

DIRECTORS' ORGANIZATIONAL MEETING

Monday, March 19, 2018

555 S. 10TH STREET

BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' minutes from March 12, 2018

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

V. DIRECTORS CORRESPONDENCE

PLANNING DEPARTMENT

1. Administrative Approvals from March 6, 2018 through March 12, 2018
2. Action dated March 14, 2018
3. Final Action dated March 14, 2018

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. MAC - Shobe (03.13.18)
2. BOH - Shobe (03.13.18)

VII. CONSTITUENT CORRESPONDENCE

1. Proposed Bump Stock Ban, opposition - Eugene Cook
2. Proposed Bump Stock Ban, opposition - Bruce Stahl
3. Proposed Bump Stock Ban, opposition - Cody Noble
4. Suggestion to tax plastic bags - Dennis Wertz
Response provided by Councilman Camp

VIII. MEETINGS/INVITATIONS

See invitation list.

IX. ADJOURNMENT



Memorandum

Date: ♦ March 13, 2018
To: ♦ City Clerk
From: ♦ Amy Huffman, Planning Dept.
Re: ♦ Administrative Approvals
cc: ♦ Mayor Chris Beutler
Planning Commission
Geri Rorabaugh, Planning Dept.

This is a list of the administrative approvals by the Planning Director from March 6, 2018 through March 12, 2018:

Administrative Amendment No. 18015, to Special Permit No. 04045, North American Martyrs Catholic Church, approved by the Planning Director on March 9, 2018, to rescind Special Permit No. 04045 because the special permit is no longer necessary due to a change in the applicable language in the zoning ordinance, generally located at 1101 Isaac Drive.

F:\DevReview\AAAAA weekly approvals City.wpd

City/County Planning Department
555 S. 10th Street, Ste. 213 • Lincoln NE 68508
(402) 441-7491



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

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 14, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, March 14, 2018, immediately following the regular Planning Commission hearing, in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss the Residential Land Inventory Report.

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

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

AGENDA

WEDNESDAY, MARCH 14, 2018

[Commissioner Harris absent]

Approval of minutes of the regular meeting held February 28, 2018. ****APPROVED: 7-0; Washington abstained; (Harris absent)****

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

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEM:

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- 1.1a Comprehensive Plan Conformance No. 18006, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a request to declare City owned property as surplus, on property generally located at approximately 22nd Street and Capitol Parkway.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission recommendation: Conforms to the Comprehensive Plan: 8-0 (Harris absent). Public hearing before the City Council tentatively scheduled for Monday, April 2, 2018, 3:00 p.m.
- 1.1b Change of Zone No. 18004, to rezone surplus property from P (Public Use

District) to B-4 (Lincoln Center Business District), on property generally located at approximately 22nd Street and Capitol Parkway.

Staff recommendation: Approval

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

Planning Commission recommendation: APPROVAL; 8-0 (Harris absent). Public hearing before the City Council tentatively scheduled for Monday, April 2, 2018, 3:00 p.m.

PERMITS:

- 1.2 Pre-existing Special Permit No. 33B, to allow for the sale of alcohol for consumption off the premises, on property generally located at 1101 West Bond Street. ****FINAL ACTION****

Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated February 27, 2018: 8-0 (Harris absent). Resolution No. PC-01591.

- 1.3 Special Permit No. 18005, to extend the back section of an existing house by two feet, on property generally located at 2900 F Street. ****FINAL ACTION****

Staff recommendation: Conditional Approval

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

Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated March 1, 2018: 8-0 (Harris absent). Resolution No. PC-01592.

2. **REQUESTS FOR DEFERRAL:** See Item No. 5.1.

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

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

CHANGE OF ZONE AND RELATED SPECIAL PERMIT:

- 4.1a Change of Zone No. 18003, from R-2 (Residential District) to H-3 (Highway Commercial District), on property generally located at 340 West Cornhusker Highway.

Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Planning Commission recommendation: APPROVAL; 8-0 (Harris absent). Public hearing before the City Council tentatively scheduled for Monday, April 2, 2018, 3:00 p.m.

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4.1b Special Permit No. 18007, to allow for the sale of alcohol for consumption on the premises, on property generally located at 340 West Cornhusker Highway. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated March 1, 2018: 8-0 (Harris absent). Resolution No. PC-01593.

SPECIAL PERMIT:

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4.2 Special Permit No. 18002, for the development of 22 dwelling units, including waivers to zoning and subdivision requirements, on property generally located at 1125 West A Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the amended conditions as offered by the applicant: 8-0 (Harris absent). Resolution No. PC-01594.

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

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5.1 County Preliminary Plat No. 18001, to add two commercial lots, on property generally located at 10200 South 158th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission granted the applicant's request for an additional 2-week deferral, with PUBLIC HEARING AND ACTION scheduled for March 28, 2018.

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

Adjournment: 2:02 p.m.

PLANNING COMMISSION FINAL ACTION NOTIFICATION

TO: Mayor Chris Beutler
Lincoln City Council

FROM: Geri Rorabaugh, Planning

DATE: March 14, 2018

RE: Notice of final action by Planning Commission: March 14, 2018

Please be advised that on March 14, 2018, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

Resolution No. PC-01591, approving **PRE-EXISTING SPECIAL PERMIT NO. 33B**, to allow for the sale of alcohol for consumption off the premises, on property legally described as Lot 1, Union Pacific 6th Addition, located in the SW 1/4 of Section 10-10-6, Lincoln, Lancaster County, Nebraska, generally located at 1101 West Bond Street;

Resolution No. PC-01592, approving **SPECIAL PERMIT NO. 18005**, to extend the back section of an existing house by two feet, on property legally described as Lot 10, Block 1, Grant Addition and the South 1/2 of the adjacent alley abutting thereon, located in the SW 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska, generally located at 2900 F Street;

Resolution No. PC-01593, approving **SPECIAL PERMIT NO. 18007**, to allow for the sale of alcohol for consumption on the premises, on property legally described as Lots 10-37, and that portion of Lot 38 not dedicated as right-of-way (right-of-way is a triangular area 25' on the north and 25' on the east), and the vacated alley adjacent to Lots 12-37, all in Block 7, Midway, located in the NE 1/4 of Section 15-10-6, Lincoln, Lancaster County, Nebraska, generally located at 340 West Cornhusker Highway; and

Resolution No. PC-01594, approving **SPECIAL PERMIT NO. 18002**, for the development of 22 dwelling units, including waivers to zoning and subdivision requirements, on property legally described as Lot 222, I.T., located in the NW 1/4 of Section 34-10-6, East of the 6th Principal Meridian, Lincoln, Lancaster County, Nebraska, generally located at 1125 West A Street.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the City Clerk 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 (Keyword = PATS). Use the "Search Selection" screen and search by application number (i.e. PESP33B, SP18005). The Resolution and Planning Department staff report are in the "Related Documents" under the application number.

03-09-2018

Dear City Concilpersons;

I am a 78 year old man so I am writing to you over my concern about the jeopardy that it appears you are willing to put my children and grandchildren in by imposing a bump stock ban.

A couple of years ago I contacted the Lincoln Police department regarding their weaponry to protect Lincoln citizens from drug gangs, potential ISIS raids and other criminal activities. I learned that they only had enough assault type weapons for about one-half of the police cruisers. I was advised that drug gangs and other criminals had more and more powerful weapons than they had. I sent them a check to purchase at least one more assault weapon.

It is obvious to me that our police force does not have the capacity to protect the citizens of Lincoln in the event of a mass drug gang or ISIS attack. I fully expect the city of Lincoln to experience a massive attack by radical ISIS converts in the next 10 to 20 years. This means that Lincoln citizens must be prepared to be able to assist law enforcement for our own survival. We will need every military type weapon to do so.

If you think that passing a law will keep bump stocks away from criminals, gangs and ISIS you are terribly uninformed. Anyone can make a bump stock with a 3-D printer. Your good intentions will only put law enforcement and law abiding citizens at an impossible disadvantage in any confrontation with those who are determined to do mass harm.

I really dislike what I am having to say. However any erosion in citizens rights to have weapons sufficient to counteract terrorism is the wrong approach. Do you remember watching all the christian population being beheaded or otherwise slaughtered in Iraq? They had no weapons to defend themselves. Daily there are lives being lost in Syria and I have never seen a newscast where the general population of citizens were armed.

I know that the recent school shooting are horrible. However, the last thing that needs to happen is to have overreaction that will cause the general population to become extremely vulnerable. For our defense it is critical to keep bump stocks and all other weapons legally available to the general public.

Sincerely;

H. Eugene Cook
H. Eugene Cook

2200 Larchdale Drive

Lincoln, NE 68506 (402) 327-0654

Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Tuesday, March 13, 2018 6:09 PM
To: Angela M. Birkett
Subject: FW: Bump stock ordinance filled with errors and bias

Please share with my Council colleagues.

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

From: Bruce Stahl [mailto:brucestahlis@yahoo.com]
Sent: Tuesday, March 13, 2018 1:46 PM
To: Jon Camp
Subject: Bump stock ordinance filled with errors and bias

Jon, upon review of the proposed ordinance to ban bump stocks, I conclude it is replete with bias, opinion and misinformation rather than fact.

A. Justification

I've wondered as to the justification for the ordinance (other than a crisis is a terrible thing to waste). It appears in page one, lines 10 to 14 and page 2, lines 5 to 7.

In the former the writer cites the Las Vegas shooting. The ordinance states:
"The firearms used in the massacre included those that were modified with bump stocks."

There are varying reports of the shooter having between 17 and 23 rifles in the room with at least one having a bump stock. I found no report as to which rifles the shooter actually used. Yet the ordinance writer makes the leap from having a bump stock to using a bump stock.

Further, the ordinance does not cite any crimes elsewhere where fatalities were the result of a shooter using a bump stock. I have not found any reports regarding any such occurrence. The ordinance is built upon what might have happened in one unique instance.

On page two I note "...to prohibit firearm accessories that allow multi burst trigger activation promotes the public health, safety, and welfare of the City's residents..."

In my opinion it is not good public policy or justification to generalize to a population the attribute that lawful citizens possessing a bump stock are prone to commit mass murder, hence said lawful citizens should by force of law be denied such personal property. That on its face is absurd and which does not lead to a health and safety issue.

On the other hand, a criminal or deranged person who has a bump stock will keep it. Criminals and the mentally deranged don't follow ordinances. I believe it is fair to say whatever their motivation for owning a bump stock, good people will not use a bump stock for the wrong reasons just as bad people will use anything to achieve their evil.

B. Unlawful weapons

Returning to page one, lines 18 and 19:

The writer declares a bump stock is a "...a design of dramatically increasing the firing rate of an otherwise legal weapon to the firing speed and capability of unlawful weapons:"

Presuming the cited unlawful weapons are fully automatic rifles (machine guns), the writer is schooled in the Diane Feinstein misrepresentation that fully automatic rifles are unlawful. Machine guns are legal. Highly regulated by ATF but absolutely legal. Period.

C. No valid purpose

Page one, lines 20 and 21 reveal bias and misinformation in the form of opinion:

"WHEREAS, not only do these devices exponentially increase the lethality of the weapons, they are undesirable for any legitimate hunting or sporting purpose...."

The writer clearly is unaware that one can rent the use of a fully automatic rifle (machine gun) as closely as an Omaha gun range, namely the Omaha Gun Club. (There may be others; I just stopped looking having easily found one.) Presumably there are sufficient law abiding persons who enjoy the sport of target practice with a machine gun. The writer is making an opinion without substantiating fact. The existence of a machine gun rental business in Omaha might therefore suggest that lawful owners of bump stocks may seek the same sporting use without incurring substantial rental fees.

D. Weapon control

The writer continues as if a firearms expert by indicating bump stocks "...severely compromise accuracy and the ability to control a weapon;" (page one, line 21 and page two, line 1). I presume control of *any* firearm is a function of the skill of the operator rather than declare accuracy and control are always compromised.

E. Lack of regulation

Continuing on page two, lines 9 and 10, the writer states the City Council has found that multi burst trigger activation is not currently regulated by Nebraska or the federal government. Why should a completely legal firearm device be regulated by the federal government? The ATF declared in 2010 that bump stocks are legal. Therefore, if the highest authority in the nation declares bump stocks legal why should they be illegal in the City of Lincoln?

F. Other questions

How will banning the possession of bump stocks by law abiding citizens affect their ownership by criminals and the mentally deranged? By definition a criminal does not follow laws.

Is the actual result of the proposed ordinance to criminalize law abiding citizens???

Has there ever been a police report that stolen rifles included bump stocks? Is there any real risk therefore that bump stocks will fall into criminal hands (as if they don't already have them)?

If the law abiding citizen with a bump stock is prohibited from possessing, selling, giving away or furnishing it to another person, what is expected to be done with it following passage of this ordinance? Turn it into LPD? Amnesty? Will the city reimburse their initial purchase price because the city is effectively confiscating personal property and creating loss by the law abiding citizen?

If it is unlawful to sell or give away a bump stock, and the person does give it away, then do we have a process crime rather than a possession crime?

If someone from outside the city limits or someone visiting from another state is stopped for speeding and has a legal, but bump stock equipped, rifle in the back seat, will LPD have probable cause to inspect the rifle, seize the weapon and cite the offender? In the interest of fairness, should the city post signs at the city limits indicating "Lincoln is a bump stock free city. Violators will be prosecuted. Turn around if you have a bump stock in your vehicle."

Will enforcement be as the tax stamp on illegal drugs like marijuana? If caught, the perp is charged with possession and not having a tax stamp. So if someone robs a bank with a bump stock equipped weapon will he be charged with robbery and possession of a bump stock?

Will range operators be ordered to call police if someone is using a bump stock?

If a bump stock is attached to a rifle, will police seize the entire rifle as evidence or just the bump stock? Will the gun owner ever get the rifle, sans bump stock, back?

If the bump stock is not attached to a rifle, mere possession is the crime. Is there an implication that possession is so dangerous due to the apparently obvious intent to commit mass murder? This quickly gets silly.

Will Denton and Waverly become sanctuary cities for all things bump stock as they are with fireworks in late June? Same for the Isaac Walton League shooting range?

G. My thoughts

This ordinance is symbolism over substance. WE MUST DO SOMETHING!!

Once bump stocks are banned (an easy target these days, no pun intended), those leaning left will cross that off their list. The next thing they will demand is that "no one needs" a magazine capacity over whatever arbitrary limit they place and force upon the citizenry. Scary looking guns should be banned. This is a slippery slope. We've learned that from New York State and California, among others.

Not far fetched if the City Council has a predominantly left leaning majority with a left leaning mayor. Emboldened with the victory of banning bump stocks, the precedent, the Council can resume the march toward limiting the second amendment.

Here is my reality. Bump stocks are a red herring. Banning bump stocks in a city of less than one hundred square miles really will not affect the availability of them. Not at all. The criminal or mentally deranged is barely inconvenienced to go elsewhere to buy one. And who pays the price? The law

abiding citizen who must abandon his/her two hundred dollar investment and use of an otherwise lawful firearm accessory.

Please oppose a bump stock prohibition on the grounds it affects only lawful citizens rather than the mentally deranged and criminal element. The purpose of an ordinance should be directed toward the mentally deranged and lawless, not the lawful. And from a practical viewpoint, it is unenforceable without compliance by lawful citizens.

Thanks for listening, Jon.

Bruce Stahl
Lincoln

P.S. Amusingly, Dan Marvin cites that Denver has a bump stock regulation. Any time Denver is held out as a good example, the phrase "Denver, where marijuana is a recreational drug,..." should precede it.

P.P.S. I think a person who uses a bump stock on a valued rifle is an idiot. I understand the rapid recoil on a rifle not intended for sustained use will destroy the mechanism. Additionally the heat generated likely will cause barrel failure.

Angela M. Birkett

From: Cody Noble <cody.noble@hotmail.com>
Sent: Tuesday, March 13, 2018 11:37 AM
To: Jon Camp
Subject: Bump Stock

Follow Up Flag: Follow up
Flag Status: Completed

Good day sir,

I understand that there is a proposal to place a ban on bump stocks to be considered by the City Council. From what I have read on the mater it will make it illegal to sell, possess, or give away. I find this to be a gross violation of the Second Amendment. I struggle to see how it is appropriate or legal for a local government entity to confiscate the property of tax paying citizens that where legally acquired and which are protected by the constitution. I do understand the seriousness of this subject mater, but I fail to see how violating the constitutional rights of our citizens improves their lives. What will be the next constitutional right that will be taken from us? Freedom of speech? Freedom of religion?

Sent from my iPhone

Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>
Sent: Wednesday, March 14, 2018 10:48 AM
To: Jon Camp; Leirion Gaylor Baird
Subject: InterLinc - Contact

Follow Up Flag: Follow up
Flag Status: Completed

City Council - Contact

Date : 3/14/2018 10:47:39 AM

name Dennis Wertz

address 7208 Shirl Dr.

city Lincoln

state NE

zip 68516

email nebden1@hotmail.com

comments It appears Omaha is considering a tax on plastic bags. Since Lincoln is such a "green community", when is the council going to consider banning them or taxing them? I doubt that it will.

IP: 97.98.129.173

Form: <http://lincoln.ne.gov/city/council/contact.htm>

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/64.0.3282.186 Safari/537.36

Angela M. Birkett

From: Jon Camp <joncamp@lincolnhaymarket.com>
Sent: Wednesday, March 14, 2018 12:10 PM
To: nebden1@hotmail.com
Cc: Angela M. Birkett
Subject: Plastic bags

Follow Up Flag: Follow up
Flag Status: Completed

Dennis I'm out of town for the near future. Thank you very much for your email regarding plastic trash bags thank you.

Jon

Jon Camp