

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 9, 2017 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council Proceedings of December 19, 2016, reported having done so, found same correct.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler presented the Award of Excellence for the month of November, 2016 to two Lincoln Police Officers, Jorge Dimas and Matthew Schiefelbein. Jorge and Matthew were nominated by Captain Jason Stille in the category of customer relations for a random act of kindness performed in September, 2016. On Labor Day, the officers were sent at 10 p.m. to a local laundry business regarding a disturbance between a customer and an employee. The customer had purchased a mini pizza for her 9 year old daughter to eat while waiting for their laundry to finish. The employee microwaved the pizza, and unfortunately it was still sealed in the plastic wrapper and the pizza was completely inedible. The employee refused to accept responsibility for the error and refused to make a new pizza or refund the customers money. Captain Stille said the Officers quickly diffused the situation and determined the true victim was the 9 year old girl, who was obviously both hungry and upset. The Officers knew that since it was late on a holiday the mother and daughter had very few options to get food quickly. Without a second thought, they drove to a local business and spent their own money to buy food for the mother and daughter. It was not until they returned with the food that they learned it was the girls birthday. The Officers changed the dynamics of an unpleasant situation to say the least for the mom and the daughter by showing their compassionate human side. Captain Stille wrote that neither officer told anyone about their actions. The story came to light when the girls grandmother called the department to thank the officers. Captain Stille said this speaks volumes about the character of Officers Dimas and Schiefelbein and their exemplary customer service to the citizens of Lincoln.

Jeffrey Bleimeister, Chief of Police, came forward and shared this is a kind gesture and this compounds what a great job both officers did. There is nothing that the Lincoln Police Department does to train Matt or Jorge to do something like this. This is something that is inherit within them from their parents and families. This is a typical example of what Lincoln Police Officers are about. They are not looking for praise or to be on the front page of the Journal Star, but doing a job, and doing it with empathy and kindness.

Jorge Dimas, Lincoln Police Officer, came forward and thanked his family.

Matthew Schiefelbein, Lincoln Police Officer, came forward and thanked his family.

PUBLIC HEARING

APPOINTING KIM PHELPS TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2019 - Kim Phelps, 1620 Brighton Ave, came forward and requested approval.

Carl Eskridge, Council Member, thanked Mr. Phelps for his service and stated it is one thing to have someone appointed for the first time, but he appreciates Mr. Phelps coming back again to help with public transit.

Miki Esposito, Director of Public Works, came forward and shared Mr. Phelps has been so influential in public transit for many years and it is nice to have him back for a second time.

This matter was taken under advisement.

APPOINTING TIM SCHULTZ AND JOSELYN LUEDTKE TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2018 - Judy Halstead, Director of Lincoln-Lancaster County Health Department came forward and shared the Air Pollution Advisory Board is an advisory board to the Lincoln-Lancaster County of Health and to the Health Department. They also advise City Council and the Lancaster County Board of Commissioners.

Joselyn Luedtke, 7610 Starr Street, came forward and requested approval.

Tim Schultz, 2806 O'Shea Drive, came forward and requested approval.

This matter was taken under advisement.

**REGULAR MEETING
JANUARY 9, 2017
PAGE 144**

APPLICATION OF BABY BULL LLC DBA METHOD CYCLES AND CRAFT HOUSE FOR A CLASS C LIQUOR LICENSE AT 416 SOUTH 11TH STREET;
MANAGER APPLICATION OF RANDY W. KINNEY FOR BABY BULL LLC DBA METHOD CYCLES AND CRAFT HOUSE AT 416 SOUTH 11TH STREET - Bob Creager, 1630 K Street, Attorney for Randy Kinney, came forward to take the oath and requested approval.

Randy W. Kinney, 9820 Hollow Tree Drive, applicant, came forward to take the oath and requested approval.

Carl Eskridge, Council Member, stated this business came in front of Council about a year ago and inquired if Mr. Kinney was affiliated with the business before.

Mr. Kinney stated he was not involved with the business before. He and his wife purchased the business from the previous owner when the liquor license was not approved.

This matter was taken under advisement.

APPLICATION OF HERGERT OIL COMPANY DBA SUPER C FOR A CLASS D LIQUOR LICENSE AT 4445 SOUTH 70TH STREET;
MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C AT 4445 SOUTH 70TH STREET - Jessica Greenwald, 800 Lincoln Square, Suite 800, Attorney for applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF GREY WHALE, LLC DBA GREY WHALE SUSHI & GRILL FOR A CLASS I LIQUOR LICENSE AT 129 NORTH 10TH STREET, SUITE 112;
MANAGER APPLICATION OF LI XIA WU FOR GREY WHALE LLC DBA GREY WHALE SUSHI & GRILL AT 129 NORTH 10TH STREET, SUITE 112 - Li Xia Wu, 129 North 10th Street, Suite 112, applicant, came forward to take the oath and requested approval.

Jon Camp, Council Member, inquired about where the address is due to the building being large.

Ms. Wu confirmed the location is in the Grand Manse building on the first floor near the Blue Orchid.

Roy Christensen, Council Member asked when they planned to open.

Ms. Wu stated they plan to open in March.

This matter was taken under advisement.

APPLICATION OF SMALL TOWN BAR INC. DBA ROSIE'S SPORTS BAR AND GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION OF SUITE 100 MEASURING APPROXIMATELY 51 FEET BY 75 FEET AT 1501 CENTER PARK ROAD, SUITES 200 & 300 - Ryan Rosenstiel, 2701 Shelley Circle, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, SECTIONS 25, 25A, 26 AND 26A OF THE CHARTER RELATING TO THE CITY ANNUAL AND BIENNIAL BUDGETS. (12/19/16 - PUBLIC HEARING & ACTION CONT'D TO 1/09/17) - Cyndi Lamm, Council Member, stated they are scheduled for Public Hearing today and at the end she has a substitute resolution she will submit and will then move that the matter be placed on pending list with no date certain.

Roy Christensen, Council Member, seconded Ms. Lamm's motion.

Jane Kinsey, Watchdogs of Lincoln Government, 6703 Hawkins Bend, came forward in favor, stating we need a balance of power.

Mary Boschult, League of Women Voters, 950 S. 49th Street, came forward in favor.

Ms. Lamm stated through this process of working with staff and having the opportunity to work with other individuals and she is very pleased with all the discussions she has had and likes the direction this is going in.

Jane Raybould, Council Member, inquired if the intent of Ms. Lamm is to redirect this to the Charter Revision Commission as well so that they have an opportunity to weigh in and provide their input.

Ms. Lamm clarified that is not her intentions.

Trent Fellers, Council Member, stated he appreciates what Ms. Lamm is doing and there are some conversations about a resolution that would change a budget schedule and what could go to a Charter Review Committee that are ongoing. He feels this is moving in the right direction and there could be a solution that everyone is happy with.

Leirion Gaylor Baird, Council Chair, stated she also appreciates all the discussion with the budget schedule where everyone agrees to a time line and sharing a common goal of getting more information to the Council to be able to have time to analyze and be able to make recommendations about what Council likes to see. Ms. Gaylor Baird asked the Clerk to call the role to place the item on pending.

Clerk called the role and motion to place on pending passed with a vote of 7-0.

This matter was taken under advisement.

ORDERING ALLEY RE-PAVING DISTRICT 50 CONSTRUCTED FROM 16TH TO 17TH STREET BETWEEN G AND H STREETS - Suzie Filipi, Public Works and Engineering Services, came forward and stated this alley is behind the Ferguson and the Kinard houses. There are 9 parcels and 5 home owners. The estimated cost is \$98,000, which would come to about \$163 per frontage foot. Council passed the ordinance to create this district in October, 2016, and since that time they have obtained the required majority of owners in favor of the district and all the formal petitions have been reviewed and accepted by the City Attorney's Office. If the resolution passes, the Engineering Services will design the project, put it out for bid, and then construct the project. If by chance the bids come in over 25% of their estimates they will have to meet with the owners of the parcels and give them options at that time. After completion and assessment of the project, the property owner has up to 20 years to pay this assessment. There have been several meetings with the neighborhood, and all of them seem very optimistic about the best way to move forward with this project.

Jon Camp, Council Member, stated it is his understanding that this would be paid completely by the property owners and no City funds.

Ms. Filipi confirmed that is correct that there would be no funds required by the City.

Carl Eskridge, Council Member, asked when the work would be completed.

Ms. Filipi stated there is not a for sure completion date because part of it would be when the design is done and when the bids would go out. The area is a little tricky because there are two arterial streets. They would like to try and work on the project between legislation sessions due to parking.

Caleb Straight, State Building Division, 1526 K Street, came forward in favor.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 16011 – APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE “1222 P STREET MIXED-USE REDEVELOPMENT PROJECT” TO INCLUDE THE CONSTRUCTION OF 2 ADDITIONAL STORIES OVER A PORTION OF THE EXISTING 3-STORY STRUCTURE, ALONG WITH DEMOLITION, RECONSTRUCTION, AND REHABILITATION OF THE EXISTING 3 STORIES, ON PROPERTY GENERALLY LOCATED AT 1222 P STREET AND A PORTION OF THE ADJACENT ALLEY AND RIGHT-OF-WAY - Dallas McGee, Urban Development Department, came forward and shared this is an amendment to the Lincoln Center Redevelopment Plan to allow for the redevelopment of the building at 1222 P Street. The building has not changed much from the way it looked 100 years ago. The developer is Bricks and Mortar Construction and they will be renovating the building and adding three additional floors to the building. The building is the only private property in the area and the alley behind the building would be included, and also the right of way on P Street in front of the building. This renovation would allow for construction of both residential and commercial development.

Carl Eskridge, Council Member, asked if the intent was to also help out the alley.

Mr. McGee stated when they put the projects together they include the adjacent right of way where possible. There may be utilities or issues that impact the alley. There are no anticipations to fix the alley, but if that happens down the line it would already be included in the area.

Jon Camp, Council Member, inquired about what further participation would be required and would there be tax increment financing.

Mr. McGee explained they are anticipating tax increment financing. The creation of the project area would enable a project area from which tax increment financing would be generated and spent.

Jane Raybould, Council Member, asked if the alley was under consideration to be paved.

Mr. McGee said that is not something that has been discussed at this point. It is something that can be looked at, but repaving alleys can get expensive for a project of this size.

Leirion Gaylor Baird, Council Chair, stated Council sees the generic list of potential uses of the tax increment financing, and asked if there was any idea of what might be utilized for this location.

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 S. 13th Street, Suite 1900, came forward on behalf of Bricks and Mortar, who is the owner of the building and stated the owner has a unique opportunity for redevelopment. The property is the only property that has not been renovated in that area on the north side of P Street, between 12th and 13th street. The project would retain the beginning 20 feet of the structure and the balance of the existing structure would be demolished. After, the building would be reconstructed and then three floors would be added. There would be approximately 4,000 square feet of retail on the first floor. The historic nature of the facade would be maintained with the new structure above it. The site plan has been to the Urban Design Committee twice, and there was a lot of comment and a lot of discussion and ultimately that resulted in the approval from the Committee. In addition to the retail of the new structure there will be 29 dwelling units, with mixed use of studio units and one bedroom units at market rate. When coming up with the amendment, the L plan 2040, and the Downtown Master Plan were looked at to maintain consistency in the Downtown area. The project itself will involve an investment of approximately \$4 million, of which it is anticipated and projected a tax increment component of approximately \$470,000. The vast majority of that expense is anticipated to be used for the demolition of the existing structure to accommodate the new growth. The schedule moving forward is to appear back in front of Council in about 3 weeks with a redevelopment agreement, and then construction will start soon after to allow the vertical construction to start the Summer of 2017.

Ms. Raybould asked Mr. Huston to explain why the alley is included if there are no plans to improve the alley.

Mr. Huston explained there are no anticipations to improve the alley, but it is always wise to include the public right of way because it is always unknown of what utility improvements may be required.

Ms. Raybould asked if there are issues discovered that would pertain to the alley, would they have to come back in front of Council for an increase in the TIF allowance.

Mr. Huston stated he thinks the \$470,000 is all that will be used of TIF funds. The TIF is sized based off the project valuation of the property. If there are increased costs does not necessarily mean there are increased TIF.

Trent Fellers, Council Member, asked what is the strategy with going midway into P Street since there have been prior improvements to that area.

Mr. Huston confirmed since P Street has been renovated and resurfaced they do not believe there will be any public improvements required, but it is included to be able to plan for redevelopment purposes.

Mr. Fellers stated P Street is a busy area and if there was a plan to keeping construction vehicles off the street.

Mr. Huston stated the plan is to mostly stay in the alley and to avoid the conflict with the P Street traffic. There might be times where there is conflict, but the primary goal is to stay in the alley.

Mr. Camp stated it was his understanding that if the alley was included in this redevelopment plan it could not be included in another redevelopment plan if someone were to want to improve the alley at a later time.

Mr. Huston clarified the public right of way can be included in multiple redevelopment project areas. So if there were a project on Q Street that backed into the alley way, it could be included in the plan as well.

Mr. Camp inquired about ADA requirements of the building.

Mr. Huston said the intent is that retail be at the grade level of P Street which is part of the reconstruction process to eliminate the split entry. The facade is being retained, but there would be an entryway that would be about a 10 foot recessed. There are multiple governmental codes that require compliance.

Ms. Gaylor Baird asked what the concerns of the Urban Design Committee were and what was done to address those concerns.

Mr. Huston explained the lower level facade has not really changed, but the upper facade was more symmetrical and the Committee suggested to offset it and differentiate it from the historic facade to make it asymmetrical. The structure that the Urban Design Committee approved is now asymmetrical and the new levels that are being added will be recessed further back from the older facade.

This matter was taken under advisement.

APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ITERIS, INC. TO PROVIDE NEPA EVALUATION AND DOCUMENTATION FOR THE NORTH 27TH STREET ADAPTIVE SIGNAL CONTROL TECHNOLOGY PROJECT. (STATE PROJECT NO. HSIP-5231(14), CN 13244, CITY PROJECT NO. 702689) - Lonnie Burklund, Manager of Traffic Engineering in the Public Works Department, came forward and shared this is their Professional Services Agreement with Iteris, Inc., to provide the necessary documentation, system engineering, right up, preliminary and final design, and they will be on board through acceptance and testing of an Adaptive Signal Control Technology (ASCT). This is for a new signal system on the North 27th Street corridor, from O Street north to I-80. This project was started years ago and they obtained 90/10 funding through NDOR and the Safety Funds.

Jon Camp, Council Members, confirmed the NDOR funds are \$1.62 million.

Mr. Burklund confirmed the \$1.62 is the federal funding. Discussion followed.

This matter was taken under advisement.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND JOHN D. ZAKOVEC AND JUDITH L. ZAKOVEC, HUSBAND AND WIFE (DEVELOPER) TO ASSURE THAT THE DEVELOPER WILL DEVELOP THAT PORTION OF LOT 1, WOODLAWN WEST (PROPERTY) AS REPRESENTED, SHOULD THE PROPERTY BE REZONED TO H-3 PURSUANT TO THE DEVELOPER'S APPLICATION FOR CHANGE OF ZONE 16023. (RELATED ITEMS: 16R-297, 16-141) (ACTION DATE: 1/23/17);
CHANGE OF ZONE 16023 – APPLICATION OF JOHN ZAKOVEC FOR A CHANGE OF ZONE FROM AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 6625 NORTHWEST 48TH STREET. (RELATED ITEMS: 16R-297, 16-141 - Mark Hunzeker, Baylor Evnen Law, 1248 O Street, Suite 600, appeared on behalf of John and Judith Zakovec, came forward and stated his clients have no intention of signing the agreement. There are 2 areas, both zoned H-3 that are owned by the Zakovec's. In between both of those areas is a small narrow portion that was accidentally not included in the previous change of zone. There is a flood storage corridor that runs along the west side of the property and down the south side of the property. It is not reasonable for anyone to suggest that the area would be used for residential use between the flood plain corridor and the storage facility. The goal is to have the zoning district match across the entire property and to add a small portion that is between the flood plain and the existing building. There is a corner on Northwest 48th Street and Highway 44 which is shown as commercial development in the future Comp Plan 2040. All of the property is outside the future urban limits of 2040. So to have to sign an agreement to give up access points on Northwest 48th Street to create and dedicate permanent access easements to the City and to future owners of property in that area is absurd. The easement is not needed and the owners will not sign the agreement. They are asking that Council approve the change of zone without having to enter into the Agreement that is attached to the resolution.

Jane Raybould, Council Member, asked if the Planning Commission supported the conditions that were recommended by the Planning Department.

Mr. Hunzeker confirmed the Planning Commission did not support the conditions. They deleted from the recommendation the requirement that the agreement be signed before scheduling this item on the Agenda.

Ms. Raybould asked if the applicant had an opportunity to go back to the Planning Department and work out the difference of opinions.

Mr. Hunzeker stated this project has been worked on over the past several months. The Planning Department asked them to define the minimum floor corridor, which is not a zoning concept, it is a subdivision concept. The owner is not subdividing and has no intentions of subdividing the property. The Planning Department still insisted that the minimum flood corridor still be defined. In addition to this request, the Planning Department asked for one access point to be given up. Planning Department has no idea of what access point needed to be given up, and when talking to Public Works, they have no plans for Northwest 48th Street. They do not think it is reasonable to sign off on this request to allow the City to take any one of the access points whenever they decide to.

Jon Camp, Council Member, confirmed if the applicant wanted both items voted against.

Mr. Hunzeker confirmed they are asking for the first one to be voted against and approve the second one, which is approving the change of zone, but not approving the resolution with the Agreement.

Leirion Gaylor Baird, Council Chair, stated the language at the Planning Commission changed and asked for clarification on that.

Mr. Hunzeker stated his recollection was that added requirement was deleted. Regardless if the requirement was deleted or not, the property owners still have no intention to sign the Agreement. The owner would prefer to not have the rezoning than to sign the Agreement.

Ms. Raybould explained she thought the Planning Commissioners had substantiated some requirements and asked what the final decision was.

David Cary, Director of Planning Department, came forward and explained the action taken by the Planning Commission was to remove the requirement for a signed agreement before it came to Council, but not to change the conditions of the approval.

Ms. Raybould asked if there was conversation with the applicant about why this agreement was important.

Steve Henrichsen, Planning Department, came forward and advised when the applicant came in, one of the initial reasons for the request was not only to rezone the narrow area, but was also using a small portion for a house, which was residential zoned and not commercial zoned. There was then discussion that the applicant wanted to build some additional self storage units. It had to be determined where the end use of commercial space was. The applicant then showed a plan as to how they plan to subdivide the area, which were lots of 10 acres and larger. By State Law, you can subdivide areas 10 acres or larger without going thru a preliminary plat process. Typically, thru a preliminary plat process their access points would be evaluated. The applicant stated they did not want to go through a preliminary plat process. Planning thought this was a good idea to address how the property could be accessed later down the line if that area were to develop. The public access easement was intended to fall over the existing driveway that is located on the south side of the building. The access easement was to show how future lots can be accessed to Northwest 48th Street in the future. Planning thought this was worked out with the applicant and they moved forward with the process, which is typically the applicant signs the Agreement, and it is then scheduled with Council. Council then gets both the change of zone and the Zoning Agreement. The applicant then advised he changed his mind and would not sign the access Agreement. The Planning Commission approved the Agreement, 9-0, and that is why it is still appearing in front of Council and to move forward. Per Access Management Policy, you would not have two driveways on an arterial street. After speaking with Public Works they are still unsure which driveway would be removed, and the current use of the property is a self storage. Public Works is fine that the applicant have both driveways today for the use of the storage, but at some point down the road that would need to change, especially since the Zoning Agreement would not limit the uses. Removing one of the driveways is to better control the site down the road if other things were to develop in that area. Discussion followed.

Roy Christensen, Council Member, asked if the Agreement is not approved as the applicant has requested, and some day in the future they decide to build a fast food restaurant, would it be possible to change the access easement at that time.

Mr. Henrichsen stated if they came in for the building permit and one lot had been sold off separately, it is possible that at that point, if the lot still had both driveways with a future building permit, that the driveways could be addressed at that point. The challenge with that is since the property was split off separately with 10 acres and when the additional surrounding property develops that new property could say the existing property is not giving me access and they can request their own access to Northwest 48th Street. This situation can also be for the additional lot located in the back if it subdivides down the road and it has no access through the other two properties and they request their own access as well. This all falls with the Planning Department not planning for additional properties in the area, and that is what the Planning Department is trying to eliminate. Planning is not asking for the owner to give up access to Highway 34, they are just asking for a common access to be able to plan for future uses of the surrounding land. This would allow all properties to use one access, instead of having multiple access points.

Rick Peo, City Attorney, came forward and explained he thinks the issue is the conditions of the change of zone being approved by entering into the Agreement. The resolution was drafted by the Law Department with Planning's approval. It is the preference that the Agreement be signed before Council votes or Council can vote against the resolution and just approve the change of zone.

Mr. Hunzeker wanted to make it clear that there are no plans for utility extensions to the area before 2040, and no plan to subdivide the property. There is no reason to subdivide the property. The additional lots there were shown by the Planning Department was shown at the request of the engineer at a point prior to when Mr. Hunzeker got involved in the project. All the testimony about subdividing and further access points is really just conjecture. The applicant has made it clear that he wants to combine all the property into one parcel so a subdivision is not what the applicant wants. They would like to look at the language on the Agreement, and they are under the impression that the Planning Commission approved the change of zone without the Agreement. The area to the south is cut up with drainage ways and without a plan there is no way to know if either access points need to be closed.

Carl Eskridge, Council Member, stated there is a long range plan to widen northwest 48th Street.

Mr. Hunzeker stated he thinks that is in the Comprehensive Plan to do that, but no one knows when that might happen.

Ms. Gaylor Baird explained that no one in the City is asking for either driveway be removed today, they are just asking for the easement and recognize that in the future this could be an issue. What about that is objectionable to the property owner?

Mr. Hunzeker explained that one issue is that the property owner dedicate a 30 foot wide public access easement. They do not want the public to have access to the property. It also requires a 60 foot wide common access easement. This just allows easements to be in place until they are released at any given time. They do not want to have to ask permission to undo those things if in the future the easement needs to be undone. These procedures are usually done in the subdivision process which does not make sense because they are not planning to subdivide the property. Discussion followed.

John Zakovec, 6625 Northwest 48th Street, came forward and explained he lives at the house on the edge of northwest 48th. He purchased the property in 1991 and he had a difficult time building his house because all the land surrounding his property is flood plain and he sees no additional things being built out there because of the flood plain. In the house he has his own well which provides 1.5 gallons per minute. Not many people would want to build anything in an area with that low of consumption.

Ms. Raybould asked if it was customary to put in a provisional condition of the easement should the property be subdivided.

Mr. Peo explained the issue with that would be a preliminary plat was not required because the other potential property could be sold off by deed which is over 10 acres in size. At that point, you would not have the ability to regulate. You do not want future buyers to buy property that is land locked and does not have access to a public street. Mr. Hunzeker stated at the Planning Commission that if the property is sold then access would have to be granted. The City's position was to see something now at the appropriate location to have that resolved for future developments and coming back in front of Council at a later time to modify those access points. The City would not have that same right if this was approved without the easement being granted ahead of time. To his recollection, the Planning Commission did take the provision off that the Agreement be signed before coming to Council, but it is still a provision to have the Agreement signed before the change of zone is granted. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT 16013 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO DELETE THE ACCESS DOOR LOCATION REQUIREMENT, AND ADD EXTERIOR DOOR OPENING REQUIREMENTS FOR A SPECIAL PERMIT FOR ALCOHOLIC BEVERAGES TO BE SOLD FOR CONSUMPTION OFF PREMISES IN ZONING DISTRICTS B-1, B-3, H-1, H-2, H-3, H-4, I-1, AND I-3, AND REPEALING SECTION 27.63.685 AS HITHERTO EXISTING - Mark Hunzeker, Baylor Evnen Law, 1248 O Street, Suite 600, appeared on behalf of Walgreens, came forward and explained this text amendment is the difference in treatment between the B-2 and B-5 commercial areas and all others relative to the objective criteria of distance from protected uses for a license premises versus a public entrance. Why is it ok to have liquor premises 50 feet or less in the B-2 or B-5 commercial areas from protected uses, but no place else. If the distance to the public entrance is the standard in the B-2 and B-5, then why not in the B-1, B-3, or H-1. If the distance is important and if it can reasonably be said to create a meaningful protective buffer between the premises which sells the alcohol beverages for consumption off the premises, then it should apply to all zoning districts which permit such sales. As originally drafted and passed, the ordinance originally allowed Council the discretion to reduce that 100 foot distance in individual cases. This proposal does not change the provision for the sale of alcohol for consumption on the premises. Arguably, those establishments have a greater impact on surrounding properties due to patrons making noise in parking lots, and the likely hood of live entertainment or music. The ordinance today makes the distinction on the zoning. There are a number of locations within the City that sell alcohol for on sale consumption and off sale that are less than 50 feet and it is allowed because of the zoning. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked if the Walgreens on 48th and O that is in question for this amendment does not predate the policy.

Mr. Hunzeker confirmed that to be correct and this policy went into place prior to the time Walgreens wanted to go into the liquor business.

Brande Payne, Chair of the Open Harvest Grocery Store Board of Directors, 3230 E. Summit Blvd, came forward on behalf of the Board of Directors, Management, Staff, and the 1,031 who provided online signatures who are all in favor. There is one request, and that be in Section 1, Subsection C stating "However, if there is a public street right of way between the license premises and the premises described in one or two, the distance shall be the width of that public street right of way."

Carl Eskridge, Council Member, asked if there would be a different way to sell alcohol by reconfiguring the store.

Ms. Payne stated when speaking to the Planning Commission a while back, it was brought to their attention that in theory they could have a separate section that only serves alcohol, but with their current footprint that would take too much space and it eliminates that one stop shopping experience because it would have its own entrance, and its own staff and the alcohol would have to be purchased and stored separately.

Pat Anderson Sifuentez, Neighborworks, 1500 S. 11th Street, came forward in support. Discussion followed.

Russell Miller, 341 S. 52nd Street, came forward in opposition.

Bob Reeves, Secretary of the Clinton Neighborhood Organization, 3236 Dudley, came forward and advised the Clinton Board voted in November of 2016 in opposition.

Richard Halverson, 6311 Inverness Road, came forward in opposition.

Ms. Gaylor Baird inquired about all zoning codes being treated the same and their recommendation.

David Cary, Planning Department Director, came forward and explained there are different standards for different zoning districts. There is no presumption that every district should be treated the same. The ordinance today provides some consistency and expectation to what you can, and cannot do on a property based on the existing code. It should not be expected all zoning districts to have the same standards. In this case, what has been pointed out, is that in the B-2 and B-5 zones, generally speaking, are larger developments that have larger spacing built into the development. The B-1 and B-3 are often on smaller lots with smaller areas and in older areas of the City that usually are closer to neighborhoods. What the Planning Department looked at was the count of 650 or more properties that this change would allow for alcohol sales. That is a significant consideration to be brought into this discussion. These standards are in place to limit the proliferation of alcohol sales.

Jane Raybould, Council Member, inquired about the 650 locations and how many are small grocery stores.

Mr. Cary confirmed the Planning Department did not look at each of the 650 and their uses, but if there is interest in continued discussion on what type of uses there are and the differentiation of those uses it could be looked into further. That point was not part of this review.

Roy Christensen stated if Walgreens applies for a liquor license and the City does not approve that because of zoning, the State could still approve it.

Mr. Cary said the legal department would be able to answer this question better, but it is to his knowledge, when it goes to the State level, local regulations are taken into account and what the local Committee is in favor of or not in favor of.

Ms. Gaylor Baird asked if the Planning Commission had any suggestions regarding City policy.

Mr. Cary shared it was talked about to possibly look at these situations more closely to see if things have changed from when these regulations were first put into place. At that point, it was suggested to take action on the proposal at hand but, down the line, things might have to be looked at in detail.

Ms. Gaylor Baird asked on some insight on the amendment that was provided by Ms. Payne in earlier testimony.

Mr. Cary stated he believes there was a last minute suggestion of looking at the public street right of way as being the available distance separation for liquor sales. That was not part of what was submitted and that was not what was studied in detail. That would be an example of what would need to be studied more to be sure they know what they are talking about with unintended consequences of previous actions. It is important to be very careful with how these regulations could potentially be changed before actually approving any changes.

Mr. Hunzeker stated he feels this is a silly restriction, one that is poorly defined and there needs to be consistency. If there is merit to the proposition that separation from licensed premises or from the central activity of selling alcohol is somehow protective of those adjacent residential uses, then it needs to be consistent. Everyone who is opposed to this change says they do not want a waiver system because waivers are too arbitrary or they are too hard to keep track of. In his opinion, that provision was eliminated because Council got tired of having all the hearings on waivers. Approving this change would still eliminate having to have hearings. The district size should not have anything to do with the setbacks of buildings and lots. Discussion followed.

This matter was taken under advisement.

BE ALLOWED ONLY AS A PERMITTED SPECIAL USE; BY AMENDING SECTION 27.06.150 TO AMEND THE COMMERCIAL RECREATION AND ENTERTAINMENT FACILITIES USE GROUP TABLE TO ALLOW INDOOR THEATERS IN THE B-2 AND B-3 DISTRICT AS A PERMITTED SPECIAL USE AND TO ALLOW INDOOR THEATERS IN THE B-5 DISTRICT EFFECTIVE JANUARY 1, 2022 AS A PERMITTED USE; AND REPEALING SECTIONS 27.63.630 AND 27.06.150 AS HITHERTO EXISTING. (RELATED ITEMS: 16R-293, 16-147) - Tim Sieh, City Attorney, came forward and stated this is presented by Council Member Roy Christensen regarding policy amendments. There is no theater looking to be built. The Comprehensive Plan Amendment would remove two references to the City's Theater Policy. The Planning Commission recommended denial to the change and it would take at least 5 votes of the City Council to approve the change. The text amendment refers to the section regarding special permitted uses specific to indoor theaters. There is language in there that would allow smaller theater concepts in neighborhoods and in the B-2 and B-3 areas. There is a condition where no theater should have more than 250 seats throughout the theater. Another provision refers to ingress and egress from the property. Another change is to remove the special permit requirement for theaters in the B-5 districts. The B-5 district is the only district where you can have a movie theater other than the B-4 area, which is the Downtown area. The B-5 district is allowed one theater with no more than 6 screens. By removing these requirements, you would be able to have a theater by a matter of right and not have limitations with how many screens you could have in any district. There would also not be a requirement as to how many theaters you could have in one district. Another change is to the use group designation for commercial recreational and entertainment facilities. This change comes to open up the free market and allowing the market to work.

Carl Eskridge, Council Member, stated there is a possibility to put an Arts Theater with one screen in the B-2 and B-3 districts. Would that be limited to one screen only?

Mr. Sieh stated it was not specified about the number of screens, it just stated no more than 250 seats throughout the theater. So you could potentially have 2 screens with 100 seats at each screen.

Jane Raybould, Council Member, confirmed in the B-5 district, the amendment states it is permitted for multiple screens but only effective to January 1, 2022.

Mr. Sieh confirmed that to be true and, in his opinion, the year 2022 was put into place because businesses operate best when there is a sense of predictability. If you know what is coming in 5 years you can adapt your business model to it rather than having something change overnight, which is not exactly the fairest practice to go about.

Tim O'Neil, O'Neil Heinrich Law Firm, 800 Lincoln Square, came forward representing The Marcus Corporation and stated the current policy has been around in some form for almost 30 years and it has been a very successful policy, and it continues to be a successful policy, not only in the Downtown area, but also in the neighborhoods where the theaters exist. This is not a Downtown Theater Policy, it is a Lincoln Theater Policy. Marcus Theater has consistently followed this policy, and has invested millions of dollars reinventing the theater system in Lincoln, this would include sound, seating, capacity, amenities, and competitive pricing. If the Theater Policy changes, there will be changes in the market and there will be a change in Lincoln. They would have one or two multiplexes throughout the City, and the Downtown Theater would change. This could result in the neighborhood theaters closing at some point.

Ms. Raybould asked how permitting the B-5 districts to have multi screens in 2022 is viewed by Marcus Corporation.

Mr. O'Neil stated no one makes a multi-million dollar investment thinking it will go away in 5 years. The only thing that appears acceptable is the small theater exception in B-2 and B-3. Other than that, Marcus is opposed to all other changes.

Greg Marcus, President and CEO of The Marcus Corporation, came forward and shared they have had theaters in Lincoln since 2008, when they purchased the 4 theaters for \$10 million. The Marcus Corporation is committed to Downtown and the greater Lincoln community. They are supportive of the continuation of the longstanding and successful theater policy that is part of the 2040 Comprehensive Plan. Not many Downtown areas this size or larger have a strong movie theater. Other places have seen their theaters struggle and this is due to competition from the suburbs. Lincoln is unique and that is in most part due to the Lincoln Theater Policy. The Grand Theater draws nearly 600,000 people Downtown every year. A change to the Movie Theater Policy would undoubtedly have an adverse impact on Lincoln's Downtown. The Grand Theater's attendance could be siphoned off to the suburbs. Only 9% of admissions to the Grand come from the Downtown zip code, which means people from all around Lincoln come to The Grand. The overall Lincoln market outperforms the Country in annual movie going and attendance per person by 15%. That shows the market as being well served and that any additional screens would be unlikely to increase movie going. The more likely result is that movie going will have to be divided more establishments. The current ordinance does not prohibit other theater operators to come to the market, and that leads Marcus to continuously reinvest in their theaters, and keep their pricing competitive. If this change happens there will be two large multiplexes in the suburbs and a weakened Downtown Cinema.

Trent Fellers, Council Member, asked if any other community has a theater policy like Lincoln.

Mr. Marcus stated he does not know if there are, but all the markets he competes in, he is unaware of any other policy like Lincoln.

Mr. Fellers stated from the testimony it appears neighborhood theaters are important to Lincoln and asked if that was a competitive field moving forward.

Mr. Marcus confirmed it is a competitive field. They invested millions in one of the neighborhood theaters and the shopping strip in front of it has evolved and the whole area is becoming healthier. Discussion followed.

Jon Camp, Council Member, inquired about the competition in the industry and where does the future of movie going go.

Mr. Marcus stated they, of course, have competition with other theater operators, but now they have in home competition: Netflix, Hulu, and cable. They have to be responsive toward everything and that is why it is important to keep the theaters state of the art and it keeps the pricing competitive.

Carl Eskridge, Council Member, inquired about the pricing that has been put into the community by Marcus Corporation.

Mr. Marcus said he purchased the Cornhusker for \$38 million and put an additional \$12 million into that. The 4 Douglas Theaters were purchased for \$10 million and they have put \$8 million into those. As of right now, there is not more that can further be put into the theaters, but next they will put \$3 million into Lincoln Grand and have recliner seats Downtown.

Terry Uland, Downtown Lincoln Association, came forward on behalf of DLA and stated they are in support of maintaining the current Theater Policy that is outlined in the Comprehensive Plan. The DLA is opposed to all the changes being proposed with the exception of the change to the B-2 and B-3 zoning to allow for smaller operators. In 2014, the DLA and it's Board of Directors actively supported The Grand Theaters presence. The current Theater Policy was absolutely critical to the development and success of The Grand Theater. Other businesses in the Downtown area benefit from The Grand Theater and the consistent influx of patrons. DLA sees The Grand as one of the most vital pieces to a healthy Downtown. Changes to the current policy create a potential for harm.

Debbie Brehm, 10400 Yankee Hill Road, came forward in opposition of the changes and supports the current policy.

Matt Stricker, 1219 P Street, came forward in opposition of the changes and supports the current policy.

Ed Swotek, 5340 W. McKelvie Road, came forward in opposition of the changes and supports the current policy. Discussion followed.

Roy Christensen, Council Member, stated there is the principal of competition and when there is competition there are improvements. Secondly, Lincoln has grown and continues to grow and we are approaching 300,000 people in the City and it might be time to allow for more than one entertainment hub in our City. All the previous testimony is well intentioned and well meaning, it all boils down to fear of change, and fear of change holds us back.

This matter was taken under advisement.

AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE, AS AMENDED BY TEXT AMENDMENT NO. 16007 (ORDINANCE NO. 20372), TO DELETE THE ERRONEOUS ADDITION OF THE R-1 DISTRICT TO THE LIST OF DISTRICTS IN WHICH A DECREASE OF THE REQUIRED FRONT YARD FOR NEW BUILDINGS IS NOT ALLOWED EVEN THOUGH 40% OR MORE OF THE FRONTAGE ALONG A BLOCK IS DEVELOPED WITH FRONT YARDS LESS THEN REQUIRED BY THE ZONING ORDINANCE - Rick Peo, City Attorney, came forward and shared this is a technical amendment to correct a drafting error. An R-1 district was placed in a section that it should have not been in.

This matter was taken under advisement.

****5:46 p.m. Council took a 5 minute break.****

****5:55 P.M. Council reconvened.****

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING KIM PHELPS TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER

20, 2019 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90161 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kim Phelps to the StarTran Advisory Board, for a term expiring October 20, 2019, is hereby approved.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE HEALTH DEPARTMENT'S TOBACCO FREE NEBRASKA SUBAWARD BY INCREASING THE GRANT BY \$8,000.00 TO PERFORM ADDITIONAL DELIVERABLES RELATING TO A COUNTER TOOLS PROJECT IN THE GRANT WORK PLAN - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

**REGULAR MEETING
JANUARY 9, 2017
PAGE 152**

A-90162

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment to Agreement between the Nebraska Department of Health and Human Services and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department regarding the Tobacco Free Nebraska Subaward, as approved by Resolution No. A-89133, to reflect an increase in funding for the period of July 1, 2015 to June 30, 2017 in the amount of \$8,000.00 to perform additional deliverables relating to a Counter Tools project in the grant work plan, in accordance with the terms, conditions, and assurances contained in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute said Amendment to Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Amendment to Agreement to Judy Halstead, Director of the Lincoln/Lancaster County Health Department for transmittal to the Nebraska Department of Health and Human Services.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPOINTING TIM SCHULTZ AND JOSELYN LUEDTKE TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2018 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90163

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointments of Tim Schultz and Joselyn Luedtke to the Air Pollution Control Advisory Board, for terms expiring September 1, 2018, are hereby approved.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I (CONSISTING OF SEWER DIST. 1188 AND PAVING DIST. 2631) TO BE HELD ON MONDAY, JANUARY 30, 2017, AT 5:30 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER 30, 2016 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90164

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended November 30, 2016 \$146,252.71 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON DECEMBER 12, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON DECEMBER 19, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON NOVEMBER 30, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF NOVEMBER, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF DECEMBER, 2016. CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 23, 2017 AT 3:00 P.M. ON THE APPLICATION OF BABS INC DBA PIEDMONT BISTRO FOR A CLASS CK LIQUOR LICENSE AT 1265 S. COTNER BLVD, SUITE 38 & 40 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90165 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 23, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Babs Inc dba Piedmont Bistro for a Class CK Liquor License at 1265 S. Cotner Blvd, Suite 38 & 40.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 23, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MICHAEL E. ESTES FOR CEC ENTERTAINMENT INC. DBA CHUCK E. CHEESE #568 AT 221 N. 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90166 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 23, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Michael E. Estes for CEC Entertainment Inc. dba Chuck E. Cheese #568 at 221 N. 66th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 23, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KELLY K. SEYMOUR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS AND SPIRITS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90167 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 23, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Kelly K. Seymour Red Robin International, Inc. dba Red Robin America's Gourmet Burgers and Spirits at 2707 Pine Lake Road.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 30, 2017 AT 5:30 P.M. ON THE APPLICATION OF LAKE PARK ENTERTAINMENT LLC DBA 1640 EVENT CENTER FOR A CLASS C LIQUOR LICENSE AT 1640 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90168 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 30, 2017, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Lake Park Entertainment LLC dba 1640 Event Center for a Class C Liquor License at 1640 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 30, 2017 AT 5:30 P.M. ON THE MANAGER APPLICATION OF AARON M. DANSKY FOR HOME-GROWN INDUSTRIES OF LINCOLN LLC DBA MELLOW MUSHROOM FOR A CLASS C & E LICENSES AT 601 R STREET, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90169 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 30, 2017, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Aaron M. Dansky for Home-Grown Industries of Lincoln LLC dba Mellow Mushroom for a Class C & E Licenses at 601 R Street, Suite 110.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16076 to Final Plat 16046, Southlake 8th Addition, approved by the Planning Director on December 14, 2016, to accept the Affidavit of Surveyor to correct typographical errors on the final plat of Southlake 8th Addition, generally located at S. 98th Street and Andermatt Drive.

Administrative Amendment No. 16084 to Special Permit No. 15043, Wyuka Vine Street CUP, approved by the Planning Director on December 16, 2016, for boundary adjustment to reflect acquisition of property by Lancaster County to account for a retaining wall encroachment, generally located at 4413 Vine Street.

Administrative Amendment No. 16086 to rescind County Special Permit No. 66 for pollution control equipment for a distilled spirits plant, approved by the Planning Director on December 22, 2016, generally located at 1900 Saltillo Road.

Administrative Amendment No. 16079 to Combined Special Permit/Use Permit No. 11'I', SouthRidge Use Permit, approved by the Planning Director on December 27, 2016, to revise the traffic calming measures at S. 32nd Street trail crossing, revise the access drive and parking layout of the proposed Scheels building, and revise the parking layout for Outlot E, generally located at S. 27th Street and Pine Lake Road.

Administrative Amendment No. 16085 to Special Permit No. 06070, Apple Hill Community Unit Plan, approved by the Planning Director on December 28, 2016, to add a note stating that the site may be developed per either approved plan for SP#06070 or SP#12033, generally located at S. 48th Street and Apple Hill Lane.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 16034 - Requested by REGA Engineering Group, Inc., from R-2 (Residential District) to R-2 (Residential District) with landmark designation of the John G. Corder House, on property generally located at 325 South 55th Street.

Change of Zone No. 16039 - Requested by First Street Bible Church, to designate the former First German Congregational Church as a landmark, on property generally located at 100 West F Street and 103 West G Street.

Change of Zone No. 16043 - Requested by Ernest and Gail Young, from R-2 (Residential District) to O-3 (Office Park District) for an early childhood care facility, on property generally located at 8080 O Street.

Special Permit No. 16055 - Requested by REGA Engineering Group, Inc., to preserve the landmark John G. L. Corder residence and add 8 single-family residences on individual lots and 1 outlot for a private drive and amenities with waivers to sidewalk requirements, lot width-to-depth ratio, lots fronting a public or private roadway requirement, front yard setbacks, minimum lot width and area, and sidewalk requirements along the private driveway, on property generally located at 325 South 55th Street.

Special Permit No. 16058 - Requested by First Street Bible Church, for preservation of a landmark, with a waiver request to the rear yard setback and parking requirements, on property generally located at 100 West F Street and 103 West G Street.

Use Permit No. 16011 - Requested by Ernest and Gail Young, for an early childhood care facility with setback waivers, on property generally located at 8080 O Street.

LIQUOR RESOLUTIONS

APPLICATION OF BABY BULL LLC DBA METHOD CYCLES AND CRAFT HOUSE FOR A CLASS C LIQUOR LICENSE AT 416 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90170

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Baby Bull LLC dba Method Cycles and Craft House for a Class "C" liquor license at 416 South 11th Street, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF RANDY W. KINNEY FOR BABY BULL LLC DBA METHOD CYCLES AND CRAFT HOUSE AT 416 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90171

WHEREAS, Baby Bull LLC dba Method Cycles and Craft House located at 416 South 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randy W. Kinney be named manager;

WHEREAS, Randy W. Kinney appears to be a fit and proper person to manage said business.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Randy W. Kinney be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF HERGERT OIL COMPANY DBA SUPER C FOR A CLASS D LIQUOR LICENSE AT 4445 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90172 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Hergert Oil Company dba Super C for a Class "D" liquor license at 4445 South 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C AT 4445 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90173 WHEREAS, Hergert Oil Company dba Super C located at 4445 South 70th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Joel B. Larson be named manager;

WHEREAS, Joel B. Larson appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Joel B. Larson be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF GREY WHALE, LLC DBA GREY WHALE SUSHI & GRILL FOR A CLASS I LIQUOR LICENSE AT 129 NORTH 10TH STREET, SUITE 112 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90174 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Grey Whale, LLC dba Grey Whale Sushi & Grill for a Class "I" liquor license at 129 North 10th Street, Suite 112, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF LI XIA WU FOR GREY WHALE LLC DBA GREY WHALE SUSHI & GRILL AT 129 NORTH 10TH STREET, SUITE 112 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

REGULAR MEETING

JANUARY 9, 2017

PAGE 156

A-90175 WHEREAS, Grey Whale, LLC dba Grey Whale Sushi & Grill located at 129 North 10th Street, Suite 112, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Li Xia Wu be named manager;

WHEREAS, Li Xia Wu appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Li Xia Wu be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF SMALL TOWN BAR INC. DBA ROSIE'S SPORTS BAR AND GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION OF SUITE 100 MEASURING APPROXIMATELY 51 FEET BY 75 FEET AT 1501 CENTER PARK ROAD, SUITES 200 & 300 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90176 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Small Town Bar, Inc. dba Rosie's Sports Bar & Grill to expand its licensed premises by the addition of Suite 100 measuring approximately 51 feet by 75 feet, at 1501 Center Park Road, Suites 200 and 300, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, SECTIONS 25, 25A, 26 AND 26A OF THE CHARTER RELATING TO THE CITY ANNUAL AND BIENNIAL BUDGETS. (12/19/16 - PUBLIC HEARING & ACTION CONT'D TO 1/09/17) - PRIOR to reading:

LAMM Moved to place Bill No. 16R-291 on Pending with no date certain.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDERING ALLEY RE-PAVING DISTRICT 50 CONSTRUCTED FROM 16TH TO 17TH STREET BETWEEN G AND H STREETS - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90177 WHEREAS a majority petition has been submitted by the owners of record title, representing a majority of the front footage of the property directly abutting upon the alley in Alley Re-Paving District No. 50, 16th to 17th Street, between "G" to "H" Streets, and have been filed with the City Clerk, petitioning for the construction of said alley re-paving.

THEREFORE BE IT RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said alley re-paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

COMP. PLAN CONFORMANCE 16011 – APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "1222 P STREET MIXED-USE REDEVELOPMENT PROJECT" TO INCLUDE THE CONSTRUCTION OF 2 ADDITIONAL STORIES OVER A PORTION OF THE EXISTING 3-STORY STRUCTURE, ALONG WITH DEMOLITION, RECONSTRUCTION, AND REHABILITATION OF THE EXISTING 3 STORIES, ON PROPERTY GENERALLY LOCATED AT 1222 P STREET AND A PORTION OF THE ADJACENT ALLEY AND RIGHT-OF-WAY - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90178 WHEREAS, the City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within the Redevelopment Plan area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "1222 P Street Mixed-Use Redevelopment Project"

for the redevelopment of land, generally located at 1222 P Street and a portion of the adjacent alley and right-of-way to include the construction of 2 additional stories over a portion of the existing 3-story structure, along with demolition, reconstruction, and rehabilitation of the existing 3 stories; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled the "Amendment to the Lincoln Center Redevelopment Plan, 1222 P Street Mixed-Use Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2012); and

WHEREAS, on November 18, 2016, a notice of public hearing was mailed postage prepaid to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose of the public hearing to be held on November 30, 2016 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the 1222 P Street Mixed-Use Redevelopment Project, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the proposed Amendments to the Lincoln Center Redevelopment Plan to add the 1222 P Street Mixed-Use Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and, on November 30, 2016, the Lincoln-Lancaster County Planning Commission held a public hearing relating to the Plan Amendments and found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on December 9, 2016 a notice of public hearing was mailed postage prepaid to the foregoing list of governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on January 9, 2017 regarding the proposed amendments to the Redevelopment Plan to add the 1222 P Street Mixed-Use Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on December 9, 2016 and December 16, 2016, a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place, and purpose of the public hearing to be held on January 9, 2017 regarding the proposed amendments to the Lincoln Center Redevelopment Plan and to add the 1222 P Street Mixed-Use Redevelopment Project, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on January 9, 2017 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 1222 P Street Mixed-Use Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will promote the general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the 1222 P Street Mixed-Use Redevelopment Project into the Lincoln Center Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the 1222 P Street Mixed-Use Redevelopment Project would not be economically feasible without the use of tax-increment financing.

4. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the document attached hereto as Attachment "A" adding the 1222 P Street Mixed-Use Redevelopment Project to the Lincoln Center Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the 1222 P Street Mixed-Use Redevelopment Project Area as described and depicted in the Plan Amendment is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community

**REGULAR MEETING
JANUARY 9, 2017
PAGE 158**

Development Law to finance related necessary and appropriate public acquisitions, improvements, and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ITERIS, INC. TO PROVIDE NEPA EVALUATION AND DOCUMENTATION FOR THE NORTH 27TH STREET ADAPTIVE SIGNAL CONTROL TECHNOLOGY PROJECT. (STATE PROJECT NO. HSIP-5231(14), CN 13244, CITY PROJECT NO. 702689) - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90179 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Preliminary Engineering/NEPA Services Agreement between the City of Lincoln and Iteris, Inc. establishing the duties and funding responsibilities to produce a Systems Engineering Document for the North 27th Street Adaptive Signal Control Technology (ASCT) Safety Project, Project No. HSIP-5231(14), Control No. 13244, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Preliminary Engineering/NEPA Services Agreement to Shane Dostal, Engineering Services, Public Works & Utilities Department, for transmittal and execution by the Nebraska Department of Roads.

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND JOHN D. ZAKOVEC AND JUDITH L. ZAKOVEC, HUSBAND AND WIFE (DEVELOPER) TO ASSURE THAT THE DEVELOPER WILL DEVELOP THAT PORTION OF LOT 1, WOODLAWN WEST (PROPERTY) AS REPRESENTED, SHOULD THE PROPERTY BE REZONED TO H-3 PURSUANT TO THE DEVELOPER'S APPLICATION FOR CHANGE OF ZONE 16023. (RELATED ITEMS: 16R-297, 16-141) (ACTION DATE: 1/23/17)

CHANGE OF ZONE 16023 – APPLICATION OF JOHN ZAKOVEC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 6625 NORTHWEST 48TH STREET. (RELATED ITEMS: 16R-297, 16-141) - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

TEXT AMENDMENT 16013 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO DELETE THE ACCESS DOOR LOCATION REQUIREMENT, AND ADD EXTERIOR DOOR OPENING REQUIREMENTS FOR A SPECIAL PERMIT FOR ALCOHOLIC BEVERAGES TO BE SOLD FOR CONSUMPTION OFF PREMISES IN ZONING DISTRICTS B-1, B-3, H-1, H-2, H-3, H-4, I-1, AND I-3, AND REPEALING SECTION 27.63.685 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to delete the access door location requirement, and add exterior door opening requirements for a special permit for alcoholic beverages to be sold for consumption off the premises in zoning districts B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3, and repealing Section 27.63.685 as hitherto existing, the second time.

COMP. PLAN AMENDMENT 16001 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO AMEND CHAPTER 5 TO REMOVE THE REFERENCE TO LINCOLN'S THEATER POLICY. (RELATED ITEMS: 16R-293, 16-147) (ACTION DATE: 1/23/17)

TEXT AMENDMENT 16006 – AMENDING SECTIONS 27.63.630 AND 27.06.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO INDOOR THEATERS AS A PERMITTED SPECIAL USE BY AMENDING SECTION 27.63.630 TO ALLOW INDOOR THEATERS IN THE B-2 OR B-3 DISTRICT AND TO TERMINATE THE REQUIREMENT THAT INDOOR THEATERS IN THE B-5 DISTRICT BE ALLOWED ONLY AS A PERMITTED SPECIAL USE; BY AMENDING SECTION 27.06.150 TO AMEND THE COMMERCIAL RECREATION AND ENTERTAINMENT FACILITIES USE GROUP TABLE TO ALLOW INDOOR THEATERS IN THE B-2 AND B-3 DISTRICT AS A PERMITTED SPECIAL USE AND TO ALLOW INDOOR THEATERS IN THE B-5 DISTRICT EFFECTIVE JANUARY 1, 2022 AS A PERMITTED USE; AND REPEALING SECTIONS 27.63.630 AND 27.06.150 AS HITHERTO EXISTING. (RELATED ITEMS: 16R-293, 16-147) - CLERK read an ordinance, introduced by ~~Jane Raybould~~ Roy Christensen, amending Sections 27.63.630 and 27.06.150 of the Lincoln

Municipal Code relating to indoor theaters as a permitted special use by amending Section 27.63.630 to allow indoor theaters in the B-2 or B-3 District and to remove the requirement that indoor theaters in the B-5 District be allowed only as a permitted special use; by amending Section 27.06.150 to amend the Commercial Recreation and Entertainment Facilities Use Group Table to allow indoor theaters in the B-2 and B-3 District as a permitted special use and to allow indoor theaters in the B-5 District effective January 1, 2022 as a permitted use; and repealing Sections 27.63.630 and 27.06.150 as hitherto existing, the second time.

AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE, AS AMENDED BY TEXT AMENDMENT NO. 16007 (ORDINANCE NO. 20372), TO DELETE THE ERRONEOUS ADDITION OF THE R-1 DISTRICT TO THE LIST OF DISTRICTS IN WHICH A DECREASE OF THE REQUIRED FRONT YARD FOR NEW BUILDINGS IS NOT ALLOWED EVEN THOUGH 40% OR MORE OF THE FRONTAGE ALONG A BLOCK IS DEVELOPED WITH FRONT YARDS LESS THEN REQUIRED BY THE ZONING ORDINANCE - CLERK read an ordinance, introduced by ~~Jane Raybould~~ Roy Christensen, amending Section 27.72.080 of the Lincoln Municipal Code as amended by Text Amendment No. 16007 (Ordinance No. 20372), relating to the zoning ordinance by amending subsection (e) in Section 27.72.080 to delete the R-1 district which was erroneously added to the list of districts in which a decrease of the required front yard is not allowed; and repealing Section 27.72.080 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Lease Agreement between the City of Lincoln and Verizon Wireless for the purpose of installing small cell wireless technology on City owned street light poles, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20418, is recorded in Ordinance Book 32.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR PCS TOWER AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT BEAL SLOUGH DRAINAGE BASIN - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Beal Slough drainage basin and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20419, is recorded in Ordinance Book 32.

APPROVING AMENDMENT NO. 3 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT VAN DORN PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 3 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Van Dorn Park and authorizing the Mayor to sign such Amendment No. 3 to Agreement on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20420, is recorded in Ordinance Book 32.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT STATE FAIR PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at State Fair Park and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20421, is recorded in Ordinance Book 32.

**REGULAR MEETING
JANUARY 9, 2017
PAGE 160**

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT HOLMES LAKE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Holmes Lake and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.
The ordinance, being numbered #20422, is recorded in Ordinance Book 32.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT NORTHWEST 56TH STREET AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Northwest 56th Street and Fletcher Avenue and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.
The ordinance, being numbered #20423, is recorded in Ordinance Book 32.

CHANGE OF ZONE 16036 – APPLICATION OF LINCOLN FEDERAL BANCORP, INC., WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW FOR A MIX OF COMMERCIAL AND RESIDENTIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 27TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Trent Fellers, the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.
The ordinance, being numbered #20424, is recorded in Ordinance Book 32.

CHANGE OF ZONE 05054E – AMENDING THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 7.37 ACRES; APPROVING A CHANGE OF ZONE ON SAID 7.37 ACRES FROM AG AGRICULTURAL DISTRICT TO R-5 RESIDENTIAL DISTRICT PUD; AND DESIGNATING SAID 7.37 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 89TH STREET AND FREMONT STREET - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.
The ordinance, being numbered #20425, is recorded in Ordinance Book 32.

TEXT AMENDMENT 16014 – AMENDING SECTION 27.61.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CONTINUATION OF NONSTANDARD USES TO AUTOMATICALLY ADJUST THE SETBACK FOR EXISTING BUILDINGS AND USES WHEN THE CITY OBTAINS PROPERTY FOR RIGHT-OF-WAY, AND REPEALING SECTION 27.61.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Trent Fellers, amending Section 27.61.090 of the Lincoln Municipal Code relating to the Continuation of Nonstandard Uses to automatically adjust the setback for existing buildings and uses when the City obtains property for right-of-way, and repealing Section 27.61.090 as hitherto excising, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.
The ordinance, being numbered #20426, is recorded in Ordinance Book 32.

APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO THE GOLF COURSE IRRIGATION SYSTEMS CIP PROJECT FOR REPLACEMENT OF THE IRRIGATION PUMP STATION AND WET WELL AT PIONEERS GOLF COURSE - CLERK read an ordinance, introduced by Trent Fellers, approving the transfer of funds from approved appropriations into the Golf Course Irrigation System CIP project from replacement of the irrigation pump station and wet well at Pioneers Golf Course, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20427, is recorded in Ordinance Book 32.

COMP. PLAN AMENDMENT 16004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM PUBLIC & SEMI-PUBLIC AND RESIDENTIAL-URBAN DENSITY TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) (ACTION DATE: 1/9/17) - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90180 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land designation in the Lancaster County and Lincoln Area Future Land Use Plan displayed in Maps 1.1, 1.2, 12.1, and 12.2 from “Public & Semi-Public” and “Residential - Urban Density” to “Commercial” on property generally located at the northeast corner of South 14th Street and Pine Lake Road and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of the requested changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan Maps 1.1 and 12.1 on pages 1.8 and 12.2 respectively and the Lincoln Area Future Land Use Plan Maps 1.2 and 12.2 on pages 1.9 and 12.3 respectively to reflect changes in land use on property generally located at South 14th Street and Pine Lake Road from Public and Semi-Public and Urban Density Residential to Commercial, and all other maps, figures, and plans where the land use map is displayed including Map 5.1 and Map 5.2 on pages 5.6 and 5.17.

2. Amend the Existing and Proposed Commercial Centers Map 5.1 on page 5.6 to show a new Community Center northeast of S. 14th Street & Pine Lake Road, and all other maps, figures, and plans where the commercial centers map is displayed.

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Trent Fellers

Seconded by Lamm & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

CHANGE OF ZONE 16030 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, FROM AG AGRICULTURAL TO R-1 RESIDENTIAL, AND FROM R-1 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

The ordinance, being numbered #20428, is recorded in Ordinance Book 32.

USE PERMIT 16009 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A USE PERMIT TO ALLOW UP TO 177,000 SQUARE FEET OF NEW COMMERCIAL FLOOR AREA INCLUDING A RETAIL WAREHOUSE AND MOTORIZED VEHICLE FUEL FACILITY, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) (ACTION DATE: 1/9/17) - PRIOR to reading:

FELLERS Moved to amend Bill No. 16R-279 as follows:

On page 11, after line 7, add a new paragraph 12 to read as follows:

12. The Permittee at its own cost and expense subject to reimbursement, as provided below, shall construct the following Arterial Street Impact Fee Facility Improvements through the City’s Executive Order Construction process.

(a) South 14th Street Impact Fee Facility Improvements:

- (I) Implementation of dual southbound to eastbound left turn lanes in South 14th Street at Pine Lake Road, including new signal heads and associated traffic signal wiring.
- (ii) Implementation of a northbound to westbound protected left turn phase in South 14th Street at Pine Lake Road including any necessary signalization adjustments.
- (b) Pine Lake Road Impact Fee Facility Improvements:
 - (I) Extension of the stacking length for the westbound to southbound left turn lane in Pine Lake Road at South 14th Street.
 - (ii) Extension of stacking length for the eastbound to northbound right turn lane in Pine Lake Road at Hazel Scott.

Pursuant to Lincoln Municipal Code § 27.82.090 the Permittee's reimbursement for construction of the above Arterial Street Impact Fee Facility Improvements shall be paid solely from Arterial Street Impact Fees paid to and collected by the City from development of the properties included within the boundaries of Use Permit No. 16009. The value of the Arterial Street Impact Fee Facility Improvements shall be based upon Permittee's actual cost of construction as verified by receipts submitted by Permittee.

The Permittee shall be entitled to interest on the Permittee's cost of the Arterial Street Impact Fee Facility Improvements not to exceed the rate earned by the City on its impact fee fund account.

Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general liability of the City. In the absence of an express transfer or assignment of the right or entitlement to the reimbursement, the right or entitlement shall be deemed "not to run with the land."

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

LAMM

Moved to amend Bill No. 16R-279 as follows:

1. On page 4, lines 20 through 28, delete all of paragraph 3.a.iii.
2. On page 5, lines 39 through 45, and page 6, lines 1 through 3, strike all of the language in subparagraph 3.b.iv and insert the following in lieu thereof:

Add the following note: "Full access shall be retained in all directions at the intersection of South 16th Street and Pine Lake Road. At such time as warrants are met for a traffic signal at the intersection of South 16th Street and Pine Lake Road, a traffic signal shall be installed at developer's expense."

Seconded by Fellers & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

CLERK
A-90181

Read the following resolution, introduced by Trent Fellers, who moved its adoption as amended:

WHEREAS, The Lincoln Memorial Park Cemetery Association has submitted an application designated as Use Permit No. 16009 to allow up to 177,000 square feet of new commercial floor area including a retail warehouse and motorized vehicle fuel facility, on property generally located at the northeast corner of South 14th Street and Pine Lake Road, and legally described as:

A PORTION OF LOT 92 I.T., AND A PORTION OF OUTLOT D, THE RIDGE 13TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST, OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT D, THE RIDGE 13TH ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF PINE LAKE ROAD AND ON THE WEST RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE; THENCE, WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT D, AND THE SOUTH LINE OF SAID LOT 92 I.T., ON AN ASSUMED BEARING OF NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, A DISTANCE OF 1269.84 FEET TO A POINT; THENCE NORTH 00 DEGREES 24 MINUTES 35 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 7.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 175.50 FEET TO A POINT; THENCE NORTH 00 DEGREES 24 MINUTES 35 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 66.00 FEET TO A POINT; THENCE SOUTH 00 DEGREES 24 MINUTES 35 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 57.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 144.59 FEET TO A PONT; THENCE NORTH 00 DEGREES 24 MINUTES 35 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 17.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 480.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET; THENCE NORTH 44 DEGREES 50 MINUTES 33 SECONDS WEST, ALONG SAID EAST

RIGHT-OF-WAY LINE, SAID LINE BEING A SOUTHWEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 46.88 FEET TO A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 105.72 FEET TO A POINT; THENCE SOUTH 89 DEGREES 54 MINUTES 20 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 7.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 149.84 FEET TO A POINT; THENCE NORTH 89 DEGREES 54 MINUTES 20 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 17.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 54 MINUTES 20 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 17.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 439.30 FEET TO THE NORTHWEST CORNER OF LOT SAID 92 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF LOT 77 I.T.; THENCE SOUTH 89 DEGREES 32 MINUTES 37 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 92 I.T., SAID LINE BEING THE SOUTH LINE OF SAID LOT 77 I.T., A DISTANCE OF 703.30 FEET TO A POINT; THENCE SOUTH 01 DEGREES 40 MINUTES 50 SECONDS WEST, A DISTANCE OF 137.47 FEET TO A POINT; THENCE SOUTH 88 DEGREES 19 MINUTES 10 SECONDS EAST A DISTANCE OF 1635.85 FEET TO A POINT ON THE EAST LINE OF SAID OUTLOT D, SAID POINT BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE; THENCE SOUTH 63 DEGREES 26 MINUTES 42 SECONDS WEST, ALONG THE EAST LINE OF SAID OUTLOT D, SAID LINE BEING A NORTHWEST RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE, A DISTANCE OF 4.77 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 272.37 FEET, A DELTA ANGLE OF 63 DEGREES 03 MINUTES 51 SECONDS, AN ARC LENGTH OF 299.79 FEET, ALONG AN EASTERLY LINE OF SAID OUTLOT D, SAID LINE BEING A NORTHWEST RIGHT-OF-WAY LINE OF SAID HAZEL SCOTT DRIVE, A CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 46 SECONDS WEST, AND A CHORD DISTANCE OF 284.89 FEET TO A POINT; THENCE SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST, ALONG AN EAST LINE OF SAID OUTLOT D, SAID LINE BEING A WEST RIGHT-OF-WAY LINE OF SAID HAZEL SCOTT DRIVE, A DISTANCE OF 375.41 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINS A CALCULATED AREA OF 1,497,660.94 SQUARE FEET OR 34.38 ACRES, MORE OR LESS.

WHEREAS, the real property adjacent to the area included within the site plan for this use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of The Lincoln Memorial Park Cemetery Association, hereinafter referred to as "Permittee", to allow up to 177,000 square feet of new commercial floor area including a retail warehouse and motorized vehicle fuel facility, on the property legally described above, be and the same is hereby granted upon condition that construction and operation be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 199,000 square feet of commercial space.
2. City Council approves associated requests:
 - a. Change of Zone #16030
 - b. Amendment of Comprehensive Plan #16004
3. Before approval of a final plat, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
 - a. Make the following revisions on all applicable sheets:
 - i. At the intersection of Hazel Scott Drive/South 20th Street and Pine Lake Road.
 - A. Add a note stating: The property owner agrees to dedicate right-of-way for a roundabout at Hazel Scott Drive and Pine Lake Road, as indicated on the site plan, and revise their site as necessary, if requested by the City within ten (10) years of approval of this use permit.
 - ii. On Hazel Scott Drive:
 - A. Revise the note for the Hazel Scott Drive access to read, "Right-out and left-in only. No right-in or left-out."
 - B. Extend the boundary of Outlot "A" east and south to the edge of the property adjoining Hazel Scott Drive and Pine Lake Road.

- iii. ~~At the intersection of South 16th Street and Pine Lake Road:~~
 - A. ~~Retain ¾-access as proposed and recommended by the Traffic Impact Study. Remove the three Intersection Design Options at the top of Sheet 2.~~
 - B. ~~Remove the traffic signalization symbol and the note for “Future signalized intersection”.~~
 - C. ~~Show the vacation of part of the right-of-way stub on Private Drive A to the satisfaction of Public Works and Utilities.~~
 - iv. Show standard taper lengths on all turn lanes. The only exception is for the northbound right turn lane into Private Drive West as identified in Condition 3.v.A. above.
 - v. Show a common access easement over the funeral home driveways and parking lot to the proposed east-west private drive. Add a note to Sheet 1 stating that this access easement may be blocked during funeral services, memorials, and other public meetings at the funeral home.
 - vi. Revise the proposed right-of-way/easement dedication shown for the trail along Pine Lake Road to more clearly differentiate between the proposed right-of-way and easement legend patterns. This information may be shown on an additional sheet if necessary.
 - vii. Revise the driveway entrance design on Hazel Scott Drive to clearly prohibit right-in turn movements, to the satisfaction of the Public Works and Utilities Department.
 - viii. The sidewalk to be installed along Hazel Scott appears to be shown against the right-of-way line. Revise placement of the sidewalk to be 1-2 feet off the right-of-way line in the event that the City needs to repair or replace the sidewalk in the future.
- b. Make the following revisions to Sheet 1:
- I. Revise Note 15 to read, “If the existing funeral home on Lot 1 redevelops into different commercial uses, the following is required: the northern driveway will be reconfigured to better serve the multiple commercial properties; a right hand turn lane will be required to the northern driveway on South 14th Street and the sidewalk relocated to provide adequate safety for pedestrians; all improvements, and right of way dedication, will be at the expense of the developer redeveloping the funeral home property; the south right-in/right-out access on South 14th Street shall be eliminated at that time; a 300-foot plus taper northbound right turn lane shall be required to be installed at that time for the north access point on South 14th Street; and a common access easement shall be provided over Lot 1 from South 14th Street along the new east-west driveway.
 - ii. Revise the last sentence of Note 16 to read: “10 feet of additional right-of-way or easement will be dedicated/provided.” Add the following text at the end of the note: “The bike trail shall be located a minimum of 10 feet behind back of curb to provide adequate separation and room for street trees. Street trees shall be installed six feet from the back of curb.”
 - iii. Add the following note: “The future right-of-way shown for a roundabout at South 20th Street/Hazel Scott Drive and Pine Lake Road shall be dedicated at no cost to the City if construction of a roundabout at that intersection is to begin within one year of the request to dedicate the right-of-way.”
 - iv. ~~Add the following note: “If a traffic signal is approved at the intersection of South 16th Street and Pine Lake Road, the following shall occur: the developer is required to submit a revised Traffic Impact Study that provides justification for the signal to the satisfaction of the Public Works and Utilities Department; in addition, the right-of-way stub on Private Drive “A” shall be retained by the City; the traffic signal at South 20th Street/Hazel Scott Drive and Pine Lake Road shall be removed from the plans. The cost to install the traffic signal will be at the developer’s expense.”~~

Full access shall be retained in all directions at the intersection of south 16th Street and Pine Lake Road. At such time as warrants are met for a traffic signal at the intersection of South 16th Street and Pine Lake Road, a traffic signal shall be installed at developer’s expense.
 - v. Revise Note 18 to read, “The buildings on Lot 5 shall substantially conform to the building elevations included in this use permit (sheets 6 thru 10) to the satisfaction of the Planning Director.”
 - vi. Revise the second sentence of Note 21 to read, “The Maintenance Agreement shall be submitted at time of building permit.”
 - vii. Revise General Note 19 on Sheet 1 to read: “All buildings in the Center, including the Costco building, shall meet the following design standards:
 - A. Buildings of 50,000 square feet or greater will include at least 20% of the gross area of vertical surfaces as decorative CMU, brick, or stone; half of those required masonry materials shall be brick or stone, the remainder and any masonry areas in excess of 20% may be decorative CMU. Buildings of less than 50,000 square feet will include at least 50% of the gross area of vertical surfaces as decorative CMU, brick, or stone; half of those required masonry materials

shall be brick or stone, the remainder and any masonry areas in excess of 50% may be decorative CMU. The required masonry materials shall be used to the extent feasible on facades oriented towards public streets, with any remaining required masonry used on other facades.

B. All buildings in the center will utilize building materials and colors compatible with the Costco building.

C. Calculations of the gross area of vertical surfaces, the required area of masonry materials, and the proposed area of masonry on each facade shall be provided at the time of application for building permits.”

viii. Add the following note: “The required landscaping may not be reduced by administrative amendment.”

ix. Correct the Required Parking Stalls for Lot 1 to 74 and revise the Total Required Parking Stalls to 667.

c. Make the following revisions to Sheet 3:

I. Specify that the “Trail Crossing Detail” applies to both the South 16th Street and South 18th Street trail crossings.

ii. Modify the Trail Crossing Detail to show only the following safety improvement measures:

A. Stop signs for vehicles turning right out of the driveways.

B. Marked stop bars for vehicles turning right out of the driveways.

C. Advanced trail crossing signs along the driveways approaching Pine Lake Road.

D. The trail crossings shall be on raised traffic tables to the satisfaction of the Public Works and Utilities Department.

E. The trail crossings shall be marked/striped.

iii. The sidewalk connection from Pine Lake Road to the store should be shown as clearly connecting to the trail along Pine Lake Road per the Design Standards for Pedestrian Circulation in Commercial and Industrial Areas, Section 2, item #1.

iv. Note that truck deliveries may not exit/enter from Hazel Scott Drive.

d. Revise the title of Sheet 8, “Loading Dock Perspective” as the loading dock does not appear on the elevation.

e. Submit a revised Grading & Drainage Plan, stormwater report, and any other necessary drainage-related plans and calculations to the satisfaction of the Public Works and Utilities Department. No grading anywhere on the site is permitted to begin until this condition of approval is complete.

f. Revise the submitted elevations as necessary to meet the design criteria as modified with Condition of Approval 3.b.viii.

g. Revise the site plan for the Costco warehouse building to provide curbs or curb stops between pedestrian areas and parking or driving aisles as required in the Design Standards for Pedestrian Circulation in Commercial and Industrial Areas.

h. Provide two cross-sections of the 30-foot landscape buffer per Condition 3.b.viii. to the satisfaction of the Planning Director, to be included as an official sheet in the use permit plan set.

I. Apply for an administrative amendment to Pre-Existing Special Permit #14 for Lincoln Memorial Park to remove the funeral home from the boundary.

4. Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow, or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

5. Before approval of a final plat, Permittee shall enter into a Subdivision Agreement with the City wherein:

I. Permittee agrees to complete the installation of sidewalks along the west side of Hazel Scott Drive as shown on the final plat within four (4) years following the approval of the final plat.

ii. Permittee agrees to complete the installation or relocation of sidewalks along the east side of South 14th Street and the north side of Pine Lake Road as shown on the final plat within two (2) years following the approval of this final plat.

iii. Permittee agrees to construct the sidewalk in the pedestrian way easements in Lot 5.

iv. Permittee agrees to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

v. Permittee agrees to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

vi. Permittee agrees to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

vii. Permittee agrees to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

- viii. Permittee agrees to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
 - ix. Permittee agrees to complete the planting of the street trees along the west side of Hazel Scott Drive within this plat within two (2) years following the approval of the final plat.
 - x. Permittee agrees to complete the installation of street trees along the east side of South 14th Street and the north side of Lake Road as shown on the final plat within two (2) years following the approval of this final plat.
 - xi. Permittee agrees to complete the installation of the street name signs within two (2) years following the approval of the final plat.
 - xii. Permittee agrees to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - xiii. Permittee agrees to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - xiv. Permittee agrees to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - xv. Permittee agrees to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - xvi. Permittee agrees to complete the public and private improvements shown on the Use Permit.
 - xvii. Permittee agrees to keep taxes and special assessments on the outlots from becoming delinquent.
 - xviii. Permittee agrees to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.
 - xix. Permittee agrees to maintain the street trees located on private property and landscape screens on a permanent and continuous basis.
 - xx. Permittee agrees to maintain the sidewalks in the pedestrian way easements on Lot 5 and all of its elements in a condition as near as practical to the original or as constructed condition in order to provide the user with a safe and convenient facility on a permanent and continuous basis.
 - xxi. Permittee agrees to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.
 - xxii. Permittee agrees to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - xxiii. Permittee agrees to pay all design, engineering, labor, material, inspection, and other improvement costs.
 - xxiv. Permittee agrees to relinquish the right of direct vehicular access from lot 1-3 to S. 14th Street and Pine Lake Road and from Lot 6 to Hazel Scott Drive.
6. Submit an application to vacate the right-of-way stub on Private Drive "A" with the final plat application.
7. Before occupying buildings, all development and construction must substantially comply with the approved plans.
8. All privately-owned improvements, including landscaping, shall be permanently maintained by the permittee or an appropriately established owners association approved by the City.
9. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.
10. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

11. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the use permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee. Building permits shall not be issued until the letter of acceptance has been filed.

12. The Permittee at its own cost and expense subject to reimbursement, as provided below, shall construct the following Arterial Street Impact Fee Facility Improvements through the City's Executive Order Construction process.

- (a) South 14th Street Impact Fee Facility Improvements:
- (I) Implementation of dual southbound to eastbound left turn lanes in South 14th Street at Pine Lake Road, including new signal heads and associated traffic signal wiring.
- (ii) Implementation of a northbound to westbound protected left turn phase in South 14th Street at Pine Lake Road including any necessary signalization adjustments.
- (b) Pine Lake Road Impact Fee Facility Improvements:
- (I) Extension of the stacking length for the westbound to southbound left turn lane in Pine Lake Road at South 14th Street.
- (ii) Extension of stacking length for the eastbound to northbound right turn lane in Pine Lake Road at Hazel Scott.

Pursuant to Lincoln Municipal Code § 27.82.090 the Permittee's reimbursement for construction of the above Arterial Street Impact Fee Facility Improvements shall be paid solely from Arterial Street Impact Fees paid to and collected by the City from development of the properties included within the boundaries of Use Permit No. 16009. The value of the Arterial Street Impact Fee Facility Improvements shall be based upon Permittee's actual cost of construction as verified by receipts submitted by Permittee.

The Permittee shall be entitled to interest on the Permittee's cost of the Arterial Street Impact Fee Facility Improvements not to exceed the rate earned by the City on its impact fee fund account.

Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general liability of the City. In the absence of an express transfer or assignment of the right or entitlement to the reimbursement, the right or entitlement shall be deemed "not to run with the land."

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

ORDINANCE - FOR ACTION ONLY

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SAFE OPERATION ON CITY SIDEWALKS, STREETS, AND CROSSWALKS BY PEOPLE USING SKATES, SKATEBOARDS, SCOOTERS, TOY VEHICLES, AND SIMILAR CONVEYANCES BY ADDING A NEW SECTION NUMBERED 10.02.316; AMENDING SECTION 10.24.010; AND REPEALING SECTION 10.24.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (12/12/16 - ACTION DELAYED TO 1/9/17) - PRIOR to reading:

CAMP Moved to amend Bill No. 16-119 as follows:

1. On page 1, line 18, after the word "conveyance" insert ", not to include bicycles."

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Roy Christensen, amending Title 10 of the Lincoln Municipal Code relating to the safe operation on city sidewalks, streets, and crosswalks by people using skates, skateboards, scooters, toy vehicles, and similar conveyances, the third time.

CHRISTENSEN Moved to pass the ordinance as amended.

Seconded by Fellers & carried by the following vote: AYES: Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Lamm.

The ordinance, being numbered #20429, is recorded in Ordinance Book 32.

RESOLUTIONS - 1ST READING

APPOINTING STEVE HUBKA TO THE POLICE AND FIRE PENSION BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2021. (CONSENT)

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND UNITED PARCEL SERVICE, INC. FOR SMALL PACKAGE DELIVERY SERVICES, PURSUANT TO NASPO VALUEPOINT CONTRACT MA065, STATE OF NEBRASKA CONTRACT NO. 74642 O4, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH NOVEMBER 27, 2020 IN THE AMOUNT OF \$80,000.00. (CONSENT)

REGULAR MEETING

JANUARY 9, 2017

PAGE 168

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WITH FUNDING APPROPRIATIONS COMING FROM MORE THAN ONE FISCAL YEAR CIP FOR THE WEST A STREET, WEST CITY LIMITS TO FOLSOM STREET, ROADWAY IMPROVEMENT PROJECT, CITY PROJECT NO. 701904.

APPROVING THE APPOINTMENT OF BRANDON KAUFFMAN AS DIRECTOR OF THE FINANCE DEPARTMENT EFFECTIVE JANUARY 30, 2017.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1-31, 2016.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

ANNEXATION 16013 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 39.5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

TEXT AMENDMENT 16019 – AMENDING SECTIONS 27.06.180 AND 27.62.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANUFACTURING, PROCESSING, STORAGE, AND DISTRIBUTION USE GROUP TO ADD ASSEMBLY FACILITIES AS A CONDITIONAL USE IN THE H-4 ZONING DISTRICT AND FURTHER AMENDING SECTION 27.62.150 TO REQUIRE ANY PARTS USED IN THE ASSEMBLY PROCESS TO BE SCREENED FROM PUBLIC VIEW; AMENDING SECTION 27.63.470 TO ADD ASSEMBLY FACILITIES IN A PLANNED SERVICE COMMERCIAL DEVELOPMENT AS A SPECIAL PERMITTED USE IN THE H-4 DISTRICT; AND REPEALING SECTIONS 27.06.180, 27.62.150, AND 27.63.470 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.06.180 and 27.62.150 of the Lincoln Municipal Code relating to the Manufacturing, Processing, Storage and Distribution Use Group to add assembly facilities as a conditional use in the H-4 Zoning district and further amending Section 27.62.150 to require any parts used in the assembly process to be screened from public view; and amending Section 27.63.470 to add assembly facilities in a planned service commercial development as a special permitted use in the H-4 district; and repealing Sections 27.06.180, 27.62.150, and 27.63.470 as hitherto existing, the first time.

DEDICATING LAND LOCATED ON THE WEST SIDE OF SW 27TH STREET, NORTH OF WEST A STREET, AS STREET RIGHT-OF-WAY FOR SW 27TH STREET - CLERK read an ordinance, introduced by Jon Camp, dedicating a 33 foot wide strip of land on the west side of sw 27th Street, north of West A Street, conveyed to the City by B&J Partnership as additional right-of-way fro SW 27th Street, the first time.

AMENDING CHAPTER 8.52 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE GRAFFITI ABATEMENT ACT TO REMOVE AN UNUSED VOLUNTEER APPEALS BOARD AND PROVIDE FOR ADMINISTRATIVE REVIEW - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.52 of the Lincoln Municipal Code relating to Graffiti Abatement Act by amending Section 8.52.030 Definitions to add a definition for Health Director; by amending Section 8.52.050 Graffiti as a Nuisance; Prohibited to change references of Mayor to City; by amending Section 8.52.060 Means of Appeal to replace the Graffiti Appeals Board with the Health Director for the purpose of hearing appeals; by amending Section 8.52.070 Duties and Powers of Mayor to include designating a City Department or Division to receive and respond to reports of graffiti; and repealing Sections 8.52.030, 8.52.050, 8.52.060, and 8.52.070 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING AN AGREEMENT FOR PCS TOWER AND APPURTENANCES BETWEEN THE CITY AND T-MOBILE CENTRAL LLC TO LOCATE A COMMUNICATION FACILITY ON PROPERTY GENERALLY LOCATED AT 7401 S. 56TH STREET - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and T-Mobile Central LLC for the placement of telecommunications facilities upon City property generally located at 7401 S. 56th Street, Lincoln, NE and authorizing the Mayor to sign the Agreement on behalf of the City, the first time.

APPROVING AN AGREEMENT FOR PCS TOWER AND APPURTENANCES BETWEEN THE CITY AND T-MOBILE CENTRAL LLC TO LOCATE A COMMUNICATION FACILITY ON PROPERTY GENERALLY LOCATED AT 4375 S. 33RD COURT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and T-Mobile Central LLC for the placement of telecommunications facilities upon City property generally located at 4375 S. 33rd Street, Lincoln, NE and authorizing the Mayor to sign the Agreement on behalf of the City, the first time.

ADJOURNMENT

6:34 P.M.

CAMP Moved to adjourn the City Council Meeting of January 9, 2017.
 Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa Meier, City Clerk

Monet J. McCullen, Office Specialist

**REGULAR MEETING
JANUARY 9, 2017
PAGE 170**