

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 18, 2017 AT 3:00 P.M.**

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

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

**READING OF THE MINUTES**

SHOBE Having been appointed to read the minutes of the City Council Proceedings of September 11, 2017, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPOINTING JACQUELYN MILLER TO THE AGING PARTNERS AREAWIDE ADVISORY COUNCIL FOR A TERM EXPIRING JUNE 30, 2020 - Randal Jones, Director of Aging Partners, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF TMAI & JPHAM INVESTMENT GROUP, LLC DBA 12<sup>TH</sup> STREET PUB FOR A CLASS CK LIQUOR LICENSE AT 100 NORTH 12<sup>TH</sup> STREET;

MANAGER APPLICATION OF TUAN ANH MAI FOR TMAI & JPHAM INVESTMENT GROUP, LLC DBA 12<sup>TH</sup> STREET PUB AT 100 NORTH 12<sup>TH</sup> STREET - Tuan Anh Kai, 2550 Southview Drive, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE FOR A CLASS I LIQUOR LICENSE AT 1339 WEST O STREET;

MANAGER APPLICATION OF APRIL M. HENKE FOR LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE AT 1339 WEST O STREET - April Henke, 1339 W. O Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 56 FEET BY 20 FEET AT 110 WEST FLETCHER AVENUE - Steve Overton, 1241 N. 56<sup>th</sup> Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPROVING LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE AS A KENO SATELLITE AT 1339 WEST O STREET - Katrina Coffey, Vice President of Marketing for Big Red Keno, 11218 John Galt Blvd, Omaha, came forward and explained this item requires an ownership change. The location currently has Keno but needs the license changed to the new owners name.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16-31, 2017 - Timothy Hiatt, 3800 Vermaas Place, Suite 100, came forward representing Mark Forster, who submitted a claim stating he was riding his bike on A Street and hit a defect in the sidewalk, wrecked and sustained injuries.

Jeff Kirkpatrick, City Attorney, came forward and explained there was a defect in the sidewalk that was about a 3 inch gap, and anytime there is a gap of 2 inches or more they consider that something that needs to be fixed as soon as possible. His department recommended denial because the first time there is any record of notice of this defect was after Mr. Forster had his accident and the City had no knowledge of the defect therefore were unable to fix it.

Cyndi Lamm, Council Member, asked if there is an inspection schedule for sidewalks or do they rely on the complaint or report from citizens.

Mr. Kirkpatrick confirmed that it is complaint basis. Discussion followed.

This matter was taken under advisement.

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APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION (IAFF) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2017 - Doug McDaniel, Director of Human Resources, came forward and explained this is a one year Agreement with IAFF Local 644 and is retroactive due to it expiring on August 31, 2017. This has a 3% economic increase to the Firefighters.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND TREAT AMERICA FOOD SERVICES FOR THE ANNUAL SERVICES FOR MEAL PREPARATION – AGING PARTNERS PROGRAM, PURSUANT TO RFP NO. 17-181, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - Randal Jones, Director of Aging Partners, came forward and shared this will allow Aging to change their food preparation model from an in-house central kitchen operation to a private vendor at a more efficient cost. The senior meal program provides over 64,000 annually at 11 congregate meal sites throughout Lincoln and Lancaster County. These meals served 939 clients last year. The purpose of the change is to reduce the meal cost, prepare for a possible future move to Victory Park and eliminate the need to pay for future kitchen depreciation and transportation while reducing the investment in staff. Currently, the kitchen has parts and pieces that are 20 - 30 years old. The vendor comes highly recommended by their partner agency in the Omaha area. They have been utilizing this vendor and are pleased with both quality and customer service. Aging's registered dietitian and cook will be on staff to monitor the successful performance of the contract on a regular basis.

Jane Raybould, Council Member, asked if there is a back up plan with food delivery in case weather prevents food from being delivered.

Mr. Jones explained that was one of their first concerns expressed to the vendor and they are extremely dedicated to serving the Lincoln area due to having other clients in the area. Aging prepares for that on a normal basis with shelf ready meals that clients can take home. Discussion followed.

This matter was taken under advisement.

APPROVING THE HUVEPHARMA INC. REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HUVEPHARMA INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 245 SOUTHWEST 40<sup>TH</sup> STREET. (RELATED ITEMS: 17R-236, 17R-237);

AMENDING THE FY 17-18 CIP TO AUTHORIZE AND APPROPRIATE \$500,000.00 IN TIF FUNDS FOR THE HUVEPHARMA INC. PROJECT. (RELATED ITEMS: 17R-236, 17R-237) - David Landis, Director of Urban Development, came forward and shared the developer on this project would like this to move expeditiously to build in Lincoln. Their investment is \$4,250,000.00 and should generate about \$500,000 in Tax Increment Financing. There is a percentage that will go to the City, and after, that the funds will go to site acquisition, which is \$750,000 to secure the 8 acres for this location. The TIF funds are strictly for site acquisition. There are 2 buildings, 1 at 10,000 square feet and the other at 20,000 square feet.

Leirion Gaylor Baird, Council Member, inquired about the amount noted in the staff report and the \$750,000.

Mr. Landis explained the assessed value is what the assessor believes it to be for the commercial value. There is an appraisal process generally on the basis of square footage and usage. They apply general terms, as best they can, to certain locations. The assessed value is the assessors guess of the value. When a buyer and seller come to an Agreement that amount can change. Discussion followed.

Ms. Gaylor Baird asked if the TIF increment gets adjusted based on the sale price of the property or is the assessors estimate is used.

Mr. Landis shared the increment is based off the comparison of two numbers: the tax valuation for the assessor and the base year that applies and then the tax valuation that is created when the project is done. The growth between the base year and the new tax valuation is the increment spread over 15 years. In this case, the TIF is based off the \$300,000 amount. Discussion followed.

Tom Huston, 233 S. 13<sup>th</sup> Street, Suite 1900, appeared on behalf of Huvepharma Inc and shared the property is approximately 8.6 acres, which is about 375,000 square feet. The purchase price is about \$2.00 per square foot and right in the area of fair market value determinations for industrial ground. The bond ordinance will come forward in several weeks and that is primarily designed to fit the schedule of Huvepharma Inc and the need to acquire the ground before the end of September. If acquisition is made by end of September, they anticipate grading and construction to start this Fall and be completed in July, 2018.

This matter was taken under advisement.

APPROVING THE 2017-2018 CITY TAX RATE OF .31648 PER \$100.00 OF ASSESSED VALUATION -

Brandon Kauffman, Finance Director, came forward and shared on August 28, 2018 Council approved proposed amendments to the 2016-2018 budget for the fiscal year 2017-2018 and that established property tax revenue of \$64,934,996.00. The proposed tax rate is about a 5% decrease. Under Nebraska Statute, the governing body is required to file and certify with the County Clerk on or before October 13<sup>th</sup>.

Cyndi Lamm, Council Member, asked for clarification on the 2016-2018 biennium that indicated the net change in revenue for the City was going to be \$2,380,258.00 and asked if this levy will generate \$1 million more than that.

Mr. Kauffman explained there is about a \$1.1 million dollar increase from what was set in the prior year and that will generate \$1 million that will be set aside to hire police officers and fire equipment.

This matter was taken under advisement.

**STREET & ALLEY VACATION 17007 – VACATING THE NORTH TO SOUTH ALLEY BETWEEN GLADSTONE AND JUDSON STREETS BETWEEN NORTH 53<sup>RD</sup> AND NORTH 54<sup>TH</sup> STREETS** - David Cary, Planning Director, came forward and shared this item is regarding a north/south alley that has not been used for an alley and does not have a future use of an alley. This has been taken care of by the adjoining neighbors for many years. Planning also has the payment for the alley vacation in hand.

This matter was taken under advisement.

**COMP. PLAN CONFORMANCE 17015 – DECLARING APPROXIMATELY 13,400 SQUARE FEET OF PROPERTY GENERALLY LOCATED ADJACENT TO LEIGHTON AVENUE BETWEEN 43<sup>RD</sup> AND 45<sup>TH</sup> STREETS AS SURPLUS PROPERTY** - David Landis, Director of Urban Development, came forward and explained this is a piece of property that has flown below the radar for a very long time. The property is 20 feet wide and is surrounded on all sides by the University. Originally, there was a thought that Leighton Street would run a certain way and because of that, the University transferred this piece of property to the City in 1964. This area was never used for a street and Leighton took a turn in a different direction. Over the years, trees have grown in this small area. The Watershed area does say that a conservation easement does need to be maintained on this property. There is no known City use or use of another agency that has shown interest in this property. The University would like the piece of land back and to do that the land needs to be surplus. The Planning Commission approved this with a unanimous vote.

This matter was taken under advisement.

**CHANGE OF ZONE 16036A – APPLICATION OF WILDERNESS HILL, LLC TO AMEND THE WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT TO ADD MOTORIZED VEHICLE SALES AND REPAIR/SERVICE, EARLY CHILDHOOD CARE FACILITIES, ACADEMIES, AND PRIVATE SCHOOLS AS ALLOWED USES, WITH A WAIVER TO SIDE YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27<sup>TH</sup> STREET AND YANKEE HILL ROAD** - David Cary, Planning Director, came forward and shared this is a proposal from Outlot H and Lot 20 of this previously approved plan for vehicle sales in the area. The pattern of the uses in the area are consistent with what is there. On Lot 24, there is a lot that is not developed yet, and this is being identified to allow the use of early childhood services. This is also to clarify that use is allowed on that lot.

Leirion Gaylor Baird, Council Member, stated that in the staff report it states the developer is responsible for determining if new drainage or grading is necessary and asked if the developer is aware of that and willing to comply.

Mr. Cary explained that it is his understanding that they are aware of that provision. That is typical for any type of change similar to this.

This matter was taken under advisement.

**TEXT AMENDMENT 17012 – AMENDING CHAPTER 27.72 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING ORDINANCE HEIGHT AND LOT REGULATIONS BY AMENDING SECTION 27.72.120 TO PROVIDE THAT AN ACCESSORY BUILDING ATTACHED TO THE MAIN BUILDING BY AN UNENCLOSED DECK OR WALKWAY SHALL NOT BE CONSIDERED PART OF THE MAIN BUILDING AND SUBJECT TO THE HEIGHT AND YARD REQUIREMENT OF THE MAIN BUILDING; AND REPEALING SECTION 27.72.120 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING** - David Cary, Planning Director, came forward and shared this change is a clarification that a walkway that is not enclosed or covered can not be considered part of the main structure for the purpose of the way the setbacks are set up and enforced on a lot. In this case, there is an above ground pool and the request is to allow an elevated walkway and deck to the pool that would be uncovered. Discussion followed.

This matter was taken under advisement.

**CHANGE OF ZONE 17020 – APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS TO DESIGNATE TRABERT HALL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM P PUBLIC DISTRICT TO R-4 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2202 SOUTH 11<sup>TH</sup> STREET** - Ed Zimmer, Planning, came forward and stated this request came from the County Board as they prepare to consider to dispose of Trabert Hall. It needs a zoning category other than P-Public, which it currently has. If they sell it to a private party it cannot be used for private uses under that zoning. In consultation, the Planning Department recommended R-4. The adjacent property to the west and south are R-4, and that is the most appropriate zoning for the land. This is currently a 5 story building and to prepare for the sale in an appropriate way that might return appropriate value to the County, they recommended landmark designation for the building to give them access to the special permit process. Planning Commission recommended approval of that special permit, which would allow the building to continue to be used for office or for dwelling units, or even a combination of the two, but only under the condition that Council approve the landmark. As a package, the

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special permit makes the most sense and it recognizes the value of a building built in 1928 and is the last large standing structure associated with St. Elizabeth hospital. This was also recommended by the Preservation Commission. Discussion followed.

Jane Raybould, Council Member, asked if a developer came and decided to use the building for residential would that include demolition of the building.

Mr. Zimmer shared they would not be able to do this if they wanted to take advantage of the special permit for it being a landmark. Under the landmark preservation, there has to be a review. If the request was denied by the Preservation Commission, discussion would be held with the developer for up to 6 months and at the end of that time, the City would be compelled by the ordinance to issue them a certificate of allowance to allow them to demolish the building.

This matter was taken under advisement.

**APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ANDERSON HOMES, INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF WEST REDBERRY AND WEST THATCHER LANES -** David Landis, Director of Urban Development, came forward and shared this is a piece of land that the City obtained because of a Home Owners Association that basically disappeared. The developer did not want the land and there was no Association that wanted to be responsible. The City was approached about it due to it being overgrown and not well taken care of. The City thought they could have a quiet title action, no one stepped forward and the City now owns the property. Anderson Homes has stepped up as an interested party of the land. They will need to replat the land prior to building and have offered \$24,000.00. The Real Estate Division has agreed that is a reasonable amount considering the circumstances. Since there is no civic purpose for the land, the City will have to start to pay real estate taxes in the event they cannot sell the land.

This matter was taken under advisement.

**APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND STRYKER SALES CORPORATION FOR THE PURPOSE OF PURCHASING LIFEPAK MONITOR/DEFIBRILLATORS AND A VIDEO LARYNGOSCOPE -** Roger Bonin, Lincoln Fire and Rescue, came forward and shared this is to purchase 27 new Life-Pak 15's. The original Life-Pak's were purchased in 2011 for about \$816,000.00. They are currently 6½ years old, carried on every medic unit and every engine company and are often used multiple times a day. These devices are the cornerstone of our STEMI and cardiac arrest management programs. We have the opportunity to replace our old LP-15's through Stryker Flex Financial for \$462,392.40 or \$353,380.25 less than we paid in 2011. A substantial discount of \$352,453.60 was applied because of the Leona M. And Harry B. Helmsley Charitable Trust Grant which expires December 31, 2017. Physio Control offered trade in value of \$7,000.00 per device. Replacement costs at this time, without the trust fund and trade in, would be about \$976,000.00.

Roy Christensen, Council Chair, inquired about the number of video laryngoscope's and what that is used for.

Mr. Bonin confirmed there would be 1 video laryngoscope and that is used for training and not for patient treatment.

Leirion Gaylor Baird, stated that she is aware these are coming out of the Emergency Medical Services Enterprise Fund, and asked if they have budgeted to pay off the lease payments.

Mr. Bonin explained they have budgeted for that.

This matter was taken under advisement.

**APPROVING AMENDMENT NO. 1 TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE ROKEBY ROAD COALITION PROPERTY OWNERS TO APPROVE AN ALTERNATE ROAD DESIGN FOR THE PAVING OF ROKEBY ROAD FROM SOUTH 70<sup>TH</sup> STREET TO SOUTH 84<sup>TH</sup> STREET AND TO PROVIDE FUNDING FOR THE CONSTRUCTION OF ROKEBY ROAD FROM SOUTH 70<sup>TH</sup> STREET TO CARPATHIAN WAY AS THE INITIAL PHASE OF CONSTRUCTION AND TO PROVIDE FUNDING FOR THE LES ROKEBY ROAD INTERSECTION IMPROVEMENTS AND TO APPROVE TWO REGIONAL DETENTION CELLS TO MEET THE STORMWATER DETENTION NEEDS OF THE COALITION WATERSHED PROPERTY. (RELATED ITEMS: 17-100, 17-128, 17R-232, 17-133);**

**COMP. PLAN CONFORMANCE 17010 – DECLARING APPROXIMATELY 34.50 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND YANKEE HILL ROAD AS SURPLUS PROPERTY. (RELATED ITEMS: 17-100, 17-128, 17R-232, 17-133);**

**COMPREHENSIVE PLAN AMENDMENT 17003 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY RE-DESIGNATING FUTURE LAND USES IN THE AREA OF JENSEN PARK FROM URBAN DENSITY RESIDENTIAL AND INDUSTRIAL TO GREEN SPACE, AND FROM OPEN SPACE TO URBAN DENSITY RESIDENTIAL AND COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 17-100, 17-128, 17R-232, 17-133) (ACTION DATE: 9/25/17);**

APPROVING A LAND EXCHANGE AGREEMENT AMONG THE CITY OF LINCOLN, MILTON TALCOTT, CAROL TALCOTT, AND R.C. KRUEGER DEVELOPMENT COMPANY TO RECONFIGURE JENSEN PARK BY EXCHANGING APPROXIMATELY 35 ACRES OF PARK PROPERTY ON THE SOUTH SIDE OF THE PARK FOR APPROXIMATELY 40 ACRES OF PRIVATE PROPERTY ON THE EAST SIDE OF THE PARK. (RELATED ITEMS: 17-100, 17-128, 17R-232, 17-133) - Nicole Fleck-Tooze, Parks & Recreation, came forward and explained these all have to do with a Land Exchange Agreement with Jensen Park. The basic exchange is the City will acquire land to the east of the park and the developer would acquire City property on the south side of the park. As development has moved forward in this area they see a lot of benefits on the public side and the private side for this exchange. They would have the ability to have a more efficient use and layout for both private development, but also for the park land. Ultimately, the City would gain just over 5 acres within the park. This is dedicated park land, but we are able to pursue it in a way that is more of a reconfiguration of the park. With the land exchange, we would be able to eliminate about three-quarters of a mile long sewer that would otherwise need to go up thru Jensen Park to serve what would otherwise be private property to the east of the park. The City would also have to provide for a public street connection from Yankee Hill thru the park to reach the eastern most development. There would be lower grading costs and would allow for playing fields. This would provide for the developer to commit to the costs for construction of Hayek Drive and the crossing of the drainage way of Jensen Park. The City would, in turn, provide for a storm water easement where a controlled structure could be placed on S. 84<sup>th</sup> Street and allow for detention of the Rokeby coalition within that area, which is a natural drainage way and would remain so. This would provide for about \$100,000.00 of Mr. Krueger's contribution for the difference in the properties and also Mr. Krueger's charitable contribution for a playground to be located in the southern portion of the park that would serve that neighborhood. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, came forward and shared this is an amendment to a prior 2015 Annexation Agreement. This started back in 2006, with a Development Agreement and they amended the Comp Plan, and agreed on a Master Plan and Watershed Master Plan. That formally came together in 2015, when the original phased Annexation Agreement was done between the City and the Coalition, which consists of 13 different property owners. In the design, they discussed building Rokeby Road, from 70<sup>th</sup> to 84<sup>th</sup> Street. There had to be a few changes made over the years based on negotiations with Public Works, and in the original Agreement, the City agreed to fund \$2.6 million to rock and grade Rokeby Road. They were originally going to build that road based off the original Agreement with impact fees and the City would have then allocated to the paving, and do all this in sections. The Agreement today states that some of those stipulations need to be changed. Instead they are doing a roadway that will sit in the middle of the right-of-way instead of to the north of the right-of-way. They will build 2 lanes, 12 feet wide each direction and they will use the round-about instead of turn lanes. They will also put 6 feet of shoulder onto these lanes with a median in the middle to allow for future growth to 4 lanes. The City will still bring \$2.6 million to rock and grade the mile section. The difference now is they will pave the west mile of the section and do this through a loan. Rokeby Holdings is willing to loan the City what they are short, which is about \$535,000.00 as an interest free loan. The City has been able to collect about \$755,000.00 of impact fees. There is another segment of Rokeby Road from 84<sup>th</sup> to 98<sup>th</sup> Street, which LES will build 84<sup>th</sup> Street to the east, and that does not have to be addressed other than the road connections.

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, came forward and shared the second part of the Agreement deals with the Stormwater and Stormwater Master Plan. In the original Annexation Agreement, this group of property owners was responsible for having consultants perform a Stormwater Master Plan for the Upper Wagon Train Watershed. The consultants did complete the Master Plan which was approved. As part of the analysis of doing this Master Plan, and one of the benefits of the property owners working together, was the consultants were able to do an analysis to see if it made sense in the area to do regional detention instead of doing detention on each preliminary plat with each property owner being responsible for their own detention. What the consultant figured out was with 2 regional detention cells they could provide detention for all of the coalition properties that are within the Watershed Master Plan. Part of what the amendment to the Annexation Agreement does is allows them to identify those coalition properties within the hatched area that are within the Watershed Master Plan that would be participating together within this detention. This also talks about timeline and states the cell to the north would need to be constructed right away. As soon as anyone begins to develop within the watershed, they need to have the detention in place to handle the development. The cell further south is not needed until they have about 150 acres developed in the area. The guarantees for the cells will be provided in the Annexation Agreement and providing Escrow Agreements to guarantee that they will have the money in place to design and construct the detention cells. Finally, the Agreement provides that the long term maintenance of the ponds is the property owners responsibility. Each owner is still responsible for water quality, the detention ponds only address the Stormwater quantity, not the quality. There will be a substitute that will be offered next week due to one piece of property that is trading hands and that closing will occur in the next few days. The substitute Agreement will only change ownership names and some legal descriptions, but the substance of the Agreement stays the same. Discussion followed.

Rick Krueger, President of R.C. Krueger Development Company Inc., came forward in support. Carl Eskridge, Council Member, asked what type of developments would be in the area.

Mr. Krueger shared it will probably be single family residential.

This matter was taken under advisement.

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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 49<sup>TH</sup> STREET AND ALVO ROAD - Roy Christensen, Council Chair, stated that Council did receive a request from the City Law Department and the Planning Department for a 4 week delay with continued Public Hearing on this item.

Roger Schwisow, 1354 Pelican Bay Place, applicant, came forward and requested no longer than a 2 week delay as this has already been pushed back 2 months.

David Cary, Planning Director, came forward and shared that staff has been in discussions regarding this and are trying to come to a reasonable outcome and something more than 2 weeks is probably needed.

Cyndi Lamm, Council Member, stated there was a meeting with the property owners and there has been discussion about Mr. Schwisow pulling a permit for some type of stormwater treatment which was not done until last week. Planning Department is also looking at some potential issues of the new phases.

Mr. Cary confirmed there are issues with the existing phase that they believe is primarily a private matter and needs to be worked out with the land owners. The item in front of Council is the change in zone for next phase of the development. There has been discussion about what might possibly be needed and what will be helpful as far as drainage is concerned as part of that approval. That is primarily the part that is still being worked on. This has shed some light on potential changes and regulations that need to be looked at more closely and have reasonable changes to regulations to address the drainage concerns. That is an item that will probably be an ongoing work effort that probably will not be completely nailed down in 4 weeks.

Ms. Lamm asked if it is believed that Mr. Schwisow will be cooperative over the next 4 weeks.

Mr. Cary stated he thinks he will be cooperative and they will discuss what will get done and what can and cannot get done that is reasonable.

Pat Cappes, 5017 Beckysway Court, came forward in opposition.

Mark Giesler, 7401 N. 50<sup>th</sup> Street, came forward in opposition.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

REAPPOINTING SHARON L. BUSCH AND STEVEN EGGLAND TO THE AGING PARTNERS AREA WIDE ADVISORY COUNCIL FOR TERMS EXPIRING JUNE 30, 2020 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90677 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Sharon L. Busch and Steven Egglund to the Aging Partners Area wide Advisory Council, for terms expiring June 30, 2020, are hereby approved.

Introduced by Carl Eskridge

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

APPOINTING JACQUELYN MILLER TO THE AGING PARTNERS AREA WIDE ADVISORY COUNCIL FOR A TERM EXPIRING JUNE 30, 2020 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90678 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Jacquelyn Miller to the Aging Partners Area wide Advisory Council, for a term expiring June 30, 2020, is hereby approved.

Introduced by Carl Eskridge

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

APPROVING A SUBLEASE AGREEMENT ADDENDUM #3 TO RENEW AN EXISTING SUBLEASE BETWEEN THE CITY ON BEHALF OF THE LINCOLN POLICE DEPARTMENT AND THE STATE OF NEBRASKA ON BEHALF OF THE NEBRASKA STATE PATROL FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90679 AN ORDINANCE accepting and approving a Sublease Agreement Addendum #3 between the Lincoln Police Department and the Department of Administrative Services, State Building Division, on behalf of Nebraska State Patrol for the renewal of the sublease of space for a term of November 1, 2017 through October 31, 2020, for use by the Nebraska State Patrol.

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

Section 1. That the Sublease Agreement Addendum #3 between the Lincoln Police Department and the Department of Administrative Services, State Building Division, on behalf of Nebraska State Patrol which is attached hereto marked as Attachment "A" and made a part hereof by reference under which the City will sublease space to the Nebraska State Patrol for a period of three years upon the terms and conditions as set forth in said Sublease Agreement Addendum #3 is hereby accepted and approved, and the Mayor is authorized to execute said Sublease Agreement on behalf of the City.

Section 2. The City Clerk is directed to return one fully executed copy of said lease to Tonya Peters, Lincoln Police Department for transmittal to the Department of Administrative Services, State Building Division.

Introduced by Carl Eskridge

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

APPROVING SUPPLEMENT NO. 5 TO THE PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES, INC. FOR THE NORTH 14<sup>TH</sup> STREET EASTBOUND ON-RAMP TO US-6 FEDERAL AID PROJECT. (PROJECT NO. HSIP-5227(7), CN 12944) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90680 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplement No. 5 to the Preliminary Engineering and National Environmental Policy Act (NEPA) Services Agreement between the City of Lincoln and The Schemmer Associates, Inc. for the North 14th Street Eastbound On-ramp to US-6 Federal Aid Project, Project No. HSIP-5227(7), Control No. 12944, in accordance with the terms and conditions contained in said Supplement No. 5, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Craig Aldridge, Engineering Services, Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

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

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

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

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

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 2, 2017 AT 3:00 P.M. ON THE APPLICATION OF C.BERRY INVESTMENTS LLC DBA THE JUNCTION FOR A CLASS I LIQUOR LICENSE AT 1434 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90681 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 2, 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 C.Berry Investments LLC dba The Junction for a Class I Liquor License at 1434 O Street, Suite 2.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 2, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF SCOTT E. FOLEY FOR STAR CITY HOCKEY LLC DBA LINCOLN STARS HOCKEY AT 1880 N. ANTELOPE VALLEY PARKWAY - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90682 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 2, 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 Scott E. Foley for Star City Hockey LLC dba Lincoln Stars Hockey at 1880 N. Antelope Valley Parkway.

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

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

Administrative Amendment No. 17040, to Use Permit No. 63, approved by the Planning Director on September 5, 2017, to increase the maximum floor area from 2,070 to 2,207 square feet, generally located at 7026 O Street.

Administrative Amendment No. 17043, to Change of Zone No. 08066, Antelope Village PUD, approved by the Planning Director on September 5, 2017, to add 14 residential lots to the site plan and modify setbacks, generally located at 23<sup>rd</sup> and P Street.

Administrative Amendment No. 17038, to Preliminary Plat No. 04011, Waterford Estates, approved by the Planning Director on September 7, 2017, to reflect a change in the storm sewer configuration and grading plan, generally located south of Holdrege Street and east of 98<sup>th</sup> Street.

Administrative Amendment No. 17056, to Use Permit No. 05006, Grainger Heights, approved by the Planning Director on September 11, 2017, to clarify Note 18 to allow basements if served by a sewer injector pump, generally located at 40<sup>th</sup> Street and Grainger Parkway.

**LIQUOR RESOLUTIONS**

APPLICATION OF TMAI & JPHAM INVESTMENT GROUP, LLC DBA 12<sup>TH</sup> STREET PUB FOR A CLASS CK LIQUOR LICENSE AT 100 NORTH 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90683 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 Tmai & Jpham Investment Corporation, LLC dba 12th Street Pub for a Class "CK" liquor license at 100 North 12th Street, Lincoln, Nebraska, for the license period ending October 31, 2017, 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 Carl Eskridge

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

MANAGER APPLICATION OF TUAN ANH MAI FOR TMAI & JPHAM INVESTMENT GROUP, LLC DBA 12<sup>TH</sup> STREET PUB AT 100 NORTH 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90684 WHEREAS, Tmai & Jpham Investment Corporation, LLC dba 12th Street Pub located at 100 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Tuan Anh Mai be named manager;

WHEREAS, Tuan Anh Mai 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 Tuan Anh Mai be approved as manager of this business for said licensee.

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

Introduced by Carl Eskridge

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

APPLICATION OF LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE FOR A CLASS I LIQUOR LICENSE AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90685 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 Lagniappe 9, LLC dba Red Fox Westside Grille for a Class "I" liquor license at 1339 West O 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 Carl Eskridge

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

MANAGER APPLICATION OF APRIL M. HENKE FOR LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90686 WHEREAS, Lagniappe 9, LLC dba Red Fox Westside Grille located at 1339 West O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that April M. Henke be named manager;

WHEREAS, April M. Henke 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 April M. Henke be approved as manager of this business for said licensee.

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

Introduced by Carl Eskridge

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

APPLICATION OF STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 56 FEET BY 20 FEET AT 110 WEST FLETCHER AVENUE - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90687 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 Steve O's Lounge, LLC dba Steve O's Lounge to expand its licensed premises by the addition of an area measuring approximately 56 feet by 20 feet, at 110 West Fletcher Avenue, 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 Carl Eskridge

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

### PUBLIC HEARING - RESOLUTIONS

APPROVING LAGNIAPPE 9, LLC DBA RED FOX WESTSIDE GRILLE AS A KENO SATELLITE AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90688 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Lagniappe 9, LLC dba Red Fox Westside Grille, 1339 West O Street, Lincoln, NE 68528.

The City Clerk is directed to return an executed copy of this Resolution to Lagniappe 9, LLC dba Red Fox Westside Grille, 1339 West O Street, Lincoln, NE 68528.

Introduced by Carl Eskridge

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16-31, 2017 - PRIOR to reading:

SHOBE Moved to amend Bill No. 17R-124 in the following manner:

On Line 14, the claim of Elizabeth Rhodes should be removed from the list of DENIED CLAIMS.

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Gaylor

Baird, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Camp.

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

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A-90689

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

That the claims listed in the attached report, marked as Exhibit "A", dated September 1, 2017, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Michael & Sandra Lambelet	\$ 130.00	Megan Guerrero	\$ 788.92
Mark Forster	17,825.00	Diego Perkins	1,900.00
Gustavo Noyola & Maria Torres	7,000.00	Jeff Johnson	647.71
Greg Hinman	NAS*	Lindsay Fulmer	533.00
<del>Elizabeth Rhodes</del>	<del>8,939.64</del>		
Rustam Islamov	670.00		

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION (IAFF) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2017 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90690

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

That the attached labor contract between the City of Lincoln and the Lincoln Firefighters Association (IAFF) to be effective August 11, 2016 through August 31, 2017, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Carl Eskridge

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

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND TREAT AMERICA FOOD SERVICES FOR THE ANNUAL SERVICES FOR MEAL PREPARATION – AGING PARTNERS PROGRAM, PURSUANT TO RFP NO. 17-181, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - PRIOR to reading:

ESKRIDGE

Moved to delay Action with continued Public Hearing 1 week to 09/25/17.

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

APPROVING THE HUVEPHARMA INC. REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HUVEPHARMA INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 245 SOUTHWEST 40<sup>TH</sup> STREET. (RELATED ITEMS: 17R-236, 17R-237) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90691

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

That the attached Huvepharma Inc. Redevelopment Agreement between the City of Lincoln and Huvepharma Inc. relating to the redevelopment of property generally located at 245 Southwest 40th Street, for the construction of a new research and development facility consisting of two buildings totaling approximately 30,000 square feet, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to David Landis, Urban Development Department. David Landis is further directed to transmit the original Agreement to Huvepharma Inc.

Introduced by Carl Eskridge

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

AMENDING THE FY 17-18 CIP TO AUTHORIZE AND APPROPRIATE \$500,000.00 IN TIF FUNDS FOR THE HUVEPHARMA INC. PROJECT. (RELATED ITEMS: 17R-236, 17R-237) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90692

WHEREAS, Resolution No. A-90659, adopted by the City Council of Lincoln, Nebraska on August 28, 2017, amended the 2016-2018 biennial budget for the City of Lincoln for the 2017-2018 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-90659 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2017 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-90659 as Schedule 5 to establish the Huvepharma Inc. Redevelopment Project (an approved project in the West O Street Redevelopment Plan) for the construction of a new research and development facility consisting of two buildings with a combined total of 30,000 square feet, and to pay

costs of site acquisition associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$500,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Huvepharma Inc. Redevelopment Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the amendment to the West O Street Redevelopment Plan to add the Huvepharma Inc. Redevelopment Project and the Planning Commission found the proposed project to be in conformity with the Comprehensive Plan.

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

1. That the implementation of the West O Street Redevelopment Plan, Huvepharma Inc. Redevelopment Project, construction of a new research and development facility consisting of two buildings with a combined total of 30,000 square feet and related public improvements, and to pay costs of site acquisition associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2017-18 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-90659 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$500,000.00 from Tax Increment Financing for this Huvepharma Inc. Redevelopment Project.

Introduced by Carl Eskridge

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

APPROVING THE 2017-2018 CITY TAX RATE OF .31648 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90693 A RESOLUTION establishing a final property tax levy for the City's 2017-18 fiscal year and adjusting the City tax rate as required in the City budget amendment resolution on August 28, 2017.

RECITALS

I.

Pursuant to Neb. Rev. Stat. Section 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. Section 77-1601.02, notice was published in a newspaper of general circulation on September 11, 2017, which date was at least five days prior to September 18, 2017, being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2017-18 fiscal year for a property tax request of \$64,931,996. The tax rate of \$0.31648 per \$100 of assessed valuation is comprised of the following:

Bond Interest & Redemption	.03061
General	.19298
Library	.04134
Social Security	.01460
Police and Fire Pension	.03670
Unemployment Compensation	<u>.00025</u>
Total	.31648

Introduced by Carl Eskridge

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES, LLC FOR A LEASE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Carl Eskridge, accepting and approving a Lease Agreement between Silver Properties, LLC and the City of Lincoln for a lease of space for a term of November 1, 2017 through October 31, 2020, for use by the Lincoln Police Department, the second time.

STREET & ALLEY VACATION 17007 – VACATING THE NORTH TO SOUTH ALLEY BETWEEN GLADSTONE AND JUDSON STREETS BETWEEN NORTH 53<sup>RD</sup> AND NORTH 54<sup>TH</sup> STREETS - CLERK read an ordinance, introduced by Carl Eskridge, vacating the north to south alley between Gladstone and Judson Streets between North 53rd and North 54th Streets, located in the Southeast Quarter of Section 8, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time

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COMP. PLAN CONFORMANCE 17015 – DECLARING APPROXIMATELY 13,400 SQUARE FEET OF PROPERTY GENERALLY LOCATED ADJACENT TO LEIGHTON AVENUE BETWEEN 43<sup>RD</sup> AND 45<sup>TH</sup> STREETS AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 13,400 square feet of City owned property generally located adjacent to Leighton Avenue between 43rd and 45th Streets as surplus, the second time.

CHANGE OF ZONE 16036A – APPLICATION OF WILDERNESS HILL, LLC TO AMEND THE WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT TO ADD MOTORIZED VEHICLE SALES AND REPAIR/SERVICE, EARLY CHILDHOOD CARE FACILITIES, ACADEMIES, AND PRIVATE SCHOOLS AS ALLOWED USES, WITH A WAIVER TO SIDE YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27<sup>TH</sup> STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Carl Eskridge, amending the Development Plan for Wilderness Hills Commercial Planned Unit Development to include property generally located at the southeast corner of 27<sup>th</sup> Street and Yankee Hill Road, the second time.

TEXT AMENDMENT 17012 – AMENDING CHAPTER 27.72 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING ORDINANCE HEIGHT AND LOT REGULATIONS BY AMENDING SECTION 27.72.120 TO PROVIDE THAT AN ACCESSORY BUILDING ATTACHED TO THE MAIN BUILDING BY AN UNENCLOSED DECK OR WALKWAY SHALL NOT BE CONSIDERED PART OF THE MAIN BUILDING AND SUBJECT TO THE HEIGHT AND YARD REQUIREMENT OF THE MAIN BUILDING; AND REPEALING SECTION 27.72.120 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 27.72 of the Lincoln Municipal Code relating to the zoning ordinance height and lot regulations by amending Section 27.72.120 to provide that an accessory building attached to the main building by an unenclosed deck or walkway shall not be considered part of the main building and subject to the height and yard requirements of the main building; and repealing Section 27.72.120 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 17020 – APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS TO DESIGNATE TRABERT HALL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM P PUBLIC DISTRICT TO R-4 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2202 SOUTH 11<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Carl Eskridge, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ANDERSON HOMES, INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF WEST REDBERRY AND WEST THATCHER LANES - CLERK read an ordinance, introduced by Carl Eskridge, approving a Real Estate Sales Agreement between the City of Lincoln and Anderson Homes, Inc. authorizing the sale of City owned property generally located near the intersection of West Redberry and West Thatcher Lanes, Lincoln, Nebraska, the second time.

APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND STRYKER SALES CORPORATION FOR THE PURPOSE OF PURCHASING LIFEPAK MONITOR/DEFIBRILLATORS AND A VIDEO LARYNGOSCOPE - CLERK read an ordinance, introduced by Carl Eskridge, accepting and approving a Lease Purchase Agreement between the City of Lincoln and Stryker Sales Corporation for the purpose of purchasing LifePak monitor/defibrillators and a video laryngoscope, the second time.

APPROVING AMENDMENT NO. 1 TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE ROKEBY ROAD COALITION PROPERTY OWNERS TO APPROVE AN ALTERNATE ROAD DESIGN FOR THE PAVING OF ROKEBY ROAD FROM SOUTH 70<sup>TH</sup> STREET TO SOUTH 84<sup>TH</sup> STREET AND TO PROVIDE FUNDING FOR THE CONSTRUCTION OF ROKEBY ROAD FROM SOUTH 70<sup>TH</sup> STREET TO CARPATHIAN WAY AS THE INITIAL PHASE OF CONSTRUCTION AND TO PROVIDE FUNDING FOR THE LES ROKEBY ROAD INTERSECTION IMPROVEMENTS AND TO APPROVE TWO REGIONAL DETENTION CELLS TO MEET THE STORMWATER DETENTION NEEDS OF THE COALITION WATERSHED PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, that Amendment No. 1 to the Annexation Agreement for Rokeby Road Coalition which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and the Rokeby Road Coalition Property Owners to approve an alternate road design for the paving of Rokeby Road from South 70th Street to South 84<sup>th</sup> Street, to provide funding for the construction of Rokeby Road from South 70th Street to Carpathian Way as the initial phase of construction, to provide funding for the LES Rokeby Road Intersection Improvements, and to approve two Regional Detention Cells to meet the stormwater detention needs of all of the Coalition Watershed Property, is hereby approved and 9 the Mayor is authorized to execute the Amendment No. 1 on behalf of the City, the second time.

COMP. PLAN CONFORMANCE 17010 – DECLARING APPROXIMATELY 34.50 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND YANKEE HILL ROAD AS SURPLUS PROPERTY. (RELATED ITEMS: 17-128, 17R-232, 17-133) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 34.50 acres of City owned property generally located at South 84<sup>th</sup> Street and Yankee Hill Road as surplus, the second time.

COMPREHENSIVE PLAN AMENDMENT 17003 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY RE-DESIGNATING FUTURE LAND USES IN THE AREA OF JENSEN PARK FROM URBAN DENSITY RESIDENTIAL AND INDUSTRIAL TO GREEN SPACE, AND FROM OPEN SPACE TO URBAN DENSITY RESIDENTIAL AND COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 17-128, 17R-232, 17-133) (ACTION DATE: 9/25/17)

APPROVING A LAND EXCHANGE AGREEMENT AMONG THE CITY OF LINCOLN, MILTON TALCOTT, CAROL TALCOTT, AND R.C. KRUEGER DEVELOPMENT COMPANY TO RECONFIGURE JENSEN PARK BY EXCHANGING APPROXIMATELY 35 ACRES OF PARK PROPERTY ON THE SOUTH SIDE OF THE PARK FOR APPROXIMATELY 40 ACRES OF PRIVATE PROPERTY ON THE EAST SIDE OF THE PARK. (RELATED ITEMS: 17-128, 17R-232, 17-133) - CLERK read an ordinance, introduced by Carl Eskridge, approving a Land Exchange Agreement to reconfigure Jensen Park by exchanging approximately 35 acres of park property on the south side of the park for approximately 40 acres of private property on the east side of the park, the second time.

#### **PUBLIC HEARING - ORDINANCES - 3<sup>RD</sup> READING**

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 49<sup>TH</sup> STREET AND ALVO ROAD - PRIOR to reading:

ESKRIDGE Moved to delay Action with Public Hearing on Bill No. 17-92 4 weeks to 10/16/17.  
Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Camp.

CLERK Read an 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 third time.

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

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

COMP. PLAN CONFORMANCE 17014 – APPROVING AN AMENDMENT TO THE 48<sup>TH</sup> & O STREET REDEVELOPMENT PLAN TO ADD THE “SKATE ZONE REDEVELOPMENT PROJECT” FOR THE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A 4-STORY HOTEL WITH APPROXIMATELY 84 GUEST ROOMS, A 5,600 SQUARE FOOT RETAIL BUILDING, SURFACE PARKING, AND ASSOCIATED INTERSECTION AND RIGHT-OF-WAY IMPROVEMENTS, ON PROPERTY GENERALLY BOUNDED BY R STREET ON THE NORTH, 48<sup>TH</sup> STREET ON THE WEST, 52<sup>ND</sup> STREET ON THE EAST, AND N STREET ON THE SOUTH.

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF LINCOLN IN SUPPORT OF A COMMUNITY VETERANS DAY PARADE IN ORDER TO HONOR LOCAL VETERANS AND PROMOTE COMMUNITY SPIRIT THROUGH AN ANNUAL COMMUNITY PARADE.

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

ORDINANCE APPROVING (1) AMENDMENT TO THE MASTER SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) AMENDMENT TO THE MASTER LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$1,700,000 OF THE COMMISSION’S TAX SUPPORTED LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2017 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, of the City of Lincoln, Nebraska (the “City”) approving (A) an amendment to the Master Site Lease among the City and the County of Lancaster, Nebraska (the “County”), jointly, as Lessor and the Lincoln-Lancaster County Public Building Commission (the “Commission”), as Lessee, with respect to the various facilities operated by the Commission (the “Premises”), (B) and amendment to the Master Lease Agreement among the Commission, as Lessor, to the Premises, and (C) the issuance of not to exceed \$1,700,000 in aggregate stated principal amount of the Commission’s tax supported Lease Rental Revenue Bonds, series 2017; and related matters, the first time.

**ADJOURNMENT**

**4:35 P.M.**

RAYBOULD Moved to adjourn the City Council Meeting of September 18, 2017.

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

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist