



## *In Lieu of Directors Meeting*

Monday, November 28<sup>th</sup>, 2022

### **I. Directorial Advisories**

- i. BPC221117 - 1 PC Final Action Notice - Shelli Reid
- ii. PBC221117 - 2 PC Action - Shelli Reid
- iii. BP221122 - 1 AA Weekly Approvals - Jennifer McDonald

### **II. Constituent Correspondence**

- i. Press Release - Bethany Colson
- ii. Re: Proposed "Aggressive Dog" addition to City Code - Jayne Sebby
- iii. Chandler, Arizona - George Wolf
- iv. Fuel System Installation with MPE - Randy McDonald
- v. concerns regarding the proposed annexation number 22012 - Greg Wood

## PLANNING COMMISSION FINAL ACTION NOTIFICATION

**TO:** Mayor Leirion Gaylor Baird  
Lincoln City Council

**FROM:** Shelli Reid, Planning

**DATE:** November 17, 2022

**RE:** Notice of final action by Planning Commission: November 16, 2022

Please be advised that on November 16, 2022, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

**Resolution PC-01832**, approving SPECIAL PERMIT 1573B, to amend an existing Special Permit, to allow for a Residential Healthcare Facility, on property legally described as, Lots 1 and 2, Block 1, Cedar Crest 1st Addition, located in the SW 1/4 of Section 1-10-6, Lincoln, Lancaster County, Nebraska, generally located at 1740 Superior Street.

**Resolution PC-01834**, approving SPECIAL PERMIT 21037, to allow for the West Van Dorn Ridge CUP (Community Unit Plan), for up to 12 dwelling units with associated waivers, on property legally described as Lot 2, West Van Dorn Ridge Addition, located in the NW 1/4 of Section 1-9-5, Lancaster County, Nebraska, generally located at SW 70th and W Van Dorn Streets.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at [www.lincoln.ne.gov](http://www.lincoln.ne.gov) (search for "PATs"). Click on "Planning Application Tracking Service (PATs)" at the top of the page, click "Selection Screen" under "PATs Tools" on the right side of the screen, type in the application number (i.e. SP1573B, SP21037), click on "Search", then "Select", and go to "Related Documents".

F:\devreview\final action notices\cc\2022\111622

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

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 16, 2022, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of \*FINAL ACTION\*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing [oPlan@lincoln.ne.gov](mailto:oPlan@lincoln.ne.gov) by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

### **AGENDA**

**WEDNESDAY, November 16, 2022**

**[Commissioners Ball, Joy and Ryman Yost absent]**

Approval of minutes of the regular meeting held November 2, 2022. **\*\*APPROVED: 6-0\*\***

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

##### **COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22023, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan to revise the "North Haymarket Arts and Humanities Center Redevelopment Project", on property generally between 8th to 9th and R to S Streets.

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

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

**Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Ball, Joy and Ryman Yost absent), Public hearing before the City Council is tentatively scheduled for Monday, December 19, 2022, 5:30 p.m.**

## **TEXT AMENDMENT:**

- 1.2 TEXT AMENDMENT 22009, to amend Chapter 27 of the Lincoln Municipal Code, Section 27.63.530, amending the special permit requirements for residential health care facilities by removing the text that all facilities may have up to four individuals 60 years of age or older and one family acting as the residential caretaker: and repealing Section 27.63.530 as hitherto existing.

**Staff recommendation: Approval**

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

**Planning Commission recommendation: APPROVAL: 6-0 (Ball, Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 12, 2022, 3:00 p.m.**

## **CHANGE OF ZONE:**

- 1.3 CHANGE OF ZONE 08057D, to allow for an indoor theater within the existing University Place PUD (Planned Unit Development), on property generally located at 2626 North 48th Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL: 6-0 (Ball, Joy and Ryman Yost absent), as set forth in the conditions of the staff report dated November 3, 2022. Public hearing before the City Council is tentatively scheduled for Monday, December 12, 2022, 3:00 p.m.**

## **MISCELLANEOUS:**

- 1.4 MISCELLANEOUS 22013, to review the proposed determination that the Van Dorn Redevelopment area #2 be declared blighted and substandard as defined in the Nebraska Community Development Law, is in conformance with the Comprehensive Plan, on property generally located at 10th Street, Van Dorn to Calvert, and High Street 10th to west of 13th Streets.

**Staff recommendation: Finding of Substandard and Blighted Conditions**

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

**Planning Commission recommendation: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS: 6-0 (Ball, Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 19, 2022, 5:30 p.m.**

- 1.5 MISCELLANEOUS 22012, Revising the Long-Range Transportation Plan to include N. 14th Street from Alvo Road to Ashland Road.

**Staff recommendation: Approval**

**Staff Planner: Rachel Christopher, 402-441-7603, [rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)**

**Planning Commission recommendation: APPROVAL: 6-0 (Ball, Joy and Ryman Yost absent). The Planning Commission recommendation will be forwarded to the Lincoln MPO for final action.**

## **SPECIAL PERMIT:**

- 1.6 SPECIAL PERMIT 1573B, to amend an existing Special Permit, to allow for a Residential Healthcare Facility, on property generally located at 1740 Superior Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.

**\*\*\*FINAL ACTION\*\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Emma Martin, 402-441-6369,**

**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated November 3, 2022: 6-0 (Ball, Joy and Ryman Yost absent) Resolution No. PC-01832.**

2. REQUESTS FOR DEFERRAL: None
3. ITEMS REMOVED FROM CONSENT AGENDA: None
4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

## **TEXT AMENDMENTS:**

- 4.1 TEXT AMENDMENT 22012, amending City of Lincoln Design Standards, for various revisions to Titles 2 and 3 of the Design Standards for flood and water quality protection measures.  
**Staff recommendation: Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL, as recommended by staff to amend the Design Standards: 6-0 (Ball, Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 12, 2022, 3:00 p.m.**
- 4.2 TEXT AMENDMENT 22010, amending the Lincoln Municipal Code Title 26 Land Subdivision, for revisions to various sections for flood and water quality protection measures.  
**Staff recommendation: Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL, as recommended by staff to amend Title 26 Land Subdivision: 6-0 (Ball, Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 12, 2022, 3:00 p.m.**
- 4.3 TEXT AMENDMENT 22011, amending the Lincoln Municipal Code Title 27 Zoning, for revisions to various sections for flood and water quality protection measures.  
**Staff recommendation: Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL: 6-0 (Ball, Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 12, 2022, 3:00 p.m.**

**SPECIAL PERMIT:**

- 4.4 SPECIAL PERMIT 22035, to allow for the construction of a large Solar Energy Conversion System, in compliance with Section 13.051 of the Lancaster County Zoning Regulations, on property generally located at 162nd and Holdrege Streets. The Planning Commission action is final, unless appealed to the Lancaster County Board. **\*\*\*FINAL ACTION\*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated October 31, 2022: 6-0 (Ball, Joy and Ryman Yost absent) Resolution No. PC-01833.**

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

- 5.1 SPECIAL PERMIT 21037, to allow for the West Van Dorn Ridge CUP (Community Unit Plan), for up to 12 dwelling units with associated waivers, on property generally located at SW 70th and W Van Dorn Streets. The Planning Commission action is final, unless appealed to the Lincoln City Council. **\*\*\*FINAL ACTION\*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the amended conditions of the updated staff report dated November 2, 2022, as offered by the applicant and adopted by the Planning Commission: 6-0 (Ball, Joy and Ryman Yost absent) Resolution No. PC-01834.**

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

\* \* \* \* \*

**Adjournment: 5:51 p.m.**

# *Memorandum*

**Date:** November 22, 2022  
**To:** City Clerk  
**From:** Alexis Longstreet, Planning Dept.  
**Re:** Administrative Approvals  
**cc:** Shelli Reid, Planning Dept.

This is a list of City administrative approvals by the Planning Director from November 15, 2022, through November 21, 2022:

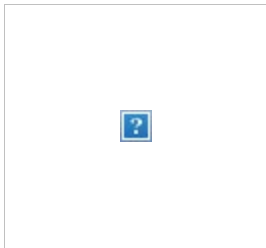
**Administrative Amendment 22067** to Special Permit #11008 was approved on November 17, 2022, to show the new and existing setbacks and new building project details at 635 South 36<sup>th</sup> Street.

**From:** [Bethany Colson](#)  
**Subject:** Press Release  
**Date:** Thursday, November 17, 2022 5:06:54 PM  
**Attachments:** [Warm Clothes Press Release.pdf](#)

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Hello,

I am reaching out to pass along that our small business and several medical clinics in the Lincoln community are coming together to collect warm clothing this winter season. As someone with local oversight and influence, we wanted to be sure to share this. Please don't hesitate to reach out if you have an interest in connecting further or would like further information.



**Bethany Colson**  
PRESIDENT  
402.301.6147  
[Sign Up For Our Newsletter](#)  
[www.aryse.com](http://www.aryse.com) | [@aryseoriginal](#)



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FOR IMMEDIATE RELEASE

## ARYSE Partners with People's City Mission and Local Medical Clinics to Collect Warm Clothing

In support of the People's City Mission, ARYSE and the local medical community are partnering together to collect warm clothing during the holiday season. One of ARYSE's core values is generosity, and we are so excited to team up with local clinics in the area to benefit those in need during the winter months.

Items we are accepting include: socks, coats, blankets, gloves, hats, feet and hand warmers, thermals, sweaters, mittens, and scarves.

If you want to get involved, you can donate between November 16th and December 16th at the following locations:

ARYSE: 1801 N. 1st St. Suite 2  
Capital Foot & Ankle: 5055 A St. Suite 400  
Limb Lab: 110 S. Canopy St. Suite A  
Lincoln Orthopedic Physical Therapy–East Location: 1001 S. 70th St. Suite 200  
Lincoln Orthopedic Physical Therapy–O Street Location: 5141 O St. Suite K  
Lincoln Orthopedic Physical Therapy–Downtown Location: 1900 K St. Suite 170  
Lincoln Orthopedic Physical Therapy–Southeast Location: 8055 Yankee Woods Dr. Suite A  
Lincoln Orthopedic Physical Therapy–West Location: 345 Speedway Cir. Suite 3  
Lincoln Orthopedic Physical Therapy–Pine Lake Location: 2801 Pine Lake Rd. Suite K  
Lincoln Orthopedic Physical Therapy–Williamsburg Location: 6101 Village Dr. Suite 100  
Lincoln Orthopedic Physical Therapy–North Location: 4920 N. 26th St. Suite 100  
Lincoln Orthopedic Physical Therapy–Northeast Location: 1651 N. 86th St. Suite 100  
Lincoln Physical Therapy–East Location: 6940 Van Dorn St. Suite 103  
Lincoln Physical Therapy–North Location: 2550 Superior St. Suite 100  
Lincoln Physical Therapy–South Location: 1501 Pine Lake Rd. Suite 20  
Prairie Orthopaedic: 4130 Pioneer Woods Dr. Suite 1  
Prairie Orthopaedic: 5901 N. 28th St.  
Proformance Physical Therapy: 4220 Lucile Dr. Suite 3  
Restore Health: 4107 Pioneer Woods Dr. Suite 111

*ARYSE is moving to fundamentally change how the active body is protected by designing exo-performance products inspired by anatomy to strengthen and support its dynamic movements and achieve its best results.*

###

If you would like more information about this topic, please contact Morgan Ernesti at [morgan.ernesti@aryse.com](mailto:morgan.ernesti@aryse.com).

1801 N 1st St Ste 2 LNK.NE.USA
<a href="http://www.aryse.com">www.aryse.com</a> 855.877.2886

**From:** [Jayne L. Sebbby](#)  
**To:** [Steve R. Beal](#)  
**Cc:** [Council Packet](#)  
**Subject:** Re: Proposed "Aggressive Dog" addition to City Code  
**Date:** Sunday, November 20, 2022 10:37:41 AM  
**Attachments:** [image001.png](#)

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Dear Mr. Beal,

I would appreciate a chance to talk further with you about codifying this definition.

Animal Control, in my experience, has acted reasonably in applying the city's laws. And I understand the reasoning behind adding some language that gives dog bar owners support in regulating their clientele.

However, my experience through my neighborhood association is that those who want to take advantage of a situation will argue that something in the code should be expanded to address their particular problem. I have spent a significant amount of time over the last decade explaining to the City Council why that expansion would have a very negative effect on my and other neighborhoods and the people living there.

It would be reasonable to postpone the Council vote on adding the aggressive dog definition to the Code so we can work out better language to protect bar owners without adding unnecessary liability to dog owners.

Thanks,  
Jayne Sebbby  
402-474-3059  
[jaynesebbby@gmail.com](mailto:jaynesebbby@gmail.com)

On Thu, Nov 10, 2022 at 11:18 AM Steve R. Beal <[sbeal@lincoln.ne.gov](mailto:sbeal@lincoln.ne.gov)> wrote:

Ms. Sebbby,

Hello my name is Steve Beal, I manage the Lincoln Animal Control division at the Health Department. Thank-you for writing about your concerns and thoughts on having a definition aggressive dog in the Lincoln Municipal Code, Title 6 , Animals. Councilwoman Washington is correct in that this was done to fit with our intentions of helping assure indoor off leash dog bars owners and operators are taking all precautions possible to assure public safety and pet safety. Having this definition allows dog bar owners/operators to be able to have a standard to point to if the need comes to not have an animal in the bar.

This code definition of aggressive dog will not be used for or intended to over regulate what we already have in the LMC Title 6 for dealing with attacks and bites. Officers will not be writing citations for aggressive dogs and there will not be aggressive dog declarations.

I agree with you that dogs are going to be dogs, they will howl, bark, etc.

If you would like to stop by my office or give me a call, I'm located at the Health Department in Woods Park and my number 402-441-8080 and we can discuss this more.

Steve Beal

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**From:** Sandra J. Washington <[SWashington@lincoln.ne.gov](mailto:SWashington@lincoln.ne.gov)>  
**Sent:** Wednesday, November 9, 2022 3:12 PM  
**To:** [sebbyiplaw@gmail.com](mailto:sebbyiplaw@gmail.com); Steve R. Beal <[sbeal@lincoln.ne.gov](mailto:sbeal@lincoln.ne.gov)>  
**Subject:** RE: Proposed "Aggressive Dog" addition to City Code

Jayne: It was my understanding the addition of this ordinance was to coordinate with codes allowing dog bars. Since I cannot answer your questions confidently, I am forwarding your email to Animal Control Steve Beal for a response. –Sandra Washington

Sent from [Mail](#) for Windows

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**From:** [Council Packet](#)  
**Sent:** Wednesday, November 9, 2022 1:28 PM  
**To:** [Bennie R. Shobe](#); [James M. Bowers](#); [Jane Raybould](#); [rmeginnis@NAIFMA.com](mailto:rmeginnis@NAIFMA.com); [Sandra J. Washington](#); [Tammy J. Ward](#); [Tom J. Beckius](#)  
**Subject:** FW: Proposed "Aggressive Dog" addition to City Code

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**From:** Jayne L. Sebby <[sebbyiplaw@gmail.com](mailto:sebbyiplaw@gmail.com)>  
**Sent:** Wednesday, November 9, 2022 1:27:39 PM (UTC-06:00) Central Time (US & Canada)  
**To:** Council Packet <[CouncilPacket@lincoln.ne.gov](mailto:CouncilPacket@lincoln.ne.gov)>  
**Subject:** Proposed "Aggressive Dog" addition to City Code

6.02.025 -- an aggressive dog is “any animal showing threatening signs such as barking, howling, growling, showing teeth, or requiring restraint by the animal’s handler.”

This proposed addition has just come to my attention and I'm wondering why the Council felt the need to add this language? If it's in regard to establishing "dog bars", those are private businesses and the owners can allow or deny entrance as they choose. I see no legitimate reason to add this language to the code just for them and it has the potential to do a great deal of harm to Lincoln dogs in general.

Certainly the Health Department's supervision of these facilities is reasonable and the regs proposed will guarantee that the dogs who enter the establishment will be licensed by the city/county and UTD on shots. It will also require the owner to provide supervision of any dogs present on the property which is equally important.

Plus, the City has 4 dog runs and there are a number of privately-operated dog day cares and training facilities -- to the best of my knowledge, none of them requested or need this addition to the Code.

So what's the purpose of this proposal? Because basically, it's outlawing normal and common dog behavior that is not aggressive.

My background: I've owned dogs for over 20 years and I've fostered dogs for over a decade. I usually foster high energy herding breeds with emotional problems and I spend months working with them to address and adapt their behaviors. I then screen potential adopters carefully to find the right home. I have also taught dog agility for at least 15 years -- teaching dogs to obey commands while off-leash and running free. So here's my opinion of this language.

If howling is a sign of dog aggression, you're going to have to silence all the emergency equipment and first responders' vehicles because, sirens hurt many dogs' ears and they howl in response. You'd probably also have to outlaw fireworks.

If barking is a sign of aggression, you're going to have to get rid of all the squirrels in the city because most dogs will bark at those. Also no stranger will ever be able to approach a home where a dog lives because most dogs will bark to protect their turf and their family. Having canvased 3 neighborhoods prior to the election, I can attest to this as a fact.

If growling or showing teeth is a sign of aggression, no two dogs will ever be able to get

together again because both of those actions indicate one dog telling the other that it is invading personal space and needs to back off. These actions rarely lead to any actual conflict because most dogs can take the hint. Only if the second dog continues to push the first dog will the first dog snap (not necessarily bite) at the buttheaded dog. Unfortunately the first dog often gets blamed for the conflict - making contact -- instead of the dog that actually caused the trouble

If requiring restraint is a sign of aggression, we won't be able to have any dogs at all and the dog training businesses will have to close. Dogs lunge for lots of reasons -- seeing a special friend approaching (human or canine), chasing squirrels and rabbits and birds, trying to get a treat before the other dog can snatch it away, arriving at the dog park, jumping up to look out a window and see what's happening outside, stopping a stranger from entering the dog's home, chasing another dog's ball, and on and on and on.

In addition to the vagueness and overly broad language, my concern is that, once this language is approved by the Council, people will start demanding the city take action against dogs that do any of these normal and common behaviors. There's nothing in the language I've seen that limits this definition to only dog bars. What a great way to get back at someone you don't like or whose dog doesn't like you! The dog doesn't have to actually be aggressive; it just has to act like any normal, healthy, well-trained dog. At home or out in public, every dog would have the potential to be declared an "aggressive dog."

I urge you to drop this whole idea and add dog bars to the same existing category as dog day cares, kennels, and other businesses permitting dogs on the premises are in. The business owners need to address any special liability issues themselves and not rely on the City to establish unnecessary rules and regs just to protect them.

Jayne Sebbby

Woods Park Neighborhood, Greater Lincoln Obedience Club

320 South 29th Street

Lincoln, NE 68510

402-474-3059

[jaynesebbby@gmail.com](mailto:jaynesebbby@gmail.com)

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**From:** [George Wolf](#)  
**To:** [Council Packet](#)  
**Subject:** Chandler, Arizona  
**Date:** Monday, November 21, 2022 10:37:48 AM

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Dear Council Members:

FYI:

<https://santansun.com/2022/11/20/chandler-council-oks-non-discrimination-ordinance/>

George Wolf

Sent from [Mail](#) for Windows

**From:** [Randy McDonald](#)  
**To:** [Council Packet](#)  
**Subject:** Fuel System Installation with MPE  
**Date:** Monday, November 21, 2022 12:19:09 PM

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[Midwest Petroleum Equipment](#) and General Excavating have been working together to install fuel tanks and delivery systems for over 35 years. The latest collaboration occurred in Alma, Nebraska on the new [Pump & Pantry](#) station currently under construction. General Excavating's scope included removing existing fuel tanks, installing new underground tanks, excavating product lines, and associated work...

[Read More](#)





### AGC Mentor Award

General Excavating's Jerry Kabourek was honored at the [AGC Nebraska Building Chapter's](#) 2022 Fall Social & Awards Event on November 17th. Read more about Jerry's nomination below.

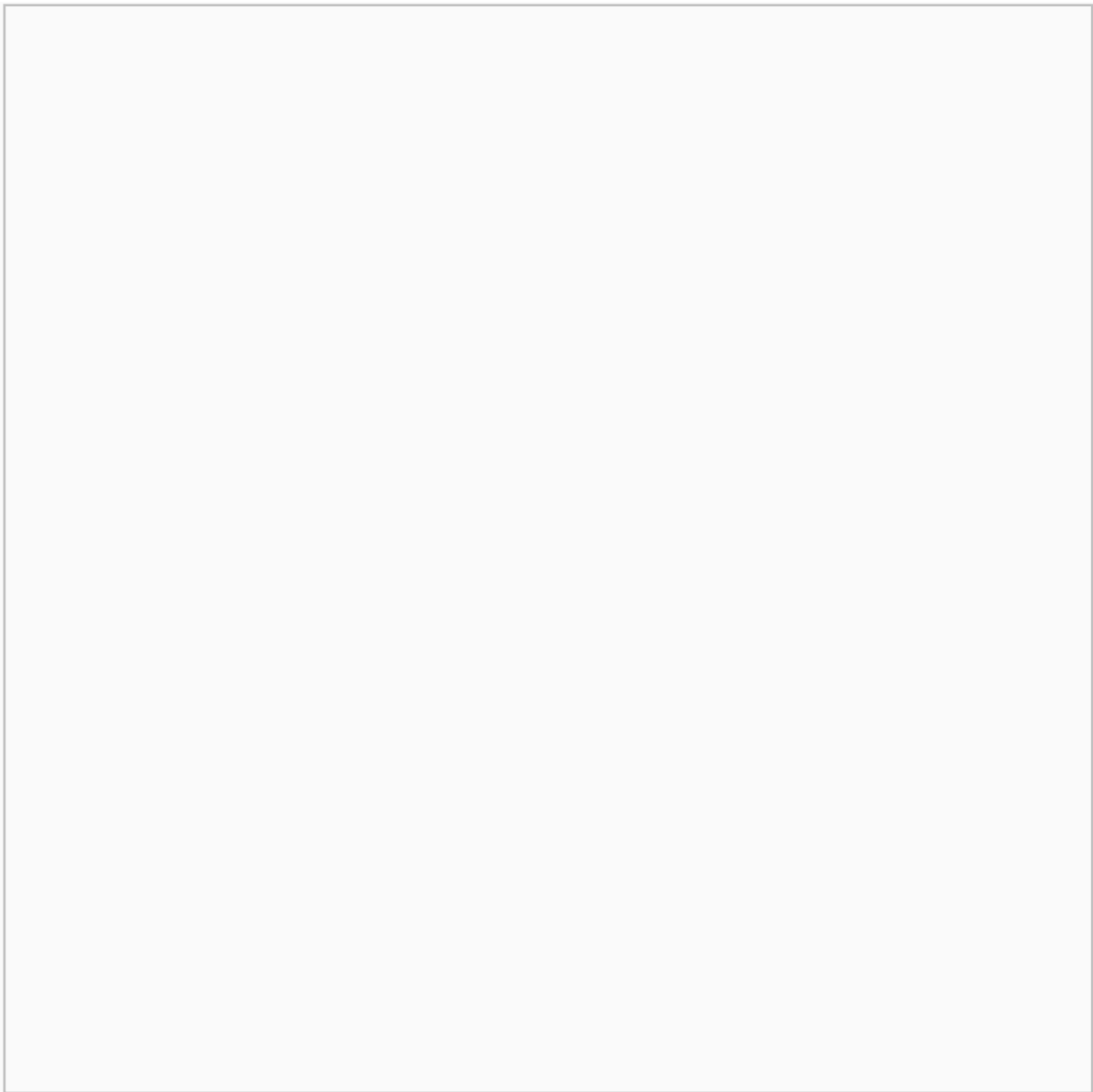
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### AGC Safety Award

General Excavating was recently recognized for its safety efforts at the [AGC Nebraska Building Chapter's](#) Fall Social & Awards Dinner. Learn more about this award below.

[Read More](#)



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6701 Cornhusker Hwy  
Lincoln, NE 68507  
402-467-1627

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**From:** [Greg Wood](#)  
**To:** [Tom J. Beckius](#); [Bennie R. Shobe](#); [Sandra J. Washington](#); [James M. Bowers](#); [Tammy J. Ward](#)  
**Cc:** [Council Packet](#)  
**Subject:** concerns regarding the proposed annexation number 22012  
**Date:** Wednesday, November 23, 2022 2:28:58 PM  
**Attachments:** [Letter of concern 11 23 2022.pdf](#)

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Dear City Council Members:

Please see the attached letter of concern regarding the proposed annexation number 22012.

Thank you.

Gregory D. Wood PE  
7900 Amber Hill Road  
Lincoln, NE 68516  
Res. 402 421-7911  
Cell 402 450-8871  
Email [gwoodpe@neb.rr.com](mailto:gwoodpe@neb.rr.com)

Dear Council Members:

There is no upside to being annexed into the city for the residents in the proposed annexation and there are unintended consequences for acreages in southeast Lancaster County.

Planning Officials stated Lincoln Fire and Rescue (LFR) will be the first responders for fire protection and be backed up by the Southeast Fire District (SEFD). The SEFD serves more than the 445 acres and 77 residents in the area proposed to be annexed. The SEFD also provides fire protection for an approximately 22 square mile-area with an estimated population of around 7,000, see attached.

Currently I am assessed at a rate of 0.030281% to support the SEFD. If annexed the SEFD would lose that tax base which is about 20-25% of their funding. This could significantly impact their ability to maintain and operate their equipment and ultimately may lead to the closure of the fire station. It is not just residents who live in the proposed annexation; the residents who live on acreages currently served by the SEFD will be impacted. If the SEFD goes away along with their 42 volunteers, fire services would need to come from Hickman and Bennet who have approximately 30 and 20 volunteers respectively. Instead of having a tanker truck located within half a mile, it could now be up to ten miles. This would result in an increase in insurance rates.

I asked Jeremy Quist, the Assistant Fire Chief for the SEFD, how many calls the SEFD responded to, to assist LFR? He told me SEFD usually runs 250 calls a year and that LFR has called SEFD 3-4 times this year, SEFD has called LFR about the same number of times for assistance. I asked how many times SEFD has been called to assist areas outside the SEFD service area. He told me calls outside the SEFD area are about 25% of total calls. Without tanker and brush trucks, LFR simply is not equipped to protect residents in the proposed annexation area.

Currently snow removal is performed by Lancaster County and, relatively speaking, we are densely populated in relation to the county as a whole. Because of this the county has been quick to perform snow removal. Conversely the Grand Terrace subdivision, maintained by the City remains snow packed long after the County has removed the snow. Residents from Grand Terrace are parking on streets maintained by the county and walking home.

Planning department officials stated we needed to pay our fair share for street maintenance and pay the City wheel tax. Residents in the proposed annexation have already paid for street improvements by forming a paving district and hard surfacing the residential roads. Library services was another item mentioned that we don't get assessed for. Library cards are free for all residents of Lancaster County. Why not assess the entire county for those services?

Regarding burn permits: to maintain an acreage, vegetation needs to be removed and disposed of. Burning works very well for disposing of this waste. We can see where neighbors could complain about a neighbor burning in a dense residential neighborhood. Some folks probably complain about their neighbor's wood burning fire pit. However, burning yard waste on an acreage is much different than burning in a dense residential neighborhood.

Regarding water and sewer services, we have all made investments in those systems and we do not believe many of our neighbors want to form a sanitary or water district. At a cost of \$40/linear foot for construction of those facilities, on average a 3 acre lot would pay \$16,040 and a 5 acre lot \$20,280 for services they already have. On top of this we would then have to pay

the city a monthly utility bill. In addition residents would have the upfront cost of extending service connections to the water and sanitary sewer lines.

As stated previously, we see no upside to being annexed into the city of Lincoln. With the added property tax, well inspections and wheel tax (I am not opposed to paying a wheel tax). My tax burden goes up \$1,662.35 per year, an increase of 27 percent with no added benefit.

It is ironic, if annexed my taxes go up 27 percent even though I would no longer be assessed for fire protection from the SEFD. And with the annexation the SEFD would lose 20 to 25 percent of their funding needed provide me with fire protection.

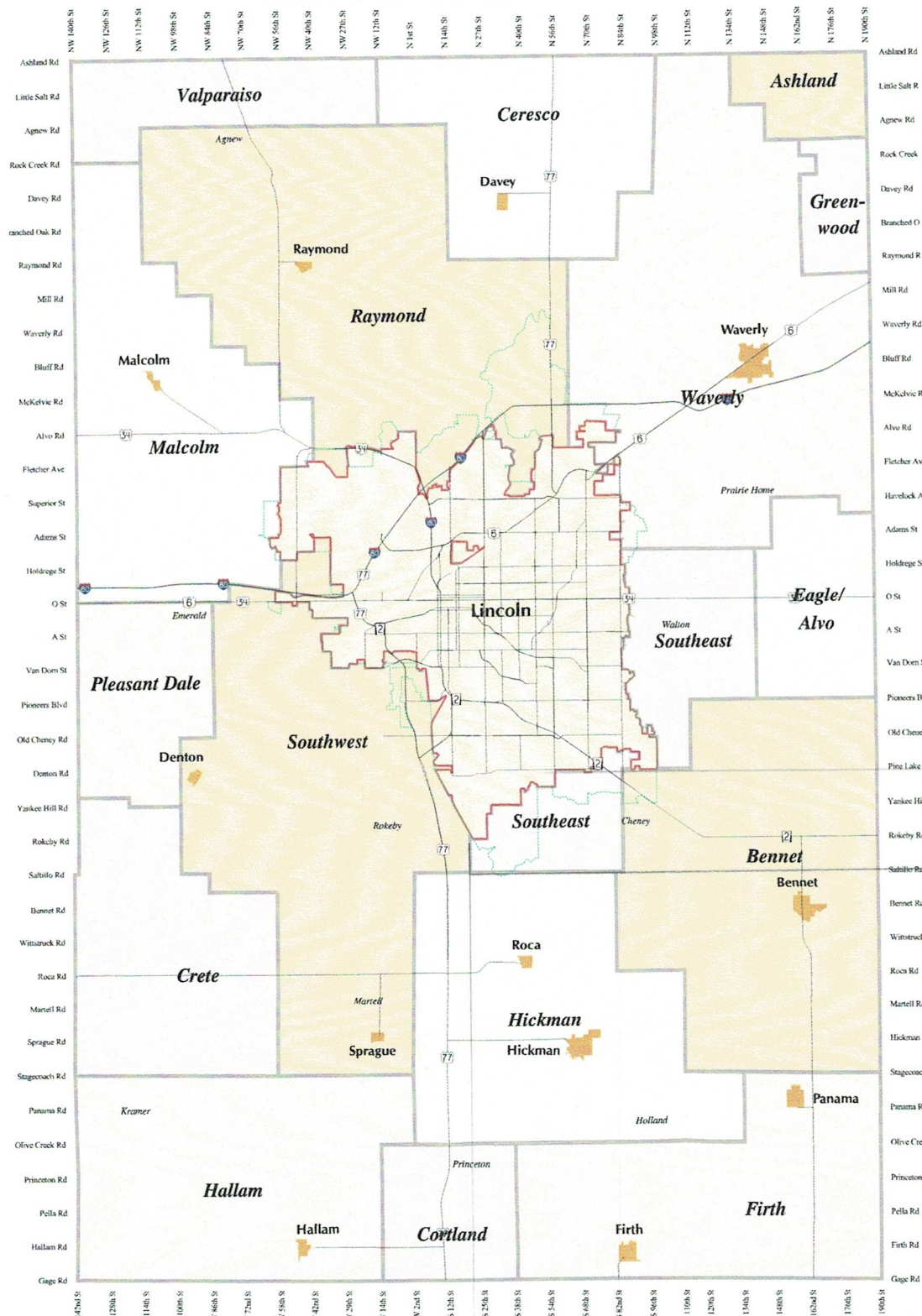
Respectfully,



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# LANCASTER COUNTY RURAL FIRE DISTRICTS



## LEGEND

- Rural Fire District Boundaries
- Lincoln Corporate Limits (7/01)
- Lincoln Future Service Limit

Incorporated Villages



MILES  
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