

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 26, 2018 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Christensen; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa Meier.

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

**READING OF THE MINUTES**

RAYBOULD Having been appointed to read the minutes of the City Council Proceedings of February 12 2018, reported having done so, found same correct.

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

**PUBLIC HEARING**

**\* Roy Christensen, Council Chair, wanted to acknowledge the presence of Boyscout Troop 30 \***

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 - Paul Johnson, 2815 SW 78<sup>th</sup> Street, applicant, came forward and requested approval.

Nathan Sanks, 8010 Glenn Oaks Drive, applicant, came forward and requested approval.

This matter was taken under advisement.

APPOINTING MITCH MILLER TO THE MAYOR'S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING ON SEPTEMBER 18, 2020 - Mitch Miller, 3400 S. 38<sup>th</sup> Street, applicant, came forward and requested approval.

Kimberly Taylor-Riley, Lincoln Commission of Human Rights, came forward and shared they are in support of Mr. Miller's appointment.

This matter was taken under advisement.

APPLICATION OF ON THE RISE LINCOLN, LLC DBA BLAZE PIZZA FOR A CLASS I LIQUOR LICENSE AT 1317 Q STREET, SUITES 170 AND 180;

MANAGER APPLICATION OF CATHERINE L. GOFF FOR ON THE RISE LINCOLN, LLC DBA BLAZE PIZZA FOR A CLASS I LIQUOR LICENSE AT 1317 Q STREET, SUITES 170 AND 180 - Paul McCray, 17057 Weir Street, Omaha, applicant, came forward to take the oath and requested approval.

Catherine Goff, 11915 Jackson Road, Omaha, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

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

MANAGER APPLICATION OF CHAD W. CARLSON FOR CWC ENTERPRISES, LLC DBA LADY LUCK LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1332 P STREET - Chad Carlson, 6820 Ashbrook Drive, applicant, came forward to take the oath and requested approval.

Lyle Wheeler, 1809 SW Derek Avenue, came forward to take the oath and requested approval.

Carl Eskridge, Council Member, asked if Stogies and Lady Luck connect.

Mr. Carlson explained Stogies is on the P Street side and Lady Luck will be off the back through the alley behind the Larson Building and they will not have a connected entrance and are separate facilities.

This matter was taken under advisement.

APPROVING 12<sup>TH</sup> STREET PUB AS A KENO SATELLITE AT 100 NORTH 12<sup>TH</sup> STREET - Katrina Coffey, Vice President of Marketing for Big Red Keno, 11248 John Galt Blvd, Omaha, came forward and requested approval.

This matter was taken under advisement.

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 - Jeff Kirkpatrick, City Attorney, came forward and explained this memorandum replaces a long standing memorandum between Lancaster County and the City. It does not change the essential focus of the Justice Council or the make up of the Council, but it does make some updates to bring it in line with the individuals who have been involved with it. The new memorandum allows the City Council to make the decision on whether to have 1 or 2 members attend. Discussion Followed.

This matter was taken under advisement.

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WAIVER 17005 – APPLICATION OF BEREAN FUNDAMENTAL CHURCH OF LINCOLN TO WAIVE PARKING LOT SURFACING REQUIREMENTS, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 6410 SOUTH 70<sup>TH</sup> STREET. (1/29/18 - PUBLIC HEARING & ACTION CONT'D TO 2/26/18) - Kent Seacrest, Seacrest and Kalkowski, 1128 Lincoln Mall, Suite 105, came forward representing Lincoln Berean Church, and shared this is a waiver of a parking lot surfacing requirement to allow parking lots 1, 2, 3 and 4 to not be paved under the design standards. Staff had originally recommended approval of the waivers with some time periods. They are asking that the timeframe be removed because these lots are not required parking. All the required parking under the Zoning Code Ordinance is already paved.

Jeff Petersen, 7515 Whitlock Place, came forward and explained that in the 80's Lincoln Berean Church purchased a field on a dirt road that was South 70<sup>th</sup> Street where it intersects Highway 2. The church has been in this same location for over 3 decades without any issues, problems or complaints. The waiver would only apply to the overflow parking and they have used this area for overflow parking for years without any complaints. The overflow lot is used, at most, 3 hours a week and some weeks it is not used at all. The paving would cost over \$1.2 million and would have to be paid by the church.

