I. MINUTES
   1. Approval of Directors’ minutes from June 1, 2020

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR’S OFFICE

V. DIRECTORS CORRESPONDENCE
   LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
   1. Public Health Update provided by Pat Lopez, Interim Director, Lincoln-Lancaster County Health Department

   PLANNING DEPARTMENT
   1. Administrative Approvals from May 26, 2020 through June 1, 2020

   LINCOLN TRANSPORTATION & UTILITIES DEPARTMENT
   1. 2019 Complete Streets Annual Report

VI. BOARDS/COMMITTEES/COMMISSION REPORTS
   1. RTSD - Christensen, Bowers, Raybould (06.01.20)

VII. CONSTITUENT CORRESPONDENCE
   1. Police Violence in Lincoln - Renae Ninneman
   2. An open letter to Lincoln - Victor Covalt
   3. Lift the curfew, disarm the police - Sarah Erdlen
   4. Charges against protestors - Nora Gahan
   5. Racism - Myrna Stanard
   6. Protests - Deanna Mumgaard
   7. Proposed Bill No. 20-71 - William Austin
   8. Task Force - Peter Katt
      Staff response provided by Chris Connolly, Chief Assistant City Attorney
      Chad Blahak, Director Building & Safety

VIII. COUNCIL MEMBERS
   1. Discuss Budget Department/Agency Meeting(s) schedule

IX. MEETINGS/INVITATIONS
   See invitation list.

X. ADJOURNMENT
Memorandum

Date:   ✦ June 2, 2020
To:     ✦ City Clerk
From:   ✦ Rhonda Haas, Planning Dept.
Re:     ✦ Administrative Approvals
cc:     ✦ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from May 26, 2020 through June 1, 2020:

Administrative Amendment 20030 to Special Permit 1920, T-Mobile, approved by the Planning Director on May 26, 2020, to delete the 15-year time limit from the approval of the special permit per Resolution #PC-00705. This approval acknowledges that Title 27 was amended in 2015 and the 15-year time limit approval provision was deleted from the Zoning Ordinance. The tower is generally located at 6000 A Street.
MEMORANDUM

TO: Mayor Leirion Gaylor Baird  
Pedestrian and Bicycle Advisory Committee  
StarTran Advisory Board

CC: Elizabeth Elliott, Director of Lincoln Transportation and Utilities  
David Cary, Director of Planning  
Chad Blahak, Director of Building and Safety  
Patricia Lopez, Interim Director of Health  
Lynn Johnson, Director of Parks and Recreation  
Dan Marvin, Director of Urban Development  
City of Lincoln, City Council  
Lincoln-Lancaster County Planning Commission

FROM: Kellee Van Bruggen, Transportation Planner

SUBJECT: Final Complete Streets – 2019 Annual Report

DATE: June 3, 2020

Purpose and Background

On September 12, 2013, Mayor Beutler signed Executive Order (EO) No. 086476 and Administrative Regulation (AR) No. 35 establishing a policy for the development of Complete Streets. This EO/AR was also endorsed by the Urban Development Department, Lincoln Transportation and Utilities Department, Planning Department, Parks and Recreation Department, Health Department and the Building and Safety Department.

According to the EO/AR, the Planning Department, in conjunction with other departments, is responsible to provide Mayor Gaylor Baird, the Pedestrian and Bicycle Advisory Committee (PBAC) and the StarTran Advisory Board with an annual report. Specifically, the EO/AR states:

The Planning Department, in conjunction with all City departments, shall provide an Annual Report to the Mayor, Pedestrian and Bicycle Advisory Committee and StarTran Advisory Board which outlines the progress made toward implementing this policy. The Annual Report may include the review of all current street standard plans, guides, regulations and standard drawings, and the identification of barriers to the development of Complete Streets.

The purpose of the annual report is to update the Mayor, PBAC and the StarTran Advisory Board as to the work Staff is doing to implement the EO/AR. This annual report covers the efforts undertaken by the Implementation Team during 2019.
Complete Streets are public and private streets that include some combination of appropriate infrastructure as determined by the surrounding context, that accommodate all modes of transportation, including private vehicles, public transportation, walking, ADA accessibility, and bicycling.

