

**DIRECTORS' ORGANIZATIONAL MEETING**  
**Monday, October 4<sup>th</sup>, 2021**  
**555 S 10<sup>th</sup> Street**  
**LUXFORD STUDIOS**

**I. MINUTES**

1. Approval of Directors; Minutes from September 20<sup>th</sup>, 2021

**II. ADJUSTMENTS TO AGENDA**

**III. CITY CLERK**

**IV. MAYOR'S OFFICE**

**V. DIRECTORS CORRESPONDENCE**

1. BP210929-1 Weekly Admin Approvals, Geri Rorabaugh
2. BPC210929-1 PC Final Action Notice

**VI. BOARDS/COMMITTEE/COMMISSION REPORTS**

**VII. CONSTITUENT CORRESPONDENCE**

1. South 48<sup>th</sup> Street Corridor Blight and Substandard determination, Andrew R. Willis
2. WSKF Approval, Robert L. Walla
3. COVID Facilities idea, JoAnn Murphy
4. Another Nondiscrimination Adoption in PA, George Wolf
5. Support of LMC 14.70 Excavations and 14.75 Driveway Approaches, Scott Fitzgerald
6. Mask mandate, Dmitriy

**VIII. ADJOURNMENT**



# *Memorandum*

**Date:** ♦ September 28, 2021

**To:** ♦ City Clerk

**From:** ♦ Rhonda Haas, Planning Dept.

**Re:** ♦ Administrative Approvals

**cc:** ♦ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from September 21, 2021 through September 27, 2021:

**Administrative Approval 21048**, to Pre-Existing Special Permit 39, Lincoln Trap and Skeet Club, approved by the Planning Director on September 21, 2021, to specify that the access easement on the north side of the property is for use by the City of Lincoln and modify the easement location shown to follow the existing driveway, on property generally located at N. 48<sup>th</sup> Street and Doris Bair Circle.

## PLANNING COMMISSION FINAL ACTION NOTIFICATION

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

**FROM:** Geri Rorabaugh, Planning

**DATE:** September 29, 2021

**RE:** Notice of final action by Planning Commission: September 29, 2021

Please be advised that on September 29, 2021, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

**Resolution PC-01776**, approving SPECIAL PERMIT 04010A, to allow for the sale of alcohol for consumption both on and off the premises, on property legally described as Lots 1 and 2, Block 1, Tamarin Ridge Addition, located in the NE 1/4 of Section 24-9-6, Lincoln, Lancaster County, Nebraska, generally located at 7301 South 27th Street.

The Planning Commission action on this application 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. SP04010A), click on "Search", then "Select", and go to "Related Documents".

F:\devreview\final action notices\cc\2021\092921

**JaMel E. Ways**

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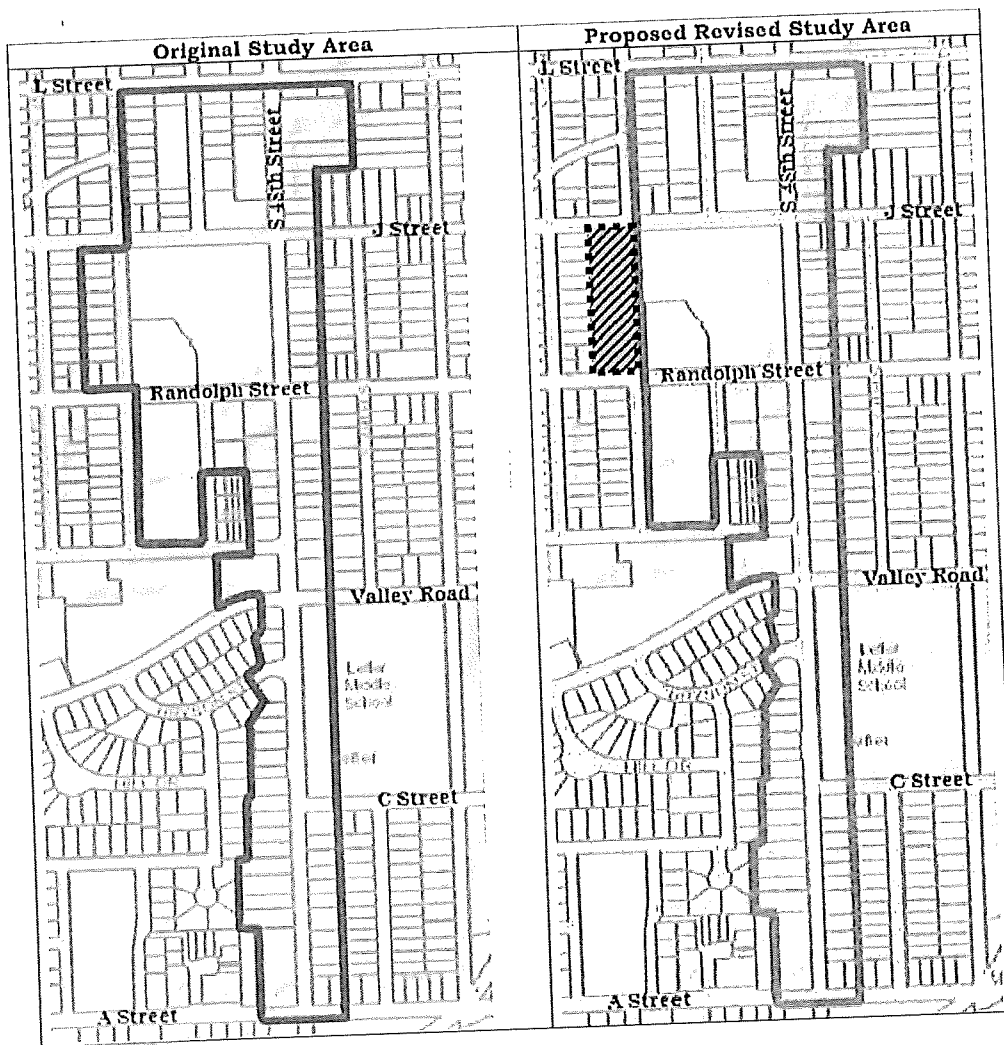
**From:** Andrew R. Willis <awillis@clnewilliams.com>  
**Sent:** Thursday, September 23, 2021 9:11 AM  
**To:** Council Packet  
**Subject:** South 48th Street Corridor Blight and Substandard determination - MISC 21010  
**Attachments:** Excerpts from 9.1.21 Planning Commission minutes.pdf; Tabitha Blight Study Amendment letter.pdf; Proposed Revisions to the Blight and Substandard Study Area.pdf

To the members of the Lincoln City Council –

On Monday, September 27, the City Council will hold a public hearing on the proposed Blight and Substandard Declaration for the South 48<sup>th</sup> Street Corridor (Miscellaneous 21010). I represent Tabitha and will be speak in support of the blight and substandard declaration. I wanted to reach out ahead of time because of one procedural issue that will come up at the Council meeting.

At the Planning Commission meeting on September 1, 2021 (excerpt of the minutes attached), the Planning Commission recommended approval of the Blight and Substandard study with an amendment to remove 10 residential parcels from the blight and substandard area. This amendment was brought forward by Tabitha based upon multiple community meetings and discussions with Tabitha's neighbors. The neighbors at issue had big concerns with their homes being included in the blighted area. I disagree with their concerns, but from Tabitha's perspective, this did not affect any future redevelopment plans. Tim Keelan, the planner that prepared the blight study, opined that removing these 10 parcels did not affect his conclusions in the blight study (Mr. Keelan's letter is attached to this email and attached to the Planning Commission minutes). I also attach my list of the parcels that would be removed from the study area map.

The 10 parcels that would be removed from the map are located on 46<sup>th</sup> Street between Randolph and J Streets, as shown on the picture below.



This proposed amendment is a result of many community meetings and a positive neighborhood compromise. The study area was created by Tim Keelan, but Tabitha is committed to being a good neighbor and did not want to bring a plan forward with lots of neighborhood opposition. Based on the neighborhood meetings, Tabitha agreed to push for this amendment and remove 10 residential parcels from the proposed blight and substandard area, and subsequently there was no opposition at the planning commission meeting.

As stated above, the Planning Commission recommended approval of the study area as amended, with the 10 parcels removed. This amendment is supported by the Urban Development Department, Tabitha, and the neighbors and neighborhood associations that Tabitha has met with. To my knowledge, there is no opposition to this amendment and I can't see any reason for opposition. However, the blight study will still be presented in its original form on Monday, so if the City Council desires to amend it as recommended by the Planning Commission, it will need to be amended at the Council meeting. The City law department is preparing a Motion to Amend to accomplish this task, but we will need a City Council member to make the motion to amend.

I will attend the public hearing to present this information and request the amendment, but I am hoping to determine if one of the council members would be willing to support this change and make the motion to amend the study area at the Council meeting.

If anyone is willing to make this motion to amend, I would appreciate if you could let me know ahead of time so I could keep the City law department and Urban Development Department updated. I am available to discuss this further and answer any questions you have if you would like to talk prior to the City Council meeting. Otherwise, I will answer any questions at the council meeting. 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](http://www.clinewilliams.com)

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Meeting Minutes

Campbell asked if some of the access points on the Crete Carrier property would be eliminated. Bright said yes.

No one came forward in support or opposition.

Campbell moved to close the public hearing, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**CHANGE OF ZONE 21028**

SEPTEMBER 1, 2021

**ACTION BY PLANNING COMMISSION:**

Campbell moved approval, seconded by Joy.

Campbell stated that it looks like a good project and it is a positive use for this corner, which previously had a service station on it.

Corr stated that the change to H-4 makes sense because there is a lot of H-4 surrounding that area with some H-3. It will be a good fit for the area and the special permit looks like a good plan.

Edgerton stated that she agrees with her fellow commissioners, and this is a good project for the area.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**SPECIAL PERMIT 21029**

SEPTEMBER 1, 2021

**ACTION BY PLANNING COMMISSION:**

Campbell moved approval, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**MISCELLANEOUS 21010**

**TO REVIEW THE PROPOSED DETERMINATION THAT THE SOUTH 48TH STREET CORRIDOR REDEVELOPMENT AREA BE DECLARED BLIGHTED AND SUBSTANDARD AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA IS APPROXIMATELY 55 ACRES AND IS GENERALLY LOCATED IN CENTRAL LINCOLN ENCOMPASSING ALL PROPERTIES ALONG SOUTH 48TH STREET BETWEEN 'L' AND 'A' STREETS ALONG WITH THE TABITHA SENIOR CARE CAMPUS AND SURROUNDING PROPERTIES**

SEPTEMBER 1, 2021

**PUBLIC HEARING:**  
Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

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

*Meeting Minutes*

There were ex-parte communications disclosed.

Corr stated that she attended a meeting hosted by Tabitha to discuss the blight study and their project with the 40<sup>th</sup> & A Street Neighborhood Association.

There were no ex-parte communications disclosed relating to site visits.

**Staff Presentation:**

**Dallas McGee, Urban Development, 555 South 10<sup>th</sup> Street**, came forward and stated that the South 48th Street Corridor Redevelopment Area encompasses all the properties along South 48th Street between 'A' and 'L' Streets along with the entire Tabitha Senior Care Campus. This request is to determine whether the area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska Revised Statute 18-2103, as determined by the South 48th Street Corridor Redevelopment Area Blight & Substandard Determination Study. The study looked at 12 different factors that are identified in the State Statute and they found that there was a significance presence of 7 factors identified. The study concluded that there are sufficient conditions and factors present to meet the criteria of substandard and blighted.

Campbell stated that there is an area that is not highlighted on the site map located on the third block down and asked what is in that area. Corr shared that it is a small development of townhomes that are individually owned. McGee stated that most of the area is residential.

Corr asked how the boundary for the study was determined. McGee explained that a large area around Tabitha was looked at using the specific conditions listed in State Statue. It was determined that the corridor along 48<sup>th</sup> Street has the largest percentage of those conditions present. Corr inquired why the boundary goes down to A Street. McGee stated he was unsure.

Edgerton asked Mr. McGee to explain why this determination is necessary to move forward in this process for the record. McGee stated that this is the first step in the process for a redevelopment project to qualify for Tax Increment Financing (TIF) and for that area to qualify, it must be declared substandard and blighted. This board would make a recommendation to City Council, and they would decide if the area met those conditions. If City Council does approve, then there would be discussions with Tabitha on a redevelopment plan on an area within the substandard and blighted area. Edgerton asked what the ramifications would be for the private homeowners if they are within the area that is determined to be blighted. McGee stated that he does not think that there would be any immediate ramifications other than technically being in an area that had been deemed blighted and substandard. This is a determination that needs to be made to allow TIF to assist with improvements in the area. Edgerton stated that 7 out of 12 factors were present and asked if there was a threshold of how many factors needed to be present or if it was more flexible. McGee stated that there is some flexibility, and the statue does say if a single factor is determined to be present in a significant amount, the area could be declared substandard and blighted.



*Meeting Minutes*

Campbell stated that Tabitha is a nonprofit organization and asked if they would still be allowed to use TIF funding. McGee stated that because they are nonprofit and do not pay taxes Tabitha would need to declare an LLC or another entity that would be paying taxes, which would determine the amount of TIF funding that would be available to them.

Corr stated that recently TIF had opened some possibilities that homeowners could get certain financing through TIF for projects that they could do in addition to what a large corporation would apply for and asked if that was correct. McGee stated that there is a program for homeowners with a \$5,000 incentive to assist with their property but he does not have those details. Corr stated that someone in this area that might want to do some improvement could be eligible for TIF funding. McGee stated that he believes that to be true. **Tim Sieh, City Attorney's Office, 555 South 10<sup>th</sup> Street**, came forward and stated that the TIF funding for private homeowners only applies for extremely blighted areas, and this property has not applied to be declared as extremely blighted. Sieh stated that TIF funding would not be available for private homeowners in this case, and he did not want to create a misimpression with this. Corr thanked Mr. Sieh for the clarification and stated that only homeowners in an extremely blighted area could take advantage of TIF funding and this is not one of those areas. Sieh said correct.

**Proponents:**

1. **Andrew Willis, Cline Williams, 233 South 13<sup>th</sup> Street**, came forward on behalf of Tabitha and stated that this is the first step in an exciting project to come, which is not part of today's discussion. This area being declared substandard and blighted would allow for the use of TIF funding. With this study, part of the thought process was to include the Tabitha campus but also concentrating on the 48<sup>th</sup> Street corridor where there is the potential of using TIF funds. Tabitha has tried to engage the neighborhoods and the neighborhood associations by holding several meetings regarding this. Willis stated that neighbors in an area on 46<sup>th</sup> Street between Randolph Street and L Street asked why they were included in the study. Willis stated that this area was meant as a possible buffer around Tabitha and those neighbors were not satisfied with this answer. Tabitha wanting to be good neighbors said that they did not care if that area was included or not. Willis submitted several documents to the Clerk (see Exhibit "1") regarding a proposed revision to the blight and substandard area by removing ten parcels, which would not impact the study's outcome. Willis shared that they have submitted a letter that states the removal of these parcels will not change the blight and substandard study because the conditions were well dispersed over the area. The total area for these parcels is about 2.5 acres.

**Opponents:**

No one came forward in opposition.

Meeting Minutes

**Staff questions:**

Ball inquired if the removal of the ten homes would change the criteria for TIF. McGee stated that TIF funds could not be used in that area and TIF could not be generated by those homes.

Campbell moved to close the public hearing, seconded by Joy and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**MISCELLANEOUS 21010**

**SEPTEMBER 1, 2021**

**ACTION BY PLANNING COMMISSION:**

Campbell moved approval, of the "Finding of Substandard and Blighted Conditions" on Miscellaneous 21010, as amended, removing ten (10) residential properties along the west side of the street of 46<sup>th</sup> Street, J to Randolph Streets, seconded by Ball.

Campbell stated that this will help Tabitha pull their campus together because areas to the north have been added to the campus and they are trying to unify the campus.

Corr thanked Mr. Willis and staff at Tabitha for working with the neighborhood and listening to their concerns and trying to adapt to some of their request. Corr stated that she wanted to be on record when explaining that so often blight has a negative connotation to it and that is not necessarily true and just because a house is over 40-years old, does not mean that it is unlivable, uninhabitable, or even undesirable because some people want that and it is not a bad connotation.

Edgerton stated that this study does lay out the factors that have been met for the area and appreciates the concessions that have been made to accommodate the neighborhood. Tabitha is wanting to be a great neighbor going forward.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**SPECIAL PERMIT 21020**

**TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN), FOR 21 LOTS WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT SW 42ND STREET AND WEST MARTELL ROAD**

**SEPTEMBER 1, 2021**

**PUBLIC HEARING:**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

**Staff Recommendation:** Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

**HANNA:KEELAN ASSOCIATES, P.C.**  
**COMMUNITY PLANNING & RESEARCH**

PRINCIPALS:

Becky J. Hanna  
Timothy M. Keelan

SEPTEMBER 1, 2021

ANDREW R. WILLIS  
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.  
233 South 13th Street  
1900 US Bank Bldg.  
Lincoln, NE 68508


Re: Removal of 10 Residential Properties for the proposed  
South 48<sup>th</sup> Street Corridor Redevelopment Area.

Andrew:

As per your request, I have reviewed the effects of removing 10 residential properties, located along the west street side of 46th Street, J to Randolph Streets, on the blight and substandard status of the proposed South 48<sup>th</sup> Street Corridor Redevelopment Area and I have determined there would be none.

Attached is a revised Context Map for the proposed South 48<sup>th</sup> Street Corridor Redevelopment Area, excluding the before referenced residential properties.

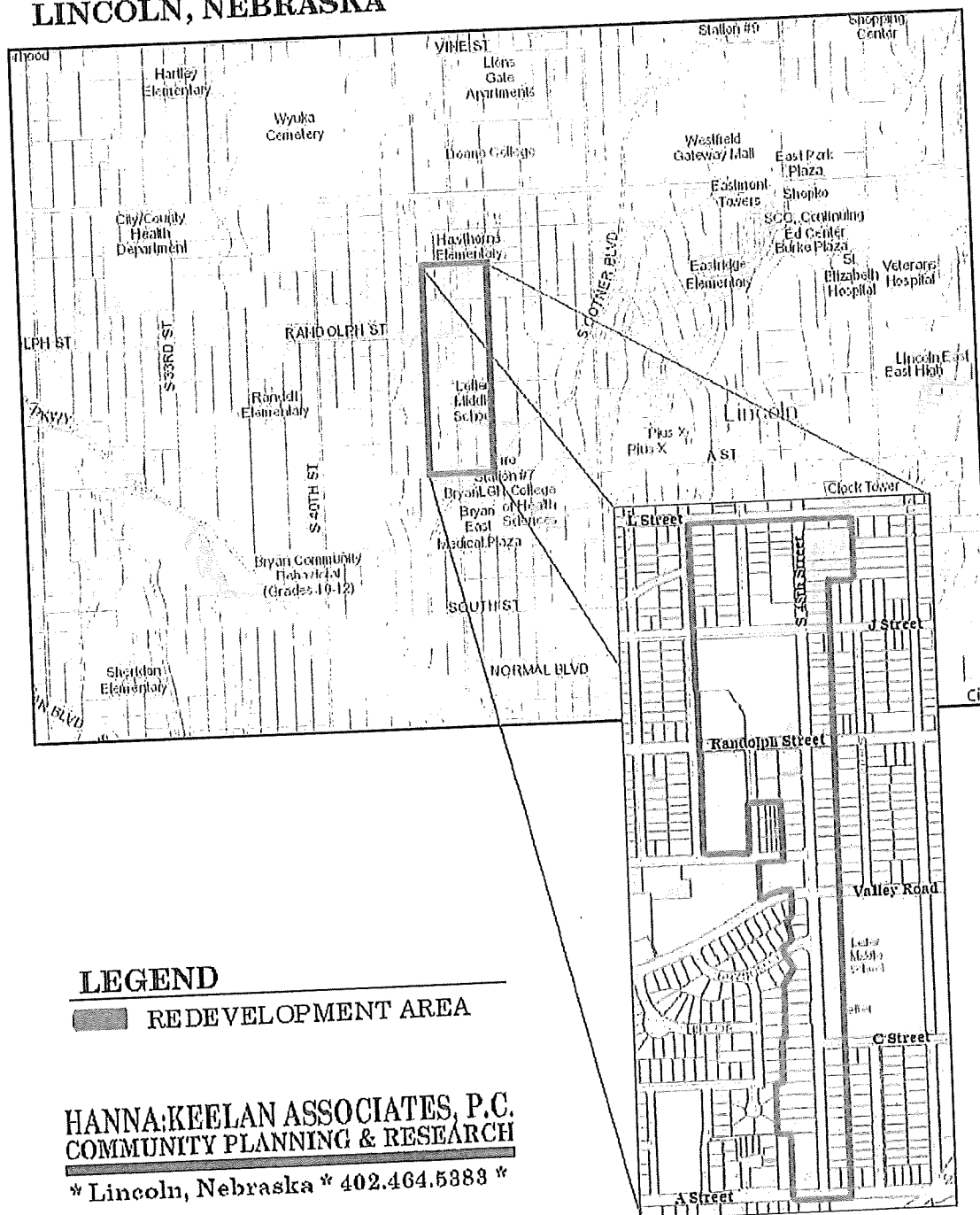
Sincerely,

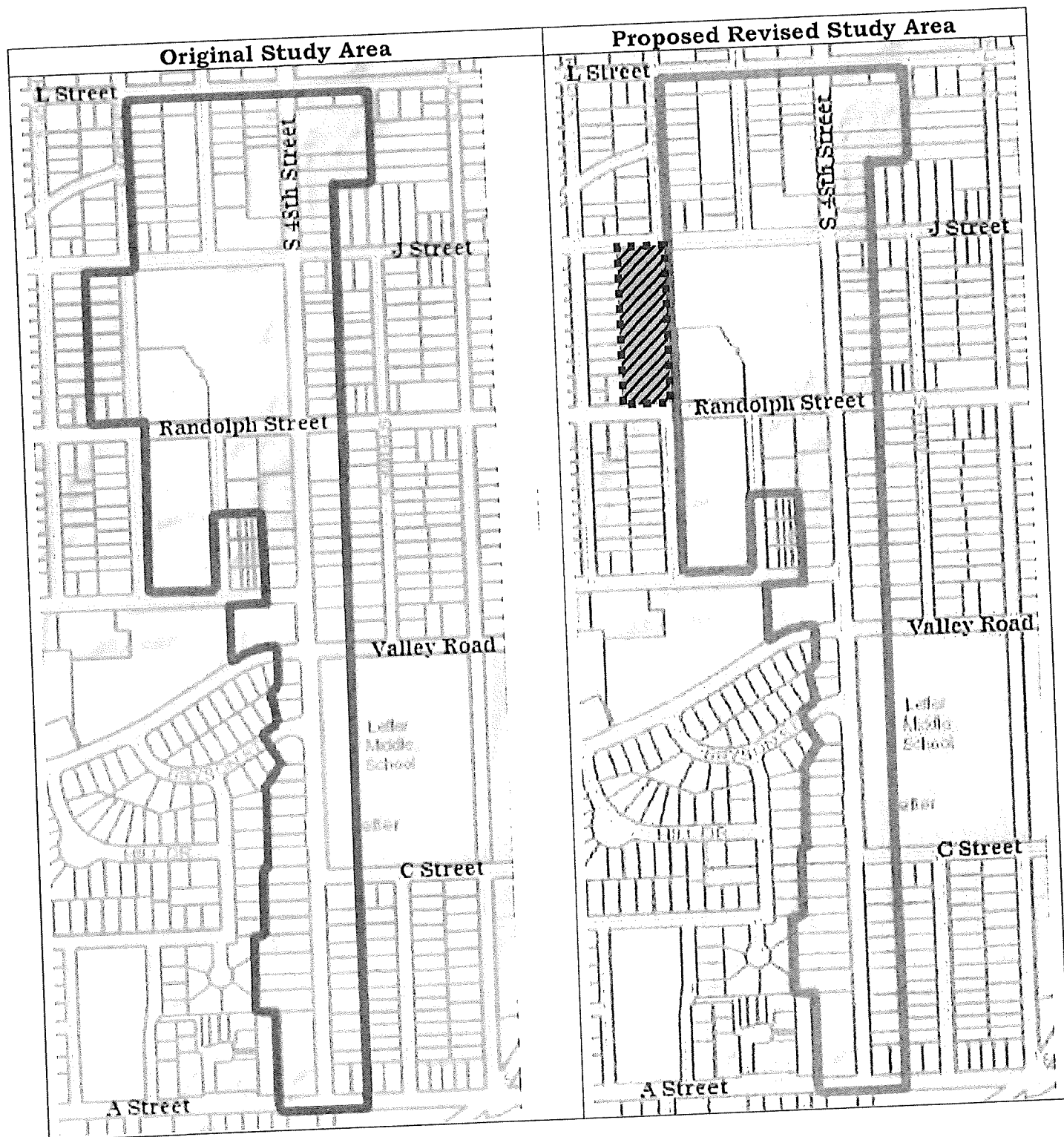


Timothy M. Keelan  
Principal Partner  
HANNA:KEELAN ASSOCIATES, P.C.

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9.1.2021

# BLIGHT & SUBSTANDARD DETERMINATION STUDY

## EXECUTIVE SUMMARY

### Purpose of Study

The purpose of this Blight and Substandard Determination Study is to apply the criteria set forth in the Nebraska Community Development Law, Section 18-2103, to the designated Tabitha Redevelopment Area in the City of Lincoln, Nebraska. The results of this Study will assist the City in declaring the Redevelopment Area as both blighted and substandard.

### Location

The referenced Tabitha Redevelopment Area includes the listed parcels of record on file with the Lancaster County Assessor's Office, presented below.

In general, the Tabitha Redevelopment Area is located in central Lincoln and encompasses all properties adjacent South 48<sup>th</sup> Street between 'L' and 'A' Streets. The Area includes the Tabitha Senior Care Campus and surrounding properties. The Redevelopment Area is comprised primarily of residential uses, both single family and multifamily. Commercial uses in the Area include a variety of offices, a convenience store and a medical clinic. Additionally, the Area includes a portion of the parcel occupied by Lefler Middle School, adjacent South 48<sup>th</sup> Street.

Illustration 1, Context Map, Page 2, identifies the location of the Redevelopment Area in relation to the City of Lincoln. The Area equals an estimated 55 acres.

1729121001000	<del>1729131015000</del>	1729212015000	1729300050000	1729400005000
1729121002000	<del>1729131016000</del>	1729212033000	1729300051000	1729400006000
1729121003000	<del>1729131017000</del>	1729212034000	1729300052000	1729400007000
1729121004000	<del>1729131018000</del>	1729212035000	1729307003000	1729400008000
1729121005000	<del>1729131019000</del>	1729218001000	1729307004000	1729400009000
1729121006000	<del>1729131020000</del>	1729218002000	1729307005000	1729400010000
1729121007000	<del>1729131021000</del>	1729218003000	1729307006000	1729400011000
1729121011000	<del>1729131022000</del>	1729218004000	1729307007000	1729400012000
1729122001000	1729133001000	1729218005000	1729307008000	1729400013000
1729122002000	1729133002000	1729218008000	1729319001000	1729400024000
1729122003000	1729133003000	1729218009000	1729319019000	1729408001000
1729122004000	1729133004000	1729218012000	1729319020000	1729413001000
1729122005000	1729133008000	1729218024000	1729324001000	1729413009000
1729122017000	1729133009000	1729218025000	1729324002000	1729413010000
1729122018000	1729133010000	1729218026000	1729324003000	1729413011000
1729122019000	1729140001000	1729300001000	1729324004000	1729413012000
1729122020000	1729140002000	1729300002000	1729324005000	1729413013000
1729122022000	1729212010000	1729300003000	1729338001000	1729425009000
1729122023000	1729212011000	1729300046000	1729338002000	1729425010000
1729122024000	1729212012000	1729300047000	1729338003000	1729425011000
<del>1729131013000</del>	1729212013000	1729300048000	1729338004000	1729425012000
<del>1729131014000</del>	1729212014000	1729300049000	1729343001000	1729425013000
				1729425014000

City of Lincoln, Nebraska  
Blight & Substandard Determination Study  
Tabitha Redevelopment Area

**Proposed Revisions to the Blight and Substandard Study Area  
South 48th Street Redevelopment Area**

10 parcels to be removed:

1729131022000

1729131021000

1729131020000

1729131019000

1729131018000

1729131017000

1729131016000

1729131015000

1729131014000

1729131013000

Total Area to be removed (approx.) 2.3 acres

**Land Use Chart from Blight and Substandard Study:**

Land Use	Existing	
	Acres	Percent
Single Family/Duplex Residential	18.2	33.1%
Multifamily Residential	4.7	8.6%
Special Housing	11.9	21.6%
Commercial	4.8	8.7%
Public/Utility	2.1	3.8%
Vacant/Undeveloped	1.8	3.3%
Public Streets	11.5	20.9%
Totals	55	100.0%