Mark Kramer, 2601 Bretigne Circle, came forward and shared the money they receive is from their congregation and they are actively engaged in their community. They have assisted with individuals coming out of Friendship Home, Fresh Start and other organizations. The money they receive goes to helping with transportation, rent, lights, and gas bills for some of the people in the City. Over \$250,000 goes to non-profit organizations in the community. Having to redirect these funds and have to get these lots paved would limit their ability to help individuals in the community.

Mr. Seacrest explained there are 67 extra stalls that are paved which exceeds the standard. The overflow parking is not used on a regular basis. They have setback that are further than any normal setback area. These lots are not near the neighbors and, as a result, staff verified that to date there have been no complaints about dust or noise coming from the gravel lots. There is a motion to amend that would eliminate time frames. There are also provisions that state if the dust is a problem it will be the churches responsibility to water the land. Another provision is that the waiver can be revoked by Council if there is a problem with the dust and noise.

Jane Raybould, Council Member, asked if the lots are already graded and have gravel.

Mr. Petersen confirmed the lots are graded and have gravel and have been used for a number of years at this point. The only reason this waiver came up is because they added additional hard surface parking, which brought everything under review. The church staff does a great job of maintaining the lots. There are a number of setbacks and they are not in close proximity to anyone. Discussion followed.

Bennie Shobe, Council Member, inquired about the motion to amend.

David Cary, Planning Department, came forward and shared the City is not in opposition to this waiver. However, they decided to not change the staff report mainly because it was determined that it made the most sense to bring it in front of Council to make a determination on the waiver. This also allowed for consistency with past staff reports on this type of a waiver. Discussion followed.

Leirion Gaylor Baird, Council Member, asked if this waiver was approved, what could the implications be for future requests that are similar.

Mr. Cary stated that was part of the reason they were hesitant on this in the first place. If a similar proposal came forward and the applicant was providing all the required parking be paved and then wanted further overflow parking and provided some level of separation then they would apply this type of finding to those situations. They do feel there will not be many of these situations because most situations are in the built environment without these type of setbacks.

This matter was taken under advisement.

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- David Cary, Planning Department Director, came forward and explained this is a clean up item. They omitted the inclusion of the B2 districts which was not the intention. Discussion followed.

This matter was taken under advisement.

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 - Jami Stevens, 256 North Street, came forward and requested approval.

This matter was taken under advisement.

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 - Lynette Hellerich, 2110 A Street, came forward and stated this is a landmark designation to be able to restore the home. Discussion followed.

David Cary, Planning Department Director, came forward and stated the City is in support of this action. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

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

A-90904 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointments of Paul Johnson and Nate Sanks to the Examining Board of Plumbers, for a term to run from March 15, 2018 to February 1, 2021, is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING MITCH MILLER TO THE MAYOR'S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING ON SEPTEMBER 18, 2020 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90905 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mitch Miller to the Multicultural Advisory Committee, for a term expiring September 18, 2020, is hereby approved.

Introduced by Carl Eskridge

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON FEBRUARY 12 2018 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A SEWER DISTRICT IN THAT PART OF OUTLOT "A", CHARLESTON HEIGHTS 5<sup>TH</sup> ADD., LOCATED IN THE NE1/4 OF SEC. 35, T11N, R6E OF THE 6<sup>TH</sup> P.M. SUBMITTED BY LONETREE HOLDINGS LLC - CLERK presented said report which was referred to Public Works.

SETTING THE HEARING DATE OF MONDAY, MARCH 5, 2018 AT 3:00 P.M. ON THE APPLICATION OF CJ'S KITCHENS LLC DBA CJ'S NEIGHBORHOOD BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 200 WEST P STREET, UNIT 2 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90906 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 CJ's Kitchens LLC dba CJ's Neighborhood Bar & Grill for a Class I Liquor License at 200 West P Street, Unit 2.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, MARCH 12, 2018 AT 3:00 P.M. ON THE APPLICATION OF ROSS CAPITAL INC DBA CORKY CANVAS/CORKY BOARDS FOR A CLASS I LIQUOR LICENSE AT 3700 S. 9<sup>TH</sup> STREET, SUITE C - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90907 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 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 Ross Capital Inc dba Corky Canvas/Corky Boards for a Class I Liquor License at 3700 S. 9<sup>th</sup> Street, Suite C.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, MARCH 12, 2018 AT 3:00 P.M. ON THE APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2744 FOR A CLASS D LIQUOR LICENSE AT 4335 N. 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

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A-90908 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 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 Casey's Retail Company dba Casey's General Store 2744 for a Class D Liquor License at 4335 N. 70<sup>th</sup> Street.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, MARCH 12, 2018 AT 3:00 P.M. ON THE APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2724 FOR A CLASS D LIQUOR LICENSE AT 3003 N. 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90909 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 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 Casey's Retail Company dba Casey's General Store 2724 for a Class D Liquor License at 3003 N. 70<sup>th</sup> Street.

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

Introduced by Leirion Gaylor Baird

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

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

Special Permit No. 18004 – Requested by Mental Health Association of Nebraska, to allow a Residential Healthcare Facility serving up to 20 people, on property generally located at 4141 South 56th Street.

Text Amendment No. 18003 – Requested by Dave Johnson, to amend Section 27.02.160 of the Lincoln Municipal Code regarding the definition of 'Office', and repealing Section 27.02.160 of the Lincoln Municipal Code as hitherto existing.

**LIQUOR RESOLUTIONS**

APPLICATION OF ON THE RISE LINCOLN, LLC DBA BLAZE PIZZA FOR A CLASS I LIQUOR LICENSE AT 1317 Q STREET, SUITES 170 AND 180 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90910 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 On The Rise Lincoln, LLC dba Blaze Pizza for a Class "I" liquor license at 1317 Q Street, Suites 170 and 180, 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF CATHERINE L. GOFF FOR ON THE RISE LINCOLN, LLC DBA BLAZE PIZZA FOR A CLASS I LIQUOR LICENSE AT 1317 Q STREET, SUITES 170 AND 180 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90911 WHEREAS, On The Rise Lincoln, LLC dba Blaze Pizza located at 1317 Q Street, Suites 170 and 180, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Catherine L. Goff be named manager;

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

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 Jon Camp, who moved its adoption for approval:

A-90912 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of CWC Enterprises, LLC dba Lady Luck Lounge for a Class "C" liquor license at 1332 P Street, 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF CHAD W. CARLSON FOR CWC ENTERPRISES, LLC DBA LADY LUCK LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1332 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90913 WHEREAS, CWC Enterprises, LLC dba Lady Luck Lounge located at 1332 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Chad W. Carlson be named manager:

WHEREAS, Chad W. Carlson appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Chad W. Carlson be approved as manager of this business for said licensee.

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

Introduced by Jon Camp

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

### PUBLIC HEARING - RESOLUTIONS

APPROVING 12<sup>TH</sup> STREET PUB AS A KENO SATELLITE AT 100 NORTH 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90914 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of 12th Street Pub, 100 N. 12th Street, Lincoln, NE 68508.

The City Clerk is directed to return an executed copy of this Resolution to 12th Street Pub, 100 N. 12th Street, Lincoln, NE 68508.

Introduced by Carl Eskridge

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

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

A-90915 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Understanding between Lancaster County, a governmental subdivision of the State of Nebraska, and the City of Lincoln, a Nebraska municipal corporation, for the purpose of rescinding and replacing the 1988 Justice Council Interlocal Agreement previously entered into between the parties establishing the City of Lincoln-Lancaster County Justice Council and hereby creating the new Lancaster County-City of Lincoln Justice Council, upon the terms and conditions set forth in said Memorandum of Understanding, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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The City Clerk is directed to transmit two fully-executed originals of said Memorandum of Understanding to Jeff Kirkpatrick, City Attorney, for transmittal to Lancaster County Board of Commissioners.

Introduced by Carl Eskridge

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

WAIVER 17005 – APPLICATION OF BEREAN FUNDAMENTAL CHURCH OF LINCOLN TO WAIVE PARKING LOT SURFACING REQUIREMENTS, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 6410 SOUTH 70<sup>TH</sup> STREET. (1/29/18 - PUBLIC HEARING & ACTION CONT'D TO 2/26/18) - PRIOR to reading:

CAMP Moved to amend Bill No. 18R-17 by adopting the substitute Resolution attached hereto as Attachment “A”.

Seconded by Eskridge & 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-90916 WHEREAS, Berean Fundamental Church of Lincoln, pursuant to Lincoln Municipal Code §27.67.100(c) has requested a waiver of parking lot surfacing requirements to allow Parking Lot Areas 1, 2, 3 and 4 to be surfaced with gravel/aggregate on property generally located at 6410 South 70th Street and legally described as:

Lots 59, 73, 74, 87 and a portion of Lot 91, located in the Southwest Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

WHEREAS, the City Council finds that:

a. The Lot Areas 1, 2, 3 and 4 for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit institution;

b. The Church is seeking a building permit to pave one of the lots located south of the Church. The Zoning Ordinance requires 534 paved parking spaces for the Church as it exists today. Counting the existing paved parking areas and the parking area to the south of the Church now in for a building permit to be paved, 601 paved parking spaces will be provided and will exceed the parking spaces of the Zoning Ordinance. Thus, Lot Areas 1, 2, 3 and 4 for which the waiver of the surfacing requirement is requested is additional parking that is in excess of parking required by the provisions of the Zoning Ordinance and is not pay parking;

c. Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff and safe circulation;

d. The location of Lot Areas 1, 2, 3 and 4 are sufficient distance from surrounding uses that they will not adversely affect the surrounding uses, and the frequency of use of the parking lots are so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses; and

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

In consideration of the findings made above, the request to waiver parking lot surfacing requirements to allow Parking Lot Areas 1, 2, 3 and 4 to be surfaced with gravel/aggregate on the property legally described above is hereby granted pursuant to §27.67.100(c) of the Lincoln Municipal Code as follows:

1. This approval waives the requirement to pave the Parking Lot Areas 1, 2, 3 and 4 from the time of approval. Parking Lot Areas 1, 2, 3 and 4 are shown and designated on the site plan for the property attached hereto as Attachment “A” and incorporated herein by this reference.

2. The applicant is responsible for controlling off-site dust emissions from the parking lots by using crushed rock and watering down the surface when necessary.

3. Notwithstanding that a waiver is granted, if it is later found that dust or noise, created by the use of the parking lots exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked, and thereafter the use of the parking lots shall cease unless surfaced in accordance with design standards.

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

5. The City Clerk shall record a copy of the resolution approving the wavier with the Register of Deeds, filing fees therefore to be paid in advance of the applicant.

Introduced by Bennie Shobe

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

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

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 second 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 second 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 second time.

### **ORDINANCES - 3<sup>RD</sup> 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.

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 #20632, is recorded in Ordinance Book 34.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2018.

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY BETWEEN THE CITY AND EHPV LOTTERY SERVICES LLC, FOR A FIVE YEAR TERM COMMENCING MARCH 10, 2018.

APPROVING AN AMENDMENT TO 48TH & LEIGHTON PHASE I REDEVELOPMENT AGREEMENT (RESOLUTION NO. A-90080 ADOPTED ON NOVEMBER 7, 2016) TO: 1) MODIFY THE DESIGN TO INCREASE THE NUMBER OF RESIDENTIAL UNITS, INCREASE HEIGHT, AND DECREASE RETAIL SQUARE FOOTAGE; 2) INCREASE TIF FROM \$4.3 TO \$5 MILLION; AND 3) AMEND SCHEDULE.

AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH ENERGY SERVICE COMPANIES TO DESIGN AND INSTALL ENERGY SAVING EQUIPMENT AND SYSTEMS THAT HAVE PAYBACK PERIODS OF NOT MORE THAN FIFTEEN YEARS ON BUILDINGS OR OPERATIONS THAT HAVE A USEFUL LIFE OF TWENTY YEARS OR MORE.

APPROVING A PRELIMINARY ENGINEERING ON-CALL PROFESSIONAL SERVICES TASK ORDER AGREEMENT BETWEEN THE CITY OF LINCOLN AND JEO CONSULTING GROUP, INC. FOR THE LINCOLN BEAL SLOUGH TRAIL, PROJECT NO. TAP-55(182), CONTROL NO. 13366.

