

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD
MONDAY, JUNE 13, 2022 AT 3:00 PM**

ACTION

ALL MEMBERS PRESENT

DUE TO THE JUNETEENTH & INDEPENDENCE DAY HOLIDAYS, CITY COUNCIL WILL NOT MEET ON JUNE 20 & JULY 4, 2022

MAYOR'S AWARD OF EXCELLENCE

MAYOR'S AWARD OF EXCELLENCE FOR THE MONTH OF MARCH 2022 IS PRESENTED TO A TEAM OF ELIZABETH CLAYMON, LIBRARY SERVICE ASSOCIATE, AND VICTORIA CLARK, LIBRARIAN, FROM THE LIBRARY 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-249
Approving Lyn Elwin Heaton as Finance Director/ Chief Financial Officer effective June 27, 2022.
(ADOPTED, 7-0; A-93377)
[22R-249 Resolution.pdf](#)
- 1.b.** 22R-227
Reappointment of Dr. Stacie Bleicher to the Lincoln-Lancaster County Board of Health for a term to expire on April 15, 2025.
(ADOPTED, 7-0; A-93378)
[22R-227 Resolution.pdf](#)
- 1.c.** 22R-228
Reappointment of Dr. Katie Garcia to the Lincoln-Lancaster County Board of Health for a term to expire on April 15, 2025.
(ADOPTED, 7-0; A-93379)
[22R-228 Resolution.pdf](#)
- 1.d.** 22R-229
Approving the 2022-2023 Joint Budget Committee Funding recommendations.
(ADOPTED, 7-0; A-93380)
[22R-229 Resolution.pdf](#)
[Attachment A.pdf](#)

- 1.e. 22R-230
Approving a contract between the City of Lincoln and Alfred Benesch & Co. for an On-Call Construction Engineering Services Task Order Agreement for the N. 27th St Adaptive Signal Project. Project No. HSIP-5231(14), Control No. 13244, City Project No. 702689.
(ADOPTED, 7-0; A-93381)
[22R-230 Resolution.pdf](#)
[CN 13244_Benesch_Construction Services Contract_City Unsigned.pdf](#)
[CN 13244_N 27th St_City Council Fact Sheet.pdf](#)
- 1.f. 22R-231
Approving the On-Call Professional Services Task Order Agreement between the City and JEO Consulting Group, Inc. to provide preliminary engineering services for the Cotner Blvd. from "O" St. to Starr St. Rehab Project, Project No. LCLC-5237(4), Control No. 13498, City Project No. 705387
(ADOPTED, 7-0; A-93382)
[22R-231 Resolution.pdf](#)
[705387 JEO PE Scoping Scope_Scanned.pdf](#)
[705387 Cotner from O to Starr Council Legislation Fact Sheet_051822_PE.pdf](#)
- 1.g. 22R-232
Approving the On-Call Professional Services Task Order Agreement between the City and HDR Engineering, Inc., to provide environmental services for the Cotner Blvd. from "O" St. to Starr St. Rehab Project No. LCLC-5237(4), Control No. 13498, City Project No. 705387.
(ADOPTED, 7-0; A-93383)
[22R-232 Resolution.pdf](#)
[705387 Cotner from O to Starr Council Legislation Fact Sheet_031722_NEPA.pdf](#)
[705387 HDR NEPA Scoping Scope_Scanned.pdf](#)

2. PETITIONS & COMMUNICATIONS

- 2.a. 22R-258
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. on the Application of Rez, LLC dba Cheapest Damn Cigarettes for a Class D Liquor License located at 4821 Cornhusker Highway.
(ADOPTED, 7-0; A-93384)
[SHD 22R-258.pdf](#)
- 2.b. 22R-259
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. on the Application of The Gotham Bar, LLC dba The Gotham Bar for a Class C Liquor License located at 311 North 8th Street.
(ADOPTED, 7-0; A-93385)

[SHD 22R-259.pdf](#)

- 2.c.** 22R-260
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. on the Application of JJF Enterprises, LLC dba The Post for a Class CK Liquor License located at 2001 N Street.
(ADOPTED, 7-0; A-93386)
[SHD 22R-260.pdf](#)
- 2.d.** 22R-261
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. for the Manager Application of Richard W. Fountain for Robert Flansburg Unit 7 DAV dba DAV Robert Flansburg Chapter 7 located at 3901 North 70th Street.
(ADOPTED, 7-0; A-93387)
[SHD 22R-261.pdf](#)
- 2.e.** 22R-262
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. for the Manager Application of Christopher L. Martinez for Whole Foods Market Nebraska, LLC dba Whole Foods Market located at 6055 O Street.
(ADOPTED, 7-0; A-93388)
[SHD 22R-262.pdf](#)
- 2.f.** 22R-263
Setting the hearing date of Monday, June 27, 2022 at 5:30 p.m. for the Manager Application of Amber S. Thompson for Salt Creek Hospitality, LLC dba Towneplace Suites by Marriott located at 7353 Husker Circle.
(ADOPTED, 7-0; A-93389)
[SHD 22R-263.pdf](#)
- 2.g.** PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Approval 21056 to Use Permit 103C was approved on May 26, 2022, to add site details for Lot 3, Block 2, identify an emergency and public access/pedestrian route and establish a phasing plan for Lot 3, Block 2, and reduce internal setbacks to zero, on property generally located at North 27th Street and Folkways Boulevard.

3. MISCELLANEOUS REFERRALS - NONE.

- VOTE ON CONSENT ITEMS -

4. PUBLIC HEARING - LIQUOR RESOLUTIONS

- 4.a.** 22R-253

Application of American Made Distillery Inc. dba American Made Distillery for a Class C Liquor License located at 100 North 12th Street.

(ADOPTED FOR APPROVAL, 7-0; A-93390)

[22R-253 American Made Distillery C app.pdf](#)

[22R-253 American Made Class C den.pdf](#)

[22R-253 Ltr and App for AmericanMadeDistilleryClassC.pdf](#)

4.b. 22R-254

Application of American Made Distillery Inc. dba American Made Distillery for a Class Z Liquor License located at 100 North 12th Street.

(ADOPTED FOR APPROVAL, 7-0; A-93391)

[22R-254 American Made Distillery Class Z app.pdf](#)

[22R-254 American Made Distillery Class Z den.pdf](#)

[22R-254 Ltr and Application for AmericanMadeDistilleryClassZ.pdf](#)

4.c. 22R-255

Manager Application of Michael Siciliano for American Made Distillery Inc. dba American Made Distillery located at 100 North 12th Street.

(ADOPTED FOR APPROVAL, 7-0; A-93392)

[22R-255 Michael Siciliano for American Made app.pdf](#)

[22R-255 Michael Siciliano for American Made den.pdf](#)

[22R-253 Ltr and App for AmericanMadeDistilleryClassC.pdf](#)

[22R-254 Ltr and Application for AmericanMadeDistilleryClassZ.pdf](#)

4.d. 22R-256

Manager Application of Harry L. Watson Jr. for Original Grata, LLC dba OG Grata located at 2755 Jamie Lane, Suite 15.

(ADOPTED FOR APPROVAL, 7-0; A-93393)

[22R-256 Harry Watson for OG Grata app.pdf](#)

[22R-256 Harry Watson for OG Grata den.pdf](#)

[22R-256 Harry Watson for OG Grata app.docx](#)

4.e. 22R-257

Application of Wine Beer & Spirits, LLC dba Wine Beer & Spirits to expand its Class CG liquor license to an addition of an outdoor area measuring approximately 10 feet by 20 feet at 5220 North 27th Street.

(ADOPTED FOR APPROVAL, 6-0; ABSTAINED: BECKIUS; A-93394)

[22R-257 Wine Beer expand app.pdf](#)

[22R-257 Wine Beer expand den.pdf](#)

[22R-257 WineBeerSpirits expand app.pdf](#)

- VOTE ON LIQUORS -

5. PUBLIC HEARING - RESOLUTIONS

- 5.a.** 22R-233
Accepting and approving the report of new and pending claims against the City for May 16 through May 31, 2022.
(MTA#1 ADOPTED, 7-0; MTA#2 ADOPTED, 4-3; ADOPTED AS AMENDED, 7-0; A-93395)
[22R-233 Resolution.pdf](#)
[22R-233 Claims Report.pdf](#)
[22R-233 \(Motion to Amend No. 1\).pdf](#)
- 5.b.** 22R-234
Miscellaneous 22004 - Application of the Urban Development Director to declare the Coyote/Finke Redevelopment Area, generally located North of O Street between N. 66th and N. 70th Streets along the MoPac trail blighted and substandard.
(ADOPTED, 7-0; A-93396)
[22R-234 Resolution.pdf](#)
[22R-234 Attachments.pdf](#)
[MISC22004 - SUMMARY REPORT.pdf](#)
- 5.c.** 22R-236
Approving a Service Agreement between the City on behalf of the Lincoln-Lancaster County Health Department and Bryan College of Health Sciences for the clinical training for public health nursing students for the term of September 1, 2022 through August 31, 2025.
(ADOPTED, 7-0; A-93397)
[22R-236 Resolution.pdf](#)
[22R-236 Attachment.pdf](#)
- 5.d.** 22R-238
FY 2022-23 Annual Action Plan for HUD Entitlement Programs using Community Development Block Grants (CDBG), Home, and Emergency Solution Grant (ESG).
(ADOPTED, 7-0; A-93398)
[22R-238 Resolution.pdf](#)
[Cover memo to Council.pdf](#)
[Executive Summary.pdf](#)
- 5.e.** 22R-211
Approving the Relinquishment Agreement between the City and the Nebraska Department of Transportation regarding a 9.18 mile segment of State Highway 2.
(ADOPTED, 7-0; A-93399)
[22R-211 Resolution.pdf](#)
[22R-211 Attachment.pdf](#)
- 5.f.** 22R-239
Approving the updated fees schedule for ambulance services during FY 2022-2023.
(ADOPTED, 7-0; A-93400)

[22R-239 Resolution.pdf](#)
[22R-239 Attachment.pdf](#)

- VOTE ON RESOLUTIONS -

6. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEMS 6.A. THROUGH 6.M HAD 2ND READING, SEE ITEMS 6.J. & 6.M.)

6.a. 22-79

Approving a Master Lease Agreement between the City on behalf of Lincoln Fire and Rescue and Flex Financial, a division of Stryker Sales, LLC for the lease of equipment to be utilized by Lincoln Fire and Rescue for a 5 year term.

[22-79 Ordinance.pdf](#)
[22-79 Attachment.pdf](#)

6.b. 22-96

Amending the pay schedule for the employee group whose classifications are assigned to the pay range prefixed by the letter "W" by creating the classifications of "Learning and Organizational Development Division Leader" and "Human Resources Information System Division Leader."

[22-96 Ordinance.pdf](#)
[PS0622 Learning and Organizational Development Leader.pdf](#)
[PS0623 HRIS Division Leader.pdf](#)

6.c. 22-97

Amending the pay schedule for the employee group whose classifications are assigned to the pay range prefixed by the letter "C" by creating the classification of "Audio-Video Analyst."

[22-97 Ordinance.pdf](#)
[PS3151 Audio-Video Analyst.pdf](#)

6.d. 22-98

Text Amendment 22001 - Request of Eating Enterprise West O, LLC, to amend Lincoln Municipal Code Chapter 27.72, Section 27.72.060 (t) to allow vehicle stacking for drive-in/drive through facilities in the rear yard setback in B-1, B-3, H-1, H-2 and H-3 zoning districts.

[22-98 Ordinance.pdf](#)
[TX22001 - SUMMARY REPORT.pdf](#)

6.e. 22-99

Text Amendment 22003 - Request of Whitehead Oil Company to amend Lincoln Municipal Code Section 27.06.170, Heavy Commercial Services Use Group to allow truck wash facilities as a permitted use in H-4 Zoning Districts and amend Section 27.63.470(a)(25) Planned Services Commercial, pertaining to motor vehicle and/or truck wash facility to remove conditions related to vehicle stacking.

[22-99 Ordinance revised.pdf](#)

[TX22003 - SUMMARY REPORT.pdf](#)

6.f. 22-100

Change of Zone 22010 - Application of John Badami on behalf of Cadre Architecture for a change from R-7 Residential to R-7 Residential with landmark overlay, on the property generally located at 480 North 16th Street.

[22-100 Ordinance.pdf](#)

[22-100 Attachment.pdf](#)

[CZ22010 - SUMMARY REPORT.pdf](#)

6.g. 22-101

Street & Alley Vacation 22001 - Application of Parks and Recreation Department to vacate a portion of South 16th Street running through Rudge Park between Lake Street and Harrison Avenue along with additional unnamed right-of-way extending from Harrison Avenue to Perkins Boulevard extending through Rudge Park generally located at S. 16th Street from Lake Street to Harrison Avenue.

[22-101 Ordinance.pdf](#)

[22-101 Attachment.pdf](#)

[SAV22001 - SUMMARY REPORT.pdf](#)

6.h. 22R-235

Comprehensive Plan Conformance 22004 - Application of the Urban Development Director, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, a proposed new "Bishop Heights Redevelopment Plan", to develop retail space, office space, and multi-family dwelling units on 22.18 acres of land, generally located at the Bishop Heights Shopping Center at the northeast corner of S. 27th Street & Hwy 2. (Related Items: 22R-235, 22-102)

[22R-235 Resolution.pdf](#)

[22R-235 Attachments.pdf](#)

[CPC22004 - SUMMARY REPORT.pdf](#)

6.i. 22-102

Change of Zone 22012 - Application of Olsson Associates for a change of zone from R-1 Residential to a B-1 PUD Planned Unit Development and B-1 Local Business to B-1 PUD Planned Unit Development for 230 multi-family dwellings, up to 115,000 square feet of commercial floor area or a 150-room hotel and 95,000 square feet of commercial floor area, with waivers on the property generally located at South 27th Street and Hwy 2. (Related Items: 22R-235, 22-102)

(ADOPTED, 7-0; A-93401)

[22-102 Ordinance.pdf](#)

[CZ22012 SUMMARY REPORT.pdf](#)

- 6.j.** 22R-240
Approving the Instinct Project Redevelopment Agreement between the City and M.I. Industries, Inc., for the property generally located south and west of the intersection of 32nd Street and West "O" Street. (Related Items: 22R-240, 22R-241, 22-103)
(ADOPTED, 7-0; A-93401)
[22R-240 Resolution \(v2\).pdf](#)
[22R-240 Attachment.pdf](#)
- 6.k.** 22R-241
Amending the FY 21/22 CIP to authorize and appropriate \$3,607,264.00 in Tax Increment Financing for the Instinct Redevelopment Project. (Related Items: 22R-240, 22R-241, 22-103)
[22R-241 Resolution \(v2\).pdf](#)
- 6.l.** 22-103
Authorizing the issuance of Tax Allocation Bonds for the Instinct Redevelopment Project in an amount not to exceed \$3,607,264.00. (Related Items: 22R-240, 22R-241, 22-103)
[22-103 Ordinance.pdf](#)
- 6.m.** 22-104
Approving the amended lease agreement between the City, Lancaster County, and District Energy Corporation ("DEC") to expand the leased area for a term of twenty (20) years.
(MOTION TO SUSPEND THE RULES TO HAVE 3RD READING & ACTION THIS DATE 6/13/22, PASSED, 7-0; #21283)
[22-104 Ordinance.pdf](#)
[22-104 Attachment.pdf](#)

- END PUBLIC HEARING -

7. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

- 7.a.** 22R-193
Approving the Cotswold Building Redevelopment Agreement between Cotswold Management, LLC, and the City relating to the redevelopment of property generally located at 311 South 7th Street and adjacent rights of way and public property in Downtown Lincoln. (Related Items: 22R-193, 22R-194, 22-92)
(ADOPTED, 7-0; A-93402)
[22R-193 Resolution.pdf](#)
[22R-193 Attachment.pdf](#)

- 7.b.** 22R-194
Amending the FY 2021-2022 CIP to authorize and appropriate \$3,304,792 in TIF funds for the Cotswold Building Redevelopment Project. (Related Items: 22R-193, 22R-194, 22-92)
(ADOPTED, 7-0; A-93403)
[22R-194 Resolution.pdf](#)
- 7.c.** 22-92
Authorizing the issuance of Tax Allocation Bonds for the Cotswold Building Redevelopment Project in an amount not to exceed \$3,304,792. (Related Items: 22R-193, 22R-194, 22-92)
(PASSED, 7-0; #21284)
[22-92 Lincoln TIF Bonds \(Cotswold Building\) - Bond Ordinance.pdf](#)
- 7.d.** 22-95
Change of Zone 15021A - Application of Senior Foundation V. A. Vision & Victory Park, LLC, to amend the Victory Park PUD Planned Unit Development to increase allowable building height from 2 stories to 3 stories up to 50 feet for multi-family structures and to adjust the lot layout for further platting, with associated waivers, on property generally located at 600 South 70th Street.
(PASSED, 7-0; #21285)
[22-95 Ordinance \(v2\).pdf](#)
[CZ15021A - SUMMARY REPORT.pdf](#)

8. RECONSIDERATION DUE TO SUFFICIENT PETITION SIGNATURES

- 8.a.** 22-106
Amending Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations, to prohibit discrimination on the basis of sexual orientation or gender identity. (Council must repeal this Ordinance 19711 passed on May 14, 2012 in its entirety or place on the ballot for vote of the citizens of Lincoln; Council must also select a date for a special election or a general city election.)
(MOTION TO REPEAL ORDINANCE, APPROVED, 5-2; MIS-46074)
[22-106 Ordinance repealing Ord. 19711 \(5-14-12\).pdf](#)
[Ordinance 19711 \(5-14-22\).pdf](#)
- 8.b.** 22-107
Amending various provisions of Title 11 of the Lincoln Municipal Code, Equal Opportunity. (Council must repeal this Ordinance 21220 passed on February 14, 2022 in its entirety or place on the ballot for vote of the citizens of Lincoln; Council must also select a date for a special election or a general city election.)
(MOTION TO REPEAL ORDINANCE, APPROVED, 4-3; MIS-46075)
[22-107 Ordinance Repealing Ord. 21220 \(Title 11 amendments\).pdf](#)

9. RESOLUTIONS - 1ST READING (ITEMS 9.A THROUGH 9.D HAD 1ST READING)

- 9.a.** 22R-237
Reappointing Jenika Long to the Aging Partners Areawide Advisory Council for a term to expire June 20, 2025.
[22R-237 Resolution.pdf](#)
- 9.b.** 22R-250
Amending Resolution No. A-93339 adopted by City Council on May 23, 2022 related to City Personnel Board Appointment. (Consent)
[22R-250 Resolution.pdf](#)
- 9.c.** 22R-251
Comprehensive Plan Conformance 22006 - Application of the Urban Development Director to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to amend the "Gold's Redevelopment Project" to create a new project area "Gold's Redevelopment Project-Phase One to include the renovation and rehabilitation of the original Gold's Building, for a hotel, commercial space, and underground parking on property generally located at 1023 and 1033 O Street.
[22R-251 Resolution.pdf](#)
[22R-251 Attachment.pdf](#)
[CPC22006 - SUMMARY REPORT.pdf](#)
- 9.d.** 22R-252
Comprehensive Plan Conformance 22007 - Application of the Urban Development Director to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, an amendment to the Lincoln Center Redevelopment Plan, to revise the "Lincoln Flats/Bank of the West Project" to adjust the project area and availability of TIF to complete additional right-of-way improvements, on property generally located at 1314 O Street.
[22R-252 Resolution.pdf](#)
[22R-252 Attachments.pdf](#)
[CPC22007 - SUMMARY REPORT.pdf](#)

10. ORDINANCES - 1ST READING & RELATED RESOLUTIONS (ITEM 10.A HAD 1ST READING)

- 10.a.** 22-105
Approving the lease agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and Quadient Leasing for the lease of a postage meter machine.
[SubmissionReceipt-InsuranceRequirements-390.pdf](#)

[Quadient Insurance - City 4-1-23.pdf](#)
[22-105 Attachment.pdf](#)
[22-105 Ordinance.pdf](#)

11. PENDING LIST (EXTENDED ONE WEEK)

11.a. 22-78

Approving an Agreement for Tower Space and Appurtenances between the City and DISH Wireless, LLC to occupy and use certain city-owned parcel of real property and Tower generally located at 4375 S. 33rd St. (05/09/22 - Motion to continue public hearing one week to 05/16/22) (5/16/22 - Motion to continue public hearing one week to 05/23/22) (05/23/22 – Placed on Pending, no date certain)

[22-78 Ordinance.pdf](#)
[22-78 Attachment.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 June, open microphone sessions will be held on June 13th & June 27th 2022.

ADJOURNMENT 6:21P.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.