# DIRECTORS'/ORGANIZATIONAL AGENDA
# ADDENDUM
## Monday, September 14, 2020

**I. CONSTITUENT CORRESPONDENCE**

1. Four Simple Steps to Swift Economic Recovery - Robert Borer
2. Dreamer 20R-339 Resolution Testimony - Nebraska Appleseed
3. Annexation 20001 and Change of Zone 20002 - Todd Daringer
4. DACA Resolution - Alejandra Ayotitla
5. Letter expressing concerns Transitional Living Facilities - Roy Helm
6. SP04009A - Christopher Weber
   Staff response provided by Geri Rorabaugh, Planning Commission

## Angela M. Birkett

**From:** Robert Borer <robert.borer@doane.edu>
**Sent:** Friday, September 11, 2020 2:10 PM
**To:** Council Packet
**Subject:** Four Simple Steps to Swift Economic Recovery

**[CAUTION]** This email comes from a sender outside your organization.

Ladies and Gentlemen of the Council-

If you wish to serve your community and spark quick economic recovery, the means to do so is staring you in the face, and you don't even have to leave your easy chair:

1. Conduct a no confidence vote on the fitness of the Oppressor occupying the Executive office to serve and lead this community with integrity, wisdom and goodwill.

2. Rescind the Emergency Declaration and all associated DHMs. There is no pandemic in our community, or anywhere near us. Case numbers are meaningless. They have no correlation with illness, let alone hospitalization. The PCR test is being abused. It wasn't designed to be a diagnostic tool. The only purpose the numbers serve is to fear-monger and oppress.

Plenty of time has gone by for everyone to be exposed to your boogeyman—look how fast it went around the world! Similar-sized communities fared perfectly well without your draconian measures, and they are *still* fairing well. The best part is they don't need an "Economic Recovery Task Force," because they didn't engage in overreach and ***create*** economic disaster like our Executive did.

3. Stop projecting your racism onto the rest of the community by signing nonsensical resolutions, like Bowers just did. They only serve to create division and strife. Lincoln is not a racist community.

4. Tell the media.

That's it.

Your move.

Bob

P.S. For myself, I haven't worn a mask yet, nor stayed home, nor isolated, nor distanced. Regular close social interaction from day one. Traveled to FL and back, WI and back, and CO and back. Plus I'm "high-risk" at 61. All of that and not even a sniffle. Your boogeyman doesn't exist. You bought into a false narrative. But then, you've known that for some time. You just hate to admit you were conned.

## Angela M. Birkett

**From:** Schuyler Geery-Zink <schuylergz@neappleseed.org>
**Sent:** Friday, September 11, 2020 3:21 PM
**To:** Council Packet
**Subject:** Dreamer 20R-339 Resolution Testimony
**Attachments:** Letter - Dream Resolution - Lincoln City Council Sept. 2020 (final).pdf; Fact Sheet - Nebraska Dream & TPS Populations and Economic Contributions 2019.docx; Fact Sheet - Dream & Promise 2019-2020.pdf

**[CAUTION]** This email comes from a sender outside your organization.

Hi,

Here is Nebraska Appleseed's written testimony and other attached documents for City Council members on the Dreamer Resolution.

Thank you!

Best regards,
Schuyler

--
**Schuyler Geery-Zink, J.D.**
Staff Attorney, Immigrants & Communities Program

**Nebraska Appleseed**
941 O Street, Suite 920 | Lincoln, NE 68508
Cell: (402) 540-3248

*Ideation | Strategic | Futuristic | Learner | Intellection*
**neappleseed.org** | facebook.com/neappleseed | twitter.com/neappleseed

CONFIDENTIALITY NOTICE: The materials in this electronic mail transmission (including all attachments) are private and confidential and are the property of the sender. If you are not the intended addressee, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this material is strictly prohibited. If you have received this electronic mail transmission in error, please notify the sender by replying to the email or by telephone.

NEBRASKA
APPLESEED
STAND UP FOR JUSTICE

September 11th, 2020

Lincoln City Council
555 S 10th St #111
Lincoln, NE 68508

RE: 20R-339 Support for Resolution for Dreamers in Lincoln

Dear City Council Members,

Dreamers are valued friends and community members who have lived in Nebraska for decades and contribute to our local communities in numerous ways. We strongly support and appreciate this resolution from the City Council. The decision aligns with the strong community support we've seen from diverse institutions and leaders over many years, including the Lincoln Chamber of Commerce, Nebraska Cattlemen, Nebraska Catholic Conference, Great Plains Methodist Conference, Nebraska Restaurant Association, and many others in Lincoln and across the state.

Dreamer Nebraskans are an important part of our community and contribute enormously to the social and economic fabric of society. As demonstrated in the attached fact sheet, Dream and TPS residents make substantial state, local, and federal tax contributions annually, not to mention their contributions as health care, education, agriculture, and other professionals.

At the same time, Dreamers, their families, employers, and communities have been waiting for nearly 20 years for Congress to pass the Dream Act in order to have stability. It's time to stop living life in two-year increments. These small steps forward are long overdue. The Dream Act was first introduced in 2001. Young people who were finishing college then and awaiting a path forward are now entering their forties.

Nebraska communities thrive when we have stable families, stable workplaces, and common-sense processes for longtime residents to apply for permanent residency and

941 O STREET, SUITE 920 LINCOLN, NE 68508 ^ P 402.438.8853 ^ F 402.438.0263 ^ NEAPPLESEED.ORG

citizenship, in keeping with our values and the parts of our history when we have lived up to those values.

In accordance with strong, Lincoln community support for practical policies that move us forward, we thank you for proactively supporting Dreamers with this resolution.

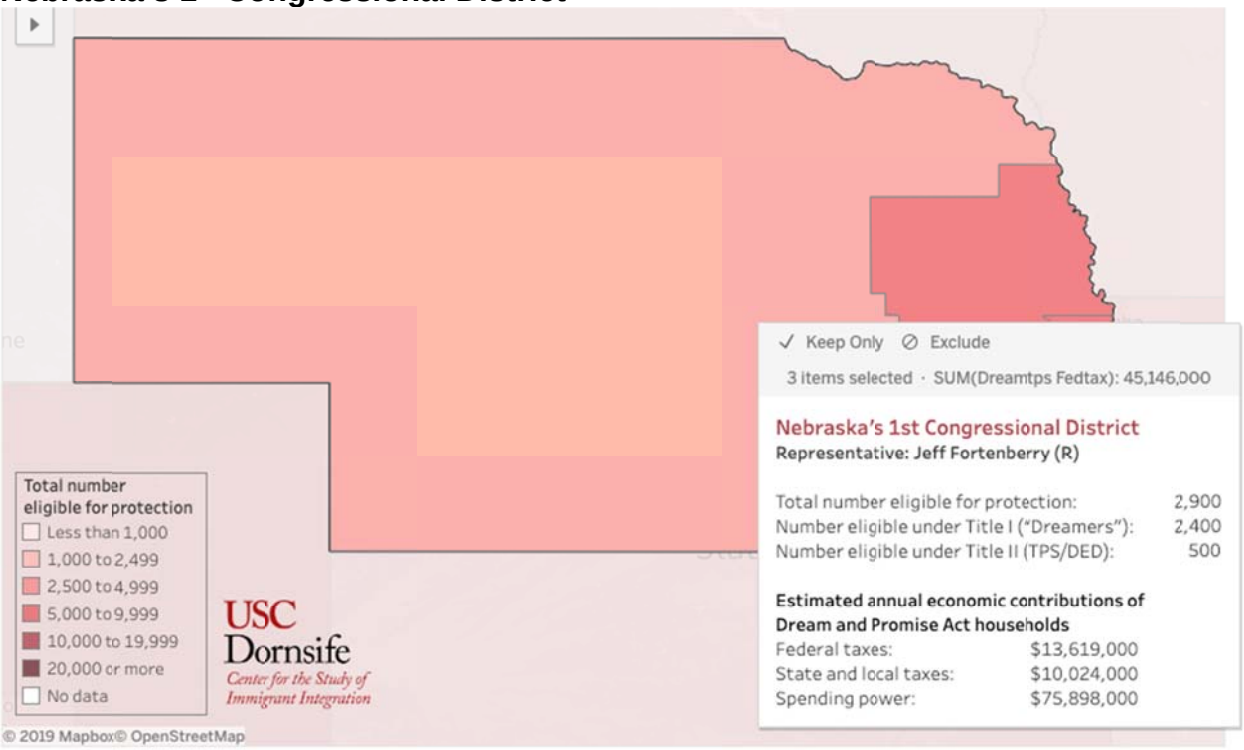
Sincerely,

Schuyler C. Geery-Zink
Staff Attorney, Immigrants & Communities Program
Nebraska Appleseed

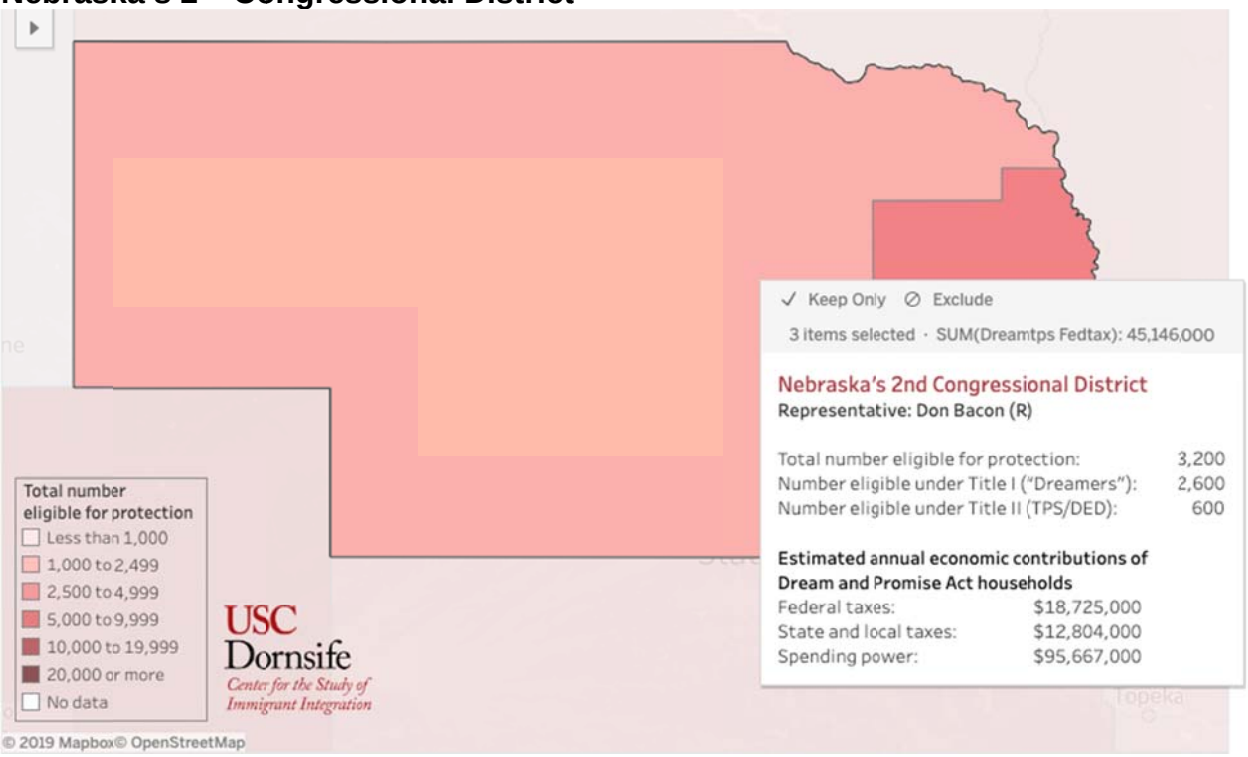
# Tax and Economic Contributions of Dreamer and TPS Nebraskans

## Estimated Number Eligible for Protection Under the Dream and Promise Act of 2019 by U.S. Congressional District (116th Congress Boundaries)

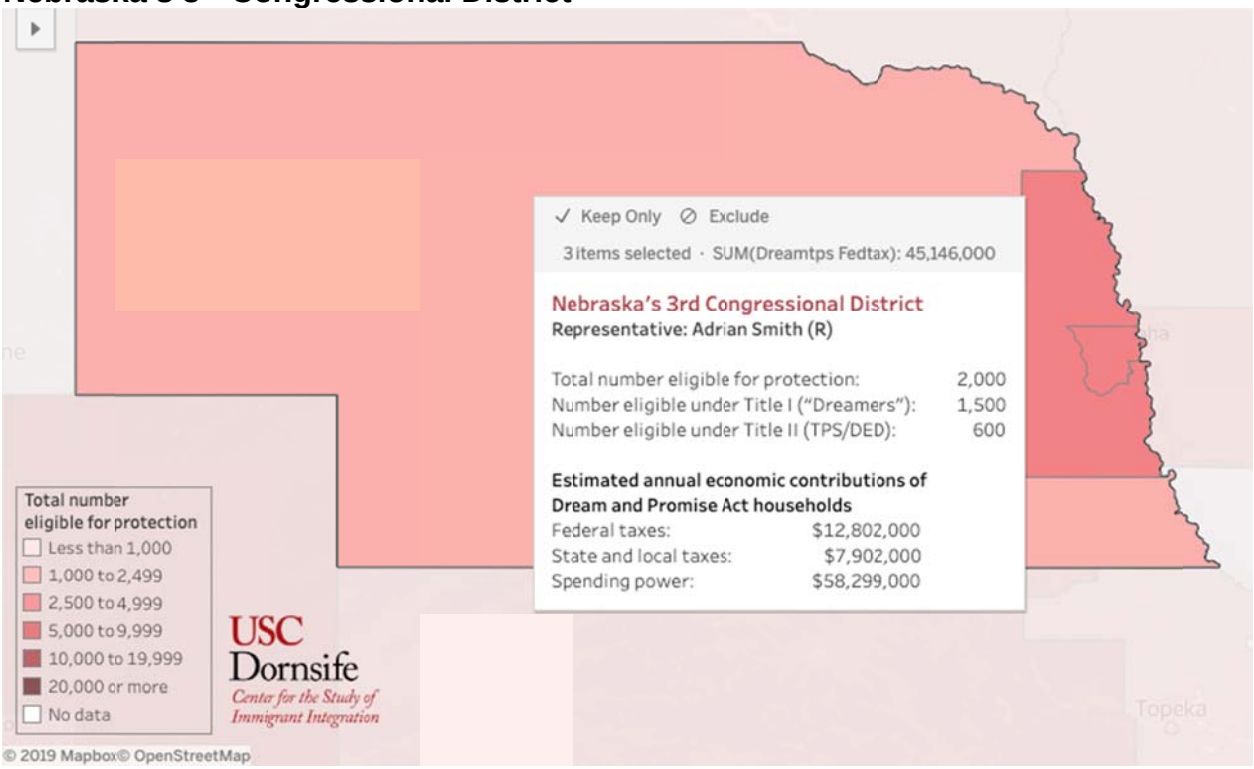
### Nebraska's 1st Congressional District




### Nebraska's 2nd Congressional District



**Nebraska's 3rd Congressional District**




Source

Center for the Study of Immigrant Integration (CSII). (March 21, 2019). *Interactive Map: American Dream and Promise Act of 2019 (H.R. 6) Populations and their Economic Contributions by U.S. Congressional District*. Retrieved April 16, 2019 from https://dornsife.usc.edu/csii/map-dream-and-promise-act/

NEBRASKA APPLESEED
STAND UP FOR JUSTICE

**"Nebraska has been my home for 13 years, and despite every obstacle that I faced as an undocumented student, and later with DACA protection, I love giving back to the place that has given me so much. I have not come this far to stop now."**
**-Alejandra Ayotitla, Dreamer**

# SUPPORT A *Dream & Promise for Nebraskans*

## Nebraskans Support Immigration Reform

According to the 2019 UNL Rural Poll:

**62% of Rural Nebraskans** support undocumented immigrants who have lived, worked, and & paid taxes for 5 years or more **to stay legally and have access to citizenship.**

**70% of Rural Nebraskans** want DREAMers to have the opportunity to become U.S. citizens.

Border security interest in Nebraska decreased nearly **10% from 2006 to 2019.**

**"I have had the blessing of living in the good life state for 23 years. With God's help, many sacrifices, and hard work I have built a life here with my family. But unfortunately, I don't have stability around my status. I would like to ask our Nebraska members of Congress to please support TPS families like me who work very hard and need a more stable and permanent solution."**
**-Jose Palacios, TPS resident**

## Immigrant Nebraskans Contribute:

### ECONOMY

Undocumented Nebraskans pay nearly $40 million per year in state/ local taxes alone and contribute work skills across the state. The annual spending power of Nebraska Dreamers and TPS families exceeds $230 million (ITEP, 2019).

### FAMILY

Families are stronger together. Many Nebraska families have mixed immigration and U.S. citizen status. Families should not be separated at the border or due to deportation.

### COMMUNITY

In Nebraska we build vibrant, safe, and diverse communities together. Immigrants contribute to local communities through work, culture, volunteerism, and faith communities.

## Angela M. Birkett

**From:** tdaringer <tdaringer1@gmail.com>
**Sent:** Saturday, September 12, 2020 3:46 PM
**To:** Council Packet
**Subject:** Re: Annexation 20001 and Change Of Zone 20002

**[CAUTION]** This email comes from a sender outside your organization.

Dear Lincoln City Council,

I'd like to submit a couple of comments on Annexation 20001 and Change of Zone 20002 for the area near 40th & Rokeby Road to be discussed by the council on September 14th, 2020 (I believe).

I live in the acreage development, Silver Springs, directly east of 40th & Rokeby Road. My home is located more or less due east of the proposed new Bryan cancer facility. Needless to say, one of the main reasons I built my home in this spot 15 years ago was for the peaceful, rural landscape views and the spectacular sunsets in the west. I understood that the farm land to our west would develop one day and I accept that inevitability. Lincoln is growing.

My primary concern with the items of discussion today is the request for a waiver of height restrictions, particularly for the future Bryan campus buildings and the future apartments. Although I don't necessarily object to commercial buildings in that area (and in my direct western view), I'm not thrilled about any of these projects receiving special dispensation to be up to 65 feet tall. Please keep in mind that these projects are flanked on the east (from Yankee Hill Rd. to Saltillo Rd.) entirely by acreages. Obviously, buildings 55 and 65 feet tall would negatively affect these acreages' views as illustrated by the developer's topographical cross section drawings. Both the Bryan future expansion and the apartments would dominate our horizon, even after the residential area between us fills in. Such tall buildings would stand in stark contrast to the rural nature of the surrounding area. I request that the developers be required to follow the established height standards that are in place for commercial buildings. Please, no special height exceptions.

Additionally, I would request that the developers not be allowed to waive any of the established environmental performance standards (relating to noise, emission, dust, odor, glare and heat) for developments of this type.

In short, I'm not against the projects. I just ask that all the normal rules and *protections* for the surrounding neighbors to be observed without special exemptions or waivers.

Sincerely,

Todd Daringer
10630 Cromwell Drive
Lincoln, NE 68516
(402) 483-0119

## Angela M. Birkett

**From:** Alejandra Ayotitla Cortez <aleac@live.com>
**Sent:** Sunday, September 13, 2020 12:04 PM
**To:** Council Packet
**Subject:** DACA Resolution - Alejandra Ayotitla
**Attachments:** LNK DACA City Council Resolution 2020.docx

**[CAUTION]** This email comes from a sender outside your organization.

To whom it may concern,

I am attaching my testimony in support of the DACA resolution before Lincoln's City Council.

Best regards,

Alejandra Ayotitla
J.D. Candidate, Class of 2022
University of Nebraska College of Law
(402) 840-2800

Alejandra Ayotitla
September 14, 2020

Dear Lincoln City Council members:

I was born in Mexico, and came to Lincoln when I was nine years old. I started 4th grade at Everett, where I had caring teachers who helped me learn the language and adjust to my new life. I tested out of the English as a Second Language program in middles school. During high school I was enrolled in the gifted program and took college credit courses. But my life was very different than that of my peers. I did not get a driver's license on my 16th birthday, I did not work during the summers, nor did I qualify for financial aid to go to college. I was not alone; Dreamers across the country in the same situation had been advocating for a solution. Thanks to these tireless efforts, DACA was implemented. Thus, opening countless opportunities that had not been available to us before.

It has been eight years since I first obtained DACA. I am now a second-year student at the University of Nebraska College of Law. As an undergraduate student at UNL, I was part of the Susan Buffett Scholarship learning community, participated in a distinguished undergraduate research program, studied abroad, and worked. For about four years I worked in a nonprofit, helping adults obtain their high school diploma and supporting legal permanent residents who were in the process of obtaining citizenship. I also worked as a community organizer. As an organizer I had the opportunity to engage with the immigrant community statewide to build leadership and identify opportunities for civic engagement. DACA gave me opportunities that most people take for granted, like having a driver's license. None of this would have been possible without DACA.

Being a Dreamer takes resilience, especially under the current administration. This administration has attacked DACA countless times, leaving Dreamers in limbo and causing constant fear and uncertainty. Each attack has eroded the layer of safety and stability that DACA provided for Dreamers and our entire families and communities. Time and time again, Congress has refused to pass a permanent solution and instead has used us as pawns in their political game. Despite the Supreme Court ruling favoring DACA, the program continues to be in danger. New applicants are denied protection and already existing work permits have been reduced to only a year. Now more than ever, a permanent legislative solution is necessary. It is long overdue.

Thankfully, community members, including my colleagues, college professors, and strangers have stood with me and the Dreamer community. I understand that the City Council does not impact federal policy. But the Council's support means something to me and to other Dreamers in this room. During the nearly four years of this administration, we have done our best to carry on with our daily lives even when they have been turned upside down. We have done our best to stand up and protect our community. Knowing that this city, the place we know as home, stands with us makes the uncertainty and chaos a lighter burden to carry. Therefore, I respectfully encourage you to join Lincoln residents who acknowledge that Dreamers are Nebraskans who have contributed their skills and talents to make this city a better a place for all, and who need a permanent solution to continue to do so.

## Angela M. Birkett

**From:** Roy Helm <rhelm@inebraska.com>
**Sent:** Sunday, September 13, 2020 4:57 PM
**To:** Council Packet
**Cc:** Anna Wishart; Roy Helm
**Subject:** Copy of Letter Expressing Concerns on Title 27 - Transitional Living Facilities
**Attachments:** Title 27 - Transitional Living Facilities letter to David Cary 09-13-20.docx

**[CAUTION]** This email comes from a sender outside your organization.

Hello All:

Please find attached a letter from myself to David Cary, Director of Planning for Lincoln, NE regarding Title 27 – Transitional Living Facilities. While some of my concerns will likely not be addressed by the Planning Commission, it is certainly my hope that some consideration can be given to them before this process is finalized by the City Council.

I hope that this finds you safe and well and I do thank you for the work you do.

Regards,

*Roy Helm*
*2750 South 13th St.*
*Lincoln, NE 68502-3614*

*Cell: 402.405.5984*
*Home: 402.438.2750*

*"Don't judge each day by the harvest you reap but by the seeds that you plant."* - Robert Louis Stevenson

Please consider the environment before printing this email.

**Confidential Notice:**
This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please delete this message from all computers and notify Roy Helm immediately by return e-mail and/or telephone at (402) 405.5984. Thank you.

David Cary, Director City of Lincoln Planning Department
555 S. 10th St., Ste. 213
Lincoln, NE, 68508 USA

In re: Title 27 – Transitional Living Facilities

Dear Mr. Cary,

While your department is primarily concerned about Transitional Living Facilities (TIF) meeting certain criteria regarding zoning matters, I do hope that you will rethink some of your positions and content contained within the draft of Title 27.

Where permitting is concerned, there are multiple departments, agencies, interests and levels of government that should all have equal footing in the determination of approval and as such, should be working in conjunction with each other in order to ensure that all needs are met and concerns resolved prior to a permit being issued or approved. Although this may not be the norm for your department, these types of facilities are not normal either and must be established with great care. Following are some of my suggestions regarding permitting:

- Applicants should be properly vetted in order to ensure that if they already posses or run such a facility, that they are doing so with concern and regard for the success of the residents, which should be a criteria for being granted a permit. We should not see bad operators being issued permits especially if the success rate of the residents in their facilities is poor. The credibility of "new" proprietors needs to be established as well.
- Permits should not be assigned to a property but rather the applicant, who should not be allowed to transfer the permit to another person, business, or other entity. These are not normal businesses. They are not like a beaty salon, garage, convenience store, etc., they involve the well-being of people, with the intent of successfully transitioning the residents from a life of incarceration back into society. It would be unwise to allow transfer of such a facility to another party without benefit of knowing whether the new owner is fit to operate such a business. A new owner would need to go through the permitting process, which could be initiated as part of the purchase process.
- An annual review process should be put into place to ensure that the residence is being operated in a manner that is consistent with successfully transitioning the residents back into society and if the owner is not meeting certain criteria, their permit could be revoked.
- These for-profit facilities are susceptible to unscrupulous profiteers who are less concerned with the success of the residents than they are with net profits. It is abhorrent to consider that some may seek to profit from the misfortunes of others and measures must be taken to ensure that the residents are set up for success and not just concern for the bottom line. Therefore, maintaining a permit should also be connected to and with the success rate of the residents successfully transitioning back into to society rather than being returned to incarceration.
- Public Hearings and approval by the City Council should be retained for permit approval. This is imperative to ensure that the city maintains involvement in this process where these facilities are concerned.

- As this is Nebraska tax money that is being used to fund these facilities, when considering a permit, preference should be given to individuals who reside here, provided they meet the permitting criteria.

There also needs to be clarity on who bears responsibility or liability if a resident or other individual is injured either in the house or on the property. As homeowners, we carry insurance to cover such incidents however, given that the owners of these facilities are being compensated for having residents, is the city, county or state liable for the potential cost of medical bills and punitive damages or will the residents be covered by/under the owners insurance policy in the event of an injury or accident? This certainly needs clarification and perhaps this has already been addressed, but I certainly would like to know.

Additionally, conditions within these facilities should also meet certain criteria, such as:

- One resident per bedroom with each bedroom being equipped with a suitable bed that is on a bed frame and not on the floor.
- Internet and computer should be provided.
- Linens, such as bedding and towels should be furnished.
- The residence should be furnished with reasonable furniture and a place for meals.
- Cookware and utensils as well as plates and silverware should be stocked for use.
- Cleaning products and tools (brooms, dustpan, toilet brush, etc.) should be made available.
- Garbage service to be provided.
- Hot and cold water with suitable sanitary facilities, with enough bathrooms to reasonably accommodate the number of residents.
- Clarity with who is responsible for lawn care and snow removal and if that is to be performed by the residents, that they be provided with the proper tools and PPE to complete those tasks.
- Smoke detectors must be installed, working, and maintained.
- Residents should be able to report issues or problems within the facility without fear of recrimination from the owner.
- In this age of Covid-19, proper face masks and disinfectant should be provided to the residents.
- Rules of conduct should be established for the residents with expectations clearly outlined and detailed.
- Facilities with more than three (3) residents should have some form of overnight supervision, preferably a non-resident person.

It is safe to say that some of the current facilities are being run well by good and decent people who have care and concern for those in need of this type of transitional living experience. However, we should never loose sight of the fact that as these individuals are receiving compensation on a per-resident, per-day arrangement that they effectively work for us and as such, should answer to us. There must be a process set in place for the neighbors to express concerns with either the residents or the owners of such facilities with a reasonable expectation that some remedy will be found. Again, this is our tax money that is being used to finance these facilities, making us stakeholders in this venture and we have every right to expect a certain level of handling.

There is also a high probability that most of these facilities will be established in older neighborhoods due in no small part to lower housing costs and lack of covenants prohibiting such facilities. As these

lower cost houses are converted, care and attention must be given to those families and individuals who are also in need of purchasing low cost homes for themselves to reside in and we must insure that low cost housing remains available to them as well. There must be a comprehensive plan in place to ensure that the needs of the entire community are met and not just those with the means to live wherever they desire.

Safety of both the residents and the neighbors and community members near these facilities is also of concern and there needs to be an effective means to not only address these concerns but to curtail them as well. We all appreciate that when a house sells that we have no control over who may move in next door to us and whether they will be good or bad neighbors. An effective means of mitigating some of these concerns is always through clear and concise communication. The nature of these facilities is that the residents will come and go on a regular basis making it much more difficult for them to be a part of the community or even get to know their neighbors. This turnover can lead to an uneasiness on the part of the neighborhood and they need to know they can trust that the people running these facilities are doing the right things in the right way.

Without a doubt, these facilities are a necessity in assisting those who have "paid their debt" transition back into society and become successful and productive community members. And while I am not completely at ease with having such a facility next door to our house, it would be hypocritical for me to say, "not in my back yard," which I am not. I have grave concerns for how these facilities are run and how the residents may be treated by the unscrupulous profiteers who view these residents as a commodity rather than human beings, which will most likely be the exception and not the rule, but we all must work together to ensure that these facilities are run well and that the residents have every opportunity to succeed in transitioning back into society, no matter who they live next door to.

It is for the stated reasons that I hope you will reconsider some of your positions and take to heart some of my suggestions. As further information, I will be sharing this message with the Lincoln City Council and other members of our community.

Should you wish to further discuss this matter further with me, I would be happy to do so.

Regards,

Roy Helm
2750 South 13th Street
Lincoln, NE 68502
402-405-5984
email: rhelm@inebraska.com

## Angela M. Birkett

**From:** Planning
**Sent:** Monday, September 14, 2020 11:22 AM
**To:** Council Packet
**Cc:** David R. Cary; Steve S. Henrichsen; Rachel K. Jones; cweber98@yahoo.com; Brenda J. Thomas; Rhonda M. Haas
**Subject:** FW: SP04009A

Lincoln City Council Members,

On August 11, 2020, Chris Weber provided written comments in opposition to the above-referenced Special Permit request, which was heard before the Planning Commission on August 19, 2020. This request is before the City Council today for public hearing and action.

Please note that Mr. Weber emailed me this morning noting a couple revisions to the summary report submitted for the application.

1) As part of his comments (pp.18-19 of the summary report), relating to the location of the residential homes, he indicated they are located on the west side but meant to indicate that they are located on the east side.

2) On page 16 of the summary report, he is incorrectly identified as the applicant under "Applicant Rebuttal"; this should be "Wittler" rather than Weber, as Robert Wittler is the applicant.

Please let me know if you have any questions.

Thank you,

*Geri Rorabaugh*
*Lincoln-Lancaster County Planning Department*

---

**From:** Christopher Weber <cweber98@yahoo.com>
**Sent:** Monday, September 14, 2020 10:16 AM
**To:** Planning <Plan@lincoln.ne.gov>
**Subject:** SP04009A

**[CAUTION]** This email comes from a sender outside your organization.

Good morning,

I will not be attending the Lincoln City Council meeting today concerning SP04009A as I have nothing further to provide. However, I do want to point out a couple of corrections that are needed within the Summary Report. On page 16 it lists my name as responding as the Applicant, and this needs to show the Applicant's name. Also, I submitted a correction previously to my comments on page 18 and 19 that are not included. I indicated the residential homes are on the west side and I meant to indicate they are located on the east side.

Thank you.

Christopher Weber
402-770-3413