

**IN LIEU OF
DIRECTORS' ORGANIZATIONAL MEETING
Monday, December 21, 2020**

**I. DIRECTORS CORRESPONDENCE
PLANNING DEPARTMENT**

1. Action dated December 16, 2020

II. CONSTITUENT CORRESPONDENCE

1. Affordable Housing Coordinated Action Plan – Lincoln Chamber of Commerce
2. SRO's Lincoln Public Schools – Christopher Spike Eickholt
3. Affordable Housing Coordinated Action Plan – Wayne Mortensen
4. Take back your authority and responsibilities – stuartj12@zoho.com
5. Put the power back where it belongs – clauseninc@gmail.com
6. Request to reinstate – Mark Sroczynski
7. Please regain your legislative power – Sondra Kahler
8. Letter in Support of South of Downtown – Vish Reddi
9. My property – James Brewster

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 16, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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 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, DECEMBER 16, 2020

[Commissioners Corr, Finnegan, and Joy, absent]

Approval of minutes of the regular meeting held December 2, 2020. ****APPROVED: 6-0; (Corr, Finnegan and Joy absent)****

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

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 20016, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Yolande Avenue Redevelopment Plan, to add the "Revolution Wraps Redevelopment Project", for the construction of a 12,000 square foot building, parking, and associated improvements, on property generally located at 1801 Cornhusker Highway.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Corr, Finnegan, and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, January 25, 2021, at 5:30 p.m.

2. **REQUESTS FOR DEFERRAL:** See Items 4.2a – 4.2c.

3. **ITEMS REMOVED FROM CONSENT AGENDA:** None.

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

(1:00 P.M. PUBLIC HEARING ITEM: **)**

COMPREHENSIVE PLAN CONFORMANCE:

- 4.1 COMPREHENSIVE PLAN CONFORMANCE 20017, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed new South of Downtown Redevelopment and Strategic Plan, which would serve as a guide for the redevelopment activities within the redevelopment plan area. The proposed redevelopment plan area consists of 263.5 acres, more or less, bounded by South 10th Street, South 17th Street, A Street, and L Street.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Collin Christopher, 402-441-6370, cchristopher@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Corr, Finnegan, and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, January 25, 2021, at 5:30 p.m.

(1:30 P.M. PUBLIC HEARING ITEM: **)**

ANNEXATION AND RELATED ITEMS:

- 4.2a ANNEXATION 20014, to annex approximately 74.74 acres, on property generally located at 10400 Van Dorn and 2300 South 98th Streets.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission granted the applicant's request to defer this application to the January 6, 2021, hearing.

- 4.2b CHANGE OF ZONE 20038, from AG (Agricultural District) to R-3 (Residential District) on property generally located at 10400 Van Dorn Street.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission granted the applicant's request to defer this application to the January 6, 2021, hearing.

- 4.2c SPECIAL PERMIT 20047, to allow for a CUP (Community Unit Plan) with 510 proposed residential dwelling units on approximately 137 acres, with requested waivers, on property generally located at 10400 Van Dorn and 2300 South 98th Streets. *** FINAL ACTION ***

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission granted the applicant's request to defer this application to the January 6, 2021, hearing.

* * * * *

**PLEASE NOTE THAT WE ARE SUSPENDING THE OPPORTUNITY FOR ANYONE
WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA UNTIL FURTHER NOTICE.**

* * * * *

Adjournment 2:54 p.m.

PENDING LIST:

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: Todd Wiltgen <TWiltgen@lcoc.com>
Sent: Monday, December 14, 2020 1:55 PM
To: Bennie R. Shobe; Jane Raybould; James M. Bowers; Roy A. Christensen; Richard W. Meginnis; Sandra J. Washington; Tammy J. Ward
Cc: Daniel K. Marvin; Council Packet
Subject: Affordable Housing Coordinated Action Plan
Attachments: City Council Ltr 12-14-20.pdf

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

Good Afternoon,

Please find the attached letter supporting the City's Affordable Housing Coordinated Action Plan on today's agenda. Please let me know if you have any questions.

Thank you in advance for your consideration.

TW

TODD WILTGEN | PUBLIC POLICY SPECIALIST
LINCOLN CHAMBER OF COMMERCE

3 Landmark Centre | 1128 Lincoln Mall, Suite 100 | LINCOLN, NE 68508
P: 402.436.2352 C: 402.304.7685 | TWILTGEN@LCOC.COM | WWW.LCOC.COM



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December 14, 2020

Lincoln City Council Members
555 South 10th Street, Room 111
Lincoln, NE 68508

Dear Members of the Lincoln City Council:

The Lincoln Chamber recognizes housing affordability as one of the most important components to attracting and retaining a diverse workforce. A lack of affordable housing has become a significant barrier to increased entrepreneurship and economic development in our community.

For these reasons, Chamber staff appreciated the opportunity of working with the City of Lincoln's Urban Development Department developing the Affordable Housing Coordinated Action Plan. In addition to hosting four stakeholder meetings for young professionals, business leaders, major employers and land developers, we also assisted with conducting an online employer survey. In March of this year, the draft Plan was featured at our last in-person Growth and Development Forum.

The Chamber is supportive of the guiding principles of the Affordable Housing Coordinated Action Plan. We have been actively involved in a steering committee forming an Affordable Housing Consortium for the City of Lincoln which is one of the initial recommendations contained in the Plan. Please be assured the Chamber is committed to working with the City and community leaders to overcome the affordable housing barriers identified in this Plan.

Thank you for considering our position on the Affordable Housing Coordinated Action Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Birdsall", with a long, sweeping horizontal line extending to the right.

Wendy Birdsall, CCE
President

Angela M. Birkett

From: Spike Eickholt <spike@eickholtlaw.com>
Sent: Monday, December 14, 2020 2:04 PM
To: Council Packet
Attachments: 2020.12.14 Letter Testimony re MOU on SROs.pdf

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

Members: Please accept and consider the attached testimony regarding Item 4.d. on today's agenda. I apologize for the lateness in this submission.

Thank you all for your service.

--

Christopher Spike Eickholt

Eickholt Law LLC

Federal Trust Building

134 South 13th Street

Suite #505

Lincoln, Nebraska 68508

spike@eickholtlaw.com

402-310-5663

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TO: Lincoln City Council

CC: Interested State Senators

RE: Resolution #20R-544 (Item 4.d. on Agenda)

Date: December 14, 2020



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Nebraska

134 S. 13th St. #1010
Lincoln, NE 68508
(402) 476-8091
aclunebraska.org

For over 50 years in Nebraska, the ACLU has worked in courts, legislatures, and communities to protect the constitutional and individual rights of all people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberties fights. Beyond one person, party, or side — we the people dare to create a more perfect union.

The ACLU is committed to challenging the “school-to-prison pipeline,” a well-established and disturbing trend wherein children become subject to school discipline policies and are funneled into the juvenile justice and criminal justice systems with lasting and sometimes lifetime negative collateral consequences.

In Nebraska, we have a longstanding proud culture of valuing educational opportunities for all students. The ACLU fully acknowledges that Nebraska is fortunate to have many hard-working and talented educators and law enforcement officers and recognizes that their jobs are becoming increasingly complex while resources to support them and their important work are limited. To be clear, the ACLU does not support a permanent police presence in our schools. We view this as a threat to the civil rights and civil liberties of students, particularly for children of color and children with disabilities.

Increasing the presence of School Resource Officers (SROs) in our public schools touches on several important policy and legal issues including parental rights, students’ rights, racial justice, and disability rights. There can be no doubt that every stakeholder in this conversation cares deeply and sincerely about school safety and about protecting educational opportunity for all students. Thus, the challenge becomes how we can best advance these concurrent goals and strike the right balance between liberty and security.

This Memorandum of Understanding (MOU) is a result of the Legislature’s enactment of LB 390 in 2019, which requires that school districts and police departments to develop MOUs when the police agency has SROs placed in schools. LB 390 was essentially a way to accommodate the concerns with SROs in light of the acceptance that police will have an ongoing presence in our public schools. We want to commend Lincoln School Board Member Barb Baier’s leadership in ensure that LPS adopted an MOU when the Board made the decision to expand the SRO program in recent years.



Nationally and in Nebraska, a growing number of school districts have started to establish or expand the use of SROs, yet until recently there were few clear standards or regulations governing these programs. In 2018, the ACLU of Nebraska sent open records requests to about 40 Nebraska public school districts that had at least one school within the district with a sworn law enforcement officer. Our report¹ was released in December 2018 and revealed the following:

1. The federal data shows disproportionate overrepresentation for students of color and disabled students in school referrals to law enforcement agencies (LEAs) but there is no consistent local or state requirements for data collection and reporting on reasons for referrals to LEAs.

Nebraska students of color and disabled students are far more likely to be referred to law enforcement in comparison to their white peers. The reasons for these disparities are difficult to discern as many of the responding school districts do not track the reasons for referring students to law enforcement. **In fact, of the 34 school districts that used sworn law enforcement officers during the relevant period, only 6 provided us with information mirroring best practices and detailing the reasons for referrals to law enforcement disaggregated by demographic information such as race and sex.**

The Office of Civil Rights (OCR) requires schools to report the demographic data of those students referred to law enforcement and the number of law enforcement officers found in each school districts annually- and presents very troubling statistics. For example, attached are the recent snapshots from Lincoln Public Schools and Omaha Public Schools.

However, there is no state-specific data on SROs and or disaggregated data on reasons for LEA referrals. Thus, more uniform and robust data collection and reporting issues surrounding SROs may be an area of interest for state or local policymakers to explore in the future.

2. There is no consistent policy in place across Nebraska schools with SRO programs to ensure parental notification and involvement

We requested districts' policies relating to parent or guardian notification when a student is referred to a law enforcement officer, including an SRO. The ACLU was particularly interested in district policies relating to parent notification when a student is questioned about an incident that could result in a referral to the county attorney and therefore a law violation.

¹ https://www.aclunebraska.org/sites/default/files/field_documents/acluneschoolpolice_2.pdf



A significant number--approximately 20--of school districts have policies for parental notification that distinguish between questioning relating to conduct that occurred at school and questioning relating to non-school related events. **These policies generally state that if questioning is related to a district or school event, obtaining parental consent for questioning is unnecessary.** As a practical matter, there can be little basis for distinguishing between incidents that occur at school events or only involve students. Students can, and often are, charged for conduct that occurs at school. As such, the same protections, including parental notification and consent prior to questioning, must be in place regardless of whether an incident that could lead to prosecution occurs at school or outside of school.

Thus, more uniform and robust parental notification and involvement policies related to the SRO programs may be an area of interest for state or local policymakers to explore in the future.

3. **Inconsistent Policies Advising Students of Their Constitutional Rights.**

We asked school districts about their policies in advising students of their Fourth Amendment right against unlawful search and seizure, Fifth Amendment right against self-incrimination, and Sixth Amendment right to legal counsel. **Approximately half of the responding school districts surveyed have a policy on students' 4th Amendment rights and about half do not. Only a very small number of school districts provided a procedure or policy by which students are advised of their 5th Amendment right when being questioned by an SRO. To date, none of the school districts provided a procedure or policy as to how students are advised of their 6th Amendment right to legal counsel.** Additionally, it is concerning that some school districts responded to our request by referring us to the law enforcement agency as the school district is unaware of how students are advised of their rights when interacting with an SRO.

Thus, more uniform and robust policies to ensure each student is appropriately advised of their civil rights and civil liberties when interacting with SRO programs may be an area of interest for state or local policymakers to explore in the future.

4. **Lack of SRO-Specific Complaint Process.**

As part of our open records request, we asked school districts to provide us with "documents regarding the policies and procedures about the current student and parent complaint process to express concerns about SROs and their practices." At the time of our report, **no school districts provided or identified a specific complaint policy regarding SRO practices.** In response, the

Legislature encouraged more uniform and robust policies to ensure clear complaint procedures for the SRO programs.

LB 390 was an effort to limit the negative impact of SROs in public schools. We ask each councilmember to consider this fundamental point: affirmance of this MOU would put Lincoln in compliance with minimum standards required in state law. But it does not answer the questions of why are the police being established in schools and why aren't less expensive efforts being advanced to meet our shared public safety goals and advance racial justice and education equity? **We continue to urge policymakers that police need not be stationed in our schools and that their continued presence result in acceleration of the school-to-prison pipeline, a trend that tends to transition children from public schools into the juvenile and criminal justice systems.**



Respectfully,

A handwritten signature in black ink, appearing to read "Spike Eickholt". The signature is fluid and stylized, with a long horizontal line extending from the end.

Spike Eickholt
Registered Lobbyist and Attorney at Law

Angela M. Birkett

From: Wayne Mortensen <wayne.mortensen@nwlincoln.org>
Sent: Monday, December 14, 2020 2:36 PM
To: Council Packet
Cc: Sandra J. Washington; Tammy J. Ward; Wynn S. Hjermstad; Charlie Wesche
Subject: Support for 20R-542 (Affordable Housing Plan)

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

Honorable Councilmembers:

I apologize for the brevity of my comment and the informal medium of my remarks. Please do not allow either to convey any sort of apathy about the importance of the resolution you will consider today (Item 4b) in adoption of the Lincoln Affordable Housing Coordinated Action Plan.

Tremendous work and insight went into the authorship of the plan, but it was nothing in comparison to the dialogue and agenda setting its release has generated among civic leaders and housing stakeholders across the region. I moved my family back to Nebraska after seventeen years away to help lead NeighborWorks Lincoln and play a significant role in the implementation of visions just like this one. Both I and my organization are preparing to meet this moment and advance this plan, in close collaboration with the City.

The facilitation of more equitable neighborhoods will help Lincoln leverage its strengths to become a more resilient and inclusive community that is better positioned to confront the generational social, economic, and environmental challenges we have only begun to face. I strongly urge adoption of Comprehensive Plan Amendment 20001; it will place the City a better trajectory for additional resources, partners, and implementers in our continued fight for housing access.

Best,
Wayne Mortensen, CEO
NeighborWorks Lincoln
--

Wayne A. Mortensen, AIA
NeighborWorks Lincoln | Chief Executive Officer
2530 Q Street | 402.477.7181x101 | www.nwlincoln.org



NeighborWorks Lincoln revitalizes neighborhoods and supports homeownership, keeping Lincoln a safe and prosperous community.



Angela M. Birkett

From: stuartj12 <stuartj12@zoho.com>
Sent: Monday, December 14, 2020 3:37 PM
To: Council Packet
Subject: Take back your authority and responsabilites

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

The city charter allows the mayor to have emergency powers for 3 days. Its been 275 days. 272 days longer then legally allowed. You need to take back the authority to legislate from this out of control mayor. This failure to do your job is why recall petitions exist.

Angela M. Birkett

From: clauseninc@gmail.com
Sent: Monday, December 14, 2020 6:34 PM
To: Council Packet
Subject: Put the power back where it belongs

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

Do your thing please.

Why is it important that the City Council makes these decisions for Lincoln?

Emergency powers, intended for short term use during a crisis where the legislative body may not be able to rapidly respond, has been coopted to provide the Mayor unilateral control over what should be legislative acts.

Her health director, a position under the direct report of the Mayor, is legislating changes on the fly to areas that would normally and should still be done by the liquor control board or the City Council. This process eliminates the standard ability for citizens to voice their opinions and opposition to the legislative body. Mandates are being used in place of laws and the City Council has done nothing to stop, and in fact have encouraged, the bypassing of their own legislative authority. In other words, Mayor Gaylord Baird is making law, independently.

She has held emergency powers for 275 days. On Christmas Day, the Mayor will have held emergency powers LONGER than she hasn't held them during her time in office!!



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Angela M. Birkett

From: mark sroczynski <mark.sroczynski@outlook.com>
Sent: Monday, December 14, 2020 7:32 PM
To: Council Packet
Subject: Request to reinstate

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

I ask that you retrieve back the purpose of the Lincoln council to provide opportunities for checks and balances and to remove complete decision making and authority from one body.

Sent from my iPhone

Angela M. Birkett

From: sondrak@twc.com
Sent: Monday, December 14, 2020 7:53 PM
To: Council Packet
Subject: Please regain your legislative power

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

To the Lincoln City Council members:

I implore you to please reel in your legislative control, and stop allowing our Mayor unilateral control over what you all are responsible for. She is single-handedly making laws, and you are simply rubber stamping it all. If you believe that this is how our City Council should function, we have no need for you! Please step down and leave. You are not needed to warm those chairs. It is indeed your job to make financial decisions and legislate on the behalf of your constituents. If you do this properly, you will often tell her “No!” and you will completely and thoroughly listen to your constituents without bypassing this right afforded to us. Again, please make moves needed to put the power back where it belongs.

Thank you!
A fellow Lincolnite,
Sondra Kahler

Angela M. Birkett

From: Vish Reddi <Vish.Reddi@nearsouth.org>
Sent: Tuesday, December 15, 2020 10:33 AM
To: Council Packet
Subject: Letter in Support of South of Downtown

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

Dear Members of City Council,

At our November 9, 2020 board of directors meeting, the Near South Neighborhood Association voted in support of the South of Downtown redevelopment plan as presented now.

The area designated as the South of Downtown includes a part of the Near South neighborhood. We understand the need to provide housing for people of different needs and support the revitalization of the area designated as the south of downtown to attract a diversity of residents for an equitable and inclusive community. We specifically support provision of retail, entertainment, and recreational services for residents, employees, and visitors to ensure a diverse, multi-generational and complete neighborhood that supports active, healthy, and independent lifestyle choices. While we support the redevelopment plan as proposed, we continue our mission to improve the quality of life while maintaining the density of our neighborhood to aid our aging infrastructure.

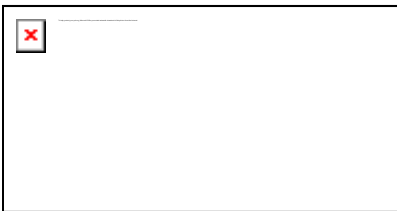
Accordingly, we appreciate the Planning Department efforts to establish a comprehensive plan to improve amenities in the area that is designated as South of Downtown.

Thank you for the opportunity to voice our needs and concerns. We respectfully express support of the redevelopment, revitalization and gradual improvement of the area designated as the South of Downtown.

Sincerely,

Vish Reddi, President

Near South Neighborhood Association



www.nearsouth.org

Angela M. Birkett

From: James Brewster <jamesbrwstr@gmail.com>
Sent: Tuesday, December 15, 2020 11:58 PM
To: Council Packet
Subject: Fwd: My property

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

James Brewster

----- Forwarded message -----

From: James Brewster <jamesbrwstr@gmail.com>
Date: Tue, Dec 15, 2020, 11:56 PM
Subject: My property
To: Sandra J. Washington <SWashington@lincoln.ne.gov>

Sandra when I have expressed my concerns about my property and was not threatening lawsuits nobody seem to feel my pain because I new what was going to happen to my property and my concerns are becoming a reality. Nobody herd me or felt my pain. Phil Euhler is going to destroy the esthetics of my property. I had the nicest property around and i trusted you Council members that you would make this right for every one who is effected. The bros got enough where it's not going to destroy there property. I saw right through what back room

deal went on with the bros.

I don't believe i have been treated fair and that i could be squashed like a cockroach. I'm being forced out of my home of 28 years. Thought that mattered. The system is broken and I'm appalled that some Council members didn't know anything about the development and voted yes to approve this. If this can not be rectified i hope you Council members think about me and my property and how my quality of life will die and how i was destroyed by the city council members by allowing this to happen and not protect me and my rights.

James Brewster