



Directors Meeting Agenda

Monday, October 2nd, 2023, 2:00 p.m.

555 S 10th Street Luxford Studio

- I. Approval of Directors Meeting Minutes from September 18th, 2023
- II. City Clerk Advisories
- III. Mayor's Advisories
- IV. Director's Advisories
- V. City Council: Commissions, Committees, and Event Updates
- VI. Post-Meeting Council Members Calls to City Directors
- VII. **Adjournment** – Next Directors Meeting – October 16th, 2023, 2:00 p.m.

Correspondence – Online for Review

- I. Directorial Correspondence
 - i. BPC230920 – 1 PC Action – Shelli Reid
- II. Constituent Correspondence
 - i. LED Street Lights Are Hazardous – Mark Baker
 - ii. Claim City of Lincoln NE Appeal 8134 Regent Drive – Linda Bunderman
 - iii. NAGE Bargaining Agreement – William Kostner
 - iv. Problem Properties – Jayne Sebby

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

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

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 20, 2023, 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.

****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, September 20, 2023

[Commissioners Ball, Edgerton, and Rodenburg absent; 1 vacant seat]

Approval of minutes of the regular meeting held September 6, 2023. ****APPROVED:5-0 (Ball, Edgerton, and Rodenburg absent; 1 vacant seat)****

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

- 1.1 CHANGE OF ZONE 19031B, to amend an existing Chateau at Yankee Hill PUD (Planned Unit Development), with a requested waiver to permit wall signs up to 180 square feet in size within the R-3 PUD Apartment Area, on property generally located at South 40th and Yankee Hill Road.

Staff recommendation: Conditional Approval

Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

Planning Commission recommendation: CONDITIONAL APPROVAL: 5-0 (Ball, Edgerton and Rodenburg absent; 1 vacant seat), as set forth in the conditions of the staff report dated September 7, 2023. Public hearing before the City Council is tentatively scheduled for Monday, October 16, 2023, 3:00 p.m.

MISCELLEANEOUS

- 1.2 COUNTY WAIVER 23005, to waive the dedication of 10 feet of additional right-of-way per Section 4.03 of the County Subdivision for a final plat and instead dedicate a 10-foot-wide right-of-way easement, on property generally located at 8400 West Pioneers Boulevard. The Planning Commission action is final, unless appealed to the Lancaster County Board.

Staff recommendation: Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission “final action”: APPROVAL: 5-0 (Ball, Edgerton and Rodenburg absent; 1 vacant seat), Resolution No. PC-01874.

2. **REQUESTS FOR DEFERRAL:** None

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

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

SPECIAL PERMIT:

4.1 COUNTY SPECIAL PERMIT 23031, to allow for a Farm Winery Social Hall, with associated waiver, on property generally located at 2001 West Raymond Road. The Planning Commission action is final, unless appealed to the Lancaster County Board.

Staff recommendation: Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission “final action”: APPROVAL WITH AMENDED WAIVER AS RECOMMENDED BY PLANNING COMMISSION: 5-0 (Ball, Edgerton and Rodenburg absent; 1 vacant seat), Resolution No. PC-01875.

COMPREHENSIVE PLAN:

4.2 COUNTY COMPREHENSIVE PLAN CONFORMANCE 23013, to review the proposed One- and Six-Year Lancaster County Road and Bridge Construction Program, Fiscal Year 2024 and 2025-2029, as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan.

Staff recommendation: General Conformance with the Comprehensive Plan

Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE: 5-0 (Ball, Edgerton and Rodenburg absent; 1 vacant seat). Public hearing before the Lancaster County Board is tentatively scheduled for October 10, 2023, 6:30 p.m.

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

CHANGE OF ZONE:

4.3 CHANGE OF ZONE 23054, from AG (Agricultural District) to H-3 (Highway Commercial District), on property generally located at NW 48th Street and Hwy 34.

Staff recommendation: Denial

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission recommendation: APPROVAL WITH ASSOCIATED ZONING AGREEMENT: 5-0 (Ball, Edgerton and Rodenburg absent; 1 vacant seat). Public hearing before the City Council is tentatively scheduled for Monday, October 16, 2023, 3:00 p.m.

MISCELLANEOUS

4.4 STREET AND ALLEY VACATION 23005, to vacate a portion of the South 1st Street (Right-of-Way) between Pioneers Boulevard and Old Cheney Road, generally located at South 1st Street and Pioneers Boulevard.

Staff recommendation: Conforms to the Comprehensive Plan

Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

Planning Commission granted the request on behalf of the applicant for a 4-week deferral, with Continued Public Hearing and Action scheduled on October 18, 2023

* * * * *

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

* * * * *

Adjournment: 3:04 p.m.

From: [Mark Baker](#)
To: fireida@gmail.com; chuckhutch@cox.net; greg.moen@nucor.com; bpeck@pvbank.com; kgottschalk113@gmail.com
Cc: LFRMedia_martha.stoddard_owh.com; [JCA Attorney](#); [Council Packet](#); [Health](#); [Sandra J. Washington](#); LFRMedia_awegley_journalstar.com
Subject: LED Street Lights Are Hazardous
Date: Wednesday, September 20, 2023 11:51:44 PM

Dear Nebraska Power Review Board,

The Soft Lights Foundation announces that the Food and Drug Administration published Citizen Petition FDA-2023-P-3879-0001 on September 11, 2023 which requests regulation of LED street lights and the publication of 21 C.F.R. 1040.60 - LED Streetlights. (<https://www.regulations.gov/document/FDA-2023-P-3879-0001>). The reason that we submitted this petition to the FDA is because LED street lights are an electronic product that emits hazardous visible radiation that is required to be regulated by the FDA, as per 21 U.S.C. 360hh - 360ss. This petition is now taking public comments.

In summary:

1. There are currently no FDA regulations for LED visible radiation, as required by 21 U.S.C. 360hh - 360ss.
2. The FDA is evaluating Citizen Petition FDA-2022-P-1151 which requests that the FDA publish performance standards for LED products as 21 C.F.R. 1040.40 - LED Products.
3. An FDA review of the health and safety impacts of LED street lights, and steps required to publish 21 C.F.R. 1040.60 - LED Street Lights, is now underway.
4. The FDA has not been providing reports on LED radiation to members of Congress, as required by 21 U.S.C. 360jj. Members of Congress are investigating.
5. An Americans with Disabilities Act accommodation plan for each municipality is required for any location that is using an LED street light due to the discriminatory barriers created by LED street lights for those with disabilities who cannot neurologically tolerate LED radiation.

We believe that halting the rollout of LED streetlights is legally mandated until the FDA issues 21 C.F.R. 1040.60 - LED Street Lights, and until each municipality publishes the ADA accommodation plan for LED street lights. The utility companies are legally obligated to notify their clients that LED street lights currently lack FDA regulations (despite these regulations being required by law), that the FDA is evaluating multiple petitions to comply with the law, that LED radiation is hazardous, and that LED street lights create discriminatory barriers requiring ADA accommodations.

We urge the Nebraska Power Review Board to contact Nebraska cities and counties and utility companies to halt their LED street light conversion projects until there is legal authorization to proceed and until the safety, health, and discrimination issues have been resolved.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org

From: [Linda Bunderman](#)
To: [Council Packet](#)
Subject: Claim City of Lincoln NE Appeal 8134 Regent Drive
Date: Wednesday, September 27, 2023 10:14:52 AM
Attachments: [Bunderman_Appeal_9.26.23.pdf](#)

September 26, 2023

City of Lincoln Nebraska
555 South 10th Street, Suite 300
Lincoln NE 68508

RE: Claim Against the City of Lincoln

To City Council Members:

Please accept this letter as written documentation to appeal the response that we received in the mail from Tyler K. Spahn, Assistant City Attorney. We submitted our claim to the City of Lincoln on August 31, 2023 for damage caused to our home by golf balls hit from Mahoney Golf Course. We appreciate your time in reviewing the details of our claim.

We believe that the City of Lincoln has been negligent in maintaining the netting surrounding the golf course. From our home we can see the various gaps in the netting. The attached photos clearly show these gaps. The gaps in the net are allowing the golf balls to pass through, resulting in damage to our home. It has been mentioned in your letter that the 'golf balls may have been shot in such a manner as to evade the netting provided for the course'. Because the netting has not been maintained, we believe that the City of Lincoln is negligent in preventing this from happening.

The siding on our home serves as a protection from the weather (snow, rain, and wind) and the damage that has been caused impacts the integrity of our siding. We currently have four holes in the siding which we plan to have fixed in the next month before winter is upon us. This expense is not included in our financial budget and is a burden to our household.

We are also including a copy of the original claim and supporting documentation that was initially submitted for your reference.

Thank you for your consideration in this matter, our requested amount of **\$600** is only a portion of the total expense to repair damage to our home.

Dana and Linda Bunderman
8134 Regent Dr

Lincoln NE 68507



















September 26, 2023

City of Lincoln Nebraska
555 South 10th Street, Suite 300
Lincoln NE 68508

RE: Claim Against the City of Lincoln

To City Council Members:

Please accept this letter as written documentation to appeal the response that we received in the mail from Tyler K. Spahn, Assistant City Attorney. We submitted our claim to the City of Lincoln on August 31, 2023 for damage caused to our home by golf balls hit from Mahoney Golf Course. We appreciate your time in reviewing the details of our claim.

We believe that the City of Lincoln has been negligent in maintaining the netting surrounding the golf course. From our home we can see the various gaps in the netting. The attached photos clearly show these gaps. The gaps in the net are allowing the golf balls to pass through, resulting in damage to our home. It has been mentioned in your letter that the 'golf balls may have been shot in such a manner as to evade the netting provided for the course'. Because the netting has not been maintained, we believe that the City of Lincoln is negligent in preventing this from happening.

The siding on our home serves as a protection from the weather (snow, rain, and wind) and the damage that has been caused impacts the integrity of our siding. We currently have four holes in the siding which we plan to have fixed in the next month before winter is upon us. This expense is not included in our financial budget and is a burden to our household.

We are also including a copy of the original claim and supporting documentation that was initially submitted for your reference.

Thank you for your consideration in this matter, our requested amount of **\$600** is only a portion of the total expense to repair damage to our home.

Dana and Linda Bunderman
8134 Regent Dr
Lincoln NE 68507

A handwritten signature in dark ink, reading "Dana E. Bunderman". The signature is fluid and cursive, with the first name "Dana" being the most prominent.A handwritten signature in dark ink, reading "Linda Bunderman". The signature is written in a cursive style, with the first name "Linda" being the most prominent.



CITY ATTORNEY

555 South 10th Street, Suite 300 | Lincoln, NE 68508
402-441-7281 | F: 402-441-8812

September 14, 2023

Dana & Linda Bunderman
8134 Regent Drive
Lincoln, NE 68507

RE: Claim Against the City of Lincoln

Dear Mr. & Mrs. Bunderman:

This letter is in response to your claim received in the City Clerk's Office on August 31, 2023, regarding damage to the siding of your home from golf balls. It is this office's responsibility to investigate the merits of claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council. In order for a claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such authorization.

I have had an opportunity to review your claim and information provided by relevant staff. While the City understands the financial impact and hardship incurred, the City is only liable for damage when the damage is caused by the negligence of the City or its employees. In this case, the City has taken steps to prevent golf balls from leaving the course unless the circumstances of the golf shot are extremely unusual. The City cannot assume liability for damage caused by golf balls which are shot in such a manner as to evade the netting provided for the course. Because I cannot determine that any negligence of the City or its employees was the cause of the damage to your home, I must refer your claim to the Lincoln City Council with a recommendation that your claim be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on Monday, October 2, 2023, at 3:00 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, September 29, 2023, by phone at 402-441-7281.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyler K. Spahn", written over a horizontal line.

Tyler K. Spahn
Assistant City Attorney

August 29, 2023

Dana and Linda Bunderman
8134 Regent Drive
307-871-2151 (Cell Phone)
lbunderman@gmail.com

- 1st incident approximate date May 4, 2022
- 2nd incident approximate date April 3 – 7, 2023
- 3rd incident approximate date April 3 – 7, 2023
- 4th incident June 11, 2023 Sunday morning
- Parks and Rec Department/City of Lincoln, Nebraska
- All of the above listed incidents occurred at 8134 Regent Drive, Lincoln NE 68507 (residence)

1st incident – approximate date May 4, 2022. We noticed damage on May 9, 2022 to the siding of our home from a golf ball.

2nd incident – approximate date the week of April 3 – 7, 2023. We noticed damage to the siding of our home from a golf ball when we went into the back yard on April 7, 2023.

3rd incident – approximate date the week of April 3 – 7, 2023. We noticed damage to the siding of our home from a golf ball when we went into the back yard on April 7, 2023.

4th incident – June 11, 2023 We had our window open and heard something hit the siding. We went outside and discovered new damage to our siding. There was also a golf ball in our back yard in the grass.

We believe the 2nd incident and the 3rd incident occurred during the same week as the driving range was being utilized during that week and there had been no prior damage before that time period. We also found two golf balls in our back yard.

On April 10, 2023 I went to Mahoney Golf Course to seek advice and was told to contact Parks and Rec Department (402) 441-7847. I did call this number and was instructed to complete a Filing a Notice of Claim.

We are requesting the siding be replaced on our home to include materials and labor. We do believe the City of Lincoln is responsible for the damage to our home from the Mahoney Golf Course under the direction of the Parks and Recreation and the City of Lincoln, Nebraska. We are retired and on a fixed income and this would be an extra financial burden to us. The delay in turning in this claim is contractors following through and sending us the quotes.

Thank you for your help and consideration in the matter. Attached are four photos of damage to our home and several quotes for the repair to our home. We are requesting **\$500** for damage to our house siding.

Dana E Bunderman

Linda Bunderman

Dana and Linda Bunderman
8134 Regent Drive
Lincoln NE 68507
(307) 871-2151
lbunderman@gmail.com

Filing a Notice of Claim

Process for Filing a Notice of Claim

Nebraska Revised Statute § 13-905 requires that any person seeking to file a tort (including negligence) claim against the City of Lincoln must provide Notice of the events giving rise to the claim within one (1) year from the date of the occurrence. This Notice must be in writing and be provided to the City Clerk's Office or the City Attorney's Office. The written Notice should contain the following information:

- Claimant's name, address, phone number, and email;
- Date and time of incident;
- Individuals and/or City Department involved, if known;
- Location where incident occurred;
- A description of what happened, and why you believe the City is responsible;
- Invoices, receipts, estimates, photographs, or any other supporting documentation; and
- Total amount you are requesting that the City pay.

The Notice must be delivered to:

City Clerk's Office
555 S. 10th Street, Rm. 103
Lincoln, NE 68508

or

City Attorney's Office
555 S. 10th Street, Rm. 300
Lincoln, NE 68508
claims@lincoln.ne.gov

What Happens Next

Upon receipt, the City Attorney's Office will investigate the claim. Pursuant to Nebraska Revised Statute § 13-906, the City has six (6) months to investigate a claim. After the investigation is complete, the claim will either be approved or denied, based on the information available.

If approved, a release will be sent to the Claimant. Upon receipt of a signed release, the claim will be processed for payment. If denied, a denial letter will be sent to the Claimant and the claim will be forwarded to the Lincoln City Council for consideration and disposition. The Claimant may contest a denial before the Lincoln City Council at the next regularly scheduled meeting.

This information is provided as a service and is not intended to substitute for legal advice. You are responsible for compliance with the current requirements of the Nebraska Political Subdivisions Tort Claims Act, Neb. Rev. Stat. § 13-901, et seq.

02/01/2021

INTEGRITY EXTERIOR SOLUTIONS

www.IESLincoln.com

NE LIC# 40983

402-730-3077

1524 Pioneers Blvd. Lincoln, NE 68502

REP:

PHONE:

Luke Russell
531-249-2658



Customer Name:

Linda Bonderman

Address:

8134 Regent Drive
Lincoln, NE

Home Phone:

Cell Phone:

JOB SUMMARY:

Company to install 4.5 Sqaures of Norandex Champagne vinyl siding; Remove old siding + haul away.
All labor + material included
Life Time Warranty (Will includ taking one faded piece from North wall + installing it onto the West Wall)
National Retail: 4,000 \$/yr
Factory - Rebates: 3,200 (this took only)
Free Shipping 2,600

☐ Classic Series:

- ☐ Peak Performance Glass Package
- ☐ Double Pane Glass
- ☐ Argon Insulated
- ☐ 2-coats LowE
- ☐ Pocket/Slope Sill
- ☐ Standard Spacer
- ☐ Fusion-Welded Frame
- ☐ Full-Interlock Meeting Rail
- ☐ 0.04 Air Infiltration Rate
- ☐ 1-Lock
- ☐ 10 year Non-Prorated, Transferable Warranty

☐ Siding

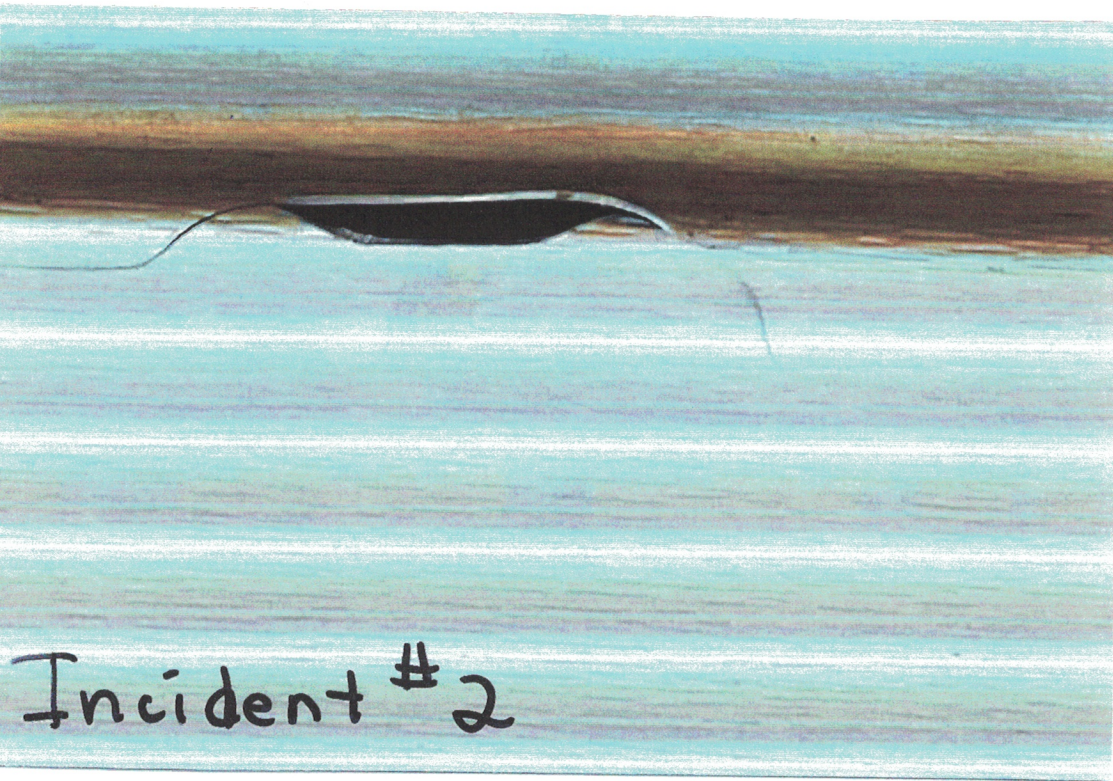
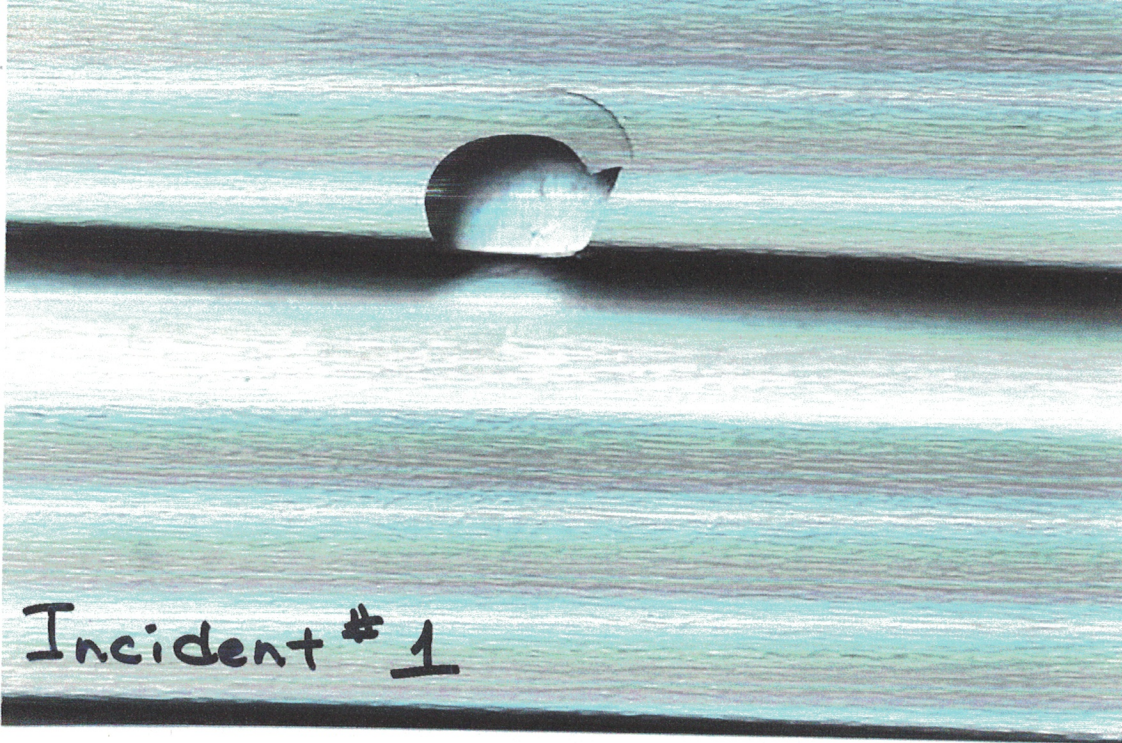
☐ Integrity Exterior Solutions Double Pane Series:

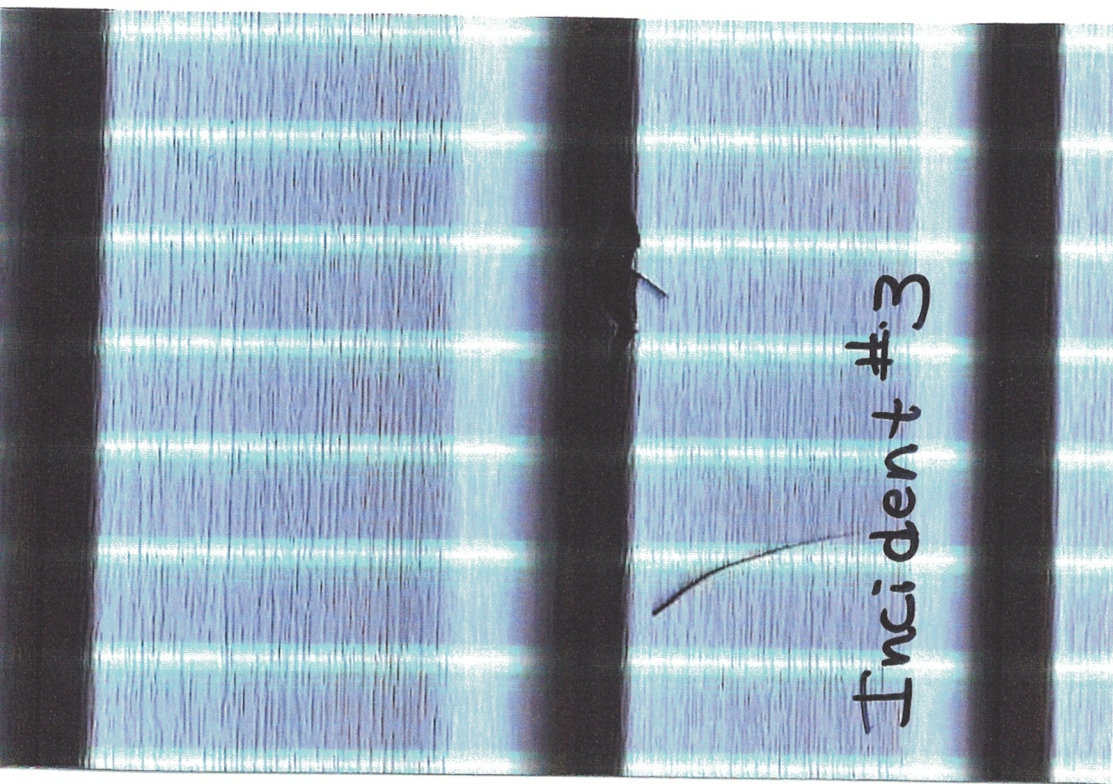
- ☐ Peak Performance Eco Glass Package
- ☐ Double Pane Glass
- ☐ Argon Insulated
- ☐ 3-coats LowE
- ☐ Thermo-Magnetic Sill
- ☐ Duralite Spacer
- ☐ Fusion-Welded Frame
- ☐ Full-Interlock Meeting Rail
- ☐ 0.04 Air Infiltration Rate
- ☐ 2-Locks
- ☐ Foam Enhanced Frame & Sashes
- ☐ 25 year Non-Prorated, Transferable Warranty

☐ Sliding Glass Doors

☐ Integrity Exterior Solutions Triple Pane Series:

- ☐ Peak Performance Glass Package
- ☐ Triple Pane Glass
- ☐ Argon Insulated
- ☐ Krypton Insulated
- ☐ 2-Coats LowE
- ☐ Double Strength Glass
- ☐ Thermo-Magnetic Sill
- ☐ Super Spacer
- ☐ Fusion-Welded Frame
- ☐ Full-Interlock Meeting Rail
- ☐ 0.04 Air Infiltration Rate
- ☐ 2-Locks
- ☐ Foam Enhanced Frame & Sashes
- ☐ 100% Lifetime Non-Prorated, Transferable Warranty





From: [William Kostner](#)
To: [Council Packet](#)
Subject: NAGE Bargaining Agreement
Date: Wednesday, September 27, 2023 10:18:21 AM

To All Honorable City Council Representatives:

We are writing as local City of Lincoln residents to request that you direct the HR Director to again pursue a bargaining agreement with
The NAGE bargaining group.

This group does the major work of the city, including road repairs, mowing and snow removal. This is just as important as other social services that include police officers and firefighters.

In fairness to this important work group we request the city again strive to reach a bargaining agreement with a work group that represents hard working representatives of our city.

Thank you in advance.

Sincerely,

Bill & Terry Kostner
7220 Woody Creek Lane
Lincoln, Ne 68516

From: [Jayne L. Sebbby](#)
To: [Council Packet](#)
Subject: Problem Properties
Date: Wednesday, September 27, 2023 7:43:25 PM

THE FOLLOWING WAS SUBMITTED TO LINKUP (OR WHATEVER IT'S CALLED NOW) TODAY

"DESCRIPTION

Trash strewn about the entire property. In the alley there is a large pile of junk next to the dumpster, the side and front of the house also has trash all along it. Squatters have broken out windows as well. I appreciate your time and effort I know your department has to deal with a large amount of requests. Thank you!

also asked...

Q. Please list the address/intersection/block range at which the property is located

A. 520 S 27th St"

History of this 6-plex property: As Captain Bucher of the NE Team told me personally, Lincoln police officers stopped by this address several months ago to talk to one of the residents. They found water leaking through the ceiling of the apartment and water all over the floor. The officers reported the condition of the property to Lincoln's Building & Safety Department who investigated and then condemned the building. All residents were forced to move elsewhere. According to B&S, the owner is an older man who claims he doesn't have the money to fix up the apartment complex and yet he refuses to sell it. He also has a residential property in North Lincoln that is reportedly in equally bad shape.

Even though the N 27th building is boarded up, it is clear that squatters are living there and the trash is piling up outside. I have reported this property several times to B&S as have other neighbors. The above complaint is only the most recent. And yet B&S tells us they can't force the owner to do anything. The best they could offer was to place the property on a list of problem properties

The Lincoln Municipal code was revised about a decade ago to permit the city to place liens on problem properties. This was in response to multiple properties across Lincoln that were red-tagged for decades (see, for example, 3015 N Street -- also in the Woods Park Neighborhood). While that did allow the city to establish a legal claim to those properties, it took 4-5 years for each property to reach the point where the city could obtain title to a particular property.

To the best of my knowledge, nothing has changed since then -- so we're looking at a decaying property sitting in my neighborhood for another 4+ years before the city can step in and force it to be demolished. To quote a cynical TV character, "Well isn't that special!"

City officials seemed to be obsessed with finding additional affordable housing. Well, if they had the power to get the worst of the slumlords and those who refuse to take responsibility for the condition of their properties out of business, there would be a lot more available affordable housing around Lincoln.

Please help us clean up these problem properties by amending the Code to allow earlier seizure of them.

Jayne Sebbby

Woods Park Neighborhood Association

320 S. 29th Street

402-474-3059

jayneebbby@gmail.com