

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD  
MONDAY, AUGUST 02, 2021 AT 3:00 PM**

**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 2021-22 Operating Budget, and the Capital Improvement program for 2021-22.

**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-349  
Setting the hearing date of Monday, August 30, 2021, at 5:30 p.m. to assess the costs for inspections and snow and ice removal off sidewalks on four properties totaling \$1,392.63 during the 2020-2021 winter season.  
[Snow & Ice Removal Set PH Date Reso.pdf](#)
- 1.b.** Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on July 12, 2021. (Placed on file)
- 1.c.** Clerk's Letter & Mayor's Approval of Resolutions and Ordinance passed by City Council on July 19, 2021. (Placed on file)
- 1.d.** Report from City Treasurer of city cash on hand at the close of business on June 30, 2021. (Placed on file)  
[Cash Letter June 2021.pdf](#)

**2. PETITIONS & COMMUNICATIONS**

- 2.a.** 21R-350  
Setting the hearing date of Monday, August 16, 2021, at 3:00 p.m. on the application of Virtually U-Neek Boxes Inc. dba Virtually U-Neek Boxes for a Class J Liquor License located at 2020 SW 5th Street Suite 2.  
[SHD 21R-350.pdf](#)
- 2.b.** 21R-351  
Setting the hearing date of Monday, August 16, 2021, at 3:00 p.m. on the application of Fucor Inc. dba Harry's Wonder Bar for a Class C Liquor License located at 1621 O Street.

[SHD 21R-351.pdf](#)

- 2.c.** 21R-352  
Setting the hearing date of Monday, August 9, 2021 at 3:00 P.M. on the application of 817 LLC dba DELRAY 817 for a Class I Liquor license located at 817 R Street.  
[SHD 21R-352.pdf](#)
- 2.d.** 21R-353  
Setting the hearing date of Monday, August 9, 2021 at 3:00 P.M. on the application of Olderbak Enterprises North, LLC. dba Annabell Gardens for a Class I Liquor license located at 200 S. 68th Street Place.  
[SHD 21R-353.pdf](#)
- 2.e.** PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:  
Administrative Amendment 21033, to Special Permit 15028, Erickson Addition CUP, approved by the Planning Director on July 19, 2021, to reduce the number of lots in Blocks 2 and 4 by one lot each for the CUP on property generally located at South 84th Street and Pinehill Lane.  
Administrative Amendment 21035, to Change of Zone 15016B, Wilderness Creek PUD, approved by the Planning Director on July 15, 2021, to increase the floor area in the H-4 zone by 15 percent (42,600 square feet) for a total allowed square footage of 326,650 square feet and apply the full 15 percent to Lot 2, Block 13 for a total of 106,650 square feet on property generally located at S. 40th Street and Yankee Hill Road.  
Administrative Amendment 21036, to Change of Zone 16045, Telegraph District PUD, approved by the Planning Director on July 14, 2021, to allow an increase in height to 81 feet for the Telegraph West development on property located at 2077 N Street.

### **3. MISCELLANEOUS REFERRALS**

**- VOTE ON CONSENT ITEMS -**

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

- 4.a.** 21R-354  
Application of Cosmic Eye Brewing LLC dba Cosmic Eye Brewing for a special designated license to cover an irregular shaped outdoor area measuring approximately 75 feet by 120 feet at 6800 P Street #300 on August 6, 2021 from 4:30 p.m. to 11:00 p.m. and on August 7, 2021 from 12:00 p.m. to 12:00 a.m.

[21R-354 Cosmic Eye SDL app.pdf](#)

[21R-354 Cosmic Eye SDL den.pdf](#)

[SDL Cosmic Eye Brewing.pdf](#)

**- VOTE ON LIQUORS -**

**- END PUBLIC HEARING -**

**5. ORDINANCES & RELATED RESOLUTIONS - ACTION ONLY**

- 5.a.** 21R-294  
Appeal by Royce Mueller of Planning Commission approval of Special Permit 14003A, to allow for the expansion of the existing special permit for Planned Service Commercial to allow for an additional approximate 21,000 square feet of commercial floor area, on property generally located at South 70th Street and Pine Lake Road. (7/19/21 - Action delayed 1 week to 7/26/21)  
(MTA#1 ADOPTED, 7-0; MOTION TO DELAY ACTION ONE WEEK TO 8/2/21, 7-0)  
[21R-294 Resolution.pdf](#)  
[SP14003A - APPEAL-SUMMARY REPORT.pdf](#)  
[21R-294 MTA No. 1.pdf](#)
- 5.b.** 21-64  
Change of Zone 21016 - Application of Tagel Hill, LLC, from R-1 Residential District to H-4 General Commercial District, on property generally located at South 70th Street and Pine Lake Road. (6/28/21 - Public Hearing & Action cont'd three weeks to 7/19/21) (7/19/21 - Action delayed 1 week to 7/26/21)  
(MOTION TO DELAY ACTION ONE WEEK TO 8/2/21, 7-0)  
[21-64 Ordinance.pdf](#)  
[CZ21016 - SUMMARY REPORT.pdf](#)

**- VOTE ON ORDINANCES & RELATED RESOLUTIONS ACTION ONLY -**

**6. ORDINANCES - 3RD READING & RELATED RESOLUTIONS**

- 6.a.** 21-77  
Annexation 21003 - Application of Rokeby Holdings, LTD, to annex approximately 48.06 acres, more or less, including the adjacent right-of-way in South 70th Street, on property generally located at South 70th Street and Rokeby Road. (Related Items: 21-77, 21-78, 21-79)  
[21-77 Ordinance.pdf](#)  
[AN21003 - SUMMARY REPORTT.pdf](#)
- 6.b.** 21-78  
Change of Zone 21022 - Application of Rokeby Holdings, LTD, from AG Agricultural District and R-3 Residential District to R-5 PUD Residential District Planned Unit Development with associated waivers generally located at South 70th Street and Rokeby Road. (Related Items: 21-77, 21-78, 21-79)  
[21-78 Ordinance.pdf](#)

[21-78 Exhibit A.pdf](#)  
[21-78 Staff Report.pdf](#)

- 6.c.** 21-79  
Change of Zone 21023, request of Rokeby Holdings, LTD, from AG (Agricultural District) to R-3 (Residential District) for approximately 6.7 acres, on property legally described as a portion of Lot 29, located in the NW 1/4 of Section 34-9-7, Lincoln, Lancaster County, Nebraska, generally located at South 70th Street and Rokeby Road. (Related Items: 21-77, 21-78, 21-79)  
[21-79 Ordinance.pdf](#)  
[CZ21023 - SUMMARY REPORT.pdf](#)

## **7. RESOLUTIONS - 1ST READING**

- 7.a.** 21R-335  
Appointing Alex Halvorsen and Constance Hemmer to the Parks and Recreation Advisory Board for terms to expire May 31, 2022.  
[21R-335 Resolution.pdf](#)
- 7.b.** 21R-336  
Reappointing Lisa Hale to the Lincoln City Library Board for a term to expire August 31, 2028.  
[21R-336 Resolution.pdf](#)
- 7.c.** 21R-337  
Reappointing Mike Donlan and Brett Ebert to the Charter Revision Commission for terms to expire July 15, 2024.  
[21R-337 Resolution.pdf](#)
- 7.d.** 21R-338  
Reappointing Joselyn Luedtke, Tim Schultz, and Piyush Srivastav to the Air Pollution Control Advisory Board for terms to expire September 1, 2024.  
[21R-338 Resolution.pdf](#)
- 7.e.** 21R-339  
Reappointing Gail Perry and Jose Soto to the Charter Revision Commission for terms to expire July 15, 2025.  
[21R-339 Resolution.pdf](#)
- 7.f.** 21R-340  
Reappointing Bennie Shobe to the Multicultural Advisory Committee for a term to expire May 31, 2023.  
[21R-340 Resolution.pdf](#)
- 7.g.** 21R-341

Reappointing Richard Meginnis and Jane Raybould to the Public Building Commission for terms to expire August 1, 2025.

[21R-341 Resolution.pdf](#)

- 7.h.** 21R-342  
Reappointing Richard Meginnis to the Safe and Successful Kids Interlocal Board for a term to expire July 22, 2023.  
[21R-342 Resolution.pdf](#)
- 7.i.** 21R-343  
Special Permit 1185A-Application of NEBCO, Inc., to amend the existing special permit to adjust setbacks and reconfigure the parking lot, on the property generally located at 1106 H Street.  
[21R-343 Resolution \(v2\).pdf](#)  
[SP1185A - SUMMARY REPORT.pdf](#)
- 7.j.** 21R-344  
Approval of Amendment No. 2 to the Annexation Agreement for Southwest Village Heights between the City and Southwest Folsom Development, LLC to reflect changes in the responsibilities regarding the construction of arterial street impact fee facility improvements.  
[21R-344 Resolution.pdf](#)  
[21R-344 Attachment.pdf](#)
- 7.k.** 21R-345  
Naming of new neighborhood park in the Woodlands at Yankee Hill development as Sue Krueger Park.  
[21R-345 Resolution.pdf](#)
- 7.l.** 21R-346  
2021-2022 Downtown Lincoln Association Maintenance and Management BID Budgets and Program of Work.  
[21R-346 Resolution.pdf](#)  
[21R-346 Attachment A.pdf](#)
- 7.m.** 21R-348  
An agreement between the County of Lancaster on behalf of Lancaster County Community Corrections and the Foundation for Lincoln Public Schools to fund the Student Drivers Education Fund to help cover the costs of driver education courses, permits, and transportation for LPS participants of the City and County's STOP program.

## **8. ORDINANCES - 1ST READING & RELATED RESOLUTIONS**

- 8.a.** 21-83  
Amending Lincoln Municipal Code Section 5.39.020 Short-Term Rental License Required; Prohibited Conduct to extend the effective date to September 20, 2021 for short-term rental licenses to be required. [Related to 21-XXX (27.62.040 Ord.) and Public Hearing will be delayed to August 9, 2021].  
[21- 83 Ordinance \(5.39.020\).pdf](#)
- 8.b.** 21-84  
Amending Lincoln Municipal Code Section 27.62.040 Household Living Use Group to extend the effective date to September 20, 2021 for short-term rental licenses to be a condition of short-term rental use. [Related to 21-XXX (5.39.020 Ord.) and Public Hearing will be delayed to August 9, 2021].  
[21-84 Ordinance \(27.62.040\).pdf](#)
- 8.c.** 21-85  
Approving Addendum No. 1 to Ground Lease for Site No. 2850 Agreement between the Airport Authority, the City of Lincoln and the County of Lancaster to add the County of Lancaster as a tenant in common with the City.  
[21-85 Ordinance.pdf](#)  
[21-85 Attachment.pdf](#)
- 8.d.** 21-86  
Change of Zone 15016C-Application of Lucile Park, LLC, to amend the layout of Lots 1 and 2, Block 3, with waivers to reduce setbacks, on property legally described as Outlot C, in the existing Wilderness Creek PUD (Planned Unit Development) on property generally located at South 40th Street and Yankee Hill Road.  
[21-86 Ordinance \(v3\).pdf](#)  
[CZ15016C - SUMMARY REPORT.pdf](#)
- 8.e.** 21-87  
Annexation 20006-Application of D & R Development and KDS Investments, LLC, to annex approximately 18.04 acres of property generally located at SW 56th and O Streets. (Related Items: 21-87, 21-88, 21R-347)  
[21-87 Ordinance.pdf](#)  
[AN20006 - SUMMARY REPORT.pdf](#)
- 8.f.** 21-88  
Change of Zone 20011 - Application of D & R Development and KDS Investments, LLC, for a change from AG Agricultural District to H-3 Highway Commercial District and from AG Agricultural District to I-1 Industrial District, on property generally located at SW 56th and O Streets. (Related Items: 21-87, 21-88, 21R-347)  
[21-88 Ordinance \(v2\).pdf](#)  
[CZ20011 - SUMMARY REPORT.pdf](#)
- 8.g.** 21R-347

Approving the Conditional Annexation Agreement between the City, KDS Investments, LLC and D & R Development, Inc. to annex approximately 18.04 acres on property generally described as SW 56th Street and W. "O" Street. (Related Items: 21-87, 21-88, 21R-347)

[21R-347 Resolution.pdf](#)

[21R-347 Attachment.pdf](#)

- 8.h.** 21-89  
Amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling, and Composting Operations to adopt regulations and permitting requirements for businesses and individuals engaged in the buying and selling of catalytic converters.  
[21-90 Ordinance \(14.50.030 and .040\).pdf](#)

- 8.i.** 21-90  
Amending Lincoln Municipal Code Section 14.50.030 Licensees and Section 14.50.040 Application for Permit; Context to remove the sale of alcohol conditions for Sidewalk Cafes.  
[21-90 Ordinance \(14.50.030 and .040\).pdf](#)

## **9. PENDING LIST - DATE CERTAIN**

- 9.a.** 21R-235  
Miscellaneous 21006 - Application of the Urban Development Director, declaring the "NW 48th Street Redevelopment Area" generally bound by Fletcher Avenue on the north, NW 57th Street on the west, Holdrege Street on the south and NW 48th Street on the east, as blighted and substandard. (Related Items: 21R-235, 21R-236)  
(6/28/21 - Public Hearing & Action cont'd two weeks to 07/12/21) (7/12/21 - Public Hearing & Action cont'd two weeks to 07/26/21)  
(MOTION TO WITHDRAW MTA#1 ADOPTED, 7-0; MOTION TO DELAY WITH CONT'D PUBLIC HEARING & ACTION TO 9/20/21, 7-0)  
[21R-235 Resolution.pdf](#)  
[21R-235 MTA 1.pdf](#)  
[MISC21006 - SUMMARY REPORT.pdf](#)  
[21R-235 MTA No. 2.pdf](#)  
[21R-235 MTA 2 Attachment.pdf](#)

- 9.b.** 21R-236  
Miscellaneous 21007 - Application of the Urban Development Director to declare the NW 48th Street Area bounded by Fletcher Avenue on the north, NW 57th Street on the west, Holdrege Street on the south and NW 48th Street on the east, as Extremely Blighted, as set forth in the Extremely Blighted Determination Study for the City of Lincoln, Nebraska, dated January 2021. (Related Items: 21R-235, 21R-236)(6/28/21 - Public Hearing & Action cont'd two weeks to 07/12/21) (7/12/21 - Public Hearing & Action cont'd two weeks to 07/26/21)  
(MOTION TO WITHDRAW MTA#1 ADOPTED, 7-0; MOTION TO DELAY

WITH CONT'D PUBLIC HEARING & ACTION TO 9/20/21, 7-0)  
[21R-236 Resolution.pdf](#)  
[21R-236 MTA 1.pdf](#)  
[MISC21007 - SUMMARY REPORT.pdf](#)  
[21R-236 MTA No. 2.pdf](#)  
[21R-236 MTA 2 Attachment.pdf](#)

## 10. PENDING LIST

### 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 August, open microphone sessions will be held on August 9 & August 30, 2021.

## ADJOURNMENT

## 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 27, 2021.

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 reasonable amount of time to speak.

## **PUBLIC HEARING ON THE 2021-22 CITY OF LINCOLN OPERATING BUDGET**

### **11. PUBLIC HEARING - BUDGET RESOLUTIONS**

- 11.a.** 21R-322  
MISCELLANEOUS 21009 - Application of the Planning Director to adopting the proposed amended Fee Schedule for Application Reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code and amendments to the Lincoln-Lancaster County Comprehensive Plan, with an effective date of October 1, 2021. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)

[21r-322 Resolution.pdf](#)

[MISC21009 - SUMMARY REPORT.pdf](#)

- 11.b.** 21R-323  
Establishing a new rate schedule for the Lincoln Water System for purposes of covering operational and maintenance costs including debt services and Capital Improvements Program for FY 2021-2022. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)

[21R-323 Resolution.pdf](#)

[Fact Sheet Water Use Charges\\_2021.pdf](#)

- 11.c.** 21R-324  
Establishing a new rate schedule for the Lincoln Wastewater System for purposes of covering operational and maintenance costs including debt services and Capital Improvements Program for FY 2021-2022. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)

[21R-324 Resolution.pdf](#)

[Fact Sheet Wastewater Use Charges\\_2021.pdf](#)

- 11.d.** 21R-325  
Establishing a new rate schedule for the Lincoln Solid Waste System for purposes of covering operational and maintenance costs including debt services and Capital Improvements Program for FY 2021-2022. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)

[21R-325 Resolution.pdf](#)

[Fact Sheet Solid Waste Use Charges\\_2021.pdf](#)

- 11.e.** 21R-326

Adopting the 2021-22 City of Lincoln Operating Budget & Capital Improvement Program (CIP); One and Six Year Street and Highway Program. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)  
[21R-326 Attachment.pdf](#)

**11.f.** 21R-327  
A resolution to increase restricted funds authority by 1% per Neb. Rev. Stat. §13-519. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)  
[21R-327 Resolution.pdf](#)

**11.g.** 21R-328  
Approving the updated fees schedule for ambulance services during FY 2021-22. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)

## **12. PUBLIC HEARING - BUDGET ORDINANCES 2ND READING & RELATED RESOLUTIONS**

**12.a.** 21-80  
Amending Section 8.32.150 of the Lincoln Municipal Code to increase the occupation tax on refuse haulers from \$17.15 to \$18.00 per ton, effective January 1, 2022. (Public Hearing on 8/2/21; Request to Delay Action to 8/23/21)  
[21-80 Ordinance \(8.32.150\).pdf](#)  
[Fact Sheet Occupation Tax\\_Amend LMC 8.32.150\\_2021.pdf](#)

### **PUBLIC COMMENT**

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### **ADJOURNMENT**

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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: ALLO Channel 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.*