**Implementation Team**

Coordinator: Kellee Van Bruggen (Planning Dept.)
Lincoln Transportation and Utilities: Thomas Shafer, Lonnie Burklund/Mark Lutjeharms
Parks and Recreation: Sara Hartzell
StarTran: Brian Praeuner
Planning: David Cary/Paul Barnes, Steve Henrichsen
Urban Development: Wynn Hjermstad
Health: Mike Heyl, Chris Schroeder
Building and Safety: Terry Kathe
Lincoln Police Department: Captain Donald Scheinost

**Work Tasks / Accomplishments**

**Complete Streets Implementation Team Meetings**

During 2019, the Complete Streets Committee held a total of six meetings to discuss current and ongoing projects which have been outlined in this annual report. An agenda is determined based on upcoming projects from various city departments and other issues that have a complete streets component that warrant a discussion. Meetings were held on the following days during 2019:

- Thursday, January 24th
- Thursday, March 7th
- Thursday, April 4th
- Thursday, May 16th
- Tuesday, June 25th
- Tuesday, August 27th

**West A Sidewalk/Sidepath**

A portion of the West A reconstruction project intended to tear out and replace the existing sidewalk from SW 23rd to Folsom. Since the Lincoln Bike Plan suggests adding a sidepath along this corridor, the Committee discussed the possibility of increasing the width from 5’ (sidewalk width) to 8’ (sidepath width) while work was already occurring with LTU’s project. The suggestion from the committee was to move forward with installing a sidepath facility.

**On-Street Bicycle Parking**

Urban Development bid a Haymarket Amenities package that included funds for bike racks for both on-street and off-street bicycle parking. The Committee discussed the need for additional bike parking in the area and suggested the need to work with
Downtown Lincoln Association on determining the need. Some of the members of the Committee, along with representatives from departments and outside organizations participated in a site visit to choose the best locations based on space and demand. The bike racks were installed in summer 2019.

Strava Data

Strava provided a demonstration of how their data works for other communities, the benefits of obtaining the data, how it is collected, and the costs associated with utilizing the data. The Committee discussed if this was a need since we already have a counting program or if it would enhance the counting program. Ultimately, the Committee decided to wait and revisit at a later time.

Blue Zones Made to Move Grant

The Blue Zones Made to Move grant program was created to assist communities in advancing active transportation through local project development, implementation and supporting policies. The ultimate goal is to promote more walkable, bikeable, transit-friendly environments for all ages, incomes, and abilities. The Complete Streets Committee explored the possibility of implementing a Bicycle Boulevard Pilot Project on B Street which was consistent with the Lincoln Bike Plan. Due to inopportune timing, the grant was not submitted last year. The Complete Streets Committee may pursue this funding or other similar funding opportunities in the future as they are available.
Bike Share Reporting

In September 2014, the Lincoln/Lancaster County Planning Department hosted a Bike Share workshop for local stakeholders. Since the workshop, efforts to fund a bike share program, including submitting a Congestion Mitigation and Air Quality (CMAQ) funding request through the Nebraska Department of Roads and meetings with possible stakeholders have taken place. The Planning Department was awarded the CMAQ funds of $600,000 in March 2015 to purchase equipment. The bike share program was officially launched in April 2018. Ongoing oversight of the project has been administered by Planning and Lincoln Transportation & Utilities. Regular updates from Jamie Granquist, BikeLNK Manager, on the status of the bike share project have been held and will continue to be held at Complete Streets Committee meetings. During 2019, bike share had 44,045 rides while travelling a distance of over 80,000 miles, and has expanded to 21 stations.

DezignLine Demo

Kurt Blauer with DezignLine came to the Committee to discuss their products for temporary or permanent installation of protected bike lanes. The product is modular and cost effective solutions for rapidly deploying a bike lane. The Committee discussed possibly using this product in the future with the implementation of the Lincoln Bike Plan.

Bicycle Parking

The Complete Streets Committee has set aside funds to fund a bike rack request program. A test website was developed to discuss the details and determine if a website would be the appropriate way to move forward. The Committee made the decision to put together a request form to send out to Business Improvement Districts. Work on this item is still ongoing.

