



Directors Meeting

Monday, December 5th, 2022

555 S 10th Street, Luxford Studio

- I. **City Council Agenda & City Clerk Advisories**
 - i. There is no City Council meeting on December 26th Honoring Christmas
 - ii. There is no City Council meeting on January 2nd Honoring New Year's
- II. **Mayoral Advisories**
 - i. The **SEPTEMBER 2022** Mayor's Award of Excellence presentation. The September recipient is a team of Forestry Team Members for the Parks and Recreation department. Lorri Grueber, Adam Klingenberg, Jeff Gruber, Brian Kurpgeweit, Dustin Penner, Adam Smith, Kerry Carpenter, Eric Newell, Zach Smisek, Zachary Rehurek, and Josh Rowell were nominated for the category of Safety.
- III. **Directorial Advisories**
- IV. **Boards, Committees, and Commission Reports**
- V. **Constituent Correspondence**
 - i. Market Rate **SHORTAGE DENIALISM** & the impact of Lincoln's Updates to its Flood Protection Guidelines – Peter Katt
 - ii. Recommend approval of **TEXT AMENDMENT 22011** – flood water protection measures – Randall Smith
 - iii. Updating Flood and Water Quality Protections 2022 – Priscilla Handy
 - iv. Charter Revision Commission Suggestions Meeting – Jim Frohman
 - v. Lincoln Climate Equity Mapping – Jonathan Cronk
 - vi. Proposed Lincoln Children's Zoo / Antelope Park Parking Lot – WaterPark Owners Association
- VI. **Adjournment**

From: [Peter Katt](#)
To: [Council Packet](#); [Seacrest, Kent](#)
Cc: [Jennifer J. Williams](#); [Donna K. Garden](#); [Elizabeth D. Elliott](#); [Daniel K. Marvin](#); [David R. Cary](#)
Subject: Market Rate SHORTAGE DENIALISM & the impact of Lincoln's Updates to its Flood Protection Guidelines
Date: Friday, November 25, 2022 12:47:57 PM
Attachments: [image001.png](#)
[TheAtlantic \(11-23-2022\).docx](#)
[TheAtlantic \(11-23-2022\).pdf](#)

Dear City Council Members:

As these new Guidelines come forward from Planning Commission for your consideration, I would ask that you pause them as requested by Mr. Seacrest's Coalition and allow there to be more thought given to how these changes will impact our need for more housing.

For the complete article click on the link below:

<https://www.theatlantic.com/ideas/archive/2022/11/us-housing-supply-shortage-crisis-2022/672240/>

FROM THE ARTICLE:

Or, more germane, ... that developers are the only ones who will benefit if we reduce barriers to building new housing. Unsympathetic actors like private-equity firms or developers are easy to cast in a simple tale of good versus evil. What's harder is conceptualizing **the web of regulations, norms, and incentives that has led us to a supply issue with no obvious villain.** (Harder still is recognizing the complicity of sympathetic actors like homeowners who have stood in the way of much-needed housing.)

Peter W. Katt

NebHoldings, LLC
6333 Apples Way, Ste 115
Lincoln, NE 68516
Mobile: 402-416-0359

OFFICE OF THE MAYOR

555 S. 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: November 14, 2022

MEDIA CONTACT: Erika Hill, LTU Communications and Public Affairs, 402-441-7538

Mayor Gaylor Baird Highlights Proposed Updates to Flood Protection Guidelines

Changes would protect residents and property located in the floodplain

Mayor Leirion Gaylor Baird today said proposed changes to Lincoln's flood protection guidelines are necessary now to keep vulnerable families, homes and businesses safe. The mayor's announcement was made in advance of a Planning Commission public hearing November 16 and City Council public hearing December 12 to consider changes to the City's Flood and Water Quality Protection Manual.

Mayor Gaylor Baird noted that existing flood map elevations from 1961 are too low, based on the 2019 Salt Creek Resiliency Study and updated rainfall totals from the National Oceanic and Atmospheric Administration. City of Lincoln Watershed Management and the Federal Emergency Management Agency (FEMA) have begun updating the flood map, she said, but the process will take five to eight years to complete.

"We need to take action in the interim to update the flood protections that will help keep homes, businesses, and people safe," said Mayor Gaylor Baird. "By taking action now, we will help ensure affordable housing is built safely. We also will help our community members in the floodplain protect themselves, their families, and their businesses from the increased risk of floods that data – and our own experience – has made clear."

The proposed changes are the result of a long-term partnership between the City and Lower Platte South Natural Resources District to document weather data and engage the community through public workshops over the last three years, said Donna Garden, Assistant Director of Utilities. Engineers, environmentalists, business owners, developers, and neighborhood representatives all provided input and helped create the updated flood protection proposal.

Because the study demonstrated the flood maps are too low, the updated interim standards would require an extra foot of elevation to protect buildings against rising floodwaters. The proposed changes would begin in 2023 and affect only new construction within the floodplain, an existing structure in the floodplain undergoing renovations of more than 50% of the structure's value, or

construction and rehabilitation projects immediately adjacent to the floodplain with low elevations.

Additional updates will improve water flow and water quality when designing and improving flood corridors, detention ponds, storm drainage systems, where water flows on streets, and erosion and sediment management.

“Our proactive efforts to update building and development standards will pay off in flood damage prevention and flood insurance savings for the entire community. Raising elevation of the ground will protect property owners from the risk of flooding that exists now and the potential of being mapped into the floodplain as we upgrade our maps,” Garden said. “These changes provide additional security and future viability for our residents and business owners who are investing in these properties.”

Urban Development Director Dan Marvin said the City has funding resources to help build projects safely and keep them affordable. Marvin said FEMA studies show the increase in construction cost to build safely is typically between 0.25% to 1.5%. For example, the City’s new expanded tax increment financing policy increases available affordable housing funding resources by nearly 20% – which helps offset the associated incremental cost to build safely.

Grant Daily, former president of South Salt Creek Community Organization, served as a neighborhood representative on the Salt Creek Resiliency Study Stakeholder Committee that worked with technical experts for two years to understand the increasing flooding issues due to climate change and helped draft the recommendations in the proposal. Those discussions showed how flood maps do not accurately reflect the depth of floodwaters due to increased rainfall, he said.

“We know these updates are just one part of a number of flood protection strategies that the City has underway and will continue into the future. These flood protection updates are an important step,” Daily said.

Foster Collins, who has served on multiple community advisory committees, including the Flood Plain Management Task Force in 2004, said Lincoln has a long history of using scientific data and analysis to create sound public safety policies. Updating our flood protection will help guide Lincoln’s growth in safe and successful ways, he said.

“While there are those who will argue for delay and more studies, we already

know that flood levels are rising, the floodplain is expanding, and some of our citizens are at risk and may not even be aware of it,” Collins said.

For more information on proposed updates to the flood and water protection manual, visit lincoln.ne.gov/floodmanual. For more information on Lancaster County floodplain and drainage, visit lincoln.ne.gov/flood.

Jon P. Taylor

Public Information Specialist II | City Communications

O: 402-441-7547 | M: 531-333-6274

555 South 10th Street, Suite 301

Lincoln, NE 68508

lincoln.ne.gov

Follow Us: [Facebook](#) / [Twitter](#) / [YouTube](#) / [Instagram](#) / [RSS](#)



Housing Breaks People's Brains

Supply skepticism and shortage denialism are pushing against the actual solution to the housing crisis: building enough homes.

By Jerusalem Demsas

Tyler Comrie / The Atlantic

NOVEMBER 23, 2022

ANYONE WHO'S BEEN in a dumb recurring fight knows that the entire problem could be cleared up if everyone could just agree on *exactly what was said or done*. But you can't, so you end up stuck in a cycle of relitigation. Housing-policy discussions are like that. They descend into crushing bickering because even the basic facts are up for debate.

The most basic fact about the housing crisis is the supply shortage. Yet many people deny this reality. Before I get to the veritable library of studies, our personal experiences compel us to recognize that housing scarcity is all around us. The most dire signs of a shortage are when even rich people struggle to find homes. Viral clips of hundreds of yuppies lining up to tour a single Manhattan apartment or stories of real-estate agents acting as bouncers at open houses to keep things orderly—these vivid examples demonstrate that demand has far outstripped supply.

Annie Lowrey: The U.S. needs more housing than almost anyone can imagine

Once you accept the existence of a housing shortage, the obvious policy response is to build a bunch of homes. Research looking at San Francisco, New York, Boston, and 52,000 residents across 12 U.S. metropolitan areas have all found that new housing brings down prices.

This research makes intuitive sense: If new housing is built, most of the people who move in first vacate *other* units. Those units then become available to newcomers, and so on. Solving a supply problem is of course harder than making the number of homes equal the number of people—different people want different sorts of homes—but the fundamental point is that we need more homes near good jobs and schools, and that give people access to the communities and amenities that make life more enjoyable.

Despite the avalanche of agreement from experts, the general public still doubts cause and effect. A new study from a trio of professors at the University of California (Clayton Nall, Chris Elmendorf, and Stan Oklobdzija) reveals that shortage denialism is not the only missing “shared fact” plaguing housing discourse. The researchers ran two nationwide surveys of urban and suburban residents and found that 30 to 40 percent of Americans believe, “contrary to basic economic theory and robust empirical evidence,” that if a lot of new housing were built in their region, then rents and home prices would *rise*. This posture is referred to as “supply skepticism.”

Shortage denialism, which I have observed in my own reporting, and supply skepticism, which these researchers revealed through their survey data, are related phenomena. Not only are they false, but they are false in the same direction. They push against the actual solution to the housing crisis: building enough homes. After all, if there is no shortage or if building new homes doesn’t reduce rents, then no one has to tackle NIMBYism, no one has to work to bring down housing-construction costs, and no one needs to build millions of new homes in America’s cities and suburbs. In fact, this magical thinking goes, we can fix our housing crisis without changing much of anything at all.

ONE ODD THING about supply skepticism is that it’s seemingly limited to housing. The UC researchers also asked about cars, grain, plumbers, and increased trade in general. Significantly fewer respondents expressed

supply skepticism about those categories than housing. For example, 85 percent of respondents said a snag in the supply chain for cars would cause the price of used cars to increase; well under half of respondents were able to apply this same logic to the housing market.

Why is housing different? Perhaps because the supply argument seems to defy lived experience. People look around their community and sense that a lot has changed. They see new homes and developments cropping up, even as prices keep rising. This eyewitness account results in people thinking that these new developments either do nothing to alleviate rising prices—or worse, *actually cause prices to increase*.

The UC researchers note that “the mass public tends to personalize and moralize economic phenomena.” Further, they cite a theory that because our brains evolved to engage in cooperative behavior in small groups, people tend to be better at building narratives that revolve around “detecting intentions and effort, and at policing turncoats” than at “systems-level thinking.” This bias could explain why so many Americans believe that inflation is largely the result of price gouging by greedy private companies, rather than sharp increases in demand for goods and services meeting supply shortages for those same goods and services. **Or, more germane, why so many Americans believe that private equity is primarily responsible for the housing crisis (despite owning a near-negligible share of America’s housing stock) or that developers are the only ones who will benefit if we reduce barriers to building new housing. Unsympathetic actors like private-equity firms or developers are easy to cast in a simple tale of good versus evil. What’s harder is conceptualizing the web of regulations, norms, and incentives that has led us to a supply issue with no obvious villain. (Harder still is recognizing the complicity of sympathetic actors like homeowners who have stood in the way of much-needed housing.)**

Another factor behind shortage denialism and supply skepticism may be motivated reasoning. They both stem from a desire to reject the necessary policy solution. Building millions of homes is disruptive; it means changes to the built environment, acceptance of multifamily residences in more neighborhoods, and construction, lots and lots of construction. Some people are averse to construction at scale because their intuitions about density are binary: Either you have a major metropolis with supertalls stretching above you, or you have a quiet suburban road; there is no in between. Others are averse because they see developers and development as inherently bad, and thus promoting that as a solution to any problem feels wrong.

Whatever the case, the UC researchers found that supply skepticism makes people less likely to support home construction, a finding that could seriously inhibit state and local governments' attempts to address rising rents and home prices. If the shortage doesn't exist, then there is no need to build new homes. If supply doesn't bring down prices, then it's not a solution to the pain that middle-class and low-income families feel as they struggle to make rent or save for a down payment.

FACTS HAVE A WAY of asserting themselves. When a crisis gets bad enough, motivated reasoning, denial of obvious truths, and contradictions in logic bend and often break under the pressure. Maybe you ignore the fact that your kid isn't doing his homework when he's bringing home B's and C's, and you defend him to his teachers or other concerned family members because his laziness is not *that* big of a deal. But when he's at risk of failing? When he can't pass the basic literacy requirements to go to the next grade? At some point—for most people—avoiding reality becomes too costly.

For a long time, experts have been warning of the housing-supply crisis. But only in the past few years, as the national median home price has topped \$450,000, has the policy landscape shifted. Notably in California (where that number is above \$800,000), lawmakers have passed a flurry

of housing-production bills. Governors in Montana and Virginia, legislators in Maine and Utah, and policy makers at every level of the federal government are coalescing around the need to build more homes.

Voters often give their elected officials conflicting mandates. *More affordable housing! No construction on my commute!* Optimizing for those concerns, not executing contradictions to the letter, is the role of elected officials. Magical thinking can flourish in a world where things aren't that bad. We are able to pretend that cities can be preserved in amber when most people are doing okay. But as a growing number of high-income renters find themselves shut out of homeownership and as the population of the chronically unsheltered soars, reality has begun to set in.

From: [RANDALL SMITH](#)
To: [Council Packet](#)
Cc: [Jon D. Carlson](#)
Subject: Recommend approval of TEXT AMENDMENT 22011 - flood water protection measures
Date: Sunday, November 27, 2022 2:35:28 PM

To Lincoln City Council:

I recommend approval of Text Amendment 22011 - flood water protection measures.

This is a prudent, well-researched proposal to reduce the risk of flood damage to new and extensively-renovated structures in the floodplain while new FEMA floodplain maps are prepared. The expected costs of the additional one-foot elevation increase for new construction will be offset in part by lower flood insurance premiums, and in any event will be far less than the cost of repairing potential flood damage if the increase is not adopted.

The recent two-year Salt Creek Floodplain Resiliency Study has demonstrated the likelihood of increase streamflow, higher flood levels, and increased risk of flooding in the Salt Creek drainage. The Planning Department has conducted extensive outreach and consultation on these floodplain proposals, and has already modified them based on that public outreach. Some in the local development community are proposing further study before changing regulations; but this is not necessary and would only further delay action and perpetuate increased flood risk.

Some in the development community also favor construction of flood control structures as an alternative to the updated floodplain construction requirements. However, the cost of building such structures would be borne by all of the taxpayers in Lincoln, making this a classic case of socializing the costs while privatizing the benefits.

The time to act to limit future flood damage is now. Please vote to approve Text Amendment 22011.

Sincerely,

Randall B. Smith,
PhD - Earth Sciences

From: [Priscilla Handy](#)
To: [Planning](#); [Council Packet](#)
Subject: Updating Flood and Water Quality Protections 2022
Date: Sunday, November 27, 2022 5:05:21 PM

Hello,

Thank you for your work which has led to the proposed updates to flood protection for the city of Lincoln to be voted on by the City Council in December 2022. I am a resident of the Woods Park Neighborhood just south of Woods Park in the Bungalow Historic District. I am in favor of this proposal to require new construction and new renovation over 50% of the value of the structure to abide by these guidelines. I think this is an equitable way to address the changing flood patterns we are having as a result of climate change.

Thank you again for your work.

Priscilla Handy
715 Elmwood Ave
Lincoln

From: jimfrohman@outlook.com
To: Yohance L. Christie; dstading@allophone.com
Cc: Mayor; [Council Packet](#)
Subject: Charter Revision Commission Suggestions Meeting
Date: Monday, November 28, 2022 8:22:00 AM
Attachments: [2022 Charter Revision Suggestions-20220205.docx](#)
[Additional 2022 Charter Revision Suggestions-20220603.docx](#)

The Charter Revision Commission is tasked with meeting at least once a year. Time is running out in this year. More importantly, if anything is going to be approved and presented to the City Council the Commission must complete their tasks before the end of January to give the Council time to fully consider the changes.

I've attached two documents with suggested changes to the charter for the Commission to consider. Please distribute to Commission members prior to the meeting so that the members have time to review the suggestions. And so that the legal department and administration has time to review the suggestions. Just handing out the documents at the meeting, as has been done in the past, does not give anyone the time to properly review and consider the changes.

Jim Frohman
7335 Pioneers Blvd
Apt. 212
Lincoln, NE 68506
402.617.2484
jimfrohman@outlook.com

Suggested Changes to the Charter

In this proposal I am representing three revisions for reconsideration and two revisions that the Commission took under advisement at the last meeting. I am representing the three revisions to the charter for the following four reasons.

First, of these three revisions only one was discussed and then only very briefly. The other two received no discussion about the details of the revision and whether the changes make sense. The duty of this commission is to make recommendations to the mayor and council. I do not see how this commission can make a recommendation without actually discussing in detail each revision presented to it.

The second reason for representing these revisions is that I feel that the chairs of the commission pushed the commission to follow a new evaluation rule about whether a revision deserves to be on the ballot in front of the voters. This caught me off guard and I was not prepared to address it at the last meeting. The new rule was not discussed but was used over and over to dismiss revisions that were not discussed. The commission is free to set its rules on evaluating suggested revisions but the rules should be discussed. And once the rules are set each revision deserves a detailed review to determine the application of the rule. None of that happened.

The third reason for representing these revisions is that for the 2019 election the commission, council, and Mayor approved five ballot issues of which four were clean-up revisions. All were approved overwhelmingly by the voters. The revisions represented below are clean-up revisions. There was no discussion about whether clean-up revisions are worthy of being on a ballot in 2019. There were no complaints about the ballot items by the voters. I see no reason why things have changed since 2019.

Finally, the only way to clean-up the charter and to keep it relevant is through the charter revision process which requires a vote of the people. So, if we want a charter that is not clogged with outdated and non-functional sections and language, we must follow the process to revise the charter by reviewing revisions thoroughly and then with approval of the commission, council, and mayor put the revisions in front of the voters for their final approval.

Presented for Reconsideration

Remove the Public Market section from the Charter.

Article VIII. Sec. 13. Public Market

Remove Municipal Gasoline Station from the Charter.

Article VIII. Sec. 13b. Municipal Gasoline Station

Cleanup Taxes, Maximum Levy section.

Article IX. Sec. 3. Taxes, Maximum Levy

Additional Revisions

Cleanup and modernize language in No Discrimination, Political Activities section.

Article IX-A. Sec. 8. No Discrimination, Political Activities

The City Attorney stated that this was under review and would be brought back for review.

Mayor and Council Compensation should be based on income of Lincoln residents

Article IV. Sec. 7. Compensation

This revision was sent to a subcommittee for further review at the previous meeting.

Suggested Changes to the Charter

Remove the Public Market section from the Charter.

Previously the Commission approved the removal of this section, but a subcommittee decided to keep the section and the final vote of the commission agreed with the subcommittee. The reason for keeping the section was that it may be needed to allow for a local food market in Pershing. The Pershing issue has been resolved, there will be no food market in Pershing.

I also believe that there was a misunderstanding of the powers of the city. The city could lease space for a private or non-profit to run a market without the Public Market section. The Public Market section allows the city to run the market and profit directly from the market rather than lease the space to a non-profit or private business.

The city should not be in competition with private or non-profit organizations. The Public Market section lets the city become a direct competitor with private and non-profit organizations. I don't believe that this section has ever been used. It should be removed from the Charter.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

~~Sec. 13. Public Market. The city council may by ordinance purchase grounds for, and erect and establish, market houses and market places and regulate and govern the same, and prescribe the fees to be charged persons for stalls therein; provided, the revenue so derived shall be applied: First, to the payment of the salaries of the officers appointed to take charge of said market; second, to the payment of repairs of the market house; and third, to the payment of the cost of erecting said market house. After all salaries, repairs and costs of construction have been paid, the surplus, if any remaining, shall be disposed of as the council shall direct. The city council may contract with any person or persons, or association of persons, companies or corporations for the erection and regulation of said market house and market place on such terms and conditions and in such manner as the council may prescribe and raise all necessary revenue therefor as herein provided; and locate market houses and market places and buildings aforesaid on any street, alley, or public ground, or any land purchased for such purpose; and provide for the erection of all other useful and necessary buildings for the use of the city and for the protection and safety of all property owned by the city; provided, any such improvement, costing in the aggregate a sum greater than five hundred dollars, shall not be authorized until the ordinance providing therefor shall be first submitted to and ratified by a majority of the legal voters thereof.~~

Suggested Changes to the Charter

Remove Municipal Gasoline Station from the Charter.

This was approved by the Commission but was not included in the amendments put on the May 2019 ballot. The reason given to not include it on the ballot was a concern about impact on Star Tran setting up a CNG station. I've previously sent questions to the City Attorney, Star Tran director, and Mayor and they have not been fully answered. Part of a response was that "The Law Department has not been asked to research the question of whether CNG is gasoline or oil or whether the City could sell CNG if the charter provision was repealed". I've included at the end of this document more details on questions and responses.

I suggest that the Commission ask the Law Department to resolve the outstanding issues and questions.

A new question for the law department, can't everything in this section be done by city ordinance under the other assigned powers of the Charter?

This section is extremely outdated, it refers to the great depression and uses funding numbers from that time.

The city should not be in competition with private business. The section should be repealed again. The Commission was right to vote to previously repeal this section.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

~~Sec. 13b. Municipal Gasoline Station. The city council shall have power to engage in the business of selling gasoline and oil to the inhabitants of the city, both at retail and wholesale, and for that purpose shall have power to acquire and own such real and personal property as may be necessary and incident thereto. The city shall not charge for gasoline and oil sold by it more than the cost thereof to the city plus the cost of handling the same, including contingencies; provided any surplus remaining in the gasoline department fund in excess of fifteen thousand dollars at the end of the present fiscal year, 1933, may be transferred to a special fund to be used for the purpose of furnishing employment by the city of Lincoln, or to purchase materials in meeting federal allotments for employment relief in the city; provided further that commencing September 1, 1935, and thereafter, only such surplus as is in excess of twenty thousand dollars may be so transferred for said purposes only and said sum of twenty thousand dollars shall be retained in said gasoline department fund as a revolving fund. (Amendment of August 14, 1934).~~

Suggested Changes to the Charter

Cleanup Taxes, Maximum Levy section.

The “city tax limit” is not used. The city’s ability to levy property taxes is controlled by state law. This antiquated language should be removed from the charter.

Article IX Finance and Taxation

Sec. 3. Taxes, ~~Maximum Levy~~

The city shall have power to levy a tax each year for general revenue purposes upon all property subject to taxation pursuant to state law; ~~provided that the maximum amount of taxes that can be levied by the city in any one year for general revenue purposes shall not exceed an amount known as the city tax limit. The city tax limit is a tax ceiling established by using the September 1, 1966, city dollar tax limit as an initial tax limit, and increasing the tax limit after 1966 each following year by seven percent, so that in each fiscal year thereafter the amount of the city tax limit shall be the amount of the city tax limit for the previous year plus seven percent thereof. In addition, the city shall also have power to levy taxes each year sufficient to pay any judgment existing against the city and the interest on the bonded debt and the principal on any bonded debt maturing during the fiscal year or within six months thereafter, as well as taxes authorized by state law. The city is also authorized to receive all taxes collected and distributed pursuant to state law, and in lieu of tax payments imposed by law. (Amendment of May 14, 1968).~~

Suggested Changes to the Charter

Cleanup and modernize language in No Discrimination, Political Activities section.

This was approved by the Charter Commission and then revised by the city legal department before being presented to the Council in early 2019. Due to way the process was handled and uncertainty about why changes were made to the Commission approved amendment the Council put it on hold.

Below is the language proposed by the law department with my changes to that language.

At the end of the document, I have included the text of the Commission approved amendment, the Law Department changes to the language and my suggestion to modified that language rather than using the straight forward language below.

This section does need to be updated. Whichever version you select will be an improvement over the existing language.

Article IX-A MERIT SYSTEM

Sec. 8. No Discrimination, Political Activities.

No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of protected class status under federal, state, or city law or for reason of political opinion or political affiliation

~~No elected official may use public resources to support or oppose a candidate or ballot issue except an elected official's time is not considered a public resource. No person in the city service may use public resources to support or oppose a candidate or ballot issue nor shall, a person in the city service use public resources to engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:~~

- ~~(1) Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.~~
- ~~(2) Circulate petitions for candidates for city office, although an employee may sign such a petition;~~
- ~~(3) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.~~

Suggested Changes to the Charter

~~In elections other than city elections, an employee of the city may not wear campaign buttons or distribute campaign literature while wearing a city uniform.~~

No elected official may use public resources to support or oppose a candidate or ballot issue except an elected official's time is not considered a public resource.

No person in the city service may use public resources to support or oppose a candidate or ballot issue.

No elected official or person in the city service may wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

Nothing herein shall be construed as preventing or prohibiting elected officials or ~~such~~ persons in the city service from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in, the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law.

Suggested Changes to the Charter

Mayor and Council compensation should be based on income of Lincoln residents

The salaries of elected officials should be directly tied to the income of the citizens they represent. If their average salary goes up, then their representative's salary should increase proportionality. If their average salary goes down, then their representative's salary should decrease proportionality. The proposed changes below will tie the mayoral and council salaries to how well the citizens of Lincoln are doing economically.

ARTICLE IV

ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 7. Compensation. An independent committee of citizens with expertise in business, legal, governmental, and personnel matters, appointed by the mayor, ~~shall~~ may meet prior to the end of the fiscal year and make a recommendation as to the appropriate benefits salary for the mayor and city council members, including benefits. Such recommendations may be approved as part of the annual budget resolution, ~~provided that no increase in benefits salary shall take effect until after the succeeding city general election.~~

The annual salary of the mayor and council members for each fiscal year ~~for each term of office~~ shall be established by the formula defined here and then by resolution of the city council adopted not later than ~~the first day of January immediately preceding the beginning of a new mayoral term of office~~ thirty (30) days prior to the end of the current fiscal year. Failure to pass a salary resolution will cause the current salary for the mayor and council to remain the same for the next fiscal year. Neither the mayor nor any of the council members shall be eligible to hold any other paid office or employment in the city government. (Amendment of May 11, 2004: amendment of November 8, 1994, effective May 15, 1995: amendment of May 9, 1978, effective July 9, 1978: amendment of September 9, 1974, effective November 18, 1974: amendment of May 1, 1973, effective May 14, 1973: amendment of August 27, 1962, effective May 20, 1963).

Sec. 7.a. Average Income for Formula. The Council with Mayoral approval shall determine the average income of the citizens of Lincoln to be used in the compensation formulas. The selected value shall be from a federal or state government source. Shall be for a prior calendar year, as close as possible to the current calendar year. Shall be for the city of Lincoln or its Metropolitan Statistical Area (MSA).

Sec. 7.b. Mayoral Multiplier and Council Multiplier. The Mayoral Multiplier is two (2). The Council Multiplier is two (2). Either Multiplier can be changed by unanimous approval of the Council and approval of the Mayor. A veto by the Mayor cannot be overridden. Any change in either Multiplier remains in effect until changed again by the Council and Mayor.

Suggested Changes to the Charter

Sec. 7.c. Calculated Percent of Work Week. Using the minutes of all official meetings of the Council for the previous calendar year, the average number of hours spent in all official meetings per week shall be calculated.

Sec. 7.d. Mayor Compensation. The salary of the mayor for the next fiscal year shall be calculated by multiplying the Average Income in section 7.a. by the Mayoral Multiplier defined in 7.b.

Sec. 7.e. Council Compensation. The salary of council members for the next fiscal year shall be calculated by multiplying the Average Income in section 7a by the Calculated Percent of Work Week defined in section 7.c. and then by the Council Multiplier defined in 7.b.

Suggested Changes to the Charter

Notes on previous changes to the Municipal Gasoline Station section.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

~~Sec. 13b. Municipal Gasoline Station. The city council shall have power to engage in the~~

Justification sent to Commission members for not presenting the Commission approved repeal to the Council, dated March 5th 2019 is shown below.

The Commission recommended striking the municipal gas station language from the Charter. The package on the City Council's agenda does not include the municipal gas station piece (i.e., the language allowing a municipal gas station would remain in the charter). Subsequent to the Commission recommendations, city staff questioned what impact removing this language would have on the ability of Star Tran to operate its own CNG station in the future. We understand this issue did not come up during the Commission's discussion of this language. To avoid unintended consequences, and out of an abundance of caution, the package in front of Council does not strike this municipal gas station language.

Questions I sent to the City Attorney, Star Tran director and Mayor on June 19th.

Is there a plan for the city of Lincoln to sell CNG directly to the citizens of Lincoln at retail prices?

Is there a plan for the city of Lincoln to sell CNG directly to the citizens of Lincoln at wholesale prices?

Is it right to say that CNG is not covered by the charter section since the section refers only to gasoline and oil?

Since the section dates from 1934 and since the section refers to "federal allotments for employment relief", a reference to the great depression, isn't it safe to say it is outdated?

On July 1st City Attorney Jeff Kirkpatrick sent the following response.

I am not aware of a current plan for the City of Lincoln to sell CNG to the public like the Airport does. However, the City has moved toward CNG use as a cleaner, cheaper fuel for city buses, its bookmobile, and other vehicles so it is possible that City will see a cost-savings in having a CNG fueling station that sells fuel to the public. The Law Department has not been asked to research the question of whether CNG is gasoline or oil or whether the City could sell CNG if the charter provision was repealed.

Suggested Changes to the Charter

None of the questions sent in June have been answered. As of today, they have still not been answered.

New questions

Is this section even needed? Can't everything in the section be done by city ordinance under the other assigned powers of the Charter?

Notes on Section 8, No Discrimination with history of changes.

Alternative suggestion to amend the section

Article IX-A
MERIT SYSTEM

Sec. 8. No Discrimination, Political Activities.

No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of protected class status under federal, state, or city law or for reason of political opinion or political affiliation. ~~the race, creed, color, or political opinions or affiliation of the affected person, except that no person shall be employed or retained in the city service who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence.~~

~~No person in the city service, except elected officials, and members of election boards and unpaid advisory boards and commissions, shall engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:~~

- ~~1. Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.~~
- ~~2. Circulate petitions for candidates for city office, although an employee may sign such a petition;~~
- ~~3. Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.~~

~~In elections other than city elections, an employee of the city may not wear campaign buttons or distribute campaign literature while wearing a city uniform.~~

Suggested Changes to the Charter

No elected official may use public resources to support or oppose a candidate or ballot issue except an elected official's time is not considered a public resource.

No person in the city service may use public resources to support or oppose a candidate or ballot issue.

No elected official or person in the city service may wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

Nothing herein shall be construed as preventing or prohibiting elected officials or ~~such~~ persons in the city service from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in, the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law. (Amendment of May 15, 1984; effective July 15, 1984).

Council Resolution 19R-55, Law Department Amendment, Tabled by the Council on 03/11/2019

Sec. 8. No Discrimination, Political Activities.

No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of protected class status under federal, state or city law or for reason of political opinion or political affiliation.

No elected official may use public resources to support or oppose a candidate or ballot issue except an elected official's time is not considered a public resource. No person in the city service may use public resources to support or oppose a candidate or ballot issue nor shall, a person in the city service use public resources to engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:

- (1) Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.

Suggested Changes to the Charter

(2) Circulate petitions for candidates for city office, although an employee may sign such a petition;

(3) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

In elections other than city elections, an employee of the city may not wear campaign buttons or distribute campaign literature while wearing a city uniform.

Nothing herein shall be construed as preventing or prohibiting such persons in the city service from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in, the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law.

Approved by Charter Revision Commission July 12, 2018 11-0

Article IX-A, Sec. 8. No Discrimination, Political Activities.

No Discrimination, Political Activities. No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of protected class status under federal, state, or city law or for reason of political opinion.

No person in the city service, on city time or with city resources shall engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any political city office:

(1) Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.

(2) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

Suggested Changes to the Charter

My Original Proposal to the Charter Revision Commission.

Article IX-A, Sec. 8. No Discrimination, Political Activities.

No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of the race, creed, color, or political opinions or affiliation of the affected person, except that no person shall be employed or retained in the city service who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence.

No person in the city service, except elected officials, and members of election boards and unpaid advisory boards and commissions, shall engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:

- (1) Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.
- (2) Circulate petitions for candidates for city office, although an employee may sign such a petition;
- (3) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

In elections other than city elections, an employee of the city may not wear campaign buttons or distribute campaign literature while wearing a city uniform.

Nothing herein shall be construed as preventing or prohibiting such persons in the city service from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in, the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law. (Amendment of May 15, 1984; effective July 15, 1984).

Additional Suggested Changes to the Charter

In this additional suggested change to the charter, I am proposing synchronizing the city election dates with state election dates.

Synchronize City Election Dates with State Election Dates

The most obvious reason for this change is voter turnout. For last year's city election's, the turnout was 25% for the primary and 29% for the general election. For the 2020 elections the turnout for the primary election was in the 30% and 40% range and for the general election it was in the 70% and 80% range for most precincts. This is a significant difference that is easily fixed by moving the dates of city elections to match state elections.

There would also be cost savings and other efficiencies achieved by consolidating the two elections into the state elections.

In addition to the charter there is a state law that sets Lincoln's election day at its current time. This proposed charter change would go into effect once that law is changed. Having this change approved by the voters of Lincoln would send a message to the Legislature that Lincoln wants to move its election dates.

ARTICLE III

ELECTIONS AND QUALIFICATIONS OF ELECTORS AND OFFICERS

~~Sec. 1. City Elections. The general and primary elections in the city shall be held on the same days as the state general and primary elections. This change shall go into effect upon passage of state law(s) allowing the change. Terms for officials affected by this change shall be extended to comply with the move of the city general and primary elections to the dates of the state general and primary elections. Tuesday in May in every odd-numbered year. At all general, primary and special elections, the polls shall be kept open between the hours of 8:00 a.m. and 8:00 p.m. All elections shall be proclaimed by the mayor not less than ten (10) or more than forty (40) days prior to the date of holding such elections. Notice of elections, including elections to authorize the issuance of bonds, shall be published in the city not less than ten (10) days before the date of election. No other notice shall be required. In all other respects such elections shall be held and conducted, the vote canvassed and the result declared as provided by the general laws of the state. (Amendment of May 5, 1959).~~

ARTICLE IV

ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 2. Primary. Candidates for the office of district council member shall be nominated by the voters of the district from each of the four council districts at a primary election, and candidates for the office of council member at large shall be nominated at large at a primary election. Any person desiring to become a candidate for the office of district council member must reside

Additional Suggested Changes to the Charter

within the council district from which he or she seeks election at least six months before the primary election, and candidates for the office of council member at large shall be residents of the city at least six months before the primary election. No other names shall be placed upon the official ballot to be used at the regular or general city election except those selected at such primary in the manner hereinafter prescribed. ~~The primary election for such nominations shall be held on the fourth Tuesday preceding the date of the general city election, and a~~Any person desiring to become a candidate for council member shall, ~~at least thirty-two days prior to the date of the holding of such primary,~~ file with the election commissioner a statement of such candidacy in substantially the following form, to wit:

State Laws

32-101.

Act, how cited.

Sections 32-101 to 32-1551 shall be known and may be cited as the Election Act.

15-301.

Elections; when held.

The general city elections in cities of the primary class shall be held on the first Tuesday in May of every odd-numbered year. All city elections shall be conducted in accordance with the Election Act.

32-556.

City, village, and school elections; requirements; applicability of act.

All city, village, and school issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if city, village, or school offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All city and village elections involving the election of officers, except cities with home rule charters, shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election. All city elections in cities with home rule charters shall be held in accordance with the home rule charter except as otherwise provided in the Election Act and may be held in conjunction with the statewide primary or general election. If the home rule charter is silent as to any subject covered by the act, the act shall apply.

From: [Jonathan Cronk](#)
To: [Mayor](#); [Parks Counter Registrations](#); [Council Packet](#); [Planning](#); [UrbanDev](#); [Transportation and Utilities](#); [Lincoln Commission on Human Rights](#); [Health](#)
Cc: [Katia Carranza](#); [Catherine Chan](#)
Subject: Lincoln Climate Equity Mapping
Date: Monday, November 28, 2022 1:50:30 PM

Hello,

We hope you are well. We are graduate students at UNL hoping to organize a meeting to discuss a Lincoln Climate Equity Mapping research project we are working on, and how it may be of use to the City of Lincoln. Our project is focused on recreating the [City of San Diego's Climate Equity Index \(CEI\)](#). **We are contacting you to both create awareness of the work we are doing, and to be put in contact with the most relevant representatives from the City of Lincoln.**

We will use social, economic, and environmental indicators that the City of San Diego used with the available data we find for the City of Lincoln and then work to determine a CEI score for each census tract in the City, compositing a CEI map.

The CEI can help advance environmental justice and social equity, allowing for environmental, health, housing, mobility, and socioeconomic programs to be targeted at the communities which need them most. This project combines typical indicators of equity with novel climate and environmental considerations, such as flood risk, proximity to waste sites, and walkability.

The CEI could be used to identify communities of concern that are more vulnerable to climate change. These areas can be prioritized for resources to achieve climate equity. **We think our project may be especially valuable to the city in moving forward with the recent Climate Action Plan.**

We are reaching out to see if we can set up a meeting with you to discuss this project. **It would be great to identify how our project can better support your Climate Action Plan efforts. Moreover, we would like to see if the City of Lincoln would be interested in collaborating on this project.**

It would also be helpful to know if you have direction in terms of accessing updated geospatial files (i.e. shapefiles for analysis in ArcGIS) at a census tract or finer scale:

- Transit stops and streetlight inventory
- Street condition
- Walk scores and pedestrian-vehicle collision data
- Sidewalk inventory
- Solar installation data
- Fire Hazard Severity Zone Local Responsibility Area
- Residential energy consumption data
- Flood and fire risk
- Tree coverage and urban heat island index
- Proximity to Community Recreation Areas and Waste Sites
- Pesticide Use and Drinking Water Contaminants
- Groundwater Threats and Impaired Water Bodies

Asthma Rates

If you are not the right person to contact, we would appreciate it if you could refer us to the appropriate contacts.

Sincerely,

Katia Carranza, Catherine Chan, Jonathan Cronk

November 27, 2022

WaterPark Owners Association
2901 A St
Lincoln, NE 68510

Lincoln City Council
555 S 10th St
Lincoln, NE 68508

RE: Proposed Lincoln Children's Zoo / Antelope Park Parking Lot

Dear Lincoln City Council:

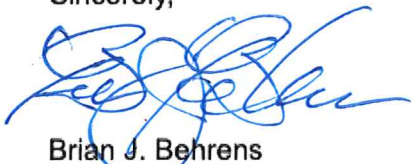
As the closest neighbors to the Lincoln Children's Zoo's proposed parking lot, we are writing to express our support for the project.

The proposed change in land use initially raised some questions and concerns for us. We have had issues with bad behavior (including parking in our private lot, littering, verbal harassment, and reckless driving through our lot) from Zoo guests, particularly during Boo at the Zoo and *especially* at this year's Boo, when the future parking lot space was open for field parking. We also had concerns about security for our residents with more foot traffic adjacent to our lot, as well as the potential loss of some of the trees along the east side of the Rock Island trail just south of A Street.

In response to our concerns, Lincoln Parks and Recreation staff and Zoo leadership have met with us, listened to us, and reached an agreeable arrangement to include a fence around our parking lot and to try to save or re-plant as many trees along the trail as possible. We have seen first-hand the need for additional parking for events in Antelope Park, and we are hopeful that the extra parking space and physical barrier around our parking lot will reduce improper parking in our lot and in the surrounding neighborhood during busy Zoo events.

As you consider a change in the Zoo's lease with the city for this land, please know that the stakeholders in this project have negotiated with neighbors to reach the plan currently before you.


Sincerely,



Brian J. Behrens
President and Treasurer



Sarah Knight
Vice President



Peggy Lange
Secretary