

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD
MONDAY, AUGUST 03, 2020 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 2020-21 Operating Budget, and the Capital Improvement Program for 2020-21. A dinner break is scheduled from 6:00 p.m. to 6:30 p.m.

ANNOUNCEMENT

In addition to having public testimony in the Council Chambers, there will be a Webinar that will be available for the Budget Agenda only on August 3, 2020. Additionally, there will be a Webinar that will be available for public comment for the City Council Meetings held on August 10 & August 31, 2020.

For those who wish to testify by webinar, you must register with the City Clerk's Office to participate. Please contact the City Clerk's Office at 402-441-7436 or by email at CityClerk@lincoln.ne.gov. The City Clerk's Office must be notified by 12:00 p.m. the day of the meeting. In order to register, please provide your name, address, email address, and contact number.

If you have concerns you wish to express to the City Council, please email them to councilpacket@lincoln.ne.gov.

If you still wish to appear in person on an item on the agenda, you may come to the County-City Building, 555 S. 10th St. Limited seating is available in the Council Chambers or you may wait in the Bill Luxford Studio or the hallway until your item is called. Then you can enter the Council Chambers & come to the podium. After you are finished speaking, you can exit the chambers through the door to your immediate left.

You may view the meetings at <https://youtube.com/lntvcity> or <https://facebook.com/lntvcity>.

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.** 20R-265
Approving appropriations in the amount of \$25,000.00 from the operation of keno lottery funds for various Human Services. (Consent)
[20R-265 Resolution.pdf](#)
[20R-265 Attachment A.pdf](#)

2. PETITIONS & COMMUNICATIONS

- 2.a.** 20R-300
Setting the hearing date of Monday, August 17, 2020, at 3:00 p.m. on the Application of Red Strike, Inc., dba Sun Valley Lanes for an addition of an outdoor area approximately 49' x 30' and expansion of an indoor area approximately 125' x 49' at

321 Victory Lane.

[Sun Valley Lanes Setting the Hearing Date Reso.pdf](#)

2.b. 20R-301

Setting the hearing date of Monday, August 17, 2020, at 3:00 p.m. on the Application of James Arthur Vineyards, LLC dba James Arthur Vineyards Tasting Outlet for an addition of indoor area approximately 40' x 60' at 803 Q Street.

[James Arthur Vineyards Setting the Hearing Date Reso.pdf](#)

2.c. 20R-302

Setting the hearing date of Monday, August 24, 2020, at 3:00 p.m. on the Application of Great Plains Beef LLC dba Certified Piedmontese Beef for a Class CK Liquor License at 4841 North 84th Street.

[Certified Piedmontese Setting the Hearing Date Reso.pdf](#)

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

Administrative Amendment 20036 to Special Permit 2046B, Appian Way Phase II Regional Shopping Center, approved by the Planning Director on July 16, 2020, to reduce the width of Outlot C from 50' to 20' adjacent to Lot 6, Block 2, and to add Note #25 specifically stating the screening that will be applied to Lot 6, Block 2, generally located at South 91st Street and Highway 2.

3. MISCELLANEOUS REFERRALS

- VOTE ON CONSENT ITEMS -

4. PUBLIC HEARING - RESOLUTIONS

4.a. 20R-279

Approval of Amendment No. 2 to the Hub Hall Heights Conditional Annexation and Zoning Agreement between the City and Apples Way, LLC to reflect changes in the scope and financial obligations of the parties related to the road improvements to be constructed on West Holdrege Street between NW 48th Street and the future NW Chitwood Lane.

[20R-279 Resolution.pdf](#)

[20R-279 Attachment.pdf](#)

4.b. 20R-280

Waiver 20004 - Application of Pius X Catholic High School for a 2-year extension of the requirement to pave a parking lot on property generally located at 5720 A Street.

[20R-280 Resolution.pdf](#)

[WVR20004 - SUMMARY REPORT.pdf](#)

- VOTE ON RESOLUTIONS -

5. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS

- 5.a.** 20-97
Amending the pay schedule for certain employee groups by adjusting the pay range for employees whose classifications are assigned to pay ranges prefixed by 'P' to be effective August 20, 2020.
[20-97 Ordinance.pdf](#)
[POLICE 2020 PAYPLAN.pdf](#)
- 5.b.** 20-98
Approving Amendment No. 1 to Lease Agreement between the City and Holmes Lake Professional Center, LLC which documents City's consent to assign Lease Agreement for area of Holmes Lake Park to John Watson, Watson Family, LLC, and ARW Properties, LLC.
[20-98 Ordinance.pdf](#)
[Amendment No 1 Lease Agr 07-08-20.pdf](#)
- 5.c.** 20-99
Comprehensive Plan Conformance 20009 - Declaring approximately 0.26 acres of City owned property generally located at 2510 South 48th Street as surplus. (Related Items: 20-99, 20-100, 20-101)
[20-99 Ordinance.pdf](#)
[20-99 Attachment A.pdf](#)
[CPC20009 - SUMMARY REPORT.pdf](#)
- 5.d.** 20-100
Approving a Real Estate Purchase Agreement between the City and Antelope Park Center Company, LLC for the sale of a small area of the Antelope Creek Greenway to the adjoining property owner at 2510 South 48th St. (Related Items: 20-99, 20-100, 20-101)
[20-100 Ordinance.pdf](#)
[Final Signed Real Estate Agreement Packet \(2\).pdf](#)
- 5.e.** 20-101
Change of Zone 20020 - Application of the Parks and Recreation Department Director for a change from P Public District to B-1 Business District of approximately 0.47 acres on property generally located at 2510 South 48th Street. (Related Items: 20-99, 20-100, 20-101)
[20-101 Ordinance.pdf](#)
[20-101 Attachment A.pdf](#)
[CZ20020 - SUMMARY REPORT.pdf](#)
- 5.f.** 20-107
An ordinance to establish a moratorium on new applications for special permits for Alternative to Imprisonment Facilities for a period of 90 days.

- END PUBLIC HEARING -

6. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

6.a. 20-95

Comprehensive Plan Conformance 20010 - Declaring approximately 26,980 square feet of City owned parking lot as surplus on property generally located at the SW corner of 14th and N Streets.

[20-95 Ordinance.pdf](#)

[CPC20010 - SUMMARY REPORT.pdf](#)

6.b. 20-96

Text Amendment 20004 - Application of Superior Lighting to amend Chapter 27 of the Lincoln Municipal Code, Sections 27.69.020 and Section 27.69.240, by allowing up to two menu board signs for each drive thru lane used by an eating establishment taking orders from vehicles and adding a definition for menu board sign.

[20-96 Ordinance \(TX20004\).pdf](#)

[TX20004 - SUMMARY REPORT.pdf](#)

7. ORDINANCES - 3RD READING & RELATED RESOLUTIONS - ACTION ONLY

7.a. 20-79

Change of Zone 20016 - Application of Lincoln Federal Bancorp, Inc. for a change from AG Agricultural District to R-3 Residential District and from AG Agricultural District to P Public District on property generally located at South 27th Street to South 40th Street and Rokeby Road to Yankee Hill Road. (6/29/20 - 2nd Reading w/ Public Hearing Delayed to 7/13/20) (7/13/20 – Public Hearing Delayed to 7/20/20 w/ Action on 7/27/20)

(ACTION DELAYED ONE WEEK TO 8/3/20, 6-1; DISSENTING: MEGINNIS)

[20-79 Ordinance .pdf](#)

[CZ20016 - SUMMARY REPORT.pdf](#)

7.b. 20R-228

Appeal by Bruce J. Prenda of Planning Commission approval of Special Permit 20016 to allow for a new Community Unit Plan on property generally located at the northeast corner of South 27th Street and Rokeby Road. (7/13/20 – Public Hearing Delayed to 7/20/20 w/ Action on 7/27/20)

(ACTION DELAYED ONE WEEK TO 8/3/20, 6-1; DISSENTING: MEGINNIS)

[20R-228 Resolution.pdf](#)

[SP20016 - APPEAL SUMMARY REPORT.pdf](#)

8. RESOLUTIONS - 1ST READING

- 8.a.** 20R-293
Appointing Gatran Gatnoor to the Parks and Recreation Advisory Board for a term to expire May 31, 2021. (Consent)
[20R-293 Resolution.pdf](#)
- 8.b.** 20R-294
Appointing Dylan Cork to the Parks and Recreation Advisory Board for a term to expire May 31, 2021.
[20R-294 Resolution.pdf](#)
- 8.c.** 20R-295
Authorizing the Mayor to execute an Agreement with the Nebraska Department of Transportation to allow the use of Federal Surface Transportation Program funds for construction engineering for the 56th & Yankee Hill Project. (Consent)
[20R-295 Resolution.pdf](#)
[56 & Yankee Hill Contract](#)
- 8.d.** 20R-296
Authorizing the Mayor to execute an Agreement with the Nebraska Department of Transportation to allow the use of Federal Surface Transportation Program funds for construction and construction engineering for the Holdrege Street Pavement Rehabilitation. (Consent)
[20R-296 Resolution.pdf](#)
[Holdrege 47th to 70th Street Contract](#)
- 8.e.** 20R-297
Appeal by Justina Clark of Planning Commission's approval of Special Permit 20020 to allow for an alternative-to-imprisonment facility with up to 6 persons on property generally located at 838 F Street.
[20R-297 Resolution.pdf](#)
[SP20020 -APPEAL SUMMARY REPORT.pdf](#)
- 8.f.** 20R-298
Approving the City of Lincoln Redevelopment Agreement for the 2236 R Street Redevelopment Project between the City and 2236 R Street, LLC relating to redevelopment of property generally located at 23rd and R Streets. (Related Items: 20R-298, 20R-299)
[20R-298 Resolution.pdf](#)
[20R-298 Attachment A.pdf](#)
- 8.g.** 20R-299
Amending the FY 2019-2020 CIP to authorize and appropriate \$180,000 in TIF funds for the 2236 R Street Redevelopment Project generally located at 23rd and R Streets. (Related Items: 20R-298, 20R-299)

9. ORDINANCES - 1ST READING & RELATED RESOLUTIONS

- 9.a.** 20-108
Comprehensive Plan Conformance 20011 - Declaring 2.38 acres of City owned property generally located at 635 J Street as surplus.
[20-108 Ordinance.pdf](#)
[20-108 Attachment A.pdf](#)
[CPC20011 - SUMMARY REPORT.pdf](#)
- 9.b.** 20-109
Annexation 20011 - Application of Calruby, LLC and Carroll Krueger Company, LLC, to annex approximately 24.65 acres on property generally located at South 84th Street and Yankee Woods Drive. (Related Items: 20-109, 20-110)
[20-109 Ordinance.pdf](#)
[20-109 Attachment A.pdf](#)
[AN20011 - SUMMARY REPORT.pdf](#)
- 9.c.** 20-110
Change of Zone 05068G - Application of Calruby, LLC and Carroll Krueger Company, LLC for a change from AG Agricultural District to R-3 Residential District PUD to expand the existing PUD Planned Unit Development by 24.65 acres, for an additional 80 single-family and attached single-family dwelling units, with waivers to the Zoning and Subdivision Ordinances, on property generally located at South 84th Street and Yankee Woods Drive. (Related Items: 20-109, 20-110)
[20-110 Ordinance.pdf](#)
[CZ05068G - SUMMARY REPORT.pdf](#)
- 9.d.** 20-112
Amending Section 2.04.010 of the Lincoln Municipal Code relating to Rules of the Council to add "Rule 3-33. Signs Prohibited." to prohibit signs in Council Chambers during meetings.
[20-112 Ordinance.pdf](#)

10. PENDING LIST - DATE CERTAIN

- 10.a.** 20R-246
Appeal by Daniel Sloan of Planning Commission's approval of Special Permit 20005 to allow for an alternative to imprisonment facility for up to six persons in residence on property generally located at 420 South 28th Street. (7/20/20 - Public Hearing & Action cont'd to 8/10/20)
[20R-246 Resolution.pdf](#)
[SP20005 - SUMMARY REPORT.pdf](#)

- 10.b.** 20R-245
Appeals by Nancy Selzer, et al., (24 appeals submitted) of the Planning Commission's conditional approval of Special Permit 20013 to allow for a Community Unit Plan (CUP) with associated waivers to setbacks, lot area, block length, and the sanitary sewer design standards on property generally located at South 46th and Hillside Streets. (7/20/20 - Action delayed one week to 7/27/20) (7/27/20 - Action delayed 2 weeks to 08/10/20.
[20R-245 Resolution.pdf](#)
[SP20013 -APPEAL - SUMMARY REPORT.pdf](#)

11. PENDING LIST

- 11.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](#)
- 11.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](#)
- 11.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

For those who wish 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. For the month of August, open microphone sessions will be held on August 10th and August 31st in the Council Chambers & by webinar.

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ADJOURNMENT

PUBLIC HEARING ON THE 2020-21 CITY OF LINCOLN OPERATING BUDGET

BUDGET PRESENTATION

For the record, I want to communicate how the City of Lincoln is within compliance of state statute 13-506. This budget hearing is being held separately from any regularly scheduled meeting of the City of Lincoln City Council and is not limited by time.

Notice of place and time of this budget hearing, together with 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 28, 2020.

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.

At least three copies of the proposed budget statement are available to the public and can be found in the back room and hallway area. A presentation outlining key provisions of the proposed budget statement, including a comparison with the prior year's budget will begin shortly.

12. PUBLIC HEARING - BUDGET RESOLUTIONS

- 12.a.** 20R-266
Approving the updated fees for open burning permits under LMC Chapter 8.06 Air Pollution.
[20R-266 Resolution.pdf](#)

- 12.b.** 20R-267
Approving the updated permit fees under LMC Chapter 5.41 Salvage, Recycling and Composting Operations, including salvage; recycling processing center; recycling center; consumer recyclables collection site; and commercial composting operations.
[20R-267 Resolution.pdf](#)

- 12.c.** 20R-268
Approving the updated fees under LMC Chapter 8.08 Body Art Establishments, including body art establishment permits; body art practitioner permits; and permit reinstatement.

[20R-268 Resolution.pdf](#)

- 12.d.** 20R-269
Approving updated fees under LMC Chapter 8.14 Child Care Programs, including plan review for new programs; certificate of compliance (initial and renewal); and reinstatement of suspended certificate of compliance.
[20R-269 Resolution.pdf](#)
- 12.e.** 20R-270
Approving updated fees under LMC Chapter 8.20 Food Code, including food establishments; mobile food units; food catering services; temporary food establishments; reinstatement fees; and food handler and food manager permit fees.
[20R-270 Resolution.pdf](#)
- 12.f.** 20R-271
Approving updated noise variance fees under LMC Chapter 8.24 Noise Control.
[20R-271 Resolution.pdf](#)
- 12.g.** 20R-272
Approving updated fees under LMC Chapter 8.32 Solid Wastes, including special waste permit fees.
[20R-272 Resolution.pdf](#)
- 12.h.** 20R-273
Approving updated fees under LMC Chapter 8.38 Public Swimming Pools; including swimming pool permits; new permit/plan review; renewal; additional spa; swimming pool operator; and pool water quality tester certificate.
[20R-273 Resolution.pdf](#)
- 12.i.** 20R-274
Approving updated fees under LMC Chapter 8.44 Water Wells, including water well construction permits; annual water well permits; water well repair permits; and variance applications.
[20R-274 Resolution.pdf](#)
- 12.j.** 20R-275
Approving updated fees under LMC Chapter 24.38 Onsite Wastewater Treatment Systems, including construction and repair of onsite wastewater treatment systems; cleaner permits; installer permits; and development area reviews.
[20R-275 Resolution.pdf](#)
- 12.k.** 20R-276
Approving updated permit fees under LMC Chapter 24.42 Regulation of Property Transfers with Onsite Systems, including review of property transfers with onsite wastewater or water systems.

[20R-276 Resolution.pdf](#)

- 12.l.** 20R-277
Approving updated permit fees under LMC Chapter 28.02 Regulations for Illicit Discharges.
[20R-277 Resolution.pdf](#)
- 12.m.** 20R-278
Amending Lincoln-Lancaster County Air Pollution Control Regulations and Standards, Article 1, Section 6 Fees to update fees for required services to business and industry.
[20R-278 Resolution.pdf](#)
- 12.n.** 20R-281
Establishing a new rate schedule for the Lincoln Water System for purposes of covering operational and maintenance costs including debt service and the Capital Improvements Program for FY 2020-21.
[20R-281 Resolution.pdf](#)
- 12.o.** 20R-282
Establishing a new rate schedule for the Lincoln Wastewater System for purposes of covering operational and maintenance cost including debt services and the Capital Improvements Program for FY 2020-21.
[20R-282 Resolution.pdf](#)
- 12.p.** 20R-283
Adopting the 2020-21 City of Lincoln Operating Budget & Capital Improvement Program (CIP); One & Six Year Street & Highway Program.
[Attachment 20R-283.pdf](#)

13. PUBLIC HEARING - BUDGET ORDINANCES 2ND READING & RELATED RESOLUTIONS

- 13.a.** 20-104
Amending Chapter 5.04 of the Lincoln Municipal Code relating to Alcoholic Liquor by amending Section 5.04.125 to deposit the server/seller permit fees into the Health Fund; to remove the requirement for a segregated Responsible Beverage Server/Seller Fund by repealing Section 5.04.126 in its entirety; and repealing Section 5.04.125 of the Lincoln Municipal Code as hitherto existing.
[20-104 Ordinance.pdf](#)
- 13.b.** 20-106
Amending Section 8.32.150 of the LMC to increase the occupation tax on the refuse haulers from \$12.15 per ton to \$17.15 per ton, effective January 1, 2021.
[20-106 Ordinance.pdf](#)

- 13.c. 20-102
An ordinance to temporarily suspend provisions of Chapter 3.06 of the Lincoln Municipal Code to allow the City to adopt an annual budget rather than a biennial budget as is provided for in Lincoln's municipal Charter.
[20-102 Ordinance.pdf](#)

- 13.d. 20-103
Amending Section 4.24.070 of the Lincoln Municipal Code to remove the cap on the dividend for utility ownership received from the Lincoln Electric System and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing.
[20-103 Ordinance.pdf](#)

- 13.e. 20-105
Amending Chapter 2.80 of the Lincoln Municipal Code relating to Social Security to remove the creation of a separate property tax levy line to fund the City's Social Security obligations by repealing Section 2.80.090 in its entirety.
[20-105 Ordinance.pdf](#)

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ADJOURNMENT

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.

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.