

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 20, 2017 AT 3:00 P.M.**

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

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

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council Proceedings of March 13, 2017, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF JINGHPAW, LLC DBA YAMI KOREAN CUISINE FOR A CLASS C LIQUOR LICENSE AT 2840 SOUTH 70<sup>TH</sup> STREET, SUITE 140;

MANAGER APPLICATION OF MUNGGYIT B. HTINGNAN FOR JINGHPAW, LLC DBA YAMI KOREAN CUISINE AT 2840 SOUTH 70<sup>TH</sup> STREET, SUITE 140 - Munggyit Htingnan, 7811 Bondesson Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF JAIME A. ESQUIVEL FOR LINCOLN BLUE SUSHI, LLC DBA BLUE SUSHI SAKE GRILL AT 808 R STREET, SUITE 200 - Jamie Esquivel, 1024 Butler Ave., applicant, came forward to take the oath and requested approval. Discussion followed.

Jon Camp, Council Member, inquired about Mr. Esquivel's police record.

Mr. Esquivel stated at that time he was living a bad lifestyle and, once he made a career move, he had seen the mistakes he had made. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF GARRETT D. LOMELI FOR SWIG, LLC DBA 9 SOUTH CHARGRILL AT 844 SOUTH STREET - Garrett Lomeli, 1317 ½ O Street, applicant, came forward to take the oath and requested approval. Discussion followed.

Jon Camp, Council Member, inquired about Mr. Lomeli's police record. Discussion followed.

Mr. Lomeli stated he had heard from Conan Schafer and State Patrol Investigator that going before the Liquor Commission was a possibility because of what was on his record. Discussion followed.

This matter was taken under advisement.

APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M.;

APPLICATION OF CAPITOL VIEW WINERY & VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M.;

APPLICATION OF STONEBRIDGE VINEYARD, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M.;

APPLICATION OF JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 296**

BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M. - Taylor Wyatt, 927 North 86<sup>th</sup> Street, applicant, came forward and requested approval stating that he was representing all four companies for this event. Discussion followed.

This matter was taken under advisement.

RESOLVING THAT THE CITY COUNCIL WILL NOT RELY ON HIGHER RESIDENTIAL PROPERTY VALUATIONS IN ORDER TO INCREASE SPENDING ABOVE THE LEVEL ESTABLISHED IN THE BIENNIAL BUDGET - Roy Christensen, Council Member, stated it had become clear to him over the last couple of months, that this is an issue of great concern to members of our community with the recent property revaluations. The intent of this resolution will give the citizens an indication of our (Council's) direction. This is also an issue that affects a lot of taxing bodies that Council has no influence over. This resolution is a statement of intent, that the Council plans on sticking to the budget that was proposed and is fully funded, and not rely on new dollars going forward. Our tax levy is set annually and will be set this year at the end of August or early September. Discussion followed.

Rick Hoppe, Mayor's Office, came forward and stated they are wanting to clarify this resolution, and not wanting to put anyone in an unrealistic frame of mind, wanting the public to get a full picture of what is being talked about. First off, the levy is only 16 or 17 percent of the entire property tax levy, so this resolution only impacts that 16 or 17 percent of the levy. Other jurisdictions may do something differently that may impact the overall taxes paid by citizens. Commercial properties were not as comprehensively reviewed as residential properties, so you may see that commercial properties do not go up as much as the residential portion of the evaluation. Since 66 percent of entire evaluation is residential and the rest being personal and other types of real property, this will make the residential portion higher. The tax levy cannot be assessed differently for different groups of properties so you may see an increase for the 18-19 budget on residential properties. The amount of increase or decrease will vary for each homeowner. Council's and Mayor's have traditionally taken advantage of new growth in the tax base to keep up with inflationary costs of providing services. At this point, we do not know what is new growth and what is revaluation, we should learn more when the Assessor releases their abstract on March 25. And finally, we would like you to consider the unforeseen circumstances language in the resolution, we are glad to see that in the resolution. There are things that you don't necessarily see coming at you that can be a factor and need to be dealt with. It is important that the public understands the reality of the choice to not take advantage of the revaluation and the actual impacts of that decision. This is not to speak against the resolution, as much as, to make sure that we are setting our expectations at a reasonable level as a community. Discussion followed.

Jane Raybould, Council Member, inquired about the current budget and what amount is in the budget as a place holder to help with flexibility and how will the wording in this resolution impact that. Discussion followed.

Sherry Wolf-Drbal, Budget & Administration Analyst, came forward and stated that she would need to get back with Ms. Raybould on the amount. The rate will change, but what is being proposed with this resolution will hold the dollars constant. They will have more information at the end of March from the Assessors Office. Discussion followed.

Cyndi Lamm, Council Member, inquired if the tax levy is set is for both residential and commercial properties.

Ms. Wolf-Drbal said yes, there is just one tax levy for both. Discussion followed.

Coby Mach, Lincoln Independent Business Association, 620 North 48<sup>th</sup> Street, came forward stating that the two year budget is set and you should have the funds that you need to move forward on the budget. Lincoln Independent Business Association is requesting that the property revaluation tax funds that are not needed should go back to the tax payers. Discussion followed.

This matter was taken under advisement.

USE PERMIT 126F – APPLICATION OF WILDERNESS WOODS HOLDINGS, LLC TO REDUCE THE PARKING REQUIREMENT FOR OFFICE USES ON LOT 2 FROM 1 STALL PER 300 SQUARE FEET TO 1 STALL PER 350 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT WILDERNESS WOODS PLACE AND EXECUTIVE WOODS DRIVE - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., Suite 200, came forward on behalf of Hausmann Holdings. They are requesting to reduce the parking requirements for this office use. The justification for this waiver is based on the final design and the landscaping in the parking lot that they are wanting to do. The Planning Department has approved this and we have talked with the only neighbor in the area that could be affected by this project and they have said they are okay with the waiver. Discussion followed.

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 SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET INTERSECTION SAFETY PROJECT. CITY PROJECT NO. 702661. STATE PROJECT NO. HSIP-5205(1), CN 13147 - Craig Aldridge, Public Works Engineering, came forward and stated this is to award the contract to TCW Construction for the South Coddington and West Van Dorn Intersection Safety Project. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 17002 – DECLARING APPROXIMATELY 1,200 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17<sup>TH</sup> STREET AS SURPLUS PROPERTY - David Landis, Urban Development Director, came forward and stated this property must have just gotten overlooked when the surrounding property was sold in the past. Planning has approved the sale of this property. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Fellers left Council Chambers at 4:12 p.m.\*\***

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND RASHEED BADEER AND MEDIA KAJAN FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 623 SOUTH 19<sup>TH</sup> STREET - David Landis, Urban Development Director, came forward and stated this house was built using Federal Home Funds to increase affordable housing units. The asking price for this property is \$120,000.00 and this is the second of two newly constructed homes. Discussion followed.

Cyndi Lamm, Council Member, asked about the special fund that we use to build the house and if we put money back into that special fund when the house is sold.

Mr. Landis stated when the City buys and sells land with money that comes from Federal Funds the money needs to go back into a special fund to be spent in a way that is consistent with Federal Law. Discussion followed.

Carl Eskridge, Council Member, inquired how much it cost to build this house on this property.

Mr. Landis stated this house cost \$160,000.00 to build and is selling for \$120,000.00. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Fellers returned to Council Chambers at 4:14 p.m.\*\***

AMENDING CHAPTER 3.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE FORMULATION AND SUBMITTAL OF THE BIENNIAL BUDGET BY AMENDING SECTION 3.06.020 TO CHANGE THE DATE BY WHICH THE MAYOR'S RECOMMENDED BIENNIAL BUDGET MUST BE SUBMITTED TO THE CITY COUNCIL TO JUNE 15<sup>TH</sup> AND REPEALING SECTION 3.06.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;

A RESOLUTION ESTABLISHING THE TIMELINE FOR THE PREPARATION AND APPROVAL OF THE CITY'S BIENNIAL BUDGET - Jeff Kirkpatrick, City Attorney, came forward and stated this codifies the discussion that came out of last years budget process. The resolution sets out the timeline for the next budget process with two schedules for the timeline. The ordinance states after this biennial budget process is done, in future years, the Finance Department will develop a process timeline and come to the City Council with process and the Council may make any changes that they want to the process.

Leirion Gaylor Baird, Council Chair, stated this is in response to the concerns raised by Council Members about the role that the Council plays in the budget process. Lincoln is a growing City and there is a lot more to manage every year and we all take that responsibility really seriously. This establishes a new annual budget review. It will mean that the Council is meeting with departments and discussing their budget and their fiscal situations on an annual basis. And during the year that the Mayor proposes a new biennial budget, the meeting will also serve as a forum for the City Council to provide initial budget input and establish their priorities prior to the development of the Mayors budget. This will also move the release of the Mayors budget up a month to June 15. Discussion followed.

Kyle Fisher, Lincoln Chamber of Commerce, 1128 Lincoln Mall, Suite 100, came forward in support. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 16010 – DECLARING APPROXIMATELY 4,525 SQUARE FEET OF PROPERTY GENERALLY LOCATED ADJACENT TO 710 HILL STREET IN STANDING BEAR PARK AS SURPLUS PROPERTY;

APPROVING A PROPERTY PURCHASE AND SALE AGREEMENT FOR THE SALE OF APPROXIMATELY 4,123.35 SQUARE FEET IN THE SOUTHEAST CORNER OF STANDING BEAR PARK TO LINCOLN PUBLIC SCHOOLS FOR CIRCULATION ASSOCIATED WITH OPERATION OF A FOOD DISTRIBUTION CENTER ON THE ABUTTING LPS PROPERTY - Nicole Fleck-Tooze, Parks & Recreation, came forward and stated this is a surplus and sale agreement to transfer 4,123.35 square feet to Lincoln Public Schools. This property will help Lincoln Public Schools construct a driveway to the distribution center on the adjacent lot. They will also provide landscape screening for the truck parking. This has been reviewed by both Parks & Recreation Advisory Board and the Planning Commission with unanimous recommendations of approval from both of those groups. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 17003 – APPLICATION OF NEW COVENANT COMMUNITY CHURCH FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 6000 SOUTH 84<sup>TH</sup> STREET;

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 298**

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND NEW COVENANT COMMUNITY CHURCH (DEVELOPER) TO PROHIBIT CERTAIN R-T DISTRICT USES WHICH SHOULD NOT BE LOCATED ON THE DEVELOPER'S PROPERTY WITHIN A PIPE LINE PLANNING AREA NEXT TO AN EXISTING NATURAL GAS LINE - Craig Zachariasen, Associate Pastor of New Covenant Community Church, 6721 South 66<sup>th</sup> Street, came forward and stated they are wanting to sell a portion of the land the Church owns to open it up for housing that is needed in this part of town. We are looking to sell this property to Prairie Homes who will develop the land. Discussion followed.

Tim Gergen, Engineer with Clark Enersen Partners Architecture, 1010 Lincoln Mall, Suite 200, came forward and stated they will be keeping the existing drainage way as is, as well as, keeping as many trees as possible in that area for a buffer between the Church and the proposed residential area. We are looking to build single family townhomes in the area. There is a gas pipeline in a corner of the proposed property that is R-T zone, where there is a setback area that will not be developed. A zoning agreement with the City has been signed that prohibits any residential development on the R-T zoned area. Discussion followed.

**\*\*Council Member Camp left Council Chambers at 4:44 p.m.\*\***

Leirion Gaylor Baird, Council Chair, wanted to confirm that all of the issues had been taken care of in this agreement.

David Cary, Planning Director, came forward and stated yes.  
This matter was taken under advisement.

CHANGE OF ZONE 16042 – APPLICATION OF EMLI, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3255 A STREET;

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND EMLI, LLC (DEVELOPER) TO PROHIBIT THE USE OF THE PROPERTY GENERALLY LOCATED AT 3255 A STREET FOR A RANGE OF COMMERCIAL AND RETAIL USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD UNDER THE PROPOSED CHANGE OF ZONE 16042 - Daniel Osmanovic, Neighborhood Café, 3255 A Street, applicant, came forward asking for approval. Discussion followed.

Carl Eskridge, Council Member, stated that this was a former medical office that he is wanting to turned into a Café. Asking Mr. Osmanovic what type of food he would have at the Café, and that there are no plans to have alcohol at this business.

Mr. Osmanovic stated this will be European Food that is really healthy, with no alcohol. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Camp returned to Council Chambers at 4:48 p.m.\*\***

ANNEXATION 17002 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 61.91 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET;

CHANGE OF ZONE 17002 – APPLICATION OF JACK A. HERBERT, TRUSTEE OF THE MARIE A HERBERT TRUST, MARIE A. HERBERT, TRUSTEE OF THE JACK A. HERBERT TRUST, AND BLUE ROCK INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET;

APPROVING A CONDITIONAL ANNEXATION AND ZONING AGREEMENT AMONG JACK A. HERBERT, TRUSTEE OF THE MARIE A. HERBERT TRUST, MARIE A. HERBERT, TRUSTEE OF THE JACK A. HERBERT TRUST, BLUE ROCK INVESTMENTS, LLC, AND THE CITY OF LINCOLN REGARDING THE CONSTRUCTION OF VARIOUS PUBLIC IMPROVEMENTS NECESSITATED BY THE REQUESTED ANNEXATION OF PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET - Mark Hunzeker, Baylor Evnen Curtis Gruit, 1248 O Street, Suite 600, came forward on behalf of Herbert Development requesting an extension of the Indian Hills Agreement that was done in the 1970's. They have been waiting for the extension to Stevens Creek Sewer for this property to be developed. These lots will be generously sized and we think there is a great demand for this. Discussion followed.

Jon Camp, Council Member, inquired about the total number of lots on this land.

Mr. Hunzeker stated there would be around 150 lots and feels this property will be fully developed in less than five years. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION A-90249 TO A-90273 PASSED BY CITY COUNCIL ON MARCH 6, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR JANUARY, 2017 - 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, APRIL 3, 2017 AT 3:00 P.M. ON THE APPLICATION OF HY-VEE INC DBA HY-VEE RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 7151 STACY LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90315 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 3, 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 Hy-Vee Inc dba Hy-Vee Restaurant for a Class I Liquor License at 7151 Stacy Lane.

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

Introduced by Jon Camp

Seconded by Eskridge & 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:

Change of Zone No. 17004 - requested by Civil Design Group, Inc., from AG (Agricultural District) to R-3 (Residential District) on approximately 7.19 acres, more or less, on generally located at South 80th Street and Lilee Lane.

### LIQUOR RESOLUTIONS

APPLICATION OF JINGHPAW, LLC DBA YAMI KOREAN CUISINE FOR A CLASS C LIQUOR LICENSE AT 2840 SOUTH 70<sup>TH</sup> STREET, SUITE 140 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90316 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Jinghpaw, LLC dba Yami Korean Cuisine for a Class "C" liquor license at 2840 South 70<sup>th</sup> Street, Suite 140, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF MUNGGYIT B. HTINGNAN FOR JINGHPAW, LLC DBA YAMI KOREAN CUISINE AT 2840 SOUTH 70<sup>TH</sup> STREET, SUITE 140 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90317 WHEREAS, Jinghpaw, LLC dba Yami Korean Cuisine located at 2840 South 70<sup>th</sup> Street, Suite 140, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Munggyit B. Htingnan be named manager;

WHEREAS, Munggyit B. Htingnan 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 Munggyit B. Htingnan 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.

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 300**

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAIME A. ESQUIVEL FOR LINCOLN BLUE SUSHI, LLC DBA BLUE SUSHI SAKE GRILL AT 808 R STREET, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90318 WHEREAS, Lincoln Blue Sushi, LLC dba Blue Sushi Sake Grill located at 808 R Street, Suite 200, Lincoln, Nebraska requests that Jamie A. Esquivel be named manager of its facility in accordance with its application for a liquor license.

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 to the Nebraska Liquor Commission that Jamie A. Esquivel be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

MANAGER APPLICATION OF GARRETT D. LOMELI FOR SWIG, LLC DBA 9 SOUTH CHARGRILL AT 844 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90319 WHEREAS, Swig, LLC dba 9 South Chargrill located at 844 South Street, Lincoln, Nebraska requests that Garrett D. Lomeli be named manager of its facility in accordance with its application for a liquor license.

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 to the Nebraska Liquor Commission that Garrett D. Lomeli be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90320 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Glacial Till Vineyard & Winery, LLC for a special designated license to cover an outdoor area measuring approximately 1000 feet by 700 feet plus irregular upper level of baseball field measuring

approximately 600 feet by 700 feet including a bar measuring approximately 20 feet by 12 feet and a buffet area to the south measuring approximately 30 feet by 25 feet at Haymarket Park at 403 Line Drive Circle, Lincoln, Nebraska, on May 25, 2017, between the hours of 6:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF CAPITOL VIEW WINERY & VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90321 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Capitol View Winery & Vineyards for a special designated license to cover an outdoor area measuring approximately 1000 feet by 700 feet plus irregular upper level of baseball field measuring approximately 600 feet by 700 feet including a bar measuring approximately 20 feet by 12 feet and a buffet area to the south measuring approximately 30 feet by 25 feet at Haymarket Park at 403 Line Drive Circle, Lincoln, Nebraska, on May 25, 2017, between the hours of 6:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF STONEBRIDGE VINEYARD, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90322 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Stonebridge Vineyard, Inc. for a special designated license to cover an outdoor area measuring approximately 1000 feet by 700 feet plus irregular upper level of baseball field measuring approximately 600 feet by 700 feet including a bar measuring approximately 20 feet by 12 feet and a buffet area to the south measuring approximately 30 feet by 25 feet at Haymarket Park at 403 Line Drive Circle, Lincoln, Nebraska, on May 25, 2017, between the hours of 6:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 302**

3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

APPLICATION OF JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 1000 FEET BY 700 FEET PLUS IRREGULAR UPPER LEVEL OF BASEBALL FIELD MEASURING APPROXIMATELY 600 FEET BY 700 FEET INCLUDING A BAR MEASURING APPROXIMATELY 20 FEET BY 12 FEET AND A BUFFET AREA TO THE SOUTH MEASURING APPROXIMATELY 30 FEET BY 25 FEET AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE ON MAY 25, 2017 BETWEEN 6:00 P.M. AND 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90323 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of James Arthur Vineyards for a special designated license to cover an outdoor area measuring approximately 1000 feet by 700 feet plus irregular upper level of baseball field measuring approximately 600 feet by 700 feet including a bar measuring approximately 20 feet by 12 feet and a buffet area to the south measuring approximately 30 feet by 25 feet at Haymarket Park at 403 Line Drive Circle, Lincoln, Nebraska, on May 25, 2017, between the hours of 6:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

**PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16-28, 2017 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90324 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 March 1, 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 CLAIM</u>	<u>ALLOWED/SETTLED CLAIM</u>
Bill Slaughter \$1,754.97	Ashton Krogman \$1,881.04

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 Trent Fellers

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

RESOLVING THAT THE CITY COUNCIL WILL NOT RELY ON HIGHER RESIDENTIAL PROPERTY VALUATIONS IN ORDER TO INCREASE SPENDING ABOVE THE LEVEL ESTABLISHED IN THE BIENNIAL BUDGET - PRIOR to reading:

RAYBOULD Moved to delay action for two weeks to Monday, April 3, 2017.

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



LAMM Moved to amend Bill No. 17R-84 by adding commercial property to the language that indicates the City will not rely on increased property tax revenues resulting from higher residential and commercial property valuations in order to increase spending.

Seconded by Fellers.

LAMM Withdrew motion.

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

A-90325 WHEREAS rapidly rising property values led the Lancaster County Assessor to implement a countywide residential property re-evaluation one year ahead of when he was scheduled to do so; and WHEREAS preliminary results indicate that residential property valuations in Lincoln may realize an average increase as much as 12.5% for the next fiscal year; and

WHEREAS last year the City adopted a balanced biennial budget that provided adequate property tax revenue based upon a significantly lower residential property tax base; and

WHEREAS leaving the City's tax rate at the same level for the 2017-2018 fiscal year will result in an unintended and unplanned property tax revenue increase; and

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

1. The City will not rely on the increased property tax revenue resulting from higher residential property valuations in order to increase spending above the level established in the City's biennial budget unless necessary to address unforeseen circumstances as allowed under the Nebraska Budget Act and approved by a majority of the City Council, but will rely upon higher residential valuations as a way to lower the City's property tax rate in FY 2017-2018.

Introduced by Roy Christensen

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

USE PERMIT 126F – APPLICATION OF WILDERNESS WOODS HOLDINGS, LLC TO REDUCE THE PARKING REQUIREMENT FOR OFFICE USES ON LOT 2 FROM 1 STALL PER 300 SQUARE FEET TO 1 STALL PER 350 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT WILDERNESS WOODS PLACE AND EXECUTIVE WOODS DRIVE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90326 WHEREAS, Wilderness Woods Holdings, LLC has submitted an application designated as Use Permit No. 126F to reduce the parking requirement for office uses on Lot 2 under the Use Permit from 1 stall per 300 square feet to 1 stall per 350 square feet, on property generally located at Wilderness Woods Place and Executive Woods Drive, and legally described as:

Lots 5, 6, 7, 8, 14, 15, and Outlot B, Wilderness Woods Office Park Addition; Lots 4, 5, 6, and 7, Wilderness Woods Office Park 1<sup>st</sup> Addition; Lot 1, Wilderness Woods Office Park 2<sup>nd</sup> Addition; and Lot 1 and Outlot A, Wilderness Woods Office Park 4<sup>th</sup> Addition, all located in the Northwest Quarter of Section 25, Township 9 North, Range 6 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

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

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

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

That the application of Wilderness Woods Holdings, LLC, hereinafter referred to as "Permittee", for a waiver to reduce the parking requirement for office uses on Lot 2 from 1 stall per 300 square feet to 1 stall per 350 square feet, on the property legally described above, be and the same is hereby granted upon condition that construction and operation be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an adjustment to the parking requirement on Lot 2 from 1 stall per 300 square feet to 1 stall per 350 square feet.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies.

3. Before occupying the buildings all development and construction is to substantially comply with the approved plans.

4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

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

7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, the terms and conditions of all resolutions approving previous versions of this permit shall remain in full force, except as specifically amended by this resolution.

Introduced by Trent Fellers

Seconded by Eskridge & 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 SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET INTERSECTION SAFETY PROJECT. CITY PROJECT NO. 702661. STATE PROJECT NO. HSIP-5205(1), CN 13147 - PRIOR to reading:

RAYBOULD Motion to Amend No. 1 on Bill No. 17R-80 as follows:

1. On line 7 after the word "bids", insert the following "on March 16, 2017";
2. On line 7 after the words "work and". Insert the words: "selected TCW Construction, Inc. as" and strike the words "shall selected 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 Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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

A-90327 WHEREAS, the City of Lincoln adopted Resolution No. A-86283 on August 11, 2011 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 for the South Coddington and West Van Dorn Street Intersection Safety Project, City Project No. 702661, State Project No. HSIP-5205(1), CN 13147; and

WHEREAS, the State and City received bids for the proposed work and 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 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 Craig Aldridge, Engineering Services, Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Trent Fellers

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

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS - NONE.**

COMP. PLAN CONFORMANCE 17002 – DECLARING APPROXIMATELY 1,200 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17<sup>TH</sup> STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Trent Fellers, declaring approximately 1,200 square feet of City owned property generally located at 2201 South 17<sup>th</sup> Street as surplus, the second time.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND RASHEED BADEER AND MEDIA KAJAN FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 623 SOUTH 19<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Trent Fellers, authorizing the sale of City owned property generally located at 623 South 19<sup>th</sup> Street, Lincoln, Nebraska, and approving the Purchase Agreement for the sale of said property between the City of Lincoln and Rasheed Badeer and Media Kajan, the second time.

AMENDING CHAPTER 3.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE FORMULATION AND SUBMITTAL OF THE BIENNIAL BUDGET BY AMENDING SECTION 3.06.020 TO CHANGE THE DATE BY WHICH THE MAYOR'S RECOMMENDED BIENNIAL BUDGET MUST BE SUBMITTED TO THE CITY COUNCIL TO JUNE 15<sup>TH</sup> AND REPEALING SECTION 3.06.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 3.06 of the Lincoln Municipal Code relating to the Formulation and Submittal of the Biennial Budget by amending Section 3.06.020 to amend the date by which the Mayor's recommended biennial budget must be submitted to the City Council to June 15<sup>th</sup> and repealing Section 3.06.020 of the Lincoln Municipal Code as hitherto existing, the second time.

A RESOLUTION ESTABLISHING THE TIMELINE FOR THE PREPARATION AND APPROVAL OF THE CITY'S BIENNIAL BUDGET. (RELATED ITEMS: 17-16, 17R-36)

COMP. PLAN CONFORMANCE 16010 – DECLARING APPROXIMATELY 4,525 SQUARE FEET OF PROPERTY GENERALLY LOCATED ADJACENT TO 710 HILL STREET IN STANDING BEAR PARK AS SURPLUS PROPERTY (RELATED ITEMS: 17-29, 17-34) - CLERK read an ordinance, introduced by Trent Fellers, declaring approximately 4,123.35 square feet of City owned property generally located adjacent to 710 Hill Street in Standing Bear Park as surplus, the second time.

APPROVING A PROPERTY PURCHASE AND SALE AGREEMENT FOR THE SALE OF APPROXIMATELY 4,123.35 SQUARE FEET IN THE SOUTHEAST CORNER OF STANDING BEAR PARK TO LINCOLN PUBLIC SCHOOLS FOR CIRCULATION ASSOCIATED WITH OPERATION OF A FOOD DISTRIBUTION CENTER ON THE ABUTTING LPS PROPERTY (RELATED ITEMS: 17-29, 17-34) - CLERK read an ordinance, introduced by Trent Fellers, authorizing the sale of real property consisting of approximately 4,123.35 square feet in the southeast corner of Standing Bear Park adjacent to 710 Hill Street, Lincoln, Lancaster County, Nebraska., the second time.

CHANGE OF ZONE 17003 – APPLICATION OF NEW COVENANT COMMUNITY CHURCH FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 6000 SOUTH 84<sup>TH</sup> STREET (RELATED ITEMS: 17-37, 17R-78) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND NEW COVENANT COMMUNITY CHURCH (DEVELOPER) TO PROHIBIT CERTAIN R-T DISTRICT USES WHICH SHOULD NOT BE LOCATED ON THE DEVELOPER'S PROPERTY WITHIN A PIPE LINE PLANNING AREA NEXT TO AN EXISTING NATURAL GAS LINE. (RELATED ITEMS: 17-37, 17R-78)

CHANGE OF ZONE 16042 – APPLICATION OF EMLI, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3255 A STREET. (RELATED ITEMS: 17-38, 17R-81) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND EMLI, LLC (DEVELOPER) TO PROHIBIT THE USE OF THE PROPERTY GENERALLY LOCATED AT 3255 A STREET FOR A RANGE OF COMMERCIAL AND RETAIL USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD UNDER THE PROPOSED CHANGE OF ZONE 16042. (RELATED ITEMS: 17-38, 17R-81)

ANNEXATION 17002 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 61.91 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET. (RELATED ITEMS: 17-40, 17-41, 17R-82) - CLERK read an ordinance, introduced by Trent Fellers, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 17002 – APPLICATION OF JACK A. HERBERT, TRUSTEE OF THE MARIE A HERBERT TRUST, MARIE A. HERBERT, TRUSTEE OF THE JACK A. HERBERT TRUST, AND BLUE ROCK INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET. (RELATED ITEMS: 17-40, 17-41, 17R-82) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A CONDITIONAL ANNEXATION AND ZONING AGREEMENT AMONG JACK A. HERBERT, TRUSTEE OF THE MARIE A. HERBERT TRUST, MARIE A. HERBERT, TRUSTEE OF THE JACK A. HERBERT TRUST, BLUE ROCK INVESTMENTS, LLC, AND THE CITY OF LINCOLN REGARDING THE CONSTRUCTION OF VARIOUS PUBLIC IMPROVEMENTS NECESSITATED BY THE REQUESTED ANNEXATION OF PROPERTY GENERALLY LOCATED AT SOUTH 90<sup>TH</sup> STREET AND A STREET. (RELATED ITEMS: 17-40, 17-41, 17R-82).

#### **ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS**

CHANGE OF ZONE 08010A – APPLICATION OF JLI WEST, INC. TO AMEND THE WOODSIDE VILLAGE PLANNED UNIT DEVELOPMENT, FORMERLY KNOWN AS HUB HALL HEIGHTS COMMERCIAL CENTER, TO ADD A MAXIMUM OF 275 APARTMENT UNITS TO THE

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 306**

COMMERCIAL CENTER AND REDUCE THE OVERALL COMMERCIAL AREA, WITH A DEVELOPMENT PLAN WHICH PROPOSES TO MODIFY STANDARDS OF THE UNDERLYING ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTHWEST 48<sup>TH</sup> STREET AND WEST HOLDREGE STREET (RELATED ITEMS: 17-33, 17R-67) - CLERK read an ordinance, introduced by Roy Christensen, amending Ordinance No. 19083 which (1) transferred: a tract of land composed of a portion of Outlot 'C', Hub Hall Heights 1st Addition, located in the southeast quarter of section 18, township 10 north, range 6 east of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows, the third time.

CHRISTENSEN Moved to pass 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 #20464, is recorded in Ordinance Book 32.

APPROVING AMENDMENT NO. 1 TO THE HUB HALL HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN JLI WEST, INC. AND THE CITY OF LINCOLN, NEBRASKA TO DEVELOP THE PROPERTY WITHIN THE HUB HALL HEIGHTS COMMUNITY PLAN AND HUB HALL HEIGHTS COMMERCIAL CENTER PLANNED UNIT DEVELOPMENT WITH BUILDABLE LOTS ADJACENT TO WEST HOLDREGE STREET ON PROPERTY GENERALLY LOCATED NORTHEAST OF NORTHWEST 48<sup>TH</sup> STREET AND NORTH OF HOLDREGE STREET. (RELATED ITEMS: 17-33, 17R-67) (ACTION DATE: 3/13/17) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90328

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

That Amendment No. 1 to the Hub Hall Heights Conditional Annexation and Zoning Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between JLI West, Inc. and the City of Lincoln, Nebraska, to develop the property within the Hub Hall Heights Community Unit Plan and Hub Hall Heights Commercial Center Planned Unit Development with buildable lots adjacent to West Holdrege Street on property generally located northeast of Northwest 48<sup>th</sup> Street and north of Holdrege Street, is hereby approved and the Mayor is authorized to execute the Amendment No. 1 on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to JLI West, Inc.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Roy Christensen

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

**RESOLUTIONS - 1<sup>ST</sup> READING**

COMP. PLAN CONFORMANCE 17003 – APPROVING AN AMENDMENT TO THE WEST O REDEVELOPMENT PLAN TO ADD THE “NATURE’S VARIETY REDEVELOPMENT PROJECT” TO REMOVE BLIGHT AND SUBSTANDARD CONDITIONS AND STRENGTHEN THE BUSINESS COMMUNITY IN THE WEST O STREET AREA THROUGH THE REDEVELOPMENT OF THREE UNDERDEVELOPED PARCELS THROUGH THE CONSTRUCTION OF AN APPROXIMATELY 24,000 SQUARE FOOT FREEZE-DRYING FACILITY AND DEVELOPMENT OF A PROCESSING CENTER AND A FROZEN STORAGE FACILITY, ON PROPERTY GENERALLY LOCATED AT 3203 WEST VIEW AVENUE AND 235, 301, 311, 321, AND 333 SOUTHWEST 32<sup>ND</sup> STREET.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ASSURE CONSISTENCY WITH FEDERAL AND STATE AIR QUALITY REGULATIONS - PRIOR to reading:

ESKRIDGE Moved to delay introduction one week to 3/27/17.

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

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) SO THAT FEDERAL FUNDS MAY BE USED FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET INTERSECTION SAFETY PROJECT. PROJECT NO. HSIP-5205(1), CN 13147.

APPROVING AN EXTENSION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE CITY OF LINCOLN POLICE DEPARTMENT FOR THE USE OF DMV FACIAL RECOGNITION SYSTEM FOR A FOUR YEAR PERIOD.

AMENDING THE FY 2016-22 CAPITAL IMPROVEMENT PROGRAM TO CHANGE THE FUNDING SOURCE FOR THE LINCOLN POLICE DEPARTMENT CIP PROJECT #0345 – LPD GARAGE- MAINTENANCE & REPAIR FACILITY TO CHANGE THE AMOUNT, FUNDING SOURCES, AND APPROPRIATED FUNDS IN 2016-17.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$1,170,295 FROM FUTURE LABOR SETTLEMENTS TO 0182 ROADWAY AND BRIDGE REHABILITATION TO COVER A PORTION OF THE PROJECTED COST OF THE 84<sup>TH</sup> & HAVELOCK INTERSECTION IMPROVEMENTS.

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

APPROVING A MASTER LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MOBILITIE, LLC FOR THE PURPOSE OF INSTALLING, MAINTAINING, AND OPERATING COMMUNICATIONS EQUIPMENT ON CERTAIN CITY OF LINCOLN PROPERTIES, UTILITY POLES, AND/OR FACILITIES - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Master Lease Agreement between the City of Lincoln and Mobilitie, LLC for the purpose of installing, maintaining, and operating communications equipment on certain City of Lincoln properties, utility poles, and/or facilities, the first time.

CHANGE OF ZONE 16045 – APPLICATION OF EADO, LLC FOR A CHANGE OF ZONE FROM B-4 BUSINESS DISTRICT TO B-4 BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO FOSTER AN URBAN MIXED-USE AREA, INCLUDING OFFICE, RESIDENTIAL, RETAIL, AND OTHER COMMERCIAL ACTIVITIES, ON PROPERTY GENERALLY BOUNDED BY O STREET ON THE NORTH, ANTELOPE CREEK ON THE EAST, K STREET ON THE SOUTH, AND ANTELOPE VALLEY PARKWAY ON THE WEST - CLERK read an ordinance, introduced by Jon Camp, repealing Ordinance No. 19988 (COZ 13026) designating Lots 1 and 2, Block 7 and Outlot I, Antelope Valley 2nd Addition as a Planned Unit Development District and approving the 21st & N Planned Unit Development, and 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.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7<sup>TH</sup> STREET FROM P TO Q STREET, P STREET FROM 7<sup>TH</sup> TO 8<sup>TH</sup> STREET, Q STREET FROM 7<sup>TH</sup> TO CANOPY STREET, AND CANOPY STREET FROM P TO Q STREET FROM MAY 6, 2017 THROUGH OCTOBER 14, 2017; AND ON 8<sup>TH</sup> STREET FROM P TO Q STREET FROM MAY 6, 2017 THROUGH AUGUST 26, 2017 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets; P Street from 7th to 8th Streets; Q Street from 7th to Canopy Streets; and Canopy Street from P to Q Streets; from May 6, 2017 through October 14, 2017, and on 8<sup>th</sup> Street from P to Q Street from May 6, 2017 through August 26, 2017, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

**ADJOURNMENT**

**5:17 P.M.**

CAMP Moved to adjourn the City Council Meeting of March 20, 2017.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

---

Teresa J. Meier, City Clerk

---

Rhonda M. Bice, Office Specialist

**REGULAR MEETING  
MARCH 20, 2017  
PAGE 308**