

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 16, 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**

LAMM Having been appointed to read the minutes of the City Council Proceedings of October 2, 2017, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler presented the Mayor's Award of Excellence for the month of August, 2017, to Jamie Wenz, Public Information Specialist III, City Communications Division, in the categories of customer relations and productivity. Jamie was nominated by Diane Gonzolas, City Communications Manager, for his work with the Lincoln Arts Council (LAC) earlier this year. Jamie is the Operations Manager for the government and education access channels and began working for City Communications in November, 2013. As the City's official agency for the arts, LAC presents the Mayor's Arts Awards celebration every year. This spring, City Communications was asked to produce the awards video for the 2017 celebration June 7. The large and time-consuming task included on-camera interviews of all 16 award winners, production work, creating a set for the interviews, lighting and camera work. Jamie then edited the interviews and added video and photos submitted by the award winners, and created special graphics, using the design and theme of the event, "The Wizard of Arts." He produced the memorial segment for the event, as well as, the camera work for the entire program on June 7. After the event, Jamie took time to post all the videos to YouTube, including the full-length interviews with the award winners. LAC Executive Director Deb Weber wrote, "We could not have done the video without the skills and expertise of Jamie. His positive and professional attitude is commendable and carried the project through multiple changes (sometimes stressful) with a result that we are all proud of. This work is complex, with a short turnaround time, and we know that we added to his already full schedule. His work honors others which is an amazing act of kindness."

Diane Gonzolas, City Communications Manager, came forward and stated Jamie had a great can do attitude throughout this entire project and a great sense of humor. Last week, LNKTv won an Award from the Nebraska State Historical Society for their longtime work on the "Brown Bag Lecture Series" that they have been doing for the past twenty years. Jamie and his crew are a real asset to the City and we are fortunate to have them.

Jamie Wenz, Public Information Specialist III, came forward and thanked everyone, saying this was a team effort and the entire staff worked hard and are very dedicated. Jamie introduced his family that were in the audience and thanked everyone.

Deb Weber, LAC Executive Director, came forward and thanked Jamie saying this was a very stressful project, and Jamie is a Hero to them.

**PUBLIC HEARING**

REAPPOINTING MELISSA MARSH, MARK ORR, AND MELISSA WILKERSON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2020 - Ron Lechner, Chair for Veterans Memorial Garden, came forward and stated he is very pleased with the individuals that have been picked for this Advisory Council. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF SCOTT E. FOLEY FOR STAR CITY HOCKEY, LLC DBA LINCOLN STARS HOCKEY AT 1880 NORTH ANTELOPE VALLEY PARKWAY - Scott Foley, 1880 North Antelope Valley Parkway, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF NUMARK GOLF, LLC DBA NUMARK GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 8901 AUGUSTA DRIVE;

MANAGER APPLICATION OF KINSEY D. BAUER FOR NUMARK GOLF, LLC DBA NUMARK GOLF COURSE AT 8901 AUGUSTA DRIVE - Kinsey Bauer, 8901 Augusta Drive, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

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APPLICATION OF BW&R EAST LINCOLN, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE AT 6822 O STREET;  
MANAGER APPLICATION OF MICHAEL B. BARTON FOR BW&R EAST LINCOLN, LLC DBA BUFFALO WINGS & RINGS AT 6822 O STREET - Michael Barton, 6822 O Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

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 - Rick Hoppe, Mayor's Office, came forward and stated City Staff and Councilman Christensen have been working on a substitute location for the Veterans Day Parade that will work for everyone. While the City does not organize parades, the City does play a significant part in making them possible using several different resources. It was discussed that Mahoney Park would be an excellent area to use for the parade and will minimize the involvement of the City. With Lancaster County Events Center across the road for parking and the assistance of StarTran to shuttle event goers to the parade from the Event Center, this will minimize the number of people trying to cross 84<sup>th</sup> Street and ensure they safely get into Mahoney Park for this event. Discussion followed.

Ed Schnabel, 7317 South Wedgewood Drive, came forward in support of the parade, but would like it held Downtown. Discussion followed.

Roy Christensen, Council Chair, explained that sometimes beginnings are delicate things and this is a beginning. Sometimes we have to plant the seed and hope that it grows and with your help it will grow and one day we will be able to move the location of the parade. Discussion followed.

Ron Lechner, Chair for Veterans Memorial Garden, came forward in support of having a parade for the veterans but does not want the parade to start at the same time as the event in Veterans Memorial Gardens. Discussion followed.

Mr. Christensen shared that this event would not interfere with the Veterans Memorial Garden Event. This resolution is written with enough flexibility that changes can be made according to the other events that might be going on that day. Discussion followed.

Bruce Trautwein, no address given, came forward and inquired about the cost of the event. Discussion followed.

This matter was taken under advisement.

HEARING ON ONE AND SIX YEAR STREETS AND HIGHWAY PROGRAM AS REQUIRED BY STATE STATUTE - Roy Christensen, Council Chair, read a statement about the public hearing held each year on the one and six year streets and highways program to fulfill the state statutory requirements for the One and Six Year Streets and Highways Program. Action was taken by City Council resolution adopting the first two years of the Capital Improvement Program budget by Resolution #899504 on August 22, 2016. It should be noted that the Capital Improvement Program is a funding document only. Citizens have 10 days from today to submit any statements or exhibits to the Public Works and Utilities Department. Therefore, all statements and exhibits received on or before, October 26th, 2017 will become a part of the Public Hearing Record. These statements should be forwarded to Randy Hoskins, Assistant City Engineer, Engineering Services, 949 West Bond Street, Suite 200, Lincoln, Nebraska 68521. The state statutory requirement ensures that an integrated system of public roads is provided for the general welfare of the State, Counties and Municipalities. The program is administered by the State Board of Public Roads Classifications and Standards. The Capital Improvement Program for fiscal years 2018 through 2023 reflects an average annual expenditure of nearly \$39.31 million dollars. This average annual expenditure is comprised of \$23.43 million dollars of City Revenues (made up of Wheel Tax & Impact Fees), \$6.78 million in Federal Aid, \$5.19 million of State gasoline tax and \$3.91 million in other funds, including the Railroad Transportation Safety District.

Randy Hoskins, Public Works, came forward saying this is a formality and is required each year by the State to get funding. This is the CIP that was previously approved by the Council. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDED CONSERVATION EASEMENT AGREEMENT BETWEEN APPLE'S WAY, INC., THE CITY OF LINCOLN, NEBRASKA, AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO MODIFY THE TERMS AND BOUNDARIES OF THE EXISTING EASEMENT ON PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD - Tim Sieh, City Attorney, came forward and explained this is an amendment to an existing conservation easement for property located at South 27<sup>th</sup> Street and Rokeby Road. Iron Ridge is the development that was previously approved in the area. With this amendment some land will be added to the conservation easement in one area and removed in another area. These changes will increase the area by 1.56 acres and the flood storage capacity within the conservation easement area will increase approximately 22%. Discussion followed.

Mark Hunzeker, Baylor Evnen Law Firm, 1248 O Street, Suite 600, came forward on behalf of Apple's Way, LLC, saying they have had great cooperation with Lower Platte South NRD and City staff on working out the new contours of this easement. We will be planting native grasses on the east side of the easement and the west side has been sold to a sod farmer, which should improve the quality of water going into Salt Creek. As well as, holding back the erosion in the area. Discussion followed.

Leirion Gaylor Baird, Council Member, asked if doing this will help the with emergency vehicles access.

Mr. Hunzeker stated the pavement on Rokeby Road will help with that. Discussion followed.  
This matter was taken under advisement.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF TWO NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE AND RUDGE PARKS) - JJ Yost, Planning and Construction Manager, Parks & Rec., came forward saying this grant application is for the 2017 Land and Water Conservation Grant. These grant funds will be used to renovate two playgrounds, Irvingdale and Rudge. Both parks are over 20 years old and are needing the playground equipment to be replaced to bring them into compliance with Consumer Safety Products Standards for Fall Safety, ADA Access and Safety Product Council Safety Standards. We have requested \$135,000.00 dollars from the Land and Water Conservation Fund and that requires a 50 percent match of funds from the City for these projects. Parks & Rec. does have \$130,000.00 designated in the CIP for playground repair and replacement. We will also be getting a contribution from the Parks & Rec. Foundation, along with a private donation from the nearby Country Club Neighborhood. With these funds we will be able to renovate both playgrounds and plan on adding picnic shelters in both facilities. In accepting the grant the City is agreeing that the park parcels will be used for public outdoor recreation and can not be converted to other land uses without going through a replacement or conversion process. In both parks the playgrounds will be relocated Irvingdale will move to an area that is more accessible to parking. The playground in Rudge will be moved to an area of the park that better serves the primary population on the west end of the park. Discussion followed.

Jon Camp, Council Member, inquired about the strings that are attached to these funds and if it is worth the cost.

Mr. Yost explained that accepting a Land and Water Conservation Grant will place a Federal Incumbrance on the land to ensure it will be kept and maintained as a public outdoor recreation area. If the City were to want to use the land for something other than a public recreation area the land would need to go through a conversion process, where the property would be replaced at another location. Discussion followed.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2919 APPLE ST., 1004 PEACH/1838 S. 10<sup>TH</sup>, 1546 S. 21<sup>ST</sup> ST., 1434 N. 27<sup>TH</sup> ST., 2725 A ST., 301 S. 54<sup>TH</sup> ST., 520 S. 25<sup>TH</sup> ST., 800 GARFIELD ST., 1336 N. 39<sup>TH</sup> ST., 1245 N. 21<sup>ST</sup> ST., 1237 N. 21<sup>ST</sup> ST., 4300 D ST., 4842 ADAMS ST. 112 W. DAWES AVE., 2975 HOLDREGE ST., 3000 S. 46<sup>TH</sup> ST., 1409 N. 21<sup>ST</sup> ST., 815 N. 24<sup>TH</sup> ST., 1533 GRACE AVE., 2200 DEVOE DR., 2545 THERESA ST. #F14, 2545 THERESA ST. #F11, 353 S. 26<sup>TH</sup> ST., AND 1112 NEW HAMPSHIRE - Shavonna Lausterer, Lincoln/Lancaster County Health Director, came forward and stated the Health Department annually comes before Council with an abatement list. This list consists of properties that the Health Department arranged for abatement of Public Health Nuisance. These properties have a variety of issues on them that are all in violation of the LMC 8.26. All associated cost for the cleaning of each property is assessed against the property in accordance with LMC 8.26. Discussion followed.

Jon Camp, Council Member, inquired if some of properties listed were repeat offenders.

Scott Holmes, Environmental Health Manager, came forward saying yes, there are several properties listed as repeats. The key issue for most of these properties is the lack of garbage service. We strongly encourage each property owner to hire one of the local private garbage companies to provide them with garbage service. Discussion followed.

This matter was taken under advisement.

**\*\* Council Member Gaylor Baird left Chambers at 3:55 p.m. \*\***

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200; AND REPEALING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200 AS HITHERTO EXISTING - Doug McDaniel, Director of Human Resources, came forward and explained these amendments are for the LMCEA Union Contract that is changing from the current pay plan they are on to a step pay plan. The LMC needs to be changed to reflect the new pay plans for LMCEA Employees. Discussion followed.

This matter was taken under advisement.

**\*\* Council Member Gaylor Baird returned to Chambers at 3:57 p.m. \*\***

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KELLY CUSTOM HOMES LTD., D/B/A NEBRASKA COTTAGE COMPANY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 3268 RANDOLPH STREET - David Landis, Urban Development Director, came forward saying the owner of this property lives out of state and has agreed to have the building demolished by Building & Safety. The assessed value of the land is \$14,700.00 dollars, for the City to clear the property title they had to spend \$12,676.00 dollars. We have received an offer to

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purchase this land for \$18,000.00 dollars, if sold the City would get some of the costs back. The potential buyers are wanting to build a single family home on this property. They have already had discussions with Building & Safety and Planning to see if their plans are consistent with the expectations of the neighborhood. Discussion followed.

Carl Eskridge, Council Member, inquired about the cost of the demolition. Discussion followed.

Mr. Landis said the cost of demolition was \$15,000.00 dollars. If the land is not sold the City would need to continue to take care of this property. Discussion followed.

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 49<sup>TH</sup> STREET AND ALVO ROAD -** Roger Schwisow, 1354 Pelican Bay Place, applicant, came forward and stated they are trying to address some drainage issues in this development. The residents on the west side of 49<sup>th</sup> Street have had complaints about their backyards being flooded. Currently, the plan is to install a drain line that will take the water up from the backyard to the front of the house and drain in the sewage system. The problem with Kevin Nelsons house is it was built on really flat land, the thought was the builder misunderstood the minimum elevation requirements. It looks like the builder took the minimum elevation and used that, thinking it was elevation that needed to be established, when actually, the minimum elevation is one foot above the flood plain and Kevin's house does not meet that requirement. With the changes that have been made there should be positive draining now. The Johnson's house has also had some issues with flooding. The area where water is supposed to be flowing through was filled in and built up with mulch by the home owner. They do not have standing water in their yard, the water has made a new path that cuts through their yard and they don't like that. Mr. Schwisow suggested to them to take the mulch out in a certain area so a swale can be put in to go under the fence. The homeowner did not have problems with water until they put in the landscaping. When construction on the fourth addition starts we will be lowering a culvert that goes under 49<sup>th</sup> Street. This will double the slope that is in the backyards of the new development to avoid this problem. Discussion followed.

Bob Benes, 1633 Normandy Court, came forward and stated he is a home builder in Lincoln and only 1 out of 200 houses he builds will have this type of problem. After having gone to the area and looking around, he feels this is a civil matter between the homeowner and the builder not Roger. Discussion followed.

Lyle Loth, Rega Engineering Group, 1670 S 70<sup>th</sup> Street, Suite 103, came forward on behalf of Roger Schwisow, and stated they were asked to prepare an Administrative Amendment for the balance of this project, which has been completed and submitted for review. We have been working on addressing some of the drainage issues and submitted some calculations to staff last week. Discussion followed.

Jane Raybould, Council Member, asked when the work would be starting so the homeowners could start seeing some results.

Mr. Loth explained they just received the permit to put in the sump pump drainage system so they can get started on that work and they have done some work in the area. Discussion followed.

Cameron Vodehnal, 5010 Becky's Way, came forward saying his property is one of the properties they have been discussing and he does not want a concrete swale installed on his property. The water in his yard is at least 6 inches deep and takes about three hours to drain out of his yard. Discussion followed.

Mark Giesler, 7401 N 50<sup>th</sup> Street, came forward and stated a month ago residents were promised the drainage system would be put in on the west side of 50<sup>th</sup> Street and nothing has been done. There is a lack of communication with this issue and we want it addressed. For the record, "we moved the sump pump to the front yard in late May and there is still water in the backyard". Discussion followed.

Cyndi Lamm, Council Member, asked if Council could get an update on where they are on fixing the issues. Homeowners are texting with their frustrations on the lack of communication with the homeowners.

David Cary, Planning Director, came forward saying the right of way permit was submitted and was also approved today for some of the private piping sump pump drainage system. The Administrative Amendment was received to update the plan on future improvements. We are in the process of reviewing this amendment for approval and it will also need to be sent to NRD for their review and approval. Discussion followed.

Jon Camp, Council Member, asked what discussions have there been on the responsibilities of each party in this development. What are future plans to avoid this type of unfortunate situations? Discussion followed.

Mr. Cary explained this is something that they have been discussing to see what else could be done to try to avoid this in the future and who would be the responsible party. In addressing the liability in this case we do feel this is a civil matter. But not wanting this to happen again we are working with the building community to have some discussions. Chad Blahak, Building & Safety Director, is taking a lead with this issue to better inform the builders so they know what should happen on the lot. Discussion followed.

Mr. Loth came forward for his rebuttal, saying he would like to request that these plans are approved at today's meeting so that they can move forward to resolve these issues. With it getting so late in the fall they would like to start working on these problems. This is not something that we did it was the builders and we are trying to help them out. We will not be using the same builder for the next addition. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING ERIC T. HOKE TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2019 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90710 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Eric T. Hoke to the Citizen Police Advisory Board, for a term expiring November 17, 2019, is hereby approved.

Introduced by Bennie Shobe

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

REAPPOINTING SCOTT HATFIELD, ROSHAN PAJNIGAR, AND CAMEYA RAMIREZ-ROUSSEAU TO THE CITIZEN POLICE ADVISORY BOARD FOR TERMS EXPIRING NOVEMBER 17, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90711 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointments of Scott Hatfield, Roshan Pajnigar, and Cameya Ramirez-Rousseau to the Citizen Police Advisory Board, for terms expiring November 17, 2020, are hereby approved.

Introduced by Bennie Shobe

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

REAPPOINTING MELISSA MARSH, MARK ORR, AND MELISSA WILKERSON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90712 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointments of Melissa Marsh, Mark Orr, and Melissa Wilkerson to the Veterans Memorial Garden Advisory Council, for terms expiring November 1, 2020, are hereby approved.

Introduced by Bennie Shobe

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

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

A-90713 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That during the month ended August 31, 2017 \$250,485.69 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on the pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all funds balances.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 6, 2017, AT 3:00 P.M. ON THE ASSESSMENTS FOR THE DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, DOWNTOWN MAINTENANCE DISTRICT AND THE WEST HAYMARKET/ DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by John Camp, who moved its adoption:

A-90714 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on Monday, October 30, 2017, at 5:30 P.M., assess the improvements in the following special assessment districts:

Downtown Management Business Improvement District  
Downtown Core Management Business Improvement District  
Downtown Maintenance District  
West Haymarket/ Downtown Maintenance District

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, November 6, 2017, at 3:00 p.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Jon Camp

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON SEPTEMBER 25, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCE 20560 PASSED BY CITY COUNCIL ON OCTOBER 2, 2017 AND GIVEN TO THE MAYOR ON OCTOBER 3, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON OCTOBER 2, 2017 (WITH THE EXCEPTION OF ORDINANCE 20560 WHICH WAS GIVEN TO THE MAYOR ON OCTOBER 3, 2017) - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

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

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

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF AUGUST, 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 PERSONAL EDUCATION GOVERNMENT (P.E.G.) FEES FOR THE MONTH OF AUGUST, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518B)**

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, OCTOBER 23, 2017 AT 3:00 P.M. ON THE APPLICATION OF MO CHARA LLC DBA WATERING HOLE FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 25' X 130' AT 1321 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90715 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 23, 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 Mo Chara LLC dba Watering Hole for the addition of an area measuring approx. 25' x 130' at 1321 O Street.

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

Introduced by Jon Camp

Seconded by Lamm & 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. 17053, to Special Permit No. 06025, Tri-Point Tree and Landscaping, approved by the Planning Director on September 26, 2017, to amend the site plan to reflect existing conditions and add a note for accessory buildings, generally located at S. 68<sup>th</sup> Street and Bennett Road.

Administrative Amendment No. 17052, to Final Plat No. 17005, North-Forty Plaza 3<sup>rd</sup> Addition, approved by the Planning Director on September 28, 2017, to accept the Affidavit of Surveyor to correct typographical errors on North Forty Plaza 3<sup>rd</sup> Addition Final Plat, generally located at N. 84<sup>th</sup> Street and Windmill Drive.

Administrative Amendment No. 17063, to Change of Zone No. 05085B, Fallbrook PUD, approved by the Planning Director on September 28, 2017, to transfer 9,000 square feet of floor area between two lots, generally located at NW 12<sup>th</sup> Street and Aster Road.

**THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:**

Special Permit No. 17035 – Requested by Robert and Susan Howell, for the placement of a storage shed, with waivers to reduce the front yard from 25 feet to 3 feet and the side yard from 5 feet to 3 feet, on property generally located at 4028 J Street.

Change of Zone No. 17029 – Requested by Par 5 Partners, LLC, from O 2 (Suburban Office District), O 3 (Office Park District), and I 2 (Industrial Park District) to I 3 (Employment Center District), on property generally located at NW 1st Street and W. Fletcher Avenue.

Text Amendment No. 17001 - Requested by Open Harvest Co-op Grocery, an ordinance amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to delete the access door location requirement, and add exterior door opening requirements for a special permit for alcoholic beverages to be sold for consumption off the premises in zoning districts B 1, B 3, H 1, H 2, H 3, H 4, I 1, and I 3, and repealing Section 27.63.685 as hitherto existing.

Use Permit No. 17007 – Requested by Par 5 Partners, LLC, for a new I 3 (Employment Center District) Use Permit, with waivers to setbacks and sign regulations, on property generally located at NW 1st Street and W. Fletcher Avenue.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF SCOTT E. FOLEY FOR STAR CITY HOCKEY, LLC DBA LINCOLN STARS HOCKEY AT 1880 NORTH ANTELOPE VALLEY PARKWAY. (10/2/17 - PUBLIC HEARING & ACTION CONT'D 2 WEEKS TO 10/16/17) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90716 WHEREAS, Star City Hockey, LLC dba Lincoln Stars Hockey located at 1880 North Antelope Valley Parkway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Scott E. Foley be named manager;

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

APPLICATION OF NUMARK GOLF, LLC DBA NUMARK GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90717 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 Numark Golf, LLC dba Numark Golf Course for a Class "C" liquor license at 8901 Augusta Drive, 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 Jon Camp

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

MANAGER APPLICATION OF KINSEY D. BAUER FOR NUMARK GOLF, LLC DBA NUMARK GOLF COURSE AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90718 WHEREAS, Numark Golf, LLC dba Numark Golf Course located at 8901 Augusta Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kinsey D. Bauer be named manager;

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

APPLICATION OF BW&R EAST LINCOLN, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE AT 6822 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90719 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 BW&R East Lincoln, LLC dba Buffalo Wings & Rings for a Class "I" liquor license at 6822 O Street, Lincoln, Nebraska, for the license period ending April 30, 2018, 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.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF MICHAEL B. BARTON FOR BW&R EAST LINCOLN, LLC DBA BUFFALO WINGS & RINGS AT 6822 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90720 WHEREAS, BW&R East Lincoln, LLC dba Buffalo Wings & Rings located at 6822 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Michael B. Barton be named manager;

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

APPLICATION OF ATEMAJAC, INC. DBA LA CABANA TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 21 FEET BY 35 FEET AT 3223 CORNHUSKER HIGHWAY - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action 1 week to 10/23/17.

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

**PUBLIC HEARING - RESOLUTIONS**

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 - PRIOR to reading:

LAMM Moved Motion to Amend #1 to accept the Substitute Resolution on Bill No. 17R- 240.

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

ESKRIDGE Moved to amend Bill No. 17R-240 as follows:

On line 13 strike the word "Northeast".

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

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

A-90721 A RESOLUTION relating to City of Lincoln support for a community Veterans Day Parade in order to honor local veterans and promote community spirit through an annual community parade.

WHEREAS, to the citizens of Lincoln, the reflections of Veterans Day should be filled with solemn pride in the heroism of those who died in our country's service and with gratitude towards those veterans who make up such a vital and honored part of our population; and

WHEREAS, the City of Lincoln recognizes that it would be proper and appropriate to honor Lincoln area veterans with an annual parade in their honor; and

WHEREAS, the City would be interested in co-sponsoring such a parade in cooperation with an organizing civic or veteran organization; and

WHEREAS, Veterans Day or on a weekend near Veterans Day would be a suitable time for such a community-wide recognition ceremony; and

WHEREAS, the City of Lincoln believes that ~~Northeast~~ Lincoln would be a suitable location to serve as the focus for a Veterans Day Parade.

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

1) The City of Lincoln strongly supports the idea of a Veterans Day parade as a community-wide recognition of our local military veterans.

2) The City of Lincoln welcomes the opportunity to co-sponsor such a parade and associated activities in cooperation with a civic or veteran organization which is willing to plan, secure funding for, organize, and publicize such a celebration.

Introduced by Roy Christensen

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



HEARING ON ONE AND SIX YEAR STREETS AND HIGHWAY PROGRAM AS REQUIRED BY STATE

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

A-90722

WHEREAS, the City Council of the City of Lincoln, Nebraska adopted the 2016-2018 biennial budget for the City of Lincoln and the third two years of the One and Six Year Streets and Highways Program of the Capital Improvement Budget by passage of Resolution No. A-89947 on August 22, 2016; and

WHEREAS, § 39-2512(6) of the Nebraska Revised Statutes requires the City to annually submit to the Board of Public Roads Classifications and Standards a report regarding the One and Six Year Program for the City of Lincoln's Streets and Highways Program; and

WHEREAS, Nebraska Administrative Code, Title 428, Chapter 3, requires that an annual public hearing of the City Council be held to approve the One and Six Year Streets and Highways Program for the City of Lincoln and authorize the City to submit the annual report required by Neb. Rev. Stat. § 39-2512(6).

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

1. That pursuant to the provisions of Nebraska Administrative Code Title 428, Chapter 3, Section 011.01, a legal notice advertising the public hearing of the City Council to adopt the One and Six Year Streets and Highways Program for the City of Lincoln was published in the Lincoln Journal Star on Sunday, October 1, 2017, and notice of the hearing has been posted as required by Nebraska Administrative Code.

2. That the City Council, by holding a public hearing on the re-authorization of the One and Six Year Streets and Highways Program of the City of Lincoln has complied with the statutory and administrative code requirements so as not to jeopardize incentive payments made by the State to the City of Lincoln as provided in Neb. Rev. Stat. § 39-2512 and hereby further authorizes the City Street Superintendent Randy Hoskins, as Assistant City Engineer, to submit the City's annual report to the Board of Public Roads Classifications and Standards as statutorily required.

3. The City Clerk is directed to return a copy of this adopted Resolution to Randy Hoskins for transmittal to the State of Nebraska Board of Public Roads Classifications and Standards.

Introduced by Bennie Shobe

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

APPROVING AN AMENDED CONSERVATION EASEMENT AGREEMENT BETWEEN APPLE'S WAY, INC., THE CITY OF LINCOLN, NEBRASKA, AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO MODIFY THE TERMS AND BOUNDARIES OF THE EXISTING EASEMENT ON PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90723

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

That the attached Amendment to Conservation Easement Agreement between Apple's Way, Inc., the City of Lincoln, Nebraska, and the Lower Platte South Natural Resources District to modify the terms and boundaries of the existing Conservation Easement on property generally located at the intersection of South 27<sup>th</sup> Street and Rokeby Road, upon the terms and conditions as set forth in said Amendment to Conservation Easement Agreement, is hereby approved and the Mayor is authorized to execute said Amendment to Conservation Easement Agreement on behalf of the City.

The City Clerk is directed to transmit an executed original Amendment to Conservation Easement Agreement to the Planning Department, for recording with the Register of Deeds.

Introduced by Bennie Shobe

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

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF TWO NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE AND RUDGE PARKS) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90724

WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of renovating two neighborhood park playgrounds (Irvingdale and Rudge Parks); and

WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$135,000) to maintain the completed improvements for public use.

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

The City of Lincoln, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of renovating the existing playgrounds and making associated improvements (connecting sidewalks, park picnic facilities, landscaping) in Irvingdale and Rudge Parks.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Lincoln, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Lincoln has budgeted or currently has available its fifty percent (50%) match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

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The City of Lincoln, Nebraska has the financial capacity to operate and maintain the completed project and park property in a safe, attractive, and sanitary manner.

The City of Lincoln, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

The City of Lincoln, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Lincoln, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

The City Clerk is directed to transmit a certified copy of this Resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Bennie Shobe

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

**ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2919 APPLE ST., 1004 PEACH/1838 S. 10<sup>TH</sup>, 1546 S. 21<sup>ST</sup> ST., 1434 N. 27<sup>TH</sup> ST., 2725 A ST., 301 S. 54<sup>TH</sup> ST., 520 S. 25<sup>TH</sup> ST., 800 GARFIELD ST., 1336 N. 39<sup>TH</sup> ST., 1245 N. 21<sup>ST</sup> ST., 1237 N. 21<sup>ST</sup> ST., 4300 D ST., 4842 ADAMS ST. 112 W. DAWES AVE., 2975 HOLDREGE ST., 3000 S. 46<sup>TH</sup> ST., 1409 N. 21<sup>ST</sup> ST., 815 N. 24<sup>TH</sup> ST., 1533 GRACE AVE., 2200 DEVOE DR., 2545 THERESA ST. #F14, 2545 THERESA ST. #F11, 353 S. 26<sup>TH</sup> ST., AND 1112 NEW HAMPSHIRE - PRIOR to reading:**

LAMM Moved Motion to Amend #1 Bill No. 17R-255 as follows:

Remove the property legally described below from the nuisance abatement list on Exhibit "A" 17-25; 10-23-204-026-000; 1112 New Hampshire; 8/17/2017; 81.00; 12.65; 96.15; 295.00; 1112 New Hampshire; Cahn Metcalf and Farwells Subdivision, Block 7, Lot 24, E20' and W18' of Lot 25; Ben Wilkins, P.O. Box 12, Arlington, NE 68002; 10-23-204-026-000.

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

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

A-90725 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2017 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Bennie Shobe

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

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

**AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200; AND REPEALING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 2.75 of the Lincoln Municipal Code relating to Personnel System by amending Section 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200; and repealing Sections 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200 as hitherto existing, the second time.**

**APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KELLY CUSTOM HOMES LTD., D/B/A NEBRASKA COTTAGE COMPANY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 3268 RANDOLPH STREET - CLERK read an ordinance, introduced by Bennie Shobe, approving a Real Estate Sales Agreement between the City of Lincoln and Kelly Custom Homes Ltd., d/b/a Nebraska Cottage Company authorizing the sale of City owned property generally located at 3268 Randolph Street, Lincoln, Nebraska, the second time.**

**PUBLIC HEARING - ORDINANCE - 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:

LAMM Moved to continue Public Hearing & Action 2 weeks to 10/30/17.  
Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: 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**

APPROVING THE SKATE ZONE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ACCESS COMMERCIAL, LLC RELATING TO THE REDEVELOPMENT OF PROPERTIES GENERALLY LOCATED AT 300 NORTH 48<sup>TH</sup> STREET, FOR THE CONSTRUCTION OF A HOTEL, RETAIL BUILDING, PARKING, AND OTHER ASSOCIATED IMPROVEMENTS. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17) - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption for approval:

A-90726 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Skate Zone Redevelopment Agreement between the City of Lincoln and Access Commercial, LLC relating to the redevelopment of properties generally located at 300 North 48<sup>th</sup> Street, for the construction of a hotel, retail building, parking, and other associated improvements, 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 Access Commercial, LLC.

Introduced by Jane Raybould

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

AMENDING THE FY 17/18 CIP TO AUTHORIZE AND APPROPRIATE \$960,000 IN TIF FUNDS FOR THE SKATE ZONE PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17) - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption for approval:

A-90727 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 Skate Zone Redevelopment Project (an approved project in the 48<sup>th</sup> & O Street Environs Redevelopment Plan) for the design and construction of an approximately 84 room hotel and an approximately 5,600 square foot retail building and approximately 149 stall paved parking area for the structures, and to pay costs of site acquisition, site preparation, and public enhancements 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 \$960,000.00 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 Skate Zone 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 48<sup>th</sup> & O Street Environs Redevelopment Plan to add the Skate Zone 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 48<sup>th</sup> & O Street Environs Redevelopment Plan, Skate Zone Redevelopment Project, for the design and construction of an approximately 84 room hotel and an approximately 5,600 square foot retail building and approximately 149 stall paved parking area for the

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structures, and to pay costs of site acquisition, site preparation, and public enhancements 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 \$960,000.00 from Tax Increment Financing for this Skate Zone Redevelopment Project.

Introduced by Jane Raybould

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

**AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SKATE ZONE**

**REDEVELOPMENT PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) - CLERK** read an ordinance, introduced by Jane Raybould, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$960,000.00 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain property and improvements within the City's Skate Zone Redevelopment Project Area, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

**RAYBOULD** Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20561**, is recorded in Ordinance Book 33.

**AMENDING CHAPTER 5.50 OF THE LINCOLN MUNICIPAL CODE RELATING TO TAXICABS BY AMENDING SECTION 5.50.010, DEFINITIONS, TO ADD A DEFINITION FOR "TRANSPORTATION NETWORK COMPANY"; BY ADDING A NEW SECTION NUMBERED 5.50.015 ENTITLED TRANSPORTATION NETWORK COMPANY, EXEMPTION, TO PROVIDE THAT MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE SOLICITED THROUGH TRANSPORTATION NETWORK COMPANIES SHALL NOT BE CONSIDERED TAXICABS AND SHALL BE EXEMPTED FROM THE PROVISIONS OF LINCOLN MUNICIPAL CODE CHAPTER 5.50; AND REPEALING SECTION 5.50.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:**

**CAMP** Moved to delay Action on Bill No. 17-136 with continued Public Hearing for 7 weeks to 12/04/17.

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

**CLERK** Read an ordinance, introduced by Jane Raybould, amending Chapter 5.50 of the Lincoln Municipal Code relating to Taxicabs by amending Section 5.50.010, Definitions, to add a definition for "Transportation Network Company"; by adding a new Section numbered 5.50.015 entitled Transportation Network Company, Exemption, to provide that motor vehicles and persons driving motor vehicles carrying passengers for hire solicited through transportation network companies, shall not be considered taxicabs and shall be exempted from the provisions of Lincoln Municipal Code Chapter 5.50; and repealing Section 5.50.010 of the Lincoln Municipal Code as hitherto existing, the third time.

**RAYBOULD** Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20562**, is recorded in Ordinance Book 33.

**CHANGE OF ZONE 17021 – APPLICATION OF SIERRA INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 2051 K STREET - 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.

**RAYBOULD** Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20563**, is recorded in Ordinance Book 33.

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING (UNMC) FOR CLINICAL TRAINING AT EASTERDAY RECREATION CENTER FOR PUBLIC HEALTH STUDENTS FOR A TWO YEAR TERM. *(CONSENT)*

APPROVING AN AGREEMENT BETWEEN THE UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLEGE OF PUBLIC HEALTH AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO ALLOW A PLANNED, SUPERVISED SERVICE/LEARNING/CAPSTONE EXPERIENCE OR OTHER SERVICE LEARNING OR RESEARCH EXPERIENCE FOR STUDENTS IN THE GRADUATE PROGRAM OF PUBLIC HEALTH FOR A THREE YEAR TERM. *(CONSENT)*

REAPPOINTING JON CAMP TO THE PUBLIC BUILDING COMMISSION FOR A TERM EXPIRING AUGUST 1, 2021. *(CONSENT)*

REAPPOINTING BETSY BERGMAN AND MICHAEL HATTEN TO THE STARTRAN ADVISORY BOARD FOR TERMS EXPIRING OCTOBER 20, 2020. *(CONSENT)*

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

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE 48<sup>TH</sup> AND HIGHWAY 2 TRAFFIC SIGNAL REBUILD PROJECT. CITY PROJECT NO. 702693. STATE PROJECT NO. LCLC-5239(9), CN 15253.

AUTHORIZING THE MAYOR TO EXECUTE A PROGRAM AGREEMENT SUPPLEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) TO DEFINE THE FUNDING SPLIT AND CAPS THE FEDERAL HSIP FUNDS AT \$2,397,600.00 FOR THE 56<sup>TH</sup> STREET AND YANKEE HILL ROAD PROJECT. (PROJECT NO. HSIP-5241(6), CN 13347). *(CONSENT)*

APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE RECONFIGURATION OF SOUTHPOINTE PAVILIONS BETWEEN THE CITY OF LINCOLN, NEBRASKA AND RED CAPITAL MANAGEMENT, LLC TO MAKE AMENDMENTS TO THE REAL ESTATE INTERESTS TO BE CONVEYED BETWEEN THE PARTIES IN FURTHERANCE OF THE DEVELOPMENT AGREEMENT ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND PINE LAKE ROAD.

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

CHANGE OF ZONE 17022 – APPLICATION OF LUX CENTER FOR THE ARTS TO DESIGNATE THE FORMER UNIVERSITY PLACE CITY HALL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2601 NORTH 48<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

CHANGE OF ZONE 17024 – APPLICATION OF JOHN AND TERRY THOMAS TO DESIGNATE THE BURGESS HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 6501 SOUTHWEST 40<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

CHANGE OF ZONE 17026 – APPLICATION OF MAGNUM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 235 SOUTH CODDINGTON AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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CHANGE OF ZONE 17027 – APPLICATION OF HEPBURN PROPERTIES, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 200 NORTHWEST 84<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION 17013 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED AT 84<sup>TH</sup> STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17011 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 161 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40<sup>TH</sup> STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17012 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 32 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTHWEST 1<sup>ST</sup> STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17010 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 211 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

TEXT AMENDMENT 17016 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.470(D) TO AUTHORIZE CITY COUNCIL TO INCREASE OR DECREASE THE MINIMUM PARKING REQUIREMENTS IN THE H-4 GENERAL COMMERCIAL DISTRICT; AND REPEALING SECTION 27.63.470 AS HITHERTO EXISTING. (RELATED ITEMS: 17-140, 17R-253) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.470(d) to authorize City Council to increase or decrease the minimum parking requirements in the H-4 General Commercial District; and repealing Section 27.63.470 as hitherto existing, the first time.

SPECIAL PERMIT NO. 2004A – APPLICATION OF ALPHA BREWING OPERATIONS, LLC, TO AMEND SPECIAL PERMIT 2004 TO REDUCE THE REQUIRED PARKING RATIO FOR ASSEMBLY FACILITIES FROM 1 STALL PER 300 SQUARE FEET TO 1 STALL PER 1,000 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND ALVO ROAD. (RELATED ITEMS: 17-140, 17R-253) (ACTION DATE: 10/30/17)

**PENDING LIST**

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. (9/18/17 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 9/25/17) (9/25/17 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO REMOVE FROM PENDING FOR ACTION ONLY ON 10/23/17) - PRIOR to reading:

LAMM Moved to remove from pending Bill No. 17R-233 for Action only on 10/23/17.  
Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**OPEN MICROPHONE - NONE**

ADJOURNMENT

5:18 P.M.

CAMP            Moved to adjourn the City Council Meeting of October 16, 2017.  
                      Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,  
                      Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Rhonda M. Bice, Office Specialist

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