

MEETING RECORD

Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Thursday, July 14, 2022.

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Friday, July 22, 2022, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Heidi Cuca, Delonte Johnson, Kile Johnson and Karen Nalow; (Andrea Gebhart, Ann Post and David Quade absent).

OTHERS IN ATTENDANCE: Collin Christopher and Teresa McKinstry of the Planning Department; Maggie Stuckey-Ross and J.J. Yost with Parks and Recreation; Bob Ripley and Matt Hansen with the Nebraska Capitol Commission; Michelle Potts from Nebraska State Building Division; Greg Newport; Doug Whitehead with Nebco; and other interested citizens.

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

Chair K. Johnson called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

K. Johnson then called for a motion approving the minutes of the regular meeting held April 22, 2022. Motion for approval made by Nalow, seconded by D. Johnson and carried 4-0: Cuca, D. Johnson, K. Johnson and Nalow voting 'yes'; Gebhart, Post and Quade absent.

Maggie Stuckey-Ross introduced herself. She is happy to be here, and is currently spending a lot of time observing and learning. She has been meeting with a lot of groups, as this is a busy time for Parks and Recreation. She is looking forward to working with everyone. The Commissioners introduced themselves.

SITE IMPROVEMENTS AT 1821/1843 'K' STREET **PUBLIC HEARING AND ACTION:**

July 22, 2022

Members present: Cuca, D. Johnson, K. Johnson and Nalow; Gebhart, Post and Quade absent.

Greg Newport appeared as a representative for Community Action. He explained that Jill Bomberger could not attend today. There are some issues with their property that they would like to address. They have had several accidents at 1843 'K' Street in the last couple of years. At the intersection of Antelope Parkway and 'K' Street, there have been several vehicles that have lost control and run into the building. This building will be used for day care and preschool aged children. They looked into a concrete barrier that would restrain vehicles, but the cost came in fairly high. That led them to their current solution of using concrete bollards. These are a little larger than the ones you see at The Hub. The bollards would be colorfully painted to tie in with what is happening in the

building with children. This would also make them more visible. The idea is to stop the vehicles before they enter the building.

D. Johnson would like to see some images. Newport showed some images of the building and the intersection in questions, including images from previous accidents.

K. Johnson wondered if these were night accidents. Newport believes they were during the day. K. Johnson noted his only concern would be the colors.

Nalow inquired what the applicant is proposing to paint the bollards with. Newport responded they are looking at an acid etch material. The bollards come bare. He is unsure what is on the bollards at The Hub or Target. His opinion is that acid etch would hold up better. They might want to do an anti-graffiti coating. The acid etch would make them a little duller in appearance. Nalow noted that those in front of The Hub are integral to the structure and there is an acid etch. The color goes all the way through the concrete. Newport believes that is an option for them. Nalow would like a follow up about the color. This doesn't face the Capitol and it is not on the Mall. She is just thinking about how bright the colors may be and if they would fade over time. This needs to be part of the consideration.

Cuca believes there are reasons why, but she wondered about protecting people on the sidewalk as well. Newport responded that the city would not support bollards in the public right-of-way. Cuca asked if the colors would be monochromatic. Newport stated there would be differences in the color. He is not one hundred percent certain they are in agreement yet on what colors they want to use. They would gladly take direction from the Commission, but the idea is to have some rhythm with three or four colors.

D. Johnson believes this is appropriate for the property.

Bob Ripley stated that based on the number of accidents they have had in this location, he questioned if the bollards would be readily replaceable. That would be his only concern. He agreed with Cuca about protecting the building, but he would be concerned about pedestrians as well. He believes City of Lincoln Transportation and Utilities needs to take a second look at this intersection. He would also suggest the applicant look at replaceability. He wondered if a car could take the bollard off its footing or if there is a pole inside the bollard. Replacement would be his primary concern.

Newport stated that the bollards are manufactured by three or four companies around the country. They can be readily purchased and shipped. They weigh about 400 pounds each. They sit on a post that is buried in a footing in the ground. They haven't done a study to see what size of vehicle they would restrain, but he feels that they will be adequate.

K. Johnson asked for input on color choice. Nalow would recommend more muted colors. She believes they would wear better over time.

ACTION:

Cuca moved approval of a Certificate of Appropriateness for the addition of vehicle barriers as proposed, seconded by D. Johnson and carried 4-0: Cuca, D. Johnson, K. Johnson and Nalow voting 'yes'; Gebhart, Post and Quade absent.

SITE WORK AT 1010 LINCOLN MALL

PUBLIC HEARING AND ACTION:

July 22, 2022

Members present: Cuca, D. Johnson and K. Johnson; Nalow declaring a conflict of interest; Gebhart, Post and Quade absent.

Collin Christopher noted that Nalow cannot vote on this item due to a conflict of interest. However, he believes a Certificate of No Material Effect would be appropriate if the three voting Commissioners are supportive. This could be issued administratively with the concurrence of the Chair of this Commission and the Director of the Planning Department.

Nalow appeared representing the applicant and showed the location of the NEBCO property at 1010 Lincoln Mall. They are looking specifically at improvements to the two corners on the south side. At one point in time, there was a parking lot between 11th Street and 12th Street to the east of the building on Lincoln Mall. NEBCO eventually redeveloped that parking lot into an office building similar in style. The south side of the block from 11th – 12th is being redeveloped as well. These properties are all owned by NEBCO. They are considering the removal of the seat walls at the southeast and southwest corners of the building and the addition of landscaping that extends to the building. The seat walls are mostly on NEBCO property. Some of the older landscaping around this building has been replaced already. They want a refresh similar to the approach at the other two NEBCO-owned Landmark buildings on the Mall.

Cuca wondered if this was a purely aesthetic change. Nalow stated the only change being requested would be the removal of the seat walls. She doesn't believe they have a significant impact on the overall streetscape.

K. Johnson understands there are no benches in the design of the buildings to the east and south. Nalow noted he was correct. This would make all three of the buildings consistent. Looking at the overall approach to the Mall, the benches are typically located in the mid-block range. K. Johnson also pointed out that the bus shelter has benches. He has seen people gathered at the east end, but no one in the shelter.

K. Johnson supports the change and believes this could proceed administratively pursuant to the approval of the Director of Planning. The other Commissioners indicated their agreement with K. Johnson and concurred that this could be approved administratively.

D. Johnson personally likes the benches, but understands if they aren't being used and believes this would give a more uniform look. He agreed this proposal would be appropriate.

Christopher suggested that he would like to hear the opinion of Parks and Recreation. J.J. Yost stated Parks would support the removal as well. They have this issue along Lincoln Mall. They don't get the appropriate use. He believes a cleaner look would be better.

Ripley would support this as well. He agreed with K. Johnson's comments. The applicant has a reputation that proceeds them. He has confidence knowing whatever is removed will be replaced with something better. He concurred with the Chair's observations.

Nalow wanted to note that the seat walls that were installed were done so before the most current design standards. They do not technically meet the current design standards.

MISCELLANEOUS:

- Christopher gave an update on the discussion about a text amendment from the April 2022 meeting. Going back to December of 2021, there was a proposal from the State Building Division (SBD) to add a radio antenna to one of their buildings in the Environs. The Commission was informed at that time that government entities wishing to appeal a decision have the option to appeal to the Department of Administrative Services (DAS). That seemed to staff and Commissioners to be somewhat of a conflict of interest, given that the SBD is a division of the DAS. So, staff looked into changing the process. In April, staff brought forward a proposal that would change the appeal body from the DAS to the Capitol Commission. The DAS expressed concern about this change, noting that the language in the City's Municipal Code regarding the appeal process is also included in State Statutes. The Commission asked staff to consult with the City's Law Department to get advice on how to proceed. The Law Department agreed that the overlap between the Municipal Code and the State Statutes complicates the issue, and recommended that the City not proceed with a text amendment to the Municipal Code until the State Statutes are first changed. In order for that to happen, the logical next step would be for staff from the Planning Department and the Mayor's Office to identify a State Senator willing to sponsor a bill to amend the State Statutes. Given this added level of complexity, Christopher asked the Commissioners how they would like to proceed.

K. Johnson believes this would be a logical change and an improvement. He thinks it should be looked at. The other Commissioners agreed. Christopher will work on that. He assumes it will not be a quick process.

- Nalow asked Parks and Recreation staff about the maintenance of Lincoln Mall, which appears to have been inconsistent over the last couple of years. She would like to have an understanding of the approach to maintenance and anything that could be done to have a year-long approach to weed control.

Yost believes they need to visit with their maintenance staff and find a more consistent approach in order to be able to provide the desired level of service. Sunken Gardens and Cascade Fountain have received a lot of extra attention this year, but he will talk with staff about their approach. Nalow understands and knows this is about time and money. She appreciates the response.

There being no further business, the meeting was adjourned at 9:05 a.m.