

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 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

GAYLOR BAIRD Having been appointed to read the minutes of the City Council Proceedings of January 29, 2018, reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING THE CONSENT TO ASSIGNMENT AGREEMENT BETWEEN THE CITY AND SMG TO PROVIDE THAT SMG HOLDINGS, INC. WILL MERGE WITH ONEX CORPORATION IN JANUARY 2018 - Trent Brown, Director of Finance for Pinnacle Bank Arena, 400 Pinnacle Arena Drive, came forward in support.

This matter was taken under advisement.

APPOINTING STEVE MILLER TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2022 - Steve Miller, applicant, 7920 Casey Lane, came forward and requested approval.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE ROCK ISLAND TO JAMAICA NORTH TRAIL CONNECTION PROJECT AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - Cyndi Lamm, Council Member, inquired about the CIP and the other finance listed and asked if this was part of the other financing.

Lynn Johnson, Director of Parks & Recreation, confirmed this is part of the other financing that is identified in the Capital Improvement Program.

This matter was taken under advisement.

APPLICATION OF BEAUVENT TRAVEL, LLC DBA THE NORMANDY FOR A CLASS I LIQUOR LICENSE AT 2785 S. 17TH STREET;

MANAGER APPLICATION OF ERIC POST FOR BEAUVENT TRAVEL, LLC DBA THE NORMANDY AT 2785 S. 17TH STREET - Eric and Emily Post, applicants, 1736 Otoe Street, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF NATE BECWAR FOR DHABS, LLC DBA BARRYMORE'S AT 124 NORTH 13TH STREET - Nate Becwar, applicant, 1226 P Street, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF BRIAN MAKOVICKA FOR WHITEHEAD OIL COMPANY DBA U-STOP #6 AT 942 S. 27TH STREET - Brian Makovicka, applicant, 4640 S. 86th Court, came forward to take the oath and requested approval.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT), SO THAT FEDERAL FUNDS MAY BE USED TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF THE EAST LEG OF THE BIG 'X' BRIDGE, THE EASTBOUND K STREET (ROSA PARKS WAY) CONNECTOR BRIDGE, AND A BRIDGE FOR ACCESS TO CITY PROPERTY AT THE ASHLAND WATER TREATMENT PLANT. PROJECT NO. STP-NBIS (110) & NBIS (108), CN 00953A & 00958A - Zack Becker, Public Works, came forward and shared that fracture Critical Bridges require more inspection than a regular bridge therefore the State handles that program for the City.

This matter was taken under advisement.

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SPECIAL PERMIT NO. 687A – APPLICATION OF DON FARRALL FOR A SPECIAL PERMIT TO ALLOW A DAYCARE CENTER FOR UP TO 90 CHILDREN ON PROPERTY GENERALLY LOCATED AT 4005 NORTH 70TH STREET - Don Farrall, 1600 Otoe Street, came forward and said they currently have a daycare center in the Highlands that he built and they plan to open a second center. There is a church building on N. 70th Street that would make a good child care center. The lot abuts 70th Street, which is a major arterial, and that is one of the requirements. The parking lot is accessed off Kearney Street. Kearney Street is a local street and they still need a waiver for this.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE CONSTRUCTION-MANAGER-AT-RISK CONTRACT BETWEEN THE CITY AND HAUSMANN CONSTRUCTION TO ACCEPT THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF FOUR FIRE STATIONS - Tom Casady, Public Safety Director, came forward and shared that over a year ago the City selected Hausmann Construction as the construction manager for the 4 fire stations that are being built with sales tax revenue. Hausmann was hired through a construction manager at risk process. When the architectural drawings get to a certain point then the construction manager at risk is required to provide the City with a guaranteed maximum price for which we contract with the construction manager at risk. The construction cost is the largest portion of the total cost but there are some other costs for the stations that are not included in the construction. These costs consist of land acquisition, environmental studies, tree removal and some other small projects. The total cost is close to \$24 million.

Leirion Gaylor Baird, Council Member, asked for variations in the prices for the 4 fire stations and why station 15 is much more expensive than the other 3 stations.

Mr. Casady explained the core design for all the stations is pretty much the same. What varies with these stations is the square footage, number of bedrooms and number of apparatus bays. The same architectural firm was used to design all stations. Station 15 is the joint police and fire stations so that station is considerably larger.

This matter was taken under advisement.

APPROVING AN AGREEMENT AMONG THE CITY ON BEHALF OF THE PARKS DEPARTMENT, LINCOLN PUBLIC SCHOOLS, AND FRIENDS OF WOODS TENNIS, INC. FOR A TEN YEAR COOPERATIVE AGREEMENT FOR USE OF THE TENNIS CENTER BY LPS - Lynn Johnson, Director of Parks & Recreation, came forward and explained this is a Prepaid Use Agreement between Lincoln Public Schools and Friends of Woods Tennis. Essentially this is a 10 year agreement where LPS will provide \$10,000 per year or \$100,000 for prepaid use of primarily the outdoor 12 courts at the tennis center. The proceeds will go towards the construction and the endowment. The School Board and the Friends of Woods Tennis both have approved this Agreement.

Carl Eskridge, Council Member, asked if the endowment fund can be used to enhance the area around the tennis facility.

Mr. Johnson confirmed that there is some outdoor work that needs to be completed but the endowment funds cannot be used for that type of work.

Cyndi Lamm, Council Member, explained that she had concerns raised to her that there is not a lot of opportunity for others to use the tennis center because of LPS's use of it. Also, is there an anticipated amount to maintain the outdoor courts and if so, how much is that.

Mr. Johnson said that when LPS and Friends of Woods Tennis worked out this Agreement and identified the use that LPS would be allowed and that was determined based on the rate structure that Friends of Woods Tennis typically uses for the facility. The Agreement states the use is only for the outdoor courts and the indoor amenities such as the locker rooms and restrooms. There is an hourly rate for use of the indoor courts. There has been an increase of the use of the tennis facilities and the indoor facility is at capacity and they are trying to address all the interest and needs but it has been challenging. LPS has used the facility for many years and there is a long standing relationship that has been established. Woods Tennis does try and balance the best they can. The outdoor courts need to be resurfaced on an 8-10 year cycle and is about \$35,000 to resurface. Discussion followed.

This matter was taken under advisement.

STREET & ALLEY VACATION 17006 – VACATING A PORTION OF 17TH STREET RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN VINE STREET AND A POINT APPROXIMATELY 300 FEET NORTH OF R STREET - Jennifer Dam, Director of Campus Planning and Space Management at the University of Nebraska - Lincoln, 1400 R Street, came forward and shared the request for the vacation has been a long time coming, since the Antelope Valley study. One of the purposes of the entire Antelope Valley Project was to route traffic out of campus and on to the Antelope Valley Parkway. Currently, 16th and 17th Street have still been thruways and traffic has become a problem for the students safety. There are over 5,000 residents between R Street and Vine Street and 16th and 17th. There are almost 5,000 parking stalls. The dining hall opened less than a year ago. The Nursing College and Health Center will be opening up in the fall and will also increase pedestrian traffic in the area. They partnered with Public Works about 4 years ago to conduct a study to look at the area and determine if it was feasible to close 17th Street in this area in conformance with the UNL Master Plan. It was determined that closing 17th Street was viable and converting 16th Street to a two way street with bike lanes would enhance the area as well as putting bike lanes on Vine Street.

Jon Camp, Council Member, asked if 17th Street were to be closed, would it only be for internal circulation.

Ms. Dam explained that there is a public alley that will provide access to the sororities at the south end that will remain in place. There is a service drive that winds through and that provides service to some of the other buildings. The majority of 17th Street will be closed for internal pedestrian use. There will be a turn-around at the north end of 17th Street to allow for loading and unloading for the residence in the courtyard.

Bennie Shobe, Council Member, stated that now with 17th being closed, there is a big issue on 16th with pedestrian crossing and traffic and asked if there was a solution to that problem.

Ms. Dam shared that she thinks there was a lot of confusion when 16th Street was first converted to two way traffic. That change corresponded with move-ins and the beginning of the semester. As the semester has continued, the confusion seems to have settled down and everyone is learning about the 4 way stop and the right-of-ways. There is talk about a possible street light at 16th and Vine, but that would be approved through the Public Works Department.

Carl Eskridge, Council Member, asked about Startran and the delays in the routes and access to emergency vehicles.

Ms. Dam shared that, to her knowledge, there were delays with the Startran routes. University staff, Startran staff and Public Works have all met several times throughout the fall semester to monitor the situation. Now, the delay times have been significantly reduced over the semester. Public Works and Startran will continue to monitor it and the University is willing to cooperate with any additional studies. There will still be ballades on 17th Street that will allow for emergency vehicles to get through.

Roy Christensen, Council Chair, asked how much the University was going to compensate the City for the use of this property.

Ms. Dam confirmed that figure to be around \$80,000.

Mr. Camp asked how \$80,352 was determined, which would make this \$1 per square foot.

Michelle Backmeyer, Urban Development Real Estate Division, came forward and shared this had been discussed prior to her involvement and that figure was already determined. She looked at some of the staff reports after they came in and it was decided that was a good number to continue to use. There are sewer and water easements that will be retained. Emergency vehicles still need to be able to get on the property and there are still storm sewers throughout the area, so it does not have 100% value. Discussion followed.

Richard Schmelling, 4610 Van Dorn Street, came forward in opposition.

Pat Schreurs, 1235 South 13th Street, came forward in opposition.

This matter was taken under advisement.

CHANGE OF ZONE 17031 – APPLICATION OF GAGE INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. (RELATED ITEMS: 18-8, 18R-18); APPROVING A CONDITIONAL ZONING AGREEMENT TO ESTABLISH THE OBLIGATION OF THE DEVELOPER TO PAY THE CITY UPFRONT FOR ONGOING MAINTENANCE OF A STREET ADJACENT TO PROPERTY TO BE DEVELOPED IN EXCHANGE FOR THE CITY ACCEPTING THE STREET WITHOUT IT BEING CONSTRUCTED TO URBAN STANDARDS FOR PROPERTY LOCATED GENERALLY AT 7721 PORTSCHE LANE. (RELATED ITEMS: 18-8, 18R-18) (ACTION DATE: 2/12/18) - Rick Onnen, ENA Consulting, appearing on behalf of Gage Investments and shared this change of zone will provide for 12 single family lots. They have gone through the CUP process and are still waiting for some comments back from the City regarding a few things.

This matter was taken under advisement.

CHANGE OF ZONE 17028 – APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT, FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, FROM R-4 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, AND FROM R-4 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTIES GENERALLY LOCATED IN THE VICINITY OF THE FORMER MISSOURI PACIFIC RAILROAD CORRIDOR BETWEEN NORTH 22ND AND NORTH 35TH STREETS. (RELATED ITEMS: 18-12, 18R-21); APPROVING A CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND ABC ELECTRIC TO ALLOW ABC ELECTRIC TO CONTINUE TO USE ITS PROPERTY UNDER THE CHANGED ZONING DESIGNATION WHILE PROVIDING FOR A BUFFER ZONE BETWEEN THE STREET AND COMMERCIAL ACTIVITIES TO BE CONDUCTED ON THE SITE FOR PROPERTY GENERALLY LOCATED ALONG THE SOUTH SIDE OF Y STREET BETWEEN 24TH AND 25TH STREETS. (RELATED ITEMS: 18-12, 18R-21) (ACTION DATE: 2/12/18) - Steve Henrichsen, Planning Department, came forward and shared this request was started in July, 2017. The change of zone makes sense because it will better reflect the character of the area. The main aspect is removing the I-1 and industrial zoning where there are already established uses that are commercial in use and those business would retain that type of a use. There are also residential uses, apartments and single family houses that are

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being rezoned to R-6 residential to reflect the adjacent residential zoning. The proposed zoning also does a much better job fitting in with the character of the neighborhood. There are about 32 property owners in the change of zone, 40 different properties that are changing for about 30 acres in size. The first mailing was sent out to property owners in August, 2017. They have also talked with ABC Electric who had purchased some land that is zoned residential. They removed the houses and hoped to expand their business. The City has worked with them on the adjacent Zoning Agreement in which the residential zoning will be rezoned to H-3 as well as the existing property will go from I-1 to H-3 and that use will allow an expansion of their use. This will also provide for landscaping and buffering for the property owners to the north. There was another mailing sent out in October, 2017, to over 300 property owners. An open house and Public Hearing on December 6, 2017, with 2 out of 32 property owners in opposition. One property owner thought the zoning application had to be approved by the Federal Surface Transportation Board. The City then contacted to Surface Transportation Board who referred them to an attorney who reviewed all the City's material and did not see any reason why the City could not proceed. This change of zone does not impact the railroad and the railroad will be able to continue to operate. Discussion followed.

Scott Holmes, Health Department, came forward and explained the zoning code states that it is to protect the health and general welfare of the community. One of the issues that Planning and Health have worked on together is to try and assure that there are not incompatible uses. The Planning Department supports the H-3 zoning in this area.

Jon Camp, Council Member, asked if there were concerns with Lincoln Lumber operating in the area.

Mr. Holmes confirmed there are no concerns with Lincoln Lumber. Discussion followed.

Gloria Eddins, 1700 N. 29th Street, Co-Chair of the Clinton Neighborhood Organization, came forward and shared the Neighbors Association is in support.

Don Hammel, President and Owner of Lincoln Lumber Company, 932 N. 23rd Street, came forward in opposition.

This matter was taken under advisement.

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

ANNEXATION 17019 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 73.53 ACRES OF PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20);

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

APPROVING AMENDMENT NO. 1 TO THE ANNEXATION AGREEMENT FOR VAN DORN STREET COALITION BETWEEN THE CITY OF LINCOLN AND THE PARCEL OWNERS TO REFLECT CHANGES IN THE DEVELOPMENT PLANS FOR PROPERTY LOCATED NORTH OF VAN DORN AND WEST OF 98TH STREET. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) (ACTION DATE: 2/12/18) - Danay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, came forward on behalf of Matodol LLC. In 2006, Matadol along with 5 other property owners known as the Van Dorn Coalition controlling over 300 acres north of Van Dorn and west of 98th Street worked with the City to amend the Comp Plan to bring the property into Tier 1, Priority B. At that time, they also negotiated an Annexation Agreement and was approved in March, 2017. This also included a Master Plan as a land use concept that identified the anticipated land uses. The applications bring forward the zoning, site plan, grading, drainage plan and annexation of the first 78 acres of the development. The land use is consistent with those shown on the Concept Plan in the Annexation Agreement. There is an amendment to the Comprehensive Plan and that is to designate the neighborhood center. A neighborhood center meets the spacing requirements and all other requirements that the Comp Plan needs for a neighborhood center. Some of the areas in the layout qualify as minimum floor corridors, but the developer has met with the City and would like to extend those beyond areas that would be required, which will allow for additional water quality improvements. There will be natural buffers between land uses. They will also provide for a bike trail in the development. There is a multi family area that includes about 22 acres and they will be in the R-5 zoning. A height waiver has been requested in this area to allow buildings up to 50 feet. There is area for future commercial buildings and is buffered from the single family area. The final and largest use will be used for residential. The developers have agreed to the installation of a roundabout at 91st and Van Dorn.

Jane Raybould, Council Member, expressed concern about traffic issues and asked about a second roundabout that the neighbors have asked for.

Ms. Kalkowski explained there is no documented need for a second roundabout, there is also no funding for a second roundabout and there would be some drainage issues to add a second roundabout.

Brad Marshall, Olsson Associates, came forward and said they did consider both roundabouts at both intersections. They would have to use warrants for traffic signals for the roundabout design to be implemented and neither intersection would warrant signalization of that intersection. Matodol will install turning lanes at Resort Drive. Discussion followed.

Leirion Gaylor Baird, Council Member, asked about costs for the roundabout at 91st and Van Dorn and how will it be paid for.

Ms. Kalkowski shared that the original estimate was about \$750,000. Right now, the City has agreed to contribute what they have in their impact fees and that is around \$250,000. The rest will be funded by the developer with the ability to get some impact fees back.

Tim Allen, 5405 A Street, came forward in favor.

Mark Hunzeker, Baylor Evnen, 1248 O Street, Suite 600, appeared on behalf of Firethorn Golf Club and Utilities Company and stated they are in support and have worked out an Agreement with the developer as to some dedication of right-of-way.

This matter was taken under advisement.

