I. DIRECTORS CORRESPONDENCE
PLANNING DEPARTMENT
1. Annexation Map AN20010
2. Annexation Map AN19005

II. CONSTITUENT CORRESPONDENCE
1. Police Funding - Mark and Ami Backencamp
2. Engine noise - Joseph (Joey) Wolfe
3. Alternatives to Imprisonment Facility - Mark Leeker
4. Protests - Ronald and Jane Wall
5. Vote no on item 20-112 - Robert Way
6. Old Fire Station at 84th and South Street - Mike Stahly
7. Testimony on Sign Ordinance - Jesse Starita
Annexation #: AN20010
70th & Saltillo Road High School Site
S 70th St & Saltillo Rd

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-3 Office Park District
R-T Residential Transition District
B-1 Local Business District
B-2 Planned Neighborhood Business District
B-3 Commercial District
B-4 Lincoln Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District
H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

Three Square Miles:
Sec.33 T09N R07E
Sec.34 T09N R07E
Sec.03 T08N R07E
Annexation #: AN19005
Iron Ridge PUD
S 40th St & Rokeby Rd

Zoning:
R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-3 Office Park District
R-T Residential Transition District
B-1 Local Business District
B-2 Planned Neighborhood Business District
B-3 Commercial District
B-4 Lincoln Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District
H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

One Square Mile:
Sec.31 T09N R07E

City of Lincoln, Lancaster County, NE

2018 aerial
Dear Council Members,

We are writing in regards to recent protest to defund police. We wish to convey our strong opposition to this movement. In fact, we would gladly approve an increase in taxes to give our officers raises. If you choose to vote to defund the Lincoln Police Department, we will be vacating Lincoln as soon as we are able. We love Lincoln. We rely on these brave, upstanding men and women to keep our community safe and will not remain without them.

Thank you for your time and consideration.

Mark and Ami Backencamp

Sent from Yahoo Mail on Android
Hello City Council Members,

My name is Joey Wolfe and I live at 6232 S. 82nd St. here in Lincoln. I'm writing because I'm wondering how many of you step outside your homes and hear engine noise. I'm not speaking of the average passing car, or even large semis that may have to occasionally use their engine breaks, but the ear-rattling roars of large, custom, or missing mufflers on vehicles of all sizes and the shrill whine of a high-powered motorcycle made overtly audible by the combination of mufflers and romping on the accelerator.

I've been a Lincoln resident most of my adult life and have worked from home since 2005, and I can't recall a time when I've heard more hard acceleration from vehicles that are clearly meant to be loud. Being near 84th and Hwy 2, I expect some occasional noise, but within the last year, and perhaps more coincidentally with the COVID-19 pandemic, I have heard more noise more frequently than ever before. In fact, I can be nearly 100% certain I will hear this noise within ten minutes of setting foot outside every day, and it happens well into the night.

I inquired with the Lincoln Police Department, and they very kindly had officers sent out looking for this, but they failed to note any "enforceable" violations. I find this a bit difficult to understand given the specificity of the noise ordinance and the frequency at which these events occur.

Perhaps you could share your experience and your thoughts on whether citizens deserve and have a right to peace and quiet during most waking hours, and at all hours after dark? Clearly the offenders are not only making unnecessary noise, but may be engaging in unsafe driving habits and putting others at risk. Furthermore, I don't think anyone could credibly call their loud muffler a defensible and reasonable form of expression, should such an argument ever be raised (and I'm sure it has...).

I understand that you have many priorities that are larger than this one, but at the same time, problems should not be allowed to get too far out of hand.

Peacefully and respectfully yours,

Joseph (Joey) Wolfe
402-613-1881
LCDP NEWSLETTER ARTICLE ON AIFs
August 5, 2020
By Mo Neal, resident and member in Irvingdale Neighborhood Association &
Tom Kiefer, resident and member in Woods Parks Neighborhood Association
In 2015 the legislature passed LB 605 & 1094 (expanding the use of probation in lieu of
incarceration) as well as Nebraska Revised Statutes 28-105 (new felony offense classification
requiring post-release supervision); Nebraska Revised Statute 29-2260 (cases requiring a
determinant sentence of post-release supervision); and Nebraska Supreme Court Rule 6-1904
(rules of post-release supervision). The description of these facilities is in the Nebraska Probation –
Transitional Living Initiative at www.supremecourt.nebraska.gov and includes the target
population:

“Felony offenses and limited Class I misdemeanor offenses including domestic violence, sex
offenses, and 3-Offense DUIs and higher…and are assessed at high risk to reoffend”.

An Alternatives to Imprisonment Facility (AIF) is a correctional facility. The state intention was
that regulations were to be left up to the individual cities and towns where such AIFs would be
located but permitting was to be sought at the Administrative Office of the Courts & Probation.
However, the process fell apart when it reached Lincoln and the City Municipal Codes in 2015.
This went unnoticed until 2020 when the first application for a Special Permit in Woods Park was
received by Planning and Zoning Commission. The Commission may only evaluate an application
on land use issues unless there are city codes on zoning that give them laws to work with. This first
application SP20005 and a second one filed more recently SP20020 were both passed by the P&Z
Commission because they were only allowed to look at items such as land use, lot size, parking
availability, etc.
The next step in application process is to send permits to City Council for approval. In both the
SP’s above there were appeals to Planning and Zoning Commission and an appeal was filed
against SP20005 when it came to City Council after its P&Z appeal was denied.
Alternatives to Imprisonment Facilities are impacting neighborhoods due to the lack of any
regulations in the City of Lincoln Municipal Codes; property owners are not being informed in a
timely manner; properties are being purchased and up to 3 unrelated probationers are being housed
for a time under the Dwelling definition in city codes until owner/providers decide to apply for the
Permit from the Program and Services Division of the Administrative Offices of the Courts &
Probation which can allow from 6-16 probationers in an AIF. The AIF designation is tied to the
property, not the owner/provider. Any future sale of property keeps the designation yet does not
require permit application from the new owner; there are no inspections for health and safety purposes and in a pandemic that is an oversight that needs correcting.

Other cities and states including Omaha, Kansas City, MO and Denver, CO have far better laws regarding AIFs on their books. In Omaha, Detention Facilities are Special Use Permit only in zones AG, LI, GI. Group Homes are permitted in zones AG, R1, R3, MU1, MU2, MU3. NONE at all in an R2 zone. These homes must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision. This is not required in Lincoln. Why? Originally AIFs were in “Group Living Categories for R2 Neighborhoods, Category C (Conditional Use). None of the distancing setbacks and requirements from Category C were transferred with the AIFs when they were changed from C to S (Special Permit) where the statute is now. Lincoln’s treatment of AIFs diverges from other cities’ planning norms: the Lincoln AIF permit is a de facto re-zoning which is permanently attached to an individual property once it is granted and is transferable upon sale. There are no regulations demanding new owner be permitted, background check, or otherwise accountable for anything that happens on the property.

Kansas City, MO requires halfway houses must be 1,500 feet from another such facility…. and no facility shall be located within 500 feet of a school. The permit is limited to two years, but applicant must demonstrate that the facility has not had a negative impact on properties within 500 feet and has complied with… the Property Maintenance Code. Ordinance No. 100394, (KCMO_Legislation_100394.pdf.)

Denver, CO has the most developed rules in our region. To start, “Community Information Meetings” are required before permit applications are submitted. In Lincoln, permits are sought after properties are purchased and after probationers are already in residence under the Dwelling classification (up to and including 3 unrelated persons may live in same home). Lincoln homeowners received formal notice of the permit/zoning requestless than 2 weeks before the original public hearing. The landlord/provider are under no obligation to notify the neighbors of their plans. Colorado has 58-page document detailed enforceable standards for community correctional facilities, which protects both neighborhood residents and the probationers in an AIF-equivalent homes. It also prevents profiteering by the landlord.

In Nebraska, AIF providers seem to be encouraged to profit from the probationers they house. If 5 hours per week of group counseling is provided in the house, the provider is paid $91 per probationer per day with no credentials or experience required of the “counselors” for this $91 & no food is provided. With 6 probationers over 365 days a gross annually income of $198,744. This is how the State corrections system plans to eliminate the extreme overcrowding in its penitentiaries - - by dumping probationers into for-profit, minimal security facilities privately operated by absentee landlords.

Background checks and training requirements are mandated in other states. We have neither. AIFs need on site supervision 24/7/365. On site disputes will occur. At one Lincoln S. 13-Street home operating under a Dwelling designation (not yet permitted) there have been 6 visits to arrest & serve warrants by LPD and NE State Patrol since December 2019. No onsite staff are required in Lincoln. Owners are relying on surveillance cameras such as Ring and other brands to do the
supervision from a distance. Verbal assurances from an absentee landlord/provider are of little merit when there is an emergency.

To sum up, in Lincoln there are no rules, regulations or accountable oversight governing their operation for purposes of protecting the rights of the probationers or the neighborhood residents. There are no mandated requirements for licenses, 24/7 supervision, staff or health and safety inspections. There are no distance requirements and AIFs can be sited anywhere. These landlords are under no obligation to keep any promises made to the Planning Department (e.g., to house only women and not men or juveniles). There are no penalties or fines for neglect of facility residents or for any harm caused to neighbors. Facility residents are at the mercy of these absentee landlords, since there are no enforceable rules protecting them. Once granted, these AIF permits are permanent, no matter how detrimental the facility is to its residents or the surrounding neighborhood and are transferrable to a new owner without restriction or revalidation. Resolving these issues is necessary to protect facility and neighborhood residents alike. At this moment there are two permit applications from homes in the Woods Park Neighborhood and in the South Salt Creek Community Organization.

Our city needs transitional living housing, but it must have regulations for safety, density and successful and reasonable expectation of integration back into society. On Monday August 3rd, the City Council met and suspended rules and passed a 90-day moratorium on reviewing any permits for AIFs. On July 27th, Senator Anna Wishart sent LR 427, co-sponsored by Senator Patty Pansing Brooks, to the Legislature asking for an Interim Study of transitional housing. It has been sent to the Judiciary Committee. It reads:

**LR427 PURPOSE:**

*The purpose of this resolution is to study the issue of reentry housing utilized by people exiting the Nebraska Department of Correctional Services and requiring post-release supervision. The study shall include, but not be limited to, an examination of the following:

1. Whether state licensing is necessary to ensure the safety of residents and the surrounding community; and
2. Whether facilities use evidence-based plans for programming and what standards are set to support the residents transitioning to independence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.*

This same Legislature Session, Senator Matt Hansen proposed a bill, LB 794, Missing Middle Housing Act, to effectively eliminate zoning protections in Lincoln. Developers could buy houses in any residential zoning district, raze them and rebuild or convert them to multi-housing units. The premise is that increasing density will increase affordability. A link to full bill is below. Its Statement of Intent Reads:

*The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby: LB794 creates the Missing Middle Housing Act, which would allow the development of middle housing in areas zoned for detached single-family dwellings for cities*
with populations over 5,000 residents. In the bill, “middle housing” includes duplexes, triplexes, quadplexes, cottage clusters, and townhouses. To implement, cities would amend zoning ordinances or regulations by January 1, 2022.

If this bill has as little regulation to it as the AIFs do, then Lincoln is in danger of becoming a Houston which has NO zoning. Anything can be built anywhere. It has become an architecturally blighted city of decaying big box stores and crumbling residences. The Unicameral moved Senator Hansen’s LB 794 out of committee by a 30-0 vote. The senators did not hear from their constituents who are in opposition.

Sent from my iPhone
My husband and I regularly read the Lincoln City Council minutes. First, we applaud you for taking responsibility and time to serve our city. It is a thankless and complex job, so thank you.

We think it is important to realize that Lincoln is diverse. The protesters raise issues that might need further study and change, but it is also important to temper these demands with the reality of the many groups our community serves. It is tedious and often upsetting to do research and accept realities that may not match the stand we would like to take.

The reality is that the Lincoln Police Department is not the police department of other cities. They are cost efficient and have done community policing for years. We believe the data bears this out. It is so easy to choose a scapegoat and pronounce the problem solved if we can just get rid of or seriously damage that scapegoat’s ability to do their job.

The protesters need to get their facts straight and take the time to research what they are protesting. It is so intoxicating to grab a piece of cardboard and a magic marker. Offering sound solutions would also be beneficial. Unfortunately, protest signs are merely a band aid, and wiser more responsible people such as the city council, are left doing the heavy lifting.

We have admired the City of Lincoln and the many services we offer to poor and minority citizens. It is amazing the number of both private and government entities that provide food, rent subsidies, medical care and other social services. Is it more prudent to look at these programs and how they fit together and provide services? Where are we failing to provide adequate support? How do we build on what we currently have in place?

