

LINCOLN
City Council

Directors Meeting Agenda
Monday, May 13, 2024, 2:00 p.m.
555 S. 10th St., Lincoln, NE - Bill Luxford Studio

- I. Open Meetings Law Announcement**
- II. City Clerk Advisories**
- III. Director's Advisories**
- IV. City Council: Commissions, Committees, and Event Updates**
- V. Post-Meeting Council Members Calls to City Directors**
- VI. Adjournment**

Next Directors Meeting – May 20, 2024, 2:00 p.m.

City Correspondence

Peter D. Hind – Shops at Lincoln (Sears)

Angela Quinn – Parks and Recreation Advisory Board Meeting next Thursday!

Wynn S. Hjerstad – Mayor's Neighborhood Roundtable May 13, 2024

Jennifer T. McDonald – Administrative Approvals

Shelli K. Reid – BPC240508 – 1 PC Action

Calvin B. Doerr – MYEP Meeting

Wynn S. Hjerstad – FW: Housing Community Conversation Event May 18th 11:30-2pm

Wynn S. Hjerstad – Mayor's Neighborhood Roundtable REVISED Agenda for May meeting

Alicia Schuller – LES Administrative Board Meeting Agenda – May 17, 2024

Constituent Correspondence

Robert Borer – lies from the SoS office, election falsification a felony

Alan Domina – No subject (Lincoln Marathon)

Robert Borer – What are our county election officials hiding?

Robert Borer – response to Pierce County

James Bunch – More LTU Insanity

Christie Schroff – What is the deadline to submit comments on upcoming council meeting agenda items, in order to be included in city council packets?

Everett Neighborhood – You're Invited! ENA Spring Event – May 18th at Pepe's Bistro!

Christie Schroff – Include in 5.13.24 City Council Packet – CZ 23057

Christie Schroff – CZ 23057 (Arbor Road North)

The Directors Meeting Agendas and Minutes may be accessed at:
<https://www.lincoln.ne.gov/City/City-Council/Directors-Minutes-Agendas>

Tom J. Beckius

From: Peter D. Hind
Sent: Friday, May 3, 2024 3:31 PM
To: Council Packet
Cc: Tim S. Sieh; Ernesto Castillo; Jon D. Carlson
Subject: Shops at Lincoln (Sears)

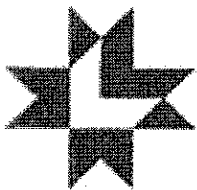
Dear Council Members:

I will be on PTO next week, returning to the office May 13. As a result, Tim Sieh and Ernie Castillo will be presenting the Shops at Lincoln (Sears) project at Monday's Council meeting. The developer opted to keep the schedule for their lease commitments. Kent Seacrest will also be in attendance.

This is an exciting project for the City of Lincoln.

Thank you for your consideration.

Peter



LINCOLN
Urban Development

Peter Hind, AIA
Director of Urban Development

City of Lincoln | Urban Development
Office: 402-441-7606 | Fax: 402-441-8711

555 S 10th St, Ste 205
Lincoln, NE 68508
lincoln.ne.gov/Urban

Tom J. Beckius

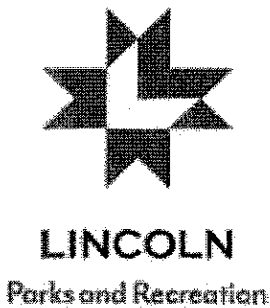
From: Angela Quinn
Sent: Friday, May 3, 2024 4:05 PM
Subject: Parks and Recreation Advisory Board Meeting next Thursday!
Attachments: 05-09-2024 PRAB Agenda.pdf; Minutes for 03-14-2024.pdf; Golf Committee Report February.pdf; Golf Committee Report April.pdf

The Parks and Recreation Advisory Board will meet next Thursday, May 9th, at 4:00 p.m. in the large conference room on the third floor of Woods Park Place, Parks and Recreation Administration offices, 3131 O Street. Attached you will find the following meeting information:

- Agenda
- Minutes from March
- Golf Committee reports for February and April

The Woods Park Use Survey report has also now been released and can be found on the City of Lincoln Parks and Recreation webpage. The survey link is <https://www.lincoln.ne.gov/files/sharedassets/public/v/1/parks-amp-rec/projects/woods-park-use-survey-report.pdf>.

If you would, ***please let me know*** whether or not you are available to attend the meeting. Thank you!



Angela Quinn
Executive Secretary to the Director | Administration

City of Lincoln | Parks and Recreation
Office: 402-441-8264 | Fax: 402-441-9249

3131 O Street, Ste 300
Lincoln, NE 68510
lincoln.ne.gov/Parks

Tom J. Beckius

From: Wynn S. Hjermstad
Sent: Tuesday, May 7, 2024 1:07 AM
To: Wynn S. Hjermstad
Subject: Mayor's Neighborhood Roundtable May 13, 2024
Attachments: 05-13-24 Agenda.pdf; 4-8-2024 Meeting Summary.pdf

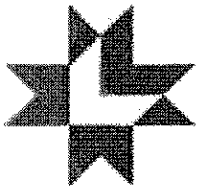
Hello Neighborhood Leaders and Representatives,

The next meeting of the Mayor's Neighborhood Roundtable will be **IN PERSON** on Monday, May 13 at 5:30 p.m. in the Mayor's Conference Room: third floor City County Building, 555 S. 10th. Turn left off the elevators to the Mayor's Office. The current agenda and April meeting notes are attached and will be available online soon at: <https://www.lincoln.ne.gov/city/urban/neighborhoods/roundtable.html>.

PLEASE NOTE: Mayor's Neighborhood Roundtable is for Neighborhood Presidents or their designees.

*******NOTE: MAY MEETING IS IN PERSON*******

Wynn



LINCOLN
Urban Development

Wynn S. Hjermstad, AICP
Community Development Manager
Livable Neighborhoods Division

City of Lincoln | Urban Development
Office: 402-441-8211 | Fax: 402-441-8711

555 S 10th St, Ste 205
Lincoln, NE 68508
[lincoln.ne.gov/Urban](https://www.lincoln.ne.gov/Urban)

Tom J. Beckius

From: Jennifer T. McDonald
Sent: Tuesday, May 7, 2024 12:28 PM
To: Council Packet
Subject: Administrative Approvals

There were no City Administrative Approvals from 4/30/2024 to 5/6/2024.

