

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 4, 2017 AT 3:00 P.M.

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

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

READING OF THE MINUTES

GAYLOR BAIRD Having been appointed to read the minutes of the City Council Proceedings of November 20, 2017, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF HCJ, LLC DBA SINGLE BARREL BOURBON STREET FOR A CLASS CK LIQUOR LICENSE AND A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE #160;

MANAGER APPLICATION OF HEATH A. MACOMBER FOR HCJ, LLC DBA SINGLE BARREL BOURBON STREET AT 300 CANOPY STREET, SUITE #160 - Health MaComber, 122 N. 11th Street, #402, came forward to take the oath and requested approval.

This matter was taken under advisement.

**** Council Member Camp left chambers at 3:07 p.m.****

APPLICATION OF GEAR HOSPITALITY, LLC DBA ALCHEMY FOR A CLASS C LIQUOR LICENSE AT 801 P STREET, #150;

MANAGER APPLICATION OF GREGG M. NELSON FOR GEAR HOSPITALITY, LLC DBA ALCHEMY AT 801 P STREET, #150 - Gregg M. Nelson, 3312 S. 42nd Street, came forward to take the oath and requested approval.

This matter was taken under advisement.

****Council Member Camp returned to Chambers at 3:08 p.m.**

APPLICATION OF BH OPERATOR, LLC DBA CLOVERLEAF SUITES LINCOLN FOR A CLASS I LIQUOR LICENSE AT 200 SOUTH 68TH STREET PLACE;

MANAGER APPLICATION OF MARY BETH SMITH FOR BH OPERATOR, LLC DBA CLOVERLEAF SUITES LINCOLN AT 200 SOUTH 68TH STREET PLACE - Mary Beth Smith, 5726 Brendon Lane, came forward to take the oath and requested approval.

This matter was taken under advisement.

PROVIDE SITING APPROVAL TO ALLOW CITY OWNED PROPERTY TO BE USED FOR FUTURE SOLID WASTE OPERATIONS AND TO ALLOW THE PERMITTING AND OPERATIONS OF SOLID WASTE DISPOSAL AREAS AND SOLID WASTE PROCESSING FACILITIES ON A PARCEL OF GROUND, CONTAINING APPROXIMATELY 710 ACRES, IN THE VICINITY OF HIGHWAY 77 AND BLUFF ROAD IN LANCASTER COUNTY, NEBRASKA - Donna Garden, Assistant Director of Pubic Works, came forward and shared the Bluff Road has been open since 1988 and is owned and operated by the City of Lincoln. They decided to purchase land directly east of the landfill. Currently, they use the landfill for solid waste, yard waste and a gas collection system. When the Solid Waste Management Plan 2040 was put together, that included a number of pubic hearings to discuss preparation for the future. Part of those discussions included how to manage the capacity. Between now and 2040 they recognize their disposable capacity would be exhausted. The 2016 financial statement stated the current landfill has 16 years of life left. The purchased land to the east is owned by the City of Lincoln for future use as a solid waste disposal area or a solid waste processing facility. They do not currently need a permit for the composting area that is located on the land to the east because it is only composting yard waste. The siting approval would be for 710 acres and the permit process would take care of whatever activities are occurring on the land. Although it is 16 years ahead of time, we want to do this now to make sure they have a place large enough to handle the capacity and meet the needs in the future. NDEQ requires local siting approval prior to permitting and siting approval is required by State Statute. All the neighbors within 1000 feet of the area were notified and there have been no objections. Discussion followed.

This matter was taken under advisement

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 174**

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$40,985,000 PRINCIPAL AMOUNT OF CORRECTIONAL FACILITY REFUNDING BONDS, SERIES 2017, TO BE ISSUED BY LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY - Scott Keene, Ameritas, came forward and explained this is the final step in an authorization to allow for the refunding of the JPA series 2009 bonds that were are callable in December, 2017. Interest rates have fallen dramatically enough to have significant savings to the JPA if the bonds are refunded now. They currently have an outstanding average interest rate of approximately 4.89% and they conservatively estimate in today's rates the bonds could be sold with a rate of about 2.5%. This could result in around \$440,000.00 of savings per year. They are staying within the original amortization schedule of 2028 and will not extend the final maturity of the bonds. County Board approved this on November 21, 2017, and JPA approved on November 28, 2017. The rating agencies have affirmed a triple A rating for the JPA.

Todd Wiltgen, County Board and Chair of the Lancaster County Adult Correctional JPA, came forward and explained the way this JPA was originally set up was that the County committed \$2 million to the financing for the new jail and the remainder would be made up by the City and their authority to issue bonds. The savings for this bond would be a savings for the City's residents. The County would still be responsible for the \$2 million. Discussion followed.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXTENET SYSTEMS, INC. FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES - David Young, Pubic Works, came forward and explained this is the third Agreement for small cell equipment and next generation wireless infrastructure in Lincoln. These Agreements are exactly the same except for one clause. Under paragraph 15, subsection 3 talks about Extenet, which is a new company being used. Paragraph 15, subsection A, the Agreement will actually be with Extenet and they may sub-license the actual equipment that is inside of the pole which will allow Extenet the ability to allow different providers. The new pole will replace the standard poles around the City, which is around 95% of the street lights in Lincoln. In a sensitive location they have the right for additional reviews and to request different poles.

Timothy Asta, Extenet Systems, 3030 Warrenville Road, Lisle, Illionis, came forward and shared that Extent is a telecommunications company. They do not sell phone service like Verizon or AT&T would. Those companies are customers of Extenet. Extenet will build the facilities for the cell phone companies to use. They will use small equipment that will run through utility poles and street lights primarily to improve capacity and coverage for the mobile user.

Jon Camp, Council Member, asked if the traffic poles would be replaced or would this technology be used in the existing poles.

Mr. Asta confirmed they always have to look at each individual pole and analyze the structure and the foundation and any additional features the City wants to add. Usually traffic poles are designed to already accommodate a lot of weight.

Mr. Camp asked for costs of the poles.

Mr. Asta shared that when they replace a mid block metal pole, it could be about \$20,000.00 and to replace a traffic pole with traffic equipment, it could be double or triple that amount.

Mr. Young shared that this Agreement specifically talked about street light poles. This will not include traffic poles. They could possibly entertain that as part of some discussions with the City Traffic Department and look at it with Extenet's technology, but there are no rights granted to Extenet under this Agreement for a traffic pole. Discussion followed.

Leirion Gaylor Baird, Council Member inquired about the ground based equipment and having safe, walkable sidewalks, specifically in the Downtown and Haymarket area.

Mr. Young said that under the Agreement, ground equipment is not included. Ground mounted equipment would have to come under the right-of-way occupancy ordinance. Under that ordinance, it would state where equipment can be placed and where equipment cannot be placed. Discussion followed.

Mr. Young shared that the Agreement is for 20 years. Each site that Extenet chooses after that time frame, they will have a supplemental Agreement that will approve a single site. The supplemental Agreement would be good for 5 years and it can be renewed multiple times. So if technology changes, Extenet has the opportunity, every 5 years to remove their equipment from that pole or to move from one pole location to the next, depending on the frequencies. At the end of 20 years, all supplemental Agreements will terminate. The City will also retain ownership of the poles. Discussion followed.

This matter was taken under advisement.

ADDING A NEW SECTION 9.08.120 TO PROVIDE FOR PROCEDURES FOR POLICE OFFICERS IN ISSUING CITATIONS FOR A VIOLATION OF THE CITY CODE AND GROUNDS FOR DETERMINING IF DETENTION IS NECESSARY;
CONSENT AMENDMENTS ORDINANCE AMENDING SECTIONS 24.05.240, 24.05.250, AND 24.05.270 TO MOVE EXAMINATION RESPONSIBILITIES TO THE EXAMINING BOARD OF PLUMBERS AND REPEALING SECTIONS 24.05.240, 24.05.250, AND 24.05.270 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
AMENDING SECTION 9.24.140 TO PROVIDE FOR MORE SPECIFIC TERMS AND CONDITIONS FOR LARCENY; AMENDING SECTION 9.24.160 TO RAISE THE MAXIMUM LEVEL FOR THEFT OF SERVICES COVERED UNDER THE CODE; BY ADDING A NEW SECTION 9.24.165 TITLED CONSOLIDATION OF THEFT OFFENSES TO PROVIDE FOR THE PROSECUTION OF CONDUCT

- IN SECTIONS 9.24.120 TO 9.24.160 AS A SINGLE OFFENSE EMBRACING THE SEPARATELY ENUMERATED OFFENSES; AMENDING SECTION 9.24.190 TO PROVIDE MORE CLEAR AND DEFINITE TERMS AND CONDITIONS FOR LOITERING AND TRESPASSING; AND REPEALING SECTIONS 9.24.140, 9.24.160, AND 9.24.190 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.06.080 TO ALLOW FOR ENFORCEMENT OF PENALTIES FOR REFUSAL TO SIGN TRAFFIC CITATIONS AND REPEALING SECTION 10.06.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTIONS 10.08.010, 10.08.020, 10.08.040, AND 10.08.050 TO BE CONSISTENT WITH STATE LAW AND ALLOW FOR ENFORCEMENT OF THE LAW REGARDING MOTOR VEHICLE REGISTRATION AND LICENSE PLATES AND REPEALING SECTIONS 10.08.010, 10.08.020, 10.08.040, AND 10.08.050 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.12.030 TO ADD NEW TRAFFIC CONTROL RED ARROW TO THE TRAFFIC CONTROL LEGEND; AMENDING SECTIONS 10.14.200(B) AND 10.14.220 TO ADD LANGUAGE ON HOW DRIVERS SHALL PROCEED IN TRAFFIC WHEN THERE IS A STEADY CIRCULAR RED LIGHT OR RED ARROW; AND REPEALING SECTIONS 10.12.030, 10.14.200, AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.14.190 TO PROVIDE THAT LEFT TURNS SHALL BE MADE, AS NEARLY AS PRACTICABLE, IN THE EXTREME LEFT-HAND LANE AND REPEALING SECTION 10.14.190 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.14.420 TO HAVE A PENALTY CONSISTENT WITH STATE LAW FOR THE SAME VIOLATION AND REPEALING SECTION 10.14.420 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.16.030 TO BE CONSISTENT WITH STATE LAW AND REPEALING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.16.063 PURSUANT TO RECENT CHANGES TO NEB. REV. STAT. § 60-4, 108 AND NEB. REV. STAT. § 60-4, 109 TO ALLOW A SENTENCE OF PROBATION WITHOUT FURTHER LICENSE REVOCATION AFTER CONVICTION FOR THIS OFFENSE AND REPEALING SECTION 10.16.063 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.16.065 TO BE CONSISTENT WITH STATE LAW FOR THE SAME OFFENSES PURSUANT TO NEB. REV. STAT. § 60-4, 108 AND REPEALING SECTION 10.16.065 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- AMENDING SECTION 10.30.080 TO CLARIFY WHERE SOLICITING ACTIVITIES ARE PROHIBITED TO PROTECT PEDESTRIAN AND MOTOR VEHICLE SAFETY AND REPEALING SECTION 10.30.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;.
- AMENDING SECTION 10.32.070 TO CLARIFY THAT ANY MOTOR VEHICLE THAT EXCEEDS THE PROHIBITED LENGTH OR WIDTH WITH OR WITHOUT A TRAILER ATTACHED CANNOT BE PARKED IN CERTAIN RESIDENTIAL ZONING DISTRICTS AND REPEALING SECTION 10.32.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENT ORDINANCE AMENDING SECTION 2.42.040 TO MOVE THE WORKFORCE INVESTMENT OPPORTUNITY ADMINISTRATION FROM THE URBAN DEVELOPMENT DEPARTMENT TO THE MAYOR'S OFFICE AND REPEALING SECTION 2.42.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 8.08.030 TO DECLARE THE VIOLATION OF THIS CODE SECTION TO BE A PUBLIC NUISANCE RATHER THAN A CRIME AND REPEALING SECTION 8.08.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 9.36.090 TO ALLOW FOR THE TRANSPORTATION OF LEGAL FIREWORKS WITHOUT PRIOR NOTIFICATION OF THE LINCOLN POLICE DEPARTMENT AND REPEALING SECTION 9.36.090 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 4.04.020 TO CLARIFY THAT THE CHARTER REVISION COMMISSION IS REQUIRED TO MEET A MINIMUM OF ONCE ANNUALLY RATHER THAN TWICE ANNUALLY AND REPEALING SECTION 4.04.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTIONS 4.20.010, 4.20.020, 4.20.030, AND 4.20.050 TO CLARIFY THE TITLE OF LIBRARY BOARD MEMBERS, TO REMOVE UNNECESSARY LANGUAGE, AND REPEALING SECTIONS 4.20.010, 4.20.020, 4.20.030, AND 4.20.050 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- TECHNICAL AMENDMENTS ORDINANCE AMENDING SECTIONS 20.06.040, 20.06.237, 20.10.230, 20.10.235, AND 24.05.220 TO REFLECT THE CORRECT REFERENCES TO THE RECENTLY ADOPTED LINCOLN MECHANICAL CODE AND LINCOLN PLUMBING CODE, AND REPEALING SECTIONS 20.06.040, 20.06.237, 20.10.230, 20.10.235, AND 24.05.220 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE REPEALING SECTION 10.32.025 AS THE VOLUNTEER POSITION OF CITIZEN HANDICAPPED PARKING PATROL OFFICER IS NO LONGER BEING UTILIZED BY THE LINCOLN POLICE DEPARTMENT;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 2.18.020 TO RAISE THE LIMIT ON MICRO PURCHASES FROM \$3,000 TO \$5,000 AND REPEALING SECTION 2.18.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 176**

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 2.32.110 TO ELIMINATE THE PROVISION FOR THE FEE CHARGED BY THE POLICE DEPARTMENT FOR ACCIDENT REPORTS AND REPEALING SECTION 2.32.110 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 9.20.080 TO REPLACE THE PROHIBITION AGAINST PROFANE OR ABUSIVE LANGUAGE WITH PROHIBITION AGAINST REPEATED PANHANDLING AND REPEALING SECTION 9.20.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Jeff Kirkpatrick, City Attorney, and Jessica Kerkhofs, City Chief Prosecutor both came forward and shared that this is part of an annual project under the direction of Administrative Regulation where once a year City Law will work with the City Departments to make clean up changes or technical amendments. Bill 17-162 involves moving an item that was in title 10 and moving it to the criminal code section to coincide with the State Statute. Bill 17-163 is regarding the examining board of the Plumbers. Bill 17-164 is an amendment pertaining to ordinances in Chapter 9.24 of theft and property offenses section to mirror State Statute and to also harmonizing the trespassing language to the State Statute. Bill 17-165 is language that will be moved to Title 9 and repealed from Section 10 and adding the refusal to sign a traffic citation. Bill 17-166 is for language clean up and a few new changes pertaining to one license plate allowance and added some trailer language. Bill 17-167 is regarding traffic control in Title 10.12 to add definition for a red arrow. Bill 17-168 is to change the language to match State Statute. Bill 17-169 is to make corrections to the school bus penalty and make a flat \$500.00 penalty for passing a school bus with the stop sign extended. Bill 17-170 refers to the DUI ordinance and made the first offense penalty consistent with the Statute and the language regarding probation. Bill 17-171 and Bill 17-172 are changes to mirror the State Law. Bill 17-173 is to clarify and take the sidewalk area out of that consideration. Bill 17-174 is to combine the length of a vehicle and a trailer and to be in violation with zoning in the areas prohibited. Bill 17-176 addresses a change that took place within the City over the past year regarding Workforce Development. Bill 17-177 talks about the regulation of body art establishments. Bill 17-178 would make it legal to transport legal fireworks without having them first inspected by LPD. Bill 17-179 applies to the Charter Revision Commission and the number of times they meet per year. Bill 17-181 are technical amendments regarding the Mechanical and Electrical Code. Bill 17-182 is regarding the Citizen Handicap Patrol officer which was a volunteer position that has not been used in a long period of time and will be removed. Bill 17-184 deletes the provision for the fee in LPD and open records. Bill 17-185 is an amendment to the panhandling language. Discussion followed.

Leirion Gaylor Baird, Council Member, expressed concern regarding Bill 17-165 regarding traffic citation and whether a misdemeanor is an appropriate level of penalty for not signing a citation.

Tom Casedy, Public Safety Director, came forward and explained this is a continuation of the City's existing practice and it is simply being moved from Title 10 to Title 9 and it will mirror State Statute. Discussion followed.

Spike Eickholt, ACLU of Nebraska, 721 S. 14th Street, came forward in support of Bill 17-173 and Bill 17-185 and asked Council to continuing to look at more revisions on the Panhandling ordinance.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING MIKE LANG TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2019 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90785 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike Lang to the District Energy Corporation, for a term expiring December 31, 2019, is hereby approved.

Introduced by Bennie Shobe

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

REAPPOINTING BRIAN WACHMAN TO THE KENO/HUMAN SERVICES ADVISORY BOARD FOR A TERM EXPIRING DECEMBER 31, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90786 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Brian Wachman to the Keno/Human Services Advisory Board, for a term expiring December 31, 2020, is hereby approved.

Introduced by Bennie Shobe

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

APPROVING A CONTRACT AMONG THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND MIDWEST OFFICE AUTOMATIONS FOR COST-PER-COPY SERVICES, PURSUANT TO BID NO. 17-199, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - PRIOR to reading:

GAYLOR BAIRD Moved to continue Public Hearing with Action on Bill No. 17R-279 two weeks to 12/04/17.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND HEMOCUE AMERICA TO PROVIDE ANALYZER MACHINES AND CUVETTES TO ALLOW WIC PROGRAM STAFF TO CONDUCT HEMOGLOBIN CHECKS FOR CLIENTELE FOR A TERM OF OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90787 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Purchase Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and HemoCue America to provide analyzer machines and cuvettes to allow WIC program staff to conduct hemoglobin checks for clientele for a term of October 1, 2017 through September 30, 2020, upon the terms and conditions as set forth in said Purchase Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Bennie Shobe

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON NOVEMBER 20, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

LINCOLN ELECTRIC SYSTEMS FINANCIAL & OPERATING STATEMENT FOR OCTOBER, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 18, 2017 AT 5:30 P.M. ON THE APPLICATION OF FRIENDS FAMILY LLC DBA HIRO 88-LOCAL-5168 BREWERY FOR A CLASS LK LIQUOR LICENSE AT 5730 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90788 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 18, 2017, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Friends Family LLC dba Hiro 88-Local-5168-Brewery for a Class LK Liquor License at 5730 Hidcote Drive.

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 18, 2017 AT 5:30 P.M. ON THE APPLICATION OF FRIENDS FAMILY LLC DBA HIRO 88-LOCAL-5168 BREWERY FOR A CLASS CG LIQUOR LICENSE AT 5730 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90789 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 18, 2017, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Friends Family LLC dba Hiro 88-Local-5168-Brewery for a Class CG Liquor License at 5730 Hidcote Drive.

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

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:

Change of Zone No. 07063B – Requested by Ringneck Development, LLC, from AG (Agricultural District) to R-3 (Residential District) PUD and H-3 (Highway Commercial District) PUD, on property generally located at NW 48th and West Holdrege Streets.

Change of Zone No. 17028 – Requested by City of Lincoln, from I-1 (Industrial District) to B-3 (Commercial District), from I-1 (Industrial District) to H-3 (Highway Commercial District), from I-1 (Industrial District) to P (Public Use District), from I-1 (Industrial District) to R-4 (Residential District), from I-1 (Industrial District) to R-6 (Residential District), from P (Public Use District) to H-3 (Highway Commercial District), from R-2 (Residential District) to R-4 (Residential District), from R-4 (Residential District) to H-3 (Highway Commercial District), and from R-4 (Residential District) to R-6 (Residential District), on properties generally located in the vicinity of the former Missouri Pacific Railroad corridor between North 22nd and North 35th Streets and include approximately 30.71 acres.

Change of Zone No. 17033 – Requested by Clark Enersen Partners, from AG (Agriculture District) to I-1 (Industrial District), on property generally located at South 21st Street and Saltillo Road.

Change of Zone No. 17034 – Requested by Clark Enersen Partners, from AG (Agricultural District) to R-3 (Residential District), on property generally located at South 84th Street and Augusta Drive.

Pre-Existing Use Permit No. 3AH – Requested by Commercial Investment Properties, to amend the boundary of the Gateway Mall Use Permit by adding the property at 6400 Q Street for authority to construct a total of 300 dwelling units and 70,000 square feet of commercial space or some combination of both, including waivers to the maximum building height from 40 feet to 55 feet and to reduce residential parking requirements from 2 to 1.4 stalls per unit on property generally located at 6400 Q Street.

Special Permit No. 1219N – Requested by Bryan Medical Center, for authority to amend Special Permit No. 1219M to allow Bryan Medical Center East Campus to construct wall signage larger than 50-square feet and amend their campus signage plan, on property generally located at 48th and A Streets.

Special Permit No. 1423K – Requested by Clark Enersen Partners, to revise the existing HiMark Community Unit Plan to add 29 single-family lots, on property generally located at South 84th Street and Augusta Drive.

Special Permit No. 17041 – Requested by K-West Construction, for expansion of a non-standard dwelling, on property generally located at 2790 Arlington Avenue.

Text Amendment No. 17013 – Requested by City of Lincoln, to amend Titles 26 and 27 of the Lincoln Municipal Code, by amending Section 26.15.030, Section 26.19.031, Section 27.64.010, Section 27.65.070, and Section 27.60.020 for CAD (Computer Aided Design/Drafting) Standards for Subdivision Submittal as maintained by the Public Works and Utilities Department, and repealing said sections as hitherto existing.

Text Amendment No. 17017 – Requested by City of Lincoln, to amend Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning by amending Section 27.59.070 to change a reference to the Building Official, change the reference to the State Department of Aeronautics to the Division of Aeronautics of the State of Nebraska Department of Transportation based on a merger of the departments effective July 1, 2017, adopting a revised Lincoln Airport Zoning Map, and repealing Section 27.59.070 of the Lincoln Municipal Code as hitherto existing.

Text Amendment No. 17019 – Requested by City of Lincoln, amending Title 27, Chapter 27.02.240 definitions to combine warehouses, wholesale and distribution centers into one use definition, and amending the requirements related to warehouses, wholesale and distribution uses as found in Chapters 27.06.180, 27.62.150, and 27.63.470 of the Lincoln Municipal Code and repealing said sections as hitherto existing.

Text Amendment No. 17020 – Requested by Bryan Medical Center, to amend Title 27, Chapter 27.69.260 regarding signage regulations pertaining to Nonresidential Healthcare Facilities and Post-Secondary Schools to provide for marquee and directional signs for internal way finding and increase the allowable square footage for freestanding signs and wall signs; and repealing Section 27.69.260 of the Lincoln Municipal Code as hitherto existing.

Use Permit No. 140F – Requested by Menard, Inc. to adjust the required parking, on property generally located at 8900 Andermatt Drive.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Approval No. 17065 to Special Permit No. 1219M, Bryan Medical Center East Campus, approved by the Planning Director on November 15, 2017, to add new freestanding, directional, and marquee signs, generally located at 1600 S. 48th Street.

Administrative Approval No. 17068 to Change of Zone No. 05054E, Prairie Village North PUD, approved by the Planning Director on November 15, 2017, to revise the landscape plan, generally located at 84th Street and Market Drive.

LIQUOR RESOLUTIONS

APPLICATION OF HCJ, LLC DBA SINGLE BARREL BOURBON STREET FOR A CLASS CK LIQUOR LICENSE AND A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE #160 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90790 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 HCJ, LLC dba Single Barrel Bourbon Street for a Class "CK" liquor license at 300 Canopy Street, Suite #160, Lincoln, Nebraska, for the license period ending October 31, 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.

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

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 ordinance, the City Council recommends that the application of HCJ, LLC dba Single Barrel Bourbon Street for the issuance of an Entertainment District License at 300 Canopy Street, Suite #160, Lincoln, Nebraska, be approved with the condition that the following conditions run with the term of the license and any renewal:

1. The Entertainment District License area includes one commons area located on the east side of Canopy Street, commonly known as the Railyard, shown in Attachment "A".

2. In addition to the requirements or restrictions contained in Chapter 5.04 and 5.21 of the Lincoln Municipal Code, the Entertainment District License is subject to the following requirements or restrictions:

a. The commons area and sidewalk café shall be designed, constructed, and operated as presented in Attachment "A" or as modified in compliance with Chapter 5.21.010.

b. The Entertainment District License shall be bound by the restrictions and agreements contained in Resolutions No. A-87257 and A-87387.

c. The City Council retains the ability to amend, suspend, revoke, or not renew the Railyard Promotional Associate's Entertainment District designation and permit subject to Chapter 5.21.030. Should the City Council amend, suspend, revoke, or decide not to renew the designation or permit, the applicant's Entertainment District License shall be automatically amended or expire as applicable.

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

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

MANAGER APPLICATION OF HEATH A. MACOMBER FOR HCJ, LLC DBA SINGLE BARREL BOURBON STREET AT 300 CANOPY STREET, SUITE #160 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90791 WHEREAS, HCJ, LLC dba Single Barrel Bourbon Street located at 300 Canopy Street, Suite #160, Lincoln, Nebraska has been approved for a Retail Class "CK" & "E" liquor licenses, and now requests that Heath A. Macomber be named manager;

WHEREAS, Heath A. Macomber 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 Heath A. Macomber be approved as manager of this business for said licensee.

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

Introduced by Carl Eskridge

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

APPLICATION OF GEAR HOSPITALITY, LLC DBA ALCHEMY FOR A CLASS C LIQUOR LICENSE AT 801 P STREET, #150 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90792 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 Gear Hospitality, LLC dba Alchemy for a Class "C" liquor license at 801 P Street, #150, Lincoln, Nebraska, for the license period ending October 31, 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.

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 180**

Introduced by Carl Eskridge

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

MANAGER APPLICATION OF GREGG M. NELSON FOR GEAR HOSPITALITY, LLC DBA ALCHEMY AT 801 P STREET, #150 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90793 WHEREAS, Gear Hospitality, LLC dba Alchemy located at 801 P Street, #150, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Gregg M. Nelson be named manager;

WHEREAS, Gregg M. Nelson 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 Gregg M. Nelson be approved as manager of this business for said licensee.

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

Introduced by Carl Eskridge

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

APPLICATION OF BH OPERATOR, LLC DBA CLOVERLEAF SUITES LINCOLN FOR A CLASS I LIQUOR LICENSE AT 200 SOUTH 68TH STREET PLACE - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90794 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 BH Operator, LLC dba Cloverleaf Suites Lincoln for a Class "I" liquor license at 200 South 68th Street Place, 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.

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

Introduced by Carl Eskridge

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

MANAGER APPLICATION OF MARY BETH SMITH FOR BH OPERATOR, LLC DBA CLOVERLEAF SUITES LINCOLN AT 200 SOUTH 68TH STREET PLACE - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90795 WHEREAS, BH Operator, LLC dba Cloverleaf Suites Lincoln located at 200 South 68th Street Place, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mary Beth Smith be named manager;

WHEREAS, Mary Beth Smith 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 Mary Beth Smith be approved as manager of this business for said licensee.

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

Introduced by Carl Eskridge

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

PUBLIC HEARING - RESOLUTIONS

PROVIDE SITING APPROVAL TO ALLOW CITY OWNED PROPERTY TO BE USED FOR FUTURE SOLID WASTE OPERATIONS AND TO ALLOW THE PERMITTING AND OPERATIONS OF SOLID WASTE DISPOSAL AREAS AND SOLID WASTE PROCESSING FACILITIES ON A PARCEL OF GROUND, CONTAINING APPROXIMATELY 710 ACRES, IN THE VICINITY OF HIGHWAY 77 AND BLUFF ROAD IN LANCASTER COUNTY, NEBRASKA - PRIOR to reading:

RAYBOULD Move to adopt the Substitute Resolution and the replacement document entitled "Evaluation for Siting Approval" attached hereto.

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

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

A-90796 WHEREAS, the City is seeking to allow the City owned property to be used for future solid waste operations and to allow the permitting and operation of solid waste disposal areas and solid waste processing facilities on this parcel of ground, containing approximately 710 acres, in the vicinity of Highway 77 and Bluff Road in Lancaster County, Nebraska; and

WHEREAS, Nebr. Rev. Stat. §13-2035 requires that a hearing be held by the City Council and its approval given before the Nebraska Department of Environmental Quality may grant a permit for a solid waste disposal area or solid waste processing facility; and

WHEREAS, the City has submitted information to the City Council and the City Council has considered the criteria established by Nebr. Rev. Stat. §13-1703; and

WHEREAS, the required notice has been properly given in accordance with the provisions of Nebr. Rev. Stat. §13-1704.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

That the City Council of the City of Lincoln finds and determines that the City owned property generally described as:

Section 21 and the north half of the north half of Section 28, except existing or proposed public right-of-way, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, containing approximately 710 acres.

which property is generally located east and south of U.S. Highway 77 and Bluff Road, and north and west of Interstate 80 and 70th Street in Lancaster County, is an area which is suitable for solid waste management operations, including: "solid waste disposal area" and "solid waste processing facility" within the definitions contained in Nebr. Rev. Stat. 13-1701 and Nebraska Department of Environmental Quality Title 132 – Integrated Solid Waste Management Regulations.

BE IT FURTHER RESOLVED, that the City Clerk is to execute the certification which is attached hereto, marked as Attachment "A", and made part hereof by reference and the City Clerk is directed to provide the completed certification and a copy of this Resolution to the applicant and the Nebraska Department of Environmental Quality upon request.

Final Vote

Moved by Bennie Shobe:

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1-15, 2017 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90797 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 November 16, 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:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

Nationwide a/s/o

Michael & Sandra Miller \$2,119.88

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

Introduced by Bennie Shobe

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

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$40,985,000 PRINCIPAL AMOUNT OF CORRECTIONAL FACILITY REFUNDING BONDS, SERIES 2017, TO BE ISSUED BY LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90798 A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA APPROVING THE ISSUANCE OF NOT TO EXCEED \$40,985,000 PRINCIPAL AMOUNT OF LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY CORRECTIONAL FACILITY REFUNDING BONDS, AND RELATED MATTERS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. The City Council (the "Council") of The City of Lincoln, Nebraska (the "City") hereby finds and determines as follows:

(a) Pursuant to 08R-207, the Council has heretofore authorized the execution and delivery of the Joint Public Agency Agreement Creating the Lancaster County Correctional Facility Joint Public Agency dated September 9, 2008 (the "Agreement") between the City and The County of Lancaster, Nebraska (the "County") creating the Lancaster County Correctional Facility Joint Public Agency (the "Agency") for the purpose of financing the construction, equipping and furnishing of correctional facilities (the "Project") to be operated by the County for the benefit of the City and the County.

(b) The Agency issued its \$64,390,000 principal amount of Correctional Facility Bonds, Series 2009, dated February 12, 2009 (the "2009 Bonds") for the purpose of constructing, equipping and furnishing the Project.

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 182**

(c) Since the issuance of the 2009 Bonds, the rates of interest available in the markets have declined so that the Agency can effect a savings in interest costs by providing for payment and redemption of all of the outstanding 2009 Bonds through the issuance of refunding bonds of the Agency.

(d) The City, the County and the Agency have determined that it is necessary, desirable, advisable and in the best interests of the City, the County and the Agency that the Agency issue not to exceed \$40,985,000 in aggregate principal amount of its Correctional Facility Refunding Bonds dated the date of delivery thereof (the "Bonds"), for the purpose of providing funds which, together with other funds of the Agency legally available for such purposes, shall be sufficient for the payment and redemption of the outstanding 2009 Bonds on the date such bonds are called for redemption.

(e) Article VI of the Agreement provides that the Agency shall not issue any bonds or other form of indebtedness without the question of such bonds or indebtedness being first presented to, and approved by, the Mayor and Council of the City and the Board of Commissioners of the County.

Section 2. The issuance of the Bonds in an aggregate principal amount not to exceed \$40,985,000 having the principal maturities, interest rates, redemption provisions and such other terms determined in accordance with the terms and conditions specified in the resolution of the Agency authorizing the issuance of the Bonds is hereby ratified, confirmed and approved.

Section 3. This resolution shall take effect and be in force from and after its passage and publication according to law.

Introduced by Bennie Shobe

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS - SEE BELOW

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 AGGREGATE STATED PRINCIPAL AMOUNT OF WATER REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA - PRIOR to reading:

RAYBOULD Moved to withdraw Bill No. 17-161.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4684** & was placed on file in the Office of the City Clerk.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXTENET SYSTEMS, INC. FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES - CLERK read an ordinance, introduced by Bennie Shobe, accepting and approving the Master Lease Agreement between the City of Lincoln and ExteNet Systems, Inc. for the purpose of installing small cell wireless technology on City owned street light poles, the second time.

ADDING A NEW SECTION 9.08.120 TO PROVIDE FOR PROCEDURES FOR POLICE OFFICERS IN ISSUING CITATIONS FOR A VIOLATION OF THE CITY CODE AND GROUNDS FOR DETERMINING IF DETENTION IS NECESSARY - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 9.08 of the Lincoln Municipal Code to add a new section numbered 9.08.120 to provide for procedures for police officers in issuing citations for a violation of the city code and grounds for determining if detention is necessary, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTIONS 24.05.240, 24.05.250, AND 24.05.270 TO MOVE EXAMINATION RESPONSIBILITIES TO THE EXAMINING BOARD OF PLUMBERS AND REPEALING SECTIONS 24.05.240, 24.05.250, AND 24.05.270 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Sections 24.05.240, 24.05.250, and 24.05.270 of the Lincoln Municipal Code to move examination responsibilities to the Examining Board of Plumbers and repealing Sections 24.05.240, 24.05.250, and 24.05.270 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 9.24.140 TO PROVIDE FOR MORE SPECIFIC TERMS AND CONDITIONS FOR LARCENY; AMENDING SECTION 9.24.160 TO RAISE THE MAXIMUM LEVEL FOR THEFT OF SERVICES COVERED UNDER THE CODE; BY ADDING A NEW SECTION 9.24.165 TITLED CONSOLIDATION OF THEFT OFFENSES TO PROVIDE FOR THE PROSECUTION OF CONDUCT IN SECTIONS 9.24.120 TO 9.24.160 AS A SINGLE OFFENSE EMBRACING THE SEPARATELY ENUMERATED OFFENSES; AMENDING SECTION 9.24.190 TO PROVIDE MORE CLEAR AND DEFINITE TERMS AND CONDITIONS FOR LOITERING AND TRESPASSING; AND REPEALING SECTIONS 9.24.140, 9.24.160, AND 9.24.190 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 9.24 of the Lincoln Municipal Code by amending Section 9.24.140 Larceny; Defined to provide for more specific terms and conditions for Larceny; by amending Section 9.24.160 Theft of Services to raise the maximum level for theft of services covered under the Code; by adding a new section numbered Section 9.24.165 titled Consolidation of Theft Offenses to provide for the prosecution of conduct in Sections 9.24.120 to

9.24.160 as a single offense embracing the separately enumerated offenses; and by amending Section 9.24.190 Loitering and Trespass; Windowpeeping as Evidence to provide more clear and definite terms and conditions for Loitering and Trespassing; and repealing Sections 9.24.140, 9.24.160, and 9.24.190 as hitherto existing, the second time.

AMENDING SECTION 10.06.080 TO ALLOW FOR ENFORCEMENT OF PENALTIES FOR REFUSAL TO SIGN TRAFFIC CITATIONS AND REPEALING SECTION 10.06.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Title 10 of the Lincoln Municipal Code relating to persons who refuse to sign citations issued to them by police officers, the second time.

AMENDING SECTIONS 10.08.010, 10.08.020, 10.08.040, AND 10.08.050 TO BE CONSISTENT WITH STATE LAW AND ALLOW FOR ENFORCEMENT OF THE LAW REGARDING MOTOR VEHICLE REGISTRATION AND LICENSE PLATES AND REPEALING SECTIONS 10.08.010, 10.08.020, 10.08.040, AND 10.08.050 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Title 10 of the Lincoln Municipal Code relating to registration of motor vehicles and trailers, the second time.

AMENDING SECTION 10.12.030 TO ADD NEW TRAFFIC CONTROL RED ARROW TO THE TRAFFIC CONTROL LEGEND; AMENDING SECTIONS 10.14.200(B) AND 10.14.220 TO ADD LANGUAGE ON HOW DRIVERS SHALL PROCEED IN TRAFFIC WHEN THERE IS A STEADY CIRCULAR RED LIGHT OR RED ARROW; AND REPEALING SECTIONS 10.12.030, 10.14.200, AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 10.12 of the Lincoln Municipal Code relating to Traffic Control Devices by amending Section 10.12.030 to add new traffic control Red Arrow to the Traffic Control Legend; amending Chapter 10.14 relating to Rules of the Road by amending Section 10.14.200(b) relating to U-Turn Only at Street Intersections; and amending Section 10.14.220 relating to Turns Restricted at Intersections With Automatic Signals to add language on how drivers shall proceed in traffic when there is a steady circular red light or red arrow; and repealing Sections 10.12.030, 10.14.200, and 10.14.220 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.14.190 TO PROVIDE THAT LEFT TURNS SHALL BE MADE, AS NEARLY AS PRACTICABLE, IN THE EXTREME LEFT-HAND LANE AND REPEALING SECTION 10.14.190 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 10.14.190 of the Lincoln Municipal Code to provide that left turns shall be made, as nearly as practicable, in the extreme left-hand lane and repealing Section 10.14.190 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.14.420 TO HAVE A PENALTY CONSISTENT WITH STATE LAW FOR THE SAME VIOLATION AND REPEALING SECTION 10.14.420 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 10.14.420 of the Lincoln Municipal Code to have a penalty consistent with state law for the same violation and repealing Section 10.14.420 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.16.030 TO BE CONSISTENT WITH STATE LAW AND REPEALING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 10.16.030 of the Lincoln Municipal Code to be consistent with state law and repealing Section 10.16.030 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.16.063 PURSUANT TO RECENT CHANGES TO NEB. REV. STAT. § 60-4, 108 AND NEB. REV. STAT. § 60-4, 109 TO ALLOW A SENTENCE OF PROBATION WITHOUT FURTHER LICENSE REVOCATION AFTER CONVICTION FOR THIS OFFENSE AND REPEALING SECTION 10.16.063 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Title 10 of the Lincoln Municipal Code relating to driving a motor vehicle while having an operator's license that has been suspended, revoked, or impounded, the second time.

AMENDING SECTION 10.16.065 TO BE CONSISTENT WITH STATE LAW FOR THE SAME OFFENSES PURSUANT TO NEB. REV. STAT. § 60-4, 108 AND REPEALING SECTION 10.16.065 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Title 10 of the Lincoln Municipal Code relating to driving a motor vehicle while having an operator's license that has been suspended, revoked, or impounded, the second time.

AMENDING SECTION 10.30.080 TO CLARIFY WHERE SOLICITING ACTIVITIES ARE PROHIBITED TO PROTECT PEDESTRIAN AND MOTOR VEHICLE SAFETY AND REPEALING SECTION 10.30.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 10.30.080 of the Lincoln Municipal Code relating to Pedestrians; Soliciting Employment, Business, or Contribution Prohibited; and repealing Section 10.30.080 of the Lincoln Municipal Code as hitherto existing, the second time.

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 184**

AMENDING SECTION 10.32.070 TO CLARIFY THAT ANY MOTOR VEHICLE THAT EXCEEDS THE PROHIBITED LENGTH OR WIDTH WITH OR WITHOUT A TRAILER ATTACHED CANNOT BE PARKED IN CERTAIN RESIDENTIAL ZONING DISTRICTS AND REPEALING SECTION 10.32.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 10.32.070 of the Lincoln Municipal Code relating to Parking of Vehicle on Street Adjacent to Residentially Zoned Property and repealing Section 10.32.070 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENT ORDINANCE AMENDING SECTION 2.42.040 TO MOVE THE WORKFORCE INVESTMENT OPPORTUNITY ADMINISTRATION FROM THE URBAN DEVELOPMENT DEPARTMENT TO THE MAYOR'S OFFICE AND REPEALING SECTION 2.42.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 2.42.040 of the Lincoln Municipal Code to move the Workforce Investment Opportunity Administration from the Urban Development Department to the Mayor's Office and repealing Section 2.42.040 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 8.08.030 TO DECLARE THE VIOLATION OF THIS CODE SECTION TO BE A PUBLIC NUISANCE RATHER THAN A CRIME AND REPEALING SECTION 8.08.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 8.08.030 of the Lincoln Municipal Code to declare the violation of this code section to be a public nuisance rather than a crime and repealing Section 8.08.030 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 9.36.090 TO ALLOW FOR THE TRANSPORTATION OF LEGAL FIREWORKS WITHOUT PRIOR NOTIFICATION OF THE LINCOLN POLICE DEPARTMENT AND REPEALING SECTION 9.36.090 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 9.36.090 of the Lincoln Municipal Code to allow for the transportation of legal fireworks without prior notification of the Lincoln Police Department and repealing Section 9.36.090 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 4.04.020 TO CLARIFY THAT THE CHARTER REVISION COMMISSION IS REQUIRED TO MEET A MINIMUM OF ONCE ANNUALLY RATHER THAN TWICE ANNUALLY AND REPEALING SECTION 4.04.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 4.04 of the Lincoln Municipal Code to clarify that the Charter Revision Commission is required to meet a minimum of once annually rather than twice annually and repealing Section 4.04.020 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTIONS 4.20.010, 4.20.020, 4.20.030, AND 4.20.050 TO CLARIFY THE TITLE OF LIBRARY BOARD MEMBERS, TO REMOVE UNNECESSARY LANGUAGE, AND REPEALING SECTIONS 4.20.010, 4.20.020, 4.20.030, AND 4.20.050 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

GAYLOR BAIRD Moved to withdraw Bill No. 17-180.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4685** & was placed on file in the Office of the City Clerk.

TECHNICAL AMENDMENTS ORDINANCE AMENDING SECTIONS 20.06.040, 20.06.237, 20.10.230, 20.10.235, AND 24.05.220 TO REFLECT THE CORRECT REFERENCES TO THE RECENTLY ADOPTED LINCOLN MECHANICAL CODE AND LINCOLN PLUMBING CODE, AND REPEALING SECTIONS 20.06.040, 20.06.237, 20.10.230, 20.10.235, AND 24.05.220 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 20.06 of the Lincoln Municipal Code relating to Lincoln Building Code by amending Sections 20.06.040 and 20.06.237 to reflect the correct references to the recently adopted Lincoln Mechanical Code and Lincoln Plumbing Code chapters; amending Section 20.10 relating to Lincoln Residential Building Code by amending Sections 20.10.230 and 20.10.235 to reflect the correct references to the recently adopted Lincoln Mechanical Code chapter; amending Chapter 24.05 relating to Gas Piping Code by amending Section 24.05.220 to reflect the correct references to the recently adopted Lincoln Plumbing Code chapter; and repealing Sections 20.06.040, 20.06.237, 20.10.230, 20.10.235, and 24.05.220 as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE REPEALING SECTION 10.32.025 AS THE VOLUNTEER POSITION OF CITIZEN HANDICAPPED PARKING PATROL OFFICER IS NO LONGER BEING UTILIZED BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Bennie Shobe, repealing Section 10.32.025 from the Lincoln Municipal Code as the volunteer position of Citizen Handicapped Parking Patrol Officer is no longer being utilized by the Lincoln Police Department, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 2.18.020 TO RAISE THE LIMIT ON MICRO PURCHASES FROM \$3,000 TO \$5,000 AND REPEALING SECTION 2.18.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - - PRIOR to reading.

LAMM Moved to withdraw Bill No. 17-183.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4686** & was placed on file in the Office of the City Clerk.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 2.32.110 TO ELIMINATE THE PROVISION FOR THE FEE CHARGED BY THE POLICE DEPARTMENT FOR ACCIDENT REPORTS AND REPEALING SECTION 2.32.110 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 2.32.110 of the Lincoln Municipal Code to eliminate the provision for the fee charged by the Police Department for accident reports and repealing Section 2.32.110 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 9.20.080 TO REPLACE THE PROHIBITION AGAINST PROFANE OR ABUSIVE LANGUAGE WITH PROHIBITION AGAINST REPEATED PANHANDLING AND REPEALING SECTION 9.20.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Section 9.20.080 of the Lincoln Municipal Code to replace the prohibition against profane or abusive language with a prohibition against repeated panhandling and repealing Section 9.20.080 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

CHANGE OF ZONE 17029 – APPLICATION OF PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE 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 NORTHWEST 1ST STREET AND WEST FLETCHER AVENUE. (RELATED ITEMS: 17-158, 17R-275) - 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 Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #**20585**, is recorded in Ordinance Book 34.

USE PERMIT 17007 – APPLICATION OF PAR 5 PARTNERS, LLC FOR A NEW I-3 USE PERMIT, WITH WAIVERS TO SETBACKS AND SIGN REGULATIONS, ON PROPERTY GENERALLY LOCATED AT NORTHWEST 1ST STREET AND WEST FLETCHER AVENUE. (RELATED ITEMS: 17-158, 17R-275) ACTION DATE: 12/4/17) - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90799 WHEREAS, Par 5 Partners, LLC has submitted an application designated as Use Permit No. 17007 for a new I-3 Employment Center District Use Permit, with waivers to setbacks and sign regulations, on property generally located at Northwest 1st Street and West Fletcher Avenue, and legally described as: Lots 1-3, Block 1 and Lots 1-4, Block 2, Highland Office Park; Outlot A, Highland Coalition 1st Addition; Lot 1, Highland Coalition 3rd Addition; Lots 4, 57, and 20 Irregular Tracts, the remaining portion of Lot 1, Block 1, Highland North; and a portion of Chadderton Circle, located in the East Half of Section 3, Township 10 North, Range 6 East of the 6th P.M. and the West Half of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

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

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

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

That the application of Par 5 Partners, LLC, hereinafter collectively referred to as "Permittee", for a new I-3 Employment Center District, with waivers to setbacks and sign regulations, on the property legally described above, be and the same is hereby granted upon condition that construction and operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an I-3 use permit with a waiver to reduce setbacks to zero feet on all internal property lines and the following adjustments to the regulations for freestanding and center signs:

(a) Center "Campus Identification" signs are allowed up to 150 square feet and 18 feet high. All three-dimensional sign elements in the sculptural art shall not count against the total sign area and height limit. One center sign allowed per street frontage on Highway 34 and on I-80 and at the intersection of West Fletcher Avenue and Northwest 1st Street. Unless otherwise noted, center signs shall be spaced a minimum of 50 feet apart. There shall be no spacing requirement from other freestanding signs for center signs. The center sign may identify one or more businesses. One business name may also serve as the name of the center. For signage purposes, the campus boundary is the same as the use permit boundary.

(b) Freestanding "Campus Entrance" signs may be located at each campus entrance. One sign per driveway or street entrance to the campus is permitted with no spacing requirements from other freestanding signs.

(c) Freestanding "Building Identification" signs may be located at each building with no spacing requirement from other freestanding signs.

(d) In addition to the freestanding and center signs described above, directional signs of up to 15 square feet and 6 feet high are allowed, one per driveway, with no spacing requirement from other freestanding signs.

2. The City Council approves associated request Change of Zone No. 17029.

3. Before a final plat is approved, the Permittee shall:

(a) Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with the required revision as listed below:

(i) Add a note that reads, "The driveway access to West Fletcher Avenue within approximately 60 feet of Highway 34 is relinquished per City Council Resolution No. A-86362 and will be removed/re-graded and seeded at the owner's expense."

(b) Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Prior to receiving a building permit for new construction, Permittee shall:

(a) Submit an administrative amendment with a grading plan for the area of construction.

(b) Dedicate the following easements if required: 1) a public storm drainage easement over the existing storm drainage ditch along West Fletcher Avenue from Highway 34 to Northwest 1st Street; and 2) a minimum flood corridor easement over the large channel cutting across the southeast portion of Lot 1, Highland Coalition 3rd Addition, to the satisfaction of the Public Works and Utilities Department.

5. Prior to any final plat involving Outlot A, Highlands Coalition 1st Addition, Permittee shall:

(a) Submit an administrative amendment with a grading plan for the area in Outlot A, Highlands Coalition 1st Addition.

6. Before occupying the buildings, all development and construction is to substantially comply with the approved plans.

7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

8. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

9. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jane Raybould

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

ANNEXATION 17017 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 156 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 84TH AND 105TH STREETS, BOTH NORTH AND SOUTH OF O STREET, INCLUDING THE ENTIRE HILLCREST HEIGHTS SUBDIVISION AND PROPERTIES IMMEDIATELY WEST AND SOUTH OF THE SUBDIVISION - PRIOR to reading:

LAMM Moved to amend Bill No. 17-159 as follows:

Delete from the legal description of the real property to be annexed, the property shown below as stricken on page 1, lines 7-9 and 15-17 as depicted by the cross-hatched area shown on Exhibit A attached hereto and incorporated herein by this reference: "~~Lots 1-6, Block 1, Lots 1-4, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4, Lots 1-5, Block 5, Lots 1-4, Block 6, Lots 1-9, Block 7, Lots 1-8, Block 8, and adjacent rights-of-way Hillcrest Heights; Lot 7 Irregular Tract, located in the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 26, Township 10 North, Range 7 East of the 6th P.M.; the West 370 feet of Lot D lying north of the former railroad right-of-way of a~~

Subdivision of the East Half of Section 26, Township 10 North, Range 7 East of the 6th P.M.; ~~the remaining portion of Lot B of a Subdivision of the East Half of Section 26, Township 10 North, Range 7 East of the 6th P.M.~~; Lots 25 and 26 Irregular Tracts, located in the Southeast Quarter of Section 23, Township 10 North, Range 7 East of the 6th P.M.; and Lot 10 Irregular Tract and adjacent right-of-way, located in the Southwest Quarter of Section 24, Township 10 North, Range 7 East of the 6th P.M., all in Lancaster County, Nebraska;”

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

ESKRIDGE Moved the amend Bill No. 17-159 as follows:

1. That Section 1 be amended by striking Lots 1-6, Block 1, Lots 1-4, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4, Lots 1-5, Block 5, Lots 1-4, Block 6, Lots 1-9, Block 7, Lots 1-8, Block 8 and the adjacent rights-of-way in Hillcrest Heights Addition as well as the remaining portion of Lot B of a Subdivision of the East Half of Section 26, Township 10 North, Range 7 East of the 6th P.M., all located in Lancaster County, Nebraska from the legal description provided.

2. That a new section be inserted immediately after Section 1 that reads as follows: “That Lots 1-6, Block 1; Lots 1-4, Block 2; Lots 1-8, Block 3; Lots 1-3, Block 4; Lots 1-5, Block 5; Lots 1-4, Block 6; Lots 1-9, Block 7; Lots 1-8, Block 8 and the adjacent rights-of-way in Hillcrest Heights Addition as well as the remaining portion of Lot B of a Subdivision of the East Half of Section 26, Township 10 North, Range 7 East of the 6th P.M., all located in Lancaster County, Nebraska be and they are hereby annexed and shall be included within the corporate limits of the City of Lincoln, Nebraska and made a part of the City of Lincoln, Nebraska for all purposes effective December 4, 2018.”

3. That the remaining Sections be renumbered accordingly.

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

CAMP Made a friendly Amendment instead of making the Annexation effective 12/4/18 make it effective when A Street is connected.

CLERK Read an ordinance, introduced by Jane Raybould, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

Council Member Eskridge declined friendly amendment.

RAYBOULD Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#20586**, is recorded in Ordinance Book 34.

ANNEXATION 17018 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 68 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 75TH AND 84TH STREETS AND BETWEEN HIGHWAY 2 AND YANKEE HILL ROAD, SAID PROPERTIES LYING ADJACENT TO A PORTION OF PORTSCHE LANE, DUNROVIN ROAD, AND ALIMARK LANE - PRIOR to reading:

GAYLOR BAIRD Moved to amend Bill No. 17-160 as follows:

1. That a new section be inserted immediately following Section 1 that reads as follows: “That the City Public Works & Utilities department is hereby ordered to take all necessary steps to install or cause to be installed a fire hydrant along Portsche Lane of a size and capacity adequate to provide fire protection service to the newly annexed real property located in Portsche Heights 3rd Addition and Portsche Heights 4th Addition, Lancaster County, Nebraska forthwith.”

2. That Sections 2, 3, and 4 be renumbered accordingly.

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

CLERK Read an ordinance, introduced by Jane Raybould, 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. 18028, to reflect to extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#20587**, is recorded in Ordinance Book 34.

RESOLUTIONS - 1ST READING

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND HOMETOWN TROLLEY (DOUBLE K, INC.) FOR COMPRESSED NATURAL GAS LOW FLOOR TROLLEYS, PURSUANT TO RFP NO. 17-164, FOR A FIVE YEAR TERM.

**REGULAR MEETING
DECEMBER 4, 2017
PAGE 188**

APPROVING A BIKE SHARE SYSTEM EQUIPMENT AGREEMENT IN THE AMOUNT OF \$775,192.00 BETWEEN B-CYCLE AND THE CITY OF LINCOLN FOR THE PURCHASE OF EQUIPMENT. (RELATED ITEMS: 17R-286, 17R-287)

APPROVING A 2-YEAR BIKE SHARE OPERATIONS AND MAINTENANCE AGREEMENT IN THE AMOUNT OF \$659,510.00 BETWEEN B-CYCLE AND THE CITY OF LINCOLN FOR ONGOING MAINTENANCE OF THE CITY OF LINCOLN BIKE SHARE PROGRAM. (RELATED ITEMS: 17R-286, 17R-287)

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ~~ACCEPT THE TRANSFER OF~~ TRANSFER FUNDING TO THE RTSD FUNDING FOR THE 33RD & CORNHUSKER PROJECT AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA.

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED ALONG SOUTH 48TH STREET BETWEEN CALVERT STREET AND PIONEERS BOULEVARD AS THE SOUTH 48TH STREET BUSINESS AREA AND APPROVING APPOINTMENT OF LYNN FISHER, JEANNE VUKO, MATTHEW ROQUE, KEN BOUGGER, AND TERRY BOCK AS THE MEMBERS OF THE BUSINESS IMPROVEMENT BOARD.

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

CREATING SEWER DISTRICT NO. 1189 FOR THE PURPOSE OF CONSTRUCTING A SEWER DISTRICT TO SERVE SEVEN PROPERTIES AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Jon Camp, creating Sewer District No. 1189, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

ACCEPTING AND APPROVING AN AMENDMENT OF LEASE AGREEMENT BETWEEN LINCOLN PARKS AND RECREATION DEPARTMENT AND LINCOLN PARKS AND RECREATION FOUNDATION TO LEASE APPROXIMATELY 272.25 SQUARE FEET OF SPACE AT 3140 N STREET, SUITE 301 FOR THE FOUNDATION'S OFFICE. (REQUEST TO DELAY INTRODUCTION TO 12/11/17) - PRIOR to reading:

ESKRIDGE Moved to continue delay Introduction 1 week to 12/11/17.

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

TEXT AMENDMENT 17015 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (THE “ZONING ORDINANCE”) BY AMENDING SECTION 27.02.020 TO ADD A DEFINITION FOR ACCESSORY DWELLING; BY AMENDING SECTION 27.02.040 TO ADD A DEFINITION FOR CONDITIONED AREA; BY AMENDING SECTION 27.06.020 TO PROVIDE THAT IN THE R-1 THROUGH R-4 ZONING DISTRICTS, A DETACHED ACCESSORY BUILDING MAY BE USED FOR AN ACCESSORY DWELLING IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 27.62.040; BY AMENDING SECTION 27.06.070 TO ADD A SINGLE-FAMILY DWELLING AND A DETACHED ACCESSORY DWELLING ON THE SAME PREMISES AS A CONDITIONAL PERMITTED USE IN THE R-1 THROUGH R-4 ZONING DISTRICTS; BY AMENDING SECTION 27.62.040 TO PROVIDE THAT A BUILDING OR PREMISES MAY BE USED FOR A SINGLE-FAMILY DWELLING AND A DETACHED ACCESSORY DWELLING AS A PERMITTED CONDITIONAL USE IN THE R-1 THROUGH R-4 ZONING DISTRICT IN COMPLIANCE WITH THE CONDITIONS OF APPROVAL FOR THAT USE TYPE AND TO PROVIDE CONDITIONS; BY AMENDING SECTIONS 27.67.030, 27.67.040, AND FIGURE 27.67.040 TO INCLUDE GENERAL CONDITIONS AND SPECIAL CONDITION PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS; BY AMENDING SECTION 27.72.120 TO PROVIDE THAT ACCESSORY BUILDINGS HOUSING A CONDITIONED AREA SHALL COMPLY WITH THE HEIGHT AND YARD REQUIREMENTS FOR THE MAIN BUILDING PROVIDED THAT SUCH ACCESSORY BUILDING SHALL NOT EXCEED THE HEIGHT OF THE MAIN BUILDING AND THAT THE CUMULATIVE AREA OF ALL ACCESSORY BUILDINGS HOUSING A CONDITIONED AREA (INCLUDING ACCESSORY DWELLINGS) SHALL NOT EXCEED THE ACCESSORY BUILDING MAXIMUM AREA PER SECTION 27.72.120(D); AND REPEALING SECTIONS 27.02.020, 27.02.040, 27.06.020, 27.06.070, 27.62.040, 27.67.030, 27.67.040, FIGURE 27.67.040, AND 27.72.120 AS HITHERTO EXISTING. (RELATED ITEMS 17-189, 17R-285) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code (the “Zoning Ordinance”) by amending Section 27.02.020 to add a definition for Accessory Dwelling; by amending Section 27.02.040 to add a definition for Conditioned Area; by amending Section 27.06.020 to provide that in the R-1 through R-4 zoning districts a detached accessory building may be used for an accessory dwelling in conformance with

the requirements of Section 27.62.040; by amending Section 27.06.070 to add a single-family dwelling and a detached accessory dwelling on the same premises as a conditional permitted use in the R-1 through R-4 zoning districts; by amending Section 27.62.040 to provide that a building or premises may be used for a single-family dwelling and a detached accessory dwelling as a permitted conditional use in the R-1 through R-4 zoning district in compliance with the conditions of approval for that use type; by amending Sections 27.67.030, 27.67.040, and Figure 27.67.040 to include general conditions and special condition parking requirements for accessory dwelling units; by amending Section 27.72.120 to provide that accessory buildings having a conditioned area shall comply with the height and yard requirements for the main building provided that such accessory building shall not exceed the height of the main building; and repealing Sections 27.02.020, 27.02.040, 27.06.020, 27.06.070, 27.62.040, 27.67.030, 27.67.040, Figure 27.67.040, and 27.72.120 as hitherto existing, the first time.

TEXT AMENDMENT 17015 – AMENDING TITLE 3 DESIGN STANDARDS FOR ZONING REGULATIONS BY ADDING A NEW CHAPTER 3.115 ACCESSORY DWELLING DESIGN STANDARDS TO ESTABLISH THE GENERAL REQUIREMENTS FOR ACCESSORY DWELLING UNITS; AMENDING TITLE 1 GENERAL PROVISIONS BY AMENDING SECTION 2.5 OF CHAPTER 1.00 REQUEST FOR WAIVER, PROCEDURE TO INCLUDE ACCESSORY DWELLING DESIGN STANDARDS AS PROVIDED FOR IN CHAPTER 3.115 OF THE CITY OF LINCOLN DESIGN STANDARDS; REPEALING SECTION 2.5 OF CHAPTER 1.00 AS HITHERTO EXISTING; AMENDING TITLE 3 DESIGN STANDARDS FOR ZONING REGULATIONS BY AMENDING SECTION 2 OF CHAPTER 3.75 NEIGHBORHOOD DESIGN STANDARDS TO ESTABLISH THAT CONSTRUCTION OF DETACHED ACCESSORY DWELLINGS DOES NOT REQUIRE REVIEW UNDER THESE DESIGN STANDARDS, BUT SHALL FOLLOW THE DESIGN STANDARDS FOR ACCESSORY DWELLINGS IN CHAPTER 3.115 OF THE CITY OF LINCOLN DESIGN STANDARDS; AND REPEALING SECTION 2 OF CHAPTER 3.75 AS HITHERTO EXISTING. (RELATED ITEMS 17-189, 17R-285) (ACTION DATE: 12/18/17)

OPEN MICROPHONE - NONE.

ADJOURNMENT

5:21 P.M.

CAMP Moved to adjourn the City Council Meeting of December 4, 2017.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist