AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD MONDAY, AUGUST 05, 2024 AT 3:00 PM

ACTION

ALL MEMBERS PRESENT EXCEPT BOWERS

PUBLIC HEARING - CONSENT AGENDA

Anyone wishing to address an item on the Consent Agenda may do so at this time.

PUBLIC HEARING ON THE BUDGET

Immediately following the Regular Council Meeting, there will be a Public Hearing on the One & Six Year Street & Highway Program, the Mayor's Recommended 2024-26 Operating Budget, and the Capital Improvement program for 2024 through 2030.

1. REPORTS OF CITY OFFICERS

1.a. Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on July 15, 2024.
(PLACED ON FILE)

1.b. Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on July 22, 2024.
(PLACED ON FILE)

2. PETITIONS & COMMUNICATIONS

2.a. PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment #24013 to Special Permit #22045A for the Hawley Corners Community Unit Plan, was approved by the Planning Director on July 22, 2024, to reduce the rear yard setback for Lot 3 to 2.5 feet, generally located at the southwest corner of N. 26th Street and U Street.

2.b. REFERRED TO THE PLANNING DEPARTMENT:
Special Permit 24024, for Last Enchantment Heliport to allow for a heliport, with associated waivers, on property generally located at 801 Cresthill Lane. The Planning Commission action is final, unless appealed to the Lancaster County Board.
Text Amendment 24011, amendment to Lincoln Municipal Code Section 27.59.060 to expand the ability to obtain blanket height permits on areas within the Airport Hazard Area that have an elevation of more than 100 feet but not more than 115 feet above the elevation on the nearest existing or proposed runway end in residential areas.

3. MISCELLANEOUS REFERRALS - NONE.

- VOTE ON CONSENT ITEMS -

- END PUBLIC HEARING -

4. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

4.a. 24-94
Change of Zone 24016 - Application of Diamond Enterprises, LLC to change the zone from H-3 Highway Commercial to I-1 Industrial on property generally located at 3501 W O Street.
(PASSED, 6-0; 21645)
24-94 Ordinance.pdf
24-94 Attachment.pdf
CZ24016 Summary Report.pdf

4.b. 24-96
Text Amendment 24008 - Application of Youth Actors Academy of Lincoln, to amend Lincoln Municipal Code Section 27.02.020 Definitions, to modify the definition of "Academies" by adding additional clarification for different types of Academies within the definition and additional language related to events and performances associated with Academies.
(PASSED, 6-0; 21646)
24-96 Ordinance (TX24008).pdf
TX24008 Summary Report.pdf

5. RESOLUTIONS - 1ST READING (ITEMS 5.A. THROUGH 5.D. HAD 1ST READING)

5.a. 24R-344
Appointing Susan Sapp to the City Personnel Board to fill a partial term ending June 22, 2026.
24R-344 Resolution.pdf

5.b. 24R-345
Approving the Professional Services Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department (LLCHD) and Consultants in Infectious Disease, LLC, to provide medical consultation services to the Health Department for a term of July 1, 2024, through June 30, 2026.
24R-345 Resolution.pdf
24R-345 Attachment.pdf

5.c. 24R-346

Approving Downtown Lincoln Association's 2024-2025 Maintenance and Management BID Budget and Program of Work.
24R-346 Resolution.pdf
24R-346 Attachment.pdf

5.d. 24R-347
Accepting and approving the report of new and pending claims against the City for July 16 through July 31, 2024.
24R-347 Resolution.pdf
24R-347 Claims Report.pdf

6. ORDINANCES - 1ST READING & RELATED RESOLUTIONS (ITEMS 6.A. THROUGH 6.C. HAD 1ST READING)

6.a. 24-101
Text Amendment 24009 - Request of the City of Lincoln Planning Department to amend Lincoln Municipal Code Section 27.72.120 Accessory Buildings to clarify "floor" area in paragraph d. and to describe exceptions not included in the maximum or expanded maximum accessory building square foot allowance.
24-101 Ordinance (TX24009).pdf
TX24009 Summary Report.pdf

6.b. 24-102
Text Amendment 24010 - Request of the City of Lincoln Planning Department to amend Lincoln Municipal Code Section 27.06.020 Classification of Use Types by amending paragraph b. More Than One Main Use, subparagraph 2., to allow more than two single-family dwellings on lots or tracts located in the O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 districts.
24-102 Ordinance (TX24010).pdf
TX24010 Summary Report.pdf

6.c. 24-103
Text Amendment 24007- Request of the City of Lincoln Planning Department to amend Section 27.62.100 Retail Sales and Services Use Group and Section 27.62.110 Food and Drink Establishments Use Group to convert special permits for on and off-sale alcohol to conditional uses thereby repealing Section 27.63.680 Sale of Alcoholic Beverages for Consumption On the Premises and Section 27.63.685 Sale of Alcoholic Beverages for Consumption Off the Premises.
24-103 Ordinance (24007).pdf
TX24007 Summary Report.pdf

7. PENDING LIST - EXTENDED ONE WEEK

7.a. 24R-18
Comprehensive Plan Conformance 23019 - Application of the Urban Development

Department to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, and to adopt the "NW 48th & W Vine Redevelopment Plan", including the "Falcon Corner Redevelopment Project," for the construction of a large retail building and associated commercial uses, on property generally located at NW 48th Street and Interstate 80. (1/22/24 – Action delayed to 1/29/24) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)
CPC23019 SUMMARY REPORT.pdf
24R-18 Resolution.pdf
24R-18 Attachments.pdf
24R-18 Memo to Council.pdf

7.b. 24R-35
Approving the Falcon Corner Project Redevelopment Agreement between the City and FFF, LLC., relating to the redevelopment of the property generally located in the northeast corner of NW 48th Street and Interstate 80. (Related Items: 24R-35, 24R-36, 24-10) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)
24R-35 Resolution.pdf
24R-35 Attachment.pdf

7.c. 24R-36
Amending the FY 2023-2024 CIP to authorize and appropriate $4,290,090.00 in TIF funds for the Falcon Corner Redevelopment Project. (Related Items: 24R-35, 24R-36, 24-10) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)
24R-36 Resolution.pdf

7.d. 24-10
Authorizing the issuance of Tax Allocation Bonds for the Falcon Corner Redevelopment Project in an amount not to exceed $4,290,090.00. (Related Items: 24R-35, 24R-36, 24-10) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)
24-10 Ordinance.pdf

7.e. 23R-638
Comprehensive Plan Amendment 23005- Application of FFF, LLC to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to revise the Future Land Use Map by changing the designation from Industrial Use to Commercial Use, on property generally located at the northeast corner of NW 48th Street and Interstate 80. (Related Items: 23R-638, 23-158, 23R-639, 23-159) (Action date: 1/22/24) (1/8/24 – Public hearing continued to 1/22/24) (1/22/24 – Action delayed to 1/29/24) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)
23R-638 Resolution.pdf
23R-638 Attachment.pdf
CPA23005 SUMMARY REPORT.pdf

7.f. 23-158

Annexation 23005- Application of FFF, LLC., to annex approximately 52 acres, more or less, on the property generally located at the northeast corner of NW 48th Street and Interstate 80. (Related Items: 23R-638, 23-158, 23R-639, 23-159) (1/8/24 – Public hearing continued to 1/22/24) (1/22/24 – Action delayed to 1/29/24) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)

23-158 Ordinance.pdf

23-158 Attachment.pdf

AN23005 SUMMARY REPORT.pdf

7.g. 23R-639

Approving the Conditional Annexation and Change of Zone Agreement between the City, FFF, LLC., and Helen Belle Kitzel Farms, LLC., for property generally located near NW 48th Street and Interstate 80. (Related Items: 23R-638, 23-158, 23R-639, 23-159) (Action date: 1/22/24) (1/8/24 – Public hearing continued to 1/22/24) (1/22/24 – Action delayed to 1/29/24) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)

23R-639 Resolution.pdf

23R-639 Attachment.pdf

7.h. 23-159

Change of Zone 23019 - Application of FFF, LLC., to change the zoning designation of 15 acres more or less, from AG Agricultural District to H-4 Highway Commercial District, on property generally located at the northeast corner of NW 48th Street and Interstate 80. (Related Items: 23R-638, 23-158, 23R-639, 23-159) (1/8/24 – Public hearing continued to 1/22/24) (1/22/24 – Action delayed to 1/29/24) (1/29/24 - Verbal Motion to move item to Pending List - No Date Certain)

23-159 Ordinance.pdf

23-159 Attachment.pdf

CZ23019 SUMMARY REPORT.pdf

PUBLIC COMMENT

Anyone wishing to address the council on a matter not on this agenda, and not planned to appear on a future agenda, may do so at the open microphone session. Individuals are allowed a total of 5 minutes to speak regardless of the number of topics. For the month of August, open microphone sessions will be held on August 12 & 26, 2024.

ADJOURNMENT – 3:07 P.M.

BUDGET PRESENTATION

Notice of place and time of this budget hearing and a summary of the proposed budget statement was published at least four calendar days prior to the date set for the budget hearing. The publication date in the Lincoln Journal Star was July 30, 2024.

Any member of the public desiring to speak on the proposed budget statement is allowed to address the City of Lincoln City Council at today's hearing and will be given a reasonable amount of time to speak.

Items 8.a. through 8.s. and item 9.a. through 9.d. in the following sections relate to the FY2024-26 budget and will be called as a package for the purposes of presentation and testimony.

8. PUBLIC HEARING - - BUDGET RESOLUTIONS (ITEMS 8.A. THROUGH 8.S. HAD 2ND READING, SEE ITEMS 8.A. THROUGH 8.S.)

8.a. 24R-342
Adopting the 2024-26 City of Lincoln Operating Budget & Capital Improvement Program (CIP); One- and Six-Year Street and Highway Program. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
2024-26 Schedules .pdf

8.b. 24R-325
Miscellaneous 24005 - Application of the City of Lincoln Planning Department Planning Director to adopt the proposed Fee Schedules for Application Reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code for FY 2024-2025 and FY 2025-2026 with an effective date of October 1, 2024. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-325 Resolution.pdf
24R-325 Attachment.pdf
MISC24005 City Summary Report.pdf

8.c. 24R-326
Approving the updated fees scheduled for ambulance services during FY2024-2025. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-326 Resolution.pdf
24R-326 Attachment.pdf
EMSOA-LFR rate proposal letter 2024.pdf

8.d. 24R-327
Approving the updated permit fees under LMC Chapter 5.41 Salvage, Recycling and Composting Operations, including salvage; recycling processing center; recycling center; consumer recyclables collection site; and commercial composting operations. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-327 Resolution.pdf

8.e. 24R-328

Approving the updated fees for opening burning permits under LMC Chapter 8.06 Air Pollution. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-328 Resolution.pdf

8.f. 24R-329
Approving the updated fees under LMC Chapter 8.08 Body Art Establishments, including body art establishment permits; body art practitioner permits; and permit reinstatement. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-329 Resolution.pdf

8.g. 24R-330
Approving updated fees under LMC Chapter 8.20 Food Code, including food establishments; mobile food units; food catering services; temporary food establishments; reinstatement fees; and food handler and food manager permit fees. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-330 Resolution.pdf

8.h. 24R-331
Approving updated noise variance fees under LMC Chapter 8.24 Noise Control. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-331 Resolution.pdf

8.i. 24R-332
Approving updated fees under LMC Chapter 8.32 Solid Wastes, including special waste permit fees. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-332 Resolution.pdf

8.j. 24R-333
Approving updated fees under LMC Chapter 8.44 Water Wells, including water well construction permits; annual water well permits; water well repair permits; and variance applications. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-333 Resolution.pdf

8.k. 24R-334
Approving updated fees under LMC Chapter 8.38 Public Swimming Pools; including swimming pool permits; new permit/plan review; renewal; additional spa; swimming pool operator; and pool water quality tester certificate. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)

24R-334 Resolution.pdf

8.l. 24R-335
Approving updated fees under LMC Chapter 24.38 Onsite Wastewater Treatment Systems, including construction and repair of onsite wastewater treatment systems; cleaner permits; installer permits; and development area reviews. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-335 Resolution.pdf

8.m. 24R-336
Approving updated permit fees under LMC Chapter 24.42 Regulation of Property Transfers with Onsite Systems, including review of property transfers with onsite wastewater or water systems. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-336 Resolution.pdf

8.n. 24R-337
Approving updated permit fees under LMC Chapter 28.02 Regulations for Illicit Discharges. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)

24R-337 Resolution.pdf

8.o. 24R-338
Amending Lincoln-Lancaster County Air Pollution Control Regulations and Standards, Article 1, Section 6 Fees to update fees for required services to business and industry. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-338 Resolution.pdf

8.p. 24R-339
Establishing a new rate schedule for the Lincoln Water System for purposes of covering operational and maintenance costs including debt service and Capital Improvements Program for FY 2024-2025 and FY 2025-2026. Proposed Resolution to Increase Water Use Charges. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-339 Resolution.pdf
24 Fact Sheet Water Use Charges.pdf

8.q. 24R-340
Establishing a new rate schedule for the Lincoln Wastewater System for purposes of covering operational and maintenance costs including debt service and Capital Improvements Program for FY 2024-2025 and FY 2025-2026. (Public Hearing on

8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-340 Resolution.pdf
24 Fact Sheet Wastewater Use Charges.pdf

8.r. 24R-341
Establishing a new rate schedule for the Lincoln Solid Waste System for purposes of covering operational and maintenance costs including debt services and Capital Improvement Program for FY 2024-2025 and FY 2025-2026. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-341 Resolution.pdf
24 Fact Sheet Solid Waste Use Charges.pdf

8.s. 24R-343
A resolution to increase restricted funds authority by 1% per Neb. Rev. Stat. §13-519. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24R-343 Resolution.pdf

PUBLIC HEARING ON THE 2024 - 26 CITY OF LINCOLN OPERATING BUDGET

9. PUBLIC HEARING - - BUDGET ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEMS 9.A. THROUGH 9.D. HAD 2ND READING, SEE ITEMS 9.A. THROUGH 9.D.)

9.a. 24-97
Amending Chapter 5.56 of the Lincoln Municipal Code relating to Emergency Alarm Systems by amending Section 5.56.030 Permit; Alarm User to revise processing fees and renewal fees for commercial and residential permits. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24-97 Ordinance (5.56.030).pdf

9.b. 24-98
Amending Section 8.32.150 of the Lincoln Municipal Code to provide for an occupation tax on refuse haulers. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24-98 Ordinance (8.32.150).pdf
24 Fact Sheet Occ Tax.pdf

9.c. 24-99
Authorizing the issuance of 2024 Municipal Improvements Bonds in an amount not to exceed $ 12,200,000. (Public Hearing on 8/5/24; Request to Delay Action to

8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24-99 Ordinance.pdf

9.d. 24-100
Approving the transfer of unspent and unencumbered appropriations between certain Capital Improvement Projects. (Public Hearing on 8/5/24; Request to Delay Action to 8/26/24.)
(VERBAL MOTION TO DELAY ACTION THREE WEEKS TO 8/26/24, 6-0)
24-100 Ordinance.pdf

- - END PUBLIC HEARING - -

ADJOURNMENT – 5:52 P.M.

PUBLIC COMMENT

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The Lincoln City Council meets every Monday at 3 p.m. except for the last Monday of the month which begins at 5:30 p.m. All City Council meetings are aired live on LNKTV City and re-aired later. For a schedule, visitlincoln.ne.gov (keyword: LNKTV). LNKTV City can be found on all three cable television systems: ALLOChannel 2; Spectrum Channel 1300; Kinetic Channel 1005. Meetings are also streamed live at lincoln.ne.gov(keyword: LNKTV) and available later at youtube.com/LNKTVcity.

LNKTV, the City government access group of channels, is now available on Roku and Apple TV. The free apps allow people without cable and those living outside of Lincoln to view livestreamed and archived LNKTV City, Health, and Education programs. Residents with Roku or Apple TV devices will find LNKTV in the channel guide or app store.

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The City Council Agenda and Action Sheet may be accessed on the Internet at: lincoln.ne.gov

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ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511 as soon as possible before the scheduled meeting date in order to make your request.