Revised	
Acres	Percent
15.9	30.2%
4.7	8.9%
11.9	22.6%
4.8	9.1%
2.1	4.0%
1.8	3.4%
11.5	21.8%
52.7	100.0%

**JaMel E. Ways**

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**From:** Robert L. Walla  
**Sent:** Thursday, September 23, 2021 3:35 PM  
**To:** Council Packet; Jennifer J. Brinkman  
**Cc:** Eric Jones; David T. Engler  
**Subject:** WSKF Approval

Good Afternoon,

This email is to inform you that WSKF Architects has requested to be a pre-qualified Architect firm for the City of Lincoln. I have reviewed their references and recommend they be approved for the pre-qualified list for Architect services.

If you have any question regarding this information, please contact me. Thank you

Bob Walla

*Robert Walla - CPPB  
City of Lincoln/Lancaster County Purchasing Agent  
402-441-8309  
440 So. 8<sup>th</sup> Street, Suite 200  
Lincoln, NE 68508*



## JaMel E. Ways

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**From:** JoAnn Murphy <joann15300@gmail.com>  
**Sent:** Thursday, September 23, 2021 3:41 PM  
**To:** Council Packet  
**Subject:** COVID facilities idea

I talked with Mr Synhorst of LIBA this afternoon. He suggested I email you and gave me your email address. I am a retired Lincoln High School teacher. As my husband and I were driving around Lincoln, my husband came up with a great idea for giving hospitals space in this COVID disaster. Why not use all the empty space in large, empty buildings as sites for not only COVID testing but also COVID treatment facilities.. places like the Sear Building at Gateway, Panera Bread, etc. Those places would be much better in poor weather conditions, have good lighting, restrooms, and good parking. COVID patients could be moved there for treatment which would free up rooms within the hospitals for other needs ( heart attacks, cancer treatments, car accidents, etc.) It seems to us that this would work in many communities, with Lincoln leading the way. It will take some planning and commitment from willing participants, but everyone affected by COVID will benefit. It will also be good for the the actual buildings to be occupied. I hope you will seriously consider this idea. It sounds like our hospitals are experiencing a lot of stress. Thank you, JoAnn Murphy 402-466-0572

**JaMel E. Ways**

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**From:** George Wolf <gwolf1@unl.edu>  
**Sent:** Friday, September 24, 2021 9:50 AM  
**To:** Council Packet; Mayor  
**Subject:** Another Nondiscrimination Adoption in PA

Dear Mayor Gaylor Baird and City Council Members:

FYI: <https://www.witf.org/2021/09/22/for-advocates-a-sense-of-relief-with-chambersburg-law-banning-discrimination-against-lgbtq-people/>

George Wolf, for Fairness Lincoln

**JaMel E. Ways**

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**From:** Scott Fitzgerald <sfitzgerald@generalexexcavating.com>  
**Sent:** Monday, September 27, 2021 10:58 AM  
**To:** Council Packet  
**Cc:** Tim L. Byrne  
**Subject:** Support of LMC 14.70 EXCAVATIONS and 14.75 DRIVEWAY APPROACHES AND CURBS.

We support the changes to City of Lincoln Street Cuts Process Update; LMC 14.70 EXCAVATIONS and 14.75 DRIVEWAY APPROACHES AND CURBS. And thank Tim Byrne for his work on this project.

**Scott Fitzgerald**  
President



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**JaMel E. Ways**

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**From:** salvagetitleride@gmail.com  
**Sent:** Wednesday, September 29, 2021 2:37 PM  
**To:** Council Packet  
**Subject:** Mask mandate

Hello, not sure if anyone reads or cares about these messages, respond if you do.  
Please inform Mrs Pat Lopez that the people are tired of the mask mandate and the over exaggeration with  
HEALT EMERGENCY. We have complied and were quiet, but no more.  
This is ridiculous!! Douglas county has bigger population, NO MASK MANDATE, and their numbers are the  
same as in Lincoln or even better.  
You have overstepped your boundaries Mrs Lopez. Enough is enough.  
Someone tell me you care at all about public opinion.  
Respectfully  
Dmitriy