Ironically, defunding the Lincoln Police Department takes away services from those who need and use it the most. We believe the wisdom of most of us is that criminals will probably continue being criminals even if there are no police. We believe the police are an important part of making Lincoln a better place to live. Thank you for your continued efforts to enhance and make this department work. Slapping a band aid on one part of the problem is doomed to failure. It is time to put away the cardboard signs and do some real work.

Ronald Wall, Ed.D
Jane Wall, MA
Dear City Council Members,

Please vote no item 20-112. It has been the policy of Lincoln city council to hold meetings in front of live audience. I believe it is required by open meetings act. The citizens that chose to attend will have views of that I agree with and disagree with. More important than almost any issue is fostering an environment where people believe they can take their concerns to their elected leaders.

If someone wants to city in the council for hours on end holding a sign, then they probably feel strongly about the issue. And they are probably not alone, they are communicating with their government and that is their right and duty a free citizens. This behavior type of behavior to be encouraged outlawed by city ordinance. The chair is elected by the body, he has the right to keep in order in the meeting. Any particular actions might be out of order and dealt with by the chair.

The rules of the city council are to keep order, not to make things tidy. We all agreed to participate in the worse form of government expect for all the others. It is will always be untidy and messy. People are untidy and messy, and this a government of the people.

You are all serving under the most difficult time perhaps in the history on city. The problems heaped upon you are Herculean. Hopefully in future your efforts will be remembered and honored by your fellow citizens, but none the less almost all you asked the people for the position you now hold. One you asked the council for the position. None of you were drafted , all of you have option to resign, but you should not be in business of telling the citizens that gave you your positions the proper way that you are to be addressed.

You are public servants, you carry a heavier burden than your fellow citizens. I almost always address you individually with honorific that you have bestowed upon you. You should have the gratitude of those you serve, but no matter what you don’t have any place limiting their methods of address to the their elected representatives.

Sincerely,
Robert Way
HI. I know you all have a lot on your plates these days. I live in the far southeast part of Lincoln and travel often on 84th street. I don’t know what plans the city has for the former fire station that is near 84th and South street. Just wondering if the city might consider a swap of that land and building with Lancaster county? I wonder if perhaps that station could be converted to a county license facility? It would not have to be a full service place. Maybe one for just re-licensing of vehicles, new licensing of vehicles, and perhaps drivers license renewals? I would think more complex things and items like personalized plates etc. could remain at the 46th street facility. There appears to be room for parking, maybe even a drive thru around the building would be possible. This would not be just something selfish for me. I think residents from all over northeast, east and southeast Lancaster county would benefit. Of course mail in renewal is better, but sometimes that just does not work for some people. Perhaps the county has some parcel of land just on the outskirts of Lincoln that could be traded to avoid much initial out of pocket cost to either entity?

Perhaps there are good reasons to not consider that. Such consideration might not be feasible. Just something I wondered about as I drive by this place a lot.

Thanks.

Mike Stahly
6906 S 91st St.
Lincoln, NE. 68526
402-489-1019
mkstahly@yahoo.com

Sent from Mail for Windows 10

Virus-free. www.avast.com
Dear Members of the City Council:

Hello, my name is Jesse Starita and I live at 3005 South 19th Street. I am in favor of the proposed ordinance banning signs inside city council chambers.

When I’m pessimistic about our national and civic culture, Lincoln is reliable medicine. We settle refugees. We return our census questionnaires. We take sensible precautions in a pandemic. We walk, jog, skateboard, and ride bikes on 130 miles of city trails. And, we listen to and care for each other.

I support and am inspired by the Black Lives Matter movement. When you see what happened to George Floyd and countless other black Americans, how can you say we don’t need to change? Likewise, when a few depict all police officers as evil, it makes sense to speak up.

And I am aware that when people don’t listen to or understand your pain, trauma and needs, there is an understandable desire to get loud and be heard.

These chambers, right here, I truly believe, are one of the few remaining places in our country where people speak and listen. A city council meeting is not a rally, nor a march, nor a rock concert or Husker football game - all places where a ban on signs would be ludicrous.

This place is different because what happens here - or what should happen here - is a conversation. That’s what we all want - a conversation. And you know what those take? Concentration. Focus. Engaged listeners.

When people are in here jockeying for position to block others’ signs that conflict with their beliefs like freshman at a Duke basketball game - first of all, what is your ultimate goal? and moreover, how do you think council members can truly pay attention to the community’s needs instead of the sideshow?

I’m more for civility and listening than I am against signs. But in order to really have a conversation, let’s sign up to be adults.