

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD  
MONDAY, JUNE 26, 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 Christensen; Council Members: Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa J. Meier; Absent: Camp.

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**

GAYLOR BAIRD Nominated Christensen as Chair.

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

CHRISTENSEN 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**

WATER DISTRICT 1208 - 26<sup>TH</sup> STREET FROM H TO J ST - Susie Filipi, Public Works, came forward and explained that Water District 1208 was created in 2015, by a request from Ken Flowerday, a resident, because he had been having poor water pressure and sediment in his water line. Because of the age of the lines there was nothing that could be done by the City except replace the lines. This water district was connected to another water district that was completed the prior year on H Street from 26<sup>th</sup> to 27<sup>th</sup>. The total cost of this project came to \$142,999.48, the City will subsidize \$128,239.48 of the costs. As a reminder, Water Districts are capped at \$40.00 per frontage foot. The assessment total is \$14,680.00 and that amount will be divided between 7 property owners. They will have 20 years to pay these costs plus interest. Discussion followed.

This matter was taken under advisement.

WATER DISTRICT 1209 - C STREET FROM 1<sup>ST</sup> TO 2<sup>ND</sup> ST - Susie Filipi, Public Works, came forward and explained the Water District 1209 was requested in 2015, by Melodee Cummings, a resident, who had been complaining of numerous leaks. With the age of the line, there was nothing that could be done by the City except replace the line. The total cost of this project came to \$145,473.58, the City will subsidize \$131,473.58 of the cost. Although, this situation is slightly different. We did have one gentleman pay to correct his water issues himself and spent a considerable amount of money to do this. Taking this into account, it was decided the City would pay his assessment of \$2,000.00. This water district is also divided between 7 property owners, with 20 years to pay these costs. Discussion followed.

This matter was taken under advisement.

**VOTING SESSION**

WATER DISTRICT 1208 - 26<sup>TH</sup> STREET FROM H TO J ST:

WATER DISTRICT 1209 - C STREET FROM 1<sup>ST</sup> TO 2<sup>ND</sup> ST:

ESKRIDGE Moved approval.

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

**ADJOURNMENT**

**5:37 P.M.**

ESKRIDGE Moved to adjourn sine die the Board of Equalization Meeting.

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

---

Teresa J. Meier, City Clerk

---

Rhonda M. Bice, Office Specialist

**REGULAR MEETING  
JUNE 26, 2017  
PAGE 470**

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 26, 2017 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Christensen; Council Members: Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa Meier; Absent: Camp.

Council Chair Christensen announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He 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 June 19, 2017, reported having done so, found same correct.

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

**PUBLIC HEARING**

REAPPOINTING GREG MCCOWN TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2018 - Greg McCown, 1651 South 23<sup>rd</sup> Street, applicant, came forward and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF JUNE A. WEEDMAN FOR WHITEHEAD OIL COMPANY DBA U-STOP #5 AT 8231 EAST O STREET;

MANAGER APPLICATION OF KAREN A. BRUYETTE FOR WHITEHEAD OIL COMPANY DBA U-STOP #15 AT 7100 PIONEERS BOULEVARD;

MANAGER APPLICATION OF LAURIE A. MADSEN FOR WHITEHEAD OIL COMPANY DBA U-STOP #18 AT 110 WEST O ST;

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #27 AT 1301 SOUTH STREET - June Weedman, 8231 East O Street, Karen Bruyette, 7100 Pioneers Blvd, Laurie Madsen, 110 West O Street, Michael Starkey, 1301 South Street, applicants, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF HEATHER L. CASEBOLT FOR LOF LINCOLN TRS, LLC DBA COUNTRY INN & SUITES BY CARLSON AT 5353 NORTH 27<sup>TH</sup> STREET - Heather Casebolt, 5353 North 27<sup>th</sup> Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF LISA M. KNOELL FOR BPC NEBRASKA, LLC DBA BOSS' PIZZA & CHICKEN AT 1000 SAUNDERS AVENUE - Lisa Knoell, 1000 Saunders Ave., applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BARKEL ENTERPRISES, INC. DBA PANIC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 32 FEET AT PANIC BAR AT 200 SOUTH 18<sup>TH</sup> STREET ON JULY 15, 2017 BETWEEN 8:00 P.M. AND MIDNIGHT - Beth Muehling, 200 South 18<sup>th</sup> Street, came forward and stated this SDL is to celebrate their 35<sup>th</sup> anniversary of being in business. They have had other events in the past in this area, although, this event will be smaller. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1-15, 2017 - Lori Swanson, 4631 Valley Road, Omaha, came forward on behalf of Cynthia Swanson, for a complaint of damage to her sisters water line caused by the City. In October, 2016, the City notified Ms. Swanson the 65 year old tree in her front yard was interfering with City water pipes and would need to be removed and this would be at no cost to Ms. Swanson, the property owner. After the City completed the work on the water line, Ms. Swanson noticed that her water bills were higher and also noticed water pooling in the area the tree was removed from. Ms. Swanson feels that when the City removed the tree and repaired the water pipe they disturbed another pipe that was only 4 feet away from the original site. They feel the second break in the water line was caused by the City's prior work in the area and that the City should pay for the repairs. Discussion followed.

**REGULAR MEETING  
JUNE 26, 2017  
PAGE 472**

Jeff Kirkpatrick, City Attorney, came forward and stated Wastewater noticed roots in the pipe and that the roots of this tree had also grown around the stop box. Repairs were made to the pipe and the stop box was replaced. Additional repairs to the water pipe are the responsibility of the property owner. Since the City was not negligent in removing the tree or replacing the pipes, they are not responsible for the repairs of the water line break. Discussion followed.

This matter was taken under advisement.

**APPROVING THE FISCAL YEAR 2017 ANNUAL ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME, AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS -** David Landis, Urban Development Director, came forward and stated the money goes towards housing, homelessness and neighborhood revitalization. This is the fifth and final year of the FY 2013-2017 Strategic Plan that is required by the Federal Government, with an annual update. The three sources of funds are CDGB (Community Development Block Grant), HOME (Home Investment Partnership) and ESG (Emergency Solutions Grant). In this case, there is an amendment we would like Council to consider, some of the amounts were changed in the middle of this process. We have received an additional \$30,000.00 in CDGB funds, \$2,500.00 in Home funds and \$8,500.00 in ESG funds, we are asking for approval on this resolution. Discussion followed.

Cyndi Lamm, Council Member, asked if the required meeting was held and if the information would be included on the application.

Mr. Landis said yes, three people did come to the required meeting and that information would be added to the application. Discussion followed.

This matter was taken under advisement.

**SPECIAL PERMIT 17010 – APPEAL OF RONALD H. WILHELM AND HERBERT J. AND DANIEL H. FRIEDMAN FROM THE PLANNING COMMISSION’S APPROVAL OF A SPECIAL PERMIT FOR AN INDOOR KENNEL WITH AN OUTDOOR AREA THAT PERMITS MORE THAN THREE ANIMALS AT A TIME, ON PROPERTY GENERALLY LOCATED AT 222 NORTH 44<sup>TH</sup> STREET -** Herb Friedman, 3800 Normal Boulevard, came forward and stated he is a property owner in the area and is appealing the special permit for the dog kennel that should be referred to as a dog park. With this special permit, the kennel owners would be allowed to have 30 dogs in the outside area at one time, instead of the 3 dogs that is currently allowed outside at one time. Having that many dogs outside at one time would be very disruptive to this area. We have made an effort to approach the applicants about a compromise to changing the allowed 30 dogs to 15 dogs, with no response from them. We have also been working with a developer on developing this area as well. Discussion followed.

Cyndi Lamm, Council Member, inquired about the development plans in this area Mr. Friedman had mentioned.

Mr. Friedman stated they have had discussions with a local developer for almost a year. The discussions with the developer have been about using this area as a mixed-use area with apartments, retail and office space. We think that this special permit will make it difficult to develop this area and how it might be difficult to rent out the existing space in these buildings with the addition of the outside dog park area. They were not notified about this, they read about it in the news paper. Discussion followed.

Ron Wilhelm, 1301 Piper Way, came forward, stating he owns land abutting the east side of the dog park area, and is opposed to the dog park. Discussion followed.

Jane Raybould, Council Member, asked if Mr. Wilhelm was aware of all the conditions that the Planning Commission and the Planning Department have put on this property. Discussion followed.

Mr. Wilhelm said yes, he was aware of these conditions and still has concerns. Discussion followed.

Roy Christensen, Council Chair, inquired how long the building had been empty prior to Mr. Kilmers purchase of it.

Mr. Wilhelm said for about 6 to 7 years.

Christy Schwartzkoph Schroff, Schwartzkoph Schroff & Tricker, LLP, 300 North 44<sup>th</sup> Street, came forward on behalf of Paws 4 Fun LLC, stating that not only is she their attorney but is also a neighbor to Paws 4 Fun. As a neighbor they are very excited about the revitalization of this block and this building. It has been empty for the past few years and she feels this will be good for the area. Discussion followed.

Leon Kilmer, 1531 Kingston Road, came forward and stated they are mostly an indoor dog park with an area outdoors. The neighboring owners did not talk with us on their development plans until after we started demolition of our building. We gave them two months to get this area designated as a blighted area and secure TIF funds. They were not able to do that so we continued with our construction. With the apartments across the street, we spoke with the manager not the owner and they are a dog friendly building with their own outside area for dogs. As far as how many handlers per dog, according to Nebraska laws there is none, we want to change this. We will model after Colorado Laws, they require one handler per 10 to 15 dogs. We have plans in place for barking dogs, we don't want to be an annoyance or a nuisance, we don't want dogs barking all of the time either.

Brad Beam, 3710 Woods Avenue, came forward in favor of this special permit. Discussion followed.

Ms. Gaylor Baird asked what the Cities position is with the concerns raised on number of dogs and the noise levels for barking dogs.

Steve Henrichsen, Planning Department, came forward and stated they have checked with Animal Control at the Health Department to see if they had any concerns, if they had any information on 10, 20 or 30 dogs barking at once. Animal Control said they did not have a lot of information on this nor had there been a lot of concerns. It was decided that this special permit would allow up to 30 dogs, with a specific condition. If there are multiple noise complaints to Animal Control and it is substantiated, they are in violation of the noise ordinance and that would be grounds for revoking the special permit. The Planning Commission and the Planning Department both agreed with this condition in the special permit. Discussion followed.

Steve Beal, Manager of Animal Control, came forward and stated that the monitoring of barking is usually done on a complaint basis unless one of our staff is out patrolling and observes it. Once there is a complaint, a letter would be sent to the owner of the facility. This letter would inform the owner of the complaint and that they then have 10 days respond and take care of the situation. Then Animal Control would follow up with the complaint after the 10 days. If we continue to receive complaints, we would call and or visit the owner and a citation could be written if the Animal Control Officer believes that they are in violation of the Lincoln Municipal Code. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Gaylor Baird left Council Chambers at 7:05 p.m.\*\***

COMP. PLAN CONFORMANCE 17008 – APPROVING AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM TO AMEND PUBLIC WORKS AND UTILITIES PROJECT #0048 WATER DISTRIBUTION MAINS-AREA 6, ROKEBY ROAD, 84<sup>TH</sup> STREET TO 91<sup>ST</sup> STREET, TO EXTEND THE PROJECT BOUNDARY FROM 91<sup>ST</sup> STREET TO 94<sup>TH</sup> STREET, DESIGNATE THE PROJECT FOR CONSTRUCTION IN FY 2016-17, DESIGNATE LES AS THE FUNDING SOURCE, AND APPROPRIATE THE LES FUNDS IN FY 2016-17. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17);

COMP. PLAN AMENDMENT 17002 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY EXPANDING FUTURE SERVICE LIMIT TO INCLUDE THE PROPOSED LINCOLN ELECTRIC SYSTEM SOUTHEAST SERVICE CENTER SITE, ON PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD, AND TO MOVE THE SITE FROM TIER III TO TIER I B PRIORITY GROWTH AREA. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17);

ANNEXATION 17004 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 283.79 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162);

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND LINCOLN ELECTRIC SYSTEM REGARDING LES' AGREEMENT TO PAY THE COST TO OBTAIN RURAL WATER DISTRICT NO. 1, LANCASTER COUNTY'S RELEASE OF THE PROPERTIES BEING ANNEXED BY THE CITY LOCATED WITHIN THE RWD BOUNDARIES RELATING TO THE NEW LES OPERATING CENTER AT SOUTH 98<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17 - Tom Bruggeman, Olsson Associates, 601 P Street, Suite 200, came forward on behalf of LES, who is currently building a second service center that they feel is very important to the Lincoln community. This service center will increase response time in an emergency, increase the reliability of response times to ratepayers, and ensure that the electric utility can effectively address growth needs. Discussion followed.

**\*\*Council Member Gaylor Baird returned to Council Chambers at 7:07 p.m.\*\***

Richard Esquivel, 733 West Cuming Street, came forward with concerns of the cost of this project and who would be paying for this project. Discussion followed.

Trish Owen, Vice President of Corporate Operations for LES, 2620 Fairfield Street, and Kevin Wailes, CEO of LES, 1040 O Street, came forward and stated that LES is paying the costs for this project. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING GREG MCCOWN TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2018 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90538 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Greg McCown to the Historic Preservation Commission, for a term expiring April 15, 2018, is hereby approved.

Introduced by Bennie Shobe

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

**REGULAR MEETING  
JUNE 26, 2017  
PAGE 474**

APPROVING THE LINCOLN/LANCASTER COUNTY HUMAN SERVICES GRANT GUIDELINES - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90539 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Lincoln/Lancaster County Human Services Grant Guidelines are hereby accepted and approved.

The City Clerk is directed to return an executed copy of this Resolution to Sara Hoyle, Human Services for transmittal to the Joint Budget Committee.

Introduced by Bennie Shobe

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 12, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, JULY 10, 2017 AT 3 P.M. ON THE APPLICATION OF MCKINNY'S PUB LLC DBA MCKINNY'S IRISH PUB FOR A ~~CLASS I LIQUOR~~ CATERING LICENSE AT 151 NORTH 8<sup>TH</sup> STREET, SUITE 140 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90540 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 McKinny's Pub LLC dba McKinny's Irish Pub for a Catering License at 151 North 8th Street, Suite 140.

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

SETTING THE HEARING DATE OF MONDAY, JULY 10, 2017 AT 3 P.M. ON THE APPLICATION OF 1515-3 MARKET STREET INC. DBA QUALITY INN FOR A CLASS I LIQUOR LICENSE AT 3200 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90541 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 1515-23 Market Street Inc. dba Quality Inn for a Class I Liquor License at 3200 NW 12<sup>th</sup> 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 Raybould & carried by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JULY 17, 2017 AT 3 P.M. ON THE APPLICATION OF FTB HOSPITALITY LLC DBA THE SPIGOT FOR A CLASS C LIQUOR LICENSE AT 1624 O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90542 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 17, 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 FTB Hospitality LLC dba The Spigot for a Class C Liquor License at 1624 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 Raybould & carried by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Camp.

**MISCELLANEOUS REFERRALS**

SETTING THE HEARING DATE OF MONDAY, JULY 10, 2017 AT 3:00 P.M. ON THE APPLICATION OF KELLI'S PUB LLC DBA KELLI'S PUB AT 1318 NORTH 66<sup>TH</sup> STREET FOR THE ADDITION OF AN AREA MEASURING APPROX 27' X 27' - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90543 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 Kelli's Pub LLC dba Kelli's Pub at 1318 North 66th Street for an addition of an area measuring approx 27' X 27'.

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

### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JUNE A. WEEDMAN FOR WHITEHEAD OIL COMPANY DBA U-STOP #5 AT 8231 EAST O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90544 WHEREAS, Whitehead Oil Company dba U-Stop #5 located at 8231 East O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that June A. Weedman be named manager;

WHEREAS, June A. Weedman 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 June A. Weedman 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 Carl Eskridge

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

MANAGER APPLICATION OF KAREN A. BRUYETTE FOR WHITEHEAD OIL COMPANY DBA U-STOP #15 AT 7100 PIONEERS BOULEVARD - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90545 WHEREAS, Whitehead Oil Company dba U-Stop #15 located at 7100 Pioneers Boulevard, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Karen A. Bruyette be named manager;

WHEREAS, Karen A. Bruyette 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 Karen A. Bruyette 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 Carl Eskridge

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

MANAGER APPLICATION OF LAURIE A. MADSEN FOR WHITEHEAD OIL COMPANY DBA U-STOP #18 AT 110 WEST O ST - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90546 WHEREAS, Whitehead Oil Company dba U-Stop #18 located at 110 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Laurie A. Madsen be named manager;

WHEREAS, Laurie A. Madsen 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 Laurie A. Madsen 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 Carl Eskridge

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

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #27 AT 1301 SOUTH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90547 WHEREAS, Whitehead Oil Company dba U-Stop #27 located at 1301 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Michael L. Starkey be named manager;

WHEREAS, Michael L. Starkey 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:

**REGULAR MEETING  
JUNE 26, 2017  
PAGE 476**

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael L. Starkey 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 Carl Eskridge

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

MANAGER APPLICATION OF HEATHER L. CASEBOLT FOR LOF LINCOLN TRS, LLC DBA COUNTRY INN & SUITES BY CARLSON AT 5353 NORTH 27<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90548 WHEREAS, LOF Lincoln TRS, LLC dba Country Inn & Suites by Carlson located at 5353 North 27<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Heather L. Casebolt be named manager;

WHEREAS, Heather L. Casebolt 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 Heather L. Casebolt 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 Carl Eskridge

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

MANAGER APPLICATION OF LISA M. KNOELL FOR BPC NEBRASKA, LLC DBA BOSS' PIZZA & CHICKEN AT 1000 SAUNDERS AVENUE - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90549 WHEREAS, BPC Nebraska, Inc. dba Boss' Pizza & Chicken located at 1000 Saunders Avenue, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Lisa M. Knoell be named manager;

WHEREAS, Lisa M. Knoell 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 Lisa M. Knoell 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 Carl Eskridge

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

APPLICATION OF BARKEL ENTERPRISES, INC. DBA PANIC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 32 FEET AT PANIC BAR AT 200 SOUTH 18<sup>TH</sup> STREET ON JULY 15, 2017 BETWEEN 8:00 P.M. AND MIDNIGHT - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90550 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 Barkel Enterprises, Inc. dba Panic for a special designated license to cover an outdoor area measuring approximately 45 feet by 32 feet at Panic Bar at 200 South 18<sup>th</sup> Street, Lincoln, Nebraska, on July 15, 2017, between the hours of 8:00 p.m. and midnight, 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 Carl Eskridge

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



**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 JUNE 1-15, 2017 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90551 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 June 15, 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>	
Cynthia Swanson	NAS*	Black Hills Energy	\$1,090.40
Craig Gude	\$ 723.38	Dana V. Baker	487.45
Brenda Grgurich	240.88		
Progressive Insurance			
a/s/o Janette Eden-Neal	5,150.30		
Hannah Johnson	NAS*		
Annette Danczak	2,617.67		
Stacey Werth-Sweeney	1,486.09		
Black Hills Energy	331.94		
Black Hills Energy	1,360.88		
Christopher J. Varga	5,000.00		
Mike Wooten	200.00		
Blue Cross Blue Shield			
a/s/o Lancaster County	1,754.03		

\* 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 Bennie Shobe

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

APPROVING THE FISCAL YEAR 2017 ANNUAL ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME, AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS - PRIOR to reading:

ESKRIDGE Moved Motion to Amend #1 on Bill No. 17R-164 in the following manner:

Substitute the FY 2017 Action Plan attached hereto for the FY 2017 Action Plan attached to Bill No. 17R-164.

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

CLERK Read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90552 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2017 Annual Action Plan: One Year Use of Funds outlining the activities and initiatives of Urban Development for Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and the McKinney-Vento Homeless Assistance Act of 1987; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2017 Action Plan, as prescribed in the Community Development Block Grant Regulations, the HOME Investment Partnerships Act Regulations and 24 C.F.R., Part 91, and the McKinney-Vento Homeless Assistance Act, including Title 24 C.F.R., Part 576.

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

That the FY 2017 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2017 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2017 in the amount of \$2,681,252 (\$1,701,414 CDBG; \$835,102 HOME; and \$144,736 ESG) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to

submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan and acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2017 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about -
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free work-place;
    - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
  - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
    - i. Abide by the terms of the statement; and
    - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
    - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
  - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
  - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
  - c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln, is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further, the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG and HOME funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2017 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2016 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:
  - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d *et seq.*), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.
7. The City's notification, inspection, testing, and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.
8. The City will comply with all applicable laws.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2017 Action Plan that:

1. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;
2. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the Emergency Solutions Grant (ESG) program portion of the FY 2017 Action Plan that:

1. If either the cost of an emergency shelter's rehabilitation or the cost to convert a building into an emergency shelter exceed 75 percent of the value of the building before rehabilitation, the City will maintain the building as a shelter for homeless individuals and families for a minimum of ten (10) years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation or conversion;
2. In all other cases where ESG funds are used for renovation, the City will maintain the building as a shelter for homeless individuals and families for a minimum of three (3) years after the date the building is first occupied by a homeless individual or family after the completed renovation;
3. In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the City serves the same type of persons or persons in the same geographic area;
4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;
5. The City will assist homeless individuals in obtaining permanent housing, appropriate supportive services, and other Federal, State, local, and private assistance available for these individuals;
6. The City will obtain matching amounts required under 24 CFR 576.201;
7. The City has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter;
8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services under the program, and in providing services for occupants of facilities assisted under the program.
9. All activities the City undertakes with assistance under the ESG are consistent with the City's consolidated plan; and
10. The City will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions of care in order to prevent this discharge from immediately resulting in homelessness for these persons.

Introduced by Bennie Shobe

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WITH A CONSTRUCTION MANAGER AT RISK FOR THE FOUR FIRE AND POLICE/FIRE STATIONS FUNDED BY THE THREE YEAR QUARTER CENT SALES TAX APPROVED BY VOTERS IN 2015 - PRIOR to reading:

LAMM Moved to Withdraw the application.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4682 & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT 17010 – APPEAL OF RONALD H. WILHELM AND HERBERT J. AND DANIEL H. FRIEDMAN FROM THE PLANNING COMMISSION’S APPROVAL OF A SPECIAL PERMIT FOR AN INDOOR KENNEL WITH AN OUTDOOR AREA THAT PERMITS MORE THAN THREE ANIMALS AT A TIME, ON PROPERTY GENERALLY LOCATED AT 222 NORTH 44<sup>TH</sup> STREET - PRIOR to reading:

LAMM Moved to amend Bill No. 17R-167 by changing the permit to say “it approves a kennel with an allowance of up to 15 animals in the outdoor area”.

Motion failed due to lack of second.

CLERK Read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90553 WHEREAS, Paws 4 Fun LLC has submitted an application designated as Special Permit No. 17010 for a kennel, with allowance for up to 30 animals in the outdoor area at any one time, on property generally located at 222 North 44<sup>th</sup> Street, and legally described as:

Lot 2, Meginnis Addition, located in the Southwest Quarter of Section 20, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on May 24, 2017 on said application and adopted Resolution No. PC-01555 approving the same; and

WHEREAS, Ronald H. Wilhelm and Herbert J. Friedman, on behalf of Herbert J. Friedman/Daniel H. Friedman, have each filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 17010; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 17010; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this special permit will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and 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 Paws 4 Fun LLC, hereinafter referred to as "Permittee", for a special permit for a kennel, with allowance for up to 30 animals in the outdoor area at any one time, on the property described above, be and the same is hereby granted under the provisions of Section 27.63.790 of the Lincoln Municipal Code upon condition that the development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a kennel with an allowance for up to 30 animals in the outdoor area at any one time between the hours of 7:00 a.m. and 10:00 p.m. only.
2. Before receiving building permits:
  - a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including 3 copies with all required revisions as listed below:
    - i. Retain existing easements as noted by Lincoln Electric System.
    - ii. Add a note that the parking and building layout is general and can be amended at time of building permit without amendment to the Special Permit.
  - b. The Permittee shall provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
3. In the event of repeated violations of Lincoln Municipal Code § 6.04.435, the Special Permit may be revoked.
4. Before occupying the buildings all development and construction shall substantially comply with the approved plans.
5. 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.
6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
7. 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 until the letter of acceptance has been filed.

Introduced by Bennie Shobe

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

**REGULAR MEETING**

**JUNE 26, 2017**

**PAGE 482**

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS**

COMP. PLAN CONFORMANCE 17008 – APPROVING AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM, TO AMEND PUBLIC WORKS AND UTILITIES PROJECT #0048 WATER DISTRIBUTION MAINS-AREA 6, ROKEBY ROAD 84<sup>TH</sup> STREET TO 91<sup>ST</sup> STREET TO EXTEND THE PROJECT BOUNDARY FROM 91<sup>ST</sup> STREET TO 94<sup>TH</sup> STREET, DESIGNATE THE PROJECT FOR CONSTRUCTION IN FY 2016-17, DESIGNATE LES AS THE FUNDING SOURCE, AND APPROPRIATE THE LES FUNDS IN FY 2016-17. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17)

COMP. PLAN AMENDMENT 17002 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY EXPANDING FUTURE SERVICE LIMIT TO INCLUDE THE PROPOSED LINCOLN ELECTRIC SYSTEM SOUTHEAST SERVICE CENTER SITE, ON PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD, AND TO MOVE THE SITE FROM TIER III TO TIER I B PRIORITY GROWTH AREA. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17)

ANNEXATION 17004 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 283.79 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) - CLERK read an ordinance, introduced by Bennie Shobe, 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.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND LINCOLN ELECTRIC SYSTEM REGARDING LES' AGREEMENT TO PAY THE COST TO OBTAIN RURAL WATER DISTRICT NO. 1, LANCASTER COUNTY'S RELEASE OF THE PROPERTIES BEING ANNEXED BY THE CITY LOCATED WITHIN THE RWD BOUNDARIES RELATING TO THE NEW LES OPERATING CENTER AT SOUTH 98<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) (ACTION DATE: 7/10/17)

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS - NONE.**

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

REAPPOINTING DENNIS SCHEER, PETER C. (CHRIS) HOVE, AND TRACY CORR TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR TERMS BEGINNING AUGUST 25, 2017 AND EXPIRING ON AUGUST 24, 2023.

APPROVING A SERVICE AGREEMENT BETWEEN THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT (LLCHD) AND UNMC COLLEGE OF DENTISTRY FOR FIELD AND CLINICAL EXPERIENCES IN PUBLIC HEALTH DENTISTRY FOR DENTAL HYGIENE STUDENTS FOR A THREE YEAR TERM BEGINNING JULY 1, 2017 AND EXPIRING ON JUNE 30, 2020.

APPROVING THE GRANT RENEWAL FROM THE DIVISION OF PUBLIC HEALTH TOBACCO FREE NEBRASKA PROGRAM TO THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$643,168.00 FOR PROGRAM GOALS OF REDUCING SECONDHAND SMOKE EXPOSURE, PREVENTING YOUTH TOBACCO INITIATION, REDUCING TOBACCO DISPARITIES, AND PROMOTING LOCAL CESSATION RESOURCES FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2019.

APPROVING THE JOINT BUDGET COMMITTEE FUNDING FOR 2017 – 2018.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO PROVIDE \$20 MILLION FOR THE RAILROAD RELATED PORTION OF THE SOUTH BELTWAY IMPROVEMENTS.

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

CHANGE OF ZONE 17007 – APPLICATION OF TAYLOR INVESTMENT COMPANY, ROBERT EDWIN SIMPSON, AND JOSEPH M. AND JOANNE M. HOLMES FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED ONE BLOCK SOUTH OF THE O STREET CORRIDOR BETWEEN SOUTH 56<sup>TH</sup> STREET AND SOUTH COTNER BOULEVARD ON THE SOUTH SIDE OF N STREET. (RELATED ITEMS: 17-79, 17R-163) - 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.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT AMONG THE CITY, TAYLOR INVESTMENT COMPANY, ROBERT EDWIN SIMPSON, AND JOSEPH M. AND JOANNE M. HOLMES TO ADDRESS MOTOR VEHICLE ACCESS, GRADING, AND DRAINAGE REQUIREMENTS, PLANTING OF STREET TREES, RETENTION OF EXISTING TREES, AND INSTALLATION OF SIDEWALKS TO MAKE THE DEVELOPMENT OF PROPERTY LOCATED AT 5633 N STREET, 205 S. COTNER BOULEVARD, AND 215 S. COTNER BOULEVARD COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD UNDER THE PROPOSED CHANGE OF ZONE OF THE PROPERTY FROM R-2 TO R-T. (RELATED ITEMS: 17-79, 17R-163) (ACTION DATE: 7/17/17).

STREET NAME CHANGE 17001 - RENAMING WEST DUBOIS STREET, LOCATED IN HIGHLANDS VIEW 1<sup>ST</sup> ADDITION, AS NORTHWEST DUBOIS STREET - CLERK read an ordinance, introduced by Carl Eskridge, changing the name of West Dubois Street to Northwest Dubois 1 Street, located in Highlands View 1<sup>st</sup> Addition, as recommended by the Street Name Committee, the first time.

### OPEN MICROPHONE

Richard Esquivel, 733 West Cuming Street, came forward with concerns on TIF funds and how they are being used. Discussion followed.

This matter was taken under advisement.

Mary Pipher, 3150 South 58<sup>th</sup> Street, came forward with concerns of the new Costco Chicken Plant in Fremont, Nebraska, and feels this plant could contaminate water downstream which would affect Lincoln. Saying that they need to do an environmental impact study. Discussion followed.

This matter was taken under advisement.

Randy Rupert, Nebraska Communities United, 2108 County Road O, Fremont, Nebraska, came forward with concerns of the new Costco Chicken Plant in Fremont, Nebraska, and the environmental impact on their water, as well as, the downstream waters in Nebraska. Discussion followed.

This matter was taken under advisement.

Kelly Carstens, 2601 North 44<sup>th</sup> Street, came forward and read a statement with concerns on the new Costco Chicken Plant in Fremont, Nebraska, and the damage it could do to the water that goes downstream to Lincoln. Stating they have not done any studies on contamination to rivers and groundwater with this Costco plant. Discussion followed.

This matter was taken under advisement.

Matt Gregory, 632 North 25<sup>th</sup> Street, came forward with concerns on the Nebraska's water. And would like an independent analysis done on what the Fremont Chicken Plant will do to Lincoln's water, economy and health. Discussion followed.

This matter was taken under advisement.

Alan Kolok, Director Nebraska Watershed Network for University of Nebraska, 2122 South 106<sup>th</sup> Street, Omaha, Nebraska, came forward and stated he has concerns the Costco Chicken Plant in Fremont has the potential to cost Lincoln residents money in the future for water quality. He feels studies should be done on the possibility of environmental and health impacts and address these concerns. Discussion followed.

This matter was taken under advisement..

John Schauer, 5020 Waverly Road, came forward and stated he worked for NDEQ for over 25 years and feels there will be issues with Lincoln's water quality. There are guidelines set for farmers, although, nothing is monitored after the guidelines have been set. The only way that NDEQ knows there is a problem is after they do a water quality studies for the area. Runoffs from farm fields is not tested or monitored and it should be. Discussion followed.

This matter was taken under advisement.

Ken Winston, 4021 Teri Lane, came forward with concerns on the new Costco Chicken Plant in Fremont and the downstream water quality. Discussion followed.

This matter was taken under advisement.

Nancy Packard, 3037 Sewell Street, came forward with concerns on Lincoln's water quality with the new Costco Chicken Plant in Fremont. Discussion followed.

This matter was taken under advisement.

Graham Christensen, 5653 South 186<sup>th</sup> Street, Omaha, Nebraska, came forward saying that he has concerns with the way the prior hearings were held about the new Costco Plant and that many questions went unanswered. Water quality is also a concern with this plant being built. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING  
JUNE 26, 2017  
PAGE 484**

**ADJOURNMENT**

**8:57 P.M.**

ESKRIDGE      Moved to adjourn the City Council Meeting of June 26, 2017.  
                    Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge,  
                    Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Camp.

---

Teresa Meier, City Clerk

---

Rhonda Bice, Office Specialist