Thank you!



LINCOLN
Planning Department



Jennifer McDonald
Administrative Aide II | Administration

Lincoln-Lancaster County Planning Department
Office: 402-441-6365 | Fax: 402-441-6377

555 S 10th St, Ste 213
Lincoln, NE 68508
lincoln.ne.gov/Planning

Tom J. Beckius

From: Shelli K. Reid
Sent: Thursday, May 9, 2024 9:08 AM
To: Council Packet; Commish; Planning_ALL; Chad E. Blahak; David A. Derbin; Elizabeth D. Elliott; John M. Ward; Jon D. Carlson; Michaela A. Sweeney; Pamela L. Dingman; Robert K. Simmering; Ron E. Rehtus; Shelli K. Reid; T.J. McDowell, Jr.; Terry A. Kathe; Tim S. Sieh
Subject: BPC240508 - 1 PC Action
Attachments: BPC240508 - 1 PCAction.pdf

Please see attached.

Thank you!



LINCOLN
Planning Department



Shelli Reid
Administrative Officer | Administration

Lincoln-Lancaster County Planning Department
Office: 402-441-6363 | Fax: 402-441-8323

555 S 10th St., Ste. 213
Lincoln, NE 68508
lincoln.ne.gov/Planning

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

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 8, 2024, 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.

****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, May 8, 2024

[All Commissioners present]

Approval of minutes of the regular meeting held April 24, 2024. ****APPROVED: 7-0 (Cruz and Eddins abstained)****

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

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 24009, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, to provide a conservation easement over the Phase I Flood Storage Area within the West View Planned Unit Development (PUD) over a portion of Outlot D, on property generally located at West A and SW 36th Street.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Benjamin Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN: 9-0, Public hearing before the City Council is tentatively scheduled for Monday, June 3, 2024, 3:00 p.m.

ANNEXATION:

- 1.2 ANNEXATION 24004, to annex approximately 32.41 acres, on property generally located at 8601 Highway 6.

Staff recommendation: Conditional Approval

Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

Planning Commission recommendation: CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the staff report dated April 24, 2024. Public hearing before the City Council is currently pending.

CHANGE OF ZONE:

- 1.3 CHANGE OF ZONE 24011, from H-1 (Interstate Commercial Highway) to H-3 (Highway Commercial District), on property generally located at N 27th Street and Wildcat Drive.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov
Planning Commission recommendation: APPROVAL: 9-0, Public hearing before the City Council is tentatively scheduled for Monday, June 3, 2024, 3:00 p.m.

SPECIAL PERMITS:

- 1.4 COUNTY SPECIAL PERMIT 141COA, to add an 11' extension on to the existing tower for a maximum height of 210', on property generally located at 9201 W Agnew Road. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
This application was removed from the Consent Agenda and has a separate public hearing. Planning Commission "final action": CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the staff report dated April 24, 2024, Resolution No. PC-01906.
- 1.5 COUNTY SPECIAL PERMIT 24015, to allow for an ADU (Accessory Dwelling Unit), with waivers, on property generally located at 4770 Agnew Road. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission "final action": CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the staff report dated April 25, 2024, Resolution No. PC-01907.

MISCELLANEOUS:

- 1.6 MISCELLANEOUS 24003, for an amendment to the 2050 Long Range Transportation Plan to update the cost and extents for the West Beltway (US-77) from I-80 to Saltillo Road project in the Nebraska Department of Transportation Highways Program Fiscally Constrained Plan, update the cost for the N. 33rd Street project in the Fiscally Constrained Railroad Transportation Safety District Projects table, and update the cost for the Multimodal Transportation Center in the Priority Transit Projects table.
Staff recommendation: Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov
Planning Commission recommendation: APPROVAL: 9-0. The Planning Commission recommendation will be forwarded to the Lincoln MPO final action.

2. **REQUESTS FOR DEFERRAL:** **Item 5.2**
3. **ITEMS REMOVED FROM CONSENT AGENDA:** **Item 1.4**
(Public Hearing and Administrative Action)
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

MISCELLANEOUS:

- 4.1 MISCELLANEOUS 24002, for review of the draft FY2025 to FY2028 Transportation Improvement Program (TIP) for conformance with the current Lincoln Metropolitan Planning Organization (MPO) Long Range Transportation Plan.
Staff recommendation: In Conformance with the Long Range Transportation Plan
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov
Planning Commission recommendation: FINDING OF CONFORMANCE WITH THE LONG RANGE TRANSPORTATION PLAN: 9-0. The Planning Commission recommendation will be forwarded to the Lincoln MPO final action.

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

ANNEXATION AND ASSOCIATED ITEMS:

- 5.1a ANNEXATION 24003, to annex approximately 29 acres, more or less, on property generally located northwest of O Street and N 112th Street.
Staff recommendation: Conditional Approval
Staff Planner: Steve Dush, 402-441-5662, sdush@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the staff report dated April 12, 2024. Public hearing before the City Council is currently pending.
- 5.1b CHANGE OF ZONE 24010, of approximately 31 acres from AG (Agricultural District) and R-3 (residential District) to H-4 (Highway Commercial District) on property generally located northwest of O Street and N 112th Street.
Staff recommendation: Conditional Approval
Staff Planner: Steve Dush, 402-441-5662, sdush@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the staff report dated April 12, 2024. Public hearing before the City Council is currently pending.
- 5.1c SPECIAL PERMIT 24012, to establish a Planned Service Commercial permit on approximately 41 acres to allow up to 418,000 square feet of commercial uses, on property generally located northwest of O Street and N 112th Street.
Staff recommendation: Conditional Approval
Staff Planner: Steve Dush, 402-441-5662, sdush@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL: 9-0, as set forth in the conditions of the revised staff report dated April 26, 2024. Public hearing before the City Council is currently pending.

SPECIAL PERMIT:

- 5.2 SPECIAL PERMIT 24005, to allow for soil mining/excavation, on property generally located at the northwest corner of N 70th Street and Arbor Road. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: Benjamin Callahan, 402-441-6360, bcallahan@lincoln.ne.gov
Planning Commission granted the request on behalf of applicant for a 2-week deferral with continued public hearing and action scheduled on May 22, 2024.

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

Adjournment: 2:09 p.m.

Tom J. Beckius

From: Calvin B. Doerr
Sent: Thursday, May 9, 2024 3:11 PM
To: Council Packet
Subject: MYEP Meeting

Good afternoon!

This is Calvin Doerr with the Mayor's Youth/Lancaster County Employment Programs. I am reaching out to see if any city council members would be interested in speaking at one of our weekly meetings this summer. They take place at the city/county building from 5-7pm. This can be a presentation or discussion format and can be as long or short as needed.

Here are some dates we are looking for speakers:

- July 17th
- July 24th
- July 10th

Let me know if there is any availability and/or interest! I am free to answer questions as well!

Thank you,

Calvin Doerr (he / him)

Youth Outreach and Support | Youth Program

City of Lincoln | American Job Center
Office: 402-441-7035

1330 N Street, Suite A
Lincoln, NE 68508
[ajc.lincoln.ne.gov]ajc.lincoln.ne.gov



LINCOLN

AmericanJobCenter
LANCASTER AND SAUNDERS COUNTIES

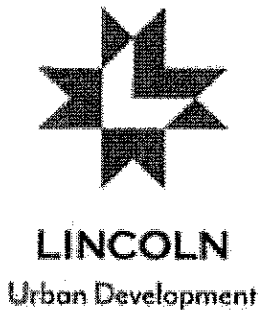
Tom J. Beckius

From: Wynn S. Hjermstad
Sent: Thursday, May 9, 2024 11:04 PM
To: Wynn S. Hjermstad
Subject: FW: Housing Community Conversation Event May 18th 11:30-2pm
Attachments: Housing Community Conversation Flyer 524.jpg; Housing Community Conversation Flyer 524 - Copy.pdf

Good evening, Neighborhood Leaders and Representatives,

See the e-mail below and the attached for an upcoming event that may be of interest. Please feel free to share this information with your neighbors.

wynn



Wynn S. Hjermstad, AICP
Community Development Manager
Livable Neighborhoods Division

City of Lincoln | Urban Development
Office: 402-441-8211 | Fax: 402-441-8711

555 S 10th St, Ste 205
Lincoln, NE 68508
lincoln.ne.gov/Urban

From: Chelsea Egenberger <chelsea.egenberger@nwlincoln.org>
Sent: Friday, May 3, 2024 3:45 PM
To: Kristine A. Egan <KEgan@lincoln.ne.gov>; Wynn S. Hjermstad <WHjermstad@lincoln.ne.gov>
Subject: Housing Community Conversation Event May 18th 11:30-2pm

Lincoln Housing Advocates, NeighborWorks Lincoln and Collective Impact Lincoln would like to invite you to a:

Housing Community Conversation Event Saturday May 18th 11:30-2pm

Details: Join us for a discussion alongside Lincoln's Housing residents, advocates, and stakeholders as we view a story featured in Gabriella Parsons's film, "Behind on Rent," followed by breakout discussions and a group idea harvest on how to tackle housing insecurity in Lincoln.

Lunch will be provided prior to the film screening at 11:30 AM.

Agenda:

11:30 - Doors Open, Lunch

12:00 - Welcome
12:15 - Screening Starts
1:15 - Group Discussions

RSVP at <https://bit.ly/RSVP-MAY18>

Facebook Event Link: <https://www.facebook.com/events/3545364199047672>

Flyers attached!

--

Chelsea Egenberger (pronouns: she/her/hers)

NeighborWorks Lincoln | Community Engagement Director

2530 Q Street | 402.477.7181 x 204 | www.nwlincoln.org



NeighborWorks Lincoln improves lives by expanding affordable housing opportunities and strengthening neighborhoods.

--

Chelsea Egenberger (she/her/hers)

NeighborWorks Lincoln

Housing Community Conversation

FEATURING *BEHIND ON RENT*

A 2020 DOCUMENTARY OF HOUSING-INSECURE NEBRASKANS
PRODUCED BY GABRIELLA PARSONS

SATURDAY - MAY 18TH - 11:30AM - 2:00PM

BENNETT MARTIN LIBRARY - 4TH FLOOR

Join us for a discussion alongside Lincoln's Housing residents, advocates, and stakeholders as we view a story featured in Gabriella Parsons's *Behind on Rent* followed by breakout discussions and a group idea harvest on how to tackle housing insecurity in Lincoln.

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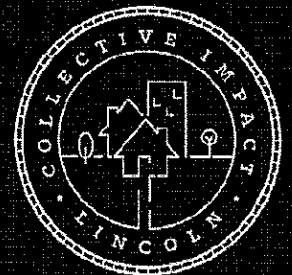
RSVP Here:



<https://bit.ly/RSVP-MAY18>

ORGANIZED BY:
COLLECTIVE IMPACT LINCOLN
NEIGHBORWORKS LINCOLN
WITH ADDITIONAL SUPPORT BY
LINCOLN RESIDENTS


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LINCOLN



Tom J. Beckius

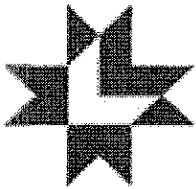
From: Wynn S. Hjernstad
Sent: Thursday, May 9, 2024 11:56 PM
To: Wynn S. Hjernstad
Cc: Elizabeth D. Elliott; Steve S. Henrichsen
Subject: Mayor's Neighborhood Roundtable REVISED Agenda for May meeting
Attachments: 05-13-24 REVISED Agenda.pdf

Hello Neighborhood Leaders and Representatives,

Please see the attached *revised* agenda for the May Mayor's Neighborhood Roundtable meeting. The meeting date, time, and location are the same: **IN PERSON** on Monday, May 13 at 5:30 p.m. in the Mayor's Conference Room: third floor City County Building, 555 S. 10th. Turn left off the elevators to the Mayor's Office.

PLEASE NOTE: Mayor's Neighborhood Roundtable is for Neighborhood Presidents or their designees.

*******NOTE: MAY MEETING IS IN PERSON*******
SEE ATTACHED REVISED AGENDA



LINCOLN
Urban Development

Wynn S. Hjernstad, AICP
Community Development Manager
Livable Neighborhoods Division

City of Lincoln | Urban Development
Office: 402-441-8211 | Fax: 402-441-8711

555 S 10th St, Ste 206
Lincoln, NE 68508
lincoln.ne.gov/Urban

MAYOR'S NEIGHBORHOOD ROUNDTABLE

In-Person at Mayor's Conference Room

COUNTY/CITY BUILDING
555 SOUTH 10TH STREET

3rd Floor, Mayor's Conference Room
Monday, May 13, 2024, 5:30 p.m.

AGENDA (revised)

- **Welcome and Introductions; Volunteer to Take Notes**
- **Mayor Gaylor Baird Comments**
- **MultiModal Transit Center** – Liz Elliot, Director of Transportation and Utilities: 402-441-6173; Elizabeth.elliott@lincoln.ne.gov

Liz will discuss the new MultiModal Transit Center.

- **Zoning Text Amendment** – Steve Henrichsen, Development Review Manager, Lincoln – Lancaster County Planning Department: 402-441-6374; shenrichsen@lincoln.ne.gov

Steve will be discussing a text amendment to allow more opportunity for places of religious assembly (church, temple, synagogue) to have more than one main use if it is an early childhood care center, private school, urban garden, or use allowed by special permit, and including parking requirements.

- **Announcements**
 - **Next Meeting / Agenda**
 - **Adjourn**
-

Next Mayor's Neighborhood Roundtable Meeting
June 10, 2024, 5:30 p.m.
Mayor's Conference Room or via zoom

Severe Weather Policy: *The Mayor's Neighborhood Roundtable meeting will be cancelled when severe weather warnings are issued including tornado, thunderstorm, and flash flood and when LPS closes due to weather.*



AGENDA
LES ADMINISTRATIVE BOARD

Friday, May 17, 2024
9:30 a.m.

Kevin Wailes Operations Center
9445 Rokeby Road

Virtual Access Information

Virtual access: The meeting may be accessed virtually at the Microsoft Teams link or by phone via the number listed below.

Microsoft Teams Meeting
+1 402-979-7656 United States, Omaha (Toll); Conference ID: 312 249 365#

9:30 A.M.

- 1. Call to Order & Safety Briefing**
- 2. *Approval of Minutes of the April 19, 2024 Regular Meeting of the LES Administrative Board**
- 3. Comments from Customers**
- 4. Committee Reports**
 - A. Operations & Power Supply Committee
 - B. Personnel & Organization Committee
 - C. District Energy Corporation (DEC) Update
- 5. CEO Reports**
 - A. 2024 Service Regulations Review
 - B. 2024 Payments in Lieu of Taxes and City Dividend for Utility Ownership
- 6. Federal Energy Regulatory Commission (FERC) Standards of Conduct**
- 7. Other Business**
 - A. Monthly Financial and Power Supply Reports
 - B. Miscellaneous Information
- 8. Executive Session – Employee Relations Matter (Closed Session - No action will be taken)**
- 9. Adjournment**

***Denotes Action Items**

Next Regular Administrative Board Meeting Friday, June 21, 2024

Tom J. Beckius

From: Robert Borer <robertjborer@gmail.com>
Sent: Friday, May 3, 2024 9:31 AM
To: Robert Borer
Subject: lies from the SoS office, election falsification a felony

Dear Friends,

Deputy Secretary Wayne Bena, an unelected bureaucrat who *took no oath, has no loyalty to Nebraskans, and doesn't actually preside over any of our elections* (only county election officials preside over Nebraska's elections), recently went on record (again) as saying it is "against state law" to **hand count** votes unless the computerized tabulator goes down and another one isn't available.

That is nonsense. Bena is lying. He's just trying to protect his investment in ES&S and their secret electronic voting system.

It is NOT hand counting that is *against state law*, it is Bena's electronic voting system that is *against state law*.

The Nebraska Legislature spoke loud and clear in 2019. Nebraska Revised Statute 32-1041 says:

(2) **No electronic voting system shall be used under the Election Act.** (See here on page 18.)

Nebraska Revised Statute 32-110.01 provides the definition of an "**electronic voting system**":

"Electronic voting system means a voting system in which each part of the process is done electronically."

Nebraska Revised Statute 32-119.01 provides the definition of a "**voting system**":

"Voting system means the process of creating, casting, and counting ballots and includes any software or service used in such process."

Why did the Legislature make electronic voting systems unlawful? Simple. Because "we all know how **unsecure** [electronic voting] is and how we shouldn't be doing it." Floor Debate 2019

If *casting* a vote electronically is unsecure, so is *counting* a vote electronically.

Bena's voting system is an electronic voting system, and as such, it is *against state law*. Not to mention common sense. (It is also against the law in another regard: The cost of elections is supposed to be a **county expense**, according to Nebraska Revised Statute 32-1201. Making the cost of elections a county expense confers county ownership and county sovereignty in our elections. Electronic voting systems are very expensive. Plus they are built with planned obsolescence. Many of our counties couldn't afford them. During this presentation before the Lancaster County Board on July 18th of 2023, Bena admitted, in so many words, to breaking the law and hijacking and centralizing certain county election expenses. More information

on what transpired over the last several years can be found here: NEBRASKA SECRETARY OF STATE REPORT TO THE ELECTION SYSTEM ADVISORY TASK FORCE)

Now then. Bena will try to take issue with my argument and say that we do not have an electronic voting system because we use paper ballots. **But**, for all intents and purposes, those paper ballots **do not exist** because concerned and Watchful Citizens are **never** allowed access to them to verify *any* election results—and it will stay this way because electronic/computerized "vote-counting" tabulators can easily be secretly programmed to avoid the narrow margin of "victory" required before a recount can be demanded. That is where the rubber meets the road.

32-1041(2) expresses the spirit of the law and the will of voters. The spirit of the law speaks to the true intent of the law. (But Bena has other intentions, and they don't include the spirit of the law or the will of Nebraska voters.)

The rest of 32-1041, subsections (1) and (3), reinforce my argument that Bena is lying about hand counts being against the law:

(1) The election commissioner or county clerk **may use** optical-scan ballots or voting systems approved by the Secretary of State to allow registered voters **to cast their votes** at any election. The election commissioner or county clerk **may use** vote counting devices and voting systems approved by the Secretary of State **for tabulating the votes** cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners.

(3) **Any new voting or counting system** shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. . .

NEWSFLASH!! Hand counting is NOT a NEW counting system and does not need to be approved. The idea is absurd. We did it for centuries. We can still do it. We just need principled election officials who are willing to stand up to the tyranny of a rogue SoS office and their secret, electronic/computerized and centralized statewide "voting" system that makes it very easy for one bad actor to cheat on a grand scale.

Bena is using lawfare to rig the system against Nebraska voters and in favor of elitists who want to control everything, and the easiest way for them to do that is by rigging elections. That's why the software and hardware are so secret.

County election officials who listen to and follow Bena, instead of our Constitution and their oath, and instead of serving their citizens accordingly, are very likely to find themselves in hot legal water at some point in the not too distant future. All the evidence of electronic election manipulation and fraud will come out. And election falsification in Nebraska **is a felony**—see 32-1502.

Certifying an election that is rigged **is a felony**. The only way to KNOW that a computer-tabulated election wasn't rigged is to count all votes by hand. Every time. Everyday common sense dictates that certifying an election without KNOWING that the results are accurate and verifiable **is wrong** . . . **seriously wrong**. When votes are counted by a private company using secret software and hardware, no election official can KNOW the "results" are accurate without doing a full manual recount. There will be no plausible deniability.

The Election Act shall . . . shall be liberally construed so that the will of the registered voters is not defeated by . . . the conducting of any election or the certifying of the results of the election. Nebraska Revised Statute 32-102

Robert J. Borer

P.S.

Test batches are meaningless.

Logic & Accuracy testing is meaningless.

"Mandatory Manual Precinct Audits" are meaningless.

You are dealing with a **computer**, that can easily be programmed to compartmentalize fraud to avoid detection. A full manual recount every time, **is the only way to avoid fraud.**

Tom J. Beckius

From: Alan Domina <adomina7@gmail.com>
Sent: Friday, May 3, 2024 10:25 AM
To: Council Packet

If the Lincoln Marathon is such a wonderful experience for Lincoln why doesn't North Lincoln get to experience it?

Tom J. Beckius

From: Robert Borer <robertjborer@gmail.com>
Sent: Monday, May 6, 2024 8:07 AM
To: office@ne.gov
Subject: What are our county election officials hiding?

Dear Friends,

What are Nebraska county election officials afraid of? What are they hiding? What are they ashamed of?

Are they ashamed of being exposed for not knowing what they're doing? Or of being exposed for something worse, like a guilty conscience?

I'm getting reports like the following from my friend Greg Epp, Chairman of the Hamilton County Republican Party.

He sent the following to his Hamilton County clerk:

I reread the statute and what I want to be is the designated watcher of the counting of ballots for the Republican Party.

Statute 32-1013 states

"In each counting location, watchers may be appointed to be present and **observe** the counting of ballots. Each political party **shall** be entitled to one watcher [at each location]..." [emphasis mine]

I believe that designated watchers are entitled to be in the counting room.

This was the clerk's reply:

Aside from election office staff members and election workers, no one is permitted to be within eight (8) feet of any ballot boxes or within eight (8) feet of any boxes being counted by a counting board. I have the court door strap right at the door way of the Board room so you will have a nice close area to view as a designated watcher.

Thank You for asking. [End]

From Greg to myself:

Bob,

After being rejected by [my county clerk] on Wednesday, I left messages at the Secretary of State office with Ben Larsen on Wednesday and Thursday but he did not return my calls. I drove into Lincoln on Friday afternoon and confronted Ben in the SOS office in Lincoln where he denied my right to be in the counting room and confirmed Jill's position that **a seat outside the door was sufficient for the law.** [emphasis mine]

[End of Greg's report]

back to me

I have news. A seat outside the door is NOT sufficient for the law. Because a seat outside the door is NOT a position from which to "observe the counting of ballots." ***How idiotic.***

The SoS office continues to deny Watchfulness to Nebraska voters. The SoS office continues to engage in lawfare, obfuscation, outright secrecy and outright denial of our God-given right to choose, in verifiable fashion, OUR government servants.

The secrecy reeks of fraud. What other reason is there for such secrecy?

It brings back memories of Detroit, Michigan (and elsewhere) back in 2020:



The entire "election process" in Nebraska is a charade. Nebraskans need to start waking up, showing up in person, and demanding change, in groups. From history, it only takes 3% of the population to show up and demand change, in order to actually get things changed, according to firebrand and constitutional attorney KrisAnne Hall.

If the kind of nonsense that is going on in our elections were going on in football games (or any other sport), *Americans would be up in arms.*

Again, only in America do fans demand that officials stop a football game, drag out measuring chains and look at a play 15 times from 6 different camera angles to

verify that the right call was made, but shrink from demanding that the right call(s) be **verifiably** made in our all important elections, where trillions of dollars and millions of American lives hanging in the balance.

"The pen is mightier than the sword, but the *TONGUE* is mightier than them both put together." –Marcus Garvey

(The tongue communicates spirit and emotion.)

a quick note on a lesser election issue

Of much lesser importance than the **integrity** of our elections, but still important, is the amount of money we spend on them. The cost for hand counting is so much less it's not even comparable.

For the sake of **election transparency, verifiable election integrity AND economic prudence**, we should be demanding that citizens who are willing to participate in their elections be paid well, instead of wasting tens of millions of our hard-earned tax dollars on a private, third-party, for-profit corporation that engages in secrecy, lawfare, intimidation, bullying and gaslighting.

in closing

Our government servants have gotten fat and lazy, if not worse. We must demand change. We must demand the gold-standard in elections—**verifiable manual counts**. Our future depends upon it.

Every honest, thinking American knows we're being played and we're not going to let it continue.

Robert J. Borer

Tom J. Beckius

From: Robert Borer <robertjborer@gmail.com>
Sent: Tuesday, May 7, 2024 2:39 PM
To: John Walz; clerk@piercecounytc.gov; piercecounyso@ptcnet.net; Ted Lohrberg
Subject: response to Pierce County
Attachments: Pierce County Letter to the Editor.pdf

Dear Ms. Wragge,

Please permit me to call your bluff.

I know the "machine" appears to be making your life easier, but the opposite will be the case in the long run.

And what you claim to be your "right" does not take precedence over the right of We the People to transparent and verifiable elections.

As part of government, you work for us, not the other way around.

Let me backup.

Private, secret, computerized tabulators have been used to cheat in elections since their inception, which was decades ago.

Elections are not about running ballots through a "trusted" private, secret, computerized tabulator (aka "machine"). Elections are about *making sure all honest votes are **counted accurately***.

There is **no way** to know that votes have been counted accurately by a private, secret, computerized tabulator that contains secret software and hardware, **without doing a full manual count—every time**.

Text deck counts and manual counts of a couple races in a few precincts do NOT prove that all votes consumed by the private, secret, computerized tabulator were counted accurately. They only prove that the **text decks and selected precinct races** were counted accurately.

The basis for making the above claim is simple: private, secret, computerized tabulators can **easily** be programmed (by bad actors) to compartmentalize fraudulent counts by race and/or precinct. Just because they aren't cheating in one place doesn't mean they aren't cheating elsewhere. Bad actors aren't dumb. They know you do test decks. They can steer around a couple races in a few precincts. They know how to hide fraud (at least until they get stupid greedy).

There's a reason the Secretary's office **refuses** to give us access to **any** of the tabulator audit data. I'll let you figure out what that reason is. It's pretty obvious. Also, there's a reason the Secretary's office refuses to be transparent with our voter rolls.

At any rate, Ms. Wragge, you can exercise all the "faith" you want in your "election process," but you do not have the right to impose that "faith" (I call it credulity) on us.

The Salvation of the State is Watchfulness in the Citizen. ***Watchfulness, not "faith" or "trust."*** Watchfulness is the Nebraska way—it's engraved over the front door of the Capitol.

Actually, Watchfulness is the way of all People everywhere who love Liberty.

Our second President, John Adams said, "***trust no man (or woman) living with power.***"

We the People have the right to **KNOW**, for a fact, that what you allege to be our "consent" is in fact our consent. We have no obligation to trust you. Too much is at stake. Consent belongs to us and is the means by which we sustain our Liberty.

Nebraska State Constitution Preamble & I-1: "**We, the people**, grateful to Almighty God for our freedom, **do ordain** and establish the following declaration of rights and **frame of government**, as the Constitution of the State of Nebraska.

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, **liberty**, the pursuit of happiness, and the right to keep and bear arms . . . **and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.**"

Nebraska State Constitution Article I-22: "there shall be ***no hindrance or impediment to the RIGHT*** of a qualified voter **to exercise the elective franchise.**"

The elective franchise includes both ***casting*** votes and ***counting*** votes. We the People should be counting our votes, not a large, private, secretive, profit-driven corporation by the name of ES&S.

The EAC certification document (pg 2) for the secret ES&S "tabulators" does NOT guarantee they can't be hacked and won't be abused.

Quoting:

An EAC certification for your machine is NOT:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

So then . . . at some point, *you will be hand-counting*, because We the People will have all the evidence (it's piling up across the country) and be able to show you that the private, secret computerized tabulator you call a "machine" wasn't really making your life easier, it was making the life of some con man easier, who was electronically usurping your election process, for big money. In which case, humble pie will be the order of the day for some time to come.

In the meantime, We the People are not being served by your insistence on secret vote counts. And it is the right of the People to peaceably assemble and complain about it. As I said, too much is at stake, not the least of which is our Liberty.

The CIA has been taking down governments around the world for decades using these corrupt tabulators.

Good Americans are NOT having any more of secret "elections." Things have to change before the general election.

"It does not take a majority to prevail... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men. —Son of Liberty, Samuel Adams.

Best,

Robert J. Borer

P.S. Why are Evnen and Bena being so secretive and acting so suspicious?? Why are they literally forcing the machines on the People of our counties instead of giving them a choice? What investment do they have in ES&S? Why did they break the law by hijacking the cost of county elections? To take away county sovereignty?

P.P.S. See attachment.

On Mon, May 6, 2024 at 2:17 PM John Walz <jawalz0305@gmail.com> wrote:

----- Forwarded message -----

From: **Shannon Wragge** <clerk@piercecouny.gov>

Date: Mon, May 6, 2024, 11:25 AM

Subject: RE: Election Integrity Concern

To: John Walz <jawalz0305@gmail.com>, piercecounyso@ptcnet.net <piercecounyso@ptcnet.net>, Ted Lohrberg <ted.lohrberg@piercecouny.gov>

John,

Below are the statutes providing me the right to use the optical scan and voting system that I plan to use in 2024 and will continue to use like Pierce County has since 1994. We do test decks and hand count certain races to make sure that the scanning machine is working properly and we have always been right on the number and if there is an error it is a human error in trying to hand count those races. I want to assure you that I have the utmost faith and integrity in our election process and machines we use to accurately count your votes.

§32-1049 lays out the requirements for vote counting devices.

Regarding which voting systems are authorized, please see below.

§32-1041:

(1) The election commissioner or county clerk may use optical-scan ballots or voting systems approved by the Secretary of State to allow registered voters to cast their votes at any election. The election commissioner or county clerk may use vote counting devices and voting systems approved by the Secretary of State for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners.

(2) No electronic voting system shall be used under the Election Act.

(3) Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. The Secretary of State may adopt and promulgate rules and regulations to establish different procedures and locations for voting and counting votes pursuant to the use of any new voting or counting system. The procedures shall be designed to preserve the safety and confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the prevention of fraud, and to ensure that the election is conducted in a fair manner.

Voting systems are further defined in §32-119.01 "Voting system means the process of creating, casting, and counting ballots."

Thanks for understanding and I have attached a letter I am putting into the local newspapers this week that I would like you to have.

Thanks again,

Shannon Wragge

Pierce County Clerk

As of October 12, 2022, my new email address is: clerk@piercecounytn.gov

Shannon Wragge, Pierce County Clerk

111 W. Court St., Room 1

Pierce, NE 68767

Phone 402-329-4225

Fax 402-329-6439

Email clerk@piercecounytny.gov

From: John Walz <jawalz0305@gmail.com>
Sent: Thursday, May 2, 2024 5:19 PM
To: piercecounytnyso@ptcnet.net
Cc: Shannon Wragge <clerk@piercecounytny.gov>
Subject: Election Integrity Concern

Dear Sheriff Eberhardt,

In accordance with Articles I-1b and I-22(1) of the Nebraska State Constitution, which ensure our right to elect our preferred government servants without hindrance, I wish to emphasize the critical importance of safeguarding our electoral process.

As I stated in my press release announcing my candidacy, in order to save our republic, we must educate ourselves about our rights, their Godly origins, and the primary role of elected officials in safeguarding them.

Equally important is understanding our enemy, who they are, and what their plans are. Tyrannies are born and people are enslaved worldwide through the use of fraudulent electoral systems that enable tyrannical globalist agendas. It is imperative, Sheriff, that you fulfill your duty and sworn obligation by familiarizing yourself with the ongoing threats posed to our communities by election manipulation and fraud.

The links below are excellent starting points, please review them and follow up by digging deeper. By ensuring you are aware of these crimes, you can assist your county clerk in upholding his or her oath to our State Constitution and other applicable laws, and thereby avoid prosecution. (Election falsification is a Class IV felony—NRS 32-1502). More importantly, you can help ensure our elections are not stolen.

<https://electionfraud20.org/fraud-summary-by-state/nebraska/>

<https://rumble.com/v4h3s20-free-worldwide-release-let-my-people-go-by-dr.-david-clements.html>

<https://causeofamerica.org/TheLibrary>

<https://rumble.com/vf8iq3-scientific-proof-television-special-on-election-fraud-by-mike-lindell.html>

I believe that the vast majority of county clerks are good and honest people with the desire to serve their communities well. Unfortunately, some county clerks are convinced by the Secretary of State (SOS) that these machines are secure, and even worse, that they are compelled to use them. Consequently, I have communicated with every County Clerk in the 3rd district, cautioning them against the use of electronic tabulators and urging them to conduct historically accurate, verifiable and transparent hand counts of all ballots cast.

Given the alarming evidence of election fraud associated with these machines, as introduced in the aforementioned links, and because the clerks or election commissioner have been notified of this risk, failure to heed this caution may result in violations of NRS 32-1506, NRS 32-1518, NRS 32-1041(2) and/or NRS 32-1502, potentially leading to legal repercussions for them.

Once courts confirm that the machines are corrupt, an enraged electorate will call for justice and accountability and blame will be thrust upon our clerks. As the elected officials of the people to fulfill their duties to ensure free elections, they won't be able to claim plausible deniability or that they were following SOS directives. It is their role to understand the Election Act, and subsidiarity demands that they take responsibility for their counties.

It is imperative to recognize that illegal guidelines do not absolve election commissioners or county clerks of liability. Under NRS 32-1548, county attorneys are mandated to prosecute all complaints of Election Act violations to final judgment. Any election commissioner complicit in permitting ballot manipulation through these machines will be subject to legal consequences. It is incumbent upon elected officials to uphold their duties in ensuring free and fair elections, thereby assuming accountability for their respective counties.

With the primary election looming in just a couple of weeks, time is of the essence. **I urge you to prioritize this matter and advise county clerks against the use of these suspect machines.** By doing so, they will have the opportunity to take appropriate action under NRS 32-216(2), which provides for the immediate procurement of resources required to safeguard the integrity of our electoral process.

Sincerely,

John Walz

US Congressional Candidate – NE03

402-831-0152

Pierce Clerk's Office is dedicated to accurate, secure elections

There is a lot of information floating around on social media about the integrity of elections. Since the May 14th Primary Election is around the corner, I wanted to share more insight into election procedures in Pierce County.

Pierce County, like every other county in Nebraska, operates its own elections. Our duties include handling our county's voter registration list, operating precincts on Election Day, operating and testing election equipment and completing other election-related requirements. My office and the poll workers, are the ones responsible for conducting accurate and secure elections. It is our utmost priority.

At the state level, the Secretary of State's Office ensures elections are operated according to state and federal law. Their office provides us with help to make sure we have secure and accurate elections.

An Omaha company, Election Systems and Software (ES & S), supplies our ballot-counting machines – also known as tabulators – that securely and accurately count ballots. The tabulators do not have modems and cannot be connected to the internet. The tabulators went through rigorous testing to be certified by an independent testing laboratory prior to being certified by the Election Assistance Commission and subsequently by the Secretary of State. Election Systems and Software provides testing for the accuracy of their tabulators, and the Pierce County Clerk's Office does its own independent testing before each election, as required by law.

Early voting is a secure process that is required by law to ensure a Nebraska voter has an opportunity to cast their ballot. In Pierce County, a voter who wants to vote early must complete the early voting application process. The only voters who receive early voting ballots are the voters who successfully complete the early voting application process. We do not randomly send ballots out to voters or non-voters.

As the early voting ballots are received, staff members compare the addresses and signatures on the ballot envelopes. We verify that the right person voted the ballot and that no other ballot was returned for this voter before they are opened and counted. If there is a discrepancy, the Clerk's Office will work with the voter to correct any issue.

On election day, ballots are delivered to the polling places. The blank ballots are counted by staff in the Clerk's Office before sent out. At the end of the day, the poll workers also complete a ballot reconciliation report. This report consists of the number of voters, unused ballots and the spoiled ballots.

Once the ballots are received back from the polling places and are counted, election officials compare the number of signatures in the poll books to the number of ballots shown as counted on the tabulator reports. Results are then transferred through one-way one-use portable media, or by printouts, to an internet-connected computer to be sent through a secure website to the Secretary of State's Office to be added to the statewide totals.

Our office, along with every other county election office in Nebraska, conducts checks and balances after the election. One of the routine checks and balances includes having bipartisan teams hand count ballots for three contests and compare to what was counted by the tabulators in a percentage of precincts randomly selected statewide by the Secretary of State. We want to make sure the tabulators functioned as expected.

Conducting an election is a team effort between Federal, State, County and local citizens. Pierce County has always been fortunate to have local dedicated citizens at the polls working hard to ensure safe and secure elections.

I hope this letter will instill voter confidence in the local election process. If you have any questions regarding elections in Pierce County, please feel free to contact our office. We are here to serve you.

Shannon Wragge
Pierce County Clerk/Election Commissioner
402-329-4225

Tom J. Beckius

From: Christie Schroff <christie@sst-neb.com>
Sent: Wednesday, May 8, 2024 9:33 AM
To: Council Packet
Subject: What is the deadline to submit comments on upcoming council meeting agenda items, in order to be included in city council packets?

Christie Schwartzkopf Schroff
Schwartzkopf Schroff & Tricker, LLP
300 North 44th Street, Suite 116
Lincoln, NE 68503
Phone (402) 464-0097 direct
Phone (402) 450-3222 mobile
christie@sst-neb.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Tom J. Beckius

From: Everett Neighborhood <everettneighborhoodassociation@gmail.com>
Sent: Wednesday, May 8, 2024 2:51 PM
Subject: You're Invited! ENA Spring Event - May 18th at Pepe's Bistro!

Hello, neighbors!

We hope you all can join us at our Chalk the Walk and Plant Swap outside Pepe's Bistro on May 18th from 10AM-2PM!

Everett Neighborhood
Chalk the Walk
& Plant Swap

Saturday, May 18th
11AM-2PM

outside Pepe's Bistro
1311 S 11th St.

- * Meet your neighbors!
- * Create chalk art (chalk provided!)
- * Participate in a plant exchange! Bring your indoor/outdoor plants (please label). No need to bring a plant to adopt a plant!
- * Enjoy delicious food at Pepe's!
- * Music and more!

Scan to take a survey and receive a free ENA t-shirt at the event!

Pepe's Bistro

This event will be a great opportunity to meet your neighbors, participate in various activities, and support a great local business!

Please take our brief neighborhood survey to help us gather information for future events and activities. <https://forms.gle/t4i4DgN4YipwcbWU7> If you complete the survey and come to the event on the 18th, you'll receive a free ENA t-shirt!

We hope to see you there!



Everett Neighborhood Association

<https://www.everettneighborhood.org/>

<https://www.facebook.com/everettneighborhoodassociation>

Email: everettneighborhoodassociation@gmail.com

Address: PO Box 94624, Lincoln, NE 68509

Tom J. Beckius

From: Christie Schroff <christie@sst-neb.com>
Sent: Wednesday, May 8, 2024 3:25 PM
To: Council Packet
Cc: Rob Otte; Benjamin M. Callahan; Steve S. Henrichsen; David Claussen; Frieda Faiferlick; Larry Faiferlick
Subject: Include in 5.13.24 City Council Packet - CZ 23057
Attachments: Ltr to City Council - Change of Zone 23057.pdf

RE: CZ 23057, AN 23008

Please include the attached letter from my clients, property owners at 8401 N. 70th Street, in the City Council packet for the May 13, 2024 meeting.

Please note: they are requesting that their property at 8401 N. 70th Street be **included** in the Change of Zone from AG (Agricultural) to I-1 (Industrial). As presently proposed, they are excluded from the Change of Zone, but included in the Annexation.

Thank you.
Christie Schroff

Christie Schwartzkopf Schroff
Schwartzkopf Schroff & Tricker, LLP
300 North 44th Street, Suite 116
Lincoln, NE 68503
Phone (402) 464-0097 direct
Phone (402) 450-3222 mobile
christie@sst-neb.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

May 8, 2024

Dear City Council members,

We own the property at 8401 N. 70th. We are devastated over the consequences that will occur as a result of the proposed development of the land that totally surrounds our property!

We bought our property in 1993 - nearly 31 years ago - realizing our dream of owning a home. We purchased it in "as is" condition. In all these years, we have re-roofed the house, put siding on it, new windows, floors, lighting, etc. We also moved the garage back from 70th Street, closer to the house. We enlarged our driveway, making it heavy-duty with rebar, and paving it in phases, as we could afford. It took 3 years. We enlarged a workshop to 30 x 80. We had three other metal buildings put up to store our goods (farm tractor, 1939 antique pickup truck, motorcycles, mower, etc.). We have had lots of "labor of love" projects and have enjoyed not only the peacefulness but also the convenience of being close to Lincoln and access to the interstate.

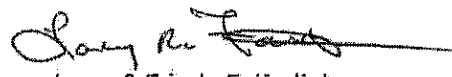
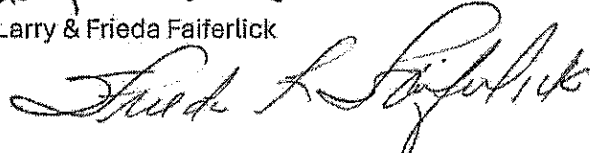
Now we are faced with all the disruption of our peace with the dirt, noise, and large trucks that will overwhelm us. Our stress and loss of sleep are rising daily. On top of that, there will likely be a significant decrease in the value of our property. We were so very happy here before; now in our senior years, we are totally unhappy!

We didn't attend the planning commission meeting held recently because we were out of town and we thought it only had to do with the re-zoning of the property from agricultural to industrial, and we thought our property would be included in that change. We also were led to believe that there might be a possibility that our property would be excluded from the annexation.

We have recently been searching for property that would come close to our needs, but with rising costs of land and property, there is nothing in our price range within a 20-30 mile radius of Lincoln City limits.

Since our property is already included in the annexation (which we are resigned to accept), we request that our property also be included in the change of zone request from Agricultural to Industrial.

Sincerely,


Larry & Frieda Faiferlick


Tom J. Beckius

From: Christie Schroff <christie@sst-neb.com>
Sent: Thursday, May 9, 2024 2:56 PM
To: Council Packet
Cc: Steve S. Henrichsen; Rob Otte; David Claussen; Benjamin M. Callahan; Frieda Faiferlick; Larry Faiferlick
Subject: CZ 23057 (Arbor Road North)

RE: CZ 23057

Dear City Council,

On behalf of the property owners (Frieda & Larry Faiferlick) of 8401 N. 70th Street, yesterday I emailed you their request that their property at 8401 N. 70th Street be included in the Change of Zone from AG to I-1 (CZ 23057), which is scheduled for public hearing at your May 13 meeting. Steve Henrichsen kindly responded that the City Council cannot add their property to the pending change of zone because the property wasn't in the legal ads for the **change of zone** and wasn't reviewed by the Planning Commission. Notably, Faiferlicks' property **is included** in the Annexation (AN 23008), a related application.

Believing it makes no sense to have their small (0.81 ac) parcel remain AG zoned while it is annexed into the City of Lincoln and surrounded by industrial zoned property, today Faiferlicks filed an application with the Planning Department for change of zone from AG to I-1 on their property.

Normally, it would make sense for you to consider their application along with the related applications (CZ 23057, AN 23008, PP 24002). However, developer expressed a desire to proceed as scheduled with the package of applications. Accordingly, Faiferlicks respectfully elected to honor developer's desire, and will **not** ask the City Council to delay the related applications so their application can "catch up".

This communication is to provide you a "heads up" that Faiferlicks' change of zone application will appear on a future agenda. We wanted you to be aware of the background. Please include this communication in the packet for City Council meeting of May 13.

Thank you.

Christie Schroff

Christie Schwartzkopf Schroff
Schwartzkopf Schroff & Tricker, LLP
300 North 44th Street, Suite 116
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Phone (402) 464-0097 direct
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