

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 10, 2017 AT 3:00 P.M.**

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

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**

GAYLOR BAIRD Having been appointed to read the minutes of the City Council Proceedings of June 26, 2017, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF 1515-23 MARKET STREET, INC. DBA QUALITY INN FOR A CLASS I LIQUOR LICENSE AT 3200 NORTHWEST 12<sup>TH</sup> STREET;  
MANAGER APPLICATION OF NICOLE L. DEAN FOR 1515-23 MARKET STREET, INC. DBA QUALITY INN AT 3200 NORTHWEST 12<sup>TH</sup> STREET - Darrell Stock, attorney for applicant, 5533 S. 27<sup>th</sup> Street, Suite 203, came forward to take the oath and requested approval.

Carl Eskridge, Council Member, inquired about the liquor license.

Mr. Stock explained they had a hearing in front of the Liquor Commission and what they decided was this location will only serve alcohol in the afternoons for managers receptions. Discussion followed.

Bennie Shobe, Council Member, inquired about the manager training.

Mr. Stock advised the training would be completed Thursday, July 13, 2017.

This matter was taken under advisement.

APPLICATION OF MCKINNY'S PUB, LLC DBA MCKINNY'S IRISH PUB FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 151 NORTH 8<sup>TH</sup> STREET, SUITE 140 - Joel Schossow, 471 Fletcher, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF KELLI'S PUB, LLC DBA KELLI'S PUB TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 27 FEET BY 27 FEET AT 1318 NORTH 66<sup>TH</sup> STREET - Chris Kodad, 10922 Bellaire Drive, Omaha, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF BOURBON ENTERTAINMENT LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 556 FEET BY 525 FEET AT N STREET BETWEEN 14<sup>TH</sup> AND 16<sup>TH</sup> STREETS ON AUGUST 5, 2017 BETWEEN 5:00 P.M. AND 11:59 P.M. - Sean Reagan, Reagan Law Office, 140 N. 8<sup>th</sup> Street, Suite 250, came forward on behalf of Bourbon Entertainment LLC and requested approval. Discussion followed.

Leirion Gaylor Baird, Council Member, asked if the bike lane would be closed.

Mr. Reagan said the bike lane would be closed immediately before and immediately after and at that time the bike lane would be rerouted to N Street.

This matter was taken under advisement.

APPROVING THE JOINT BUDGET COMMITTEE FUNDING FOR 2017 – 2018 - Sara Hoyle, Director of Human Services, came forward and shared the Joint Budget Committee is funding that is split between the City and the County and allows for non-profit entities within the community to reach out to citizens most in need and provide direct services to them. This specific funding allows for four primary areas: adult and youth, behavioral health, food/shelter and victim shelter in the community.

Leirion Gaylor Baird, Council Member, asked about the partnership with United Way.

Ms. Hoyle explained the partnership with United Way helps to get citizen input as to how this funding is best spent in the community. This goes through the United Way Community Process Team who solicits volunteers from various entities across the community to review the applications. They also contract with CPA's to audit the budgets of the selected agencies then they provide input to the Joint Budget Committee. The JBC consists of 2 County Commissioners, 2 City Council Members, an appointee of the Mayor and an appointee of the County Board who does the final review and then make the decisions.

Cyndi Lamm, Council Member, inquired about the County contributions to the JBC this year.

Ms. Hoyle confirmed the County has increased their share by \$200,000.

This matter was taken under advisement.

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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 - Randy Hoskins, Assistant City Engineer with Public Works, came forward and shared the Railroad Transportation Safety District has agreed to contribute \$20 million towards the local match of the project. The City has a 20% local match towards the South Beltway that the City is required to pay. The current estimate for the South Beltway project is \$300 million and the City will have to come up with \$60 million for the project.

Leirion Gaylor Baird, Council Member, asked for clarification on the amounts of the project because the fact sheets shows the City's contribution at \$30 million and RTSD is at \$20 million, but 20% is \$60 million.

Mr. Hoskins explained they are hoping to receive an agreement from the Nebraska Department of Transportation to cap the City's cost at \$50 million. At this point, they have not received the agreement and without the agreement the City does have to pay 20% of the \$600 million.

Cyndi Lamm, Council Member, inquired about the difference in the agreement with NDOR and the agreement that we are hoping for with Nebraska Department of Transportation.

Mr. Hoskins shared the City does expect the agreement with Nebraska Department of Transportation to state if the project comes in less than expected then the City will not see any of the funds back, but if the amount of improvements that would be eligible for RTSD funding do not reach the level of \$20 million then they can ask for that money back.

Roy Christensen, Council Chair, confirmed that this Agreement is only between the City and RTSD and not involving the State.

Mr. Hoskins shared the RTSD has also increased their share by \$7 million. Discussion followed.  
This matter was taken under advisement.

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);

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) - Kent Seacrest, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, came forward representing Taylor Investment Company and stated this is a proposed rezoning from R-2 to R-T. In the R-T zone the buildings are very small and are about 5,000 square feet and look very similar to residential property. On the west side of the property in question, there is already R-T zoning and they intend to continue that. There was a neighborhood meeting and 6 of the neighbors attended and no one showed any opposition. Their bottom line is to not have apartments in that area. They would rather see the office use. In the Zoning Agreement, they addressed limiting access along Cotner and S. 56<sup>th</sup> Street, grading and drainage plans, planting street trees and preserving some trees closer to the neighborhood and installing some sidewalks. Planning Commission approved this application with a vote of 7-0.

Carl Eskridge, Council Member, asked for more explanation on the limited access from Cotner.

Mr. Seacrest explained that right now there is already some of their property in the area and they have already given up their access to 56<sup>th</sup> Street. To the east, there are two single-family homes and they will keep their access until they convert out of single-family home ownership. If those two homes redevelop, they will also be granted access from N Street. Discussion followed.

This matter was taken under advisement.

STREET NAME CHANGE 17001 - RENAMING WEST DUBOIS STREET, LOCATED IN HIGHLANDS VIEW 1<sup>ST</sup> ADDITION, AS NORTHWEST DUBOIS STREET - David Cary, Planning Department Director, came forward on behalf of the Building and Safety Department and stated this change in the design of the preliminary plat where there was predominately an east/west street, which according to the code, with a new alignment and the Dubois portion of this being predominately north/south is required to have a northwest designation for addressing purposes, mainly for emergency service purposes. This change would affect one existing house on that block.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

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 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90554 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointments of Dennis Scheer, Peter C. (Chris) Hove, and Tracy Corr to the Lincoln-Lancaster County Planning Commission, for terms running from August 25, 2017 to August 24, 2023, are hereby approved.

Introduced by Carl Eskridge

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

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 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90555 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska Board of Regents, on behalf of the UNMC College of Dentistry, for the clinical training of dental and dental hygiene students at the Health Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, for a term of July 1, 2017 through June 30, 2020, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Carl Eskridge

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

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 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90556 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Agreement between the Nebraska Department of Health and Human Services, Division of Public Health Tobacco Free Nebraska Program, and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$643,168.00 to develop and implement strategies for reducing tobacco use and exposure to tobacco smoke in schools and communities and eliminate disparities related to tobacco use and its effects among population groups, for a term of July 1, 2017 through June 30, 2019, in accordance with the terms, conditions, and assurances contained in said Agreement, is hereby approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Charlotte Burke, Interim Director of the Lincoln Lancaster County Health Department.

Introduced by Carl Eskridge

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

RESOLUTION SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS OF THE BOARD OF EQUALIZATION HELD MONDAY, JUNE 26, 2017 FOR WATER DISTRICT 1208 AND WATER DISTRICT 1209 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90557 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:  
The special taxes assessed **June 26, 2017**, to pay the costs of the improvements in **Water District 1208 and Water District 1209** are hereby levied and shall bear interest at **4.9915%** per annum and that the period of time in which the assessments are to be paid shall be as follows:  
20 years - Water District 1208 & Water District 1209

Introduced by Leirion Gaylor Baird

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

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REPORT OF BOARD OF EQUALIZATION TO THE CITY COUNCIL ON GROUP II, 2017: WATER DISTRICT 1208 AND WATER DISTRICT 1209 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY 31, 2017 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90558 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended May 31, 2017 \$164,811.51 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Leirion Gaylor Baird

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

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MAY 31, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 19, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 26, 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 24, 2017 AT 3:00 P.M. ON THE APPLICATION OF NORRIS - BLAND LLC DBA MAIN STREET CAFÉ FOR A CLASS C LIQUOR LICENSE AT 1325 O STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90559 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 24, 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 Norris - Bland LLC dba Main Street Cafe for a class C liquor license at 1325 O Street.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, JULY 24, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROBERT D. DAVIS FOR 48 BOWL INC. DBA HOLLYWOOD BOWL AT 920 N. 48<sup>TH</sup> STREET AND PARKWAY LANES AT 2555 S. 48<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90560 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 24, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Robert D. Davis for 48 Bowl Inc. dba Hollywood Bowl at 920 N. 48<sup>th</sup> Street and Parkway Lanes at 2555 S. 48<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 Leirion Gaylor Baird

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

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 17035, to Change of Zone No. 04075G, Village Gardens PUD, approved by the Planning Director on June 26, 2017, to revise the grading and drainage plan by reconfiguring the storm water detention facilities located in the vicinity of S. 68<sup>th</sup> Street and Bridle Lane, generally located at S. 56<sup>th</sup> Street and Pine Lake Road.

LIQUOR RESOLUTIONS

APPLICATION OF 1515-23 MARKET STREET, INC. DBA QUALITY INN FOR A CLASS I LIQUOR LICENSE AT 3200 NORTHWEST 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90561 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 1515-23 Market Street, Inc. dba Quality Inn for a Class "I" liquor license at 3200 Northwest 12th Street, Lincoln, Nebraska, for the license period ending April 30, 2018, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
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 Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF NICOLE L. DEAN FOR 1515-23 MARKET STREET, INC. DBA QUALITY INN AT 3200 NORTHWEST 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90562 WHEREAS, 1515-23 Market Street, Inc. dba Quality Inn located at 3200 Northwest 12th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Nicole L. Dean be named manager;

WHEREAS, Nicole L. Dean 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 Nicole L. Dean be approved as manager of this business for said licensee.

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

Introduced by Jon Camp

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

APPLICATION OF MCKINNY'S PUB, LLC DBA MCKINNY'S IRISH PUB FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 151 NORTH 8<sup>TH</sup> STREET, SUITE 140 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90563 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 McKenny's Pub, LLC dba McKinney's Irish Pub for the addition of a catering license to their existing Class I liquor license located at 151 North 8th Street, Suite 140, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

APPLICATION OF KELLI'S PUB, LLC DBA KELLI'S PUB TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 27 FEET BY 27 FEET AT 1318 NORTH 66<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90564 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 Kelli's Pub, LLC dba Kelli's Pub to expand its licensed premises by the addition of an area measuring approximately 27 feet by 27 feet, at 1318 North 66th Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

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

Introduced by Jon Camp

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

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APPLICATION OF BOURBON ENTERTAINMENT LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 556 FEET BY 525 FEET AT N STREET BETWEEN 14<sup>TH</sup> AND 16<sup>TH</sup> STREETS ON AUGUST 5, 2017 BETWEEN 5:00 P.M. AND 11:59 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90565 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 Bourbon Entertainment LLC for a special designated license to cover an outdoor area measuring approximately 556 feet by 525 feet at N Street between 14th and 16th Streets, Lincoln, Nebraska, on August 5, 2017, between the hours of 5:00 p.m. and 11:59 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 Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING THE JOINT BUDGET COMMITTEE FUNDING FOR 2017 – 2018 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90566 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the 2017-2018 Joint Budget Committee Funding attached hereto, marked as Attachment “A”, and made a part hereof by reference, is hereby 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 Carl Eskridge

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

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 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90567 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding the design and construction of the South Beltway Project.

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

That the attached Interlocal Agreement between the City and RTSD in connection with funding for the South Beltway Project, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

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

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

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 second 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 second time.

### ORDINANCES - 3<sup>RD</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) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90568 WHEREAS, the Public Works and Utilities Project #0048 Water District Mains – Area 6, Rokeby Road 84th Street to 91st Street (Project 0048) has been previously established as a capital improvement project within the Capital Improvement Program adopted by Resolution A-89947; and

WHEREAS, it is necessary to amend the 2016-22 Capital Improvement Project to (i) extend the Project boundary from 91st Street to 94th Street, (ii) designate Lincoln Electric System (LES) as the funding source for Project 0048, (iii) designate the Project for construction in FY 2016-17, and (iv) appropriate the LES funds in 2016-17.

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

1. That the City Council hereby amends Project 0048 to (i) extend the Project boundary from 91<sup>st</sup> Street to 94th Street, (ii) designate the Lincoln Electric System as the funding source, (iii) designate the Project for construction in FY 2016-2017, and (iv) appropriate in FY 2016-2017 the actual cost reimbursement amount from Lincoln Electric System (estimated to be \$718,000) for construction of the 16 inch water distribution main in Area 6, Rokeby Road 84th Street to 94th Street.

2. That the Finance Director is directed to make the necessary adjustments in the 2016-18 biennial budget to appropriate the LES reimbursement funds to Project 0048.

Introduced by Bennie Shobe

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

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) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90569 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, by changing the Future Service Limit in the 2040 Future Land Use Plan to include the property generally located at South 91st Street and Rokeby Road (the “Property”) and change the 2040 Priority Growth Area designation of the Property from Tier III to Tier I, Priority B and to make associated amendments to the Comprehensive Plan; and

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

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

1. Amend the 2040 Lancaster County Future Land Use Plan (Maps 1.1 and 12.1 on pages 1.8 and 12.2 respectively) and the 2040 Lincoln Area Future Land Use Plan (Maps 1.2 and 12.2 on pages 1.9 and 12.3 respectively) to expand the Future Service Limit to include the Property as shown on Exhibit “A”.

2. Amend the 2040 Priority Growth Areas (Maps 1.3 and 12.3 on pages 1.10 and 12.6 respectively) to change the priority area of the Property from Tier III to Tier I, Priority B as shown on Exhibit “A”.

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BE IT FURTHER RESOLVED that all other maps, figures, and plans where the 2040 Future Land Use Plan and 2040 Priority Growth Areas are displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Bennie Shobe

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

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) - PRIOR to reading:

RAYBOULD Moved to Delay Action to 11/6/17 with continued Public Hearing.

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

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 third 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)- CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90570 WHEREAS, Lincoln Electric System ("LES") has implemented plans and is incurring costs for the design and construction of a new operations center on property ("LES Property") located outside the City of Lincoln's corporate limits at the southwest corner of South 98th and Rokeby Road to serve residents of the City of Lincoln and Lancaster County;

WHEREAS, LES anticipates that vertical construction of the new operations center will be in progress and combustible materials will be on site by March 1, 2018;

WHEREAS, in order to have adequate domestic and fire protection water services it will be necessary to have the operations center connected to the City's public water system;

WHEREAS, it will be necessary to annex the LES Property for the new operations center prior to LES' March 1, 2018 occupancy of the operations center as it is the policy of the City to only provide City water service to properties located within the corporate limits of the City;

WHEREAS, in order to annex the LES Property for the new operations center in conformance with state law requirements that the annexed property be contiguous to the corporate limits of the City it is necessary to annex the properties shown on Exhibit 1 attached to the Memorandum of Understanding (MOU) 16" Water Main Installation – Rokeby Road between the City of Lincoln, Nebraska and the Lincoln Electric System ("Memorandum of Understanding") attached hereto as Attachment "A";

WHEREAS, the LES Property is located within the boundaries of Rural Water District No. 1, Lancaster County, Nebraska ("RWD").

WHEREAS, in order to provide water service to the LES Property it is necessary that RWD release the LES Property and other properties being annexed from the boundaries of the RWD.

WHEREAS, RWD and the City have entered into an agreement allowing for release of property within the boundaries of the RWD in exchange for payment compensating the RWD for its loss of revenue from existing and potential customers annexed into the City.

WHEREAS, LES, in consideration of the City annexing the LES Property, has agreed to pay all costs necessary for the City to obtain Rural Water District No. 1, Lancaster County, Nebraska's release of the LES Property and other properties being annexed in order to provide water service to LES' new operation center on property located at the southwest corner of South 98th Street and Rokeby Road as set forth in the attached Memorandum of Understanding.

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

1. That the attached Memorandum of Understanding is hereby approved and the Mayor is hereby authorized to execute said MOU on behalf of the City of Lincoln, Nebraska. The Mayor is further authorized to execute RWD's Application for Annexation Release attached hereto as Attachment "B" on behalf of the City of Lincoln, Nebraska.

BE IT RESOLVED that the City Clerk is directed to transmit a copy of the Resolution, Memorandum of Understanding, and RWD Application for Annexation Release to Lincoln Electric System, attention Trish Owen, and to the Director of the Department of Public Works and Utilities.

Introduced by Bennie Shobe

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



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

COMPREHENSIVE PLAN CONFORMANCE 17009 – APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO IDENTIFY THE TELEGRAPH DISTRICT PHASE 2 REDEVELOPMENT PROJECT WHICH INCLUDES UP TO FOUR AREAS WITH BUILDING AND PARKING IMPROVEMENTS AND CONNECTING STREETScape ENHANCEMENTS GENERALLY LOCATED SOUTH OF O STREET, EAST OF SOUTH 20<sup>TH</sup> STREET, AND WEST OF ANTELOPE CREEK INCLUDING M AND N STREETS.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16-30, 2017.

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

COMPREHENSIVE PLAN AMENDMENT 17005 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE PLAN DESIGNATION FROM “OPEN SPACE” AND “COMMERCIAL” TO “INDUSTRIAL” AND “AGRICULTURAL STREAM CORRIDOR”, ON PROPERTY GENERALLY LOCATED AT NORTH 70<sup>TH</sup> STREET AND ARBOR ROAD. (RELATED ITEMS: 17R-175, 17-87, 17R-182) (ACTION DATE: 7/24/17)

CHANGE OF ZONE 17016 – APPLICATION OF LINCOLN SPORTS FOUNDATION, INC. FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7620 NORTH 70<sup>TH</sup> STREET. (RELATED ITEMS: 17R-175, 17-87, 17R-182) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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 BY AND BETWEEN LINCOLN SPORTS FOUNDATION, INC. AND THE CITY OF LINCOLN, NEBRASKA TO CONSTRUCT AN INDUSTRIAL PARK/WAREHOUSE DEVELOPMENT UNDER THE PROPOSED CHANGE OF ZONE OF THE PROPERTY FROM H-2 HIGHWAY BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT. (RELATED ITEMS: 17R-175, 17-87, 17R-182) (ACTION DATE: 7/24/17)

CHANGE OF ZONE 17008 – APPLICATION OF MJB PROPERTIES, INC. AND CHARLES AND MARY SCHUERMAN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT 6969 SOUTH STREET AND 2215 SOUTH 70<sup>TH</sup> STREET. (RELATED ITEMS: 17-88; 17R-178 ) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 17005 – APPLICATION OF MJB PROPERTIES, INC. AND CHARLES AND MARY SCHUERMAN TO ALLOW FOR OFFICE AND RESIDENTIAL USES AND RELATED IMPROVEMENTS WITH WAIVERS FROM SETBACK AND FRONTAGE REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 6969 SOUTH STREET AND 2215 SOUTH 70<sup>TH</sup> STREET. (RELATED ITEMS: 17-88; 17R-178) (ACTION DATE: 7/24/17)

COMPREHENSIVE PLAN AMENDMENT 17006 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY REVISING THE BOUNDARIES OF THE FUTURE LAND USE PLAN RESIDENTIAL, GREEN SPACE, AND ENVIRONMENTAL RESOURCES DESIGNATION AREAS, EXPANDING THE FUTURE SERVICE LIMIT, AND CHANGING THE FUTURE GROWTH TIER DESIGNATION FROM TIER II TO TIER I PRIORITY C, TIER II TO TIER I PRIORITY A, AND TIER I PRIORITY B TO TIER I PRIORITY A, ON PROPERTY GENERALLY LOCATED SOUTHWEST AND SOUTHEAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) (ACTION DATE: 7/24/17)

ANNEXATION 17005 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 218.67 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST AND SOUTHEAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

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APPROVING AN ANNEXATION AGREEMENT FOR IRON RIDGE BETWEEN THE CITY OF LINCOLN, NEBRASKA, CHARTER TITLE AND ESCROW SERVICES, INC., AND APPLES WAY, LLC REGARDING THE CITY OF LINCOLN'S ANNEXATION OF PROPERTY GENERALLY LOCATED IN THE AREA OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) (ACTION DATE: 7/24/17)

CHANGE OF ZONE 17012 – APPLICATION OF APPLES WAY, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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.

CHANGE OF ZONE 17013 – APPLICATION OF APPLES WAY, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; 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 ALLOW UP TO 250 DWELLING UNITS IN CONFORMANCE WITH R-3 ZONING REQUIREMENTS, AND UP TO 50,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND 200 DWELLING UNITS IN CONFORMANCE WITH B-2 ZONING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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.

**ADJOURNMENT**

**3:35 P.M.**

CAMP Moved to adjourn the City Council Meeting of July 10, 2017.  
Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist