

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 12, 2018 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 February 5, 2018, reported having done so, found same correct.

Seconded 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 January, 2018 to William Maul, Journey Mechanic, for StarTran in the Public Works Department in the Category of Valor. Glenn Knust, Bus Maintenance Superintendent, nominated Maul for helping save the life of his co-worker. In December, Maul noticed a co-worker sit down and complain of a terrible headache, a short time later, the co-worker gasped twice and slumped over. Maul called 911, and as instructed by the 911 operator Maul began CPR until paramedics arrived, about three minutes later. Knust, Mauls supervisor, praised him, saying his "quick and deliberate actions saved the life of his co-worker."

Mike Davis, StarTran Transit Manager, came forward and congratulated Maul on his heroic efforts when Maul jumped into action, to help a co-worker and then staying with that co-worker. And also congratulated Maul, on behalf of the entire StarTran Team.

William Maul came forward and gave thanks for his award and thanked his family. Saying that he is glad that it turned out so well and the co-worker is doing okay now.

PUBLIC HEARING

APPOINTING GABRIEL RONK TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2020 - Gabriel Ronk, 11916 South 222nd Circle, Gretna, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF HUNKY DORY, LLC DBA THE ROYAL GROVE FOR A CLASS C LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF ELI MARDOCK FOR HUNKY DORY, LLC DBA THE ROYAL GROVE AT 340 W. CORNHUSKER HIGHWAY - Luther Mardock, 4323 Mayberry Street, Omaha, applicant, came forward to take the oath and requested approval.

Eli Mardock, 1521 Sunset Road, applicant, came forward to take the oath and requested approval, saying that they are wanting to bring back the Royal Grove. Discussion followed.

Carl Eskridge, Council Member, stated because there are zoning issues that need to be resolved first, they have been using SDL's for your events, and asked if there have been any complaints from neighbors with these events.

Mr. Mardock explained that Norma Jelsma, the land owner, informed them of a complaint on the noise one of the nights. To help with the noise complaint, we plan to add more foam to the ceiling.

Jane Raybould, Council Member, asked if they have heard from Planning on the zoning issue.

Mr. Mardock shared that two weeks ago they met with Brian Will at the Planning Department to get the process started and to see what needs to be done. We plan on submitting our special permit application, as well as, a change of zone application. We have also just received the site plan back and have had a surveyor out going over the property. We have been told by Planning that the review process can take 10 to 12 weeks.

Leirion Gaylor Baird, Council Member, stated there is a recommendation to deny this application because of the zoning issue and asked David Cary where the Planning Department is on the zoning issue for this location.

David Cary, Planning Director, came forward explaining they are at the beginning of this process, and it takes time with needing to go before the Planning Commission and then back to City Council for approval of a zoning amendment. The applicant is aware of what needs to be done for this to work, along with needing to have discussions with the surrounding businesses and neighbors. It is important for these discussions so the surrounding neighbors have an understanding of what the change of zone will be and how they may be affected.

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Ms. Gaylor Baird stated the City has rules that will not allow liquor in this location with the way it is zoned, and with an amendment pending for a change of zone that may or may not happen, then questioned why Council is considering this application today.

Teresa Meier, City Clerk, explained that the applicant had submitted their liquor license application before the change of zone issue came up. The change of zone that is needed is for a portion of the parking lot and not the building itself.

Roy Christensen, Council Chair, asked for clarification on this item.

Tonya Peters, Assistant City Attorney, came forward and stated that Council has 45 days after the application has been received to make a recommendation one way or the other. There are three issues that need to be dealt with on this property before it can move forward. A change of zone on the parking lot, the need for a special permit for the main building and the distance issues with the outside areas. Currently, we are just waiting for the applicant to submit an application to Planning to start the process. We are recommending a denial at this time which will hold their application at the Liquor Commission until they get this issue sorted out.

This matter was taken under advisement.

APPLICATION OF BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YC LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE;
MANAGER APPLICATION OF THAD M. AERTS FOR BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YC LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE;
APPLICATION OF BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YK LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE;
MANAGER APPLICATION OF THAD M. AERTS FOR BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YK LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 8 - Jessica Greenwald, O'Neill Heinrich Damkroger Bergmeyer & Shultz, PC, LLC, 121 South 13th Street, came forward on behalf of Boiler Brewing to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF CARRIER ENTERTAINMENT, LLC DBA NOWHERE BAR FOR A CLASS I LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY;
MANAGER APPLICATION OF DAN L. CARRIER FOR CARRIER ENTERTAINMENT, LLC DBA NOWHERE BAR FOR A CLASS I LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - Dan Carrier, 3360 East Pershing Road, applicant, came forward to take the oath and requested approval. Discussion followed.

Cyndi Lamm, Council Member, inquired about the recent DUI that is going through the system and if it has been resolved yet.

Mr. Carrier stated he was issued the citation about a week ago and is currently working on it. If need be, a different manager can be added to the liquor license to manage the establishment.

Jon Camp, Council Member, asked Ms. Peters what she would recommend for Council to do on this application.

Tonya Peters, Assistant City Attorney, came forward and stated she assumes the Liquor Commission will set Mr. Carrier up for a show cause to have a hearing with the Liquor Commission.

Carl Eskridge, Council Member, asked if convicted of a DUI, why that would not necessarily disqualify Mr. Carrier from having a liquor license.

Ms. Peters stated that if it is within the last 4 years it would be considered a DUI, so it is quite possible that he would be disqualified.

Brian Hofer, Police Investigator, came forward explaining that a DUI itself is not a disqualifying conviction, there are a set of convictions that are disqualifying, but the DUI is not one by itself. Although, a DUI will assess enough points in the system that the Liquor Commission uses to cause a Show Cause Hearing. Mr. Carrier will need to testify before the Liquor Commission to go over those points. There are other licensees that have previous DUI convictions in the City, but in this case his DUI citation was shortly after his application for a liquor license and it is not a conviction yet.

Ms. Peters stated that Mr. Carrier will end up going before the Liquor Commission on this citation and if the Commission allows the liquor license it will have conditions added to the license.

This matter was taken under advisement.

APPLICATION OF THE COMEDY LOFT PARTNERSHIP, DEREK L. BREMES, AND ROBERT D. ROOK FOR A RETAIL CLASS I LIQUOR LICENSE AT 701 P STREET, SUITE 205 - Robert Rook, 925 South 50th Street, applicant, came forward to take the oath and requested approval.

Derek Bremes, 2820 Docs Drive, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) SO THAT FEDERAL FUNDS MAY BE USED FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE INTERSECTION RECONSTRUCTION AT 66TH STREET AND FREMONT STREET - Craig Aldridge, Engineering Services with Public Works, came forward and stated this is for a mini roundabout at the intersection of 66th and Fremont Street. This is an Intersection Safety Project that is 90% Federally Funded

and 10% Locally Funded. Construction is anticipated to start on this project June 4, 2018 and will take 70 days for completion, with the substantial completion being set for August 12, 2018 which means that everything but grading, seeding and sodding will be done by August 12, and final completion is scheduled for September 8, 2018.

Jane Raybould, Council Member, inquired how a mini roundabout is defined.

Mr. Aldridge explained that a mini roundabout is 65 to 75 feet in diameter when measured from back of curb to back of curb and a traditional roundabout is 150-180 feet in diameter from back of curb to back of curb.

Carl Eskridge, Council Member, asked if this item was introduced before Council at an earlier date.

Mr. Aldridge stated that was correct, that with the Federal Government being involved it has been a long process. We were required to hold a couple open houses on this item due to lack of attendance in the past to notify the public of what is being proposed at this site and what the alternative would be.

Cyndi Lamm, Council Member, stated that some of the neighbors have voiced concerns about the boundaries that would be needed for this project, asking if these concerns have been addressed.

Mr. Aldridge stated they had.

This matter was taken under advisement.

*** Roy Christensen, Council Chair, wanted to acknowledge the arrival of visitors at the City Council meeting that came from Ukraine and then welcomed them. ***

APPROVING A CONSERVATION EASEMENT AGREEMENT AMONG THE CITY, LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, AND VILLAGE MEADOWS, LLC TO PRESERVE THE NATURAL RESOURCES OVER THE EASEMENT AREA LOCATED AT OUTLOT D, VILLAGE MEADOWS 7TH ADDITION, OUTLOT A, VILLAGE MEADOWS 10TH ADDITION, OUTLOT A, VILLAGE MEADOWS 11TH ADDITION, AND OUTLOT B, VILLAGE MEADOWS 15TH ADDITION - Ben Higgins, Public Works, came forward and stated they have been working on this Conservation Easement Agreement since the mid 2000's and it was part of the 2000 Beal Slough Master Plan to reduce flooding on Beal Slough. We have been working with developers on over detaining this area, which they have by 70% and that has reduced the flooding by 10% downstream. With this agreement, we will be paying for the raw land costs, construction, engineering and some of the storm drainage work for the area that was over detained. The cost of total project was \$329,682.85, which will be split evenly with the NRD, who has already approved the amount.

Leirion Gaylor Baird, Council Member, asked if the location of this Conservation Easement will have benefits for the planned fire station that is to be built in the area.

Mr. Higgins explained that it will reduce the flooding in the area from the work that was done upstream, but doesn't directly relate to that area. The developers for that area are doing some post construction on that site for water quality. Plus, that area is up high enough to be out of the floodplain, even without the over detention that was done in the area.

Ms. Gaylor Baird asked Mr. Higgins, to briefly describe the benefits of this project.

Mr. Higgins shared that the over detaining of water is holding extra flood water above and beyond what is required to be held. As part of the drainage criteria manual all developments are required to detain water to keep the water flow the same as what it was prior to the development.

Cyndi Lamm, Council Member, asked if this project was part of the storm water bond that has already been passed.

Mr. Higgins said yes, the funding is already there for this project and the NRD already has their portion of the funds set aside for this project.

This matter was taken under advisement.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY AND SCHEMMER ASSOCIATES, INC. TO SET OUT THE DUTIES AND FEES TO PERFORM FINAL PRELIMINARY DESIGN SERVICES FOR THE SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND ON-RAMP TO US HIGHWAY 6 FEDERAL AID PROJECT (PROJECT NO. HSIP-5227(7), CN 12944) - Craig Aldridge, Engineering Services with Public Works, came forward and stated this is for another safety project at 14th Street and Highway 6. This project is still working through the design portion of this project with the preliminary design and the NEPA (National Environmental Policy Act) Phase. The requirements for this project by NEPA are close to being fulfilled, but not quite there yet. The NDOT (Nebraska Department of Transportation) has given approval to move forward with the negotiation of scope and fees with The Schemmer Associates to begin the final design, which is just putting the final touches on the design. Once NEPA is finished, we are hoping to expedite the process and start construction with this project next spring. We are wanting to amend the current Engineering Contract to allow for the final design, hours, fees and tasks to complete this project.

Carl Eskridge, Council Member, asked if this roundabout will be full sized.

Mr. Aldridge said, correct.

Leirion Gaylor Baird, Council Member, asked if the \$500,000.00 is just for the design of this project or if it would be put towards construction improvements.

Mr. Aldridge stated the amount was just for the design of the project along with the added costs to meet the requirement of NEPA.

Ms. Gaylor Baird asked about cost share with this project.

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Mr. Aldridge explained that 90% will be paid by the Federal Highway Administration, 5% from NDOT District #1 and the remaining 5% to be paid by the City.

Bennie Shobe, Council Member, asked if they had plans to do anything with the bridge that is in the area.

Mr. Aldridge said the funding for this project was set up as a safety project to eliminate or reduce the problem at the current merge location and because of that we are not allowed to touch the bridge structure, which we were told as part of this agreement. This bridge is under observation constantly and will be looked at every year.

Mr. Eskridge shared the frustrations of the public when roads are closed several different times to perform different projects, and inquired if there was a way to combine projects to minimize the number of times a road needs to be closed.

Mr. Aldridge said that there is possibly a way to combine projects, but it most likely has to do with funding for projects.

Richard Esquivel, 733 West Cuming Street, came forward and stated he has concerns with the costs for upkeep after this is built, with all the truck traffic in the area.

This matter was taken under advisement.

REAFFIRMING THE TERMINATION ON OCTOBER 1, 2018 OF THE INCREASE IN LOCAL OPTION SALES TAX AS SET FORTH IN ORDINANCE 20197 - Jeff Kirkpatrick, City Attorney, came forward and stated the City has between 120 to 180 days to notify the State Department of Revenue that the City wants to suspend an increase in the local option sales tax. When this item was placed on the ballot, it was discussed if we collected more tax revenue or if the projects came in under budget, we could suspend the tax earlier. With this tax, our projections were fairly close so we will be able to suspend this tax at the time that we had predicted.

Roy Christensen, Council Chair, inquired if there have been discussions on what would be done with the funds that were in excess.

Mr. Kirkpatrick stated there was a resolution that Council passed with the excess funding going to the fire stations and equipment for those stations.

Leirion Gaylor Baird, Council Member, shared that the Citizens Advisory Committee had expressed a recommendation that the funds be used and set aside for future updates of the 911 Communications Radio System, with it being such a large one time expense that had not been saved for over the long term and asked if the Committee has made a formal recommendation to the City?

Mr. Kirkpatrick stated that they very well may have and that it would certainly fit within the resolution and the goal that this Council had and that the people voted for.

Cyndi Lamm, Council Member, asked when they would know the amount that was in excess from this tax.

Mr. Kirkpatrick explained that after the suspension in November or December they should know more. The exact amount will depend exactly on how much is spent on the fire stations with that being an ongoing process.

Jon Camp, Council Member, stated at this time the projection is \$1.5 million in excess within the contracts that were awarded to their contingencies. It could be sometime before we know the exact amount. Discussion followed.

This matter was taken under advisement.

APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY AND AGA CONSULTING, INC., TO PROVIDE STRUCTURAL REPAIR DOCUMENTS FOR CITY MUNICIPAL PARKING GARAGES FOR A TWO YEAR TERM EXPIRING ON SEPTEMBER 1, 2019, FOR A SUM NOT TO EXCEED \$50,300 - David Landis, Urban Development Director, came forward saying they will be checking on the structural soundness of Lincoln's garages. This agreement will also include another garage the City does not own, they will check on its structural soundness as well, because of the possible sale of this bridge.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE LINCOLN MUNICIPAL CODE SECTION 25.06.385 TO INCLUDE AN EXCEPTION FOR COOKING RECIRCULATING SYSTEMS WHICH WILL ALLOW THE USE OF FACTORY-BUILT COMMERCIAL COOKING RECIRCULATING SYSTEMS IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL CODE AND REPEALING LINCOLN MUNICIPAL CODE SECTIONS 25.06.350 AND 25.06.380 IN THEIR ENTIRETY - Chad Blahak, Building & Safety Director, came forward and stated this will allow for these recirculating systems cooking machines to be allowed in the City. Traditionally, kitchens have a hood that would vent to the outside of the building. With some buildings, this becomes prohibitively expensive. When the establishment is small enough there is a desire to use the recirculating systems that have a smaller cost than the traditional hoods. The Lincoln Task Force has recommended prohibiting the use of these machines due to what they thought was an increased fire hazard and that there were some environmental air quality concerns. The International Mechanical Code allows the use of these machines. This change will allow the use of these machines with the inspections and permitting of these recirculating systems being done by Building and Safety. Research has been done on these systems in other cities and it was decided they do not pose an increased risk of fire. These systems require a fire suppression system be built in for safety. Documentation of being inspected by a third party every six months along with the cleaning and upkeep documentation is required.

Jon Camp, Council Member, asked for some examples of where these cooking systems would be use.

Mr. Blahak said these systems could be used at an open air arena in a food cart, a convenience store, gas station or a smaller food establishment.

Mike Bretta, 5537 Ezekel Place, came forward representing Shivers Sweets N Treats saying that they use a recirculating system and was not aware that it is not allowed. They are safer for employees to use because the employee never gets near the oil and without this type of system available for smaller businesses they would have to close.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING GABRIEL RONK TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2020 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90876 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gabriel Ronk to the Examining Board of Plumbers, for a term to run from March 15, 2018 to February 1, 2020, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2019 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90877 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike McNiff to the Examining Board of Plumbers, for a term to run from March 15, 2018 to February 1, 2019, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING MATT MORRISSEY TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2020 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90878 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matt Morrissey to the Examining Board of Plumbers, for a term to run from March 15, 2018 to February 1, 2020, is hereby approved.

Introduced by Jon Camp

Seconded by Eskridge & 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 DECEMBER 31, 2017 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90879 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2017 \$250,329.40 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 Carl Eskridge

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

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF DECEMBER, 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 NOVEMBER, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF CHARTER (PEG) PUBLIC EDUCATION GOVERNMENT FEES FOR THE MONTH OF DECEMBER 31, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518B)**

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REPORT FROM CITY TREASURER OF CABLE FRANCHISE (PEG) PUBLIC EDUCATION GOVERNMENT FEES FOR QUARTERLY REMITTANCE FROM WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518B)**

REPORT FROM CITY TREASURER OF CHARTER QUARTERLY FRANCHISE FEES FROM OCTOBER 1, 2017 TO DECEMBER 31, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518A)**

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON FEBRUARY 5, 2018 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 26, 2018 AT 5:30 P.M. ON THE APPLICATION OF CWC ENTERPRISES LLC DBA LADY LUCK LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1332 P STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90880 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 26, 2018, 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 CWC Enterprises LLC dba Lady Luck Lounge for a Class C Liquor License at 1332 P Street.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 26, 2018 AT 5:30 P.M. ON THE APPLICATION OF ON THE RISE LLC DBA BLAZE PIZZA FOR A CLASS I LIQUOR LICENSE AT 1317 Q STREET, SUITE 170 & 180 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90881 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 26, 2018, 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 On the Rise Lincoln LLC dba Blaze Pizza for a Class I Liquor License at 1317 Q Street, Suite 170 & 180.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, MARCH 5, 2018 AT 3:00 P.M. ON THE APPLICATION OF FLOOR DIMENSIONAL INC DBA PLUM CRAZY LOUNGE FOR A CLASS C LIQUOR LICENSE AT 7301 S 27TH STREET, SUITE 150, 160, 170 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90882 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 5, 2018, 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 Floor Dimensional Inc dba Plum Crazy Lounge for a Class C Liquor License at 7301 S 27th Street, Suite 150, 160, 170.

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

Introduced by Carl Eskridge

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

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:

Text Amendment No. 18002, Requested by Clark Enersen Partners, to amend the Lincoln Municipal Code Section 27.72.110 Exceptions to the Height Requirements, in all zoning districts where private schools are allowed, whereby private school buildings may exceed the district height limit of 35 feet; and repealing Section 27.72.110 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 18003, Requested by Lincoln Sports Facility, LLC, for the development of an indoor sports facility of approximately 78,500 square feet, more or less, with waivers to parking and reduced setbacks, on property legally described as Lots 1 8, Block 1, Earl Carter Addition, located in Section 28 10 6, Lincoln, Lancaster County, Nebraska, generally located at 150 SW 14th Place.

Special Permit No. 18001, requested by Dimensions Educational Research Foundation, to allow a daycare center for up to 100 children, on property legally described as Lot 30, Block 14, Wedgewood Manor First Addition, located in the SE 1/4 of Section 27 10 7, Lincoln, Lancaster County, Nebraska, generally located at 7700 A Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.

LIQUOR RESOLUTIONS

APPLICATION OF HUNKY DORY, LLC DBA THE ROYAL GROVE FOR A CLASS C LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY. (2/5/18 - PUBLIC HEARING & ACTION CONT'D TO 2/12/18) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90883

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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Hunky Dory, LLC dba The Royal Grove for a Class AC@ liquor license at 340 W. Cornhusker Highway, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF ELI MARDOCK FOR HUNKY DORY, LLC DBA THE ROYAL GROVE AT 340 W. CORNHUSKER HIGHWAY. (2/5/18 - PUBLIC HEARING & ACTION CONT'D TO 2/12/18) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90884

WHEREAS, Hunky Dory, LLC dba The Royal Grove located at 340 W. Cornhusker Highway, Lincoln, Nebraska requests that Eli T. Mardock be named manager of its facility in accordance with its application for a liquor license.

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 to the Nebraska Liquor Commission that Eli T. Mardock be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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

APPLICATION OF BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YC LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 313 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90885 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Boiler Brewing Company, LLC dba Boiler Brewing Company for a Class "YC" liquor license at 129 N. 10th Street, Suite 313, Lincoln, Nebraska, for the license period ending October 31, 2018, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager 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 THAD M. AERTS FOR BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YC LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 313 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90886 WHEREAS, Boiler Brewing Company, LLC dba Boiler Brewing Company at 129 N. 10th Street, Suite 313, Lincoln, Nebraska has been approved for a Retail Class "YC" liquor license, and now requests that Thad M. Aerts be named manager;

WHEREAS, Thad M. Aerts 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 Thad M. Aerts 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 BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YK LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90887 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Boiler Brewing Company, LLC dba Boiler Brewing Company for a Class "YK" liquor license at 129 N. 10th Street, Suite 8, Lincoln, Nebraska, for the license period ending April 30, 2018, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager 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 THAD M. AERTS FOR BOILER BREWING COMPANY, LLC DBA BOILER BREWING COMPANY FOR A CLASS YK LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90888 WHEREAS, Boiler Brewing Company, LLC dba Boiler Brewing Company at 129 N. 10th Street, Suite 313, Lincoln, Nebraska has been approved for a Retail Class "YK" liquor license, and now requests that Thad M. Aerts be named manager;

WHEREAS, Thad M. Aerts 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 Thad M. Aerts 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 CARRIER ENTERTAINMENT, LLC DBA NOWHERE BAR FOR A CLASS I LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90889 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 Carrier Entertainment, LLC dba Nowhere Bar for a Class "I" liquor license at 2050 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2018, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager 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 DAN L. CARRIER FOR CARRIER ENTERTAINMENT, LLC DBA NOWHERE BAR FOR A CLASS I LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90890 WHEREAS, Carrier Entertainment, LLC dba Nowhere Bar located at 2050 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Dan L. Carrier be named manager;

WHEREAS, Dan L. Carrier 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 Dan L. Carrier be approved as manager of this business for said licensee.

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

Introduced by Jon Camp

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

APPLICATION OF THE COMEDY LOFT PARTNERSHIP, DEREK L. BREMES, AND ROBERT D. ROOK FOR A RETAIL CLASS I LIQUOR LICENSE AT 701 P STREET, SUITE 205 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90891 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 The Comedy Loft, LLC for a Class "I" liquor license at 701 P Street, Suite 205, Lincoln, Nebraska, for the license period ending April 30, 2018, be approved with the condition that:

1. Applicants must successfully complete the responsible beverage manager 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.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2018 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90892 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 February 1, 2018, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>	
Ali Nolan NAS*	JoAnne White	\$1,705.31
	Larry Darr	1,754.88

<u>DENIED CLAIMS</u>		<u>L.E.S CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Phoenix Loss Control o/b/o		Adam Templeton		\$103.90	
Time Warner Cable	\$ 1,844.57	Tera Bruegger		85.00	
Yankee Hill Brick	152,059.00				
George Skorohod	15,551.25				
City of Lincoln/LFR	2,551.00				
City of Lincoln/LFR	1,495.00				
Phoenix Loss Control o/b/o					
Charter Communications	894.48				
Leroy Meints	94.89				
Lydia Russell	4 14.00				
Elizabeth Park Association	227.04				
Brian & Linda Iverson	NAS*				
Bradley Cain & Rosena Startzman	4,600.00				
Phoenix Loss Control o/b/o					
Charter Communications	455.00				
Tortuga Investments LLC	6,375.42				
Roger Schwisow	839.16				
Barbara Casey	772.87				
Roberta Wehr	405.00				

* No Amount Specified

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

Introduced by Jon Camp

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) SO THAT FEDERAL FUNDS MAY BE USED FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE INTERSECTION RECONSTRUCTION AT 66TH STREET AND FREMONT STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90893 WHEREAS, the City of Lincoln adopted Resolution No. A-86959 on August 13, 2012 approving an Agreement for the use of Federal Transportation Program Funds for construction and construction engineering of the intersection reconstruction at 66th Street and Fremont Street (Project No. HSIP-5253(1), CN 13227, City Project #702682); and

WHEREAS, the bids are scheduled to open on February 8, 2018 at which time the State and City will receive bid information for the construction of the proposed work. A selected contractor will be determined on February 12, 2018 as the lowest responsible bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the Nebraska Department of Transportation.

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

Introduced by Jon Camp

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

APPROVING A CONSERVATION EASEMENT AGREEMENT AMONG THE CITY, LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, AND VILLAGE MEADOWS, LLC TO PRESERVE THE NATURAL RESOURCES OVER THE EASEMENT AREA LOCATED AT OUTLOT D, VILLAGE MEADOWS 7TH ADDITION, OUTLOT A, VILLAGE MEADOWS 10TH ADDITION, OUTLOT A, VILLAGE MEADOWS 11TH ADDITION, AND OUTLOT B, VILLAGE MEADOWS 15TH ADDITION - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90894 WHEREAS, the City of Lincoln and the Lower Platte South Natural Resource District desire to acquire a permanent conservation easement from Village Meadows, LLC, a Nebraska limited liability company, in accordance with the terms of the Conservation Easement attached hereto as Attachment "A", to preserve and protect area wetlands, natural drainageways, and tree masses over approximately 18.3 acres of property generally located southwest of 56th and Pine Lake Road and legally described as Outlot D, Village Meadows 7th Addition, Outlot A, Village Meadows 10th Addition, Outlot A, Village Meadows 11th Addition, and Outlot B, Village Meadows 15th Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, conveyance of this conservation easement to the City of Lincoln and the Lower Platte South Natural Resources District would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

WHEREAS, the Planning Commission found this proposed conservation easement to be in conformity with the Comprehensive Plan as approved by Resolution No. PC-01582 on January 3, 2018.

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

That the grant of a conservation easement to the City of Lincoln and the Lower Platte South Natural Resources District over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original Conservation Easement to the Planning Department, for recording with the Register of Deeds.

Introduced by Jon Camp

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

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY AND SCHEMMER ASSOCIATES, INC. TO SET OUT THE DUTIES AND FEES TO PERFORM FINAL PRELIMINARY DESIGN SERVICES FOR THE SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND ON-RAMP TO US HIGHWAY 6 FEDERAL AID PROJECT (PROJECT NO. HSIP-5227(7), CN 12944) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90895 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental No. 6 Professional Service Agreement between the City of Lincoln and The Schemmer Associates, Inc. to set out the duties and fees to perform Final Preliminary Design Services for the Safety Project at North 14th Street and the eastbound on-ramp to US Highway 6 Federal Aid Project (Project No. HSIP-5227(7), CN 12944), in accordance with the terms and conditions set forth in said Agreement, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Jon Camp

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

REAFFIRMING THE TERMINATION ON OCTOBER 1, 2018 OF THE INCREASE IN LOCAL OPTION SALES TAX AS SET FORTH IN ORDINANCE 20197 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90896 A RESOLUTION approving and reaffirming the reduction of the Local Option Sales Tax from 1.75% to 1.50%.

WHEREAS, the City amended Section 3.16.010 to increase the Local Option Sales Tax to 1.75% to fund construction of three fire stations and one joint police/fire station pursuant to Ordinance No. 20197; and

WHEREAS, revenues generated by the increased sales tax are expected to produce sufficient revenues to complete the projects; and

WHEREAS, the sunset provision for the increase in the Local Option Sales Tax will become effective on October 1, 2018,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the City Council reaffirms the termination of the .25% increase in the Local Option Sales Tax imposed by Ordinance No. 20197. The decrease will be effective October 1, 2018, with the Local Option Sales Tax rate returning to 1.50% on that date.

Introduced by Jon Camp

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

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APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY AND AGA CONSULTING, INC., TO PROVIDE STRUCTURAL REPAIR DOCUMENTS FOR CITY MUNICIPAL PARKING GARAGES FOR A TWO YEAR TERM EXPIRING ON SEPTEMBER 1, 2019, FOR A SUM NOT TO EXCEED \$50,300 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90897 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Consultant Agreement between the City of Lincoln and AGA Consulting, Inc. to provide structural repair documents for City owned parking garages for a two year term expiring on September 1, 2019, in accordance with the terms and conditions contained in said Consultant Agreement, for a sum not to exceed \$50,300.00, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Consultant Agreement to Wayne Mixdorf, City Parking Manager, for transmittal to AGA Consulting, Inc.

Introduced by Jon Camp

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

APPROVING AN AMENDMENT TO THE LINCOLN MUNICIPAL CODE SECTION 25.06.385 TO INCLUDE AN EXCEPTION FOR COOKING RECIRCULATING SYSTEMS WHICH WILL ALLOW THE USE OF FACTORY-BUILT COMMERCIAL COOKING RECIRCULATING SYSTEMS IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL CODE AND REPEALING LINCOLN MUNICIPAL CODE SECTIONS 25.06.350 AND 25.06.380 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 25.06 of the Lincoln Municipal Code entitled "Lincoln Mechanical Code" by amending Section 25.06.385 Section 507.2.1 Amended; Commercial Kitchen Hoods; Type I Hoods to include an exception for cooking recirculating systems which will allow the use of factory-built commercial cooking recirculating systems in accordance with the International Mechanical Code; by repealing Sections 25.06.350 and 25.06.380; and repealing Section 25.06.385 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

STREET & ALLEY VACATION 17006 – VACATING A PORTION OF 17TH STREET RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN VINE STREET AND A POINT APPROXIMATELY 300 FEET NORTH OF R STREET - PRIOR to reading:

SHOBE Moved to Delay Action to 3/12/18 with continued Public Hearing.

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

CHANGE OF ZONE 17031 – APPLICATION OF GAGE INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. (RELATED ITEMS: 18-8, 18R-18) - CLERK read an ordinance, introduced by Bennie Shobe, 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.

SHOBE Moved to pass 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 #20625, is recorded in Ordinance Book 34.

APPROVING A CONDITIONAL ZONING AGREEMENT TO ESTABLISH THE OBLIGATION OF THE DEVELOPER TO PAY THE CITY UPFRONT FOR ONGOING MAINTENANCE OF A STREET ADJACENT TO PROPERTY TO BE DEVELOPED IN EXCHANGE FOR THE CITY ACCEPTING THE STREET WITHOUT IT BEING CONSTRUCTED TO URBAN STANDARDS FOR PROPERTY LOCATED GENERALLY AT 7721 PORTSCHE LANE. (RELATED ITEMS: 18-8, 18R-18) (ACTION DATE: 2/12/18) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90898 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Development and Conditional Zoning Agreement which is attached hereto marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and Gage Investments, LLC, to require the developer to pay the City upfront for ongoing maintenance of a street adjacent to Lot 1, Portsche Heights 4th Addition, Lincoln, Lancaster County, Nebraska in exchange for the City accepting the street without it being constructed to urban standards and changing the zoning designation for said property from AG Agricultural District to R-3 Residential District, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully-executed copy of this Agreement to Tim Sieh, Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Developmental and Conditional Zoning Agreement with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Bennie Shobe

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

CHANGE OF ZONE 17028 – APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE 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. (RELATED ITEMS: 18-12, 18R-21) - CLERK read an ordinance, introduced by Bennie Shobe, 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.

SHOBE Moved to pass 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 #20626, is recorded in Ordinance Book 34.

APPROVING A CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND ABC ELECTRIC TO ALLOW ABC ELECTRIC TO CONTINUE TO USE ITS PROPERTY UNDER THE CHANGED ZONING DESIGNATION WHILE PROVIDING FOR A BUFFER ZONE BETWEEN THE STREET AND COMMERCIAL ACTIVITIES TO BE CONDUCTED ON THE SITE FOR PROPERTY GENERALLY LOCATED ALONG THE SOUTH SIDE OF Y STREET BETWEEN 24TH AND 25TH STREETS. (RELATED ITEMS: 18-12, 18R-21) (ACTION DATE: 2/12/18) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90899 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Conditional Zoning Agreement which is attached hereto marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln and ABC Electric to require ABC Electric to establish and maintain a twenty feet (20') wide setback from the Y Street and 24th Street right-of-ways and to construct a fence on Lots 2-6, Block 3, Trester's Addition, Lincoln, Nebraska in conjunction with the City changing the zoning designation of said property from R-4 Residential District to H-3 Highway Commercial District, is hereby approved and the Mayor is authorized to execute the Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully-executed copy of this Agreement to Tim Sieh, Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Conditional Zoning Agreement with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Bennie Shobe

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

COMPREHENSIVE PLAN AMENDMENT 17007 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE AS A (N) NEIGHBORHOOD CENTER ON MAP 5.1: EXISTING AND PROPOSED COMMERCIAL CENTERS AND AS “COMMERCIAL” ON THE LINCOLN AREA FUTURE LAND USE MAP PROPERTY GENERALLY LOCATED AT THE NW CORNER OF SOUTH 98TH AND VAN DORN STREETS. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) (ACTION DATE: 2/12/18) - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90900 WHEREAS, Matodol, LLC has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to designate as a (N) Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers, and as “Commercial” on the Lincoln Area Future Land Use Map property generally located at the northwest corner of South 98th and Van Dorn Streets and to make associated amendments to the Comprehensive Plan; and

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

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

1. Amend the 2040 Lancaster County Future Land Use Plan (Maps 1.1 and 12.1 on pages 1.8 and 12.2 respectively) and the 2040 Lincoln Area Future Land Use Plan (Maps 1.2 and 12.2 on pages 1.9 and 12.3 respectively) to show Commercial at the northwest corner of the intersection of 98th and Van Dorn Streets as shown on Exhibit “A” attached hereto.

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2. Amend the Existing and Proposed Commercial Centers Map (Map 5.1 on page 5.6) to show a Neighborhood Center at the northwest corner of the intersection of 98th and Van Dorn Streets.

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

Introduced by Bennie Shobe

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

ANNEXATION 17019 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 73.53 ACRES OF PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) - CLERK read an ordinance, introduced by Bennie Shobe, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

SHOBE Moved to pass 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 **#20627**, is recorded in Ordinance Book 34.

CHANGE OF ZONE 17030 – APPLICATION OF MATODOL, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; FOR A PLANNED UNIT DEVELOPMENT DISTRICT FOR A RESIDENTIAL AREA WITH SINGLE-FAMILY, MULTIPLE-FAMILY, AND RESIDENTIAL TRANSITION USES, WITH VARIOUS WAIVERS, CONSISTING OF 78.66 ACRES ON PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) - CLERK read an ordinance, introduced by Bennie Shobe, 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.

SHOBE Moved to pass 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 **#20628**, is recorded in Ordinance Book 34.

APPROVING AMENDMENT NO. 1 TO THE ANNEXATION AGREEMENT FOR VAN DORN STREET COALITION BETWEEN THE CITY OF LINCOLN AND THE PARCEL OWNERS TO REFLECT CHANGES IN THE DEVELOPMENT PLANS FOR PROPERTY LOCATED NORTH OF VAN DORN AND WEST OF 98TH STREET. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) (ACTION DATE: 2/12/18) - PRIOR to reading:

RAYBOULD Moved motion to amend Bill No. 18R-20 by accepting the substitute Exhibit “A” and Exhibit “M” attached hereto to replace Exhibit “A” and Exhibit “M” previously provided with Attachment “A” to Bill No. 18R-20 (Amendment No. 1 to Annexation Agreement for Van Dorn Street Coalition).

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 Bennie Shobe, who moved its adoption as amended:

A-90901 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment No. 1 to the Annexation Agreement for Van Dorn Street Coalition approved March 6, 2017 as City Council Resolution No. A-90299 which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and Clair W. Cooley and Linda Cooley, Roger H. Graff, Matodol, LLC, Daryl Lee Bohac and Kristie A. Bohac, and Christopher A. Kidwell (“Parcel Owners”) to develop property located north of Van Dorn and west of 98th Street, is hereby approved and the Mayor is authorized to execute Amendment No. 1 on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully-executed copy of this Agreement to Tim Sieh, Assistant City Attorney, for distribution to the Parcel Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record Amendment No. 1 to the Annexation Agreement for Van Dorn Street Coalition with the Register of Deeds for Lancaster County, Nebraska to be indexed against the properties listed in Exhibit “A” to Amendment No. 1, filing fees to be paid by the Parcel Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Bennie Shobe

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

TEXT AMENDMENT 17001 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO CREATE AN EXCEPTION FOR GROCERY STORES WHICH REDUCES THE REQUIRED SEPARATION DISTANCE BETWEEN THE PREMISES LICENSED TO SELL OFF-SALE ALCOHOL AND FIRST

FLOOR RESIDENTIAL USE, DAY CARE FACILITIES, PARKS, CHURCHES, STATE MENTAL HEALTH FACILITIES AND RESIDENTIAL ZONING DISTRICTS FROM 100 FEET TO 25 FEET 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 - PRIOR to reading:

GAYLOR BAIRD Moved to place on pending until 05/14/18.

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

CHANGE OF ZONE 17037 – APPLICATION OF JERRY BOYCE FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3720 NORTH 1ST STREET - CLERK read an ordinance, introduced by Bennie Shobe, 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.

SHOBE Moved to pass 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 #20629, is recorded in Ordinance Book 34.

ANNEXATION 17007 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 70.01 ACRES OF PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - 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.

RAYBOULD Moved to pass 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 #20630, is recorded in Ordinance Book 34.

APPROVING AN ANNEXATION AGREEMENT FOR DOMINION AT STEVENS CREEK AMONG THE CITY OF LINCOLN, NEBRASKA, LEWIS-STAROSTKA, INC., LEWIS-STAROSTKA, LLC, AND JAMES BUEL, REGARDING THE CITY OF LINCOLN'S ANNEXATION OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH 112TH STREET AND O STREET. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (ACTION DATE: 1/29/18) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - PRIOR to reading:

RAYBOULD Moved motion to amend Bill No. 18R-11 as follows:

On page 4 of the Annexation Agreement, section III. A.:

1. In the second sentence of the section, delete the words "under construction" and replace them with "approved for construction by executive order".

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-90902 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the Annexation Agreement for Dominion at Stevens Creek, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln, Nebraska, Lewis-Starostka, Inc., Lewis-Starostka, LLC, and James Buel, outlining certain conditions and understandings relating to the annexation of approximately 70.01 acres of property generally located in the area northwest of the intersection of North 112th Street and O Street, is approved.

2. That the Mayor is authorized to execute the Annexation Agreement for Dominion at Stevens Creek on behalf of the City.

3. That the City Clerk is directed to return one fully-executed copy of this Agreement to Tim Sieh, Assistant City Attorney, for distribution to the Property Owners.

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

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

Introduced by Jane Raybould

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

CHANGE OF ZONE 17015 – APPLICATION OF STAROSTKA-LEWIS, LLC, LEWIS STAROSTKA, INC., AND JAMES M. BUEL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3)

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(1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - 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 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 #20631, is recorded in Ordinance Book 34.

SPECIAL PERMIT NO. 17022 – APPEAL OF MARK HUNZEKER FROM THE PLANNING COMMISSION’S APPROVAL OF A SPECIAL PERMIT TO ALLOW DOMINION AT STEVENS CREEK COMMUNITY UNIT PLAN FOR UP TO 433 RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY UNITS AND TOWNHOME UNITS, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (ACTION DATE: 1/29/18) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - PRIOR to reading:

ESKRIDGE Moved motion #2 to amend Bill No. 18R-3 in the following manner:

(a) By deleting all of lines 9 through 13 on page 3 and inserting in lieu thereof the following:

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units In Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. Add a fourth condition to note Phase 2 or 3B may begin prior to Phase 1.

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-90903

WHEREAS, Starostka-Lewis, LLC/Lewis-Starostka, Inc. and James Buel have submitted an application designated as Special Permit No. 17022 for authority to develop a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units, with waivers to allow for sanitary sewer mains to run opposite the street grades, to allow block lengths to exceed 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets, on property generally located at O Street and North 112th Street, and legally described as:

A tract of land composed of Lot 18 and 19 Irregular Tracts and the South Half of the Northeast Quarter located in the East Half of Section 24, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on November 15, 2017 on said application and adopted Resolution No. PC-01575 approving the same; and

WHEREAS, Mark Hunzeker has filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 17022; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 17022; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this special permit will not be adversely affected by granting such a permit; and

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

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

That the application of Starostka-Lewis, LLC/Lewis-Starostka, Inc. and James Buel, hereinafter referred to as "Permittee", to develop a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units, with waivers to allow for sanitary sewer mains to run opposite the street grades, to allow block lengths to exceed 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets, be and the same is hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code on the condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units, with waivers to allow for sanitary sewer mains to run opposite the street grades, to allow block lengths to exceed 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets.

2. The City Council approves associated requests:

a. Annexation #17007

b. Change of Zone #17015

3. Before a final plat is approved:

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

i. Amend Phasing Exhibit (as revised on November 8, 2017) to have the number of assigned and unassigned dwelling units to be no greater than the total number of units requested for the first four phases (433 dwelling units). Also add a third condition that ~~“Temporary barricades will be installed on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, until such time that occupancy permits have been granted for 74 single-family units within the new development.~~

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units In Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. Add a fourth condition to note Phase 2 or 3B may begin prior to Phase 1.

As an additional option, Phase 1 shall include either the connection of Crescent Moon Drive to N. 104th Street in Waterford Estates, or a connection to Shore Front Drive. However, if the sole connection to Phase 1 is Shore Front Drive, final platting of Phase 1 shall be limited to 35 lots, until the connection of Crescent Moon Drive to N. 104th Street is completed.

Phase 3A/3B must include a connection to either Shore Front Drive or East “O” Street.

ii. Submit corrections to the satisfaction of LES,

iii. Submit corrections to the satisfaction of Public Works-Watershed Management.

iv. Delete Site Notes 5, 8, 9, and 12 on Sheet 1 of 20.

v. Show a 20 foot trail easement in outlot. Note it will be located in a future location to the satisfaction of the Parks and Recreation Department.

vi. Add note that prior to any final plat in Phase 3B Waterford Estates preliminary plat must be amended or the Dominion site plan revised to match their currently approved plan.

vii. Provide exhibit showing block length for all blocks.

viii. Change Weston Lane name to Boathouse Road. Add note that this access will be coordinated with adjacent developer.

ix. Change Site Note 11 on Sheet 1 of 20 for Hospitals to Residential and Nonresidential Health Care Facilities.

x. Label 20 foot trail easement on adjoining Waterford Estates property.

xi. Add pedestrian easement and confirm grading meets ADA in Block 17.

xii. Add pedestrian easement and revise grading to conform to ADA from the Crescent Moon cul de sac to the potential bike trail to the east.

b. Provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.

4. Final plat(s) is/are approved by the City.

5. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

6. Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs must be completed or provisions (bond, escrow, or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

7. No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

i. to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

- ii. to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.
- iii. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- iv. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- v. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- vi. to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
- vii. to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.
- viii. to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- ix. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- x. to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- xi. to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- xii. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- xiii. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xiv. to complete the public and private improvements shown on the Community Unit Plan.
- xv. to keep taxes and special assessments on the outlots from becoming delinquent.
- xvi. to maintain the outlots on a permanent and continuous basis.
- xvii. to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.
- xviii. to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
- xix. to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
- xx. to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.
- xxi. to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds
- xxii. to pay all design, engineering, labor, material, inspection, and other improvement costs.
- xxiii. to inform all purchasers and users of land located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

xxiv. to protect the trees that are indicated to remain during construction and development.

xxv. to relinquish the right of direct vehicular access to O Street and N. 112th Street except as shown.

8. Before occupying the dwelling units, all development and construction shall substantially comply with the approved plans.

9. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

10. 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.

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

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

Introduced by Jane Raybould

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

RESOLUTIONS - 1ST READING

APPOINTING PAUL JOHNSON AND NATE SANKS TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2021. (*CONSENT*)

APPOINTING MITCH MILLER TO THE MAYOR'S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING ON SEPTEMBER 18, 2020. (*CONSENT*)

APPROVING 12TH STREET PUB AS A KENO SATELLITE AT 100 NORTH 12TH STREET.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN LANCASTER COUNTY AND THE CITY FOR THE PURPOSE OF REPLACING THE 1988 JUSTICE COUNCIL INTERLOCAL AGREEMENT AND CREATING A NEW LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL.

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

TEXT AMENDMENT 18001 - AMENDING SECTION 27.63.630 OF THE LINCOLN MUNICIPAL CODE RELATING TO INDOOR THEATERS AS A PERMITTED SPECIAL USE LIMITED TO NOT MORE THAN ONE INDOOR THEATER IN THE B-2 DISTRICT WITH NO MORE THAN 250 SEATS; AND REPEALING SECTION 27.63.630 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 27.63.630 of the Lincoln Municipal Code relating to indoor theaters as a permitted special use by amending Section 27.63.630 to add that not more than one indoor theater with no more than 250 seats be allowed in the B-2 District; and repealing Section 27.63.630 as hitherto existing, the first time.

CHANGE OF ZONE 17038 – APPLICATION OF BRETT JOSEPH FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 6630 STARR STREET - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 17032 – APPLICATION OF LYNETTE AND JEFFREY HELLERICH FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT WITH LANDMARK DISTRICT OVERLAY TO R-2 RESIDENTIAL DISTRICT WITH INDIVIDUAL LANDMARK AND LANDMARK DISTRICT OVERLAY TO DESIGNATE THE SIDLES HOUSE AS A HISTORIC LANDMARK ON PROPERTY GENERALLY LOCATED AT 2110 A STREET - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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OPEN MICROPHONE

Richard Esquivel, 733 West Cuming Street, came forward and stated he does not feel the public understands how TIF Funds work. Discussion followed.

This matter was taken under advisement.

ADJOURNMENT

5:10 P.M.

CAMP Moved to adjourn the City Council Meeting of February 12, 2018.
 Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Teresa J. Meier, City Clerk

Rhonda M. Bice, Office Specialist