

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 5, 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**

SHOBE Having been appointed to read the minutes of the City Council Proceedings of February 26, 2018, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF FLOOR DIMENSIONAL, INC. DBA PLUM CRAZY LOUNGE FOR A CLASS C LIQUOR LICENSE AT 7301 SOUTH 27<sup>TH</sup> STREET, SUITES 150, 160, AND 170;  
MANAGER APPLICATION OF DAVID C. STOKKE FOR FLOOR DIMENSIONAL, INC. DBA PLUM CRAZY LOUNGE FOR A CLASS C LIQUOR LICENSE AT 7301 SOUTH 27<sup>TH</sup> STREET, SUITES 150, 160, AND 170 - David J. & Barbara A. Stokke, 1620 Susan Circle, applicants, came forward to take the oath and requested approval.

David C. Stokke, 1101 Cambridge Court, Apt. 43, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF CJ'S KITCHENS, LLC DBA CJ'S NEIGHBORHOOD BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 200 WEST P STREET, UNIT NO. 2;  
MANAGER APPLICATION OF CARRIE J. DEFREECE FOR CJ'S KITCHENS, LLC DBA CJ'S NEIGHBORHOOD BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 200 WEST P STREET, UNIT NO. 2 - Carrie DeFreece, 1109 West Britt Street, applicant, came forward to take the oath and requested approval.

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. (2/26/18 - RECONSIDERED TO HAVE PUBLIC HEARING & ACTION ON 3/05/18) (2/12/17 - ADOPTED FOR DENIAL, 5-2; AYES: CAMP, GAYLOR BAIRD, LAMM, RAYBOULD, SHOBE; NAYS: CHRISTENSEN, ESKRIDGE; A-90883) - Eli Mardock, 340 West Cornhusker Highway, applicant, came forward to take the oath and requested approval.

Bill Austin, Blake Austin Law, 301 South 13<sup>th</sup> Street, Suite 101, came forward on behalf of Hunky Dory dba The Royal Grove, to take the oath and requested approval. The denial last week from Council was because of the zoning issues for this establishment. Currently, we are working on the zoning problem and feel this license is worthy of a recommendation for approval with the condition of clearing up the zoning issues. Discussion followed.

Cyndi Lamm, Council Member, asked if approved with a conditional approval would they agree to follow the special requirements for that approval and also asked what steps have they taken to clear up the zoning requirements.

Mr. Mardock said they would follow the conditional requirements for the liquor license if approved. They filed the required paperwork three weeks ago with Planning and have heard the hearing is on April 9.

Mr. Austin confirmed that he has also heard from Planning that the hearing date for City Council is on April 9. Then a request was made that the Manager Application for this business also be reconsidered and placed on the next agenda.

Jeff Kirkpatrick, City Attorney, came forward and stated if Council was wanting to reconsider the manager application then Council would have needed to make the request for reconsideration at the last meeting like was done for the establishment. Discussion followed.

Carl Eskridge, Council Member, asked City Clerk, if there is a time limit on getting a liquor license for managers and if that time has passed.

Teresa Meier, City Clerk, stated there is a time limit on getting a liquor license and that time limit has passed on both applications.

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Ms. Lamm shared that she has been in contact with the Liquor Commission and they have indicated that even though the time limit has passed for both applications, the Liquor Commission would consider anything that Council recommends, since it would just be a recommendation.

Mr. Christensen asked if Council could suspend the rules for reconsideration on the manager application.

Mr. Kirkpatrick stated the reconsideration is a Council rule and they could suspend that rule if they wanted to.

Jon Camp, Council Member, moved to suspend the rules and reconsider the manager application.

Ms. Lamm seconded the motion.

Mr. Christensen said it's been moved and seconded, we will reconsider the manager application and asked for final vote to be taken.

FINAL VOTE: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Greg Votava, 7601 Brummond Drive, came forward in favor of the liquor licenses.

This matter was taken under advisement.

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 - Bill Harvey, 11248 John Galt Blvd., Omaha, came forward on behalf EHPV Lottery Services LLC and Big Red Keno and stated this is for a contract renewal for a five year term.

This matter was taken under advisement.

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 - David Landis, Urban Development Director, came forward and stated this amendment will add 50 units to what has already been agreed upon, reduce what was originally planned as retail space, and will increase in the TIF funds from \$4.3 to \$5 million.

Leirion Gaylor Baird, Council Member, stated that the change in the design looks like it also affects the amount of TIF dollars expected to be associated with the project, and that amount has increased by \$650,000.00 and inquired if that what those funds will be used for.