APPROVING AN AMENDMENT TO THE MECHANICAL SYSTEMS PERMIT FEE SCHEDULE ADOPTED BY RESOLUTION A-90638 ON AUGUST 21, 2017 TO CORRECT THE GAS PIPING REPLACEMENT APPLIANCE FEE AND ADD A FEE FOR “COMMERCIAL COOKING RECIRCULATING SYSTEM.

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

APPROVING AN AMENDMENT TO THE LINCOLN MUNICIPAL CODE SECTION 8.26.040 TO CHANGE THE DATE FROM SEPTEMBER TO OCTOBER FOR THE HEALTH DIRECTOR TO REPORT NUISANCE ABATEMENT COSTS TO THE CITY COUNCIL - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 8.26.040 of the Lincoln Municipal Code to change the date from September to October in which the Health Director is required to report nuisance abatement costs to the City Council and repealing Section 8.26.040 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING AN AMENDMENT TO THE LINCOLN MUNICIPAL CODE CHAPTER 8.20 LINCOLN FOOD CODE TO ADD NEW SECTIONS ON CLEAN-UP OF VOMITING AND DIARRHEAL EVENTS, HANDWASHING SIGNAGE, AND FOOD HANDLER PERMIT REQUIREMENTS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by adding a new section numbered 8.20.065 entitled Clean-up of Vomiting and Diarrheal Events to better protect the public and food workers in the event of a vomiting or diarrheal incident at a food establishment; by adding a new section numbered 8.20.075 entitled Handwashing Signage to increase handwashing awareness; and by adding a new section numbered 8.20.235 entitled Handler Permits: exemption to provide a food handler permit exemption which would allow volunteer food servers to work at temporary food establishments and/or without food handler permits, the first time.

COMPREHENSIVE PLAN CONFORMANCE 18001 - DECLARING APPROXIMATELY .15 ACRES OF PROPERTY GENERALLY LOCATED AT 1233 GARDEN VALLEY ROAD AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Leirion Gaylor Baird, declaring approximately .15 acres of City owned property generally 1 located at 1233 Garden Valley Road as surplus. This property was previously acquired for use 2 as a connection to a proposed park. The park is no longer planned to be on the adjacent land. 3 Therefore, the lot is no longer needed by the Parks and Recreation Department, the first time.

COMPREHENSIVE PLAN CONFORMANCE 18002 - DECLARING APPROXIMATELY .17 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF NW 48<sup>TH</sup> AND WEST ADAMS STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 18-22, 18-23) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, declaring approximately .17 acres of City owned property generally located southeast NW 48<sup>th</sup> and West Adams Street as surplus. This property was previously acquired from LES as part of the NW 48<sup>th</sup> Street widening and improvement project. The property is no longer needed by the City and will be sold, retaining easements for drainage and utilities, the first time.

CHANGE OF ZONE NO. 18002 – A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NW 48<sup>TH</sup> STREET AND WEST ADAMS. (RELATED ITEMS: 18-22, 18-23) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

COMPREHENSIVE PLAN CONFORMANCE 18004 - DECLARING APPROXIMATELY 2,744 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 820 SOUTH 27<sup>TH</sup> STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Leirion Gaylor Baird, declaring approximately 2,744 square feet of City owned property generally located south of Randolph Street on the east side of S. 27<sup>th</sup> Street as surplus. This property was acquired in conjunction with the widening of South 27<sup>th</sup> Street. The City has no plans to use this property and, therefore, it should be declared as surplus, the first time.

TEXT AMENDMENT 18002 - AMENDING SECTION 27.72.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCEPTIONS TO THE HEIGHT REQUIREMENTS BY INCLUDING AN EXCEPTION FOR PRIVATE SCHOOLS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 27.72.110 of the Lincoln Municipal Code relating to Exceptions to the Height Requirements by including an exception for Private Schools; and repealing Section 27.72.110 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET AND ALLEY VACATION NO. 17011 – VACATING THE 15 FOOT RIGHT-OF-WAY ADJOINING THE SOUTH SIDES OF LOTS 7 AND 8 OF SKY RANCH ACRES ADDITION LOCATED ON THE EAST AND WEST SIDES OF BEEHCRAFT ROAD - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating the 15' right-of-way adjoining the south sides of Lots 7 and 8 of Sky Ranch Acres Addition located on the east and west sides of Beechcraft Road comprising of 8,671 square feet more or less, in the Northeast Quarter of Section 24, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.



APPROVING A MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT AND PROPERTY SCHEDULE NO. 4 WITH U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. FOR WASTEWATER TREATMENT TESTING EQUIPMENT IN THE AMOUNT OF \$161,970.00 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, authorizing and approving property Schedule No. 4 to a Master Tax Exempt Lease/ Purchase Agreement with U.S. Bancorp Government Leasing and Finance, Inc. And related documents for equipment in the principal amount of \$161,970, and repealing matters, the first time.

AMENDING THE PAY SCHEDULE FOR LCEA "A" CLASSIFICATIONS TO DELETE THE CLASSIFICATIONS OF "SENIOR ENGINEERING SPECIALIST" AND "SERVICE DESK MANAGER" AND AMENDING THE PAY SCHEDULE FOR LCEA "C" CLASSIFICATIONS TO DELETE THE CLASSIFICATIONS OF "ENGINEERING SPECIALIST", "EMERGENCY SERVICE CALL TAKER", "ESD II/TECHNOLOGY SUPPORT", "EMERGENCY SERVICE DISPATCHER I", "EMERGENCY SERVICE DISPATCHER II", "EMERGENCY SERVICE DISPATCHER III", AND "SERVICE DESK SUPERVISOR." - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Ordinance Nos. 20543 and 20544 passed August 28, 2017, 1 relating to the schedules of pay ranges for employees of the City of Lincoln whose 2 classifications are assigned to a pay range which is prefixed by the letters "A" and "C," by 3 deleting the job classifications of "Senior Engineering Specialist", "Service Desk Manager", 4 "Engineering Specialist", "Emergency Service Call Taker", "ESD II/Technology Support", 5 "Emergency Service Dispatcher I", "Emergency Service Dispatcher II", Emergency Service 6 Dispatcher III", and "Service Desk Supervisor.", the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "E" BY CREATING THE CLASSIFICATION OF "CITY COUNCIL SECRETARY." - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Ordinance No. 20536 passed August 28, 2017, relating to 1 the schedules of pay ranges for employees of the City of Lincoln whose classifications are 2 assigned to a pay range which is prefixed by the letter "E," by creating the job classification of 3 "City Council Secretary.", the first time.

#### PENDING LIST

COMPREHENSIVE PLAN AMENDMENT 17005 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE PLAN DESIGNATION FROM "OPEN SPACE" AND "COMMERCIAL" TO "INDUSTRIAL" AND "AGRICULTURAL STREAM CORRIDOR", ON PROPERTY GENERALLY LOCATED AT NORTH 70<sup>TH</sup> STREET AND ARBOR ROAD.(RELATED ITEMS: 17R-175, 17-87, 17R-182) (ACTION DATE: 7/24/17) (7/17/17 - PUBLIC HEARING CONT'D W/ ACTION ON 7/24/17) (7/24/17 - PUBLIC HEARING & ACTION CONT'D TO 8/7/17) (8/7/17 - PLACED ON PENDING, NO DATE CERTAIN) - PRIOR to reading:

LAMM Moved to Withdraw Bill No. 17R-175.

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

The resolution, having been **WITHDRAWN**, was assigned the File #**38-4690** & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 17016 – APPLICATION OF LINCOLN SPORTS FOUNDATION, INC. FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7620 NORTH 70<sup>TH</sup> STREET. (RELATED ITEMS: 17R-175,17-87, 17R-182) (7/17/17 - PUBLIC HEARING CONT'D W/ ACTION ON 7/24/17) (7/24/17 - PUBLIC HEARING & ACTION CONT'D TO 8/7/17) (8/7/17 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO WITHDRAW) - PRIOR to reading:

LAMM Moved to Withdraw Bill No. 17-87.

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 #**38-4691** & was placed on file in the Office of the City Clerk.

#### RECONSIDERATION

APPLICATION OF HUNKY DORY, LLC DBA THE ROYAL GROVE FOR A CLASS C LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY - PRIOR to reading:

CAMP Moved to reconsider this Application of for Public Hearing & Action on 3/5/18.

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

**ADJOURNMENT**

**6:19 P.M.**

CAMP            Moved to adjourn the City Council Meeting of February 26, 2018.  
                      Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge,  
                      Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist