

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD  
MONDAY, OCTOBER 18, 2021 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.

**1. REPORTS OF CITY OFFICERS**

- 1.a.**      21R-471  
Reappointing Marty Ramirez and Lanetta Edison-Soe to the Multicultural Advisory Committee for terms to expire September 18, 2024.  
(ADOPTED, 6-0; ABSENT: BECKIUS; A-93001)  
[21R-471 Resolution.pdf](#)
- 1.b.**      21R-472  
Approving a System and Communications Protection Policy and System and Information Integrity Policy for the City of Lincoln and Lancaster County enterprise network.  
(ADOPTED, 7-0; A-93002)  
[21R-472 Attachment.pdf](#)  
[21R-472 Resolution.pdf](#)
- 1.c.**      21R-473  
Approving a Service Maintenance Agreement between the City and Accelerated Technology Laboratories. Inc. for a Laboratory Information Management System to be used by the Lincoln Wastewater Sanitary Engineering.  
(ADOPTED, 7-0; A-93003)  
[21R-473 Resolution.pdf](#)  
[2021 ATL's Terms and Conditions for Lincoln.pdf](#)  
[Quote](#)
- 1.d.**      Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on September 27, 2021.  
(PLACED ON FILE)
- 1.e.**      Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on October 4, 2021.  
(PLACED ON FILE)

## **2. PETITIONS & COMMUNICATIONS**

- 2.a.** PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:  
Administrative Approval 21048, to Pre-Existing Special Permit 39, Lincoln Trap and Skeet Club, approved by the Planning Director on September 21, 2021, to specify that the access easement on the north side of the property is for use by the City of Lincoln and modify the easement location shown to follow the existing driveway, on property generally located at N. 48th Street and Doris Bair Circle.
- 2.b.** REFERRED TO THE PLANNING DEPARTMENT:  
Change of Zone 05054F, for an amendment to the Prairie Village North PUD (Planned Unit Development), for approval of a revised development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance for single family detached and attached lots north and south of Adams Street, on property generally located at North 84th and Adams Streets.  
Change of Zone 21037, from R-2 (Residential District) and R-4 (Residential District) to an R-2 and R-4 PUD (Planned Unit Development), with associated waivers, on property generally located at 4720 Randolph Street.  
Change of Zone 21040, from R-4 (Residential District) to R-3 (Residential District), on property generally located at North 104th Street and Shore Front Drive.  
Change of Zone 21042, from AG (Agriculture District) to I-1 (Industrial District), on property generally located at North 66th Street and Arbor Road.  
Special Permit 11013C, to allow for soil excavation, on property generally located at NW 63rd and West O Streets.  
Special Permit 21035, to allow for a residential healthcare facility for up to 32 residents, on property generally located at 3248 Starr Street.

## **3. MISCELLANEOUS REFERRALS - NONE.**

### **- VOTE ON CONSENT ITEMS -**

## **4. PUBLIC HEARING - LIQUOR RESOLUTIONS**

- 4.a.** 21R-491  
Application of Clavin's LLC dba Barry's for a Class CK Liquor License located at 235 N. 9th Street.  
(ADOPTED FOR APPROVAL, 7-0; A-93004)  
[21R-491 Barry's Class CK app.pdf](#)  
[21R-491 Barry's Class CK den.pdf](#)  
[21R-491 Application and Letteer.pdf](#)
- 4.b.** 21R-492

Manager application of Mark W. Suleiman for Clavin's LLC dba Barry's for a Class CK Liquor License located at 235 N. 9th Street.

(ADOPTED FOR APPROVAL, 7-0; A-93005)

[21R-492 Mark Suleiman for Barrys app.pdf](#)

[21R-492 Mark Suleiman for Barry's den.pdf](#)

[21R-491 Application and Letteer.pdf](#)

**4.c.** 21R-493

Application of DACC LLC dba Gravity Lincoln for a Class CK Liquor License located at 1140 O Street.

(ADOPTED FOR APPROVAL, 7-0; A-93006)

[21R-493 Gravity Class CK app.pdf](#)

[21R-493 Gravity Class CK den.pdf](#)

[21R-493 Application and Ltr.pdf](#)

**4.d.** 21R-494

Manager application of Derek N. Jones for DACC LLC dba Gravity Lincoln for a Class CK Liquor License located at 1140 O Street.

(ADOPTED FOR APPROVAL, 7-0; A-93007)

[21R-494 Derek N. Jones for Gravity app.pdf](#)

[21R-494 Derek Jones for Gravity den.pdf](#)

[21R-493 Application and Ltr.pdf](#)

**- VOTE ON LIQUORS -**

**5. PUBLIC HEARING - RESOLUTIONS**

**5.a.** 21R-474

Accepting and approving the report of new and pending claims against the City for September 16 through September 30, 2021.

(ADOPTED, 7-0; A-93008)

[21R-474 Resolution.pdf](#)

[21R-474 Claims Report.pdf](#)

**5.b.** 21R-475

Approval of Amendment No. 3 to the Conditional Annexation Agreement for Hub Hall Heights between the City and Apples Way, LLC to amend the provisions related to the construction of W. Holdrege Street between NW 48th Street and W. Chitwood Lane.

(MTA#1 ADOPTED, 6-0; ADOPTED AS AMENDED, 6-0; CONFLICT OF INTEREST: BECKIUS; A-93009)

[21R-475 Resolution.pdf](#)

[21R-475 Attachment.pdf](#)

**5.c.** 21R-478

Appeal of Denial of Request for Deviation, from Access Management Policy

requirements for North 27th Street and Enterprise Drive.

(MOTION TO DELAY TO CONT'D PUBLIC HEARING AND ACTION ONE WEEK TO 10/25/21, 7-0)

[21R-478 Resolution.pdf](#)

[21R-478 Attachment.pdf](#)

**5.d.** 21R-479

Appeal of Denial of Request for Deviation from Access Management Policy requirements for 5601 Union Hill Road.

(MOTION TO DELAY ONE WEEK TO 10/27/21 LOST, 3-4; ADOPTED, 5-2; A-93010)

[21R-479 Resolution.pdf](#)

[21R-479 Attachment.pdf](#)

**5.e.** 21R-481

Authorizing the issuance of multifamily housing revenue bonds (Gatehouse Rows Project) in an aggregate principal amount not to exceed \$10,000,000 on behalf of Gatehouse Rows, LLC to provide funds to finance a portion of the costs of the acquisition, construction and equipping of a 98-unit multifamily housing project, including related and subordinate facilities; authorizing and approving certain documents in connection with the issuance of the bonds; and authorizing certain other actions in connection with the issuance of the bonds.

(ADOPTED, 7-0; A-93011)

[21R-481 Resolution.pdf](#)

[21R-481 TEFRA Notice.pdf](#)

**- VOTE ON RESOLUTIONS -**

**6. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEMS 6.A. THROUGH 6.B. HAS 2ND READING, SEE ITEMS 6.A. & 6.B.)**

**6.a.** 21-129

Approving an extension to the Food and Beverage Services Agreement for the Pinnacle Bank Arena and Related Facilities between the City and SMG Food and Beverage, LLC dba SAVOR to October 31, 2022.

(RULES SUSPENDED TO HAVE 3RD READING & ACTION ON THIS DATE, 7-0; PASSED, 7-0; #21140)

[21-129 Ordinance.pdf](#)

[21-129 Agreement.pdf](#)

**6.b.** 21-130

Approving an extension of the Second Management Agreement for Pinnacle Bank Arena between the City of Lincoln and SMG for the operation and management of Pinnacle Bank Arena and other Facilities to October 31, 2022.

(RULES SUSPENDED TO HAVE 3RD READING & ACTION ON THIS DATE,

7-0; PASSED, 7-0; #21141)

[21-130 Ordinance.pdf](#)

[21-130 Agreement.pdf](#)

**- END PUBLIC HEARING -**

## **7. ORDINANCES - 3RD READING & RELATED RESOLUTIONS**

### **7.a. 21-120**

Approving the Lease Schedule No 2 and related documents to the Master Lease Purchase Agreement for lease purchase financing of maintenance equipment in the amount not to exceed \$714,284.64.

(PASSED, 7-0; #21142)

[21-120 Ordinance.pdf](#)

[21-120 Attachment Agreement.pdf](#)

[21-179 fact sheet.pdf](#)

[21-179 BciCapital Response & Attach.pdf](#)

[21-179 Bid docs.pdf](#)

### **7.b. 21-121**

Approving a one year lease between City and Bennet American Legion Post #280, for the lease of office space by Aging Partners for its Senior Center program at 970 Monroe, Bennet, NE, for a term of 1 year from September 1, 2021 to August 31, 2022.

(PASSED, 7-0; #21143)

[21-121 Ordinance.pdf](#)

[21-121 Attachment.pdf](#)

### **7.c. 21-122**

Approving the Lease Agreement between the City and Firth Community Center for the lease of office space by Aging Partners for its Senior Center program at 311 Nemaha St., Firth, NE for a term of 1 year from September 1, 2021 to August 31, 2022.

(PASSED, 7-0; #21144)

[21-122 Ordinance.pdf](#)

[21-122 Attachment.pdf](#)

### **7.d. 21-123**

Approving the Lease Agreement between the City and Asian Community & Cultural Center, for the lease of office space by Aging Partners for its Senior Care program at 144 N. 44th Street, Ste. A, Lincoln, NE for a term of 1 year from September 1, 2021 to August 31, 2022.

(PASSED, 7-0; #21145)

[21-123 Ordinance.pdf](#)

[21-123 Attachment.pdf](#)

- 7.e. 21-124  
Approving Lease Agreement between City of Lincoln and the City of Hickman for the lease of office space by Aging Partners for its Senior Center program at the Hickman Community Center, 115 Locust Street, Hickman, NE for a term of 1 year from September 1, 2021 to August 31, 2022.  
(PASSED, 7-0; #21146)  
[21-124 Ordinance.pdf](#)  
[21-124 Attachment.pdf](#)
- 7.f. 21R-459  
Approving the Gatehouse Rows Redevelopment Agreement between Gatehouse Row, LP and the City of Lincoln relating to the redevelopment of the property generally located at R Street, Vine Street and 36th Street. (Related Items: 21R-459, 21R-460, 21-125)  
(ADOPTED, 7-0; A-93012)  
[21R-458 Resolution.pdf](#)  
[21R-459 Attachment.pdf](#)
- 7.g. 21R-460  
Amending the FY 2021-2022 CIP to authorize and appropriate \$2,000,000 in TIF funds for the Gatehouse Rows Redevelopment Project. (Related Items: 21R-459, 21R-460, 21-125)  
(ADOPTED, 7-0; A-93013)  
[21R-460 Resolution.pdf](#)
- 7.h. 21-125  
Authorizing the issuance of Tax Allocation Bonds for the Gatehouse Rows Redevelopment Project in an amount not to exceed \$2,000,000. (Related Items: 21R-459, 21R-460, 21-125)  
(PASSED, 7-0; #21147)  
[21-125 Ordinance.pdf](#)
- 7.i. 21-126  
Change of Zone 21032 - Application of High Bar Properties, LLC, for a change from R-2 Residential District to O-2 Suburban Office District, on property generally located at 2152 S. 56th Street. (Related Items: 21-126, 21R-461)  
(PASSED, 7-0; #21148)  
[21-126 Resolution.pdf](#)  
[21-126 Attachment.pdf](#)  
[CZ21032 - SUMMARY REPORT.pdf](#)
- 7.j. 21R-461  
Approving Conditional Zoning Agreement between the City and High Bar Properties, LLC for property generally located at 2152 S. 56th Street. (Related Items: 21-126, 21R-461)

(ADOPTED, 7-0; A-93014)

[21R-461 Resolution.pdf](#)

[21R-461 Attachment.pdf](#)

**7.k.** 21-127

Change of Zone 21030 - Application of Lee Douglas Property Management for a change from O-2 Suburban Office District to B-3 Commercial District, on property generally located at 4821 Lowell Avenue. (Related Items: 21-127, 21R-462)

(PASSED, 7-0; #21149)

[21-127 Ordinance.pdf](#)

[21-127 Attachment.pdf](#)

[CZ21030 - SUMMARY REPORT.pdf](#)

**7.l.** 21R-462

Approving Conditional Zoning Agreement between the City and Lee Douglas Property Management for property generally located at 4821 Lowell Avenue. (Related Items: 21-127, 21R-462)

(MTA#1 ADOPTED, 7-0; ADOPTED AS AMENDED, 7-0; A-93015)

[21R-462 Resolution.pdf](#)

[21R-462 Attachment.pdf](#)

**7.m.** 21-128

Amending Lincoln Municipal Code Chapter 14.70 Excavations to require no less than 48 hours notice to the Transportation and Utilities Right-of-Way Division prior to beginning excavation, requiring all work be done pursuant to the City of Lincoln's Standard Specifications, Standard Plans, and Traffic Control Guidelines, and requiring permittees to provide a two-year warranty on the work; and repealing Sections 14.70.010, 14.70.030, 14.70.040, and 14.70.050 as hitherto existing.

(PASSED, 7-0; #21150)

[21-128 Ordinance Chapter 14.70.pdf](#)

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

**8.a.** 21R-482

Reappointing Sarbani Chakraborty to the Multicultural Advisory Committee for a term to expire September 18, 2024. (Consent)

[21R-482 Resolution.pdf](#)

**8.b.** 21R-483

Reappointing Dan Kubr to the Building Code Board of Appeals for a term to expire April 1, 2024. (Consent)

[21R-483 Resolution.pdf](#)

**8.c.** 21R-484

Reappointing Stacy Cervenka to the StarTran Advisory Board for a term to expire

October 20, 2024. (Consent)

[21R-484 Resolution.pdf](#)

**8.d.** 21R-486

Approving Amendment No. 1 to the Off-Site Transportation Improvements Agreement between the City of Lincoln and NSC, LLC to amend the off-site road improvements.

[21R-486 Resolution.pdf](#)

[21R-486 Attachment.pdf](#)

**8.e.** 21R-487

Declaring the official intent of the City to serve as the issuer of a multifamily housing revenue bonds in an aggregated principal amount not to exceed \$18,000,000 to finance the construction and acquisition of a multifamily housing facility to be located at approximately SW 27th Street and West B Street.

[21R-487 Resolution.pdf](#)

**8.f.** 21R-488

Declaring an area generally located at SW 27th Street and West B Street to be blighted pursuant to the definition in Neb. Rev. Stat. 13-1101.

[21R-488 Resolution.pdf](#)

**8.g.** 21R-490

Appointing Gloria Eddins to the Lincoln-Lancaster County Planning Commission for a term to expire August 24, 2023. (Consent)

[21R-490 Resolution.pdf](#)

**8.h.** 21R-491A

Approving the award of contract to the low bidder for the Agreement between the City of Lincoln and the State of Nebraska Department of Transportation for the N. 27th O St-I-80 Adaptive Traffic Signal Control NDOR Project No. HSIP-5231(14) (CONSENT)

[21R-491 Resolution.pdf](#)

[HSIP-5231\(14\) N. 27th St. Adaptive TS city-council-fact-sheet \(1\).pdf](#)

[Call 105 HSIP-5231\(14\) Resolution.pdf](#)

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

**9.a.** 21-118

Amending Lincoln Municipal Code Chapter 4.16 Hospital Board to more properly title the chapter "Community Health Endowment"; by amending Section 4.16.010 to remove outdated language; by amending Section 4.16.050 to clarify that any changes to the rules and procedures of the board will be reported to the City Council; by amending Section 4.16.060 to add that the Board shall adhere to investment practices and policies that achieve preservation of the inflation-adjusted purchasing power of the



endowment fund; and repealing Sections 4.16.010, 4.16.050, and 4.16.060 of the Lincoln Municipal Code as hitherto existing.

[21-118 Ordinance.pdf](#)

**9.b. 21-131**

Amending Lincoln Municipal Code Section 2.62.020 to revise the Year of Service definition; by amending Section 2.62.055 to correct references to subsections; by amending Section 2.62.070 to add that a member forfeits his or her years of service on the date he or she ceases to be a member of the Plan; by adding a new section numbered 2.62.165 entitled “Purchase of Forfeited Service Credit Under this Plan; Purchase of Prior Service Credit for Service for Another Governmental Employer”; by amending Sections 2.62.140, 2.65.140, and 2.66.107 to add back the provision that certain active members may elect to receive a 13th check or purchase a cost of living adjustment to apply to the member’s future pension benefit payments; and repealing Sections 2.62.055, 2.62.070, 2.62.140, 2.65.140, and 2.66.107 of the Lincoln Municipal Code as hitherto existing.

[21-131 Ordinance.pdf](#)

**9.c. 21-133**

Comprehensive Plan Conformance 21019 -Declaring approximately 0.54 acres of City owned property generally located at 5th and Cedar Streets Ashland, Saunders County, Nebraska as surplus.

[21-133 Ordinance.pdf](#)

[CPC21019 - SUMMARY REPORT.pdf](#)

**9.d. 21-134**

Change of Zone 21035- Application of M.I. Industries, Incorporated, for a change of zone from H-3 Highway Commercial District to I-1 Industrial District, on property generally located at 3301 West O Street. (Related Items: 21-134, 21R-489)

[21-134 Ordinance.pdf](#)

[CZ21035 - SUMMARY REPORT.pdf](#)

**9.e. 21R-489**

Approving a Conditional Zoning Agreement between the City and M.I. Industries, Inc., for the property generally located at 3301 West O Street. (Related Items: 21-134, 21R-489)

[21R-489 Resolution.pdf](#)

[21R-489 Attachment.pdf](#)

**9.f. 21-135**

Change of Zone 21036 - Application of Connecting Point Church of the Nazarene, for a change of zone from R-1 Residential District to O-3 PUD Planned Unit Development with associated waivers, on property generally located at S. 70th and South Streets.

[21-135 Ordinance.pdf](#)

[CZ21036 - SUMMARY REPORT.pdf](#)

- 9.g.** 21-136  
Text Amendment 21008, request of the Planning Director, to amend Title 26 Land Subdivision and 27 Zoning Ordinance by amending Title 26 Land Subdivision to add a new Chapter 26.13 entitled “Procedure for Processing Lot Consolidation” to establish when lot consolidation is permitted, describe the application process, describe staff review process, and establish requirements for Lot Consolidation Plats; by amending Chapter 27.60 Planned Unit Development District to add a new section numbered 27.60.070 entitled “Clarification During Review”; by amending Chapter 27.63 Special Permits to add a new section numbered 27.63.035 entitled “Clarification During Review”; by amending Chapter 27.64 Use Permits to add a new section numbered 27.64.020 entitled “Clarification During Review”; by amending Chapter 27.65 Community Unit Plan to add a new section numbered 27.65.065 entitled “Clarification During Review”; and repealing Sections 26.11.060, 26.19.031, and 26.23.040 as hitherto existing.  
[21-136 Ordinance \(TX21008\).pdf](#)

- 9.h.** 21-137  
Approving the lease agreement between City and Waverly VFW Post 9875, for the lease of office space by Aging Partners for its Senior Center program at 13820 Guildford Street, Waverly, NE for a term of 1 year from October 1, 2021 to September 30, 2022.  
[21-137 Ordinance.pdf](#)  
[21-137 Attachment.pdf](#)

- 9.i.** 21-138  
Approving the Amendment No. 1 to the Conduit System Lease Agreement between the City of Lincoln and Allo Communications  
[21-138 Ordinance.pdf](#)  
[21-138 Attachment.pdf](#)

**10. PENDING LIST (EXTENDED ONE WEEK, SEE ITEMS 10.A THROUGH 10.C)**

- 10.a.** 20-19  
Annexation 19006 - Application of Hoy Prairie South, LLC to annex approximately 9.30 acres of property generally located at South 33rd Street and Rokeby Road. (Related Items: 20-19, 20-20, 20R-69) (3/2/2020 - Placed on Pending, No Date Certain)  
[20-19 Ordinance.pdf](#)  
[20-19 Attachment A.pdf](#)  
[AN19006 - SUMMARY REPORT.pdf](#)

- 10.b.** 20-20  
Change of Zone 19015 - Application of Hoy Prairie South, LLC for a change of zone from AG Agricultural District to R-3 Residential District on property generally located at South 33rd Street and Rokeby Road. (Related Items: 20-19, 20-20, 20R-69)

(3/2/2020 - Placed on Pending, No Date Certain)

[20-20 Ordinance.pdf](#)

[20-20 Attachment A.pdf](#)

[CZ19015 - SUMMARY REPORT.pdf](#)

**10.c. 20R-69**

Approving a Conditional Annexation Agreement between the City and Hoy Prairie South, LLC for property generally located south of S. 33rd Street and Rokeby Road. (Related Items: 20-19, 20-20, 20R-69) (3/2/2020 - Placed on Pending, No Date Certain)

[20R-69 Resolution.pdf](#)

[20R-69 Attachment A.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 October, open microphone sessions will be held on October 18 & October 25, 2021.

**ADJOURNMENT 5:21P.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, visit [lincoln.ne.gov](http://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](http://lincoln.ne.gov) (keyword: LNKTV) and available later at [youtube.com/LNKTVcity](http://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](http://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 Director of Equity and Diversity, Lincoln Commission on Human Rights, at (402) 441-7624 as soon as possible before the scheduled meeting date in order to make your request.*