

**ACTION FROM THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 15, 2024 AT 3:00 PM**

ALL MEMBERS PRESENT

PUBLIC HEARING - CONSENT AGENDA

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

1. REPORTS OF CITY OFFICERS

- 1.a.** 24R-282
Appointing Roméo Guerra to the Aging Partners Areawide Advisory Council for a term to expire June 30, 2027. **(ADOPTED, 7-0; A-94672)**
- 1.b.** 24R-283
Appointing Dr. Amanda Baron to the Mayor's Multicultural Advisory Committee for a term to expire September 18, 2026. **(ADOPTED, 7-0; A-94673)**
- 1.c.** 24R-284
Approving the Professional Services Agreement between the City of Lincoln and Olsson, for construction engineering services for the signal project at 84th St. & College Park Dr., Project No. LCLC-5249(8), Control No. 13437, City Project No. 705294. **(ADOPTED, 7-0; A-94674)**
- 1.d.** 24R-285
Approving the Professional Services Agreement between the City of Lincoln and Alfred Benesch & Company to provide construction engineering services for the Cotner Blvd. & Adams Signal Replacement, Project No. LCLC-5245(2), Control No. 13438, City No. 705295, Construction Phase Services Agreement. **(ADOPTED, 7-0; A-94675)**
- 1.e.** 24R-286
Approving 48 Ventures LLC dba Bar 48 located at 2639 North 48th Street as a keno satellite. **(ADOPTED, 7-0; A-94676)**
- 1.f.** 24R-287
Approving the 2024-2025 Joint Budget Committee Funding recommendations. **(ADOPTED, 7-0; A-94677)**
- 1.g.** Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on June 24, 2024. **(PLACED ON FILE)**

2. PETITIONS & COMMUNICATIONS

- 2.a.** 24R-308
Setting the hearing date of Monday, July 29, 2024 at 5:30 p.m. on the Application of MCO, LLC dba The Mercato for a Class C Liquor License located at 5900 South 85th Street, Suite 101. **(ADOPTED, 7-0; A-94678)**

- 2.b. 24R-309
Setting the hearing date of Monday, July 29, 2024 at 5:30 p.m. on the Application of Hopper Mobile Bar Inc. dba Hopper Mobile Bar for a Class CK Liquor License located at 3939 North 48th Street, Suite 207. **(ADOPTED, 7-0; A-94679)**

- 2.c. 24R-310
Setting the hearing date of Monday, July 22, 2024 at 3:00 p.m. for the Manager Application of Olivia Longsine for EHPV Operating Group, LLC dba Big Red Restaurant & Sports Bar located at 955 W O Street. **(ADOPTED, 7-0; A-94680)**

- 2.d. **PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**
Administrative Amendment 24028 to the Highland View Preliminary Plat 18003, NW 18th Street & W Beartooth Drive, was approved by the Planning Director on June 27, 2024, to revise the lot layout, increase the number of lots, and amend the Grading & Drainage plan of the single-family detached lots in the northwestern portion of the subdivision.
Administrative Amendment 24027 to Change of Zone #05061F Southwest Village Planned Unit Development was approved by the Planning Director on July 1, 2024, to revise the plans for future horse barns, generally located at the southwest corner of S. 1st Street and W. Denton Road.

3. **MISCELLANEOUS REFERRALS – NONE.**

- VOTE ON CONSENT ITEMS -

4. **PUBLIC HEARING – LIQUOR RESOLUTIONS**

- 4.a. 24R-300
Application of Kinkaidler Brewing Co., LLC dba Bierhaus Maischaler for a special designated license to cover an outdoor area measuring approximately 75 feet by 85 feet at 151 North 8th Street on July 27, 2024 from 3:00 p.m. to 10:00 p.m. **(7/8/24 - Verbal Motion to Delay Action with continued Public Hearing one week to 7/15/24, 5-0) (ADOPTED FOR APPROVAL, 7-0; A-94681)**

- 4.b. 24R-311
Application of Witches' Brew, LLC dba Witches' Brew for a Class C Liquor License located at 200 West P Street.
(ADOPTED FOR APPROVAL, 7-0; A-94682)

- 4.c. 24R-312
Manager Application of Carissa Pschenica for Witches' Brew, LLC dba Witches' Brew located at 200 West P Street.
(ADOPTED FOR APPROVAL, 7-0; A-94683)

- VOTE ON LIQUORS -

5. PUBLIC HEARING - RESOLUTIONS

- 5.a. 24R-288
Preliminary Plat No. 24003 - Application of Capitol City Christian Church to amend Prelim. Plat No. 95022 by reducing the number of lots by 17 lots and to change the proposed layout of Aylesworth Avenue on the property generally located at the NW corner of the intersection of N 80th Street and Holdrege Street. **(ADOPTED, 7-0; A-94684)**
- 5.b. 24R-299
Accepting and approving the report of new and pending claims against the City for June 16 through June 30, 2024. **(ADOPTED, 7-0; A-94685)**
- 5.c. 24R-289
Approving a Master Agreement between the City of Lincoln for Lincoln City Libraries and Sirsi Corporation for Lincoln City Library's Integrated Library System (ILS) software for a five year term. **(ADOPTED, 7-0; A-94686)**
- 5.d. 24R-290
Approving an Interlocal Agreement between the City of Lincoln, Nebraska and the County of Lancaster County, Nebraska, and the Regional Behavioral Health Authority on behalf of Region V Systems to create a Youth and Family Crisis Response Center. **(ADOPTED, 7-0; A-94687)**
- 5.e. 24R-291
Special Permit 17022B - Application of Dominion South, LLC, to amend the existing special permit to waive the average lot width and to reduce the minimum lot area for two-family dwellings, on property generally located at N 105th and Wayborough Lane. **(ADOPTED, 7-0; A-94688)**
- 5.f. 24R-293
Approving the Pioneers Mixed-Income Row House Redevelopment Project Agreement between the City of Lincoln and Neighborhoods, Inc. d/b/a NeighborWorks Lincoln, relating to the redevelopment of property generally located at 4618 Pioneers Boulevard and adjacent rights of way in Lincoln. **(Related Items: 24R-293, 24R-294) (ADOPTED, 7-0; A-94689)**
- 5.g. 24R-294
Amending the FY 2023-2024 CIP to authorize and appropriate \$610,000. in Tax Increment Financing (TIF) for the Pioneers Mixed-Income Row House Redevelopment Project. **(Related Items: 24R-293, 24R-294) (ADOPTED, 7-0; A-94690)**

- VOTE ON RESOLUTIONS -

6. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEMS 6.a. THROUGH 6.u. HAD 2ND READING, SEE ITEM 6.r.)

- 6.a.** 24-76
Amending the pay schedule for employee group whose classifications is assigned to the pay range which is prefixed by the letter "W" by changing the range for Class 0707 "Senior Attorney" from W04 to W05 and 0708 "Chief Assistant City Attorney" from W05 to W06.
- 6.b.** 24-77
Amending the pay schedule for employee group whose classification is assigned to the pay range which is prefixed by the letter "C" by changing the range for Class 5300 "Utility Engineering Specialist" from C30 to C34.
- 6.c.** 24-78
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by 'X'.
- 6.d.** 24-79
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by 'E'.
- 6.e.** 24-80
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by 'W'.
- 6.f.** 24-81
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by 'DSS'.
- 6.g.** 24-82
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by 'M'. This adjustment is in accordance with the terms of the parties current bargaining agreement.

- 6.h.** 24-83
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by ‘P’. This adjustment is in accordance with the terms of the parties current bargaining agreement.
- 6.i.** 24-84
Amending the pay schedule for a certain employee group by adjusting the schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by ‘F’.
- 6.j.** 24-85
Street & Alley Vacation 23004 - Application of Union Bank and Trust to vacate the east-west alley between O and P Streets, and between N Antelope Valley Pkwy and N 20th Street, adjacent to property legally described as Lot 3, and the remaining portion of Lots 7-8 and Lots 9-14, Block 28, Kinney's O Street Addition, and Lots C-D, County Clerks Subdivision of Lots 4-6, Block 28, Kinney's O Street Addition, and Vacated adjacent alley, located in the SW 1/4 of Section 24-10-6, Lincoln, Lancaster County, Nebraska, generally located between O and P Streets and between North Antelope Valley Pkwy and North 20th Street.
- 6.k.** 24R-295
Approving the N. 48th & Madison Avenue Mixed Use Redevelopment Agreement between the City of Lincoln, New Generation Properties, LLC., and B & J Partnership, LTD, relating to the redevelopment of the property generally located at N. 48th Street and Madison Ave. **(Related Items: 24R-295, 24R-296, 24-86) (Action Date: 7/22/24)**
- 6.l.** 24R-296
Amending the FY23/24 CIP to authorize and appropriate \$2,292,163 in Tax Increment Financing (TIF) for the N. 48th & Madison Avenue Mixed Use Redevelopment Project. **(Related Items: 24R-295, 24R-296, 24-86) (Action Date: 7/22/24)**
- 6.m.** 24-86
Authorizing the issuance of Tax Allocation Bonds for the N. 48th & Madison Avenue Mixed-Use Redevelopment Project in the amount not to exceed \$2,292,163. **(Related Items: 24R-295, 24R-296, 24-86)**
- 6.n.** 24-87
Approving the Lease Agreement between the City of Lincoln and 1033 Brandeis, LLC., for the lease of space by the City of Lincoln for a temporary transit station at 333 S. 11th Street for a three year term.

- 6.o.** 24-88
Annexation 24006 - Application of Starostka-Lewis, LLC to annex 1.13 acres on property generally located at NW 19th Street and W Homer Drive. **(Related Items: 24-88, 24-89)**
- 6.p.** 24-89
Change of Zone 24015 - Application of Starostka-Lewis, LLC to change the zone from AG Agricultural to R-3 Residential on property generally located at NW 19th Street and W Homer Drive. **(Related Items: 24-88, 24-89)**
- 6.q.** 24-90
Annexation 24007 - Application Planning Department, to annex the right-of-way for W Vine, between NW 48th Street and NW 56th Street, on property generally located at NW 56th and W Vine Street.
- 6.r.** 24-91
Change of Zone 16038A - Application of Garner Industries, to amend the Terrance Gardens PUD Planned Unit Development to change the zone from H-3 Highway Commercial District to H-3 Highway Commercial District Planned Unit Development generally located at N 35th Street and Superior Street. **(VERBAL MOTION TO SUSPEND THE RULES TO HAVE 3RD READING & ACTION THIS DATE 7/15/24, 7-0; PASSED, 7-0; #21625)**
- 6.s.** 24-92
Change of Zone 24006 - Application of West Gate Bank to change the zone from O-3 Office District to B-2 Planned Neighborhood Business District within the existing Southwood Center Use Permit, on property generally located at 5555 S. 27th Street.
- 6.t.** 24-93
Text Amendment 24006 - Request of the City of Lincoln Planning Department to amend Lincoln Municipal Code Chapter 27.57 relating to the Historic Preservation District by amending Section 27.57.030 Definitions; General Provisions to add definitions for Alternatives Analysis, Discontiguous, Landmark, Landmark District, Mitigation Plan, Structural Analysis, and Thematic District; by repealing Sections 27.57.040 Landmark and 27.57.050 Landmark District as these terms were moved to definitions; by amending Section 27.57.110 Powers and Duties to clarify current workflows for National Register nominations, remove language about soliciting gifts and contributions, and updating the language to allow for one set of design standards for all landmark properties; by amending Section 27.57.120 Designation of Landmarks and Landmark Districts to allow for a discontiguous collection of structures to comprise a district and to create a category of Thematic District; by amending Section 27.57.130 Requirement of Certificate for Certain Work to include restrictions in the Historic Preservation Design Standards; by amending Section 27.57.140 Procedure for Certificate to provide that the applications for certificates will now be filed with the Planning Department instead of the Building and Safety Department and that the application and plans will be reviewed by the Planning Department for

compliance with the Historic Preservation Design Standards; by amending Section 27.57.150 Certificate Approval or Denial to state that for demolition applications, the applicant shall submit a Structural Analysis completed by a licensed professional, an Alternatives Analysis, a proposed Mitigation Plan if approved, and allow for inspection by members of the Historic Preservation Commission and staff prior to the hearing; by amending Section 27.57.160 Procedure Following Certificate Denial to state that any properties existing on the date of this ordinance adoption would have a hold period of one year following denial of a demolition request by HPC before proceeding with demolition and any designations approved after this ordinance adoption seeking demolition approval from the HPC would need to comply with the one year waiting period; by adding a new section numbered 27.57.200 entitled “Violations” to provide that any person who has not obtained a certificate of approval for work on a landmark or in a landmark district shall be deemed guilty of a misdemeanor and a fine up to \$100.00. **(Related Items: 24-93, 24R-292)**

- 6.u. 24R-292
Text Amendment 24006 - Request of the City of Lincoln Planning Department to amend Title 3 of the City of Lincoln Design Standards to add a new Chapter 3.86 to adopt the Historic Preservation Design Standards. **(Related Items: 24-93, 24R-292) (Action Date: 7/22/24)**

7. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

- 7.a. 24-74
Approving the Lease Agreement between the City of Lincoln and The Lamar Company, LLC for the lease of billboard space near the intersection of South Street and Winthrop Road. **(PASSED, 6-0; ABSENT: BOWERS; #21626)**
- 7.b. 24R-276
Approving the Conditional Change of Zone Agreement between the City and Larry R. and Frieda L. Faiferlick, for the property generally located at 8401 N. 70th Street. **(Related Items: 24R-276, 24-75) (MTA#1 ADOPTED, 7-0; ADOPTED AS AMENDED, 7-0; A-94691)**
- 7.c. 24-75
Change of Zone 24014 - Application of Larry Faiferlick, to change the zone from AG Agricultural District to I-1 Industrial District, on property legally generally located at 8401 N 70th Street. **(Related Items: 24R-276, 24-75) (MTA#1 ADOPTED, 7-0; PASSED AS AMENDED, 7-0; #21627)**

8. RESOLUTIONS - 1ST READING (ITEMS 8.a. THROUGH 8.h. HAD 1ST READING)

- 8.a. 24R-301
Appointing Terri Dunlap to the Lincoln City Library Board for a term to expire August 31, 2031.

- 8b.** 24R-302
Approving the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Asian Community and Cultural Center for collaborative efforts in planning and completing the goals of the Minority Health Initiative Grant, for a period from January 1, 2024, through June 30, 2025.
- 8.c.** 24R-303
Approving the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and El Centro de las Americas for collaborative efforts in planning and completing the goals of the Minority Health Initiative Grant for a period from January 1, 2024, through June 30, 2025.
- 8.d.** 24R-304
Approving the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and Good Neighbor Community Center for collaborative efforts in planning and completing the goals of the Minority Health Initiative Grant, for a period from January 1, 2024, through June 30, 2025.
- 8.e.** 24R-305
Approving the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and Malone Center for collaborative efforts in planning and completing the goals of the Minority Health Initiative Grant, for a period from January 1, 2024, through June 30, 2025.
- 8.f.** 24R-306
Approving the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and Ponca Tribe of Nebraska for collaborative efforts in planning and completing the goals of the Minority Health Initiative Grant, for a period from January 1, 2024, through June 30, 2025.
- 8.g.** 24R-307
Comprehensive Plan Conformance 24015, Application of Urban Development to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, for a proposed amendment to the City of Lincoln's Capital Improvement Program by adding the "Bethany Land Purchase" for FY2022/2023-2027/2028, on the property generally located at 1700 N. Cotner Blvd.
- 8.h.** 24R-313
Reappointment of Yohance L. Christie as the City Attorney for a two-year term effective July 21, 2024.

9. PENDING LIST (EXTENDED ONE WEEK)

- 9.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)**
- 9.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)**
- 9.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)**
- 9.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)**
- 9.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)**
- 9.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)**

- 9.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)**
- 9.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)**

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 July, open microphone sessions will be held on July 15 & 29, 2024.

ADJOURNMENT 6:01 P.M.

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, visit lincoln.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 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 Apple TV devices will find LNKTv in the channel guide or app store.

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

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.