

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD
MONDAY, FEBRUARY 14, 2022 AT 3:00 PM**

ACTION

ALL PRESENT EXCEPT FOR BECKIUS & MEGINNIS

**DUE TO PRESIDENT'S DAY HOLIDAY, THE CITY COUNCIL WILL NOT MEET ON MONDAY,
FEBRUARY 21, 2022.**

MAYOR'S AWARD OF EXCELLENCE

MAYOR'S AWARD OF EXCELLENCE FOR THE MONTH OF SEPTEMBER 2021 IS PRESENTED TO A TEAM OF JOEL BRUNKE, CONCRETE FINISHER II, AND CODY MITCHELL, EQUIPMENT OPERATOR I FOR THE STREET MAINTENANCE OPERATIONS DIVISION OF THE LINCOLN TRANSPORTATION AND UTILITIES DEPARTMENT, IN THE CATEGORY OF VALOR.

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.** 22R-56
Reappointing Peter Hind to the Urban Design Committee for a term to expire February 1, 2025.
(ADOPTED, 5-0; A-93206)
[22R-56 Resolution.pdf](#)
- 1.b.** 22R-57
Reappointing Emily Deeker to the Urban Design Committee for a term to expire February 1, 2025.
(ADOPTED, 5-0; A-93207)
[22R-57 Resolution.pdf](#)
- 1.c.** 22R-58
Reappointing Steve Miller to the City Board of Zoning Appeals for a term to expire February 1, 2027.
(ADOPTED, 5-0; A-93208)
[22R-58 Resolution.pdf](#)
- 1.d.** Report from City Treasurer of city cash on hand at the close of business on December 31, 2021.
(PLACED ON FILE)
[Cash Letter December 2021.pdf](#)

2. PETITIONS & COMMUNICATIONS

2.a. PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment 22003 to Special Permit 962C, Sunset View Estates, approved by the Planning Director on January 28, 2022, to reduce the west side yard setback for Lot 12, Sunset View Estates 2nd Addition from 30 feet to 15 feet, on property generally located at N. 40th Street and Ballard Avenue.

Administrative Amendment 21073 to Pre-Existing Use Permit 3AI, Gateway Shopping Center, approved by the Planning Director on January 27, 2022, to add an additional 16,000 square feet of building area for Area A, on property generally located 6400 O Street.

Administrative Amendment 21074 to Change of Zone #16038 Terrace Gardens Planned Unit Development, approved by the Planning Director on February 1, 2022, to revise the northern residential area along NW 35th Court to change the detached single family lots to attached single family lots generally located at N. 35th Street and Superior Street.

2.b. REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 20036 - Request of Chance Hanshaw, from AG (Agricultural District) to H-3 (Highway Commercial District), on property legally described as Lot 2, I.T., located in the SE 1/4 of Section 23-9-7, Lincoln, Lancaster County, Nebraska, generally located at 8230 South 91st Street.

Change of Zone 22001 - Request of the City of Lincoln Planning Department, from AG (Agricultural District), B-2 (Planned Neighborhood Business District) and R-3 (Residential District) to P (Public Use District), on property legally described as Outlot A, Waterford Estates 26th Addition and from O-3 (Office Park District) to P (Public Use District) on property legally described as portions of Irregular Tracts, Lots 15, 16 and 19, all located in the S 1/2 of Section 23-10-7, Lincoln, Lancaster County, Nebraska, generally located at Waterford Estates Drive and Linwood Lane.

Special Permit 22001 - Request of Jose A. Diaz De Leon, to allow for the sale of alcohol for consumption both on and off the premises, on property legally described as a portion of Lot 3, Block 12, Newman Addition and the adjacent vacated North 47th Street right-of-way, located in the NW 1/4 of Sec. 20-10-7, Lancaster County, Nebraska, generally located at 901 North 48th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.

Use Permit 117F - Request of Chu Management Group/The Fox Bar and Grill, to allow for the sale of alcohol for consumption off the premises, on property legally described as Lot 1, Horizon Business Center 6th Addition, located in the NE 1/4 of Section 23-9-6, Lincoln, Lancaster County, Nebraska, generally located at 1245 Libra Drive. The Planning Commission action is final, unless appealed to the Lincoln City Council.

Use Permit 15002B - Request of Tomasek-Novak Investments, to allow for the expansion of an existing use permit to include an additional 9.89 acres and 203

additional dwellings, with new requested waivers to setbacks, on property legally described as Outlot A, Highlands Business Park 6th Addition, located in the SE 1/4 of Section 4-10-6 and Outlot B, Highlands Business Park 6th Addition located in the SE 1/4 of Section 4-10-6 and in the SW 1/4 of Section 3-10-6, Lincoln, Lancaster County, Nebraska, generally located at NW 12th Street and West Highland Boulevard.

3. MISCELLANEOUS REFERRALS - NONE.

- VOTE ON CONSENT ITEMS -

4. PUBLIC HEARING - LIQUOR RESOLUTIONS

4.a. 22R-72

Manager Application of Theresa A. Lichtenberg for Whitehead Oil Company dba U-STOP #5 located at 8231 O Street, U-STOP #15 located at 7100 Pioneers Blvd, and U-STOP #25 located at 2140 K Street Ste. 100.

(ADOPTED FOR APPROVAL, 5-0; A-93209)

[22R-72 Theresa Lichtenberg for U-Stop app.pdf](#)

[22R-72 Thereasa Lichtenberg for U-Stop den.pdf](#)

[22R-72 Ltr and Application.pdf](#)

4.b. 22R-73

Application of Nebraska Horsemen's BPA Inc dba Lincoln Race Course for a Class CK Liquor license located at 7055 South 1st Street.

(ADOPTED FOR APPROVAL, 5-0; A-93210)

[22R-73 Lincoln Race Course Class CK app.pdf](#)

[22R-73 Lincoln Race Course CK den.pdf](#)

[22R-73 Ltr and Application Lincoln Race Course.pdf](#)

4.c. 22R-74

Manager application of Christopher W. Kotchian for Nebraska Horsemen's BPA Inc dba Lincoln Race Course for a Class CK Liquor license located at 7055 South 1st Street.

(ADOPTED FOR APPROVAL, 5-0; A-93211)

[22R-74 Christopher Kotchian for Lincoln Race Course app.pdf](#)

[22R-74 Christopher Kotchian for Lincoln Race Course den.pdf](#)

[22R-73 Ltr and Application Lincoln Race Course.pdf](#)

4.d. 22R-75

Application of La Habana Social Hall, LLC dba La Habana Social Hall for a class I

Liquor license located at 3223 Cornhusker Hwy.
(ADOPTED FOR APPROVAL, 5-0; A-93212)

[22R-75 La Habana Class I app.pdf](#)

[22R-75 La Habana Class I den.pdf](#)

[22R-7 Ltr and Application La Habana.pdf](#)

4.e. 22R-76

Manager application of Selene Sanchez for La Habana Social Hall, LLC dba La Habana Social Hall for a class I Liquor license located at 3223 Cornhusker Hwy.
(ADOPTED FOR APPROVAL, 5-0; A-93213)

[22R-76 Selene Sanchez for La Habana Class I app.pdf](#)

[22R-76 Selene Sanchez for La Habana Class I den.pdf](#)

[22R-7 Ltr and Application La Habana.pdf](#)

- VOTE ON LIQUORS -

5. PUBLIC HEARING - RESOLUTIONS

5.a. 22R-59

Approving the Consultant Agreement between the City and SCS Engineers for Professional Services related to Environmental Compliance Services for the Solid Waste Management Division and the Lincoln Water System.
(ADOPTED, 5-0; A-93214)

[22R-59 Resolution.pdf](#)

[Consultant Agreement 4-year Environmental Compliance Services](#)

[Addendum to Consultant Agreement 4-year Environmental Compliance Services](#)

[Attachment A/B Scope of Services](#)

[Exhibit 1 4-year Fee Estimate](#)

[COI with Cyber Insurance LOCKTON.pdf](#)

[Fact Sheet SCS Multi-Year Environmental Services edits by SRO.pdf](#)

5.b. 22R-60

Comprehensive Plan Conformance 21026 - Application of the Urban Development Director, to review as to conformance with the 2050 Lincoln Lancaster Comprehensive Plan, and to approve a proposed amendment the "Dairy House (Telesis Meadowgold) Redevelopment Project", which is included as part of the Lincoln Center Redevelopment Plan, to revise the order of the project phases and identify that the Phase II Project will consist of the rehabilitation of the structures identified as Condominium units G, H, I, and J for additional offices and manufacturing space for the company occupying Units E and F and affiliated with The Dairy House, LLC, on property generally located at 300 South 7th Street.
(ADOPTED, 5-0; A-93215)

[22R-60 Resolution.pdf](#)

[22R-60 Attachments .pdf](#)

[CPC21026 - SUMMARY REPORT.pdf](#)

- 5.c.** 22R-61
Miscellaneous 21014 - Application of the Urban Development Director, to declare approximately 73 acres generally bounded by Highway 77 on the east, W. Pioneer Boulevard on the north, and S. Folsom Street running through the study area with surveyed property on both sides to be declared blighted and substandard as defined in the Nebraska Community Development Law.
(ADOPTED, 5-0; A-93216)
[22R-61 Resolution.pdf](#)
[22R-61 Attachments.pdf](#)
[MISC21014 - SUMMARY REPORT.pdf](#)
- 5.d.** 22R-62
Approving the Interlocal Agreement between the City and Lancaster County to cooperate on the construction and funding of a county broadband conduit system.
(MTA #1 ADOPTED, 5-0; ADOPTED AS AMENDED, 5-0; A-93217)
[22R-62 Resolution.pdf](#)
[22R-62 Attachment \(new\).pdf](#)
- 5.e.** 22R-63
Accepting and approving the report of new and pending claims against the City for January 16 through January 31, 2022.
(MTA #1 ADOPTED, 5-0; ADOPTED AS AMENDED, 5-0; A-93218)
[22R-63 Resolution.pdf](#)
[22R-63 Claims Report.pdf](#)

- VOTE ON RESOLUTIONS -

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

- 6.a.** 22-32
Approving an Addendum to the Lease and Operating Agreement for the Pinnacle Bank Arena between the City and the Board of Regents of the University of Nebraska.
[22-32 Ordinance.pdf](#)
[22-32 Attachment.pdf](#)
- 6.b.** 22-33
Approving the agreement between the City of Lincoln and Pen-Link, Ltd., to build a new Criminal Justice Information System (CJIS) for the City of Lincoln and Lancaster County.
(MOTION TO SUSPEND THE RULES TO HAVE 3RD READING & ACTION THIS DATE LOST, 1-4)
[22-33 Ordinance.pdf](#)

7. ORDINANCES 3RD READING & RELATED RESOLUTIONS - CONTINUED PUBLIC HEARING & ACTION

7.a. 22-29

Annexation 21012 - Application of Sundance, LLC, to annex approximately 5.45 acres, more or less, on property generally located SE of South 40th Street and Rokeby Road. (Related Items: 22-29, 22-30, 22R-47)(Motion to Delay to Cont'd Public Hearing & Action one week to 2/14/22)

(PASSED, 5-0; #21216)

[22-29 Ordinance.pdf](#)

[22-29 Attachment.pdf](#)

[AN21012 - SUMMARY REPORT REPORT.pdf](#)

7.b. 22-30

Change of Zone 20002A - Application of Sundance, LLC, to change from AG Agricultural District to R-5 Residential District PUD Planned Unit Development to expand the existing Grandale South Addition Planned Unit Development (PUD) BY 5.45 acres, for an additional 120 dwelling units, 120 hotel units and a 9,000 square foot decrease in commercial floor area with requested waivers, on the property generally located at South 40th Street and Rokeby Road. (Related Items: 22-29, 22-30, 22R-47) (Motion to Delay to Cont'd Public Hearing & Action one week to 2/14/22)

(PASSED, 5-0; #21217)

[22-30 Ordinance \(v2 clean\).pdf](#)

[CZ20002A - SUMMARY REPORT.pdf](#)

7.c. 22R-47

Approval of Amendment No. 1 and Restatement of the Conditional Annexation Agreement for 40th and Rokeby Road between the City, Bryan Medical Center, and Sundance, LLC. (Related Items: 22-28, 22-29, 22R-47) (Motion to Delay to Cont'd Public Hearing & Action one week to 2/14/22)

(ADOPTED, 5-0; A-93219)

[22R-47 Resolution.pdf](#)

[22R-47 Attachment.pdf](#)

- VOTE ON ORDINANCES 3RD READING WITH CONTINUED PUBLIC HEARING & ACTION -

- END PUBLIC HEARING -

8. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

8.a. 22-16

Amending the employee group whose classifications are assigned to pay range which is prefixed by the letter W to change the titles of " Equity and Diversity Officer" to "Human

Rights Manager."
(PASSED, 5-0; #21218)
[22-16 Ordinance.pdf](#)

- 8.b.** 22-28
Approving Amendment No. 1 to Agreement for PCS Tower and Appurtenances between the City and New Cingular Wireless PCS, LLC to renew the agreement for three additional five year terms.
(PASSED, 5-0; #21219)
[22-28 Ordinance.pdf](#)
[22-28 Attachment.pdf](#)

- 8.c.** 22-31
Amending various provisions of Title 11 of the Lincoln Municipal Code, Equal Opportunity.
(PASSED, 5-0; #21220)
[22-31 Ordinance Title 11.pdf](#)

9. RESOLUTIONS - 1ST READING (ITEM 9.A. HAD 1ST READING)

- 9.a.** 22R-67
Approving the Interlocal Agreement between the City and Lancaster County for CJIS update
[22R-67 Resolution.pdf](#)
[22R-67 Attachment.pdf](#)

10. ORDINANCES - 1ST READING & RELATED RESOLUTIONS (ITEMS 10.A. THROUGH 10.K. HAD 1ST READING)

- 10.a.** 22R-68
Approving the Tabitha InterGen Redevelopment Project Redevelopment Agreement between the City and Tabitha InterGen, LLC, relating to the redevelopment of the property generally located between 47th and 48th Streets adjacent to L Street.
(Related Items; 22R-68, 22R-69, 22-34)
[22R-68 Resolution.docx](#)
[22R-68 Attachment.pdf](#)
- 10.b.** 22R-69
Amending the FY 21/22 CIP to authorize and appropriate \$3,291,750.00 in Tax Increment Financing for the Tabitha InterGen Redevelopment Project. (Related Items; 22R-68, 22R-69, 22-34)
[21R-69 Resolution.pdf](#)
- 10.c.** 22-34
Authorizing the issuance of Tax Allocation Bonds for the Tabitha InterGen

Redevelopment Project in an amount not to exceed \$3,291,750.00. (Related Items: 22R-68, 22R-69, 22-34)
[22-34 Ordinance.pdf](#)

- 10.d.** 22-35
Comprehensive Plan Conformance 22001 - Declaring approximately 1.65 acres of City owned property generally located at 2201 S. 84th Street as surplus.
[22-35 Ordinance.pdf](#)
[CPC22001 - SUMMARY REPORT.pdf](#)
- 10.e.** 22-36
Street and Alley Vacation 21009 - Application of Dennis Schworer, to vacate a portion of North 33rd Street at Schworer Drive, generally located at North 33rd Street and Schworer Drive.
[22-36 Ordinance.pdf](#)
[22-36 Attachment.pdf](#)
[SAV21009 - SUMMARY REPORT.pdf](#)
- 10.f.** 22-37
Annexation 21011 - Application of SOFO Housing, LLC, and the City of Lincoln to annex approximately 61.28 acres, more or less, on property generally located at the northeast corner and southeast corner of W Pioneers Boulevard and S Folsom Street. (Related Items: 22-37, 22R-70, 22-38)
[22-37 Ordinance.pdf](#)
[22-37 Attachment.pdf](#)
[AN21011 - SUMMARY REPORT.pdf](#)
- 10.g.** 22R-70
Approving the Annexation Agreement between the City and SOFO Housing, LLC, for the annexation of property generally located in the area between South Folsom Street and West Pioneers Boulevard. (Related Items: 22-37, 22R-70, 22-38)
[22R-70 Resolution.pdf](#)
[22R-70 Attachment.pdf](#)
- 10.h.** 22-38
Change of Zone 21055 - Application of SOFO Housing, LLC, for a change from AG Agricultural District to R-4 PUD Planned Unit Development with associated waivers, on property generally located at S. Folsom and W. Pioneers Blvd. (Related Items: 22-37, 22R-70, 22-38)
[22-38 Ordinance.pdf](#)
[CZ21055_-_SUMMARY_REPORT.PDF_-_SUMMARY_REPORT.pdf](#)
- 10.i.** 22-39
Annexation 21009 - Application of the Lincoln Housing Authority, to annex approximately 13.59 acres, more or less generally located at South Folsom Street and

West Old Cheney Road. (Related Items: 22-39, 22R-71, 22-40)

[22-39 Ordinance.pdf](#)

[22-39 Attachment.pdf](#)

[AN21009 - SUMMARY REPORT.pdf](#)

10.j. 22R-71

Approving the Conditional Annexation Agreement between the City and Housing Authority of the City of Lincoln, for annexation of property generally located in the area of South Folsom Street and West Old Cheney Road. (Related Items: 22-39, 22R-71, 22-40)

[22R-71 Resolution.pdf](#)

[22R-71 Attachment.pdf](#)

10.k. 22-40

Change of Zone 21051 - Application of the Lincoln Housing Authority for a change from AG Agricultural District to R-4 Residential District, on property generally located at South Folsom Street and West Old Cheney Road. (Related Items: 22-39, 22R-71, 22-40)

[22-40 Ordinance.pdf](#)

[22-40 Attachment.pdf](#)

[CZ21051 - SUMMARY REPORT.pdf](#)

11. PENDING LIST - DATE CERTAIN

11.a. 21-172

Amending Lincoln Municipal Code Chapter 2.18 Purchasing Division by adding a new section numbered 2.18.034 entitled "Contractor Provisions" to incorporate a bid incentive for apprentice utilization. (1/10/22 - Public Hearing & Action Cont'd seven weeks to 2/28/22)

[21-172 Ordinance 2.18.034.pdf](#)

11.b. 22-27

Approving a Purchase Agreement between the City and the County of Lancaster, Nebraska for the purchase of County owned property generally located at 1005 O Street. (2/7/22 - Motion to delay Action 6 weeks to 3/21/22)

[22-27 Ordinance.pdf](#)

[22-27 Attachment.pdf](#)

12. PENDING LIST (EXTENDED ONE WEEK)

12.a. 21-139

Creating Paving Special Assessment District #2636 for Frontier Road and Pinecrest Drive. (11/1/21 - Placed on Pending, No Date Certain)

[21-139 Ordinance.pdf](#)

[FrontierRdPinecrestDr_map.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 February, open microphone sessions will be held on Feb. 14th & Feb. 28th, 2022.

ADJOURNMENT 5:36P.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: ALLO Channel 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.

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 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.