

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JULY 24, 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

RAYBOULD Having been appointed to read the minutes of the City Council Proceedings of July 17, 2017, reported having done so, found same correct.

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

PUBLIC HEARING

APPOINTING ROBERT SELIG TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2021 - Bob Selig, 7901 Hacienda Drive, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF NORRIS-BLAND, LLC DBA MAIN STREET CAFÉ FOR A CLASS C LIQUOR LICENSE AT 1325 O STREET;

MANAGER APPLICATION OF MICHAEL A. BLAND FOR NORRIS-BLAND, LLC DBA MAIN STREET CAFÉ AT 1325 O STREET - Michael Bland, 1325 O Street, applicant, came forward to take the oath and requested approval.

Adam Norris, 1325 O Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF CWC ENTERPRISES, LLC DBA STOGIES/LADY LUCK LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1332 P STREET;

MANAGER APPLICATION OF CHAD W. CARLSON FOR CWC ENTERPRISES, LLC DBA STOGIES/LADY LUCK LOUNGE AT 1332 P STREET - Paul J. Peter, 530 S. 13th Street, Suite 100, attorney for applicant, came forward to take the oath and requested approval.

Chad Carlson, 1332 P Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF NABREW HOSPITALITIES, LLC DBA STUR 22 FOR A CLASS CK LIQUOR LICENSE AT 2110 WINTHROP ROAD;

MANAGER APPLICATION OF TROKON C. BREWER FOR NABREW HOSPITALITIES, LLC DBA STUR 22 AT 2110 WINTHROP ROAD - Trokon Charles Brewer, applicant, 1040 Geranium Drive, came forward to take the oath and requested approval.

Jamie Brewer, 1040 Geranium Drive, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF ROBERT D. DAVIS FOR 48 BOWL, INC DBA PARKWAY LANES AT 2555 SOUTH 48TH STREET AND 48 BOWL, INC. DBA HOLLYWOOD BOWL AT 920 NORTH 48TH STREET - Robert Davis, 2722 Docs Drive, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF LINCOLN PUB GROUP, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 80 FEET BY 60 FEET AT HIDE & FUR BUILDING PARKING LOT AT 728 Q STREET ON SEPTEMBER 2, 16, & 23; OCTOBER 7 & 14; AND NOVEMBER 4 & 24, 2017 BETWEEN 8:00 A.M. AND MIDNIGHT - Todd Campfield, 6240 NW 2nd Circle, applicant, came forward and requested approval.

This matter was taken under advisement.

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APPLICATION OF BOILER BREWING COMPANY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 81 FEET BY 26.5 FEET AT GRAND MANSE (GREEN SPACE ON NORTH SIDE) AT 129 NORTH 10TH STREET ON SEPTEMBER 2, 16, & 23; OCTOBER 7 & 14; AND NOVEMBER 4, 2017 BETWEEN 8:00 A.M. AND 10:00 P.M. - Monte Froehlich, 129 N. 10th Street, applicant, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF MEIER'S WINE INC. DBA MEIER'S CORK 'N BOTTLE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 150 FEET BY 113 FEET AT THE BAY PARKING LOT AND INDOORS SKATE PARK AT 2005 Y STREET ON AUGUST 6, 2017 BETWEEN 2:00 P.M. AND 9:00 P.M. - Kevin Meier, 1244 South Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPROVING DOWNTOWN LINCOLN ASSOCIATION'S 2017-2018 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - David Landis, Director of Urban Development came forward and explained this is the annual budget that has two sections to it. One of which is completely funded by Downtown businesses, which is the management BID. This is the area that does the marketing and promotion and the advocacy functions that totals \$748,750. This is 100% funded by property owners based on the assessed value of their property. This is about a 2% increase from last year. The second of the two types of budgets is the maintenance BID which also has about a 2% increase. The total for the budget that is split between the City and the DLA BID is \$753,856. There is 50% funded by assessments on a linear front footage basis and about a 50% City contribution. There is also a second part of the maintenance budget and that is the enhanced budget for new unique and specialized landscape and streetscape costs at \$149,383.

Terry Uland, 206 S. 13th Street, Downtown Lincoln Association, came forward and explained that just over a year ago they went through their two year process to renew the BIDS and this is very consistent with last year except for the 2% increase.

This matter was taken under advisement.

APPROVING THE 2017-18 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY OF LINCOLN AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works, came forward and shared this is the annual interlocal with the NRD. This has been the same since the mid 90's. All the funds shown for this are in the last bond issue or in the General Fund for next year. It is noted in the contract for future expenditures for Deadman's Run. That will be a major flood reduction project that will remove about 400 to 500 commercial and residential structures from the flood plain. Some of these funds will be with the next bond issue. Discussion followed.

This matter was taken under advisement.

APPROVING THE UPPER WAGON TRAIN 100-YEAR FLOODPRONE AREA AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - Ben Higgins, Public Works, came forward and shared the intent of this is to adopt this area because it is known as the 100 year flood plain, but this is to adopt it locally. This is not formally adopted by FEMA because the FEMA process to recognize these takes 2 or 3 years, and with this resolution it will recognize them now. When they put forward the plans and the master plans, they recognize this area and they change the future land use on so everyone is aware that this is a floodprone area. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 17004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP, PRIORITY GROWTH AREA DESIGNATIONS, AND FUTURE SERVICE LIMIT, ON PROPERTY GENERALLY LOCATED BETWEEN SOUTH 70TH AND SOUTH 84TH STREETS, AND SALTILLO AND ROKEBY ROADS - Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, came forward on behalf of the O'Brien family and explained they have a piece of land that they were able to figure out how to get sewer to. The Comprehensive Plan Amendment is for about 80 acres that goes down to Saltillo Road. About 12 years ago, Civil Design Group figured out how to get a sewer line in Rokeby Road that was deep enough to open up some of the surrounding area. Rokeby Road will soon be paved and now with more design data they looked closer at bringing the sewer closer to serve the O'Brien property. This area turns out to be very efficient with various water lines and sewer lines that have extended into the area through the CIP and through coalition. There is pavement on 84th Street, 70th Street, Saltillo Road and there will be pavement on Rokeby Road. If some of those streets have to be widened some day, there are impact fees for that. Discussion followed.

Leirion Gaylor Baird, Council Member, stated that in the staff report there was recommendation for a pipeline planning area.

Mr. Eckert explained that the gas line goes along Saltillo Road then curves upward and they have designated that area as commercial use. They are aware of that stipulation and they took the recommended appropriate setbacks.

This matter was taken under advisement.

APPEAL OF DARLENE POHLMAN FROM THE PLANNING COMMISSION'S APPROVAL OF A SPECIAL PERMIT FOR INSTALLATION OF A 100-KILOWATT SOLAR ENERGY SYSTEM, WITH A WAIVER TO REDUCE THE FRONT YARD ALONG INTERSTATE 80 FROM 25 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED AT WEST LAKESHORE DRIVE - Terry Wittler, 1940 Surfside Drive, came forward and explained Capital Beach is an association of about 240 home owners. This project is intended to place solar panels on land that is not currently used and that cannot be developed. This project was started last fall and had the annual meeting with the Homeowners Association in January, 2017, where they obtained approval from the members to proceed with the project. Council previously adopted an amendment to the special permit to be able to place the panel in a residential area. Planning Commission also granted approval for the special permit. The project is proposed to be located along West Lakeshore Drive. The proposal also includes adding some additional trees, if necessary, to shield the site from view. Game and Parks came out to view the area to see if there were any endangered species or plants to be concerned about. They did discover that they would be concerned about a saltwort, which grows in wetlands. Game and Parks located this to the south on the proposed property. They indicated that as long as the project was moved further north that they would not have any concerns. Based on that recommendation, they plan to place this as far north as possible. This project will not interfere with the wetlands and they do not have intention to pour any concrete pads or any excavating. They will use a ground screw that twists into the ground and will not disturb the soil. It will continue to drain and continue to absorb rain water.

Carl Eskridge, Council Member, asked about the panels being in view of the interstate and if the Department of Roads has any objections.

Mr. Wittler confirmed they did reach out the NDOR and have not heard any concerns from them. The panels will be oriented to the south and slightly to the west, which means drivers will not be driving towards the panels. The panels also do not reflect light, they absorb the light. Discussion followed.

Jon Camp, Council Member, inquired about the appeal process.

Rick Peo, City Attorney, came forward and clarified that under the Zoning Code, the Planning Commission has the authority to grant approval for this type of special permit. There is a process that the action of the Planning Commission can be appealed within 14 days. If that appeal occurs the item is automatically brought in front of the City Council to take final action. It is then treated as a new application and the Planning Commission decision is simply a recommendation at that point. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 17014 – APPLICATION OF WAYNE AND LAURA PESTER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 25TH STREET AND WEST DENTON ROAD - Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, appeared on behalf of Wayne and Laura Pester and stated they have a 25 acre parcel located on West Denton Road. This is to change from AG to AGR and they did a combination change of zone and a Community Unit Plan, which was approved by the Planning Commission. They will be doing a community sewer system with a build through model so it still allows room for urban expansion when utilities do get out there.

This matter was taken under advisement.

CHANGE OF ZONE 17011 – APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 49TH STREET AND ALVO ROAD - Roger Schwisow, applicant, came forward and explained there is a strip of ground that ends on Alvo Road and 49th Street that is not connected. This portion of the ground will connect two parcels that would make a full loop. They are raising elevation due to having subsurface water problems.

Jane Raybould, Council Member, asked about the drainage improvements that have occurred.

Mr. Schwisow confirmed most of the problems were occurring because of the sump pumps. They have changed the flow of the sump pumps, and with that and also raising the elevation this should correct any concerns.

This matter was taken under advisement.

REPEALING ORDINANCE NO. 20029 LEVYING AN OCCUPATION TAX UPON THE BUSINESSES AND USERS OF SPACE WITHIN THE WEST HAYMARKET SPORTS PARK ENHANCED EMPLOYMENT AREA, AND REPEALING ORDINANCE NO. 20030 AUTHORIZING THE ISSUANCE OF A TIF TAX ALLOCATION BOND AND OCCUPATION TAX REVENUE BOND TO FUND CERTAIN IMPROVEMENTS WITHIN THE WEST HAYMARKET SPORTS PARK REDEVELOPMENT PROJECT AREA - Rick Peo, City Attorney, came forward and explained this is a clean up item regarding a redevelopment project that failed. This is very project specific on the bonds and on the occupation tax and they need to be removed. The occupation tax is a burden on the property owner and the City no longer wants that to carry on.

This matter was taken under advisement.

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 70TH STREET AND ARBOR ROAD. (RELATED ITEMS: 17R-175, 17-87, 17R-182) (ACTION DATE: 7/24/17);

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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 70TH STREET. (RELATED ITEMS: 17R-175, 17-87, 17R-182);

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) - Clerk noted for the record that a request was received to continue Public Hearing 2 weeks to August 7, 2017.

Andrew Willis, Cline Williams, 233 S. 13th Street, Suite 1900, came forward on behalf of the buyer and confirmed that last week they learned some new facts and recognize they need to slow down. As the buyer, their position really has not changed, they have signed a Purchase Agreement after the property was listed as for sale. They do understand that there are other issues and they are not in a position to address those issues. The buyer is not fully aware of what is happening behind the scenes, but it really does not involve the buyer as much as it involves Lincoln Sports Foundation, their board and Abbot Sports. The buyer will take a step back over this delay period and hope the other two parties have things figured out.

Jon Camp, Council Member, inquired about the material that was specifically asked for at the last meeting.

Mr. Willis stated that he does not have all the information, but to his understanding, there was a vote where 3 out of 5 people approved. This was an email vote rather than a simultaneous vote and there are different rules under the bylaws. The buyer feels there is not enough information to insert themselves in the background issue.

Jane Raybould, Council Member, asked if two weeks is enough time to get things figured out and if there would be a way to review the bylaws.

Mr. Willis confirmed he does not have a copy of the bylaws as he does not represent the Foundation. He does not have a good answer as to what is a sufficient amount of time for a delay. If things get worked out, his client would like to move along fairly quickly. Discussion followed.

Jessica Major, 5115 Colfax, came forward in opposition.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING ROBERT SELIG TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2021 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90579 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the temporary appointment of Robert Selig to the Lincoln Airport Authority Board to fill an unexpired term until a successor is elected at the general election in May, 2021, is hereby approved.

Introduced by Jane Raybould

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

REQUEST OF PUBLIC WORKS TO RESET THE HEARING DATE OF MONDAY, AUGUST 7, 2017, AT 3:00 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

~~17R-181~~ 17R-197 PROVIDE AUTHORITY TO ORDER RE-PAVING DISTRICT 159 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET TO BE CONSTRUCTED AND ASSESS THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES.

CLERK Requested a motion to approve the request of Public Works to set the hearing date.

ESKRIDGE Moved to approve the request of Public Works to set the hearing date.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JULY 10, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTHS OF APRIL & MAY, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF ALLO PUBLIC EDUCATION GOVERNMENT FEES FOR THE MONTH OF MAY, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518B)

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF MAY, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., JULY 31, 2017 AT 5:30 P.M. ON THE MANAGER APPLICATION OF RICHARD R. HODGES FOR LAKES VENTURE, LLC DBA FRESH THYME FARMERS MARKET AT 5220 O ST. - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90580 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 31, 2017, at 5:30 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 Richard R. Hodges for Lakes Venture, LLC dba Fresh Thyme Farmers Market at 5220 O St.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MON., AUGUST 7, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JAY M. RUNGE FOR CARLOS O'KELLY'S INC. DBA CARLOS O'KELLY'S AT 4455 N. 27TH ST. - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90581 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 7, 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 Jay M. Runge for Carlos O'Kelly's Inc. dba Carlos O'Kelly's at 4455 N. 27th St.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MON., AUGUST 14, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CHAD PITLIK FOR TDP PHASE TWO LLC DBA HYATT PLACE LINCOLN HAYMARKET (CLASS C & E) AT 600 Q ST. - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90582 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 7, 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 Chad Pitlik for TDP Phase Two LLC dba Hyatt Place Lincoln Haymarket (Class C & E) at 600 Q St.

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

Introduced by Bennie Shobe

Seconded by Raybould & 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. 17042, to Special Permit No. 14002, Northern Divide 1st Addition, approved by the Planning Director on July 11, 2017, to adjust the lot line between Outlot "C" and Lot 1, Block 3, generally located at N. 40th Street and Raymond Road.

Administrative Amendment No. 17028, to Special Permit No. 1386C, Windhoek CUP, approved by the Planning Director on July 13, 2017, to revise the lot layout for Block 2 and increase the number of lots from 26 to 27, generally located at S. 112th and Van Dorn Streets.

LIQUOR RESOLUTIONS

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 Jon Camp, who moved its adoption for approval:

A-90583 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 Norris-Bland, LLC dba Main Street Café for a Class "C" liquor license at 1325 O Street, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

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2. 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 MICHAEL A. BLAND FOR NORRIS-BLAND, LLC DBA MAIN STREET CAFÉ AT 1325 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90584 WHEREAS, Norris-Bland, LLC dba Main Street Café located at 1325 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Michael A. Bland be named manager;

WHEREAS, Michael A. Bland appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael A. Bland 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 CWC ENTERPRISES, LLC DBA STOGIES/LADY LUCK LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1332 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90585 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 CWC Enterprises, LLC dba Stogies/Lady Luck Lounge for a Class "C" liquor license at 1332 P Street, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. 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 CHAD W. CARLSON FOR CWC ENTERPRISES, LLC DBA STOGIES/LADY LUCK LOUNGE AT 1332 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90586 WHEREAS, CWC Enterprises, LLC dba Stogies/Lady Luck Lounge located at 1332 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Chad W. Carlson be named manager;

WHEREAS, Chad W. Carlson 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 Chad W. Carlson 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 NABREW HOSPITALITIES, LLC DBA STUR 22 FOR A CLASS CK LIQUOR LICENSE AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90587 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 Nabrew Hospitalities, LLC dba Stur 22 for a Class "CK" liquor license at 2110 Winthrop Road, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
 2. 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 TROKON C. BREWER FOR NABREW HOSPITALITIES, LLC DBA STUR 22 AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90588 WHEREAS, Nabrew Hospitalities, LLC dba Stur 22 located at 2110 Winthrop Road, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Trokon C. Brewer be named manager;

WHEREAS, Trokon C. Brewer 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 Trokon C. Brewer 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.

MANAGER APPLICATION OF ROBERT D. DAVIS FOR 48 BOWL, INC DBA PARKWAY LANES AT 2555 SOUTH 48TH STREET AND 48 BOWL, INC. DBA HOLLYWOOD BOWL AT 920 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90589 WHEREAS, 48 Bowl, Inc. dba Parkway Lanes located at 2555 South 48th Street, Lincoln, Nebraska and 48 Bowl, Inc. dba Hollywood Bowl located at 920 North 48th Street, Lincoln, Nebraska have been approved for a Retail Class "C" liquor license, and now requests that Robert D. Davis be named manager;

WHEREAS, Robert D. Davis 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 Robert D. Davis 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 LINCOLN PUB GROUP, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 80 FEET BY 60 FEET AT HIDE & FUR BUILDING PARKING LOT AT 728 Q STREET ON SEPTEMBER 2, 16, & 23; OCTOBER 7 & 14; AND NOVEMBER 4 & 24, 2017 BETWEEN 8:00 A.M. AND MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90590 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 Lincoln Pub Group, Inc. for a special designated license to cover an outdoor area measuring approximately 80 feet by 60 feet at Hide & Fur Building Parking Lot at 728 Q Street, Lincoln, Nebraska, on September 2, 16, & 23; October 7 & 14; and November 4 & 24, 2017, between the hours of 8:00 a.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 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 BOILER BREWING COMPANY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 81 FEET BY 26.5 FEET AT GRAND MANSE (GREEN SPACE ON NORTH SIDE) AT 129 NORTH 10TH STREET ON SEPTEMBER 2, 16, & 23; OCTOBER 7 & 14; AND NOVEMBER 4, 2017 BETWEEN 8:00 A.M. AND 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90591 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 Boiler Brewing Company for a special designated license to cover an outdoor area measuring approximately 81 feet by 26.5 feet at Grande Manse (Green Space on North side) at 129 North 10th Street, Lincoln, Nebraska, on September 2, 16, & 23; October 7 & 14; and November 4, 2017, between the hours of 8:00 a.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF MEIER'S WINE INC. DBA MEIER'S CORK 'N BOTTLE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 150 FEET BY 113 FEET AT THE BAY PARKING LOT AND INDOORS SKATE PARK AT 2005 Y STREET ON AUGUST 6, 2017 BETWEEN 2:00 P.M. AND 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90592 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 Meier's Wine Inc. dba Meier's Cork 'N Bottle for a special designated license to cover an indoor area measuring approximately 100 feet by 70 feet and an outdoor area measuring approximately 150 feet by 113 feet at The Bay Parking Lot and Indoors Skate Park at 2005 Y Street, Lincoln, Nebraska, on August 6, 2017, between the hours of 2:00 p.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

APPROVING DOWNTOWN LINCOLN ASSOCIATION'S 2017-2018 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90593 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within the various Downtown and West Haymarket/Downtown Management and Maintenance Business Improvement Districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown and West Haymarket/Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2017-2018 Maintenance and Management BID Budgets and Program of Work to be performed by the Downtown Lincoln Association for the period of September 1, 2017 to August 31, 2018 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Jane Raybould

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

APPROVING THE 2017-18 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY OF LINCOLN AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90594 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2017 - 2018 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2017 - 2018 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2017 - 2018 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2017 - 2018 Work Plan for the Interlocal Agreement on Stormwater Management to Ben Higgins, Public Works and Utilities Department, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Jane Raybould

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

APPROVING THE UPPER WAGON TRAIN 100-YEAR FLOODPRONE AREA AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90595 WHEREAS, on May 10, 2004, the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, the Flood Standards for New Growth Areas and Existing Urban Areas regulate Floodprone Areas as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other acceptable sources as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has coordinated with a consultant to develop revised floodplain mapping for Upper Wagon Train Watershed as a component of the Upper Wagon Train Watershed Master Plan which was a joint effort of the Rokeby Coalition, City, and the Lower Platte South Natural Resources District; and

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners; and

WHEREAS, identifying the best available flood information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Upper Wagon Train Floodprone Area, as shown on Attachment "A", is hereby adopted as the best available information and shall be used in any circumstance where this information is more restrictive than the FEMA floodplain until such time as the revised floodprone map may be approved by FEMA.

Introduced by Jane Raybould

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

COMP. PLAN AMENDMENT 17004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP, PRIORITY GROWTH AREA DESIGNATIONS, AND FUTURE SERVICE LIMIT, ON PROPERTY GENERALLY LOCATED BETWEEN SOUTH 70TH AND SOUTH 84TH STREETS, AND SALTILLO AND ROKEBY ROADS - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90596 WHEREAS, C & E O'Brien, LLC has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, to change the land use designation in the Lancaster County and Lincoln Area Future Land Use Plans from Agriculture to Residential-Urban Density, Agriculture to Commercial, and Area not Designated as Environmental Resources to Green Space, to amend the Priority Growth Areas to change the Future Growth Tier designation from Tier III to Tier I, Priority B, and to expand the Future Service Limit boundary to include approximately 92 acres, on property generally located between South 70th and South 84th Streets, and Saltillo and Rokeby Roads (the "Property") and to make associated amendments to the Comprehensive Plan; and

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

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:

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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) as shown on Exhibit A to show new Residential, Commercial, and Green Space areas.

2. Amend the 2040 Priority Growth Areas (Maps 1.3 and 12.3 on pages 1.10 and 12.6 respectively) to reflect changes in the priority area of the Property from Tier III to Tier I, Priority B and to include the Property within the Future Service Limit as shown on Exhibit B.

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

Introduced by Jane Raybould

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

SPECIAL PERMIT 17012 - APPEAL OF DARLENE POHLMAN FROM THE PLANNING COMMISSION'S APPROVAL OF A SPECIAL PERMIT FOR INSTALLATION OF A 100-KILOWATT SOLAR ENERGY SYSTEM, WITH A WAIVER TO REDUCE THE FRONT YARD ALONG INTERSTATE 80 FROM 25 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED AT WEST LAKESHORE DRIVE - PRIOR to reading:

GAYLOR BAIRD Moved to continue Public Hearing with Action 1 week to 7/31/17.

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

CLERK Read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90597 WHEREAS, Capitol Beach Community Association has submitted an application designated as Special Permit No. 17012 to allow for installation of a 100-kilowatt solar energy conversion system, with a waiver to reduce the front yard along Interstate 80 from 25 feet to 5 feet, on property generally located at West Lakeshore Drive, and legally described as:

Outlots B and C, Capitol Beach West Addition, located in the Southeast Quarter of Section 16, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on July 2, 2017 on said application and adopted Resolution No. PC-01564 approving the same; and

WHEREAS, Darlene Pohlman has filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 17012; 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. 17012; 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 Capitol Beach Community Association, hereinafter referred to as "Permittee", for a special permit to allow for installation of a 100-kilowatt solar energy conversion system, with a waiver to reduce the front yard along Interstate 80 from 25 feet to 5 feet, on the property described above, be and the same is hereby granted under the provisions of Section 27.63.830 of the Lincoln Municipal Code upon condition that the Solar Energy Conversion System be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a Solar Energy Conversion System of no more than 100 kilowatts (kW).

2. Before receiving building permits:

a. The Permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 3 copies with all required revisions as listed below:

i. Provide outline of solar panel area with dimensions. The area must be at least 25 feet from the east lot line and 5 feet from the west lot line.

ii. Label existing trees to remain.

iii. Add note that no decommissioning plan is required if ground screws are used to secure the solar panels.

iv. Add note that only residents of Capitol Beach may own the facility.

v. Provide revisions that may be requested by the NE Department of Roads.

vi. Verify that no threatened or endangered plant and animal species are located in the specific location of the solar panels, and adjust the site plan as necessary, to the satisfaction of the Planning Department.

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.

- c. The Permittee shall obtain approval from LES for encroachment into the utility easement.
 - d. The Permittee shall address glare considerations per 27.59.070(b) to the satisfaction of the Lincoln Airport Authority.
 - e. The Permittee shall obtain approval from the NE Department of Roads.
 - f. The Permittee shall comply with any additional conditions required in the final approved text for Text Amendment No. 17010.
- 3. Before utilizing the structures all development and construction shall substantially comply with the approved plans.
 - 4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
 - 6. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the Permittee.

Introduced by Jane Raybould

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

STREET NAME CHANGE 17002 – RENAMING SIEVERS LANE, LOCATED WEST OF SOUTH 26TH STREET AND SOUTH OF ROKEBY ROAD, AS SIEVERS PLACE - Clerk read ordinance, introduced by Jane Raybould, changing the name of Sievers Lane, located west of South 26th Street and south of Rokeby Road, to Sievers Place as recommended by the Street Name Committee, the second time.

CHANGE OF ZONE 17014 – APPLICATION OF WAYNE AND LAURA PESTER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 25TH STREET AND WEST DENTON ROAD - Clerk read ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 17011 – APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 49TH STREET AND ALVO ROAD - Clerk read ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

REPEALING ORDINANCE NO. 20029 LEVYING AN OCCUPATION TAX UPON THE BUSINESSES AND USERS OF SPACE WITHIN THE WEST HAYMARKET SPORTS PARK ENHANCED EMPLOYMENT AREA, AND REPEALING ORDINANCE NO. 20030 AUTHORIZING THE ISSUANCE OF A TIF TAX ALLOCATION BOND AND OCCUPATION TAX REVENUE BOND TO FUND CERTAIN IMPROVEMENTS WITHIN THE WEST HAYMARKET SPORTS PARK REDEVELOPMENT PROJECT AREA - Clerk read ordinance, introduced by Jane Raybould, to repeal Ordinance No. 20029 and Ordinance No. 20030, both adopted on June 9, 2014. Ordinance No. 20029 provided for the levy of a retail occupation tax on every person operating a retail business within the “Enhanced Employment Area” within the West Haymarket Sports Park Redevelopment Project, for the purpose of paying all or any part of the cost and expenses of certain improvements needed to carry out the Redevelopment Project. Ordinance No. 20030 authorized the issuance of the Tax Allocation Bond Series 2014A in the aggregate principal amount not to exceed \$2,116,463 and the Occupation Tax Revenue Bond Series 2014B in the aggregate principal amount not to exceed \$1,188,899. Both Bonds were to be sold for the purpose of obtaining funds to pay the costs of certain improvements within the Sports Park Redevelopment Project Area pursuant to the Great American Sports Park Redevelopment Agreement between the City of Lincoln, Great American Sports Park LLC, and Oak Lake Development LLC. The Tax Allocation Bond was to be repaid from TIF Tax Revenues and the Occupation Tax Revenue Bond was to be repaid from the Occupation Tax Revenues. The Ordinances were Project specific and should be repealed as the Project has been terminated and therefore the tax and issuance of the Bonds are no longer necessary, the second time.

PUBLIC HEARING - ORDINANCES - 3RD READING & RELATED RESOLUTIONS

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 70TH STREET AND ARBOR ROAD. (RELATED ITEMS: 17R-175, 17-87, 17R-182) (ACTION DATE: 7/24/17) - PRIOR to reading:

LAMM Moved to continue public hearing with action on Bill No. 17R-175 one week to 08/07/17.
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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 70TH STREET. (RELATED ITEMS: 17R-175, 17-87, 17R-182) - PRIOR to reading:

LAMM Moved to continue public hearing with action on Bill No. 17-87 one week to 08/07/17.
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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 third 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) - PRIOR to reading:

LAMM Moved to continue public hearing with action on Bill No. 17R-182 one week to 08/07/17.
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

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 70TH 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20512, is recorded in Ordinance Book 33.

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 70TH STREET. (RELATED ITEMS: 17-88; 17R-178) (ACTION DATE: 7/24/17) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90598 WHEREAS, MJB Properties, Inc. and Charles and Mary Schuerman have submitted an application designated as Use Permit No. 17005 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 70th Street, and legally described as:

Lot 149, I.T., and the remaining portion of Lot 151, I.T., both located in the Southeast Quarter of Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

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

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

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

That the application of MJB Properties, Inc. and Charles and Mary Schuerman, hereinafter collectively referred to as "Permittee", for a use permit to allow for office and residential uses and related improvements with waivers from setback and frontage requirements, on the property legally described above, be and the same is hereby granted upon condition that construction and operation of said 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) 13,500 square feet of commercial space for Phase 1, and either 13,500 square feet of commercial space or 12 residential dwelling units for Phase 2, and (b) waivers to allow (i) 0' setbacks for the commercial lots under Phase 1 and Phase 2, (ii) 0' setbacks for the common property line between Phase 1 and Phase 2 properties subject to the Phase 1 and Phase 2 properties combined as a whole still meeting the required front, side, and rear yard setbacks, and (iii) 0' frontage for lots 1, 2, and 3.
2. The City Council approves associated request Change of Zone No. 17008.
3. Before a final plat is approved, the Permittee shall:
 - (a) Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
 - (i) Provide pedestrian easement on South 70th Street for the public sidewalk.
 - (ii) Add a note that the driveway on South Street is temporary and will be removed upon access being obtained via the property to the west.
 - (iii) Revise the note "Future Driveway Connection" to state "Future Driveway Connection by Developer upon commercial development to the west."
 - (iv) Amend Note 10 to state "Parking will be as required by the Zoning Ordinance and all required parking for use in Phase 1 area shall be located on Outlot A."
 - (v) Add note on the plan that landscaping plan will be provided at time of building permit.
 - (vi) Show street trees along South Street and South 70th Street per City spacing standards.
 - (vii) Identify 40' required rear yard.
 - (viii) Show the easements on the site plan as requested by LES.
 - (b) At developer expense provide an Executive Order to construct as part of Phase 1 a new right turn lane (south bound to west bound) into the south property.
 - (c) Submit grading plan corrections and storm water information to the satisfaction of the Public Works & Utilities-Watershed Management Division.
4. Before occupying the buildings, all development and construction is to 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 unless the letter of acceptance has been filed.

Introduced by Leirion Gaylor Baird

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

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 27TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) (ACTION DATE: 7/24/17) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90599 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, to change the land use designation in the Lancaster County and Lincoln Area Future Land Use Plans from Green Space to Residential-Urban Density, to expand the Future Service Limit, and to change 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 27th Street and Rokeby Road (the "Property") 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.

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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) as shown on Exhibit A, pages 1 of 3 and 3 of 3, to reflect changes in land use of the Property from Green Space to Residential Density and to include the Property within the Future Service Limit.

2. Amend the 2040 Priority Growth Areas (Maps 1.3 and 12.3 on pages 1.10 and 12.6 respectively) to reflect changes in the priority areas of the Property 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 and to include the Property within the Future Service Limit as shown on Exhibit A, pages 2 of 3 and 3 of 3.

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the 2040 Future Land Use Plan, Future Service Limit, 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 Leirion Gaylor Baird

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

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 27TH 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20513, is recorded in Ordinance Book 33.

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 27TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-179, 17-89, 17R-181, 17-85, 17-86) (ACTION DATE: 7/24/17) - PRIOR to reading:

CAMP Moved to amend Bill No. 17R-181 as follows:

1. Amend subsection IV.B. S. 27th Street Water Main of Attachment "A" by adding the underlined language as shown below:

"The City shall design and construct, at its own cost, a sixteen inch (16") water main facility along S. 27th Street from the existing terminus of public water main in S. 27th Street located at approximately Rokeby Road a distance of approximately 800 feet south in order to provide adequate water service for that portion of the Property located west of S. 27t Street. The City agrees that construction of the S. 27th Street Water Main shall occur during the City's fiscal year 2017-2018."

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

CLERK Read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption as amended:

A-90600 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the Annexation Agreement for Iron Ridge, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln, Nebraska, Charter Title and Escrow Services, Inc. ("Escrow Agent"), and Apples Way, LLC ("Property Owner"), outlining certain conditions and understandings relating to the annexation of approximately 218.67 acres of property generally located in the area of the intersection of South 27th Street and Rokeby Road, is approved.

2. That the Mayor is authorized to execute the Annexation Agreement for Iron Ridge on behalf of the City.

3. That the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Property Owner.

4. The City Clerk is directed to record the Annexation Agreement for Iron Ridge with the Register of Deeds to be indexed against the properties listed in Attachment "A" to the Annexation Agreement, filing fees to be paid by the Property Owner.

5. The City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Leirion Gaylor Baird

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

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 27TH 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20514, is recorded in Ordinance Book 33.

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 27TH 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20515, is recorded in Ordinance Book 33.

RESOLUTIONS - 1ST READING

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND HAUSMANN CONSTRUCTION TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES – FIRE STATIONS 10, 12, 16, AND POLICE/FIRE STATION 15, PURSUANT TO RFP NO. 17-168, FOR A TERM COMMENCING UPON EXECUTION OF THE CONTRACT THROUGH SEPTEMBER 1, 2019.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND CARSON+CO GLOBAL FOR COMPREHENSIVE RESIDENTIAL AND COMMERCIAL RECYCLING COMMUNICATION, EDUCATION, ENGAGEMENT AND BEHAVIOR CHANGE INITIATIVE, PURSUANT TO RFP NO. 17-116, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM.

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

AMENDING SECTION 10.14.260 TO PROVIDE SPECIFICALLY FOR A SCHOOL RELATED SPEED ZONE ON 84TH STREET AND REPEALING SECTION 10.14.260 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 17-94, 17R-190) - CLERK read an ordinance, introduced by Cyndi Lamm, amending Section 10.14.260 of the Lincoln Municipal Code to provide specifically for a school related speed zone on 84th Street and Repealing Section 10.14.260 of the Lincoln Municipal Code as hitherto existing, the first time.

A RESOLUTION IN SUPPORT OF A SCHOOL RELATED SPEED ZONE ON 84TH STREET AND THE APPROPRIATION OF \$150,000 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO SAFETY AND OPERATION IMPROVEMENT PROGRAM TO FUND THE CREATION AND INSTALLATION. (RELATED ITEMS: 17-94, 17R-190) (ACTION DATE: 8/7/17)

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ADJOURNMENT

4:17 P.M.

CAMP Moved to adjourn the City Council Meeting of July 24, 2017.
 Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist