AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD MONDAY, APRIL 22, 2024 AT 3:00 PM

ACTION

ALL MEMBERS PRESENT

PUBLIC HEARING - CONSENT AGENDA

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

MAYOR'S AWARD OF EXCELLENCE

Mayor's Award of Excellence for the month of February 2024 is presented to Ali Bousquet, Cindy Krushenisky, Kimberly Jorgensen, Scott Clark, and Sharon Sayre from the Lincoln City Libraries, in the category of Valor.

1. REPORTS OF CITY OFFICERS

1.a. 24R-163
Appointing Cody Schaaf to the Veterans Memorial Garden Advisory Council for a partial term to expire November 1, 2025.
(ADOPTED, 7-0; A-94554)
24R-163 Resolution.pdf
24R-163 Resolution.docx

1.b. 24R-164
Reappointing Isabelle Huertas and Adrian Lauer to the Parks and Recreation Advisory Board for terms to expire May 31, 2025.
(ADOPTED, 7-0; A-94555)
24R-164 Resolution.pdf

1.c. 24R-165
Reappointing Jessica Boren, Tut Kailech, Sherrie Nelson, and Jonathan Peterson to the Parks and Recreation Advisory Board for terms to expire April 27, 2027.
(ADOPTED, 7-0; A-94556)
24R-165 Resolution.pdf

1.d. 24R-166
Reappointing Dan Kubr to the Building Code Board of Appeals for a term to expire April 1, 2027.
(ADOPTED, 7-0; A-94557)
24R-166 Resolution.pdf

1.e. 24R-167

Reappointing Kyle Biggerstaff to the Board of Mechanical Examiners for a term to expire April 4, 2027.
(ADOPTED, 7-0; A-94558)
24R-167 Resolution.pdf

1.f. 24R-168
Approving the On-Call Professional Services Task Order Agreement Supplement No. 1 for preliminary engineering services between the City of Lincoln and Alfred Benesch & Co., the 70th Street & Nebraska Parkway right turn lane addition, Project No. HSIP-5247(14), Control No. 13548, City Project No. 705641.
(ADOPTED, 7-0; A-94559)
24R-168 Resolution.pdf
705641 Preliminary Engineering Services Agreement 3 22 2024.pdf
705641 city-council-fact-sheet PE 3 22 2024.pdf

1.g. 24R-169
Approving the On-Call Professional Services Task Order Agreement Supplement No. 1 between the City of Lincoln and Alfred Benesch & Co., the 70th Street & Nebraska Parkway, right turn lane addition, Project No. HSIP-5247(14), Control No. 13548, City Project No. 705641.
(ADOPTED, 7-0; A-94560)
24R-169 Resolution.pdf
705641 Environmental Services Agreement 3 22 2024.pdf
705641 city-council-fact-sheet NEPA 3 22 2024.pdf

1.h. Affidavits of Mailing for Board of Equalization Meeting for College View Maintenance Improvement District, Havelock Maintenance Improvement District, North 27th Street Maintenance Improvement District, South Street Maintenance Improvement District, University Place Maintenance Improvement District, and the West "O" Street Maintenance Improvement District to be held on Monday, May 6th, 2024, at 3:00 p.m.

(PLACED ON FILE)

1.i. Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on March 25, 2024.
(PLACED ON FILE)

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

1.k. Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City

Council on April 8, 2024.
(PLACED ON FILE)

2. PETITIONS & COMMUNICATIONS

2.a. PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment 24017 to Use Permit 58G, Williamsburg Village North, was approved by the Planning Director on April 8, 2024, to increase the square footage of Area #26 from 85,000 square feet to 90,000 square feet, and to increase the overall square footage of the Use Permit from 705,720 square feet to 710,720 square feet, generally located at South 40th Street and Old Cheney Road.

2.b. REFERRED TO THE PLANNING DEPARTMENT:
Text Amendment 24004, amending Lincoln Municipal Code 27.67.40 Parking Requirements Special Conditions, to remove parking requirements in B-2 and B-5 for sale of alcoholic beverages with on-premises consumption, restaurants, and social halls.
Change of Zone 23057, from AG (Agricultural District) to I-1 (Industrial District), totaling approximately 34.24 acres on property generally located at the northwest corner of N. 70th Street and Arbor Road.
Special Permit 24005, to allow for soil mining/excavation, on property generally located at the northwest corner of N 70th Street and Arbor Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.
Change of Zone 24009, from AGR (Agricultural Residential District) to R-3 (Residential District) over approximately 11.38 acres generally located at S 70th and Pine Lake Road.
Special Permit 24011, to allow for a Residential Healthcare Facility for up to 83 units with a waiver to maximum height on property generally located at S 70th Street and Pine Lake Road.
Special Permit 24010, to allow the sale of alcohol for consumption on the premises on property generally located at 1055 W Bond Street. This item is final action, unless appealed to Lincoln City Council.
Change of Zone 24010, of approximately 31 acres from AG (Agricultural District) and R-3 (residential District) to H-4 (Highway Commercial District) on all or portions of property generally located at 303 N 112th Street.
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 all or portions of property generally located at 303 N 112th Street.
Text Amendment 24003, to amend the Lincoln Municipal Code 27.52.075 and 27.53.075 regarding flood regulations for existing urban area and new growth areas to clarify the grandfathering for applications prior to March 2023.

3. MISCELLANEOUS REFERRALS - NONE.

- VOTE ON CONSENT ITEMS -

4. PUBLIC HEARING - LIQUOR RESOLUTIONS

4.a. 24R-181
Application of Norm's Fuel & Food, LLC dba Norm's on 48th for a Class CK Liquor License located at 2510 South 48th Street.
(ADOPTED FOR DENIAL, 7-0; A-94561)
24R-181 Norm's on 48th Class CK app.pdf
24R-181 Norm's on 48th Class CK den.pdf
24R-181 Ltr and Application for Norm's.pdf

4.b. 24R-182
Manager Application of Stacey L. Sell for Norm's Fuel & Food, LLC dba Norm's on 48th located at 2510 South 48th Street.
(ADOPTED FOR DENIAL, 7-0; A-94562)

24R-182 Stacey Sell for Norm's app.pdf
24R-182 Stacey Sell for Norm's den.pdf
24R-181 Ltr and Application for Norm's.pdf

4.c. 24R-183
Application of Lincoln Arts Council for a special designated license to cover an outdoor area measuring approximately 568 feet by 200 feet at 101 N 14th Street on May 3 & 4, 2024 from 4:00 p.m. to 2:00 a.m.
(ADOPTED FOR APPROVAL, 7-0; A-94563)
24R-183 Lincoln Arts Council SDL app.pdf
24R-183 SDL Lincoln Arts Council den.pdf
SDL_map.pdf
SDL App 1239.pdf

4.d. 24R-184
Application of Rhino Dynamics Inc. dba Duffy's Tavern for a special designated license to cover an outdoor area measuring approximately 568 feet by 200 feet at 101 N 14th Street on May 3 & 4, 2024 from 4:00 p.m. to 2:00 a.m.
(ADOPTED FOR APPROVAL, 7-0; A-94564)
24R-184 Duffy's Tavern SDL app.pdf
24R-184 Duff's Tavern SDL den.pdf
SDL_map.pdf
Duffys_Backlot_Lincoln_Calling_2024.pdf
SDL App 1213.pdf

- VOTE ON LIQUORS -

5. PUBLIC HEARING - RESOLUTIONS

5.a. 24R-170

Comprehensive Plan Conformance 24003 - Application of the City of Lincoln Urban Development Department to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed new "East Gateway Mall Redevelopment Plan", consisting of 58 acres that will include the "Shops at Lincoln Redevelopment Project" and " Former Meginnis Ford Redevelopment Project" for development of commercial and residential buildings, generally located at N. 66th and O Streets.

(ADOPTED, 7-0; A-94565)

24R-170 Resolution.pdf

24R-170 Attachments.pdf

CPC24003 Summary Report.pdf

5.b. 24R-171

Approving and accepting the Grant Award Agreement between the Nebraska Department of Health and Human Services and the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, for a Minority Health Initiative with a focus on the social determinants of health and identifying actionable interventions to meet the needs of the diverse population being served, from January 1, 2024, to June 30, 2025, in the amount of $659,657.03.

(ADOPTED, 7-0; A-94566)

24R-171 Resolution.pdf

HPO_DHHS_MinorityHealthInitiative_78868 Y3_April_2024_PendingCCApproval.pdf

5.c. 24R-172

Approving the League of Nebraska Municipalities Redevelopment Project Redevelopment Agreement between the City and League of Nebraska Municipalities, a Nebraska nonprofit corporation, relating to the redevelopment of property generally located at 1335 L Street and 401 S. 14th Street and adjacent rights of way. (Related Items: 24R-172, 24R-173)

(ADOPTED, 7-0; A-94567)

24R-172 Resolution.pdf

24R-172 Attachment.pdf

5.d. 24R-173

Amending the FY 2023-2024 CIP to authorize and appropriate $436,625 in TIF funds for the League of Nebraska Municipalities Redevelopment Project. (Related Items: 24R-172, 24R-173)

(ADOPTED, 7-0; A-94568)

24R-173 Resolution.pdf

- VOTE ON RESOLUTIONS -

6. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEM 6.A. HAD 2ND READING)

6.a. 24-43

Street and Alley Vacation 24002 - Application of Hoppe & Son, LLC., to vacate a portion of the east-west alley generally located between D and E Street from S. 13th Street to S. 14th Street.

24-43 Ordinance.pdf
24-43 Attachment.pdf
SAV24002 Summary Report.pdf

- END PUBLIC HEARING -

7. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

7.a. 24-35

Approving the Lease Agreement between the City of Lincoln on behalf of Lincoln Parks and Recreation Department and Parks and Recreation Foundation for the lease of space by Lincoln Parks and Recreation Foundation at 3131 O Street Ste. 300 from May 1, 2024 through April 30, 2034.

(PASSED, 7-0; #21589)

24-35 Ordinance.pdf
24-35 Attachment.pdf

7.b. 24-36

Amending Lincoln Municipal Code Section 8.20.030 Definitions to revise the definitions of "Food Establishment" and "Vendor" to add mobile food establishments and Vendor's Trucks; by amending Section 10.02.470 Vendor's Truck to update the definition to include Motor Vehicles, Cabin Trailers, and products or services intended for sale which are carried in or provided for retail sale; by amending Section 10.02.480 Vend or Vending to update the definition to include products or services for sale from a Vendor's Truck; by amending Section 10.46.110 Vending Rules to add that a person shall not vend or allow vending from any lot or alley within a residentially zoned district and that a person shall not allow a Vendor's Truck to Vend between the hours of 10:00 p.m. and 7:00 a.m. within a residentially zoned district.

(MTA#1, ADOPTED, 7-0; PASSED AS AMENDED, 7-0; #21590)

24-36 Ordinance.pdf

7.c. 24-37

Comprehensive Plan Conformance 24004 - Declaring approximately .09 acres of City owned property generally located at 10th & N Streets, as surplus.

(PASSED, 7-0; #21591)

24-37 Ordinance.pdf

CPC24004 Summary Report.pdf

7.d. 24R-146

Comprehensive Plan Amendment 24002 - Application of the City of Lincoln to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to revise the Priority Growth Areas Map, to change from Tier III and Tier I Priority B to Tier I Priority A property generally located near the intersection of N 70th Street and Interstate 80. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(ADOPTED, 7-0; A-94569)
24R-146 Resolution.pdf
CPA24002 Summary Report.pdf

7.e. 24-38

Comprehensive Plan Conformance 24005 - Declaring approximately 314.51 acres of City owned property generally located at the intersection of North 70th Street and Interstate 80, as surplus. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(PASSED, 7-0; #21592)
24-38 Ordinance.pdf
CPC24005 Summary Report.pdf

7.f. 24-39

Annexation 24002 - Application of the City to annex approximately 448 acres, more or less, and the adjacent public right-of-way generally located east and west N. 70th Street and north of Interstate 80. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(PASSED, 7-0; #21593)
24-39 Ordinance.pdf
24-39 Attachment.pdf
AN24002 Summary Report.pdf

7.g. 24-40

Change of Zone 24004 - Application of the City of Lincoln, to change the zone from AG Agricultural District to P Public, on property generally located between Highway 77 and N 84th Street from Interstate 80 to Bluff Road. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(PASSED, 7-0; #21594)
24-40 Ordinance.pdf
24-40 Attachment.pdf
CZ24004 Summary Report.pdf

7.h. 24-41

Street and Alley Vacation 24004 - Request of City of Lincoln to vacate the remnant right-of-way for McKelvie Road east of North 70th Street adjacent to property generally located at one-quarter mile north of intersection of N. 70th Street and

Interstate 80. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(PASSED, 7-0; #21595)
24-41 Ordinance.pdf
24-41 Attachment.pdf
SAV24004 Summary Report.pdf

7.i. 24-42
Approving a Real Property Exchange Agreement between the City of Lincoln and the State of Nebraska for property generally located along the north side of Adams Street between 102nd and 112th Streets and City owned property located generally northeast of the intersection of N. 70th Street and Interstate 80. (Related Items: 24R-146, 24-38, 24-39, 24-40, 24-41, 24-42)
(PASSED, 7-0; #21596)
24-42 Ordinance.pdf
24-42 Attachment.pdf

8. RESOLUTIONS - 1ST READING (ITEMS 8.A. THROUGH 8.E. HAD 1ST READING)

8.a. 24R-176
Appointing Ameil Kieu to the Parks and Recreation Advisory Board to fill a partial term expiring April 27, 2026.
24R-176 Resolution.pdf

8.b. 24R-177
Appointing Jill Flagel to the Mayor's Multicultural Advisory Committee for a term to expire September 18, 2026.
24R-177 Resolution.pdf

8.c. 24R-178
Reappointing Alyssa Martin to the Commission on Human Rights for a term to expire December 31, 2026.
24R-178 Resolution.pdf

8.d. 24R-179
Accepting and approving the report of new and pending claims against the City for April 1 through April 15, 2024.
24R-179 Resolution.pdf
24R-179 Claims Report.pdf

8.e. 24R-180
Assessing the costs for inspections and snow and ice removal from sidewalks on four properties totaling $1576.19 during the 2023-2024 winter season.
24R-180 Resolution.pdf
Exhibit A - 2023-2024 Winter Season Properties Unpaid Snow
Fact Sheet Snow Assessment

Letters to Owners 04.15.2024.pdf

9. ORDINANCES - 1ST READING & RELATED RESOLUTIONS (ITEMS 9.A. THROUGH 9.B. HAD 1ST READING)

9.a. 24-44

Text Amendment 24002 - Application of Olsson, Inc. to amend Lincoln Municipal Code Section 27.72.060 Uses Permitted or Prohibited Within Required Yards by changing the allowed distance from the building for air conditioners or heat pumps to four feet instead of three feet for the side yard.

24-44 Ordinance (TX24002).pdf
TX24002 Summary Rpt.pdf

9.b. 24-45

Change of Zone 07060D - Application of Lincoln Federal Bancorp, Inc., to amend the Wilderness Heights Planned Unit Development (PUD) to allow an increase of 17,000 square feet of commercial space on Block 2, to increase the allowed commercial square footage within the PUD to 231,000 square feet, an increase of 47 unassigned dwelling units for a total of 1,451 allowed units in the PUD, and to allow townhomes on Blocks 8-10 with associated waivers, on the property generally located at the southeast corner of S. 40th Street and Yankee Hill Road.

24-45 Ordinance.pdf
CZ07060D Summary Rpt.pdf

10. PENDING LIST (EXTENDED ONE WEEK)

10.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

10.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

10.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

10.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

10.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

10.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

10.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

10.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 April, open microphone sessions will be held on April 8 & 29, 2024.

ADJOURNMENT 4:09 P.M.

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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.