

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD
MONDAY, JANUARY 30, 2017 AT 5:30 P.M.**

The Board of Equalization met at 5:30 p.m. in the City Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. 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.

ELECTION OF CHAIRPERSON

CHRISTENSEN Nominated Leirion Gaylor Baird as Chair.

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

GAYLOR BAIRD Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

PAVING DISTRICT 2631 - GLADSTONE ST. FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE STREET TO HARTLEY STREET - Susie Filipi, Public Works, came forward and explained the request for this paving district was received in 2012 from Ayars and Ayars and took approximately 11 months to get all the signatures. At that time, it went into design and during the design, they noticed there were some pretty complex drainage issues To the north. The original estimate was \$295,000.00, with an estimate of \$179 per frontage foot. The bids came in 2015, and were much higher than anticipated. If the bids come in more than 20% of the original estimate, they are required to come back in front of Council to review and determine whether or not to have it built. At that time, they came in front of Council, the public also had comments and it was decided to have the district built. The project was completed in 2016 by Byrne and Jones Construction. The total cost was \$474,969.46 with the City subsidizing \$144,051.56. This left an assessed amount of \$330,917.90, which was divided by 13 parcels with 10 property owners. The final cost per frontage foot was \$199.36. The assessment district is separate from their property tax, and will be a separate bill. They can choose to pay in a lump sum, or over the course of 20 years.

This matter was taken under advisement.

SEWER DISTRICT 1188 - SOUTH 6TH STREET AND CALVERT STREET AREA - Susie Filipi, Public Works, came forward and shared the sewer district was requested by the Pioneers Business Park Association in 2014. They had a lift station that was failing which is what pushed the request. Both sides worked out an agreement to which the City would pay for the design and the engineering, and the Business Association would pay for construction costs. The original estimate for the construction was \$163,895.00. The project was completed in 2016 by Bookstrom with a final cost of \$162,824.10, and that was divided by 25 parcels. Each parcel was estimated to pay \$6,512.96. Nine of the parcels consisted of condominiums, and for example if the parcel had 10 units on it, the \$6,512.96 was split 10 ways. The owners are allowed to pay the amount in a lump sum, or over the 20 years.

This matter was taken under advisement.

VOTING SESSION

PAVING DISTRICT 2631 - GLADSTONE ST. FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE STREET TO HARTLEY STREET;

SEWER DISTRICT 1188 - SOUTH 6TH STREET AND CALVERT STREET AREA.

CAMP Moved approval.

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

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ADJOURNMENT

5:39 P.M.

CAMP Moved to adjourn sine die the Board of Equalization Meeting.
 Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Monet McCullen, Office Specialist

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 30, 2017 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

ESKRIDGE Having been appointed to read the minutes of the City Council Proceedings of January 23, 2017, reported having done so, found same correct.

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

PUBLIC HEARING

APPOINTING JAWEDAD AL-HELFI TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2018 - Jawad Al-Helfi, 322 N. 30th Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING ROBERT SELIG TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2017 - Mike Lang, Mayor's office came forward and stated Mr. Selig is the Mayor's nominee for the Airport Authority Board and requested approval.

Bob Selig, 7901 Hacienda Drive, came forward and requested approval.

Roy Christensen, Council Member, stated the Airport Authority has a levy authority on property taxes and at this point has declined to exercise that authority and inquired on Mr. Selig's position on using, or not using the levy authority.

Mr. Selig stated he has not had a chance to look into the levy, but his perspective is that an airport should be like any other enterprise and be able to run self sufficiently as much as possible. If something comes up and the airport needs the levy then they might have to use it, but overall it is best to try and generate revenues to not have to tap into tax rolls.

Jon Camp, Council Member, asked based on Mr. Selig's experience, has he been involved in an airport that used tax payers levy's.

Mr. Selig confirmed all the airports he has worked for in the past have been supported by tax payers in some form. The tax support was already in place before Mr. Selig took over the airport. It was not necessarily something Mr. Selig supported or did not support, it was just the way it was. The airport he was at for the last 14 years, they did have a tax levy, but solely used when matching dollars for federal grants. Discussion followed.

Trent Fellers, Council Member, inquired about challenges Mr. Selig might face.

Mr. Selig said that at a glance, it seems to be well ran. He does understand there is a need for development. There is a lot of vacant space at the old airport that can be marketable, but he does not necessarily see any problems.

This matter was taken under advisement.

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 - Erin Sokolik, Public Works, came forward and explained there were 6 bids received on this project with TCW Construction being the low bidder for \$1,495,504.00.

Cyndi Lamm, Council Member, inquired about the City's portion of this project.

Ms. Sokolik stated the City's portion is 20%.

Jon Camp, Council Member, asked how that compared to other bids.

Ms. Sokolik shared the next bid over TCW was 6% higher, the one after that was 30% higher and the remaining bids were higher than that.

This matter was taken under advisement.

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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 - Erin Sokolik, Public Works, came forward and explained TCW Construction was the low bidder for \$1,819,035.00.

Jon Camp, Council Member, asked the ranges from the low bidder to the other bidders.

Ms. Sokolik, shared the second bidder was 9% higher, the third bidder was 25% higher, the fourth bidder was 34% higher, and the final bidder was 43% higher than the lowest bid.

This matter was taken under advisement.

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 - Erin Sokolik, Public Works, came forward and explained there was 1 bid received on this project from Hawkins Construction for \$4,289,380.62.

This matter was taken under advisement.

MANAGER APPLICATION OF AARON M. DANSKY FOR HOME-GROWN INDUSTRIES OF LINCOLN LLC DBA MELLOW MUSHROOM AT 601 R STREET, SUITE 110 - Aaron M. Dansky, 300 Hudkins Road, Malcolm, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

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 - David Landis, Urban Development Director, came forward and explained in 2010 the building in this area burned down and now meets the blighted and substandard practices of tax increment financing. After 6 years, there is a developer who now wants to make use of that property and the adjoining property to construct 2 hotels, some high end residential, first floor restaurant, and a banquet facility. The gap between the financing, the private sector and the TIF expenses is considerable. There are about \$19 million in TIF expenses and the TIF will raise about \$10 million. The developer has raised the idea of using the enhanced employment act to lay a 2% occupation tax on the hotel usage and the banquet facility usage, but not on the parking and not the 6,000 square foot restaurant. Over 20 years that should raise about \$2.3 million dollars that can also help close the gap. In Lincoln, 9th and O Street is one of the most visible corners and it has been in disarray for the past 6 years, and with no one else stepping forward to use the area, this is a timely appropriate and impressive use of the property and with a development that is consistent with the Downtown Master Plan, the Comprehensive Plan and with the South Haymarket Neighborhood Plan. The developer feels it is important to cover that financing gap as they would not like to downsize their vision. They see all the elements as being symbiotic and interconnected. They also intend to make it a compelling structure and a signature building with high-end amenities, energy efficiency with a fine facade. Urban Development would like to make this happen because this building is very appropriately located, it adds to a vibrant Downtown with 24/7 usage, the use of the residential condos, and the active first floor. The hotel will have its own parking and would not require the use of any Downtown parking. This would require an amendment to the Redevelopment Plan that Council passed in 2016, by the simple addition of the potential use of the Enhanced Employment Area Law. That is under discussion now as a Redevelopment Agreement is being prepared. In the event Council allows this tool to be used, it will come back in front of Council in the form of a Redevelopment Agreement. This is something that has come in front of Council before and the only action is approving the amendment to the existing plan to add the power to use the Enhanced Employment Area Law.

Cyndi Lamm, Council Member, asked for clarification on what the TIF expenses are.

Mr. Landis advised the Enhanced Employment Area Law appears in the Community Development Act, but is a separate authority. This tool does not have to be used in a blighted and substandard area, it can be used where a city deems is appropriate. However, in this situation, it is in a TIF area and when looking at expenses, it is best to look at TIF eligible expenses and that the money from this revenue source would be spent on TIF eligible expenses now. The TIF law outlines the kinds of things that can be paid with TIF dollars. They are essentially public benefits with public enhancements. What it cannot be used for is the kitchen facility, beds, or internal decorations. It can be used for things like the sidewalk to help with a pull in for the hotel. If the sidewalk gets broken up because of heavy machinery, the TIF can be used to replace the sidewalk. If utility lines in the alley need to be buried, TIF dollars can be used on that as well. Discussion followed.

Ms. Lamm asked other than occupation taxes, is there any benefit or reason to make this an enhanced employment area.

Mr. Landis explained that they would like the developer to do everything that they intend to do. There is a gap in the financing and to allow this to be an enhanced employment area that would help lessen that gap.

Jon Camp, Council Member, asked if there was any intent to improve O Street with this project.

Mr. Landis stated there would be a pull in for users of the hotel and then an access down the alleyway to get to their garage. The project does not include much of O Street. There might be some parallel parking in the front of that area that is lost.

Mr. Camp asked what the condition of O Street would be after this project is complete.

Mr. Landis shared that to the extent they have to go into O Street to do the curb work then O Street will be better than what it is now. However, all of O Street was not included for repairs.

Mr. Camp asked about the EEA funds, the taxation, the criteria, and what is recommended.

Mr. Landis said there has been a lot of time spent thinking about what is appropriate and as of March, 2016, there are policy considerations. Urban Development has set some internal guidelines to try and stick with. They are looking for revenue bonds that the developer purchases or lender purchases so that there is no risk to the City. They want it to be single ownership to allow an administration to carry out their responsibilities. The minimum investment that the City has set for themselves is \$50 million. The law has a different standard. The Nebraska Act states two obligations, which are \$2 million of an investment and 25 employees. This is 25 times the amount of investments and if this is approved, this will be the second time this is used. It is expected that the developer reimburse for administrative expenses because there is a tax collection function as this goes on. Revenues that are spent need to be used for eligible expenses, which in this case, are TIF expenses. Discussion followed.

Mr. Camp inquired about the occupation tax and who it applies to.

Mr. Landis explained it would apply to the hotel and events that are in the ballroom. The food might have the occupation tax, but since it is not a restaurant per se it would not also be subject to the arena tax. The sale and monthly rent of the condos will not be subject to the additional tax.

Leirion Gaylor Baird, Council Chair, asked about the enhanced employment area and what that is projected as.

Mr. Landis shared they think the annual payroll will be about \$3.5 million and around 100 FTE's. There will be a number of housekeepers, kitchen staff, 60 full time positions at around 35 hours a week or more. There will be around 80 part time positions and 40 management positions. The management positions have an average of around \$50,000 or more per year.

Mark Hunzeker, Baylor Evnen Law, 1248 O Street, Suite 600, came forward on behalf of the developer and stated this is a very expensive project in terms of the structure being tall but including 230 parking stalls which can be expensive to build. The exterior of the building will be a very high end premium material that will be a lasting project. This will create a new entrance to Downtown Lincoln, both from the North and the West and change the skyline. There is a large gap with the financing, which will hopefully be somewhat closed by the use of the EEA. All the tax that will be paid is paid by patrons of businesses within this project and the people who will be operating those businesses are part of the development team. Everyone knows going into this project that they will be paying this tax as part of their business plan. This can be a tool that simply helps meet the gap between the existing need or the TIF eligible expenses and the available funds that will be created by the valuation once the project is completed.

Trent Fellers, Council Member, confirmed what is being approved with this resolution is just the potential use of an EEA and amending what was already passed.

Mr. Hunzeker confirmed this is just an amendment to the redevelopment plan, it is not an irrevocable authorization to use the EEA, but it is contemplating that as part of the Redevelopment project as it comes forward.

Mr. Fellers confirmed that approving this means that the Redevelopment Plan has been amended, and they have to come back at a later date with the Redevelopment Agreement to seek the Enhanced Employment Area occupation tax.

Mr. Hunzeker confirmed that to be true.

Carl Eskridge, Council Member, asked about the O Street improvements.

Mr. Hunzeker shared the main O Street improvements will only be where the sidewalk area is in front of the hotel and the entrance to the garage. Discussion followed.

Mr. Eskridge inquired about improvements to the alley.

Mr. Hunzeker stated there will certainly be improvements to the alley. The alley is in rough shape and there will have to be some utility relocation and part of that will include the alley being resurfaced.

Mr. Camp stated his only reservation is that TIF dollars are being used and nothing is being done on O Street with it being in poor condition and a public area.

Mr. Hunzeker said the one thing that occurred is depending on how the valuation comes out over time, the street rights of way are part of the redevelopment area, so if there is additional money available in the future, the City can use the additional funds to do public improvements.

Mr. Camp stated that he would not think the developer would want to wait 10 years to improve O Street and he thinks the developer would want to have a nice doorstep for the hotel.

Mr. Hunzeker shared that they would love to be able to improve all of O Street and 9th Street, but the project is already a heavy lift the way it is, and to redo some street along the way would make this very difficult. Discussion followed.

Ms. Gaylor Baird asked for a break down on the levels of the building.

Mr. Hunzeker explained the lobby and restaurant area are on the first floor. The garage will be the next three levels between the first floor and the hotel levels. There will be about 5 levels of hotel space, and on top of that, there are three levels of condo space. The ballroom is on one side of the structure on top of the parking and that will have outdoor rooftop space. Discussion followed.

Jane Kinsey, Watchdogs of Lincoln, 6703 Hawkins Bend, came forward in opposition and states she feels the TIF is being abused.

This matter was taken under advisement.

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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 - Jeff Kirkpatrick, City Attorney, came forward and explained this allows for the expansion of City Council staff. This does so by taking money out of the contingent funds for one year. The idea is that the hiring process will take around 3 to 4 months which leads to the end of the fiscal year. At that point it will be in the second year of the biennial budget. This will allow more accuracy in projecting what City Council staff will cost and at what level Council will be staffing.

Jon Camp, Council Member, stated his understanding is that even if the resolution passes as is, should more funds be needed in the future, the Mayor's Office can come forward and do that so there could be an amendment within this fiscal year.

Mr. Kirkpatrick confirmed there would be no reason as to why they could not pass an amendment or even another resolution at a later time if during the hiring process they realize the budgeted too conservatively.

Mr. Camp asked if they would be limited to only adding one additional staff person.

Mr. Kirkpatrick said he thinks in addition to the current Council staff they are allowed another staff person which would be two staff total.

Mr. Camp asked could they have three staff members.

Mr. Kirkpatrick stated if they needed three they would have to come back with another resolution to approve that.

Jane Kinsey, Watchdogs of Lincoln, 6703 Hawkins Bend, came forward in favor.

This matter was taken under advisement.

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 - Jeff Kirkpatrick, City Attorney, came forward and shared this raises the issue for the Charter Revision Commission about the provisions regarding the City's budget process, particularly references to a situation that recently happened with the prior biennium budget where the Mayor vetoed the budget that City Council adopted. From recent communications with the Commission Members, they are anxious to get started. They will look at historical background and also how City's around the Country approaches this issue.

Cyndi Lamm, Council Member, asked if there was a specific date when the Commission would be meeting on this.

Mr. Kirkpatrick stated there are no specific dates. He was waiting for Council to pass the resolution before scheduling anything. He did make the Commission aware that this item was coming up on Council's Agenda and is hoping to schedule the first meeting sometime in February.

Ms. Lamm inquired if Mr. Kirkpatrick will schedule meetings until they elect a Chair for the Commission.

Mr. Kirkpatrick confirmed Don Stading is the current Chair of the Commission and they will work together to schedule the first meeting and then the first item of business would be to elect officers.

Trent Fellers, Council Member, asked who staffs the Charter Revision Committee.

Mr. Kirkpatrick shared the Law Department tries to provide resources. If you look at the past Commissions and when they talk about budget items, they tend to pull individuals from the Finance Department.

Mr. Fellers stated that one of the provisions is to look at other City's that have a strong Mayor form of Government and how this is envisioned happening.

Mr. Kirkpatrick stated the Law Department has already begun to research that and hopes by the time the Commission meets, that they will have a fairly good survey done of City's with a strong Mayor form of Government. Another thing that has to be looked at in other City's is the size of their Council and how many votes are needed to override the Mayor's veto and if a City has a Council with 12 members how that will work.

Jane Raybould, Council Member, asked if the meeting will be open to the public and if the public is allowed to participate in the meetings.

Mr. Kirkpatrick clarified the meetings of the full Commission will be open to the public. It may be possible that they may decided to design some Committee's that will not be open to the public, but the meeting of the full Commission will be public and it would be expected to schedule times in some of those meetings for public input.

Jane Kinsey, Watchdogs of Lincoln, 6703 Hawkins Bend, came forward and inquired about the resolution Ms. Lamm had that allowed the public to have input on the Charter.

Ms. Lamm advised that resolution is still placed on the pending list.

Ms. Raybould asked about the makeup of the Charter Revision Commission

Mr. Kirkpatrick explained there are 15 members and the Code requires that they be appointed with some attempt to balance the political parties out.

Rick Hoppe, Mayor's Chief of Staff, came forward and shared the Commission is made up of 6 Democrats, 6 Republicans, and 3 independents.

This matter was taken under advisement.

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);

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) - David Cary, Planning Department Director, came forward and stated this is mainly allow for a free standing sign for the operation proposed at the early childcare facility. The site plan will be remaining exactly the same as it was two years ago when it was previously approved. This change makes sense because the predominantly pattern is also O-3 zoning and this is going to be O-3. There is one property located to the east and that is to be expected to change to an O-3 zone when it is ready for a change by the owner.

This matter was taken under advisement.

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);

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) - Stacey Hageman, Planning Department, came forward and explained this is to designate the Cordner House as a Lincoln Landmark. The special permit for the Historic Preservation is to permit the Community Unit Plan to allow 9 dwelling units on the site. The location is at the end of 55th Street, just north of M Street. The site is about 1.25 acres, which is a remnant of the original 10 acres parcel that the Cordner's purchased. They lived in the area of this house from the 1890's until they built the house in 1910 and they lived there until about 1940 and then they moved to California. Their daughter then owned the house until almost 1950. Between the 1950's and the 1960's the 10 acres subdivided into 35 ranch style houses that surround the main Cordner house. Most of the floor plan of the Cordner house is being retained. A lot of the walls and ceilings have compo board that will be replaced due to mold damage. The house has been vacant for over a decade. The Historic Preservation Commission reviewed these applications at their meeting on December 15, 2016, and recommended their approval for the landmark designation and for the special permit. The landmark designation provides the opportunity to request the special permit for Historic Preservation, which will then allow the Community Plan with the waiver to the density requirements. The Plan would essentially add 5 dwelling units on the property, keep the historic Cordner house, and then add three more dwelling units on the north side of the house. The dwelling units would have a traditional type of character and the Historic Preservation Committee also reviewed the designs of the dwelling units and they showed their support.

Leirion Gaylor Baird, Council Chair, inquired about the waivers being requested and why they were supported by the Planning Department.

Ms. Hageman shared that essentially the Community Unit Plan would encourage the maintenance and improvement of this historic house. The house has been vacant for a long time and could provide the economic stability to the ongoing maintenance of the house and the continued work on the house.

Ms. Gaylor Baird asked about the waiver dealing with the public street and why that was an appropriate waiver.

Ed Zimmer, Planning Department, came forward and explained he thinks the effect will be to make that a private drive from the edge of the property. There is not enough land there to retain the house and allow the development without the specific waivers. It would function as an extension of the cul-di-sac and serve off the private drive. The density is essentially what would be allowed there. If the house was to be torn down and four duplexes placed there, that would not be a superior plan to what is being requested. The Community Unit Plan allows creative solutions for odd parcels that produce superior results. The Planning Department felt they were offered that when they received the application.

Ms. Gaylor Baird asked if a sidewalk would also be necessary in this area.

Mr. Zimmer shared the drive would also be used as the sidewalk as it will only serve those immediate houses. The whole area would have to be paved if they tried to find a sidewalk location in that area in addition to the drive. There is currently a sidewalk on one side of 55th Street that would continue up to the edge of the property, and then the driveway would be shared by the residence.

This matter was taken under advisement.

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);

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) - Ed Zimmer, Planning Department, came forward and explained this is the same approach as a landmark request with a special permit attached. The church at 1st and West F was built in 1920 as a First German Congregational Church. It is now owned and used by 1st Street Baptist Church which was a descendant of the original church. The architect was AW Woods who partnered with Mr. Cordner from the previous resolution. This came in front of the Historic Preservation Commission the same day as the Cordner house request and both were recommended at that time. This request is simple and shows this location is iconic. AW Woods has four churches throughout the City, with this being the first. The architect built hundreds of churches throughout a number of states. The special permit would allow construction of a classroom at the back of the church. It would be a little larger than what normally would be allowed. They will still remain 10 feet away from the alley. Their main impact would be to their property to the north.

This matter was taken under advisement.

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 - David Landis, Director of Urban Development, came forward and stated this is a continuation of the City's desire to sell unused City property that is surplus. The City is paying maintenance costs on the property and is not collecting any taxes. This originally was an LES substation. When it was no longer a substation for LES, they deeded the property to the City and there has been no civic use ever since, which has been around 10 years. It is complicated by a couple of LES easements that make the lot less than desirable. It is on the edge of being very difficult to build on. The whole area is in the flood plain and if there is to be development there would be potential problems to deal with. The most logical use for this area is parking. Directly across the street is an older brick building that was revived and redeveloped and they have asked to purchase the area and use it for parking. It is not impossible to build on this area, but there is no present intent nor any expectation to do so. The price that was agreed upon given the limitations for the land is \$12,000.00. If approved, the money would be placed in the Advanced Land Acquisition Fund.

This matter was taken under advisement.

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 - Donna Garden, Public Works, came forward and explained the proposed changes are from the previous resolution regarding recycling. They have spent 18 months discussing with people in Lincoln about what they would like to see regarding recycling. The consumers want convenient choices for recycling. It helps grow the economy, it reduces the expensive need to develop the next landfill, it consumes natural resources and reduces greenhouse gas emissions. The current proposal includes one ban that is for corrugated cardboard that will be diverted from the Bluff Landfill in April 2018 which is one year later than the previous proposal. All waste haulers would offer curbside recycling services to residential customers and to multi-family dwelling units and businesses. There are currently 29 public recycling drop off sites that would be available to those who choose not to subscribe to curbside services and the capacity would expand. About 42% of the waste that goes to the landfill is readily recyclables. This includes plastic, aluminum cans, paper products and cardboard. The largest single recyclable is cardboard making up 9.5% of the waste that goes to the Bluff Road Landfill by waste haulers. Corrugated cardboard has a higher value on the market than other recyclables. An individual is allowed to take their neighbors recyclables to the drop off site without needing a hauler license. If cardboard is soiled or wet then it is no longer recyclable and can go into the landfill. The changes based off previous testimony states that an individual cannot get a ticket or a penalty and the ban is enforced at the landfill. Haulers are subject to a fee of \$100 per load if the load is unacceptable. Landlords are not required to provide recycling and they will need to figure out with their tenants how they decide to deal with that. Subsequent bans on newspapers and other paper have been removed from the current legislation. There are two grants to help with the expansion and education. The \$114,000 grant is for new roll-off boxes and expansion at the drop off sites. The grant for \$225,000 is for the comprehensive education program designed to help with transition to the cardboard ban. There is a grant assistance program known as the Waste Reduction and Recycling Assistance Program to help businesses get started and subscribe to recycling.

Cyndi Lamm, Council Member, inquired about the education funds being available as an incentive to help people get into a recycling habit on an individual basis.

Ms. Garden stated that could be a possibility.

Ms. Lamm stated for now, while it is the haulers responsibility at the drop off site, do they have the option to pull out cardboard to not be able to get the \$100 fine.

Ms. Garden stated the only time a hauler will get the \$100 fine is if the landfill has to sort the recyclables for them. If they want to pull the cardboard out at the landfill, they can do that without getting the fine.

Jon Camp, Council Member, asked for explanation if a hauler gets to the landfill and has to pull cardboard out of trash and could be potentially contaminated.

Ms. Garden explained by the definition if a cardboard is soiled and wet it cannot be recycled. At that point, it would be a matter of determining how much of the cardboard is recyclable. If some of that cardboard could be recovered then, at that point, the fee would be assessed.

Carl Eskridge, Council Member, asked about pizza boxes and if those are recyclable.

Ms. Garden stated soiled pizza boxes are not recyclable. If there is food that is stuck to the box then that is considered soiled. If there is a little grease stain on the cardboard, that can be recycled. The lid could potentially be recycled if nothing is on it. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked if there are no requirements to sorting cardboard prior to going to the landfill and if soiled cardboard can go into the landfill, do they expect the same results.

Jon Carlson, Mayor's Office, came forward and explained this is a step moving forward. When most people are offered the convenient option and explained the rules, they will take advantage. People are interested in recycling and interested in having more opportunity to recycle. This helps with giving people opportunity.

Mr. Camp asked what happened to methane gas that \$7.5 million was spent on to recapture since cardboard provides a lot of methane gas.

Ms. Garden stated that will be something that will continue to be monitored. They are capturing methane gas from other materials. The landfill continues to give off methane gas, whether there is some from the cardboard or not. It is not 100% efficient and there is methane that escapes to the atmosphere. In her opinion, it is better to recover the cardboard and reuse it as cardboard and paper products than to put it in the landfill and let it escape to the atmosphere.

Mr. Camp inquired about the practice to charge building owners and apartment owners and will there be a charge back and how can you control what tenants do and don't do.

Mr. Carlson said there will be the occasional times when tires and other things appear in the dumpster that shouldn't be in there. One of the benefits in Lincoln is that there are around 40 haulers and their number one mission is to provide service to their customers. Mr. Carlson employs haulers for his personal use and his experience has been positive at his buildings. They inform when there is an issue and that is tracked back to the tenant. The tenant is then educated and there are times when a tenant still places things in the trash that should not go there. This is a change and that would require possibly changing one of the brown dumpsters to a blue dumpster and explain to tenants what items should be placed in both dumpsters.

Mr. Camp asked what would be done when having to find room for the additional recyclable dumpster.

Mr. Carlson stated he has two brown dumpsters for trash and he will swap one brown dumpster for a blue recyclable dumpster. The recycles that are currently going in the trash can now be placed in the recycle bin.

Mr. Camp stated some areas can be tight and asked if there was something in place to help property owners with having more space to place recyclable dumpsters.

Ms. Garden stated there are some efforts in place to help property owners, especially in the Downtown area. Waste Camp has been helping a number of blocks Downtown to try and consolidate and share some space so that it works for everyone.

Jane Raybould, Council Member, stated there are currently bans on yard waste, tires, and appliances and inquired what are the practices of the haulers to monitor the cardboard being placed in the garbage? Will they take the cardboard out and leave a note for the residence to not place the cardboard in the regular garbage?

Mr. Carlson explained the haulers will work with their customers the best way they know how, but the City has educational tools that they will be using to inform people. They plan to possibly use an 'oops' tag when needed. There is also a list of acceptable items that are allowed in the recyclable that will be given to residences.

Garret Swanson, Project Manager for Recycle Lincoln, 920 E Street, came forward in support.

Ms. Lamm, asked if Mr. Swanson is the person responsible for gathering signatures to get this item on the ballot and if the item passes will they continue to gather signatures.

Mr. Swanson shared he is personally holding on to all signatures and if this passes his organization will discontinue their efforts to collect signatures.

Brad Beam, 3710 Woods Avenue, came forward in opposition.

Louis Urban, 2218 South 47th Street, came forward in opposition.

Jimmy Klein, 4200 W. High Ridge Rd, representing Lincoln Solid Waste Management Garbage and Recycling Association came forward in favor and stated his company has offered recycling for 4 years.

Mr. Eskridge inquired about having separate bins for every type of recyclable.

Mr. Klein explained with his company all recyclables are placed in one bin and the drop off site will sort it.

Mr. Camp asked if Mr. Klein received the \$100 charge at the drop off site will he take the charge and pass it off to his customers.

Mr. Klein stated they have not come across that situation so he is unable to fully answer that question.

Ms. Raybould asked how Mr. Klein currently handles a situation if there are appliances or tires placed in the garbage.

Mr. Klein stated his company contacts the tenants either by phone or by email and educates them.

Kate Johnson, 1833 G Street, came forward in favor.

Jesse Starita, 3005 South 19th Street, came forward in favor.

Chelsea Johnson, 2926 P Street, Deputy Director of The Nebraska League of Conservation Voters, came forward in favor.

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Kyle Fischer, 1128 Lincoln Mall, Suite 100, representing Lincoln Chamber of Commerce, came forward in favor and shared a lot of businesses that he represents are already recycling and doing their part. Discussion followed.

Elizabeth Regier, 4529 Holdrege Street, came forward in favor.

Joy Becker, 5925 Woodstock Avenue, came forward in favor.

Matthew Wegener, 1974 Ryons Street, came forward in favor.

Mark Terrell, 302 N. 30th Street, came forward in favor.

Jeremiah Picard, 2833 N. 57th Street, came forward in favor.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JAWAD AL-HELFI TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2018 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90197 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jawed Al-Helfi to the Multicultural Advisory Committee, for a term expiring September 18, 2018, is hereby approved.

Introduced by Roy Christensen

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

APPOINTING ROBERT SELIG TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2017 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90198 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the temporary appointment of Robert Selig to the Lincoln Airport Authority Board to fill an unexpired term until a successor is elected at the general election in May, 2017, is hereby approved.

Introduced by Roy Christensen

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

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

A-90199 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 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, upon the terms and conditions set out in the Interlocal Agreement which is attached hereto marked as Attachment "A", 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 transmit an executed copy of the Interlocal Agreement to Donald Gross, Building and Safety Department, and to the Clerk of Lancaster County.

Introduced by Roy Christensen

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

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

A-90200 WHEREAS, City of Lincoln is developing a transportation project for which it intends to obtain Federal funds;

WHEREAS, City of Lincoln as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State, and local laws, rules, regulations, policies, and guidelines applicable to the funding of the Federal-aid project;

WHEREAS, City of Lincoln and Kirkham Michael wish to enter into a Construction Engineering Services Task Order Agreement to provide Preliminary Engineering Services for the Federal-aid project.

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

That the attached Construction Engineering Services Task Order Agreement between the City of Lincoln and Kirkham Michael & Associates, Inc. for engineering services for the Cavett Connector Trail, Project No. ENH-55(172), Control No. 13079, 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 copies of the Agreement to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

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

A-90201 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement No. 2 between the City of Lincoln and the State of Nebraska Department 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, in accordance with the terms and conditions contained in said Supplemental Agreement No. 2, 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 copies of the Agreement and the executed copy of this Resolution to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

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 - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 17R-13 as follows:

1. On line 7 after the word "bids", insert the following: "on January 26, 2017";
2. On line 7 after the words "work and", insert the words: "selected TCW Construction, Inc. as" and strike the words "shall select a contractor based upon a determination of";
3. On line 11 after the word "of", insert words: "TCW Construction, Inc." and strike the words "the above mentioned contractor".

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

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-90202 WHEREAS, the City of Lincoln adopted Resolution No. A-89168 on August 12, 2015 approving a Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction and construction engineering of Superior Street, 27th Street to Cornhusker Highway Pavement Repair Project, City Project No. 540031, State Project No. LCLC-5254(10), CN 13316; and

WHEREAS, the State and City received bids on January 26, 2017 for the proposed work and selected TCW Construction Inc. as ~~shall select a contractor based upon a determination of~~ the lowest responsible bidder.

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

That the City concurs in the selection of TCW Construction, Inc. ~~the above mentioned contractor~~; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Erin Sokolik, Engineering Services, Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

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 - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 17R-14 as follows:

1. On line 7 after the word "bids", insert the following: "on January 26, 2017";
2. On line 7 after the words "work and", insert the words: "selected TCW Construction, Inc. as" and strike the words "shall select a contractor based upon a determination of";
3. On line 11 after the word "of", insert words: "TCW Construction, Inc." and strike the words "the above mentioned contractor".

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

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CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-90203 WHEREAS, the City of Lincoln adopted Resolution No. A-89169 on August 12, 2015 approving a Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction and construction engineering of 27th Street, Holdrege Street to Fletcher Avenue Pavement Repair Project, City Project No. 540040, State Project No. LCLC-5231(16), CN 13317; and

WHEREAS, the State and City received bids on January 26, 2017 for the proposed work and selected TCW Construction, Inc. ~~shall select a contractor based upon a determination of~~ the lowest responsible bidder.

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

That the City concurs in the selection of TCW Construction, Inc. ~~the above mentioned contractor~~; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Zach Becker, Engineering Services, Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

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 - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 17R-15 as follows:

1. On line 7 after the word "bids", insert the following: "on January 26, 2017";
2. On line 7 after the words "work and", insert the words: "selected Hawkins Construction Company as" and strike the words "shall select a contractor based upon a determination of";
3. On line 11 after the word "of", insert words: "Hawkins Construction Company" and strike the words "the above mentioned contractor".

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

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-90204 WHEREAS, the City of Lincoln adopted Resolution No. A-87175 on January 16, 2013 approving a Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction and construction engineering of 10th & Salt Creek Bridge Replacement Project, City Project No. 540027, State Project No. LCLC-5215(3), CN 13233; and

WHEREAS, the State and City received bids on January 26, 2017 for the proposed work and selected Hawkins Construction ~~shall select a contractor based upon a determination of~~ the lowest responsible bidder.

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

That the City concurs in the selection of Hawkins Construction Company ~~the above mentioned contractor~~; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Kris Humphrey, Engineering Services, Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

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

A-90205 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement No. 1 between the City of Lincoln and Speece Lewis Engineers, Inc. to provide additional design phase services for the 10th & Salt Creek Bridge Replacement Project, State Project No. LCLC-5215(3), Control No. 13233, City Project No. 540027, in accordance with the terms and conditions contained in said Supplemental Agreement No. 1, 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 copies of the Agreement to Kris Humphrey, Engineering Services, Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

A-90206 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 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, 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 Roy Christensen

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

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR NOVEMBER, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 13, 2016, AT 3:00 P.M. ON THE APPLICATION OF SAI PROPERTIES INC. DBA COMFORT SUITES N COTNER FOR A CLASS I LIQUOR LICENSE LOCATED AT 331 N. COTNER BLVD - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90207 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 13, 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 Sai Properties Inc. dba Comfort Suites N Cotner for a Class I Liquor License at 331 N. Cotner Blvd.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 13, 2016, AT 3:00 P.M. ON THE APPLICATION OF CEREUS SNOWBIRDS LLC DBA BODEGA'S ALLEY FOR A CLASS C LIQUOR LICENSE LOCATED AT 1418 O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90208 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 13, 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 Cereus Snowbirds LLC dba Bodega's Alley for a Class C Liquor License at 1418 O Street.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 13, 2016, AT 3:00 P.M. ON THE APPLICATION OF BLUR PARTIES INC. DBA BLUR PARTIES FOR A CLASS DK LIQUOR LICENSE LOCATED AT 2501 WEST L STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90209 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 13, 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 Blur Parties Inc. dba Blur Parties for a Class DK Liquor License located at 2501 West L Street.

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

Introduced by Carl Eskridge

Seconded by Christensen & 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. 16071, to Change of Zone No. 15004, Vavrina Meadows PUD, approved by the Planning Director on January 20, 2017, to modify the lot configuration to allow individual buildings within lots and parking and drive aisles within a common outlot, and reduce the size of the detention area, generally located at S. 14th Street and Yankee Hill Road.

Administrative Amendment No. 16069, to Change of Zone No. 09011, Southlake PUD, approved by the Planning Director on January 23, 2017, to show a different lot layout including modified alignment for private roadway including waivers to Design Standards, which re-names the private roadway from Spring Tide Drive to Kubik Drive, and modifies the land use table to no longer include retail, restaurants or office, and delineates setbacks for Lots 1 and 2, Block 2, generally located at S. 91st Street and Highway.

THE FOLLOWING WERE REFERRED TO PLANNING:

Change of Zone No. 16031, requested by Civil Design Group, from AG (Agricultural District) to I-2 (Industrial Park District), on property generally located at North 70th Street and Arbor Road.

Change of Zone No. 17001, requested by Mark Wilkinson, from H-1 (Interstate Commercial District) to H-3 (Highway Commercial District), on property generally located at 3100 NW 12th Street.

Special Permit No. 16060, requested by Trent Reed, Reed Design Architects, to allow for the remodeling of an existing garage and the addition of a second floor above the garage, on property generally located at 2340 Woodsdale Boulevard.

Text Amendment No. 16020, requested by A & B Auto Sales, amending Title 27 of the Lincoln Municipal Code ("Zoning Ordinance") by amending Section 27.62.100(c)(2) to modify the front yard and side yard setbacks for car sales; Section 27.67.030 to allow parking in the side yard of commercial and industrial districts when not abutting a residential district; Section 27.67.040 to create a new parking requirement for motorized vehicle sales of three stalls for sales lots less than two acres; Section 27.72.060 to allow motorized vehicle sales in the same locations as parking with requirements for how vehicles for sale in the front yard can be displayed; Chapter 3.45 Design Standards for Parking Lots to clarify which parking lot requirements are applicable to vehicle sales lots; Chapter 3.50 Design Standards for Screening and Landscaping to clarify that parking lot screen applies to vehicle sales lots, and repealing Sections 27.62.100(c)(2), 27.67.030, 27.67.040, and 27.72.060 of the Lincoln Municipal Code as hitherto existing.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF AARON M. DANSKY FOR HOME-GROWN INDUSTRIES OF LINCOLN LLC DBA MELLOW MUSHROOM AT 601 R STREET, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90210 WHEREAS, Home-Grown Industries of Lincoln LLC dba Mellow Mushroom located at 601 R Street, Suite 110, Lincoln, Nebraska has been approved for Retail Class "I" and "E" liquor licenses, and now requests that Aaron M. Dansky be named manager;

WHEREAS, Aaron M. Dansky 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 Aaron M. Dansky 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.

PUBLIC HEARING - RESOLUTIONS

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 - PRIOR to reading:

FELLERS Moved to amend Bill No. 17R-18 in the following manner:
Add the following under ALLOWED/SETTLED CLAIMS:
LITIGATION SETTLEMENT

Luevonne Murrell \$3,000.00

FELLERS Made a verbal amendment to remove claim of Deb Trainor. :

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

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-90211 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 16, 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>	
Pete Sinica	NAS*	Daphne Hayes	\$2,769.50
Jennifer Brhel	\$770.23	Lincoln Housing Authority	150.00
James Bunstock	531.76		
Deb Trainor	183.78		
		<u>LITIGATION SETTLEMENT</u>	
Amber & Dirk Bassingthwaighte		<u>Luevonne Murrell</u>	<u>\$3,000.00</u>
o/b/o Susan Esquivel	NAS*		

* No Amount Specified

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 Roy Christensen

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

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

A-90212 WHEREAS, the City Council has previously adopted Resolution No. A-89588 amending the Lincoln Center Redevelopment Plan to provide for a redevelopment project designated as the 9th & O Project.

WHEREAS, the 9th & O Project provides for the Redeveloper to acquire the Project Site (Lots 7-2, Block 54, Original Plat Lincoln, and Lots D-F, County Clerks Subdivision of Lots 1-6, Block 54, Original Plat Lincoln) located on the southeast corner of 9th & O Street and to construct an approximately 12 story mixed use building with first floor retail, three stories of residential, five stories of hotel, and four stories of parking.

WHEREAS, the Redeveloper has requested the City Council to amend the 9th & O Project to designate the Project Area an enhanced employment area eligible for the imposition of an enhanced employment area occupation tax to generate revenue to fund the construction of eligible improvements under the Nebraska Community Development Law.

WHEREAS, pursuant to Neb. Rev. Stat. §18-2116 the City Council may designate the Project Area for the 9th & O Project as an enhanced employment area if it determines that any new investment within the project area will result in at least 25 new employees and new investment of two million dollars. Employee is defined in Neb. Rev. Stat. §18-2103(23) to mean a person employed at a business as a result of the redevelopment project. Number of new employees is defined in Neb. Rev. Stat. §18-2103(28) to mean the number of equivalent employees that are employed at a business as a result of the redevelopment project during a year that are in excess of the number of equivalent employees during the year immediately prior to the year that a redevelopment plan is adopted.

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said designation of the project area for the 9th & O Project enhanced employment area.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska that the new investment in the Project Area of the 9th & O Project will be approximately \$55 Million Dollars, and such investment will result in approximately 100 full time equivalent employees.

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

That the attached Amendment to the Lincoln Center Redevelopment Plan for the 9th and O Redevelopment Project, designating the project area as an enhanced employment area eligible for the imposition of an Enhanced Employment Area Occupation Tax to generate funds to pay for eligible redevelopment project improvements, is hereby accepted and approved by the City Council as the governing body of the City of Lincoln.

The City Clerk is directed to return two fully executed copies of the Amendment to Hallie Salem, Urban Development Department.

Introduced by Roy Christensen

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

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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 - PRIOR to reading:

LAMM Moved to amend Bill No. 17R-21 as follows:

1. On line 12, after "staff person", insert "or persons".
2. On line 16, after "staff person", insert "or persons".

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

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90213 WHEREAS, Lincoln City Council members serve in a part-time capacity; and
WHEREAS, the Lincoln City Council is increasingly challenged to meet its responsibilities to serve a growing city and an increasingly complex city government; and

WHEREAS, a modest increase in city council staff will allow Council members to provide improved constituent outreach and be more responsive to citizen suggestions and concerns; and

WHEREAS, a larger council staff will enable Council members to be better informed and more independent in analyzing the important issues that come before the City Council on a regular basis, including the City's biennial budget.

NOW THEREFORE, it is hereby resolved by the City Council of the City of Lincoln, Nebraska as follows:

1. That the City Council authorizes the hiring of an additional staff person or persons in addition to the current council staffing level.
2. That a transfer of appropriations in the amount of up to \$50,000 (fifty thousand dollars) from Miscellaneous Budget/Contingency to City Council/Regular Salaries to cover the costs of hiring an additional City Council staff person or persons and/or adding responsibilities to the current City Council staff position for fiscal year 2016-2017 is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Roy Christensen

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

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

A-90214 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Charter Revision Commission is hereby requested 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 with particular attention to the impact of a Mayor vetoing a Council approved budget resolution. The Commission should review how the process works in other jurisdictions with a strong Mayor form of government and make recommendations on whether the current system of addressing a budget veto should remain or changes should be implemented by Charter Amendment.

Introduced by Roy Christensen

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

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 second 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 second 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 second 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 second 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 - 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 second time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20433, is recorded in Ordinance Book 32.

ORDINANCES - 3RD 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #20434, is recorded in Ordinance Book 32.

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

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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 third time.

CAMP 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 **#20435**, is recorded in Ordinance Book 32.

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 third time.

CAMP 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 **#20436**, is recorded in Ordinance Book 32.

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 third time.

CAMP 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 **#20437**, is recorded in Ordinance Book 32.

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 third time.

CAMP 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 **#20438**, is recorded in Ordinance Book 32.

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 third time.

CAMP 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 **#20439**, is recorded in Ordinance Book 32.

RESOLUTIONS - 1ST READING

REAPPOINTING KAREN NALOW TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2020. (*CONSENT*)

REAPPOINTING TAMMY EAGLE BULL, GILL PEACE, AND MICHELLE PENN TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2020. (*CONSENT*)

APPOINTING JAMES GORDON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2019. (*CONSENT*)

APPROVING THE WILDERNESS HILLS COMMERCIAL CENTER PUD S. 40TH STREET DIRECTED ARTERIAL STREET IMPACT FEE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN FEDERAL BANCORP, INC. TO DIRECT ARTERIAL STREET IMPACT FEES COLLECTED FROM DEVELOPMENT OF PROPERTIES WITHIN THE WILDERNESS HILLS COMMERCIAL CENTER PUD TO REIMBURSE THE OWNERS OF THE WILDERNESS COMMONS DEVELOPMENT OR LINCOLN FEDERAL, AS THE OWNER OF THE WILDERNESS HILLS DEVELOPMENT, FOR THE COST OF CONSTRUCTING THE SOUTH 40TH STREET IMPROVEMENTS LOCATED SOUTH OF HOHENSEE DRIVE, PURSUANT TO THE WILDERNESS COMMONS CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND/OR THE WILDERNESS HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT.

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

ANNEXATION 16014 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 9.25 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST 48TH STREET AND WEST HOLDREGE STREET. (RELATED ITEMS: 17-12, 17-13) - CLERK read an ordinance, introduced by Carl Eskridge, 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.

CHANGE OF ZONE 07063A – APPLICATION OF RINGNECK DEVELOPMENT, LLC, TO AMEND THE I-80 WEST LINCOLN BUSINESS CENTER PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; UNDER A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND TO APPROVE AN AMENDED DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND DESIGN STANDARDS TO ALLOW THE DEVELOPMENT OF UP TO 41 DWELLING UNITS, WITH A MIX OF SINGLE-FAMILY DETACHED AND ATTACHED UNITS, ON PROPERTY GENERALLY LOCATED AT NORTHWEST 48TH STREET AND WEST HOLDREGE STREET. (RELATED ITEMS: 17-12, 17-13) - CLERK read an ordinance, introduced by Carl Eskridge, 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 first time.

CHANGE OF ZONE 16044 – APPLICATION OF SOUTHWEST FOLSOM DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST AMARANTH LANE - PRIOR to reading:

CAMP Moved to delay Public Hearing to 02/13/17.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, 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.

TEXT AMENDMENT 16017 – AMENDING SECTIONS 4.36.010, 4.36.030, 4.36.040, 4.36.050, 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, 27.69.040, AND 27.72.030, REPEALING SAID SECTIONS AS HITHERTO EXISTING, ADDING A NEW SECTION 4.36.070, AND REPEALING SECTION 27.67.050; TO ADD ZONING APPLICATION REVIEW RESPONSIBILITIES FOR THE URBAN DESIGN COMMITTEE, THE CAPITOL ENVIRONS DISTRICT, AND HISTORIC PRESERVATION COMMISSION; TO AMEND PROVISIONS REGARDING THE CAPITOL ENVIRONS DISTRICT TO REVISE DEFINITIONS, AND MODIFY ADDITIONAL HEIGHT AND AREA REQUIREMENTS; TO AMEND ZONING REGULATIONS REGARDING THE B-4 DISTRICT, TO DELETE CERTAIN USES FROM THE B-4 DISTRICT, TO PROVIDE THERE IS NO REQUIRED PARKING IN THE B-4 DISTRICT, TO DELETE B-4 DISTRICT SPECIAL PARKING REQUIREMENTS, AND TO MODIFY B-4 DISTRICT SIGN REQUIREMENTS AND HEIGHT AND LOT REQUIREMENTS; TO AMEND B-4 AND O-1 ZONING REGULATIONS TO PROVIDE THAT IN THE B-4 AND O-1 DISTRICTS APPLICATION FOR A BUILDING PERMIT SHALL BE REVIEWED FOR COMPLIANCE WITH SUBAREA DESIGN STANDARDS; AND TO DEFINE B-4 AND O-1 ZONED AREAS SUBJECT TO SOUTH HAYMARKET DESIGN STANDARDS. (RELATED ITEMS 17-15, 17R-26) - CLERK read an ordinance, introduced by Carl Eskridge, amending provisions of the Lincoln Municipal Code related to Zoning by amending Chapter 4.36 of the Lincoln Municipal Code relating to the Urban Design Committee by amending Section 4.36.010 to capitalize the name City; by amending Section 4.36.030 to expand the duties of the Committee to include advising other public agencies and acting as the Appeals Board for appeals of administrative decisions relating to the Downtown, South Haymarket, and Neighborhood Design Standards for zoning regulations; by amending Section 4.36.040 to clarify the Urban Design Committee

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review process is advisory and to modify the process; by amending Section 4.36.050 to require the Committee when acting as the Appeal Board to give notice of public hearing as provided in Chapter 1.00 of the City of Lincoln Design Standards; by adding a new Section 4.36.070 to provide that findings and actions of the Urban Design Committee acting as the Appeals Board may be appealed as provided in Chapter 1.00 of the City of Lincoln Design Standards; by amending Sections 27.06.070, 27.06.100, 27.06.130, 27.06.170, and 27.06.180 to update the Household Living, Civic Services, Retail Sales and Services, Heavy Commercial Services, and Manufacturing, Processing, Storage and Distribution Use Group Tables 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 and to define an O-1 zoned area subject to the South Haymarket 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, to define a B-4 zoned area subject to the South Haymarket 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, to revise the definitions of Capitol Environs District and Capitol View Corridors; by amending Sections 27.56.120 and 27.57.150, relating to the Capitol Environs District and the Historic Preservation District respectively, to revise the timeframe for the Nebraska Capitol Environs Commission and the Preservation Commission approving or denying an application; by amending Section 27.56.160, relating to the Capitol Environs District, to change street references from South 15th Street to Goodhue Boulevard and to clarify that new buildings, facing one of the malls abutting Capitol Square, shall have an eave or cornice line of at least 30 feet in height on Centennial Mall and Lincoln Mall and at least 20 feet in height on Goodhue Boulevard and J Street; by amending Section 27.62.040, relating to the Household Living Use Group, to delete dwelling units as a conditional use in the B-4 zoning district; by amending Section 27.63.175, relating to Special Permits, 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, relating to Parking, to provide that there is no required parking in the B-4 District; by repealing Section 27.67.050, relating to Parking, to delete the B-4 district special parking requirements; by amending Section 27.69.040, relating to signs, by amending Table 3 Signs for Commercial and Industrial Zoning Districts to provide that beginning 150 feet west of 9th Street and continuing to the western boundary of the B-4 District the maximum height of any free standing sign is eight feet tall; 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 to include all of the B-4 district, to modify the general yard requirement in the B-4 district to require a 5 foot yard adjacent to any wall of a building which contains windows for a dwelling, to provide that an abutting street may be counted as part or all of the required yard; and repealing Sections 4.36.010, 4.36.030, 4.36.040, 4.36.050, 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, 27.69.040, and 27.72.030 as hitherto existing, the first time.

TEXT AMENDMENT 16018 – AMENDING TITLE 1 GENERAL PROVISIONS OF THE CITY OF LINCOLN DESIGN STANDARDS TO MODIFY THE PROCEDURES REGARDING WAIVERS; 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; BY ADDING A NEW CHAPTER 3.77 TO ADOPT SOUTH HAYMARKET DESIGN STANDARDS; AND REPEAL REFERENCED SECTIONS OF THE CITY OF LINCOLN DESIGN STANDARDS AS HITHERTO EXISTING. (RELATED ITEMS 17-15, 17R-26)

OPEN MICROPHONE

Jane Svoboda, 2450 Q Street, came forward with various statements.
Richard Hedrick, 404 Mormon Trail, came forward regarding an incident with the police.

ADJOURNMENT

9:00 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of January 23, 2017.
Seconded by Fellers & 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