

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 23, 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

CHRISTENSEN Having been appointed to read the minutes of the City Council Proceedings of January 9, 2017, reported having done so, found same correct.

Seconded by Eskridge & 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 December, 2016 to StarTran Bus Operator Jason Stege from the Public Works and Utilities Department. Jason Stege was nominated by Mike Weston, Bus Operations Superintendent in the category of valor for his heroic actions last November 3, 2016. At about 6 p.m. that evening, Jason was driving a Handivan north on 9th Street in heavy traffic. As he reached "A" Street, he saw a child about two or three years old, wonder into his traffic lane. Jason stopped abruptly, honked his horn, and jumped out of his van to protect the child. Jason then reunited the child with his older brother. Mike Weston said, "I feel Jason's heroic actions saved this child from a potential catastrophic event." Mayor Beutler congratulated Jason for his heroic act.

Miki Esposito, Director Public Works, came forward and stated this was a incredibly heroic act, and she appreciates Jason's quick response in taking action for this child along with the compassion that was shown to other passengers that were dealing with the stress of what had almost happened.

Jason Stege, Bus Operator, introduced his family that were in the audience and he was just glad the child was okay.

Mike Davis, StarTran Transit Manager, came forward stating he is impressed with Jason and his decisive action in this life threatening situation. Congratulating Jason for this award.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AWARD

Jeffrey Bleimeister, Chief of Police, came forward and presented Officer Angela Sands with the International Association of Chiefs of Police Award. Sharing that on November 29, 2015 when Sergeant Junker responded to a complaint on a suspicious vehicle, Officer Angela Sands and Officer Matthew Gilleland arrived to assist Sergeant Junker. While doing a check on the suspect it was discovered by Sergeant Junker that the suspect had warrants. Shortly after their arrival Officer Sands and Sergeant Junker were involved in a physical struggle with the suspect. Then the suspect pulled out a handgun and fired at the Officers. During this altercation Officer Gilleland was shot in the arm, which ended his career. The suspect continued to fire his handgun during the struggle with officers, and Officer Sands was hit two times from gunshots. Officer Sands sustained no injuries from these shots, there is speculation that the bullets were deflected off her vest. Chief of Police Bleimeister stating Officer Sands was now a member of the Survivors Club.

Officer Angela Sands, came forward sharing she appreciates this award, and that obviously this tragic event has cost her dearly with the stress. Officer Sands thanked her parents, Sergeant Junker and the police force, for helping her cope with the stress and emotions related with this shooting.

Leirion Gaylor Baird, Council Chair, thanked Officer Sands stating we are grateful for her courage and service. Ms. Gaylor Baird also asked Sergeant Junker to come forward so that he could be acknowledged also in this matter. Stating the job of an Officer is a way of life, the badge, is a badge of courage and they exemplify that, then thanking them for their service.

PUBLIC HEARING

APPOINTING STEVE HUBKA TO THE POLICE AND FIRE PENSION BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2021 - Steve Hubka, 4210 Paxton Circle, applicant, came forward and requested approval. Discussion followed.

Paul Lutomski, Human Resources, came forward in approval of Steve Hubka to this board. This matter was taken under advisement.

**REGULAR MEETING
JANUARY 23, 2017
PAGE 172**

APPLICATION OF BABS INC DBA PIEDMONT BISTRO FOR A CLASS CK LIQUOR LICENSE AT 1265 SOUTH COTNER BOULEVARD, SUITE 38 & 40;
MANAGER APPLICATION OF MICHAEL S. RITTER FOR BABS INC DBA PIEDMONT BISTRO AT 1265 SOUTH COTNER BOULEVARD, SUITE 38 & 40 - Michael S. Ritter, 9712 Andre Circle, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF MICHAEL E. ESTES FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE #568 AT 221 NORTH 66TH STREET - Michael Estes, 1701 N 59th Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF KELLY K. SEYMOUR FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS AT 2707 PINE LAKE ROAD - Kelly Seymour, 2141 Southwood Place, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF MORAN'S LIQUOR WORKS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 45 FEET AT 3400 A STREET ON FEBRUARY 11, 2017 BETWEEN 10:00 A.M. AND 4:00 P.M. - Eric Bahm, 3710 La Salle St., applicant, came forward and requested approval, stating this is an event that they have done for the past four years, Tour de Brew, and this is the winter tour. Discussion followed.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF BRANDON KAUFFMAN AS DIRECTOR OF THE FINANCE DEPARTMENT EFFECTIVE JANUARY 30, 2017 - Don Herz, Interim Finance Director, came forward stating that the Mayor has selected Brandon Kauffman as City Finance Director, his first day will be January 30.

Brandon Kauffman, Topeka, Kansas, came forward stating he wanted to thank the Mayor for his recommendation of this appointment and is excited to come to Lincoln. Discussion followed.

Steve Hubka, 4210 Paxton Circle, came forward in support of this appointment.

This matter was taken under advisement.

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 - Thomas Shafer, Public Works, came forward stating this will allow us to get started on the West A Street Project. Discussion followed.

Leirion Gaylor Baird, Council Chair, inquired about the timeline for this project.

Mr. Shafer stated the next two fiscal years, they will be working through the preliminary design for this project, with the ground breaking in the fall of 2019 or the spring of 2020. Discussion followed.

This matter was taken under advisement.

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 - David Cary, Planning Director, came forward stating this is to annex a lot owned by the City for a new fire station to improve response time and coverage in this area. Lincoln Fire and Rescue has had discussions with the neighbors in the area on the needed fire station. Not all of the neighbors were in support of this annexation, some neighbors have concerns of road improvements in the area. Discussion followed.

Jon Camp, Council Member, inquired on the time table on the Pine Lake Road construction to the east to Highway 2.

Mr. Cary stated the plan is for this construction to go all of the way to Highway 2. The general plan is to have construction start in 2018. Stated he is unsure of the expected completion date at this time, but it is in line with the completion of the fire station in this area. Discussion followed.

Jane Raybould, Council Member, inquired if there was an existing structure on this lot.

Mr. Cary stated he believed there was. Discussion followed.

This matter was taken under advisement.

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 - Jon Marco, Vice President of Alpha Brewing, 5831 N. 58th Street, Suite 1, came forward stating they would like to add assembly to this H-4 District. Alpha Brewing is wanting to build a 20,000 square foot building to do assembly with kraft brew houses. Discussion followed.

David Cary, Planning Director, came forward stating the main point of the text change is to make assembly allowable in an H-4 District. Other districts similar to the H-4 already allow this use, so this does make sense. Discussion followed.

This matter was taken under advisement.

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 - Rick Peo, City Law, came forward stating this is to accept dedication for land that is needed to accommodate the building of a childcare facility on the northeast corner of SW 27th and A Street. Discussion followed.

This matter was taken under advisement.

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 - Judy Halstead, Lincoln/Lancaster County Health Director, came forward and stated this item was created and passed in 2006, there have been no appeals to date, so we feel we can do appeals administratively. Discussion followed.

This matter was taken under advisement.

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;

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 - Jeff Kirkpatrick, City Attorney, came forward stating these are just two cell tower contracts and this is a typical agreement. Discussion followed.

Anna Sheeve, representing T-Mobile, came forward and stated these two agreements are to locate on the existing mono poles owned by the City that are on City property. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING STEVE HUBKA TO THE POLICE AND FIRE PENSION BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2021 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Steve Hubka to the Police and Fire Pension Board, for a term expiring September 1, 2021, is hereby approved.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 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, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

**REGULAR MEETING
JANUARY 23, 2017
PAGE 174**

ASSESSMENT RESOLUTION FOR PAVING DISTRICT 2631 FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, JANUARY 30, 2017 AT 5:30 P.M. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of the improvements in Paving District No. 2631 including the following streets and alleys and real estate to wit: Gladstone Street from 35th Street to 36th Street and in 36th Street from Gladstone Street to Harley Street and costs incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of Paving District No. 2631", and made a part hereof; that the cost of said improvements is the sum of \$ 474,969.46; that the property set forth in the proposed Distribution of Assessment is specially benefitted more than the cost of said improvements; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said improvements: that the cost of said improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of Paving District No. 2631.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 30th day of January, 2017, at 5:30 P.M. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Roy Christensen

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

ASSESSMENT RESOLUTION FOR SEWER DISTRICT 1188 FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, JANUARY 30, 2017 AT 5:30 P.M. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90185 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of the improvements in Sewer District No. 1188 including the following streets and alleys and real estate to wit:

PIONEER BUSINESS PARK ADD, BLOCK 1, LOTS 1-7; PIONEER BUSINESS PARK 1ST ADDITION, BLOCK 1, Lots 1 – 2; 6TH STREET BUSINESS PARK CONDOMINIUM REGIME, UNITS A – D; PIONEER BUSINESS PARK 3RD ADDITION, LOTS 1 -2; PIONEER BUSINESS PARK 1ST ADDITION, BLOCK 1, Lot 4 – 8; PIONEER BUSINESS PARK 1ST ADDITION, BLOCK 2, Lots 1 -2; LOWELL CENTER, UNITS 1-10; 3830 SOUTH 6TH STREET CONDOMINIUM, UNITS 1-6; PIONEER BUSINESS PARK ADD BLOCK 2 LOTS 2 - 7; RLH COMMERCIAL CONDOMINIUM, UNITS 1-9; 6TH STREET COMMERCIAL PARK II CONDOMINIUM PROPERTY REGIME, UNITS A-E; 6TH STREET COMMERCIAL PARK III CONDOMINIUM PROPERTY REGIME, UNITS A-E; 3700 CONDOMINIUM PROPERTY REGIME, UNITS A – E2; SIXTH STREET CONDOMINIUM, AMENDED, UNITS 1-10; PIONEER BUSINESS PARK LOT 2; CALVERT CENTER CONDOMINIUM, UNITS A-Q

and costs incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of Sewer District No. 1188", and made a part hereof; that the cost of said improvements is the sum of \$ 162,824.10; that the property set forth in the proposed Distribution of Assessment is specially benefitted more than the cost of said improvements; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said improvements: that the cost of said improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of Sewer District No. 1188.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 30th day of January, 2017, at 5:30 P.M. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Roy Christensen

Seconded by Fellers & 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 JANUARY 12, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 6, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MONTANA R. CHILDRESS FOR NEBRASKA CLUB AT 233 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90186 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 6, 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 Manager Application of Montana R Childress for the Nebraska Club at 233 South 13th Street.

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

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 6, 2017 AT 3:00 P.M. ON THE APPLICATION OF LAZZARIS DOWNTOWN AT 1430-1434 O STREET, REQUESTING TO REMOVE THE 1430 O STREET ADDRESS FROM LICENSE LEAVING ONLY THE 1434 O STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90187 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 6, 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 Lazzris Downtown at 1430-1434 O Street, requesting to remove the 1430 O Street address from license leaving only the 1434 O Street.

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

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 6, 2017 AT 3:00 P.M. ON THE APPLICATION OF HERGERT OIL COMPANY DBA SUPER C FOR A CLASS D LIQUOR LICENSE LOCATED AT 2601 TICONDEROGA - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90188 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 6, 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 Hergert Oil Company dba Super C for a Class D Liquor License located at 2601 Ticonderoga.

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

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

THE FOLLOWING WERE REFERRED TO PLANNING:

Change of Zone No. 07063A - Requested by Bill Preston, from AG (Agricultural District) to R-3 PUD (Residential District Planned Unit Development), for the development of single-family homes and townhomes, on property generally located at NW 48th Street and West Holdrege Street.

Change on Zone No. 16038 - Requested by Fortney Development, from R-3 Residential to R-3 Residential PUD (Planned Unit Development), containing a mix of single-family, single-family attached, commercial, and agricultural uses, with a development plan which proposes to modify standards of the underlying zoning district, subdivision ordinance, and Design Standards, on property generally located at Superior Street and North 35th Street.

Change of Zone No. 16044 - Requested by Southwest Folsom Development, LLC, from R-4 (Residential District) to R-3 (Residential District), to create single-family lots, on property generally located at South Folsom Street and West Amaranth Lane.

Change of Zone No. 16045 - Requested by Seacrest & Kalkowski, LLP, Telegraph District B-4 Planned Unit Development, for a Change of Zone from B-4 Business District to B-4 Business District Planned Unit Development district designation for the approval of a development plan which proposes modifications to the zoning ordinance, land subdivision ordinance and design standards to foster an urban mixed-use area at the southeast corner of downtown, including office, residential, retail and other commercial activities in a vibrant and distinctive neighborhood, reflecting its historic utility and industrial roots combined with an innovative, high-tech vibe, on property generally bounded by O Street on the north, Antelope Creek on the east, K Street on the south, and Antelope Valley Parkway on the west, and generally located at 401 South 21st Street.

Text Amendment No. 16017 - Requested by Lincoln/Lancaster County Planning Department, amending Title 27 of the Lincoln Municipal Code ("Zoning Ordinance") by amending Section 27.06 to delete certain commercial and industrial uses in the B-4 District; by amending Section 27.25.080, relating to O-1 Office District to provide that applications for a building permit shall be reviewed for compliance with Subarea Design Standards; by amending Section 27.35.080, relating to B-4 Lincoln Center Business District, to provide that applications for a building permit shall be reviewed for compliance with Subarea Design Standards, and to repeal Figure 27.35.070 (a) B-4 Lincoln Center Business District Height Regulations which has been superseded by Figure 27.72.030 (a); by amending Section 27.56.017, relating to the Capitol Environs District;

by amending Sections 27.56.120 and 27.57.150 to revise the time frame for an application; by amending Section 27.56.160 to change street references from South 15th Street to Goodhue Boulevard and to clarify building height; by amending Section 27.62.040 to delete dwelling units as a conditional use in the B-4 zoning district; by amending Section 27.63.175 to provide that parking garages allowed by special permit in the O-1 District shall not abut Capitol Square or J Street West of 9th Street; by amending Figure 27.67.020 to provide that there is no required parking in the B-4 District; by repealing Section 27.67.050 to delete the B-4 district special parking requirements; by amending Section 27.69.040, relating to the maximum height of any freestanding signs; by amending Section 27.72.030, relating to Height and Lot Regulations in the B-4 district to expand the exception to the general building height requirements and modify general yard requirements; by amending Figure 27.72.030 (a) in Section 27.72.030 to reduce the maximum height from 275 to 75 feet for properties located in the B-4 district on the northwest corner of 9th and P Streets and the southwest corner of 9th and O Streets and amending Chapter 4.36 of the Lincoln Municipal Code relating to the Urban Design Committee by amending Sections 4.36.010, 4.36.030, 4.36.040, 4.36.050 and 4.36.070 to make minor modifications and revisions to the process and duties of the Committee, and repealing Sections 27.06.070, 27.06.100, 27.06.130, 27.06.170, 27.06.180, 27.25.080, 27.35.080, 27.56.017, 27.56.120, 27.56.160, 27.57.150, 27.62.040, 27.63.175, 27.67.050, Figures 27.67.020, 27.69.040 Table 3, 27.72.030, Figure 27.72.030 (a) in Section 27.72.030 and Sections 4.36.010, 4.36.030, 4.36.040, 4.36.050 and 4.36.070 of the Lincoln Municipal Code as hitherto existing.

Text Amendment No. 16018 - Requested by Lincoln/Lancaster County Planning Department, amending Title 1 General Provisions of the City of Lincoln Design Standards to modify the procedures regarding waivers; and amending Title 3 Lincoln Design Standards by amending Chapter 3.75 Neighborhood Design Standards, Chapter 3.76 Lincoln Downtown Design Standards and Chapter 3.85 Capitol Environs Design Standards and by adding a new Chapter 3.77 to adopt South Haymarket Design Standards; to make minor modifications, amend design standards and modify the procedures; and repealing Section 2 of Chapter 1.00, Section 5 of Chapter 3.75, Sections 1 through 5 of Chapter 3.76, and Sections 2, 3 and 4 of Chapter 3.85 as hitherto existing.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver to Design Standards No. 16009, to Village gardens - Hiro Restaurant, approved by the Planning Director on January 3, 2017, to adjust the Design Standard for Outdoor Lighting to allow outdoor lighting to exceed 2.0 vertical foot-candles for the east side of the parking lot and for the building on Lot 1 on the south and east property line, generally located at S. 56th Street and Pine Lake Road.

LIQUOR RESOLUTIONS

APPLICATION OF BABS INC DBA PIEDMONT BISTRO FOR A CLASS CK LIQUOR LICENSE AT 1265 SOUTH COTNER BOULEVARD, SUITE 38 & 40 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90189 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 BABS INC dba Piedmont Bistro for a Class "CK" liquor license at 1265 South Cotner Boulevard, Suite 38 & 40, 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 Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF MICHAEL S. RITTER FOR BABS INC DBA PIEDMONT BISTRO AT 1265 SOUTH COTNER BOULEVARD, SUITE 38 & 40 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90190 WHEREAS, BABS INC dba Piedmont Bistro located at 1265 South Cotner Boulevard, Suite 38 & 40, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Michael S. Ritter be named manager;

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

MANAGER APPLICATION OF MICHAEL E. ESTES FOR CEC ENTERTAINMENT, INC. DBA CHUCK E.

CHEESE #568 AT 221 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90191 WHEREAS, CEC Entertainment, Inc. dba Chuck E. Cheese #568 located at 221 North 66th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Michael E. Estes be named manager;

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

MANAGER APPLICATION OF KELLY K. SEYMOUR FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90192 WHEREAS, Red Robin International, Inc. dba Red Robin America's Gourmet Burgers located at 2707 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kelly K. Seymour be named manager;

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

APPLICATION OF MORAN'S LIQUOR WORKS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 45 FEET AT 3400 A STREET ON FEBRUARY 11, 2017 BETWEEN 10:00 A.M. AND 4:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90193 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 Moran's Liquor Works for a special designated license to cover an outdoor area measuring approximately 36 feet by 45 feet at 3400 A Street, Lincoln, Nebraska, on February 11, 2017, between the hours of 10:00 a.m. and 4:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

APPROVING THE APPOINTMENT OF BRANDON KAUFFMAN AS DIRECTOR OF THE FINANCE DEPARTMENT EFFECTIVE JANUARY 30, 2017 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90194 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Brandon Kauffman to the position of Finance Director effective January 30, 2017 is hereby approved.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90195 WHEREAS, the City of Lincoln desires to enter into a contract for the West A Street, West City Limits to Folsom Street, Roadway Improvement Project, City Project No. 701904; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money of more than one year shall be valid unless approved by resolution of the City Council.

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

That the Mayor is authorized to execute a contract between the City and Olsson Associates for construction of the West A Street, West City Limits to Folsom Street, Roadway Improvement Project, City Project No. 701904.

The City Clerk is directed to return one fully executed copy of this resolution to Danielle Vachal, Engineering Services, Public Works & Utilities.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90196 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated January 3, 2017, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Corey Jasa & Molly Murphey	\$ 743.28	Todd & Debora Beam	
Maureen Ellis	6,050.00	o/b/o Everett Shirk	\$480.18
		U.S. Property	631.00
		Kenneth Walbridge	150.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

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 second 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 second 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 second 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 second 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 second 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 second time.

ORDINANCES - 3RD 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) - Clerk read the following resolution, introduced by Jane Raybould, who moved its adoption:

38-4677

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

That the Development and Conditional Zoning Agreement which is attached hereto marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and John D. Zakovec and Judith L. Zakovec, to assure that the Developer will develop that portion of Lot 1, Woodlawn West as represented, should the property be rezoned to H-3 pursuant to the Developer's application for Change of Zone 16023, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to the Planning Department for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Jane Raybould

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

The resolution, having **LOST**, was assigned File #**38-4677** & was placed on file in the Office of the City Clerk.

**REGULAR MEETING
JANUARY 23, 2017
PAGE 180**

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 third time.

RAYBOULD 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 #20430, is recorded in Ordinance Book 32.

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 third time.

RAYBOULD Moved to pass the ordinance as read.
Seconded by Camp & **LOST** by the following vote: AYES: Camp, Christensen, Fellers; NAYS: Eskridge, Gaylor Baird, Lamm, Raybould.
The ordinance, having **LOST**, was assigned File #38-4678 & was placed on file in the Office of the City Clerk.

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) - Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

38-4679 WHEREAS, Roy Christensen has made application to amend Chapter 5, Business & Economy, of the 2040 Lincoln-Lancaster County Comprehensive Plan to remove the reference to Lincoln's Theater Policy.

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended denial of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Chapter 5 of the 2040 Lincoln-Lancaster County Comprehensive Plan be amended as follows:

1. Delete the below text on page 5.3 under the heading "Downtown":
"A key element to this role has been the long standing and successful "theater policy." This policy has allowed Downtown to retain an appreciable share of the area's movie theaters. It is intended that this policy will continue as part of LPlan 2040."
2. Delete the below text on page 5.4 under the heading "Strategies for Downtown":
~~"Maintain and reinforce Lincoln's successful Theater Policy."~~

BE IT FURTHER RESOLVED that any 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 amendment.

Introduced by Roy Christensen

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

The resolution, having **LOST**, was assigned File #38-4679 & was placed on file in the Office of the City Clerk.

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) - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 16-147 as follows:

1. On page 1, line 3, after the word "District" insert the words "as a permitted special use".
2. On page 1, lines 3 and 4, strike the following language "and to remove the requirement that indoor theaters in the B-5 District be allowed only as a permitted special use".
3. On page 1, line 6, strike the word "allow" and insert the word "designate".

4. On page 1, lines 6 and 7, strike the following language “and to allow indoor theaters in the B-5 District effective January 1, 2022 as a permitted use”.

5. On page 1, delete lines 18-20 in their entirety and insert the following language in lieu thereof:

“(b) The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and to protect the health, safety, and general welfare in the issuance of any such special permits. Such conditions may include an increase in the minimum parking and yard requirement, and decrease in the maximum height restrictions. Upon request of the applicant the City Council may decrease the minimum parking and yard requirement and increase the maximum height restrictions of the district in which the permitted special use is located.”

6. On page 2, delete lines 11 and 12 in their entirety.

7. On page 3, strike the following language from the Use Group Table “* Indoor theaters will become a permitted use effective January 1, 2022.”

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

CLERK Read an ordinance, introduced by 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 third time.

CHRISTENSEN Moved to pass the ordinance as amended.

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

The ordinance, being numbered #20431, is recorded in Ordinance Book 32.

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 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 third time.

CHRISTENSEN 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 #20432, is recorded in Ordinance Book 32.

RESOLUTIONS - 1ST READING

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR PURCHASES MADE WITH DHS 2016 GRANT YEAR FUNDS FROM THE SOUTHEAST REGION PLANNING, EXERCISE, AND TRAINING GROUP WITH LANCASTER COUNTY ACTING AS THE FISCAL AGENT FOR SOUTHEAST REGION. (CONSENT)

APPOINTING JAWEDAD AL-HELFI TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2018. (CONSENT)

APPROVING A CONSTRUCTION ENGINEERING SERVICES TASK ORDER AGREEMENT BETWEEN THE CITY OF LINCOLN AND KIRKHAM MICHAEL AND ASSOCIATES, INC. FOR THE LINCOLN CAVETT CONNECTOR TRAIL, PROJECT NO. ENH-55(172), CONTROL NO. 13079. (CONSENT)

APPROVING SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR THE CAVETT CONNECTOR TRAIL, PROJECT NO. ENH-55(172), CONTROL NO. 13079, TO REMOVE THE PREVIOUS REQUIREMENT TO INCLUDE A DATE BY WHICH THE PROJECT MUST BE UNDER CONTRACT. (CONSENT)

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE SUPERIOR STREET, 27TH STREET TO CORNHUSKER HIGHWAY PROJECT. CITY PROJECT NO. 540031. STATE PROJECT NO. LCLC-5254(10), CN 13316. (CONSENT)

**REGULAR MEETING
JANUARY 23, 2017
PAGE 182**

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE 27TH STREET, HOLDREGE STREET TO FLETCHER AVENUE PROJECT. CITY PROJECT NO. 540040. STATE PROJECT NO. LCLC-5231(16), CN 13317. *(CONSENT)*

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE 10TH & SALT CREEK BRIDGE REPLACEMENT PROJECT. CITY PROJECT NO. 540027. STATE PROJECT NO. LCLC-5215(3), CN 13233. *(CONSENT)*

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND SPEECE LEWIS ENGINEERING, INC. TO PROVIDE ADDITIONAL DESIGN PHASE SERVICES FOR THE 10TH & SALT CREEK BRIDGE REPLACEMENT PROJECT. (STATE PROJECT NO. LCLC-5215(3), CN 13233, CITY PROJECT NO. 540027). *(CONSENT)*

APPOINTING ROBERT SELIG TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2017. *(CONSENT)*

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND EN POINTE TECHNOLOGIES SALES LLC FOR COMMERCIAL OFF THE SHELF (COTS) SOFTWARE VALUE ADDED RESELLER SERVICES, PURSUANT TO NASPO VALUEPOINT MASTER AGREEMENT ADSP016-130653, STATE OF NEBRASKA CONTRACT NO. 14601 OC, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH APRIL 7, 2018 IN THE AMOUNT OF \$750,000.00. *(CONSENT)*

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1-15, 2017.

APPROVING AN AMENDMENT TO THE 9TH AND O REDEVELOPMENT PROJECT AMENDMENT OF THE LINCOLN CENTER REDEVELOPMENT PLAN TO INCLUDE THE POTENTIAL USE OF EEA FUNDS FOR ELIGIBLE IMPROVEMENTS RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED BETWEEN 9TH AND 10TH ON THE SOUTH SIDE OF O STREET, NORTH OF THE EAST/WEST ALLEY, NOT TO INCLUDE THE TERMINAL BUILDING, AND ADJACENT RIGHTS OF WAY.

AUTHORIZING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF UP TO \$50,000 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO CITY COUNCIL/REGULAR SALARIES TO COVER THE COSTS OF HIRING AN ADDITIONAL CITY COUNCIL STAFF PERSON AND/OR ADDING RESPONSIBILITIES TO THE CURRENT CITY COUNCIL STAFF POSITION FOR FISCAL YEAR 2016-2017.

THE COUNCIL REQUESTS THE CHARTER REVISION COMMISSION TO REVIEW AND REPORT BACK TO THE COUNCIL AND TO THE MAYOR ON THE CHARTER PROVISIONS RELATING TO THE ADOPTION OF THE CITY'S BUDGET.

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

CHANGE OF ZONE 16043 – APPLICATION OF E&G ENTERPRISES, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT 8080 O STREET. (RELATED ITEMS: 17-7, 17R-10) - CLERK read an ordinance, introduced by Roy Christensen, 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 first time.

USE PERMIT 16011 – APPLICATION OF E&G ENTERPRISES, LLC TO ALLOW AN EARLY CHILDHOOD CARE FACILITY UP TO 8,000 SQUARE FEET IN SIZE FOR 130 CHILDREN ALONG WITH WAIVERS TO REDUCE THE REAR YARD, SIDE YARD, AND SIGN LOCATION SETBACK REQUIREMENTS IN THE O-3 DISTRICT, ON PROPERTY GENERALLY LOCATED AT 8080 O STREET. (RELATED ITEMS: 17-7, 17R-10)

CHANGE OF ZONE 16034 – APPLICATION OF KELLY CUSTOM HOMES, LTD TO DESIGNATE THE JOHN G. CORDNER HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-2 RESIDENTIAL TO R-2 RESIDENTIAL WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 325 SOUTH 55TH STREET (RELATED ITEMS: 17-8, 17R-11) - CLERK read an ordinance, introduced by Roy Christensen, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT 16055 – APPLICATION OF KELLY CUSTOM HOMES, LTD FOR HISTORIC PRESERVATION OF THE JOHN G. CORDNER HOUSE TO PERMIT A COMMUNITY UNIT PLAN CONSISTING OF 9 DWELLING UNITS, WITH WAIVERS TO ELIMINATE PEDESTRIAN WAY SIDEWALK REQUIREMENTS, TO ALLOW LOTS TO EXCEED LOT WIDTH-TO-DEPTH RATIO, TO ELIMINATE REQUIREMENT THAT LOTS FRONT UPON A PUBLIC STREET, TO REDUCE FRONT YARD SETBACKS, MINIMUM LOT WIDTH AND MINIMUM LOT AREA, AND TO EXCEED COMMUNITY UNIT PLAN DENSITY REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 325 SOUTH 55TH STREET. (RELATED ITEMS: 17-8, 17R-11)

CHANGE OF ZONE 16039 – APPLICATION OF FIRST STREET BIBLE CHURCH TO DESIGNATE THE FORMER FIRST GERMAN CONGREGATIONAL CHURCH AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-4 RESIDENTIAL TO R-4 RESIDENTIAL WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 100 WEST F STREET (RELATED ITEMS: 17-9, 17R-12) - CLERK read an ordinance, introduced by Roy Christensen, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT 16058 – APPLICATION OF FIRST STREET BIBLE CHURCH FOR HISTORIC PRESERVATION OF THE FORMER FIRST GERMAN CONGREGATIONAL CHURCH TO ALLOW REDUCTION OF THE REAR YARD TO 10 FEET AND VARIANCE OF PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 100 WEST F STREET. (RELATED ITEMS: 17-9, 17R-12)

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND VENTRE A TERRE, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 21ST AND Y STREETS - CLERK read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Ventre A Terre, LLC authorizing the sale of City owned property generally located at the northwest corner of 21st and Y Streets, Lincoln, Nebraska, the first time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCREASE RECYCLING BY REQUIRING WASTE HAULERS TO OFFER CURBSIDE RECYCLING SERVICE TO CUSTOMERS, DIVERTING CORRUGATED CARDBOARD FROM THE LANDFILL, INCREASING CAPACITY FOR CITY-OWNED RECYCLING DROP-OFF SITES, IMPROVING DATA AVAILABLE WITH RESPECT TO RECYCLING IN LINCOLN, AND IMPLEMENTING A COMMUNITY WIDE RECYCLING EDUCATION CAMPAIGN - PRIOR to reading:

CHRISTENSEN Moved to suspend the Council Rules for Bill 17-11 to have 2nd and 3rd reading on 1/30/17.

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

CLERK Read an ordinance, introduced by Roy Christensen, amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wastes by amending Section 8.32.010 to add additional definitions; by amending Section 8.32.040 to add new subsections (c), (d), and (e); by amending Section 8.32.205 to further clarify the duties of dwelling unit owners; and by adding new Sections 8.32.115, 8.32.135, 8.32.136, 8.32.137, 8.32.138, 8.32.139, and 8.32.225; and repealing Sections 8.32.010, 8.32.040, and 8.32.205 as hitherto existing, the first time.

ADJOURNMENT

4:55 P.M.

CAMP Moved to adjourn the City Council Meeting of January 23, 2017.

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

Teresa Meier, City Clerk

Rhonda M. Bice, Office Specialist

**REGULAR MEETING
JANUARY 23, 2017
PAGE 184**