

DIRECTORS' ORGANIZATIONAL MEETING

Monday, September 21, 2020

555 S. 10TH STREET

BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' Minutes from September 14, 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 September 8, 2020 through September 14, 2020
2. Final Action dated September 16, 2020

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. Safe & Successful Kids Inter-local - Shobe, Meginnis (08.27.20)
2. MAC - Shobe (09.08.20)
3. DLA - Meginnis, Ward (08.25.20)

VII. CONSTITUENT CORRESPONDENCE

1. Lincoln Dine Out - Michael Barton
2. Lincoln Streets - dfrient@neb.rr.com
3. Memo to corrupt politicians - Robert Borer
Arjay Etzelmiller
Andy Stebbing
Joy Annette
4. U.S. District Court Judge William Stickman - Robert Borer

VIII. ADJOURNMENT



Memorandum

Date: ♦ September 15, 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 September 8, 2020 through September 14, 2020:

Administrative Amendment 20049 to Special Permit 872J, Firethorn Community Unit Plan, approved by the Planning Director on September 8, 2020, to revise the lot layout showing Lots 149-151 divided into five lots, thereby increasing the number of dwelling units shown on the plan by 2 for a total of 315, generally located at South 84th and Van Dorn Street.

Administrative Amendment 20050 to Use Permit 123E, Landmark Corporate Center, approved by the Planning Director on September 8, 2020, to change the uses for Lots 6A and 6B, Block 4, from office to office/warehouse and increase the floor area for Lot 6B, from 21,000 square feet to 25,000 square feet, generally located at North 33rd Street and Salt Creek Circle.

Administrative Amendment 20051 to Special Permit 20051, Capital City Horse and Pony Club, approved by the Planning Director on September 10, 2020, to add a new bathroom building, generally located at North 14th Street and Mill Road.

PLANNING COMMISSION FINAL ACTION NOTIFICATION

TO: Mayor Leirion Gaylor Baird
Lincoln City Council

FROM: Geri Rorabaugh, Planning

DATE: September 16, 2020

RE: Notice of final action by Planning Commission: September 16, 2020

Please be advised that on September 16, 2020, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

Resolution PC-01726, approving **SPECIAL PERMIT 20032**, to allow for the sale of alcohol for consumption off the premises, on property legally described as Lots 3-5, Block 4, Normal Park, and a portion of Outlot B, Normal Park, located in the SE 1/4 of Section 32-10-7, Lincoln, Lancaster County, Nebraska, generally located at 2510 South 48th Street.; and

Resolution PC-01727, approving **SPECIAL PERMIT 20033**, to allow for the reconstruction of two non-conforming signs, on property legally described as portions of Lots 21 and 28, J. G. Millers Subdivision, located in the S 1/2 of Section 20-10-7, Lincoln, Lancaster County, Nebraska, generally located at 233 North 48th Street.

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. SP20032, SP20033). The Resolution and Planning Department staff report are in "Related Documents" under the application number.

Angela M. Birkett

From: Barton, Michael <m.barton@bartondevinc.com>
Sent: Monday, September 14, 2020 2:50 PM
To: Council Packet
Cc: Barton, Steve
Subject: Lincoln Dine out

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

As we near the end of the Dine out program allowing business to happen in streets, parking lots and grassy areas I feel the need to pass along that restauranters are still struggling. I am the owner of Buffalo Wings & Rings and our sales are still not back to "normal." I urge you guys to extend the extended seating program through the End of October. The extended patio for us now that the weather has cooled down a bit has been extremely helpful. I am sure there are other businesses that would echo this over the last few weeks.

I appreciate your time,

Michael Barton

Angela M. Birkett

From: DFRIENDT@neb.rr.com
Sent: Tuesday, September 15, 2020 2:19 PM
To: Council Packet
Subject: Lincoln Streets

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

Instead of spending time on items that accomplish nothing, like your support for DACA, how about concentrating on the items you should be, like the terrible condition on Lincoln streets (56th, 48th, etc.). An additional .25% sales tax was implemented for street repairs. However, many arterial streets are in very poor condition and have been patched multiple times. They need to be completely resurfaced. When are you going to hold the Administration accountable for how they are spending the money, what streets are being repaired and their plan and schedule for each street. You should require a weekly update from the Administration on this topic which affects Lincoln citizens everyday.

Angela M. Birkett

From: Joy Annette <hhjj1966@gmail.com>
Sent: Wednesday, September 16, 2020 1:35 PM
To: Andy Stebbing
Cc: Allie French; Angie Etzelmiller; Balm, Erika; Ben Madsen; Bleichster1@gmail.com; Bonni Bogard; Brenda Bickford; Brian & Jeni Fuchs; Carol Blood; Cherrie Fuering; Christopher Fidico; Cori Lamm; Dan Hughes; Dan Wiles; David Kohrell; Dustin Jorgensen; Dworak, Tony; Ellie Sampson; Felix Izel; Harry Watson; Jana Kohrell; Jasmine.tollette@gmail.com; Jeremy Hoefs; John Lowe; Jon Herms; Julie Carter; Karen Christensen; Kate Bolz; Krisa Wiles; Lori Howard; Lucas Jung; Lynn Beca; Mark Adamson; Mayor; Mike Groene; Mike Wittman; Miller, Jackie; Nathan Heard; Nelson Peterson; Ozaki, Andrew; Rick W. Tast; Robert Borer; Samuel Lyon; Sara Howard; Shane McNeese; Stephanie Jarrett; Stephanie Spearman; Steve Erdman; Steve Oss; Steve and Kathy Huneke; Sue Crawford; Suzanne Geist; Thi Tran; Todd Watson; Wendy Collicott-Wittoff; Adelle L. Burk; alagrone@leg.ne.gov; arjay etzelmiller; bostelman@leg.ne.gov; bhansen@leg.ne.gov; blindstrom@leg.ne.gov; Bennie R. Shobe; cfriesen@leg.ne.gov; Council Packet; cyndilamm2004@yahoo.com; Christa G. Yoakum; dmurman@leg.ne.gov; dquick@leg.ne.gov; Deb E. Schorr; echambers@leg.ne.gov; fanchon blythe; governor@nebraska.gov; jalbrecht@leg.ne.gov; jamesmichaelbowers@gmail.com; jarch@leg.ne.gov; James M. Bowers; jdloy@unl.edu; Jenifer T. Holloway; jmcollister@leg.ne.gov; Jane Raybould; jrgrant1@gmail.com; jscheer@leg.ne.gov; jslama@leg.ne.gov; jstinner@leg.ne.gov; jwayne@leg.ne.gov; kgarcia@lpden.com; leg.senators@leg.ne.gov; leg.senatorsstaff@leg.ne.gov; llinehan@leg.ne.gov; lwalz@leg.ne.gov; mcavanaugh@leg.ne.gov; mdorn@leg.ne.gov; mhansen@leg.ne.gov; mhilgers@leg.ne.gov; mhunt@leg.ne.gov; mkolterman@leg.ne.gov; mmcdonnell@leg.ne.gov; mmoser@leg.ne.gov; mwilliams@leg.ne.gov; pete.ricketts@nebraska.gov; Pat D. Lopez; ppansingbrooks@leg.ne.gov; pricketts@nebraska.gov; pricketts@ne.gov; Roma B. Amundson; Roy A. Christensen; rclements@leg.ne.gov; rhilkemann@leg.ne.gov; rkolowski@leg.ne.gov; Richard W. Meginnis; Rick W. Vest; Sean H. Flowerday; shalloran@leg.ne.gov; slathrop@leg.ne.gov; Sandra J. Washington; tbrandt@leg.ne.gov; tbrewer@leg.ne.gov; tbriese@leg.ne.gov; Tammy J. Ward; tom@gncclincoln.org; tvargas@leg.ne.gov; Terry T. Wagner; wdeboer@leg.ne.gov; woodyjeff@hotmail.com

Subject: Re: Memo to corrupt politicians: Precedent set. Day of reckoning coming. NO emergency cancels the Constitution.

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

US  

On Wed, Sep 16, 2020 at 12:22 PM Andy Stebbing <andystebbing@yahoo.com> wrote:

**DAD, I'M
CONSIDERING
A CAREER IN
ORGANISED
CRIME**

**GOVERN
PRIVA**



[Sent from Yahoo Mail on Android](#)

On Wed, Sep 16, 2020 at 12:21 PM, arjay etzelmler
<arjayetzelmler@yahoo.com> wrote:

Amen to 100% of that email. If I had the gift of writing, those would have been my exact words

[Sent from Yahoo Mail for iPad](#)

On Wednesday, September 16, 2020, 12:11 PM, Robert Borer <robert.borer@doane.edu> wrote:

Overtuning COVID restrictions and states of emergency

"You think you got the horses for that? Well, good luck and God bless, but I tell you this...the last place you want to see me is in court." (attorney Arthur Edens, in the film, Michael Clayton, 2007)

I've been covering the decision in the Pennsylvania COVID case and the court filing in Ohio. They give us the templates for potential victories in other states and countries.

In Pennsylvania, a federal judge just ruled that Governor Wolf's COVID containment measures are unconstitutional. The judge went further. NO emergency cancels the Constitution. There is a line that cannot be crossed. The right to assemble, to have freedom of movement, to earn a living---they can't be wiped off the board by lockdowns for ANY reason.

This is, indeed, a heroic ruling. It affirms the unmistakable rays of light emanating from the basis of the American Republic.

In Tom Renz's gigantic Ohio filing against Governor Mike DeWine, both the Constitution and issues of fact/science are asserted. Facts mean something. A declaration of emergency must undergo scrutiny, to determine whether a clear and present danger justifies the declaration.

Otherwise, a government can destroy the Constitution, the rule of law, and human rights by falsely claiming danger when there is none. We would be back in the time of Royal Edict, with the king's army as the "rationale."

In 2020, lunatic cultural proclivities, media propaganda, political jockeying, pretensions of science, scare tactics, rigging of "facts," and profit motives are in the mix. They produce amnesia about basic principles.

The law, when correctly applied, refreshes memory and sweeps away a blizzard of claims and counter-claims. The law comes to the point.

Using the law, one can say to governors and their public health advisors, "You've been going on for months now about the COVID spread and the emergency and the containment measures, but we want to reduce this to basics: do you have the Constitutional right to strip away our

freedoms, and is there a factual reason to believe a state of emergency is necessary---so we're going to court."

Or, putting it another way: "Sir, you're holding a gun to my head while you're explaining at length why I can't move. But you see, nothing has happened in court yet. Meet my lawyer. Are you going to shoot us both? Is that where you really want to go?"

In Ohio, attorney Tom Renz, on behalf of his clients, and against the governor, is asking for a jury trial. He wants citizens to hear the complex arguments about COVID SCIENCE. He wants citizens to understand the con and the game that is being played, in great detail. This is impressive. Renz believes The People deserve to know and they are capable of understanding.

From my nearly 40 years working as a reporter, experience tells me attorney Renz is correct. When the truth is laid out step by step, The People come to their senses. They cut through their own malaise. They cut through media indoctrination. As if they once took a voyage to an island called Logic, they suddenly remember that voyage.

After all, the COVID lockdowns and the economic destruction are being visited on the population at large, so let a dozen of their members (OUR members) hear the case and adjudicate it.

I'm not naïve about courts and judges and lawyers and juries. But I do know that, among the denizens of that system, there are keen minds and persons of good will. Persons who know that the Law, as it was once enshrined by the Founders, is a beacon and a breakthrough.

It is a culmination, after centuries of struggle, which places freedom at the head of the table.

Freedom---not edicts, not lockdowns.

What is COVID science? Has the virus actually been defined? Have case and death numbers been drastically inflated? Is there a pandemic? Why is a diagnostic test that has so many holes, that has never been properly validated, being deployed? How many obfuscations has the CDC planted to hide official secrets?

Let's go to court and turn on the lights and explore the rabbit hole.
-Rappoport, Researcher

I don't want to "protect" you by wearing a mask. I don't want to be a pawn in your delusion. Find a mask that protects you, wear it, and leave me alone. There must be such a mask. We have cell phones and rockets and brain surgery. Come on. -Denis Rancourt, Professor of Physics

...and before anyone thinks that I'm putting the economy before human life, you're an idiot. Destroying an economy destroys people's ability to support themselves. It obliterates their businesses, puts untold numbers of people out of work and forces people into poverty. It also massively raises taxes. When economies stop functioning for extended periods, what do you think is going to happen? A massive depression. Life expectancy decreases. People can't afford to get access to the health services they need. Disease increases astronomically. Suicides go through the roof. It's almost like this whole covid lockdown hasn't actually been about health care at all. It's been about control of the populace and ensuring the entire planet accepts a

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Thursday, September 17, 2020 10:31 AM
To: pete.ricketts@nebraska.gov; Mayor
Subject: U.S. District Court Judge William Stickman IV rules PA Gov and Health Sec corona-virus related restrictions unconstitutional

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

Notice to the Good Hardworking People of the State of Nebraska, and Small Business Owners in particular-

U.S. District Court Judge William Stickman IV has ruled the corona-virus related restrictions perpetrated by PA Gov Wolf and his Health Sec unconstitutional. See a short excerpt from his decision related to small businesses below.

Nebraska Governor Ricketts and Lincoln Mayor Baird have perpetrated the same crimes upon the good people of Nebraska. They turned a few misdiagnosed personal emergencies into what equates to a community-wide train wreck that has been spewing highly toxic, flammable and explosive hazardous materials in every direction for months now—and they refuse to mitigate it. They need to be held criminally liable.

Quoting Suzanne Meyer Stearman:

"What emergency are they [Ricketts and Baird] referring to? An emergency would be business and job losses, severe decline in mental health, kids stuck at home in bad situations, a 30% increase in drug OD's, increased suicide attempts, not to mention the increased shootings here in Omaha and the list goes on..."

Quoting Judge Stickman:

"...the manner in which Defendants' orders divided businesses into "life sustaining" and "non-life sustaining" classifications, permitting the former to remain open and requiring the latter to close, fails rational basis scrutiny. The Court outlined at length above the facts of record demonstrating that Defendants' determination as to which businesses they would deem "life sustaining" and which would be deemed "non life-sustaining" was an arbitrary, ad hoc, process that they were never able to reduce to a set, objective and measurable definition. As stated above in reference to the Business Plaintiffs' due process challenge, to the extent that Defendants were going to exercise an unprecedented degree of immediate power over businesses and livelihoods; to the extent that they were going to singlehandedly pick which businesses could stay open and which must close; and to the extent that they were picking winners and losers, they had an obligation to do so based on objective definitions and measurable criteria. The Equal Protection Clause cannot countenance the exercise of such raw authority to make critical determinations where the government could not, at least, "enshrine a definition somewhere." (ECF No. 75 p. 95).

"Finally, the record shows that Defendants' shutdown of "non-life sustaining" businesses did not rationally relate to Defendants' stated purpose. The purpose of closing the "non-life sustaining" businesses was to limit personal interactions. Ms. Boaleng averred: "[i]n an effort to minimize the spread of COVID-19 throughout Pennsylvania, the Department [of Health] sought to limit the scale and scope of personal interaction as much as possible in order to reduce the number of new infections." (ECF No. 37, p. 2). "Accordingly, it was determined that the most effective way to limit personal interactions was to allow only businesses that provide life sustaining services or products to remain open and to issue stay-at-home orders directing that people leave their homes only when necessary." (ECF No. 37, p. 3). But Defendants' actions did not rationally relate to this end.

Closing R.W. McDonald & Sons did not keep at home a consumer looking to buy a new chair or lamp, it just sent him to Walmart. Refusing to allow the Salon Plaintiffs to sell shampoo or hairbrushes did not eliminate the demand for those products, it just sent the consumer to Walgreens or Target. In fact, while attempting to limit interactions, the arbitrary method of distinction used by Defendants almost universally favored businesses which offered more, rather than fewer products. As such, the largest retailers remained open to attract large crowds, while smaller specialty retailers—Iike some of the Business Plaintiffs here—were required to close. The distinctions were arbitrary in origin and application. They do not rationally relate to Defendants' own stated goal. They violate the Equal Protection Clause of the Fourteenth Amendment."

<https://drive.google.com/file/d/1FL3Y1kDPricSINHlym0lVIw9hdsvmZmx/view>