Mr. Landis stated the uses for TIF funds does not change from what is in the original Redevelopment Agreement. The TIF funds will be primarily for site acquisition and site preparation as stated in the original agreement including two buildings, with associated parking and streetscape that will remain unchanged. This amendment basically says we are going to keep everything on the list, but there will be more money to meet those needs.

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 South 13<sup>th</sup> Street, Suite 1900, came forward on behalf of the developer, 48<sup>th</sup> & Leighton 1, LLC, saying that the Redevelopment Agreement was approved for a \$35 million anticipated investment, consisting primarily of two structures. The first structure, located on the southern portion of the property will have a total of five floors. The first floor will be retail that goes around the perimeter of the building with the other floors for residential units. Then, with the second structure, the north building, it will consist of four floors, with the retail on the first floor and residential on the remaining three floors. The Redevelopment Agreement does state for the north building a fifth floor could be added as long as it meets the condition set in the agreement to allow for the addition of the fifth floor. So, to add the fifth floor on the north structure they would need to use the first floor of that structure as office space. With the original agreement, there is not a lot of flexibility to allow for the fifth floor to be built, that's the reason for this amendment. This amendment would allow for the fifth floor increasing the total number of units from 184 to 235, reduce first floor retail from 28,000 square feet to 14,750 square feet, along with modifying the proposed design to have two-story townhomes located along the west-facing first floor of these buildings. Adding these changes would authorize the full implementation of TIF funds for this project.

Ms. Gaylor Baird inquired if the additional \$650,000 in TIF funds would be going towards site preparation.

Mr. Huston explained the \$650,000 could be identified as site acquisition costs or the site preparation costs, these costs were not covered under the original agreement and could be covered at this point with the amendment.

This matter was taken under advisement.

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 - Chris Connolly, City Attorney, came forward and stated this is about Energy Saving Companies (ESCO), who deliver methods to be used for the rehabilitation of building and other facilities to have reduced energy use for a savings.

Frank Uhlarik, Department Liaison & Compliance Administrator for Public Works, came forward and stated the intent of the resolution is to set performance goals, expectations, provide clarity, and direction for staff and ESCO Partners on how to package and develop projects for specific outcomes. Wanting to line this with the budget cycle for the next couple of years makes it critical to move forward on this policy. This process enables clients to identify improvements that pay for themselves over a set period of time. An ESCO will provide competitively procure services by conducting Preliminary Audits of

facilities/Operations, Investment Grade Audits, Independent Reviews and Project Execution. Some of the benefits of an ESCO program would be reduced cost of operations, increased facility comfort/functionality, while keeping the budget neutral during the financing term. Savings would be accrued throughout the term of the loan to keep at budget neutral to pay the debt on the financing. Some other benefits are LEAP Goals for emissions reductions, energy efficiency, and the opportunity to do some renewable projects within the same set of goals, as well as, several other benefits with this program.

Brandon Kauffman, Finance Director, came forward and shared there are multiple options on how financing would be able to pay for this program. One option would be internal borrowing where it would be paid back over time, a municipal lease and using certificates of participation for different types of projects. Bonding is another option with voter approval for a general obligation bond, using the unused portion of funds from CIP Projects, and having ESCO provide the funding. The last option would be one of the least recommended options for the City as the rates could be slightly higher. All multi-year projects, as well as, funding would require resolutions and would need Council approval. So, if there is a newly identified project and it has not been approved by Council in the first two years of the CIP, the project would first need to be approved by the Planning Commission for conformity with the Comprehensive Plan and then back to Council.

Mr. Connolly explained this would be a statement of policy and with approval of Council will give staff parameters to work in so they could come to Council with various projects. Most of these contracts will be multi-year and take place after installation or construction. We are looking at fifteen year paybacks for these projects to keep this at a reasonable time frame, while there is still some life left in the equipment that is purchased.

Jon Camp, Council Member, expressed concern that Councils involvement would not be until after the IGA had been completed and would like for these items to be brought to Council prior to anything being done.

Mr. Uhlarik explained that getting the Preliminary Audits done first will indicate where the projects are. And adding that the Preliminary Audits have been very broad so they included potential projects from all departments and show where the money is being spent and where the opportunities are for improvements. To move forward we need to first approve this resolution and then we can get started on locating potential projects. Discussion followed.

Rick Hoppe, Mayor's Office, came forward and asked how would staff know what information to bring to Council without the Investment Grade Audit (IGA). Approving this resolution will help staff understand what direction to go before engage with the IGA.

Mr. Camp stated that we are already engaged under Mr. Hoppes scenario, saying they are wanting to bring the IGA before Council that has already been done. Council needs information on projects prior to having commitments with contractors or vendors and prior to them completing or doing any work. Once work has been started you pave the way for that vendor, even though it may be freebie work to start with they will be the ones that get the contracts to finish. Discussion followed.

Cyndi Lamm, Council Member, inquired about the audits they have already received and if there would be additional broader audits.

Mr. Uhlarik shared that the audit encompassed the wealth of opportunities for all departments except Public Works, which was just done to a degree. Quality work and a lot of effort has gone into the Preliminary Audits to find the best opportunities for the City moving forward.

Ms. Lamm asked if the process that is between the Preliminary Audits and the IGA, would be where the narrowing down on the project would be and if at that point there would be a better idea of what projects will meet the 15 year goal.

Mr. Uhlarik said yes there would be, and that is in the terms of the total project. So, they may combine items and take a 12 year return with a 17 year return on a project for a facility to make it balance out to a 15 year. As long as, the assets that you are improving have a 20 year life or greater. Discussion followed.

Ms. Lamm asked if it would be possible for Council to be notified when they are at the stage in between the Preliminary Audits and the IGA with a list of projects that are being considered.

Mr. Hoppe said sure, we could do that.

Mr. Camp stated that he wants a formal step added, that requires these project come before Council prior to any decisions being made so that Councils involvement is on a positive basis and upfront.

Leirion Gaylor Baird, Council Member, stated that the legislation does have several references to Council involvement and there is an amendment before Council that will increase that, and asked if that was correct.

Mr. Hoppe stated as Ms. Lamm has pointed out in her belief that the ESCO's are multi-year contracts and, by definition, multi-year contracts have to come to City Council, so yes Council will be involved. Discussion followed.

Jane Raybould, Council Member, asked how much flexibility would the Council have if they move forward with the IGA, saying it seems more like a feasibility study. Once projects have been isolated, then they would need to get the specifics, cost of each project, and the energy savings that we hope to achieve on each of the components. At that point, how much flexibility is there on only moving forward with the projects that Council approves of.

Mr. Hoppe stated that if a ESCO came before Council and you were skeptical of some of the pieces of the projects, Council should then say, no. So staff, at that point, would go back to the vendor and have them come up with a package that is along the lines of what Council has suggested. Discussion followed.

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Bennie Shobe, Council Member, inquired if the Mayor is only authorized to have the research done and then they would come before Council or is the Mayor authorized to approve of the contracts and it is not necessary for them to come before Council.

Mr. Connolly stated that currently, the Mayor is authorized to sign to have the study done for a project, as well as, an Energy Financing contract, which would be for the installation providing that funds are available for both the study and installation. If funds are not available for the study and/or the installation of a Energy Financing contract, then the portion of the project that was not funded would need to go before Council for their approval. However, it is the expectation that information will be shared with Council to get to the installation for these projects.

Tim Green, Green Lighting Company, 7835 Fort Street, Omaha, came forward in opposition to this resolution.

Coby Mach, LIBA, 620 North 48<sup>th</sup> Street, came forward in favor if the Motion to Amend 1 & 2 are adopted.

Ronald Geary, 6411 Monticello Drive, came forward in favor of this resolution with City Council being involved.

Ken Winston, 4521 Teri Lane, came forward on behalf of Nebraska interfaith Power & Light in favor.

Marilyn McNabb, 1701 West Rose Street, came forward on behalf of Citizens Climate Lobby in favor.

Peter Hinkle, Schneider Electric, came forward in favor of the resolution saying the process that needs to be done is not a simple process and takes a lot of time to work through, to be able to develop these programs and projects. Schneider Electric guarantees the savings to their customers and has completed over 700 projects all over the country with only writing a little over 40 shortfall checks, on projects that did not make a savings. Discussion followed.

Ms. Raybould inquired if Council moved forward with an ESCO could they then establish the parameters for what ESCO could take on, as most companies already do look for savings.

Mr. Hinkle said yes, that Council could decide how they wanted to run the program.

Mr. Shobe inquired if the intent is to use some of the smaller jobs that you are already authorized to do as leverage, to get some of the larger jobs done.

Mr. Hinkle said yes, in combining them it can allow for a decent capital improvement program.

Roy Christensen, Council Chair, stated that he is not sure he likes the idea of using the smaller projects, that don't need an ESCO as leverage on the larger projects, that could not stand alone. Discussion followed.

Mr. Hoppe stated if the amendment is adopted, Council can make that point when the ESCO is brought before Council. It is an assumption that there is money for these projects, when what we are relying on is future savings and we are asking them to guarantee that future savings.

This matter was taken under advisement.

**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 - Chad Blahak, Building & Safety Director, came forward stating this adds a permit fee for the commercial cooking recirculating systems installation that was approved in Council last week. The fee will be \$40.00 for the permit and will go into effect next week, if approved. Discussion followed.**

This matter was taken under advisement.

**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 - Shavonna Lausterer, Health Department Director, came forward asking to change the reporting date of nuisance abatement costs, from September 15 to October 15. This will allow time for the property owners to clean up their property and avoid being placed on the assessment list that is brought before Council.**

This matter was taken under advisement.

**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 - Shavonna Lausterer, Health Department Director, came forward and stated in this amendment we are wanting to make changes to the food code.**

Justin Daniel, Health Department Environmental Public Health Supervisor, came forward and stated this amendment is to add new language to the food code that will better protect the public. We had 149 managers and/or persons in charge of the food establishments complete questionnaires on the clean-up of vomiting and diarrheal events. The results showed that 56% reported they have already have procedures in place for vomiting and diarrheal events. And when it came to establishments already having clean-up kits available for staff 50% reported that already had them. On November 9, 2017, these proposed changes went before the Food Advisory Committee, which they approved of the code changes. Then in December 2017, there were three public meetings held, and at those meeting a few changes were recommended. Additional changes were made and then it went to the Board of Health who also approved the food code changes in January of 2018. We are requiring that signs are posted near handwashing hand sinks on proper

handwashing. We are also requesting that an exemption be allowed for large volunteer groups that only serve at temporary food establishments or events. Although, this will only apply if the volunteers are trained in food safety. These volunteers will also be required to sign a statement saying that they have not been ill within the last 2 days with any vomiting and/or diarrheal events.

Jane Raybould, Council Member, stated she has concerns about employees donning protective gear every time for something that is considered routine clean-up, because this happens. And then asked if the Board of Health has talk about these issues.

Mr. Shobe said yes, this is something that was discussed at the meetings along with the availability of the kit and the cost of the kit.

Mr. Daniels stated that the cost of a clean-up kit from \$20 to \$25 and that the kits just need to be available for the employee to use for clean-up.

Rick Tast, City Attorney, came forward and stated the ordinance just states that the establishment just needs to have the safety kit available, and it does not state that the employee has to don the equipment.

This matter was taken under advisement.

COMPREHENSIVE PLAN CONFORMANCE 18001 - DECLARING APPROXIMATELY .15 ACRES OF PROPERTY GENERALLY LOCATED AT 1233 GARDEN VALLEY ROAD AS SURPLUS

PROPERTY - Lynn Johnson, Parks and Rec. Director, came forward and shared this property was gifted to the City a number of years ago. At that time, it was thought the land would be used as a neighborhood park once the area was developed. Over the past several years, it was discovered this property has flooded just enough that it should not be used for a neighborhood park. With this Comprehensive Plan we are wanting to declare the property at 1223 Garden Valley Road, as surplus property and would like the land sold.

Roy Christensen, Council Chair, inquired who would buy the land.

Mr. Johnson explained that it looks small, but the lot is a standard sized residential lot and the lot itself does not flood because of the slope in the back of the property. The City will retain ownership of the lower area shown on the map and used as a green area.

Mr. Christensen asked how much the City will be asking for this lot.

David Landis, Urban Development Director, came forward and stated that a buildable lot would range from \$20,000 to \$33,000 depending on location.

Mr. Landis read an email from DiAnn White stating she was in favor of this small lot of land being sold in the hopes that the new owners would be required to put in a sidewalk on the property that will help in making the area more suitable and safer for neighbors.

This matter was taken under advisement.

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);

CHANGE OF ZONE NO. 18002 – APPLICATION OF THE PLANNING DEPARTMENT FOR 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) - David Landis, Urban Development Director, came forward and stated this property came to us from LE.S. as part of the NW 48<sup>th</sup> Street Widening and Improvement Project and is not property that the City needs, and would like to sell this property as surplus. We do not have a buyer for this land currently, and the zoning for this property will be changed to B-1 to be consistent with the zoning of the adjacent property and the overall zoning pattern of the area.

This matter was taken under advisement.

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 -

David Landis, Urban Development Director, came forward and shared that they are requesting the declaration of surplus property for land located at Randolph Street on the east side of South 27<sup>th</sup>. The City's Parking Division currently maintains this lot, so this lot is costing the City money and does not bring in any revenue.

This matter was taken under advisement.

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 - Tim Gergen, 1010 Lincoln Mall, Suite 200, Clark Enersen Partners came forward on behalf of the Private Schools of Lincoln, and stated it is projected by the year 2040 the city will have an addition 120,000 residents. There are 27 private schools in Lincoln serving almost 7,000 students and what we are proposing is to raise the height limit of private schools to help even the playing field with what public schools are allowed to do. This will increase the density of the private school land to help offset the City's growth instead of purchasing more land and this will help intensify the existing land use. With this text amendment that we are requesting, with an increase of 10 feet in height would also increase the boundary from the property line to 50 feet and with an increase in height of 25 feet the boundary would be increased to 100 feet from the property line. LPS is also moving in the direction of building taller schools for students.

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Jeff Chadwick, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200, came forward and stated the Marilyn Moore Middle School which is 750 feet long, and it has a section of the school with three stories. If LPS was not allowed to have a section of the school that was three stories, the plan for the school would have been around 1000 feet long.

Heather Keele, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200, came forward and stated with the building design of new schools they are wanting a large open spaces without columns, to do this we need to have deeper beams. We are looking at keeping public and private schools on an even playing field.

Carl Eskridge, Council Member, inquired why they feel this is a private school issue, saying that the school they are discussing is a new school and asked if there is an existing public school that is in an existing neighborhood that wants to follow the trends of LPS, because they would not be allowed to build taller schools either.

Mr. Gergen stated that LPS is not required to follow the City's zoning ordinances on this issue, this is why we are wanting to even the playing field on this issue.

This matter was taken under advisement.

**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 BEECHCRAFT ROAD** - Steve Henrichsen, Planning Department, came forward and stated this is part of the Sky Ranch Acres Development and the City is wanting to vacate the 15' right-of-way adjoining the south sides of Lots 7 and 8 which was platted as a resident pathway. For a long time Sky Ranch Acres thought that this was their property, and just recently it was discovered that the City was the owner of this property. Sky Ranch Acres would like to purchase this property and continue to take care of the property as they have done in the past.

Abigail Littrell, Law Department, came forward and stated that the Planning Department has determined this portion of land does belong to the City as it is shown in the final plat. Although, the Title Company does says that this land belongs to Mr. Eden. It was determined when that portion of land was annexed into the City it became property of the City, because when annexed the County transferred ownership of the land over to the City, there was no deed issued because the plat serves as the deed. When the City vacates property they do a Quick Claim Deed, in doing this it does not say that the City is wanting this land, what the Quick Claim Deed is saying is that the City is not responsible for the condition of the title and is out of the picture.

Cyndi Lamm, Council Member, stated that some of the paperwork indicates that Mr. Eden's Estate should still have ownership of the land.

Ms. Littrell stated that one of the neighbors from the homeowner association requested the title search not Mr. Eden. And it is the conclusion of the neighbor that Mr. Eden Estate owns the property. From the legal perspective the final plat shows that the City owns the property.

Mr. Henrichsen stated he has had a conversation with DaNay Kalkowski, who is saying that the Homeowner Association is ok with this vacation on the property and are planning on purchasing this land.

Joe Borer, 1200 Beechcraft Road, came forward in favor of this vacation ordinance.

Steve Shald, 1221 Beechcraft Road, came forward in favor of this vacation ordinance.

This matter was taken under advisement.

**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."** - Doug McDaniel, Human Resources, came forward and stated that this is just a clean-up item on classes that are not in use.

This matter was taken under advisement.

**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."** - Doug McDaniel, Human Resources, came forward and stated this is to create the classification of City Council Secretary with the pay range of E04.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

**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** - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

90917 WHEREAS, City of Lincoln is developing a transportation project for which it intends to obtain Federal funds;

WHEREAS, City of Lincoln as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State, and local laws, rules, regulations, policies, and guidelines applicable to the funding of the Federal-aid project;

WHEREAS, City of Lincoln and JEO Consulting Group, Inc. wish to enter into a Preliminary Engineering On-Call Professional Services Task Order Agreement to provide preliminary engineering services for the Federal-aid project.

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

That the attached Preliminary Engineering On-Call Professional Services Task Order Agreement between the City of Lincoln and JEO Consulting Group, Inc. for preliminary engineering services for the Lincoln Beal Slough Trail, Project No. TAP-55(182), Control No. 13366, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2018 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90918 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2018 \$341,607.16 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 Jane Raybould

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JANUARY 31, 2018 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 19, 2018 AT 3:00 P.M. ON THE APPLICATION OF MI TIERRA FAMILY MEXICAN RESTAURANT, INC. DBA MI TIERRA FAMILY MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 5500 OLD CHENEY ROAD, SUITE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90919 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 19, 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 Mi Tierra Family Mexican Restaurant, Inc. dba Mi Tierra Family Mexican Restaurant for a Class I Liquor License at 5500 Old Cheney Road, Suite 4.

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

Introduced by Jane Raybould

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 19, 2018 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JAMES B MICHAELSON FOR CAREY JOHNSON OIL COMPANY, INC. DBA EZ GO STORES #80 AT 2555 O STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90920 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 19, 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 Manager Application of James B Michaelson for Carey Johnson Oil Company, Inc. dba EZ GO #80 at 2555 O Street.

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

Introduced by Jane Raybould

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

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SETTING THE HEARING DATE OF MONDAY, MARCH 19, 2018 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JAMES B MICHAELSON FOR CAREY JOHNSON OIL COMPANY, INC. DBA EZ GO STORES #81 AT 8411 WINDMILL DRIVE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90921 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 19, 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 Manager Application of James B Michaelson for Carey Johnson Oil Company, Inc. dba EZ GO #81 at 8411 Windmill Drive.

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

Introduced by Jane Raybould

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

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

Administrative Amendment No. 17066, to Preliminary Plat No. 03004, Northbank Junction Preliminary Plat, approved by the Planning Director on February 20, 2018, to revise the drainage plan and lot layout, generally located at N. 56<sup>th</sup> Street and Alvo Road.

**LIQUOR RESOLUTIONS**

APPLICATION OF FLOOR DIMENSIONAL, INC. DBA PLUM CRAZY LOUNGE FOR A CLASS C LIQUOR LICENSE AT 7301 SOUTH 27<sup>TH</sup> STREET, SUITES 150, 160, AND 170 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90922 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 Floor Dimensional, Inc. dba Plum Crazy Lounge for a Class "C" liquor license at 7301 South 27<sup>th</sup> Street, Suites 150, 160, and 170, 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 DAVID C. STOKKE FOR FLOOR DIMENSIONAL, INC. DBA PLUM CRAZY LOUNGE FOR A CLASS C LIQUOR LICENSE AT 7301 SOUTH 27<sup>TH</sup> STREET, SUITES 150, 160, AND 170 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90923 WHEREAS, Floor Dimensional, Inc. dba Plum Crazy Lounge located at 7301 South 27<sup>th</sup> Street, Suites 150, 160, and 170, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that David C. Stokke be named manager;

WHEREAS, David C. Stokke 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 David C. Stokke 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 CJ'S KITCHENS, LLC DBA CJ'S NEIGHBORHOOD BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 200 WEST P STREET, UNIT NO. 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90924 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 CJ's Kitchens, LLC dba CJ's Neighborhood Bar and Grill for a Class "I" liquor license at 200 West P Street, Unit No. 2, 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 CARRIE J. DEFREECE FOR CJ'S KITCHENS, LLC DBA CJ'S NEIGHBORHOOD BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 200 WEST P STREET, UNIT NO. 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90925 WHEREAS, CJ's Kitchens, LLC dba CJ's Neighborhood Bar and Grill located at 200 West P Street, Unit No. 2, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Carrie J. DeFreece be named manager;

WHEREAS, Carrie J. DeFreece 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 Carrie J. DeFreece 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 HUNKY DORY, LLC DBA THE ROYAL GROVE FOR A CLASS C LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY. (2/26/18 - RECONSIDERED TO HAVE PUBLIC HEARING & ACTION ON 3/05/18) (2/12/17 - ADOPTED FOR DENIAL, 5-2; AYES: CAMP, GAYLOR BAIRD, LAMM, RAYBOULD, SHOBE; NAYS: CHRISTENSEN, ESKRIDGE; A-90883) - PRIOR to reading:

CAMP Moved approval.

Seconded by Raybould.

CAMP Moved MTA #1 to adopt the Substitute Resolution.

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

CLERK Read the following substitute resolution, introduced by Jon Camp, who moved its adoption for approval as amended:

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, and the pertinent City ordinances, the City Council recommends that the application of Hunky Dory, LLC dba The Royal Grove for a Class "C" liquor license at 340 W. Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2018, be approved with the condition that:

1. The applicant obtains a valid special permit for on- and off-site alcohol sales, including the parking requirements.
2. The applicant obtains a change of zone from R2 Residential District to H-3 Highway Commercial District for the north parking lot.
3. The applicant modifies the beer garden to be in compliance with the application zoning codes.
4. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
5. 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

FINAL 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 FEBRUARY 1 - 15, 2018 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90926 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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That the claims listed in the attached report, marked as Exhibit "A", dated February 16, 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> |           |
|------------------------|----------------|-------------------------------|-----------|
| Kelli Johnson          | \$1,000,000.00 | Fleet Response                |           |
| Kelly Richter          | 383.88         | a/s/o Topbuild Corp.          | \$ 533.76 |
| Andy McNeil            | 68.63          | Donald & Jordan Straight      | 8,654.15  |
|                        |                | Lwel Doh Moo                  | 2,000.00  |
|                        |                | Kurtis Smith                  | 203.19    |
| <u>WITHDRAWN CLAIM</u> |                |                               |           |
| Aaron Peth             | 250,000.00     |                               |           |

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 Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90927 WHEREAS, the City of Lincoln entered into a contract with EHPV Lottery Services, LLC, a Nebraska limited liability company, for the operation of keno type lottery on behalf of the City of Lincoln, expiring March 9, 2018; and

WHEREAS, pursuant to Section 29 of the Contract, the parties desire to renew the contract for an additional five years; and

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

The City Council does hereby mutually agree with EHPV Lottery Services LLC to extend the term of its contract, attached hereto marked as Attachment "A", for the operation of a keno type lottery on behalf of the City of Lincoln and the County of Lancaster for an additional term of five years commencing on March 10, 2018 and terminating on March 9, 2023 without further extensions of the term of said contract unless mutually agreed to by the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit one copy of this resolution to EHPV Lottery Services LLC c/o Gary Vander Woude, Chief Financial Officer, 11248 John Galt Blvd., Omaha, NE 68137; one copy to the City's Finance Director; and one copy to Charitable Gaming Division, Nebraska Department of Revenue, 137 NW 17<sup>th</sup> St., Lincoln, NE 68528.

Introduced by Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90928 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached First Amendment to the 48<sup>th</sup> and Leighton Phase I Redevelopment Agreement between the City of Lincoln and 48<sup>th</sup> & Leighton I, LLC, amending the Redevelopment Agreement approved by Resolution No. A-90080 on November 7, 2016 to: 1) modify the design of the buildings to increase the number of residential units, increase height, and decrease retail square footage; 2) increase TIF proceeds from \$4,350,000 to \$5,000,000; and 3) amend the construction schedule, is hereby approved and accepted and the Mayor is authorized to execute said First Amendment to the Redevelopment Agreement on behalf of the City.

The City Clerk is directed to return one fully-executed copy of the Amendment to Wynn Hjermstad for transmittal to 48<sup>th</sup> & Leighton I, LLC.

Introduced by Leirion Gaylor Baird

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

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 - PRIOR to reading:

CAMP Moved to Place Bill No. 18R-42 on Pending with continued Public Hearing no date certain.  
Seconded by Raybould.

GAYLOR BAIRD Offered a friendly amendment to consider date certain.

RAYBOULD Accepted one month of discussion on this resolution.

CAMP Accepted friendly amendment for date certain until 4/16/18 with continued Public Hearing.

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90929 WHEREAS, the City Council is authorized to determine the amount of each required mechanical systems permit fee; and

WHEREAS, the City Council adopted Resolution A-90638 on August 21, 2017 and the Mechanical Systems Permit Fee Schedules attached thereto.

WHEREAS, the City Council wishes to amend the Mechanical Systems Permit Fee Schedule attached hereto as Attachment “A” to impose a fee for Commercial Cooking Recirculating Systems and to adjust the Gas Piping Replacement Appliance fee; and

WHEREAS, the City Council has determined the amended Mechanical Systems Permit Fee Schedule should be adopted.

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

That the Mechanical Systems Permit Fee Schedule, Attachment “A”, is hereby adopted and is effective upon passage and publication of this resolution.

Introduced by Leirion Gaylor Baird

Seconded by Camp & 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**

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 second 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 second 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 second 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 second 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 second time.

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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 second 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 second 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 second 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 second 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 second 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 second time.

**ORDINANCES - 3<sup>RD</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 third time.

ESKRIDGE Moved to pass ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe: NAYS: None.  
The ordinance, being numbered #20633, is recorded in Ordinance Book 34.

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 third time.

ESKRIDGE Moved to pass ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe: NAYS: None.  
The ordinance, being numbered #20634, is recorded in Ordinance Book 34.

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 third time.

ESKRIDGE Moved to pass ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe: NAYS: None.  
The ordinance, being numbered #20635, is recorded in Ordinance Book 34.

