

# **DIRECTORS' ORGANIZATIONAL MEETING**

**Monday, May 3, 2021  
555 S. 10<sup>th</sup> Street  
COUNCIL CHAMBERS**

## **I. MINUTES**

1. Approval of Directors' Minutes from April 19, 2021

## **II. ADJUSTMENTS TO AGENDA**

## **III. CITY CLERK**

## **IV. MAYOR'S OFFICE**

## **V. DIRECTORS CORRESPONDENCE**

### **PLANNING DEPARTMENT**

1. Administrative Approvals from April 20, 2021 through April 26, 2021
2. Action dated Wednesday, April 28, 2021

### **LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT**

1. Public Health Update provided by Pat Lopez, Director, Lincoln-Lancaster County Health Department

## **VI. BOARDS/COMMITTEE/COMMISSION REPORTS**

*Suspended until further notice*

## **VII. CONSTITUENT CORRESPONDENCE**

1. Proposed Resolution 21R-151 – Janet Chung
2. Sheriff interview over constitutionality of scamdemic measures – Robert Borer
3. Asian Resolution – Shawn Trucke
4. COVID Restrictions – David Steffen
5. City Council Agenda Pending List/Hoy Prairie South LLC – Charles Humble

## **VIII. COUNCIL DISCUSSION**

1. Discuss Public Comment via Zoom
  - a. Ad-hoc committee



# *Memorandum*

**Date:** ♦ April 27, 2021

**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 April 20, 2021 through April 26, 2021:

**Administrative Amendment 210015**, to Preliminary Plat 18002, Southwest Village Heights 1<sup>st</sup> Addition, approved by the Planning Director on April 22, 2021, to shift a section of roadway between West Paradise Drive and West El Alameda Street, to replace an extension north of West Palm Canyon Drive with a pedestrian outlot and sidewalk connection, and to redesign a traffic-calming circle into a typical 3-way intersection, on property generally located at West Old Cheney Road and West Folsom Street.

## **REVISED**

### **\*\*ACTION BY PLANNING COMMISSION\*\***

**(See Item 1.1)**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 28, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, April 28, 2021, in the Council Chambers immediately following the Regular Planning Commission meeting, for a briefing on the proposed text amendment for Short-Term Rentals. **\*\*Please Note\*\* Planning Commission briefings are for informational purposes only and no public testimony will be taken.**

**In order to limit the number of people gathering at any one time and our effort to adhere to required “social distancing” protocols, we are staggering the times of various hearings over several hours. These times are identified in ( ) next to each agenda item. We are encouraging attendees to arrive no more than 15 minutes before their scheduled hearing. An agenda item will not begin before the time posted.**

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of \*FINAL ACTION\*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

**For the protection of all those involved, the Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing [Plan@lincoln.ne.gov](mailto:Plan@lincoln.ne.gov) by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.**

## **AGENDA**

**WEDNESDAY, APRIL 28, 2021**

**[Commissioner Finneqan absent; Commission Ryman Yost arrived at 1:04 p.m.]**

Approval of minutes of the regular meeting held April 14, 2021. **\*\*APPROVED: 7-0;**  
**(Finnegan and Ryman Yost absent)\*\***

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

**COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 21008, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan, that adds the "25th & Vine Redevelopment Project", on property generally located at 25th and Vine Streets.

**Staff recommendation: In Conformance with the Comp Plan**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

**The application was removed from the Consent Agenda for public hearing.**

**Planning Commission recommendation: FINDING OF CONFORMANCE: 78-0 (Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, May 24, 2021, at 5:30 p.m.**

- 1.2 COMPREHENSIVE PLAN CONFORMANCE 21009, to review as to conformance with the 2040 Lincoln-Lancaster Comprehensive Plan, two proposed amendments, the first to the Lincoln Center Redevelopment Plan and the second to the South of Downtown Redevelopment and Strategic Plan, to identify the "2 Landmark Centre Redevelopment Project", including the demolition of existing on-site facilities and construction of a new 3-story office building, on property generally located at 1111 Lincoln Mall.

**Staff recommendation: In Conformance with the Comp Plan**

**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

**Planning Commission recommendation: FINDING OF CONFORMANCE: 7-0 (Finnegan absent; Scheer declared a conflict of interest). Public hearing before the City Council is tentatively scheduled for Monday, May 24, 2021, at 5:30 p.m.**

- 1.3 COMPREHENSIVE PLAN CONFORMANCE 21010, to review as to conformance with the 2040 Lincoln-Lancaster Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to amend the "Block 65 Redevelopment Project", adjusting the TIF (Tax Increment Funds) from 15 to 20 years, on property generally located at 200 and 206 South 13 Street and 1318 and 1340 M Street, between 13th and 14th, M and N Streets.

**Staff recommendation: In Conformance with the Comp Plan**

**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

**Planning Commission recommendation: FINDING OF CONFORMANCE: 7-0 (Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, May 24, 2021, at 5:30 p.m.**

**CHANGE OF ZONE:**

- 1.4 CHANGE OF ZONE 04075I, to amend the existing Village Gardens PUD (Planned Unit Development) for the construction of multiple-family dwelling units with waivers to adjust height and parking, on property generally located at 56th Street and Pine Lake Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**  
**The Planning Commission granted a request on behalf of the applicant to defer public hearing and action to the May 12, 2021, hearing. (Commissioner Campbell declared a conflict of interest).**
- 1.5 CHANGE OF ZONE 21010, from B-3 (Commercial District) and R-4 (Residential District) to R-6 (Residential District), on property generally located at 2716 and 2718 Starr Street and 1420 North 27th Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated May 15, 2021: 7-0; (Finnegan and Scheer absent).**  
**Public hearing before the City Council is tentatively scheduled for Monday, May 17, 2021, 3:00 p.m.**

**MISCELLANEOUS:**

- 1.6 MISCELLANEOUS 21003, to review the proposed determination that the Meadowlane Shopping Center be declared a blighted and substandard area, on property generally located at the NE corner of 70th and Vine Streets.  
**Staff recommendation: Finding of Substandard and Blighted Conditions**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**  
**Planning Commission recommendation: FINDING SUBSTANDARD AND BLIGHTED CONDITIONS: 7-0 (Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, May 24, 2021, at 5:30 p.m.**

2. **REQUESTS FOR DEFERRAL:** See Item 1.4.
3. **ITEMS REMOVED FROM CONSENT AGENDA:** See Item 1.1.
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

\*\*\*\*\*

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

\*\*\*\*\*

**Adjournment**

**1:34 p.m.**

**PENDING LIST:**

*COMPREHENSIVE PLAN CONFORMANCE 21004, to review as to conformance with the Lincoln Lancaster County Comprehensive Plan, a request to declare approximately 1.59 acres of City of Lincoln-owned land as surplus, on property generally located at F Street between 6th and 8th Streets.*

*CHANGE OF ZONE 20029, from R-3 (Residential District) to H-3 (Highway Commercial District), on property generally located west of North 33rd Street and Schworer Drive.*

*PRELIMINARY PLAT 20004, for a new preliminary plat consisting of two lots, on property generally located West of North 33rd Street and Schworer Drive.*

## Angela M. Birkett

---

**From:** Janet Chung <jachung7@gmail.com>  
**Sent:** Monday, April 26, 2021 1:13 PM  
**To:** Council Packet  
**Subject:** Support Resolution 21R-151

City Council Members

I'm emailing because I am not available to attend to testify today.

In July 2018, I was volunteering with candidates for the mid-term election. I tweeted about getting people to vote and to encourage others to vote. Someone replied "Excuse me Ms. Chung, but are you even allowed to vote in the United States?" Another replied "Yeah, I wonder." I was upset that someone would question my right to vote because of my name and photo.

I was born in the United States. My parents moved to Lincoln so my father could teach at the University. Lincoln has benefited from a diverse population of faculty members and researchers from the University of Nebraska Lincoln and higher education institutions. Many AAPI are physicians and working in the health care industry.

Asian friends have commented about increased sneers and slights while out in the community. For Lincoln to achieve the status as a welcoming and belonging community, we need to do more than just recite platitudes, we need to demonstrate intent at the highest levels. Your actions as elected officials, speak to the importance of embracing diversity and denouncing racism.

I am emailing in support of Resolution 21R-151 which proclaims the city's renewed and ongoing commitment to be a diverse and inclusive community free from racism, so that all who live and work in, and visit Lincoln feel welcomed; and to stand together in solidarity with our Asian-American and Pacific-Islander neighbors.

Please vote in support of this resolution.

Thank you,

Janet Chung

9501 Eastview Road

Lincoln, Nebraska 68505

Janet Chung, cell/text 402-429-1417, [LinkedIn](#)

## Angela M. Birkett

---

**From:** Robert Borer <robert.borer@doane.edu>  
**Sent:** Tuesday, April 27, 2021 11:47 AM  
**To:** Terry T. Wagner; Mayor; Rick W. Tast; Council Packet; pete.ricketts@nebraska.gov; NEDOJ@nebraska.gov  
**Subject:** New sheriff gives spectacular interview over constitutionality of scamdemic measures

[https://youtu.be/5b\\_GVGg-AcQ](https://youtu.be/5b_GVGg-AcQ) (35 min)

...and for icing on the cake, witty commentary from north of our northern border:

<https://youtu.be/U2VVnPUoyT4> (4 min)



## Angela M. Birkett

---

**From:** trucks1975 <trucks1975@gmail.com>  
**Sent:** Tuesday, April 27, 2021 12:30 PM  
**To:** Council Packet  
**Subject:** Asian Resolution

My full comments from last night are below, but how pathetic is it that council members attack a private citizen's character and purposely twist my words and mischaracterize what I said. You could not dispute my data and facts, because they are indeed true. You didn't even attempt to but rather resorted to attacking the person. This is what leftists always do when the facts are not on their side.

I am 100% in support of ending racism in our community. There is never ANY excuse to treat someone different because of race. Never. I believe in our founding documents that state "ALL men are created equal and endowed by their Creator with certain unalienable rights". Despite what many now say in our culture, and despite not always living up to it, this still is a founding principal of our nation. I refuse to give in to the current trend of classifying everyone according to their race and automatically viewing all crime based on the race of the suspect and victim. As I said last night, this is a dehumanizing and reductionist view of the individual. Every person, regardless of their background or skin color has intrinsic value and should be treated as such. This is a core tenant of my beliefs and worldview.

But the left only likes minorities they agree with, and are perfectly happy to savage those they do not agree with. The examples of this are too many to list. To me, that is REAL racism. I will vehemently disagree on policy with anyone but I will never make personal attacks. My comments are always fact based, showing why your lack of leadership is destroying our city.

In the end, I was not even opposed to a resolution per se, but knowingly including lies in it is wrong and you know it.

-Shawn Trucke

Good evening, my name is Shawn Trucke.

In reading through this resolution, there are some items that simply must be pointed out. The resolution specifically mentions "false narratives" yet propagates a few of its own in the process.

The first false narrative is that of xenophobia around the coronavirus. I don't buy this narrative for one second. This is manufactured outrage. It has ALWAYS been common to name viruses from where they originated. Consider this partial list:

- Spanish Flu
- Middle East respiratory syndrome (MERS)
- Ebola
- Guinea Worm
- West Nile virus
- German Measles

Marburg virus  
Lassa fever  
St. Louis Encephalitis  
La Crosse Encephalitis  
Hantavirus  
Ross River Fever  
Rocky Mountain Spotted Fever  
Lyme Disease

Norovirus

Zika Fever

This resolution appears to be a political messaging ploy designed to push the demonstrably false narrative that it is somehow racist to acknowledge that COVID originated in China and that the Chinese Communist Party, through their lies and cover up, allowed it to become a global pandemic. Nebraskans know the difference between blaming the Chinese people, especially those in our community, and blaming the corrupt Chinese Communist Party.

The second false narrative spread here and throughout our society, is that the shooting in Atlanta was racially motivated. The facts tell a different story. Three of the nine shot were NOT Asian, and one was a man.

FBI director Chris Wray stated in an interview with NPR “And while the motive remains still under investigation at the moment, it does not appear that the motive was racially motivated.”

Cherokee County Sheriff Reynold stated “The indications right now, it may not be. It may be targets of opportunity” when asked if the shooting is racially motivated.

Truth matters, and anyone propagating the false narrative that this horrible crime was racially motivated, despite all evidence to the contrary, is only fanning the flames and trying to stir up racial division.

The third false narrative is that we are seeing this massive uptick in hate and violence against Asian people in our city and state.

It does not compute with the Lincoln Police Dept crime statistics.

Asian victims accounted for 1.7% of 2020 Incident Reports, down from 1.8% in 2019 and

Asian victims accounted for 1.6% of 2020 Violent Crime, down from 2.1% in 2019

Don't you think if there was this major uptick of hate and violence against Asians in our community, that we would see at least a slight increase of these stats in the LPD reports? Instead, we see an actual decrease.

We have to get past the need to make everything about skin color in our society. This is a dehumanizing and reductionist view of the individual person. People should not be classified by their intersectionality and which groups they fit into, but rather they should be valued as a unique individual and how they contribute to society.

Sadly, I believe there are many voices in our society that seek to do nothing but divide people on race and want to make race the dominant factor in all areas of life. We will NEVER get to where we need to be if we listen those voices.

I believe this resolution, while possibly well intended, is severely flawed. For this reason, I believe the council should vote down this resolution, and if desired, craft a new resolution that corrects some of these flaws and contains language that will better bring this community together.

Thank you.

## Angela M. Birkett

---

**From:** David Steffen <dsteffen1@unl.edu>  
**Sent:** Wednesday, April 28, 2021 7:36 AM  
**To:** Council Packet  
**Subject:** FW: COVID restrictions

It seems that vaccine is now available to anyone that is interested in mitigating risk of infection. Therefore there is no reason for any [government](#) restrictions [on our freedom](#). The people getting vaccinated this week and next will be boosted by June 1. If you want copies of the published papers on the vaccines I can send them. But the protection is great at 7 days post booster the increase to day 14 is miniscule. I tested for antibody for me and my wife 3 days post booster and we were good.

It makes no sense for vaccinated people to be restricted or masked. We [have been doing it](#) as a courtesy to those that were waiting in line. But frankly with 50% of the county fully vaccinated, those not yet vaccinated can stay out of the public space for a few weeks if they are afraid. The low infection rate makes it very safe in public even for the unvaccinated. Particularly outdoors with predictably over half the crowd vaccinated.

The chance of an outbreak that overwhelms the healthcare resources is zero [at this point with community immunity likely over 60%](#) . Stores could have a mask day or mask rules if they like but government need to get out of the way. The rules were to prevent overwhelming the health care system [and should never be used to decide for us what an acceptable personal risk is](#). That risk [for vaccinates](#) right now is [essentially zero](#). It is [past time to return our freedom and reward those that are vaccinated](#).

*Sincerely,*

*Dr. David J Steffen DVM PhD ACVP  
Pathologist*

The content of this communication may contain legally privileged information. Use of this information by anyone other than the intended recipient is not authorized. If you are not the intended recipient, you are requested to delete it immediately, and you are notified that any dissemination, distribution, use, or copying of the information contained herein may be prohibited. If you have received this communication in error please inform the sender.

## Angela M. Birkett

---

**From:** Charles D.Humble <chumb@eslaw.com>  
**Sent:** Wednesday, April 28, 2021 4:43 PM  
**To:** Council Packet  
**Cc:** Steve S. Henrichsen; 'debbra.hoy@gmail.com'  
**Subject:** City Council Agenda Pending List / Hoy Prairie South LLC  
**Attachments:** SKM\_C45821042815170.pdf

Please see attached letter. Thank you.

Charles D. Humble  
Attorney at Law



T: 402.476.1000  
F: 402.476.6167  
✉ chumb@eslaw.com  
🌐 www.eslaw.com

Erickson | Sederstrom P.C., L.L.O.  
301 South 13th Street, Suite 400  
Lincoln, NE 68508-2571

---

## Serving Nebraska, Iowa, and the Midwest for more than 50 years

Disclaimer: This email message and any attachments are for the sole and exclusive use of the intended recipient and may contain confidential, privileged and/or proprietary information. Any unauthorized review, use, disclosure and/or distribution is strictly prohibited. If you are not the intended recipient, please immediately contact the sender by reply email and destroy the original email message and all attachments.

---

# ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

301 SO. 13<sup>TH</sup> STREET, SUITE 400  
LINCOLN, NEBRASKA 68508  
TELEPHONE (402) 476-1000  
FACSIMILE (402) 476-6167

CHARLES D. HUMBLE

humble@eslaw.com

April 28, 2021

Lincoln City Council  
[Councilpacket@lincoln.ne.gov](mailto:Councilpacket@lincoln.ne.gov)

Re: PENDING LIST PENDING ONE WEEK

8.a. 20-19

Annexation 19006 – Application of Hoy Prairie South, LLC to annex approximately 9.30 acres of property generally located at South 33<sup>rd</sup> Street and Rokeby Road. (Related Items: 20-19, 20-20, 20R-69)(3/2/2020 – Placed on Pending, No Date Certain.)

8.b. 20-20

Change of Zone 19015 – Application of Hoy Prairie South, LLC for a change of zone from AG Agricultural District to R-3 Residential District on property generally located at South 33<sup>rd</sup> Street and Rokeby Road. (Related Items: 20-19, 20-20, 20R-69)(3/2/2020 – Placed on Pending, No Date Certain)

8.c. 20R-69

Approving a Conditional Annexation Agreement between the City and Hoy Prairie South, LLC for property generally located south of S. 33<sup>rd</sup> Street and Rokeby Road.

Development of Real Property - 35Th & Rokeby Road

Our File No.: 31304.062921

Dear Council Members:

We represent Hoy Prairie South, LLC and the principal, Debra Hoy in regard to the above referenced applications which are on pending from your Pending List on your agenda of Monday, April 26, 2021. We have been contacted by Steve Henrichsen at Planning and understand that the City Council is interested in clearing its agenda of pending items.

On behalf of my client, Debra Hoy, and her project, Reunion Ridge, we want to thank you for your patience and understanding with regard to the requested delay and final approval. The future of this project is still encountering some uncertainties, and its my client's wish that this property not be rezoned and annexed until such time as it is ready to proceed. While Ms. Hoy is not a partner with the local developer for this project, who now owns the property adjacent to Reunion Ridge on both the west and the north, they have agreements in place to

1237486

ERICKSON | SEDERSTROM, P.C., LLO  
OFFICES IN OMAHA AND LINCOLN

Page 2  
April 28, 2021

coordinate and cooperate on grading and infrastructure installation. Until that developer has final plans in place to proceed with the project to the north (Eveleo Acres) and all contract issues are resolved, it is our wish that the above referenced items remain on your Pending List. It is our understanding that when all outstanding issues are resolved, we are to request that this matter be placed on the City Council agenda for final approval with no further public hearing required. We are in close communication with that developer and we expect that the request for final approval could come in a matter of weeks as planning for both projects moves forward. In the meantime, we would be happy to brief any City Council members on Reunion Ridge, if so requested. We thank you in advance for your kind attention to our request and we can assure you that we are working diligently to position our applications so that they can come off the Pending List for action by the City Council in the next few weeks.

Thank you.

Very truly yours,



Charles D. Humble

CDH:jlw  
C: Steve Henrichsen  
Debra Hoy