



Directors Meeting Agenda

Monday, February 12th, 2024, 2:00 p.m.

555 S 10th Street – City Chambers

- I. Approval of Directors Meeting Minutes from February 5th, 2024
- 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 – March 4th, 2024, 2:00 p.m.

Correspondence – Online for Review

- I. Directorial Correspondence
- II. Constituent Correspondence
 - i. wheel tax – Marv Walker
 - ii. Urgent Concerns Regarding Bus Stop Relocation: Request for Consideration – Alexia Kane
 - iii. Support for Updating Lincoln's Commercial Parking Codes – Nate Burnett
 - iv. re: removing minimum parking requirements in most commercial areas – Moni Usasz
 - v. Parking Proposal Feb. 5, 2024 – Mark Broham
 - vi. Commercial Parking Code Updates – Roger Bumgarner
 - vii. Support for City Council Agenda Item 5.d. (24-16) on Eliminating Minimum Parking Requirements – Gene Hanlon
 - viii. support for updated parking requirements – Lorrie Benson
 - ix. Parking Reform – Laurel Van Ham
 - x. Please support proposed changes to minimum parking space requirement – Bethany Brunsman
 - xi. Commercial Parking proposal – Lucas Sabalka
 - xii. Parking lots. Please consider: – Nancy Becker
 - xiii. Remove parking minimums – Carrie Smith
 - xiv. Proposal to Modernize Lincoln's Commercial Parking – Marj Willeke
 - xv. Minimum parking requirements change – Marilyn McNabb
 - xvi. Proposal for Zoning Changes to Reduce Minimum Parking Requirements – Mark Nicholson

The Directors Meeting Agendas and Minutes may be accessed online at:

<https://www.lincoln.ne.gov/City/City-Council/Directors-Minutes-Agendas>



Directors Meeting Agenda

Monday, February 12th, 2024, 2:00 p.m.

555 S 10th Street – City Chambers

- xvii. Commercial parking update – Deb Martzahn Nicholson
- xviii. Support for Changes in Commercial Parking Requirements – Brett West
- xix. Text Amendment 23016 – amendment to minimum parking requirements – Andrew Willis
- xx. Public Comments: Modernizing Lincoln's Commercial Parking – Support – Bryan Hermesen
- xxi. Parking Code updates – Tim Gergen
- xxii. Parking proposal – Brett Harris
- xxiii. Aging Partners building at 1005 "O" Street Sale – Laura Bell
- xxiv. Parking Code – Joshua Lindimore
- xxv. Parking Proposal – Leo Schumacher
- xxvi. parking proposal – Boyd Batterman
- xxvii. In support of Text Amendment 23016 – Christina Melgoza
- xxviii. Commercial Parking Code Updates – Aaron Fenton
- xxix. Support for Parking Reform – Kenneth Winston
- xxx. Illegal parking – Nizar Gulay
- xxxi. LTU/StarTran vs. Group Therapy Bike Tours – Drew Philippi
- xxxii. I think we need acknowledgement and Need Position of Law Enforcement and City-County Made About Complaints. or need for a receiver. – David Fiala
- xxxiii. \$112k disputed right to sell, now for sale at \$194,900 on MLS! – David Fiala

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<https://www.lincoln.ne.gov/City/City-Council/Directors-Minutes-Agendas>

From: [Marv Walker](#)
To: [Council Packet](#); [Mayor](#)
Subject: wheel tax
Date: Friday, February 2, 2024 12:15:58 PM

I drive and have driven a half ton pickup for years and subsequently pay a higher wheel tax because there the “possibility” that I might haul something heavy and destroy city streets..the heaviest I ever haul might be a bed mattress...so anyway..this has always rubbed me the wrong way...now to why I am emailing you..I was recently made aware that E vehicles weigh approximately twice as much as a regular car///I truly hope that wheel tax for these vehicles will be adjusted accordingly because the owners of E vehicles already do not pay their fair share of highway taxes . Fair is fair. Thank you
Marv Walker Lincoln

Sent from [Mail](#) for Windows

From: [Alexia Kane](#)
To: [StarTran Info](#); [Council Packet](#)
Subject: Urgent Concerns Regarding Bus Stop Relocation: Request for Consideration
Date: Saturday, February 3, 2024 1:03:47 PM

Dear StarTran Advisory Board and City Council Members,

I hope this message finds you well. I am writing to express serious concerns regarding the proposed relocation of the bus stop from its current location in front of the Gold's building to the proposed locations on 11th and L Streets. As a resident and frequent user of the bus services in our city, I believe it is crucial to address several issues before finalizing this relocation plan.

First and foremost, I am deeply troubled by the apparent lack of proper management of the bus services in our city. The hasty decision to relocate the bus stop without adequate consideration for the impact on commuters is concerning. This relocation, slated to last at least 2 1/2 years beginning in March/April 2024, raises significant issues regarding accessibility, convenience, and safety for passengers.

Furthermore, the proposed locations on 11th and L Streets lack essential infrastructure, such as public bathrooms and shelters, which are essential for the comfort and well-being of passengers, particularly during inclement weather or extended wait times. Additionally, the potential impact on traffic flow and the loss of parking in the area are valid concerns that need to be addressed.

In light of these concerns, I respectfully request that the StarTran Advisory Board and City Council reconsider the proposed relocation and instead consider moving the bus stop one block to the east on 12th Street. This alternative location would alleviate some of the issues raised, including traffic congestion and parking loss, while still providing accessibility to commuters.

Furthermore, I urge you to prioritize the installation of public bathrooms and shelters at the proposed bus stop locations to ensure the comfort and safety of passengers. Access to these facilities is essential for promoting public transportation usage and enhancing the overall commuter experience.

I understand the importance of efficient public transportation services for our community and believe that with thoughtful consideration and proactive measures, we can address these concerns while ensuring the continued accessibility and reliability of our bus services.

Thank you for your attention to this matter, and I look forward to your prompt consideration and action on these important issues.

Sincerely,

Alexia Kane

From: [Nate Burnett](#)
To: [Council Packet](#)
Subject: Support for Updating Lincoln's Commercial Parking Codes
Date: Saturday, February 3, 2024 4:20:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Dear City Council,

One of the first things a client will ask us about a new project site is how big of a building can I get on my site? Often the resulting answer to the question depends on the amount of parking required to support said building. Many times, the site would allow for a larger building but the site is constrained by the current parking requirements.

We are in full support of the proposed parking reduction and putting it onto the developer/client. Most clients understand their business needs in terms of parking or how many parking stalls a retail space would need to operate efficiently for their business.

Please use this email as a letter of support for the proposed changes.



Nathaniel Burnett, PE

President

☎ [402-413-1041 \(Direct\)](tel:402-413-1041)

☎ [402-440-1119](tel:402-440-1119)

🌐 www.regaeng.com

✉ nate@regaeng.com

📍 [601 Old Cheney Road, Suite A, Lincoln, NE 68512](#)



From: [Moni Usasz](#)
To: [Council Packet](#)
Subject: re: removing minimum parking requirements in most commercial areas
Date: Saturday, February 3, 2024 4:26:41 PM

Dear City Council members,

Please support removing minimum parking requirements in most commercial areas. This change takes into account changes in shopping habits and recognizes some of the problems with huge, mostly unused parking lots. They exacerbate storm water run-off, reduce the heat island effect and save valuable land within the city from become concrete jungles.

Moni

From: [Mark Brohman](#)
To: [Council Packet](#)
Subject: Parking Proposal Feb. 5, 2024
Date: Saturday, February 3, 2024 11:27:41 PM

I am writing to support the Councilman Tom Beckius parking proposal being heard Monday, February 5, 2024. Reducing the size of parking lots in many commercial areas will make more efficient use of land and infrastructure, reduce carbon emissions by creating more compact develop closer to where people are, reduce heat island effects and increase viability for alternate modes of transportation.

Mark Brohman

2637 Washington Street

Lincoln, NE 68502

[Sent from Yahoo Mail for iPhone](#)

From: [Roger Ironwood Builders](#)
To: [Council Packet](#)
Subject: Commercial Parking Code Updates
Date: Sunday, February 4, 2024 9:49:27 AM

Good morning,

I am writing to show full support for Tom Beckius's proposal change the commercial parking code.

I'll keep this email short. Thank you for your time.

Roger Bumgarner

Ironwood Builders

402.580.7955 cell

www.ironwoodlincoln.com

From: [Gene Hanlon](#)
To: [Council Packet](#)
Cc: [Tom J. Beckius](#); [James M. Bowers](#); [Justin P. Carlson](#); [Tom Duden](#); [Bennie R. Shobe](#); [Sandra J. Washington](#); [Brodey B. Weber](#)
Subject: Support for City Council Agenda Item 5.d. (24-16) on Eliminating Minimum Parking Requirements
Date: Sunday, February 4, 2024 10:03:01 AM

Dear Council Members:

I am unable to attend the public hearing on item 5.d 24-16 on eliminating minimum parking standards and I ask that this email of support be included in the public record for the hearing. . It's time to update minimum parking mandates that were established 73 years ago. Those standards don't consistently reflect the actual demand for parking and add development costs. The appropriate amount of parking will be different for every building based on its land cost, proximity to transit, and customer base, among numerous other factors. Developers should be allowed the freedom to assess parking needs for their development. Studies analyzing the impact of parking reform found that it helped increase the overall supply of homes, reduce the cost of construction, and shift the cities toward a less car-centric design.

It's time to look to the future, a climate-smart future. For that reason, I'd like to take this opportunity to ask that you also work to encourage developers to add EV charging stations to their parking lots especially for multi-family housing units. It is projected that electric vehicles are expected to dominate market sales by 2040, making up 50% of all passenger sales. Currently 85% of EV car owners charge their vehicle at home overnight. It would also be beneficial to promote the installation of solar panels on selected parking lots. This would not only generate renewable energy that would help LES reach its goal of becoming net-zero by 2040 but also help to protect vehicles from more intense rain and hail storms that are projected for Lincoln.

Thank you for your work to make a climate-smart future for Lincoln.

Respectfully,

Gene Hanlon
Coalition for Environmental Improvement

From: [Lorrie Benson](#)
To: [Council Packet](#)
Subject: support for updated parking requirements
Date: Sunday, February 4, 2024 11:42:47 AM

Members of the City Council and Mayor Gaylor Baird,
I support the plan to update the city's required parking in some areas of town. I hope we'll see more green and natural infrastructure like more trees, grasses and water infiltration opportunities as a result.

Thanks!

Lorrie Benson
7100 Holmes Park Rd, #103
Lincoln

From: [Laurel Van Ham](#)
To: [Council Packet](#)
Subject: Parking Reform
Date: Sunday, February 4, 2024 1:14:17 PM

I hope you don't even need to hear from more people about this, but just to add my two cents . . .

I've heard from several quarters about the move to eliminate most minimum parking requirements and I am heartily in agreement. The huge, largely unoccupied lots we see all over Lincoln are a sign of days past. It's time to move on and make that space available for retail, business, housing, recreation—things that create to Lincoln's sound economy and treasured quality of life.

Please vote "yes."

Laurel Van Ham

From: [Bethany](#)
To: [Council Packet](#)
Subject: Please support proposed changes to minimum parking space requirement
Date: Sunday, February 4, 2024 2:02:23 PM

Hello City Council and Mayor.

I hope you will support the proposed changes to modernize commercial parking in Lincoln. These changes will allow commercial space to be used more efficiently. There are also some potential environmental benefits if unused parking space is replaced and people have to drive less to get the goods and services they need.

Thanks,
Bethany Brunsman
7911 Red Oak Road
Lincoln, NE 68516
402-202-2504

From: [Lucas Sabalka](#)
To: [Council Packet](#)
Subject: Commercial Parking proposal
Date: Sunday, February 4, 2024 2:54:25 PM

Dear City Council: I'm writing you to encourage your support for the parking proposal on your agenda for Monday February 5th, introduced by Councilman Beckius. I support this initiative for three important reasons.

First, more dense development leads to more efficient use of space, which means closer amenities and future miles driven, reducing our impact on our environment and the globe.

Second, Lincoln needs more housing, and while this initiative would not solve the housing crisis, it would help reduce one more barrier to housing development.

Third, this initiative also removes an unnecessary barrier to economic development, which will help grow Lincoln's economy.

Thank you,
-Lucas Sabalka

From: [Nancy Becker](#)
To: [Council Packet](#)
Subject: Parking lots. Please consider:
Date: Sunday, February 4, 2024 3:00:26 PM

removing minimum parking requirements in most commercial areas but not commercial areas close to neighborhoods. This proposal will reduce the size of parking lots going forward, which will make more efficient use of land and infrastructure, reduce carbon emissions by creating more compact develop closer to where people are, reduce heat island effects and increase viability for alternate modes of transportation.

Nancy Becker
6434 Rolling Hills Blvd

Sent from my iPhone

From: [smith.smith](#)
To: [Council Packet](#)
Subject: Remove parking minimums
Date: Sunday, February 4, 2024 3:04:26 PM

Lincoln has enough parking lots. I support the reform of parking requirements. Let's move forward by reducing urban sprawl and making Lincoln cleaner, easier to walk, cooler, and more beautiful.

Thank you,

Carrie

1721 Prospect Street
Lincoln, NE 68502

From: [Marj Willeke](#)
To: [Council Packet](#)
Subject: Proposal to Modernize Lincoln's Commercial Parking
Date: Sunday, February 4, 2024 3:55:53 PM

To Members of the Lincoln City Council:

I am writing in **support** of the proposal to eliminate minimum parking requirements for most commercial and industrial zoning districts. [As you know, the existing minimum parking requirements in residential districts and in commercial districts in close proximity to neighborhoods would be maintained.] This proposal has been well-researched and discussed with numerous interested groups to obtain input from resident stakeholders and to answer their questions.

In the past, many parking stalls that were not needed were built to satisfy zoning requirements. Excess parking has resulted in increased development costs, urban sprawl, and heat islands created by mandating the building of larger-than-needed concrete lots. It is time to update the city's commercial minimum parking requirements.

Thank you for considering my testimony!

Marjorie J. Willeke
9840 Del Rio Drive
Lincoln, NE 68516

From: [Marilyn McNabb](#)
To: [Council Packet](#)
Subject: Minimum parking requirements change
Date: Sunday, February 4, 2024 4:47:54 PM

Dear Members of the Lincoln City Council:

I am part of the population that stands to gain by your adoption of the change in minimum parking requirements proposed by Chairperson Beckius. I'm old. And people who are old in Lincoln in ten and twenty years will directly benefit from this proposal and others that reduce urban heat islands. Here is a recent reference on this point but there are many others from professional journals as well:
<https://www.sciencedirect.com/science/article/pii/S0160412023002787>

I appreciate the long term vision of Councilmember Beckius in formulating this proposed change. Over time, fewer big areas of parking paved areas will make a difference in how cool our city is in hot summers, how friendly to walkers, bicyclists, and trees, and how compact our future development will be.

You may be familiar with the fact that over the last 30 years (1992--2021), extreme heat caused more fatalities compared to other extreme weather events such as floods, tornadoes, cold and hurricanes. My part of the population--old people-- are the most affected.
<https://www.sciencedirect.com/science/article/pii/S0160412023002787>

Thanks for your consideration of my views.
Marilyn McNabb
1701 W. Rose St.
Lincoln, NE 68522

From: [mark.nicholson](#)
To: [Council Packet](#)
Subject: Proposal for Zoning Changes to Reduce Minimum Parking Requirements
Date: Sunday, February 4, 2024 7:49:46 PM

Members of the City Council,

I am writing in support of the parking proposal that will be presented to council on February 5th, 2024. This proposal recognizes that previous zoning regulations often resulted in excessive and seldom used parking spaces in some large developments in Lincoln. The proposal would remove or seriously minimize the requirements for parking spaces in existing or new developments.

I believe there will be a number of long term benefits to this zoning change including reduction of the heat effect of large hard surfaces, better integration into residential areas and enhanced control of waste water from parking spaces.

My name is Mark Nicholson, 6520 Rexford Drive, Lincoln 68506

Thank you for your attention to this matter.

Mark Nicholson

From: [Deb Martzahn Nicholson](#)
To: [Council Packet](#)
Subject: Commercial parking update
Date: Sunday, February 4, 2024 9:00:32 PM

Members of the Lincoln City Council:

I am writing about the proposal to eliminate the minimum parking requirements in most commercial and industrial zoning districts. I support reusing land that currently is occupied by excess parking spaces and associated drives.

I question, however, what the new uses of vacated parking lot areas would be and how they would develop. Would land made available by eliminating unnecessary parking result only in more pad sites for auto-oriented businesses, such as gas stations, drive-through banks, food and beverage kiosks? If so, we would miss the opportunity to change the character of our commercial and industrial areas, improve our environment, and help to mitigate climate change.

While a more efficient land use pattern and a more vibrant urban environment are excellent long-term goals, why can't the citizens of Lincoln share in the short-term windfall as well? Can the city require that a portion of the newly available real estate go towards correcting past problems associated with the large expanses of paved parking? Rain gardens to capture and clean run-off, tree planting and native landscaping to reduce the heat island effect, attractive bus stops, bike racks, walkways, and EV charging stations to encourage clean transportation can provide immediate environmental benefits as well as make commercial and industrial areas more attractive to new businesses, their employees, patrons, and passers-by.

Please add my comments to the record for the public hearing. I hope the city's development code already requires the improvements I've mentioned above for new development and for re-development of existing parking lots. If so, I fully support the zoning change.

Sincerely,
Debra Nicholson
6520 Rexford Drive
Lincoln, Nebraska 68506

From: [Brett West](#)
To: [Council Packet](#)
Subject: Support for Changes in Commercial Parking Requirements
Date: Sunday, February 4, 2024 10:01:46 PM
Attachments: [Parking Overview.pdf](#)

To the council members.

As an owner of many commercial projects in Lincoln and a developer, I strongly support this change to minimize the parking in our city. There is far too much parking in many of the developments and properties that causes properties to develop far too much parking. The developers and property owners should be allowed to develop and be the ones that are in charge of finalizing their parking requirements to meet the needs of their tenants and the clients. If they fail to do so, they will have to deal with the ramifications of the shortfall with the tenants so they are very much incentivized to also do the right thing.

Thanks for your consideration and again, I support this amendment.

Brett West
Senior Director of Real Estate
Assurity Life Insurance Company

Brett West
Senior Director, Real Estate Development, Investments
BWest@assurity.com | DIR (402) 437-3685
ENFJ | Significance | Woo | Communication | Command | Activator

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Modernizing Lincoln's Commercial Parking

2023 Zoning Ordinance Update

Proposal

- Elimination of minimum parking requirements for most commercial and industrial zoning districts.
 - All districts that require a Use Permit: B-2, B-5, O-3, I-3, R-T.
 - All "H" and "I" districts.
- Maintaining existing minimum parking requirements in residential districts and commercial districts typically found in close proximity to neighborhoods.
 - R-1 - R-8, B-1, B-3, O-2.

Parking Reform is Envisioned in the 2050 Lincoln-Lancaster County Comprehensive Plan

Policy 11: Parking Requirements

Eliminate or reduce minimum parking requirements in additional zoning districts (beyond B-4 Downtown) and include conditions that minimize the impact on neighboring properties.



Parking Requirements in Lincoln Today

Automobile parking requirements first appeared in Lincoln's zoning ordinance in 1951. The ordinance continued to evolve over the next 70 years to its present form today.

Parking requirements are determined by zoning district and use category, with certain uses having "special" parking requirements that apply across districts.

Parking standards are not an exact science. Many of Lincoln's current standards are based on decades-old assumptions and broad national trends - "exact" numbers with an uncertain foundation.

Over time this has resulted in **thousands of parking stalls that were never needed** but built to satisfy zoning requirements.

Excess Parking has Resulted in...

- Increased development costs that are passed on to tenants.
- Long-term urban sprawl as development footprints were increased to accommodate expansive parking lots, leaving us with: wider distances for streets and utilities that lead to higher construction and maintenance costs, longer trips, and higher carbon emissions.
- Commercial districts that are unfriendly to pedestrians and bicyclists.
- Heat islands created by large concrete environments.

For more information visit

lincoln.ne.gov search: parking reform

What are Lincoln's Goals with these Commercial Parking Updates?

- **Promote economic development** by allowing enhanced flexibility and cost savings for businesses when developing a site.
- **Allow for more market driven parking decisions.** Parking for automobiles in commercial and industrial districts would be primarily determined by market needs.
- **Encourage redevelopment** of vacant or underutilized sites, including underutilized parking lots. This would contribute to the PlanForward 2050 goal of 12,000 infill units by 2050.
- **Remove barriers to compact development.** Benefits include: efficient provision of infrastructure, shorter automobile trips, increased viability for alternate modes of travel, and reduced carbon emissions.

What are the Expected Results?

Most residents in Lincoln today use automobiles. Even without specific parking requirements, **most businesses will continue to provide on-site parking for customers and employees.** In the near-term some businesses may build less parking than previously required. Some sites within the city with limited parking availability may be redeveloped.

The biggest impact of parking reform will be in the long-term, when multiple decades of smaller parking lots will result in a **more-efficient growth pattern and vibrant urban environment.**

From: [Andrew R. Willis](#)
To: [Council Packet](#)
Subject: Text Amendment 23016 - amendment to minimum parking requirements
Date: Sunday, February 4, 2024 10:02:18 PM

Members of the City Council – I wanted to send a message in support of Text Amendment 23016, which removes the minimum parking requirements in most of the commercial areas in Lincoln.

This amendment fulfills one of the goals set forth in the Comprehensive Plan and is a well thought out change in regulations. This change will result in the immediate benefit of reducing unnecessary development costs of a larger than necessary parking lots which will support economic development in the City. But developers are still going to build the number of stalls necessary for a business to ensure economic viability, so I don't believe it will negatively affect parking availability for businesses. Long-term, this should result in more efficient parking development and a better city growth pattern.

The elimination of minimum parking requirements will allow for more compact infill development where appropriate and should result in better control of urban sprawl, reduction of heat islands, lower infrastructure costs, as well as other long-term general benefits.

I urge you to support the amendment. Thank you.

CLINE WILLIAMS

ANDREW R. WILLIS
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.
233 South 13th Street | 1900 US Bank Bldg. | Lincoln, NE 68508
Direct: 402.479.7151 | Main: 402.474.6900 | www.clinewilliams.com
Lincoln | Omaha | Aurora | Fort Collins | Holyoke

From: [Bryan Hermesen](#)
To: [Council Packet](#)
Subject: Public Comments: Modernizing Lincoln's Commercial Parking - Support
Date: Monday, February 5, 2024 8:10:57 AM

Good morning,

I am writing today in support of the proposal to modernize Lincoln's commercial parking, and would like these comments to be considered as part of the public hearing.

Dear members of the City Council,

I am writing in support of the parking modernization proposal being considered today. I believe this proposal would be of great benefit both to the public and to businesses.

It is clear just from driving around Lincoln that current parking minimums should be updated. Empty parking lots that sit unutilized are scattered throughout the city. They take up valuable real estate, make starting a business more expensive, and contribute to urban sprawl.

Please support this initiative to update Lincoln's outdated parking requirements which will be a win for all members of the community.

Thank you for taking this into consideration,

Bryan Hermesen

From: [Tim Gergen](#)
To: [Council Packet](#)
Cc: [Tom J. Beckius](#)
Subject: Parking Code updates
Date: Monday, February 5, 2024 8:19:15 AM
Attachments: [image001.png](#)

To City Council Members:

In reference to the public hearing on February 5th regarding the modernizing of Lincoln's commercial parking code update, I am in full support of this parking code update that is being proposed by Councilman Beckius. Having worked on development projects for over 25 years, I am excited to see this new evolution of parking code introduced into Lincoln. This new parking code will give greater flexibility to commercial developments and give developers more incentive to introduce creative density into commercial developments. The new parking code will also bring a new development opportunity to existing commercial developments.

I am sorry that I won't be able to testify in person today of how great an opportunity this new parking code will bring to the city of Lincoln.

Please consider voting in favor of this new parking code.

Thank you

Tim

Tim Gergen PE

Director of Civil Engineering

Principal

o 402.477.9291

c 402.525.6588

e tim.gergen@clarkenersen.com

w clarkenersen.com

1010 Lincoln Mall, Suite 200, Lincoln, NE 68508-2883

**CLARK &
ENERSEN**

From: [Brett Harris](#)
To: [Council Packet](#)
Subject: Parking proposal
Date: Monday, February 5, 2024 9:29:58 AM
Attachments: [image001.png](#)

City Council Members:

On behalf of Greenleaf Commercial Real Estate, We are writing in support of the parking proposal that is scheduled for public hearing at today's City Council meeting. We believe that this change in the parking requirements will have a positive impact in terms of encouraging development, reducing unnecessary parking and using land in a more efficient and environmentally-friendly manner moving forward.

Sincerely,
Brett Harris, John Linscott and Don Linscott

Brett Harris, CCIM
Director of Brokerage Services
Greenleaf Commercial Real Estate
300 N. 44th Street Suite 112
Lincoln, NE 68503
402.467.2525 office
402.429.3114 mobile
greenleafcommercial.com



From: [Laura Bell](#)
To: [Council Packet](#)
Cc: contact@xtreamcontractor.com
Subject: Aging Partners building at 1005 "O" Street Sale
Date: Monday, February 5, 2024 9:31:23 AM
Attachments: [1005 O Street Purchase Proposal 2023 0803.pdf](#)
Importance: High

Dear City Council Members:

I read the Lincoln Journal Star article regarding the sales of the building at 1005 "O" Street yesterday. My client, Commonwealth Management Group, L.L.C., was the other offer that was presented to the City of Lincoln. Otherwise, the only proposal the City received was the very low offer of \$500,000. My client also was willing to pay \$900,000, which was \$100,000 more than what the City of Lincoln accepted as the "highest and best". My client's offer of \$900,000 still stands and he too was planning redevelopment for the building. In my opinion, the City of Lincoln has no business negotiating real estate deals, as they don't have the experience or the expertise. The City also has a responsibility to Aging Partners who has a shortfall between their new location and former location and the City left \$100,000 on the table!

Attached is a copy of my letter that was presented to the City Of Lincoln. The City requested it NOT be an official purchase agreement, but rather a letter proposal. I am not sure why as I typically prepare a purchase agreement. We had given the City a written purchase agreement for the building on June 26, 2023, as well. I never received a written response back from the City, only a phone call that the City chose the other offer, which we knew was the developer of the Golds building that had offered the \$500,000. The City never countered our offer or apparently the other offer. They could have said that the offers needed to be higher to sell the Property. To the best of my knowledge this was never proposed.

Please let me know if you have any questions or wish to further discuss with me. My cell number of (402) 432-9914 is the best number to reach me. Please vote no for a sale at \$800,000 and reconsider our \$900,000 offer. Thank you!

Laura



Laura M. Bell

Broker/Manager

M 402-432-9914 | O 402-484-5333

237 S 70th St., Suite 201 | Lincoln, NE 68510

lbell@crgnebraska.net

www.crgnebraska.net



237 South 70th Street, Suite 201, Lincoln, NE 68510

August 3, 2023

Michelle R. Backemeyer
Real Estate Assistance Agent
City of Lincoln, NE 68508
555 South 10th Street, Suite 205
Lincoln, NE 68508
Sent via email to: mbackemeyer@lincoln.ne.gov

RE: Sale of 1005 "O" Street, Lincoln, NE

Dear Michelle,

My client, Michael Cubas, Manager of Commonwealth Management Group, L.L.C., is offering \$900,000.00 to purchase the Property. He plans to remodel and lease the entire building. The first floor space will be used as an upscale Peruvian Restaurant open to the public. The second floor and lower level will have private rooms and event space. The third floor will be used for offices.

Michael is flexible with the closing date. The City of Lincoln agrees to pay Commercial Realty Group, LLC a real estate commission of five percent (or a mutually agreed upon commission rate) at closing should this proposal be accepted.

Please let me know if there is anything that still needs to be further addressed in this proposal. We look forward to hearing from you. Thank you!

Sincerely,

A handwritten signature in cursive script that reads "Laura M. Bell".

Laura M. Bell
Broker/Manager

From: [Joshua Lindimore](#)
To: [Council Packet](#)
Cc: tbeckious@lincoln.ne.gov
Subject: Parking Code
Date: Monday, February 5, 2024 9:39:11 AM
Attachments: [Outlook-0srbp5vj.png](#)

Councilman Beckius –

Thank you for allowing wpg the opportunity to provide comment regarding the proposed modernization of Lincoln’s commercial parking code. As owners of Gateway Mall, we appreciate our partnership with the City of Lincoln and understand the unique impact these changes may have on our property.

Minimum parking ratios were first established in 1923 in Columbus, Ohio, where wpg’s corporate headquarters is located. While well intentioned, we have seen that off-street parking requirements are often poorly matched to true parking demand and out of step with the local market.

wpg is supportive of modernizing parking codes to enable more efficient and targeted growth, with similar updates being made in other markets across the country. These changes can serve to attract new businesses and development projects, eliminating the cost and administrative burden of seeking a variance from arbitrary parking ratios.

Thank you again for the opportunity to comment.

Best-

Joshua Lindimore
EVP, Head of Leasing



E JLindimore@wpgus.com
O 614.887.5671

M 614.507.4100

Please note, my email address has changed.

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From: [Leo Schumacher](#)
To: [Council Packet](#)
Subject: Parking Proposal
Date: Monday, February 5, 2024 9:48:41 AM
Attachments: [image001.png](#)
[image003.png](#)

Just a short note to say as a Developer here in Lincoln we hope the Council will support this Commercial parking change. The cost of development has sky rocketed over the last few years. The market will make sure there is adequate parking for their business. This will help make Lincoln more competitive and help us to continue to grow our community. Thanks for your support of this revision.



Leo J. Schumacher
Executive Vice Chairman
Lincoln Federal Savings Bank
8400 Maddox Drive, Lincoln, NE 68520
Mail to PO Box 80038, Lincoln, NE 68501
Main 402-474-1400
Direct 402-325-4829
Fax 402-474-1585

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From: [Boyd Batterman](#)
To: [Council Packet](#)
Subject: parking proposal
Date: Monday, February 5, 2024 10:16:55 AM
Attachments: [image001.png](#)

Good morning. I support the modification to the parking requirements this proposal advocates.
Thank you for your consideration.



BOYD BATTERMAN

Office: 402-480-7129

Cell: 402-540-8847

Visit us at bicconstruction.net

From: [Christina Melgoza](#)
To: [Council Packet](#)
Subject: In support of Text Amendment 23016
Date: Monday, February 5, 2024 10:41:21 AM

From the desk of Richard Krueger:

Hello Council Members,

I am writing to express my support for Text Amendment 23016: for the elimination of minimum parking requirements for most commercial and industrial zoning districts. This proposal allows the private sector to be in control of their parking. It will reduce development costs and make more efficient use of land and infrastructure. This will be especially helpful in allowing additional development in existing commercial centers, specifically smaller sites.

Richard C Krueger
Krueger Development

Christina Melgoza

Director of Development

Krueger Development / 402-423-7377

8501 S 78th Street #A / Lincoln, NE 68516

From: [Aaron Fenton](#)
To: [Council Packet](#)
Subject: Commercial Parking Code Updates
Date: Monday, February 5, 2024 2:20:32 PM
Attachments: [image001.png](#)

City Council,

I am in favor of the proposal Tom Beckius has put forward. I believe it would be a great change to the code and allow the city to expand commercial development in the city.

Thanks,
Aaron

Aaron Fenton | Managing Partner

Office: 402.476.0086

Mobile: 402.560.1613

www.concordemgmt.com | 1314 O St. Suite 101 | Lincoln, NE 68508



From: kwinstonne@gmail.com
To: [Council Packet](#)
Subject: Support for Parking Reform
Date: Monday, February 5, 2024 2:28:16 PM

Hello Lincoln City Council Members

I am writing in support of the proposal to reform the requirements for commercial parking.

I am submitting this testimony as an individual with a long term interest in protecting our precious and life-sustaining natural resources.

The plan to reduce the number of parking spaces required for many commercial entities will reduce the amount of resources needed to construct parking lots, including the resources required to make asphalt and concrete.

This will reduce the amount of greenhouse gas emissions generated as part of the construction process.

Less space devoted to the concrete and asphalt will also reduce runoff.

Smaller parking areas will allow businesses to be located closer to streets and roadways, which will reduce travel distances.

And smaller parking areas will reduce the amount of land required for new development and hopefully also reduce the amount of urban sprawl.

As part of the process of reducing parking areas, the Council should shift to increasing the amount of space devoted to greenspaces.

Greenspaces are aesthetically pleasing, capture CO2 emissions and reduce heat islands.

In addition, it would be beneficial to provide incentives for residential developments to include garden areas which would complement Lincoln's local food plan.

Please support this proposal.

Thank you for your attention to this issue.

Sincerely

Kenneth C. Winston

From: [Nizar Gulay](#)
To: [Council Packet](#)
Subject: Illegal parking
Date: Monday, February 5, 2024 4:17:04 PM

Hi! I have body shop here in Lincoln. I have people parking their cars right behind my fence. Obviously illegal parking and they have been doing this for long time. I don't know who to talk to about this issue. Can you please refer me to right people or department to solve this issue. Thanks

Sent from my iPhone

From: [Drew Philippi](#)
To: [Council Packet](#)
Subject: LTU/StarTran vs. Group Therapy Bike Tours
Date: Monday, February 5, 2024 8:38:46 PM

I hope this message finds you well.

My name is Drew Philippi and I own Group Therapy Bike Tours.

Group Therapy Bike Tours specializes in giving unique city/nightlife tours around Lincoln and our historic Haymarket. This is a popular pastime activity for students, locals and tourists alike.

I started my business in 2012 and I have worked very hard since for the opportunity to be where I am now; in business, and location. (329 S. 11th St)

The proposed relocation for the LTU/StarTran station to our neighboring building should be voted down, and the transfer station should stay where it currently is until a better location is determined.

The videos attached will show you what it's like on site at the proposed location for the "temporary" bus transfer station, during regular business hours at Group Therapy Bike Tours.

In 2024, we plan to run 6 large regularly scheduled Trolleys.

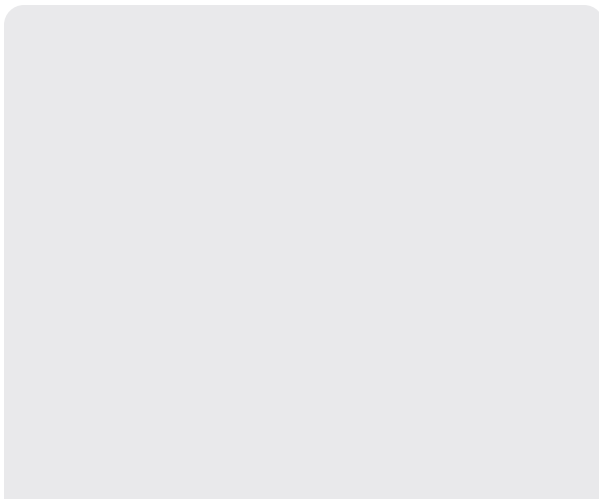
I believe that my business would be affected the greatest on 11st Street.

Please watch and take into consideration the burden of what it will be like with an additional 2000 bus commuters per day and an increase in busses coming and going in the same space as Group Therapy Bike Tours, neighboring bars, restaurants, and popular wedding venue.

I value your time, your service, and your consideration.

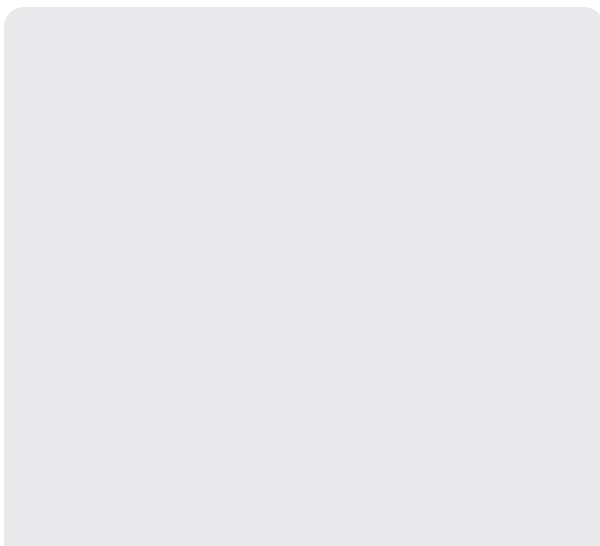
Sincerely,

Drew Philippi





Group Therapy Bike Tours- 4 Trolleys staged.
youtu.be





Group Therapy Bike Tours- 4 of 6 Trolleys
youtu.be



Group Therapy Bike Tours

youtu.be

From: [David Fiala](#)
To: [Assessor](#); [Yohance L. Christie](#); [Patrick Condon](#); [Lin Quenzer](#); [Council Packet](#); [Police Public Access](#)
Cc: [Lance Maxwell](#); mark.weber@nejudicial.gov; macy.neyer@nebraska.gov; [Police Public Access](#); ["Thorson, Alex"](#); brody.froken@nebraska.gov
Subject: I think we need acknowledgement and Need Position of Law Enforcement and City-County Made About Complaints, or need for a receiver.
Date: Tuesday, February 6, 2024 9:49:29 AM
Attachments: [First State Baird Holm Believed Malicious and Unauthorized Trustee Activity aiming harm to Mr Fialas Interests.pdf](#)
[LIS PENDES Filed 1 30 24 and 2-2-24 On First State Bank related title-theft case.pdf](#)
[Law Suit Filed CI 24-343 Feb 1 2024.pdf](#)
[Law Suit Filed CI 24-343 Feb 1 2024 Pleadings .pdf](#)
[Law Suit Filed CI 24-343 Feb 1 2024 Exhibits.pdf](#)
[Feb 6 2024 Bank Print Out illustrating payments.pdf](#)

To LPD, City/County Attorney, County Recorder (and others):

I'm asking to stop and not allow name transfers upon the filings of the defective Trustee's Deeds due to the noticed dispute and noticed revocation of rights provided to First State Bank with cause. The notice, and activity for months by myself, is asking First State Bank to come to the table in good faith, and to the court. Alleging to have sold property at a fraction of its value does not illustrate good faith, nor the appearance of backing financially the other side of alleged lawful real estate transactions.

Topic: Filing of unauthorized Trustee Deeds that have been reported as unauthorized and believe the appearance of title theft is illustrated. The Bank's claim is an ability without a court, to have a NonJudicial foreclosure to steal equity from my interests(or others) via selling, alleging it's okay to sell property at a fraction of value while under a title dispute created by First State Bank. The Baird Holm "public" notices in this matter confirmed clean title could not be provided and noted a different location than the unauthorized auction activity actually took place... which is also problematic. It also appears First State Bank was backing financially some or all of other side of their unauthorized sale. Chapter 8 Article 11, #s 8-1115 to 8-1122 cover authorities and establish punishments for unauthorized filings, while the economics of this situation establish unjust enrichment on its face, while the owner's loan contracts were and remain enforceable to their value, that a party (First State Bank) is looking to dispose of in a nonjudicial manner, when the clear dispute should have been taken to a court. If a court then agrees with First State Bank, then they can pursue a sale in good faith, with a good faith public sale if a court deems borrowers paid ahead on their commitments and asking the bank to honor theirs is an actual condition of default. Or as I expect, the court will order mediation and demand the bank cooperate with my other bank or banks, to move the debt calmly and professionally, while we agree to the loan discount values since the bank wishes to end the loan contracts, and have myself, or any borrower, go to another bank and pay higher rates versus enjoy in peace the low rate contracts First State Bank committed to.

This is something not just for me, but for all people in our City and State, that if we report what we believe is crime / not following the law, that when such retribution can occur to a reporting whistleblower or victim as a property owner the activity is much worse. What can be worse than just taking your property on a non judicial basis as an alleged reward for the BANK wanting to exit their commitments, not the borrower. Meaning review the attached, items I

have been reporting to officials as financial activity that has been improper since 2018 is involved in the alleged First State Bank borrower defaults even though a court ruled on the matter already as a matter of law.

First State Bank refused to speak to me for months, and refuses to come to the table to calculate the fair value of low interest rate loans, to move to a new bank and pay higher rates, as they had backed out of their commitments when rates rose. The truth is First State Bank wanted a good loan customer to leave that has millions of dollars of loans with low interest rate loans. I have been reporting this to authorities as the activity is harmful, and harms public interests.

Attached is a summary of the properties believed of issue. I don't know what all is claimed happened on January 31st. Next is the Notices of litigation as well as the Notice of revocation of the bank's rights to remedy when they refused to honor their contracts and commitments, and appeared prepared for malicious activity as they demanded signing untrue harmful documents as a reason to delay the alleged right to default healthy loans with a health financial borrower-guarantor. There files in regard to the additional filed law suit and a print out of a bank statement illustrating active payments, including today, to First State Bank for the borrowers commitment, including many ACH pulls in January while default claims were public and defaming.

David Fiala

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Reported Believed Title Theft via unauthorized and bad faith alleged ability to sell healthy Deeds of Trust which was why a new deed was put in place on January 30th, 2024, and a revocation of Deeds of "Trust" provided in good faith, that were revoked on January 30th, 2024										February 5th, 2024		Prop Tax
Sales	Loan	Monthly	Day of				David Fiala Beneficial Ownership Real Estate Holdings/Investments					
Value	Number	Loan	Month	Est 4.1.24		Rate Locked until Date					2024	
Unauthorized Trustee Auction Not on Courthouse Steps. Attorney Prepared Filed Notices Established No Authority on 1.30.24 establishing no court authorized sale, nor authorized by THE Trustee, Mr. Fiala		Payment		First State Loan Balance After Monthly Payments into February 2024 being made for over 6 years.	Rate	Refi	Owner	Address/Unit	Zip Code	Taxes		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	120 S. 28th St. #1 (7bd 5ba)	68510	\$3,010		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	125 S. 28th, 3plex #1 (3BD),	68510	\$2,930		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	126 S 28th (6 bed, 3 bath)	68510	\$3,813		
\$221,000	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD-Rinaudo Rentals	130 N 27th (1-2BD)(4-1bed)	68503	\$3,704		
\$127,000	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD-Rinaudo Rentals	136 N.27th (5 BD/ 3 BATH)	68503	\$2,129		
\$137,900	ReConvey Misrepresentation			\$0			LAPD - Huckabee Homes LLC	608 West Q (3 bed 2 bath, g	68521	\$2,311		
\$195,900	FS - 650	\$910	1	\$77,389	3.50%	2/1/2027	WE OZ LLC	621 New Hampshire (5 bed,	68508	\$3,064		
\$161,100	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD-Baily Properties	626 N 23rd, 5 bed 2 bath	68503	\$2,700		
\$135,000	FS-645	\$1,451	1	\$113,319	3.50%	2/1/2027	LAPD-Mock Homes	648 N 26th 4 bed, 2 bath - B	68503	\$2,263		
\$120,100	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD - Mock Homes	704 N. 26th 1-2bed, 1-1 bed	68503	\$2,013		
\$104,400	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD - Mock Homes	710 N 26th 3 bed 1 bath	68503	\$1,750		
\$201,800	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	724 N. 30th St 6 bed 3 bath	68503	\$3,382		
\$129,100	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	918 S 10th (3 bd 1 ba)	68508	\$2,164		
\$32,000	FS-0176	\$0		\$0			LAPD-Dame Family Prop	926 S. 10 Lot	68508	\$536		
\$156,900	FS-643	\$1,582	1	\$137,647	3.50%	2/1/2027	LAPD Young Brothers Rentals	1201 Peach (3 bed, 1.5 bath	68502	\$2,630		
\$196,100	FS-170	\$1,338	25	\$60,563	3.95%	4/25/2025	LAPD-Dame Family Prop	1237 G Street 7 bed 4 bath	68508	\$3,286		
\$141,100	FS-177	\$1,021	25	\$40,150	3.95%	4/25/2025	LAPD-Huckabee Homes	1300 N. 26th Duplex of 2/2	68503	\$2,365		
\$194,700	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	1327 S 14th St 2-2bed, 2-1b	68502	\$3,263		
\$170,900	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	1419 N 34th, 6 bed 2 bath	68503	\$2,643		
\$313,400	FS-643	\$1,582	1	\$137,647	3.50%	2/1/2027	LAPD - Dame Family Properties	1425 Garfield - 5-20-21 purc	68502	\$5,253		
\$137,100	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	1517 N 29TH (3 bed 1 bath)	68503	\$2,137		
\$148,000	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD-Baily Properties	1638 F Street (5 bed 3 bath)	68508	\$2,480		
\$185,300	FS-0178	\$1,347	25	\$64,443	3.95%	4/25/2025	LAPD-Huckabee Homes	1901 Sumner (3BED/1BTH, 4	68502	\$3,106		
\$161,200	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	1909 Hartley 68521 (3 bed 2	68521	\$2,702		
\$175,300	FS-0178	\$1,347	25	\$64,443	3.95%	4/25/2025	LAPD-Huckabee Homes	1959 Euclid 6 bed 3 bath	68502	\$2,938		
\$268,200	FS-177	\$2,042	25	\$80,300	3.95%	4/25/2025	LAPD-Huckabee Homes	2046 S 26th 4 bed, 1 bonus	68502	\$4,495		
\$149,100	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	2310 Holdrege (4Bd 2 BA) 1	68503	\$2,499		
\$145,000	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD - Huckabee Homes LLC	2311 S 9th - 3 bed 1 bath, 2	68502	\$2,430		
\$1,863,000	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD - Baily Properties	2400 R St 4plex, 1- 3bd 1 b	68503	\$3,122		
\$235,200	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	2442 Vine St. 2-3bed, 2-1be	68503	\$3,942		
\$110,400	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	2510 P Street, 4 bd 2 ba. W	68503	\$1,850		
\$75,500	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	WE OZ LLC	2518 P Street, 4 bed 2 bath,	68503	\$1,265		
\$168,200	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD-Huckabee Homes	2540 South St 2-2bed, 2- 1 f	68502	\$2,819		
\$238,100	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD - Mock Homes	2601 Vine 1-2bed, 4-1 bed	68503	\$3,991		
\$138,400	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD - Mock Homes	2615 Vine 7 bed 4 bath	68503	\$2,320		
\$148,200	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD-Rinaudo Rentals	2701 P St. (6 BR, 2 BA) C. A	68503	\$2,484		
\$254,700	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, First State in Breach Of Commitment	LAPD-Rinaudo Rentals	2721 P , 5 bath 7 bed 4 Gar	68503	\$4,269		
\$195,300	FS-645	\$1,451	1	\$113,319	3.50%	2/1/2027	LAPD-Rinaudo Rentals	2727 P St 1-3bed, 3-1 beds	68503	\$3,273		
\$204,100	FS-170	\$1,338	25	\$60,563	3.95%	4/25/2025	LAPD-Rinaudo Rentals	2828 N St (5 plex 3-1bed, 2-	68510	\$3,421		
\$144,200	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3112 Y St (4 bed 2 bath)	68503	\$2,417		
\$171,300	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3116 Holdrege (4 BD/ 2 Batt	68503	\$2,670		
\$141,200	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD - Young Brothers Rentals LLC	3136 Holdrege	68503	\$2,202		
\$120,800	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3144 Y St 3 bed 1 bath, 2 st	68503	\$2,025		
\$292,100	FS-644	\$2,459	1	\$246,100	3.50%	2/1/2027	LAPD-Baily Properties	4929 Huntington Ave - 6 be	68504	\$4,183		
\$9,190,200	<- Totals							Expected to be paid 2024 Property Tax - >		\$124,247		

Unauthroized Trustee Auction Not on Courthouse Steps.
Attorney Prepared Filed Notices Established No Authority
on 1.30.24 establishing no court authorized sale, nor
authorized by THE Trustee, Mr. Fiala

2024

\$179,600
\$174,800
\$227,500

\$221,000

\$127,000
\$137,900
\$195,900
\$161,100
\$135,000

\$120,100

\$104,400
\$201,800
\$129,100
\$32,000
\$156,900
\$196,100
\$141,100
\$194,700
\$170,900
\$313,400
\$137,100
\$148,000
\$185,300
\$161,200
\$175,300
\$268,200
\$149,100
\$145,000
\$1,863,000
\$235,200
\$110,400
\$75,500
\$168,200

\$238,100
\$138,400
\$148,200
\$254,700
\$195,300
\$204,100
\$144,200
\$171,300
\$141,200
\$120,800
\$292,100
\$9,190,200

\$112,000

\$112,000

From: [David Fiala](#)
To: [Assessor; Yohance L. Christie; Patrick Condon; Lin Quenzer; Council Packet; Police Public Access](#)
Cc: [Lance Maxwell; mark.weber@nejudicial.gov; macy.neyer@nebraska.gov; Police Public Access](#)
Subject: \$112k disputed right to sell, now for sale at \$194,900 on MLS!
Date: Tuesday, February 6, 2024 3:02:46 PM
Attachments: [First State Baird Holm Believed Malicious and Unauthorized Trustee Activity aiming harm to Mr Fialas Interests.pdf](#)

Reg of Deeds/City Attorney/County Attorney/Mayor's Office aka LQ/CC/LPD:

I don't want to subject myself or my employees or contractors to harm, or lawful issues, and simply ask for confirmation that I should cancel my snow removal, trash, insurance, utilities etc, and that i am not legally responsible for the safety or maintenance of these properties where the title is changed, despite the provided complaints and filings contradicting the Baird Holm and First State Claims of their significant earnings alleged for their role in lending money and facilitating federal program loans. The earnings include alleged rights to sell properties to recover market losses on the loans

LPD was asked via employees to contact me and provided the filed documents via complaints provided with no follow up to me, where it was asked to protect our property and our rights. I'm confirming from all of you on this email, that your position is the non-judicial action your decision is that I : **do not** have a legal right under your power or oaths in roles with my government involves not respecting my rights as a property owner to due to the known facts, or facts that could be easily known or confirmed.

Attached is the one page I provided this morning. A property was noted selling via the nonjudicial action of Baird Holm and First state bank for a \$112,000 reported sale on 641 New Hampshire. The activity lead to the providing of a number of complaints. This property is now listed ON THE MLS for \$194,900. The believed pro rata loan locked until 2027 at 3.5% balance left was under \$78,000, all payments paid. Legal fees were added to the loan. No one has even called me to investigate nor meet with me upon police reports or other reports made approximately 30 days ago. Below is the link or google:

https://www.zillow.com/homedetails/621-New-Hampshire-St-Lincoln-NE-68508/72382337_zpid/

Regards,

David Fiala

David Fiala

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From: David Fiala <dfiala@futuresone.com>

Sent: Tuesday, February 6, 2024 9:47 AM

To: 'assessor@lancaster.ne.gov' <assessor@lancaster.ne.gov>; 'Yohance L. Christie' <YChristie@lincoln.ne.gov>; 'pcondon@lancaster.ne.gov' <pcondon@lancaster.ne.gov>; 'Lin Quenzer' <LQuenzer@lincoln.ne.gov>; 'councilpacket@lincoln.ne.gov' <councilpacket@lincoln.ne.gov>; 'lpd@cjis.lincoln.ne.gov' <lpd@cjis.lincoln.ne.gov>

Cc: 'LPD1273@cjis.lincoln.ne.gov' <LPD1273@cjis.lincoln.ne.gov>; 'mark.weber@nejudicial.gov' <mark.weber@nejudicial.gov>; 'macy.neyer@nebraska.gov' <macy.neyer@nebraska.gov>; 'lpd@cjis.lincoln.ne.gov' <lpd@cjis.lincoln.ne.gov>; 'Thorson, Alex' <Alex.Thorson@nebraska.gov>; 'brody.froken@nebraska.gov' <brody.froken@nebraska.gov>

Subject: I think we need acknowledgement and Need Position of Law Enforcement and City-County Made About Complaints, or need for a receiver.

To LPD, City/County Attorney, County Recorder (and others):

I'm asking to stop and not allow name transfers upon the filings of the defective Trustee's Deeds due to the noticed dispute and noticed revocation of rights provided to First State Bank with cause. The notice, and activity for months by myself, is asking First State Bank to come to the table in good faith, and to the court. Alleging to have sold property at a fraction of its value does not illustrate good faith, nor the appearance of backing financially the other side of alleged lawful real estate transactions.

Topic: Filing of unauthorized Trustee Deeds that have been reported as unauthorized and believe the appearance of title theft is illustrated. The Bank's claim is an ability without a court, to have a NonJudicial foreclosure to steal equity from my interests(or others) via selling, alleging it's okay to sell property at a fraction of value while under a title dispute created by First State Bank. The Baird Holm "public" notices in this matter confirmed clean title could not be provided and noted a different location than the unauthorized auction activity actually took place... which is also problematic. It also appears First State Bank was backing financially some or all of other side of their unauthorized sale. Chapter 8 Article 11, #s 8-1115 to 8-1122 cover authorities and establish punishments for unauthorized filings, while the economics of this situation establish unjust enrichment on its face, while the owner's loan contracts were and remain enforceable to their value, that a party (First State Bank) is looking to dispose of in a nonjudicial manner, when the clear dispute should have been taken to a court. If a court then agrees with First State Bank, then they can pursue a sale in good faith, with a good faith public sale if a court deems borrowers paid ahead on their commitments and asking the bank to honor theirs is an actual condition of default. Or as I expect, the court will order mediation and demand the bank cooperate with my other bank or banks, to move the debt calmly and professionally, while we agree to the loan discount values since the bank wishes to end the loan contracts, and have myself, or any borrower, go to another bank and pay higher rates versus enjoy in peace the low rate contracts First State Bank committed to.

This is something not just for me, but for all people in our City and State, that if we report what we believe is crime / not following the law, that when such retribution can occur to a reporting whistleblower or victim as a property owner the activity is much worse. What can be worse than just taking your property on a non judicial basis as an alleged reward for the BANK wanting to exit their commitments, not the borrower. Meaning review the attached, items I have been reporting to officials as financial activity that has been improper since 2018 is involved in the alleged First State Bank borrower defaults even though a court ruled on the matter already as a matter of law.

First State Bank refused to speak to me for months, and refuses to come to the table to calculate the fair value of low interest rate loans, to move to a new bank and pay higher rates, as they had backed out of their commitments when rates rose. The truth is First State Bank wanted a good loan customer to leave that has millions of dollars of loans with low interest rate loans. I have been reporting this to authorities as the activity is harmful, and harms public interests.

Attached is a summary of the properties believed of issue. I don't know what all is claimed happened on January 31st. Next is the Notices of litigation as well as the Notice of revocation of the bank's rights to remedy when they refused to honor their contracts and commitments, and appeared prepared for malicious activity as they demanded signing untrue harmful documents as a reason to delay the alleged right to default healthy loans with a health financial borrower-guarantor. There files in regard to the additional filed law suit and a print out of a bank statement illustrating active payments, including today, to First State Bank for the borrowers commitment, including many ACH pulls in January while default claims were public and defaming.

David Fiala

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Reported Believed Title Theft via unauthorized and bad faith alleged ability to sell healthy Deeds of Trust which was why a new deed was put in place on January 30th, 2024, and a revocation of Deeds of "Trust" provided in good faith, that were revoked on January 30th, 2024										February 5th, 2024		Prop Tax
Sales	Loan	Monthly	Day of				David Fiala Beneficial Ownership Real Estate Holdings/Investments					
Value	Number	Loan	Month	Est 4.1.24		Rate Locked until Date					2024	
Unauthorized Trustee Auction Not on Courthouse Steps. Attorney Prepared Filed Notices Established No Authority on 1.30.24 establishing no court authorized sale, nor authorized by THE Trustee, Mr. Fiala		Payment		First State Loan Balance After Monthly Payments into February 2024 being made for over 6 years.	Rate	Refi	Owner	Address/Unit	Zip Code	Taxes		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	120 S. 28th St. #1 (7bd 5ba)	68510	\$3,010		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	125 S. 28th, 3plex #1 (3BD),	68510	\$2,930		
	FS-0174	\$1,096	25	\$45,945	3.95%	4/25/2025	LAPD-Rinaudo Rentals	126 S 28th (6 bed, 3 bath)	68510	\$3,813		
\$221,000	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD-Rinaudo Rentals	130 N 27th (1-2BD)(4-1bed)	68503	\$3,704		
\$127,000	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD-Rinaudo Rentals	136 N.27th (5 BD/ 3 BATH)	68503	\$2,129		
\$137,900	ReConvey Misrepresentation			\$0			LAPD - Huckabee Homes LLC	608 West Q (3 bed 2 bath, g	68521	\$2,311		
\$195,900	FS - 650	\$910	1	\$77,389	3.50%	2/1/2027	WE OZ LLC	621 New Hampshire (5 bed,	68508	\$3,064		
\$161,100	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD-Baily Properties	626 N 23rd, 5 bed 2 bath	68503	\$2,700		
\$135,000	FS-645	\$1,451	1	\$113,319	3.50%	2/1/2027	LAPD-Mock Homes	648 N 26th 4 bed, 2 bath - B	68503	\$2,263		
\$120,100	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD - Mock Homes	704 N. 26th 1-2bed, 1-1 bed	68503	\$2,013		
\$104,400	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD - Mock Homes	710 N 26th 3 bed 1 bath	68503	\$1,750		
\$201,800	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	724 N. 30th St 6 bed 3 bath	68503	\$3,382		
\$129,100	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	918 S 10th (3 bd 1 ba)	68508	\$2,164		
\$32,000	FS-0176	\$0		\$0			LAPD-Dame Family Prop	926 S. 10 Lot	68508	\$536		
\$156,900	FS-643	\$1,582	1	\$137,647	3.50%	2/1/2027	LAPD Young Brothers Rentals	1201 Peach (3 bed, 1.5 bath	68502	\$2,630		
\$196,100	FS-170	\$1,338	25	\$60,563	3.95%	4/25/2025	LAPD-Dame Family Prop	1237 G Street 7 bed 4 bath	68508	\$3,286		
\$141,100	FS-177	\$1,021	25	\$40,150	3.95%	4/25/2025	LAPD-Huckabee Homes	1300 N. 26th Duplex of 2/2	68503	\$2,365		
\$194,700	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	1327 S 14th St 2-2bed, 2-1b	68502	\$3,263		
\$170,900	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	1419 N 34th, 6 bed 2 bath	68503	\$2,643		
\$313,400	FS-643	\$1,582	1	\$137,647	3.50%	2/1/2027	LAPD - Dame Family Properties	1425 Garfield - 5-20-21 purc	68502	\$5,253		
\$137,100	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	1517 N 29TH (3 bed 1 bath)	68503	\$2,137		
\$148,000	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD-Baily Properties	1638 F Street (5 bed 3 bath)	68508	\$2,480		
\$185,300	FS-0178	\$1,347	25	\$64,443	3.95%	4/25/2025	LAPD-Huckabee Homes	1901 Sumner (3BED/1BTH, 4	68502	\$3,106		
\$161,200	FS-0176	\$1,010	25	\$43,717	3.95%	4/25/2025	LAPD-Dame Family Prop	1909 Hartley 68521 (3 bed 2	68521	\$2,702		
\$175,300	FS-0178	\$1,347	25	\$64,443	3.95%	4/25/2025	LAPD-Huckabee Homes	1959 Euclid 6 bed 3 bath	68502	\$2,938		
\$268,200	FS-177	\$2,042	25	\$80,300	3.95%	4/25/2025	LAPD-Huckabee Homes	2046 S 26th 4 bed, 1 bonus	68502	\$4,495		
\$149,100	FS-0171	\$789	25	\$33,081	3.95%	4/25/2025	LAPD- Young Brothers Rentals	2310 Holdrege (4Bd 2 BA) 1	68503	\$2,499		
\$145,000	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD - Huckabee Homes LLC	2311 S 9th - 3 bed 1 bath, 2	68502	\$2,430		
\$1,863,000	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD - Baily Properties	2400 R St 4plex, 1- 3bd 1 b	68503	\$3,122		
\$235,200	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	2442 Vine St. 2-3bed, 2-1be	68503	\$3,942		
\$110,400	FS-169	\$1,084	25	\$46,278	3.95%	4/25/2025	LAPD - Baily Properties	2510 P Street, 4 bd 2 ba. W	68503	\$1,850		
\$75,500	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	WE OZ LLC	2518 P Street, 4 bed 2 bath,	68503	\$1,265		
\$168,200	FS-0180	\$1,079	25	\$46,453	3.95%	4/25/2025	LAPD-Huckabee Homes	2540 South St 2-2bed, 2- 1 f	68502	\$2,819		
\$238,100	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD - Mock Homes	2601 Vine 1-2bed, 4-1 bed	68503	\$3,991		
\$138,400	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD - Mock Homes	2615 Vine 7 bed 4 bath	68503	\$2,320		
\$148,200	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD-Rinaudo Rentals	2701 P St. (6 BR, 2 BA) C. A	68503	\$2,484		
\$254,700	FS 707	\$625	20	\$120,000	3.50%	Fair Term Rate, Fist State in Breach Of Commitment	LAPD-Rinaudo Rentals	2721 P , 5 bath 7 bed 4 Gar	68503	\$4,269		
\$195,300	FS-645	\$1,451	1	\$113,319	3.50%	2/1/2027	LAPD-Rinaudo Rentals	2727 P St 1-3bed, 3-1 beds	68503	\$3,273		
\$204,100	FS-170	\$1,338	25	\$60,563	3.95%	4/25/2025	LAPD-Rinaudo Rentals	2828 N St (5 plex 3-1bed, 2-	68510	\$3,421		
\$144,200	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3112 Y St (4 bed 2 bath)	68503	\$2,417		
\$171,300	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3116 Holdrege (4 BD/ 2 Batt	68503	\$2,670		
\$141,200	FS-522	\$781	8	\$61,530	3.50%	5/1/2026	LAPD - Young Brothers Rentals LLC	3136 Holdrege	68503	\$2,202		
\$120,800	FS-0173	\$804	25	\$34,572	3.95%	4/25/2025	LAPD- Young Brothers Rentals	3144 Y St 3 bed 1 bath, 2 st	68503	\$2,025		
\$292,100	FS-644	\$2,459	1	\$246,100	3.50%	2/1/2027	LAPD-Baily Properties	4929 Huntington Ave - 6 be	68504	\$4,183		
\$9,190,200	<- Totals							Expected to be paid 2024 Property Tax - >		\$124,247		

Unauthroized Trustee Auction Not on Courthouse Steps.
Attorney Prepared Filed Notices Established No Authority
on 1.30.24 establishing no court authorized sale, nor
authorized by THE Trustee, Mr. Fiala

2024

\$179,600
\$174,800
\$227,500

\$221,000

\$127,000
\$137,900
\$195,900
\$161,100
\$135,000

\$120,100

\$104,400
\$201,800
\$129,100
\$32,000
\$156,900
\$196,100
\$141,100
\$194,700
\$170,900
\$313,400
\$137,100
\$148,000
\$185,300
\$161,200
\$175,300
\$268,200
\$149,100
\$145,000
\$1,863,000
\$235,200
\$110,400
\$75,500
\$168,200

\$238,100
\$138,400
\$148,200
\$254,700
\$195,300
\$204,100
\$144,200
\$171,300
\$141,200
\$120,800
\$292,100
\$9,190,200

\$112,000

\$112,000