Gap Analysis

A Gap Analysis Study was completed in January 2015 in order to understand available information affecting the implementation of Complete Streets. A copy of this Gap Analysis Study can be found on the City of Lincoln’s website at: http://lincoln.ne.gov/city/plan/reports/GapAnalysis.pdf. The gap analysis is a snapshot of the current transportation network and outlines where gaps (i.e. gaps in sidewalks, trails, transit, etc.) in the system are currently located. In conjunction with developing the written study, an online and interactive map was launched. The map is a tool for the committee as it can be updated as projects are completed, new data becomes available, or new gaps are identified. In 2019, the tool was updated to include the proposed on-street bicycle network as defined in the Lincoln Bike Plan. The map will continue to be updated with various projects and needs that come through the committee and used in future project discussions.
Online Gap Analysis Tool

Partnership for a Healthy Lincoln (PHL) approached the City about additional funding that could be used for equipment purchase. The City partnered with PHL and Great Plains Trails Network (GPTN) to purchase one mobile counter and four permanent counters. The mobile counter was purchased in the fall of 2015. The mobile trail counter is intended to be used for special events (i.e. Streets Alive, etc.) and weeklong counts along the trail network that are not currently served by permanent counters. The four permanent counters were added to the system in 2017, bringing the total number of permanent counters on the trail system to five.

- The Rock Island Trail Counter was installed and has been recording users since July 2014. In 2019, the Rock Island Trail Counter recorded 218,634 users.
- The Billy Wolff Trail Counter was installed and has been recording users since August 2017. In 2019, the Billy Wolff Trail Counter recorded 254,370 users.
- The Helen Boosalis Trail Counter was installed and has been recording users since October 2017. In 2019, the Helen Boossalas Trail Counter recorded 123,628 users.
- The MoPac West Trail Counter was installed in August 2017. In 2019, the counter recorded 98,351 users.
- The MoPac East Trail Counter was installed in August 2017. In 2018, the MoPac East Trail Counter was under maintenance from January through July. The rest of the year, the counter recorded 18,565 users.
In addition to the trail counters, the City also monitors usage of the N Street Cycle Track. The counter along N Street at the midblock of 12th and 13th recorded 56,634 cyclists from January through September, averaging out to 207 users per day.

On-Street Bicycle Facilities Plan (Lincoln Bike Plan)

The Planning Department along with members of the Complete Streets Committee prepared a Request for Proposals (RFP) in 2017 to develop an On-Street Bicycle Facilities Plan. Some committee members participated in the scoring and interview process to hire a consultant to develop the plan. The Complete Streets Committee served as the Technical Advisory Committee for the plan development. Several Complete Streets Committee members attended and assisted with the two public open house events throughout the process and reviewed all materials. The Lincoln Bike Plan was completed and approved in February 2019.

Project Selection

The Fiscal Year 2018/19 – 2023/24 Capital Improvement Program (CIP) included a budget item for Pedestrian and Bicycle Capital Program. In each programmed year, $50,000 has been appropriated for “Complete Streets” type projects bringing the six year total to $300,000 for projects that fit within the Complete Streets scope. The projects considered by the committee included:

- Trail/Neighborhood Sidewalk Connections to Neighborhoods
- On-Street Bicycle Facilities Plan Implementation
- Bicycle Boulevard Pilot Project (funds available if awarded grant)
- Bike Rack Request Program
- Trail Counters and digital signage
- Bike Route Signage
- Rectangular Rapid Flashing Beacon (RRFB) at Moore Middle School – on 84th Street between Yankee Hill Rd. and Yankee Woods Dr.
- Transit enhancements including ADA pads and links to sidewalks

The Complete Streets Committed provided funding for the RRFB at Moore Middle School. Lincoln Transportation and Utilities provided funds for the sidewalk installation to the RRFB and the Complete Streets Committee committed funds to the RRFB portion of the project to make the crossing safer for students.

The remainder of funds is still under discussion toward future on-street bike projects.

E-Scooter Sharing Program

The Complete Streets Committee held discussions throughout the year to determine how scooter sharing companies are working/operating in other communities. A separate group worked toward developing a Pilot Project including putting together a Request for Qualifications (RFQ) and interviewing vendors.
Project Review

Each representative on the Implementation Team is responsible for identifying projects within their department and in the development stages that should be reviewed by the Complete Streets team. This review identifies Complete Streets applications which had been applied to Lincoln Transportation and Utilities, StarTran, and Parks and Recreation 2019 projects. To note, outside of the Complete Streets Committee, Lincoln Transportation and Utilities invites departmental review of projects through their monthly coordination meetings and site plans are made available electronically for comment and review. Many of these projects, while not formally reviewed by the Complete Streets Implementation Team, did receive review by staff that included Complete Streets considerations and applications in the final design.

2019 Formal Project Review Summary

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Complete Streets Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike Racks</td>
<td>Bike Rack Request Program</td>
<td>Complete Streets funded project.</td>
</tr>
<tr>
<td>Trail Counters</td>
<td>City-wide</td>
<td>Discuss enhancing the trail counting system with additional counters and possible digital signage.</td>
</tr>
<tr>
<td>Lincoln Bike Plan (On-Street Bicycle Facilities Plan)</td>
<td>City-wide plan</td>
<td>Discuss the development of the On-Street Bicycle Facilities Plan with assistance from a consultant.</td>
</tr>
<tr>
<td>84th Street RRFB</td>
<td>84th Street between Yankee Hill Rd. and Yankee Woods Dr.</td>
<td>Complete Streets funded project.</td>
</tr>
<tr>
<td>West A Project</td>
<td>Phase A: SW 23rd Street east of Folsom; Phase B: end of Phase A west to city limits</td>
<td>Discuss design of West A project and pedestrian, transit, and bicycle amenities.</td>
</tr>
<tr>
<td>Bicycle Boulevards Pilot Project</td>
<td>B Street from S 11th St. to S 26th St.</td>
<td>Discuss project ideas that could be incorporated into a Blue Zones grant.</td>
</tr>
<tr>
<td>E-Scooters Sharing Program</td>
<td>Undefined</td>
<td>Discuss how motorized scooter sharing programs work in other cities and how Lincoln should handle. Coordination was discussed with University of Nebraska.</td>
</tr>
<tr>
<td>North 33rd &amp; Cornhusker Subarea Plan and Cornhusker Highway Corridor Enhancement Plan</td>
<td>33rd and Cornhusker</td>
<td>Discuss subarea plan and corridor enhancement plan and how pedestrian and bicycle traffic will be able to access the area.</td>
</tr>
</tbody>
</table>
2020 Priority Work Items

The following items are expected to be addressed by the Complete Streets Committee in 2020:

- Review applicable 2020 design year infrastructure projects for Complete Streets opportunities as well as review what was built in the past construction year. Continue to identify projects under design and at an appropriate stage to review as well as to create a record of review. Such identification will include the Complete Streets concepts applied to the specific project, those which are not applied and why.

- Project selection, implementation, and evaluation of the Complete Streets funded projects.

- Continue to refine the project identification and review process based on experience. The goal is further refinement of the Gap Analysis to increase efficiency and effectiveness of the process as well as to promote Complete Streets projects and concepts. All updates should be reflected in the maintenance of the Gap Analysis tool.

- Continue to examine plans, City policies and other guidance for Complete Streets conformance, including the Lincoln Standard Plans.

- Track implementation of projects using Complete Streets funding in CIP process.

- Discuss need for additional funds for Complete Streets projects and research how additional funding may allow for additional or larger scale projects in advance of next Capital Improvement Program budget cycle.

- Track state level legislative efforts applicable to Complete Streets.

- Review the existing Complete Streets Policy and update if necessary.

- Finalize the bike rack request program including determining how to apply for assistance and how the general administration of the program would be carried out.

- Discuss and review E-scooter Pilot Project (dependent on finalizing a start date).

- Develop and implement bicycle parking standards including requirements for bike racks with multi-family projects.

- Review bus stop phasing plan, bus stop improvements, and potential reduction of low ridership stops.

- Educate newly elected officials about Complete Streets and the committee’s work.

- Review and discuss the Downtown Traffic Study.

- Discuss implementation of the Lincoln Bike Plan.

- Discuss Long Range Transportation Plan and provide input throughout the process.
I had been pretty happy with LPD's work, especially Saturday night, until I saw footage of them last night violently arresting peaceful protesters who were walking away from the scene, after they had been given verbal permission by LPD to stay peacefully. This is terrifying to see out of control police on my city's streets. It's reneging on a deal. Causing harm and hurting people. This is the behavior that makes it hard for me to trust and believe police, even as a privileged white woman. It makes me afraid of the police and want to join the protests. You need to know that allowing police to behave like this will cause further harm to our community, on a deep, deep level.

You need to stop it NOW.

I'm so shocked and dismayed and confused! I'm a mom of 3 young kids, fully employed and desperate to try to make sense of police brutality showing up in my home town. This cannot be happening! You must put a stop to it!

Renae Ninneman
616-836-5191
901 N 58th St
I am stunned to learn that our Mayor provides neither email address or a telephone number on the City’s website. Please forward her a copy.

Victor E. Covalt III #16539
Attorney at Law
3124 Kucera Dr.
Lincoln, NE 68502-5736
(402) 540-1081
vcovalt@covaltlawfirm.com
June 1, 2020

An Open Letter to the City Leaders and the Citizens of Lincoln:

Last night I watched 10/11 News live coverage of Lincoln Police assault youth on Lincoln Mall. It was the wrong action and the wrong message. We must change. We must do better.

We have all seen the film of George Floyd being suffocated by an unconcerned white police officer in Minneapolis. Mr. Floyd was never charged with a crime, he did not get his right to due process, or to a jury trial. His judge, jury, and executioner were a policeman seemingly believing he could kill Mr. Floyd on the street with immunity.

This horrid film sparked demonstrations in many cities, including Lincoln. For two nights looting, glass smashing, and burning occurred in Lincoln. Apparently, the police could not protect the businesses or apprehend the perpetrators because there were too many people on the streets.

For Sunday, the City wisely decided to protect businesses and, purportedly, Lincoln’s citizens by putting a curfew in place. If you were out after 8 pm on Sunday, you could be arrested and be subject to a fine of $500 or put in jail for up to six months. Deal. The Law has spoken.

But a curfew and empty words of politicians did not address any of the issues at the core of the protests. The anger of having different rules for police, for whites, and for minorities did not go away. So on Sunday, our City’s children sat before the “Hall of Justice” with raised hands up, saying “Don’t shoot,” and “I can’t breathe.”

While not articulate, the young protestors were peacefully exercising free speech, demanding real change for a new, fair and equal respect for them as people with all people to be governed by the same rule of law.

Then on the television I watched a deputy lecturing these young people to go home, standing behind a wall of over equipped police officers. Then, obviously on a preset schedule, the police surged forward with rubber bullets and tear gas. Girls were thrown to the ground and some were cuffed. Then with military precision, again and again, the police advanced, assaulting a small group of vocal young adults with tear gas and pellets. They fled in terror, renewed their chants only to be attacked again, and again, and again.

What I witnessed on Sunday night was an assault by the Lincoln police on defenseless citizens. No one but the police can shoot another citizen with immunity. Chemical warfare is universally condemned. Grabbing people and tossing them to the pavement is an assault. The police again were allowed, no, encouraged and directed, to attack our young people. With immunity. And our black and minority children were again the targets and victims of these crimes. The police will be unpunished. The victims were chased home to poverty and disadvantage, having their free speech and due process rights crushed by the boot of police oppression, again.
But wait: the curfew! Doesn’t that make it alright? These kids were violating the law. No, the curfew only makes it more wrong. The stated penalty for breaking the curfew as a law was not that the police can shoot you or gas you. The penalty should have been to arrest violators, charge them, and give them due process and their day in court. The punishment was fine or jail after being proven guilty. This is the rule of law, in my humble opinion.

Notwithstanding their pleas, the police did shoot them. And the police made it so they could not breathe. And again our leaders told the police it was just fine to do so. We tossed out the rules and let the police inflicted corporal punishment without judge or jury. Again.

And again we taught those brave kids that they are without rights against the police. We did not give them their day in court. They had no rights under the law and they can and will be assault by the police. That was the lesson of Sunday night.

And society lost again. No change. Nothing is different. The only gift to the protestors were hollow words from upper class elected officials who really wish the black community and the young and other minorities would just stop complaining about their status.

Things must REALLY change. Black lives do matter. People’s right to be free from government assaults must be defended. The rule of law must be changed and enforced equally and fairly, upon police too.

Worse, this was directed and officially sanctioned police conduct. The individual officers were directed to do what they did. The real shame thus lies in higher places.