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

CONCURRING WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION SELECTION OF MTZ CONSTRUCTION, INC. AND AUTHORIZING EXECUTION OF THE CONTRACT BETWEEN THE CITY AND MTZ TO BE FUNDED IN PART WITH FEDERAL TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE INTERSECTION RECONSTRUCTION AT 66<sup>TH</sup> AND FREMONT STREETS, PROJECT NO. HSIP-5253(1) AND RESCINDING RESOLUTION A-90893. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 28, 2018.

APPROVING CJ'S NEIGHBORHOOD BAR & GRILL AS A KENO SATELLITE AT 200 WEST P STREET.

COMPREHENSIVE PLAN CONFORMANCE 18003 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "VIET HAO REDEVELOPMENT PROJECT" TO INCLUDE UP TO 16,600 SQUARE FEET, WITH BUILDING AND PARKING IMPROVEMENTS GENERALLY LOCATED SOUTH OF O STREET, BETWEEN 23RD AND 25TH STREETS.

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

STREET AND ALLEY VACATION NO. 17005 – VACATING A PORTION OF NORTH 43<sup>RD</sup> STREET RIGHT-OF-WAY, A PORTION OF WALKER AVENUE RIGHT-OF-WAY, AND A PORTION OF THE EAST-WEST ALLEY, GENERALLY LOCATED AT 2320 N. 43<sup>RD</sup> STREET - CLERK read an ordinance, introduced by Jane Raybould, vacating the North 43rd Street and Walker Street right-of-ways, along with the alley right-of-way south of Huntington Avenue comprising of 0.61 acres more or less, located in the Northwest Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster 4 County, Nebraska, the first time.

STREET AND ALLEY VACATION NO. 17008 – VACATING THE EAST-WEST ALLEY FROM THE EAST LINE OF SOUTH 17<sup>TH</sup> STREET TO THE WEST LINE OF SOUTH 18<sup>TH</sup> STREET, BETWEEN K STREET AND L STREET, GENERALLY LOCATED AT 1700 K STREET - CLERK read an ordinance, introduced by Jane Raybould, vacating the east to west alley from the east line of South 17th Street to the west line of South 18th Street between K and L Streets, located in the Northwest Quarter of Section 25, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

COMPREHENSIVE PLAN CONFORMANCE 18005 - APPROVING AN AMENDMENT TO THE WEST "O" STREET REDEVELOPMENT PLAN TO CREATE THE "LINCOLN SPORTS FACILITY REDEVELOPMENT PROJECT" TO INCLUDE FIVE UNDERDEVELOPED PARCELS OF LAND GENERALLY LOCATED AT 150 SW 14<sup>TH</sup> PLACE. (RELATED ITEMS: 18R-54, 18-31, 18R-55) (ACTION DATE: 3/19/18)

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CHANGE OF ZONE NO. 18001 – APPLICATION OF LINCOLN SPORTS FACILITY FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND I-1 INDUSTRIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT AND AG AGRICULTURE DISTRICT ON PROPERTY GENERALLY LOCATED AT 150 SW 14<sup>TH</sup> PLACE (RELATED ITEMS: 18R-54, 18-31, 18R-55) - 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 first time.

SPECIAL PERMIT NO. 18003 – APPLICATION OF LINCOLN SPORTS FACILITY FOR A SPECIAL PERMIT TO DEVELOP AN INDOOR SPORTS FACILITY ON PROPERTY GENERALLY LOCATED AT 150 SW 14<sup>TH</sup> PLACE. (RELATED ITEMS: 18R-54, 18-31, 18R-55) (ACTION DATE: 3/19/18)

**PENDING LIST**

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BY AND BETWEEN LINCOLN SPORTS FOUNDATION, INC. AND THE CITY OF LINCOLN, NEBRASKA TO CONSTRUCT AN INDUSTRIAL PARK/WAREHOUSE DEVELOPMENT UNDER THE PROPOSED CHANGE OF ZONE OF THE PROPERTY FROM H-2 HIGHWAY BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT. (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:

RAYBOULD Moved to Withdraw Bill No. 17R-182.

Seconded by Lamm & 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 #**38-4692** & was placed on file in the Office of the City Clerk.

**RECONSIDERATION**

MANAGER APPLICATION OF ELI MARDOCK FOR HUNKY DORY, LLC DBA THE ROYAL GROVE AT 340 W. CORNHUSKER HIGHWAY:

CAMP Moved to suspend Council rules to allow reconsideration of the manager application of Eli Mardock for Public Hearing & Action on 4/12/18.

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

**ADJOURNMENT**

**6:23 P.M.**

CAMP Moved to adjourn the City Council Meeting of March 5, 2018.

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

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Teresa J. Meier, City Clerk

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Rhonda M. Bice, Office Specialist