



## *In Lieu of Directors Meeting*

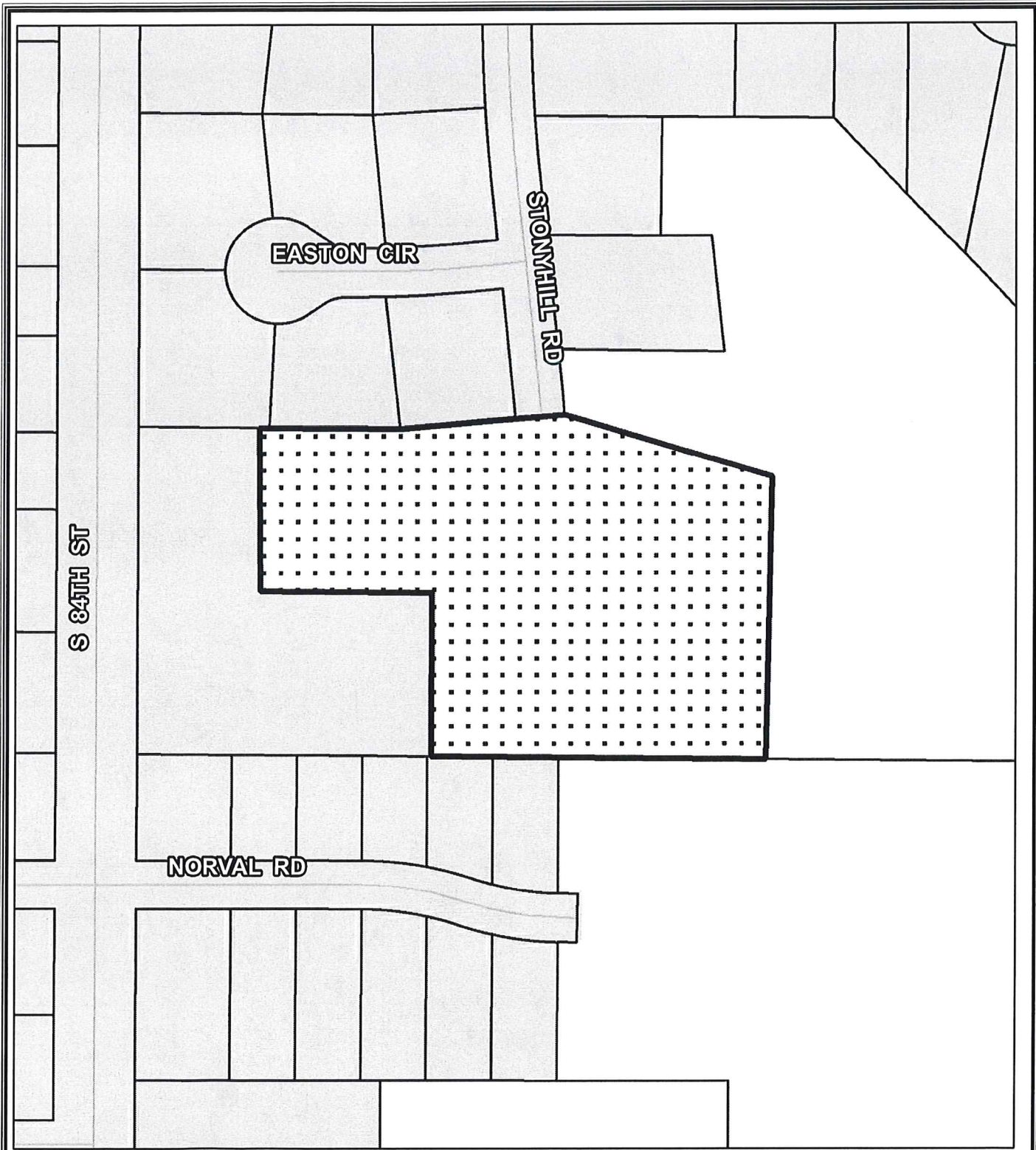
Monday, May 22<sup>nd</sup>, 2023

### Correspondence - Online for Review

- I. Directorial Correspondence
  - i. BP230511 - 1 Annexation Map 23001 - Shelli Reid
  - ii. BPC230517 - 1 PC Action - Shelli Reid
  
- II. Constituent Correspondence
  - i. Street construction - Denise Mendoza
  - ii. Nebraska Public Service Commission: Black Hills Natural Gas - Keith Dubas
  - iii. Fwd: Street construction - Denise Mendoza
  - iv. Proposed Collaborative Living Facility Zoning Regulations - Irvingdal Neighborhood Association
  - v. why the present administration of our elections must be considered criminal - Robert Borer
  - vi. cast vote records and liars. a remedy - Robert Borer



Next Directors Meeting - June 5<sup>th</sup>, 2023, 2:00 p.m.

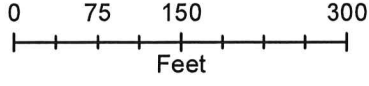
The Directors Meeting Agendas and Minutes may be accessed online at:  
<https://www.lincoln.ne.gov/City/City-Council/Directors-Minutes-Agendas>



**Annexation by Ordinance**  
**S 84th St & A St**  
**Effective: May 16, 2023**



-  Area of Annexation
-  Tax Parcels
-  Current City Limits



f:\its\gis\arcview\ann\_notif\Annexation Notification Map.mxd  
 f:\its\gis\arcview\ann\_notif\AN23001.pdf

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

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 17, 2023, 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.

**\*\*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.

### **AGENDA**

**WEDNESDAY, May 17, 2023**

Approval of minutes of the regular meeting held May 3, 2023. **\*\*APPROVED: 7-0 (Corr and Ryman Yost absent)\*\***

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

**CHANGE OF ZONE:**

- 1.1 CHANGE OF ZONE 23031, for the Wyuka Historic Park from R-4 (Residential District) and B-1 (Local Business District) to P (Public Use District) and from P (Public Use District) to B-1 (Local Business District) on property generally southeast of N 35<sup>th</sup> and Q Streets and at 110 N. 35<sup>th</sup> Street.

**Staff recommendation: Approval**

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

**Planning Commission recommendation: APPROVAL: 7-0 (Corr and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

**SPECIAL PERMIT:**

- 1.2 SPECIAL PERMIT 23019, to allow for an Early Childhood Care Facility for up to 75 children, with a waiver of the requirement to be located on an arterial street and screening requirements, on property generally located at 5521 Shady Creek Court.

**Staff recommendation: Conditional Approval**

**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 7-0 (Corr and Ryman Yost absent), as set forth in the conditions of the staff report dated May 4, 2023. Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

2. **REQUESTS FOR DEFERRAL:**            **Items 5.1a, 5.1b & 5.1c**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**COMPREHENSIVE PLAN:**

4.1 COMPREHENSIVE PLAN CONFORMANCE 23006, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the University Place Redevelopment Plan, to add the N. 48<sup>th</sup> & Madison Avenue Mixed Use Redevelopment Project, to include 4,780 square feet of first floor commercial space and approximately 54 units of housing, including approximately 11 units of affordable housing, in a three-story building located on the north half of the block bordered by N. 48<sup>th</sup> Street, Madison Avenue, and N. 47<sup>th</sup> Street.

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

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

**Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Joy declared a conflict of interest; Corr and Ryman Yost absent), Public hearing before the City Council is tentatively scheduled for Monday, June 26, 2023, 5:30 p.m.**

**CHANGE OF ZONE:**

4.2 CHANGE OF ZONE 08057E, to amend the University Place Planned Unit Development (PUD), to allow the sale of alcohol for consumption on and off the premises in conjunction with a restaurant over a portion of the PUD with modifications to the provisions of LMC 27.63.680 and 27.63.685, on property generally located at 2747 N. 48<sup>th</sup> Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 6-0 (Joy declared a conflict of interest; Corr and Ryman Yost absent), as set forth in the conditions of the staff report dated May 3, 2023. Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

**COMPREHENSIVE PLAN AND RELATED ITEMS:**

4.3a COMPREHENSIVE PLAN AMENDMENT 23003, to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to revise the Future Land Use Map from Agriculture, AG Stream Corridor, Industrial, and Environmental Resources, to only Industrial and Environmental Resources, and to update the Growth Tier Map, in relation to the Use Permit for Jamaica North Business Park, on property generally located at S. 14<sup>th</sup> Street and north of Saltillo Road.

**Staff recommendation: Approval**

**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

**Planning Commission recommendation: APPROVAL: 7-0 (Corr and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

- 4.3b ANNEXATION 23002, annexation of approximately 55.26 acres, more or less, with a change of zone and use permit for 29 business park lots, on property generally located at S. 14<sup>th</sup> Street and north of Saltillo Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 7-0 (Corr and Ryman Yost absent), as set forth in the conditions of the staff report dated April 6, 2023. Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

- 4.3c CHANGE OF ZONE 23014, from both AG (Agricultural District) and I-1 (Industrial) to I-3 (Employment Center District) associated with a Use Permit submitted for the Jamaica North Business Park, totaling approximately 73.48 acres, more or less, on property generally located at S. 14<sup>th</sup> Street and north of Saltillo Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 7-0 (Corr and Ryman Yost absent), as set forth in the conditions of the staff report dated May 4, 2023. Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

- 4.3d USE PERMIT 23002, for the Jamaica North Business Park use permit totaling approximately 73.48 acres, more or less, for up to 29 lots associated I-3 (Employment Center District), with associated waivers to the block length, sanitary sewer and manhole depth, intersection design standards, and stormwater quantity detention, on property generally located at S. 14<sup>th</sup> Street and north of Saltillo Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 7-0 (Corr and Ryman Yost absent), as set forth in the conditions of the staff report dated May 4, 2023. Public hearing before the City Council is tentatively scheduled for Monday, June 12, 2023, 3:00 p.m.**

## **5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

### **COMPREHENSIVE PLAN AND RELATED ITEMS:**

- 5.1a COMPREHENSIVE PLAN AMENDMENT 23006, to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to revise the Future Land Use Map from Green Space to Residential and Commercial, on property generally located at SW 40<sup>th</sup> and West 'A' Streets.

**Staff recommendation: Approval**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**Planning Commission granted the request on behalf of the applicant for a 2-week deferral, with Continued Public Hearing and Action scheduled on May 31, 2023.**

5.1b ANNEXATION 23006, to annex approximately 17 acres, more or less, on property generally located at SW 40<sup>th</sup> and West 'A' Streets.

**Staff recommendation: Conditional Approval**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**Planning Commission granted the request on behalf of the applicant for a 2-week deferral, with Continued Public Hearing and Action scheduled on May 31, 2023.**

5.1c CHANGE OF ZONE 23021, from AG (Agricultural District) to R-3 (Residential) PUD (Planned Unit Development), for phase one of the West View PUD for 55 dwelling units, on property generally located at SW 40<sup>th</sup> and West 'A' Streets.

**Staff recommendation: Conditional Approval**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**Planning Commission granted the request on behalf of the applicant for a 2-week deferral, with Continued Public Hearing and Action scheduled on May 17, 2023.**

\* \* \* \* \*

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

\* \* \* \* \*

**Adjournment: 2:44 p.m.**

**From:** [Denise Mendoza](#)  
**To:** [Council Packet](#)  
**Subject:** Street construction  
**Date:** Thursday, May 11, 2023 8:10:09 AM

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Hi,

I don't know who to contact so I decided that maybe you can help. I have a boutique on the corner of 48th Street and for 2 weeks now they have been blocking a large portion on the front and side and creating a mess and leaving stuff on the ledge on the window pane and cement dust everywhere that Noone will come.

When will they be out of there and I'm going to need help with my rent now due to no sales. My rent is 800.00 a month.

Please help.

Thanks

[BeautyGirlFashions.com](http://BeautyGirlFashions.com)

**From:** [kwdubas@windstream.net](mailto:kwdubas@windstream.net)  
**To:** [Council Packet](#)  
**Subject:** Nebraska Public Service Commission: Black Hills Natural Gas  
**Date:** Thursday, May 11, 2023 5:15:06 PM

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To whom it may concern:

For the 3<sup>rd</sup> time in 6 months my Black Hills Natural Gas budget bill has increased. Two years ago I was paying in the range of \$160 budget per month. My recent increase is now \$337 per month.

Since I don't have a choice with providers as this is a monopoly I would like to know if other gas companies are compared to Black Hills when choosing a gas company for a service area. I'm aware that there have been interruptions due to the war in Ukraine etc. which has increased demand and redistributions, but I am also aware that energy companies are posting record profits.

I would appreciate hearing back. I will share my concern with our Mayor and City Council. Thank you in advance,

Keith Dubas  
1712 E Street  
Lincoln, Ne 68508

402 438 0171



**From:** [Denise Mendoza](#)  
**To:** [Council Packet](#)  
**Subject:** Fwd: Street construction  
**Date:** Friday, May 12, 2023 9:02:08 AM

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Hi,

Store owners will have to close, with this long winded project till December, and we already lost money for May, so I need to know and others, who will be paying our rents? We the store owners need our rents paid while all this is going on, we cannot conduct business this way.

Please reply with an immediate fix so that I may pass it on to the other store owners as to the help the city plans to give us.

Thanks

['That's a killer': Lincoln man says 48th Street construction will doom his business \(klkntv.com\)](#)

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

**From:** Denise Mendoza <[beautygirlfashions@gmail.com](mailto:beautygirlfashions@gmail.com)>  
**Date:** Thu, May 11, 2023 at 8:09 AM  
**Subject:** Street construction  
**To:** <[councilpacket@lincoln.ne.gov](mailto:councilpacket@lincoln.ne.gov)>

Hi,

I don't who to contact so I decided that maybe you can help. I have a boutique on the corner of 48th Street and for 2 weeks now they have been blocking a large portion on the front and side and creating a mess and leaving stuff on the ledge on the widow pane and cement dust everywhere that Noone will come.

When will they be out of there and I'm going to need help with my rent now due to no sales. My rent is 800.00 a month.

Please help.

Thanks

[BeautyGirlFashions.com](http://BeautyGirlFashions.com)

**From:** [INA](#)  
**To:** [Planning](#); [Council Packet](#); [Mayor](#)  
**Cc:** [ckw7968@gmail.com](mailto:ckw7968@gmail.com); [Schwab Mary](#)  
**Subject:** Proposed Collaborative Living Facility Zoning Regulations  
**Date:** Sunday, May 14, 2023 9:47:19 PM

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**TO:** City of Lincoln /Lancaster County Planning Commission  
Lincoln City Council  
Office of the Mayor, City of Lincoln  
**FROM:** Irvingdale Neighborhood Association  
**Re:** Collaborative Living Facility Proposal  
**DATE:** May 14, 2023

Dear Members of the Above Referenced Organizations,

It is our understanding that you have received correspondence from the near South Neighborhood Association (NSNA) outlining 6 concerns to the draft proposal **Collaborative Living Facility Zoning Regulations**, and suggesting changes to that document. The Irvingdale Neighborhood Association (INA) shares the majority of these concerns and changes as written. The areas where we agree and differ are as follows:

- <!--[if !supportLists]-->1. <!--[endif]-->**Maximum Number of Occupants** – Agree with concern and recommendation as written by NSNA.
- <!--[if !supportLists]-->2. <!--[endif]-->**Size and Nature of the Structure** - Agree with concern and recommendation as written by NSNA.
- <!--[if !supportLists]-->3. <!--[endif]-->**Parking** – Agree with the concern as written by NSNA; however, we feel that the solution of a 1:1 basis would virtually eliminate the possibility of having a Collaborative Living Facility in most neighborhoods. We support the original .5 parking spaces per resident, but only if there is a way of limiting the number of residents who have vehicles at the facility i.e. having a vehicle on site is a privilege that has to be earned through longevity in the house, combined with a merit system based on adherence to the program requirements. This would also require that #5 below be implemented.
- <!--[if !supportLists]-->4. <!--[endif]-->**Spacing** – Agree with concern and recommendations as written by NSNA, however, we feel that schools should also be included in the list of facilities listed in the spacing requirement.
- <!--[if !supportLists]-->5. <!--[endif]-->**Add Enforcement/Oversight** – Agree with concern as written by NSNA. As far as the NSNA’s recommendation for change, we concur, but feel that the possibility of the revocation of the proprietor’s license, should be added to the fines/penalties for non-compliance.
- <!--[if !supportLists]-->6. <!--[endif]-->**Add Articulated/Strategic Reasonable Accommodation Process** - Agree with concern and recommendations as written by NSNA.

Irvingdale Neighborhood Association also would like to go on record as being in support of the proposal regarding Collaborative Living Facility Zoning Regulations, ***if the six concerns brought to your attention by the Near South Neighborhood Association and supported by the Witherbee and Irvingdale Neighborhood Associations, and I dare say others, are addressed.***

Sincerely,

Geri Cotter, President

Irvingdale Neighborhood Association

**From:** [Robert Borer](#)  
**To:** [honest.transparent.and.verifiable.consent@election.integrity.org](mailto:honest.transparent.and.verifiable.consent@election.integrity.org)  
**Subject:** why the present administration of our elections must be considered criminal  
**Date:** Monday, May 15, 2023 7:12:55 AM

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Dear Friends and Members of State and Local Government-

**Law professor and prosecutor extraordinaire David Clements is in town and will be speaking tonight at Elevate Church, 8251 Pioneers Blvd, Lincoln, NE, May 15th at 6:30 pm.**

**The topic? Why the present administration of our "elections" must be considered criminal.**

No one understands and can articulate the problem (and the solution) better than this man. I strongly urge your attendance.

Respectfully,

Robert J. Borer  
Bcc: influential people

**From:** [Robert Borer](#)  
**To:** [honest.transparent.and.verifiable.consent@election.integrity.org](mailto:honest.transparent.and.verifiable.consent@election.integrity.org)  
**Subject:** cast vote records and liars, a remedy  
**Date:** Wednesday, May 17, 2023 8:27:10 AM

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Dear Friends, Public Servants and Republican Party Members-

Nebraska has no voting machine test standards of its own, like other states have. Nebraska officials simply take at face value what the private company (ES&S) that "counts" our votes behind closed doors (and refuses to be transparent about it) says about their black box equipment.

What do you call that?

You can't call it *faith*, unless you call it "*BLIND faith*," which is an oxymoron, because true faith is based on evidence.

Nope. You must call it something else.

Call it naivete. Call it credulity. Call it gullibility. Call it incompetence. Call it weakness. Call it spinelessness. Call it irresponsibility. Call it criminal. Call it complicity. Call it all of the above.

But don't call it faith.

And don't label what ES&S says about their black box equipment as "information," either. It's all propaganda. Lies.

At the top of this con game is our rogue SoS Bob Evnen. He says he doesn't have cast vote records.

Listen, **ES&S tabulators cannot tally votes without creating cast vote records in the process.** Evnen refuses to give We the People access to those records because he doesn't want Us to audit OUR "elections" and find out what a charade and scam he's running.

Looking at the cast vote records (CVRs) is the best way to audit a machine count and make sure the machine isn't programmed to cheat (which is very easy to do).

The machine scans a ballot and converts the voter selection marks to a cast vote record (see pg 3 [here](#)).

Read up on cast vote records here: <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf>

Evnen refuses to even acknowledge that cast vote records exist. **He's a liar.**

South Dakota also uses ES&S, as do many other states. Jessica Pollema and the patriots in SD were fed the same lies, until officials were forced to admit the cast vote records exist. But getting their hands on them (as people in other states have) has been another story. Why? Word is out. Cast vote records expose the fact the machines are being used to perpetrate fraud. Who knew, before 2020??

If we look at the machine Certification document, under Scope of Certification on pg 2, we find that the Certification is:

- NOT an endorsement of the voting system, NOR of any of its components;
- NOT a warranty on the system;
- NOT a determination that the voting system will be operated in a manner that meets HAVA standards;
- NOT a substitute for State and local certification and testing;
- NOT a determination that the system is ready for an election;
- NOT a determination that the system can't/won't be abused, misused, hacked, etc.

[https://www.eac.gov/sites/default/files/voting\\_system/files/ES%26S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf](https://www.eac.gov/sites/default/files/voting_system/files/ES%26S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf)

Public servants have forgotten who they are. They have forgotten that they are servants who get their power from We the People. They have been abusing that power and even using it against We the People. They need to remind themselves of our founding principles, because People are getting fed up.

"... That to secure these rights, Governments are instituted among Men, **deriving their just powers from the consent of the governed**, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it..."  
[—1776 Declaration](#)

"...rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, **deriving their just powers from the consent of the governed.**"  
[Nebraska State Constitution, Article I-1](#)

#### **REMEDY**

If the Republican Party was serious and not a joke, they would kick Evnen OUT. He's no Republican. He's a democRAT. Democrats have no complaint with the way Evnen is (mal)administering our "elections."

Furthermore, the Republican Party would force Pillen to write an executive order securing our elections. If Ricketts and Evnen could write one corrupting our elections, Pillen can certainly write one securing them.

We the People appeal to the Supreme Judge of the World for the rectitude of our Intentions. Our Cause is Just. The Cause of America (self-government) is the Cause of all of Mankind.

Election fraud is an existential threat to the entire American experiment is self-government and Liberty. Election fraud facilitates tyranny and slavery.

With Jefferson, We the People "have sworn upon the altar of God eternal hostility against every form of tyranny..."

Robert J. Borer