Victor E. Covalt III
Attorney at Law
3124 Kucera Drive
Lincoln, NE 68502
Dear City Council,

It’s clear we need concrete action to address racial injustice in Lincoln-- and nation-wide. I know every single Council member aims to create a stronger, more resilient community here in Lincoln, in every regard. I share that goal, and ask that in pursuit of safety, justice, and true community-- that is, community built on connection, compassion, and mutual aid-- you immediately lift any curfew in the city and disarm the police.

Curfews are a militaristic tactic of control, designed to create what MLK Jr. termed a “negative peace” born of order rather than justice. When demonstrators are asking for justice, and instead are controlled, their ask is only underscored. Designating a curfew acts to create criminality rather than reduce it. It restricts residents from walking the streets in their own neighborhood, in their own city, in order to give police a flimsy reason to make mass arrests. Curfews encourage the interaction between police and demonstrators, and when demonstrators are protesting policing to begin with, police become armed counter-protestors. Lift the curfews. They have not worked here, nor elsewhere, to keep residents safe from police harm. Curfews have never reduced violence, only created violence. They are the tool of authoritarians, not democracies. Haven’t Black Americans suffered enough in “sundown towns”? Aren’t we committed to being less violent than our predecessors, who wanted Black Americans out of sight by nightfall?

In further efforts to reduce violence, it’s essential to remove tear gas from the police arsenal. I cannot fathom how it is ever right, in any sense, to use chemical weapons on residents. How can police claim to be “officers of the peace” when they use these weapons? If they are committed to peace, let them be leaders in that commitment. Have the tear gas destroyed, decommissioned, rendered harmless. When anyone shows up to a tense situation with weaponry, dressed for a fight, they are more likely to escalate the situation into violence. And this is what the police do, and have done. Time and again, these modes of violent control and suppression have not resulted in a more just and peaceful world. We must try something radically different than the same old tactics as always.

Please, Council, enact real change here in Lincoln. The COVID-19 pandemic is rapidly reconfiguring our world, and with this reconfiguration, we have a chance to act for justice. To not only imagine a community built on compassion to its very core, but to build that community, together. Lift the curfews. Disarm the police. Lead with humility, ready to learn and try new ways of governing. Join this movement. We need you.

Your constituent,
Sarah Erdlen
3126 T St.
Dear Mayor Leirion Gaylor Baird and those in the City of Lincoln Nebraska Government,
I ask that you use your mayoral power during this difficult time to remit fines and grant pardons and reprieves for the offenses of those involved in protesting this past weekend of May 29th to the 31st. Our close proximity to Omaha, and the sad events that occurred with the death of James Scurlock, put us in the spotlight. It is our time to lead as examples of attempting to eliminate oppression. Please let the protestors go free.
Sincerely,
Nora Gahan
Hello Council Members:

I want to reach out to say I am in support of African Americans and our country as a whole with the fight against racism. (All levels). I have not joined the public protests.

Is there is a political action group in Lincoln I could join, I would like to?

If you know of other ways to help please let me know.

Thanks,

Myrna Mooberry Stanard
Council Members
I believe your citizenry want to see you respond to the protesters of the last four nights with compassion and a meaningful change. Are you working on how to change the Police and Minority community relations? Are you out there talking to the protesters and listening? Are you showing them that they are correct in their demands and you are going to see that a change happens in how we deal with hatred and profiling from the Police?
I ask because as leaders I expect you to show up with these responsible actions. I expect it.
Do it now.
Deanna Mumgaard

Sent from Mail for Windows 10
Chairman Richard Meginnis
and Members of the City Council
555 South 10th Street, Room 111
Lincoln, Nebraska 68508

Dear Chairman Meginnis and Members of the City Council:

I am writing to you to express opposition to Bill 20-71 which proposes to create a separate offense for a person who violates any chapter of Title IX with the intent to intimidate another person or persons due to that person’s actual or perceived status.

These sorts of ordinances skate close to the First Amendment. In R.A.V., Petitioner v. City of St. Paul, 505 US 377, an ordinance of the City of St. Paul that criminalized placing symbols, such as swastikas, on private property knowing it would arouse anger, alarm or resentment on the basis of race, color, creed, religion, etc. was stricken down. The Supreme Court concluded that it was content-based regulation presumptively invalid under the First Amendment. In contrast, in Wisconsin v. Mitchell, 508 US 476, decided a year later, a statute that enhanced the penalty for aggravated battery because of selection of the victim on account of race was upheld.

I am sure the City Attorney can find cases pro and con regarding an ordinance such as that in front of you. The question is not so much whether it is or is not unconstitutional; it is simply un-American. This ordinance, like similar ordinances and statutes, goes down the slippery slope of proscribing thought. Apparently for some, it is not enough that, if a person of any race, creed or color is assaulted, the perpetrator is subject to the criminal law. Now we need to delve, not into intent, but motive. This ordinance deviates from the concept of determining mens rea and instead tries to determine what motivated the individual to commit the crime. That is a useful tool in criminal investigation, and it is a worthwhile consideration in terms of sentencing. But to establish a law proscribing thought in and of itself is inappropriate, and that is what this ordinance does. It recognizes that the action will be punished under one provision of Title IX, but then establishes a separate offense for having a particular thought when perpetrating the underlying offense.

I ask you to strongly consider what you are doing and give consideration to voting against this ordinance.

Sincerely,

William F. Austin
waustin@blakeaustinlaw.com

WFA/ljd
From: Peter Katt <pkatt@charter-title.net>
Sent: Wednesday, June 03, 2020 5:39 PM
To: Council Packet; Jeff R. Kirkpatrick
Cc: Chad E. Blahak; Chris J. Connolly; Steve Champoux (poux02@yahoo.com)
Subject: RE: Task force

[CAUTION] This email comes from a sender outside your organization.

Council Members and City Attorney:

I believe that Mr. Connolly and Mr. Blahak are deliberately making it difficult for me to participate in this Task force process – which is legally required to be public and comply with the open meetings act.

Please note Mr. Connolly's communications with me at 7:44 am on May 28th below. Is it really that hard to give me notice of meetings other than by posting it on a bulletin board in City Hall?

When this matter does eventually gets before you to decide what to do with a recommendation, please be advised that the ability of the public to meaningfully participate is being thwarted.

The issues being decided by the task force are of great importance to our community. The new regulations at the state level will, if no changes are made, likely add over $5,000 in costs per house over current standards making Lincoln homes that much less affordable.

Peter W. Katt
LEGACY HOMES OMAHA
OMAHA-LINCOLN
12040 McDermott Plaza
Suite 200
LaVista, NE 68128

Mobile: 402-416-0359

From: Chad E. Blahak [mailto:cblahak@lincoln.ne.gov]
Sent: Wednesday, June 3, 2020 3:02 PM
To: Chris J. Connolly <CConnolly@lincoln.ne.gov>; Peter Katt <pkatt@charter-title.net>
Subject: RE: Task force

Peter, I have hard copies of all the materials you requested below available to be picked up at our counter. Even though the counter is officially closed to the public we have continued to make appointments for items such as this. Some of the handouts only existed as hard copies so I chose to provide all the material in that form. If you desire a digital copy of the packet I will not be able to get that scanned until this Friday June 5th due to some employees work from home schedules.

Also, after discussion with the Law Department, the task force meeting scheduled for 1:00 tomorrow afternoon (posted last Friday) at the Heath Department Training Room will not be broadcasted remotely. So if you desire to observe the meeting you’ll have to attend physically.
Thanks you.

Chad

From: Chris J. Connolly <CConnolly@lincoln.ne.gov>
Sent: Thursday, May 28, 2020 3:40 PM
To: Peter Katt <pkatt@charter-title.net>
Cc: Chad E. Blahak <cblahak@lincoln.ne.gov>
Subject: RE: Task force

Peter: Chad will respond to the requests below. As to the Open Meetings Act, this meeting did not need to comply with the Act. We intended for this to be a meeting subject to the Act because we anticipated action being taken on behalf of the parent body- the Building Code Task Force. Under Neb. Rev. Stat. section 84-1409(1)(b), subcommittees are specifically excluded as public bodies, with certain exceptions not applicable here, thus the Act did not apply to the meeting today. No action of any kind was taken. The subcommittee was free to meet to discuss the proposed changes submitted by HBAL. The next meeting will be scheduled for next week where formal action will be taken, but I don’t have the exact date, time, or place.

Christopher J. Connolly
Chief Assistant City Attorney
City Attorney’s Office
555 S. 10th Street, Suite 300
Lincoln, NE 68508
Phone: 402-441-7281
Fax: 402-441-8812
cconnolly@lincoln.ne.gov

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From: Peter Katt <pkatt@charter-title.net>
Sent: Thursday, May 28, 2020 2:48 PM
To: Chris J. Connolly <CConnolly@lincoln.ne.gov>
Cc: Chad E. Blahak <cblahak@lincoln.ne.gov>
Subject: RE: Task force

[CAUTION] This email comes from a sender outside your organization.

With the late start and a 2:00 meeting I needed to drop out of the ZOOM meeting.

This meeting did not comply with the open meetings act.

How do I get the following:

1. Minutes from all prior meetings
2. Hand-outs & materials from all prior meetings

3. Hand-outs and or written material used and/or referenced in today’s meeting

4. THE QUESTION I WOULD HAVE POSED TODAY: Is there any plan by the City or this committee to cost out the changes that will be required with this Code update?

5. Please send me a list of all members on this subcommittee and their email and/or snail mail addresses and phone numbers

6. Which members attended today?

Thanks! Peter

From: Chris J. Connolly [mailto:CConnolly@lincoln.ne.gov]
Sent: Thursday, May 28, 2020 7:44 AM
To: Peter Katt <pkatt@charter-title.net>
Cc: Chad E. Blahak <cblahak@lincoln.ne.gov>
Subject: RE: Task force

We engaged the public with a proper notice and we do work with the public on a regular basis. You received more notice than is required or typically done. That’s working with the public. If you want to participate today, read Chad’s email again.

Christopher J. Connolly
Chief Assistant City Attorney
City Attorney’s Office
555 S. 10th Street, Suite 300
Lincoln, NE 68508
Phone: 402-441-7281
Fax: 402-441-8812
cconnolly@lincoln.ne.gov

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From: Peter Katt <pkatt@charter-title.net>
Sent: Thursday, May 28, 2020 7:30 AM
To: Chris J. Connolly <CConnolly@lincoln.ne.gov>
Subject: RE: Task force

[CAUTION] This email comes from a sender outside your organization.
Even more disappointed with this response.

IT IS YOUR JOB TO WORK WITH AND ENGAGE THE PUBLIC! You chose to be a public servant.

A posted Notice on a bulletin board may meet your interpretation and legal compliance with the Open Meetings Act but then your office’s opinions in that area are whacked in my opinion any way.

Peter

From: Chris J. Connolly [mailto:CConnolly@lincoln.ne.gov]
Sent: Thursday, May 28, 2020 6:35 AM
To: Peter Katt <pkatt@charter-title.net>; Chad E. Blahak <cblahak@lincoln.ne.gov>
Subject: RE: Task force

Peter: You were given notice personally which is more than we usually do. It’s not our job to deliver engraved invitations to you.

Christopher J. Connolly
Chief Assistant City Attorney
City Attorney’s Office
555 S. 10th Street, Suite 300
Lincoln, NE 68508
Phone: 402-441-7281
Fax: 402-441-8812
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From: Peter Katt <pkatt@charter-title.net>
Sent: Thursday, May 28, 2020 6:32 AM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Chris J. Connolly <CConnolly@lincoln.ne.gov>
Subject: Re: Task force

[CAUTION] This email comes from a sender outside your organization.

Chad & Chris:

I am seriously not happy with either of you. I thought I had been quite clear I wanted to be notified of the meeting. I thought it would be understood that it would be timely. This barely qualifies.

Please have Mr. Wenz email me the Zoom link for today’s meeting.

Is the meeting notice also posted electronically on the City’s website? I want to see what it says.
On May 27, 2020, at 9:58 PM, Chad E. Blahak <cblahak@lincoln.ne.gov> wrote:

Peter, sorry this is getting to you late. The notice for the meeting has been hanging in the 1st floor City Hall bulletin board since Friday but I’m guessing you have not been there. The meeting is tomorrow, Thursday the 28th, at 1:00 in the afternoon and will be quasi virtual. The task force members are required to meet in person but the public will need to observe the meeting remotely. The notice directs the public to contact Jamie Wenz with TV5 at 441-6688 to request the Zoom meeting information.

Chad