be much more difficult for an existing business to continue with unhampered delivery services from large semi-trucks. As you will recall from the testimony of the applicant at the November 4 Meeting, they did not object to restricting parking along Humphrey Avenue, and they also confirmed that they are planning for all necessary parking for the multi-family apartments to be located on site (i.e., no need to have on-road parking along Humphrey Avenue to meet code requirements).

As of this morning, we received a Memorandum from David Cary, Director of the Lincoln-Lancaster County Planning Department, dated November 14, 2019 (the “Memorandum”), in which Mr. Cary advised the City Council that it would not agree to prohibit on-street parking on Humphrey Avenue at this time. We respectfully disagree with Mr. Cary’s conclusion, and request that if the City Council is going to proceed with the Stone Bridge Creek Applications which provide for multi-family residential zoning adjacent to industrial zoning, then it is not unreasonable to restrict parking along Humphrey Avenue to ensure that interference is minimized with the Adjacent Owner’s current business operations. Accordingly, we would ask that you address “no parking” along Humphrey Avenue as part of any motion to approve of the Stone Bridge Creek Applications, and we again note that the applicant has not objected to having this restriction with their Applications.

2. There has been various discussions about “traffic calming devices” being placed along Centurion Drive and/or Humphrey Avenue and/or in other areas due to the Stone Bridge Creek Applications. In accordance with the terms of the Memorandum presented by Mr. Cary, he appears to agree that any traffic calming devices located along Humphrey Avenue and north of Centurion Drive would be limited to provide “yellow markings” for purposes of directing traffic and would not include any curbing or other impediments to large semi trucks. If the “traffic calming devices” are limited to such “yellow markings” as described in the Memorandum, the Adjacent Owner is in agreement with such proposal.

3. Finally, and as discussed at the November 4 Meeting, there is a “private agreement” between the Adjacent Owner and the owner of the property who is seeking the Stone Bridge Creek Applications, whereby certain buffers were agreed upon between the Adjacent Owner’s property and certain development which would surround that property. Although the Stone Bridge Creek...
Applications conform with the terms of the “private agreement”, we have requested on multiple occasions (i.e., at the Planning Commission and again at the November 4 Meeting), that the City note the “private agreement” on the Conditional Annexation and Zoning Agreement and/or on any preliminary plat or final plat to ensure that any future consideration for improvements to the various parcels surrounding the Adjacent Owner’s property will be done with a written reminder that there are certain private agreements that restrict certain development from occurring. The applicant has objected to having this noted in any public records, citing that it would require public hearings in the future in the event that the “private agreement” were ever amended by the parties. We vehemently disagree with the applicant’s position. For example, most final plats have a number of easements dedicated to the public, and those easements may be subsequently amended, restated or revised without going through a public hearing to address the entire plat. Similarly, the references to the “private agreement” on any final documents will simply serve as a reminder to any future planning department personnel or others involved in future changes that may occur to the proposed development around the Adjacent Owner’s property.

In accordance with the Memorandum provided by Mr. Cary, he indicates that the City does not desire to note the existence of any “private agreement” on any of the City documents because “private agreements are not enforced by the City”. We understand and agree with Mr. Cary that there is no expectation that the City would enforce the “private agreement”, but it should be noted that the City and applicant wasted time and resources with the initial plans on these Applications when they ignored the “private agreement” which was brought to their attention after the Adjoining Owner received notice of their initial plans. As of this date, the Applications do reflect the setback requirements in the “private agreement”, and as a matter of good planning going forward, we believe that noting the “private agreement” on any final documents resulting from these Applications will serve as a reminder to any future Planning Department personnel that they should take such matters into account when doing any additional planning for this area in the future. To ignore the “private agreement” in the future could result in wasted efforts by the Planning Department and any future applicant if the terms of the “private agreement” are not followed and are subsequently enforced by the Adjacent Owner (which was the case with this series of Applications during the initial phases). Accordingly, there is no good reason not to address the “private agreement” within any final documents resulting from the Applications unless it is the goal of the City to ignore the rights of the Adjacent Owner and potentially waste time on future planning that would ignore such Adjacent Owner’s rights.

As you’ll recall from the November 4 Meeting, there was much discussion about things that the applicant and/or the planning department “could do” or “might do” or “could consider” with regard to restrictions on parking, traffic calming devices, or other matters related to this development. However, on behalf of the Adjacent Owner, I am BEGGING the City Council not to approve of the Stone Bridge Creek Applications without addressing the three (3) items as outlined above within the documents. Based on our discussion with the applicant, they have no concerns with restricting parking or ensuring that any “traffic calming devices” are not built along Humphrey Avenue in a manner that will impact truck traffic that enters/exits the Adjacent Owner’s property. With that being the case, let’s get it documented now rather than leaving it to chance where it could be forgotten in the future.
As I indicated during our discussion at the November 4 Meeting, the Adjacent Owner opposes mixing residential zoning with industrial zoning; however, if you determine that the Stone Bridge Creek Applications should move forward, then you must at least provide protections for the Adjacent Owner’s existing business as outlined above. The proposed Stone Bridge Creek Applications could severely impact the Adjacent Owner’s business, and we cannot leave it to chance that everything will turn out to be okay without having proper protections placed in any approvals of these applications.

Thank you again for your consideration, and please don’t hesitate to contact me if you have questions or comments with regard to the above.

Sincerely,

Thomas F. Ackley

TFA/bw

cc: Scott Kuck (via email)