**** Council Member Raybould left chambers at 4:37 p.m. ****

TEXT AMENDMENT 17001 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO CREATE AN EXCEPTION FOR GROCERY STORES WHICH REDUCES THE REQUIRED SEPARATION DISTANCE BETWEEN THE PREMISES LICENSED TO SELL OFF-SALE ALCOHOL AND FIRST FLOOR RESIDENTIAL USE, DAY CARE FACILITIES, PARKS, CHURCHES, STATE MENTAL HEALTH FACILITIES AND RESIDENTIAL ZONING DISTRICTS FROM 100 FEET TO 25 FEET IN ZONING DISTRICTS B-1, B-3, H-1, H-2, H-3, H-4, I-1, AND I-3, AND REPEALING SECTION 27.63.685 AS HITHERTO EXISTING - Brandi Payne, Member of the Open Harvest Board of Directors, 3230 E. Summit Blvd, came forward and shared that this text amendment will allow a special permit for grocery stores to sell alcoholic beverages for consumption off the premises. Open Harvest and other local grocery stores are currently prohibited from being a one stop shopping experience. The proposed amendment changes very little about the current City Code and will retain protections that already exist. The protections pertain to parking, lighting, sound and noise. Access doors cannot face a residential district if they are within 150 feet and this is also not a change being requested. The section that is being proposed is the section dealing with separation. As noted, right now licensed premises have to be at least 100 feet from uses such as 1st floor residential, daycare, parks, place of religious assembly, health institutions and residential. This will amend this requirement for grocery stores only. The definition of a grocery store prohibits other types of establishments to use this permit to obtain a liquor license. Discussion followed.

Kathy Siefken, Executive Director of the Nebraska Grocery Industry Association, 5935 S. 56th Street, Suite B, came forward in favor.

Marcus Powers, Zipline Brewing Company, 2100 Magnum Circle, came forward in favor.

Chelsea Pounds, 643 S. 11th Street, came forward in favor.

Charles Freedman, no address given, came forward in favor.

Amy Tabor, General Manager of Open Harvest, 855 S. 35th Street, came forward in favor.

Mark Hunzeker, Baylor Evnen, 1248 O Street, Suite 600, came forward in favor.

Matt Gregory, no address given, came forward in favor.

John Christensen, Owner of Oak Creek Plants and Flowers, 3435 S. 13th Street, came forward in favor.

Dan Marvin, 5918 Rolling Hills Boulevard, came forward in opposition.

Tracy Corr, 1001 S. 37th Street, came forward in opposition.

Amy Hochstetier, 1625 Sumner Street, came forward in opposition.

Pat Anderson-Sifuentez, 1500 S. 11th Street, came forward in opposition.

Jackie Young, 1901 Prospect Street, came forward in opposition.

Carmen Maurer, 1929 C Street, came forward in opposition.

Gloria Eddins, 1700 N. 29th Street, came forward in opposition.

Joe Shaw, 2311 Q Street, came forward in opposition.

Marcia Young, 1901 Prospect Street, came forward in opposition.

Russell Miller, 341 S. 52nd Street, came forward in opposition.

Ms. Payne came forward for rebuttal and explained that regarding a separate entrance to their establishment, they could theoretically build a store within a store that would allow for the purchase of alcohol. This would mean that there could not be a way to get from one store to the other store. Patrons would have to go in a separate entrance, purchase their liquor on a separate system, then bring their liquor to their vehicle before entering into the grocery store. Discussion followed.

This matter was taken under advisement.

**** Council Member Raybould returned to chambers at 5:55 p.m. ****

CHANGE OF ZONE 17037 – APPLICATION OF JERRY BOYCE FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3720 NORTH 1ST STREET - Tim Gergen, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200, came forward representing the applicant Jerry Boyce, and stated this is to allow 10 additional unites.

This matter was taken under advisement.

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

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

CHANGE OF ZONE 17015 – APPLICATION OF STAROSTKA-LEWIS, LLC, LEWIS STAROSTKA, INC., AND JAMES M. BUEL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18);

SPECIAL PERMIT NO. 17022 – APPEAL OF MARK HUNZEKER FROM THE PLANNING COMMISSION'S APPROVAL OF A SPECIAL PERMIT TO ALLOW DOMINION AT STEVENS CREEK COMMUNITY UNIT PLAN FOR UP TO 433 RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY UNITS AND TOWNHOME UNITS, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (ACTION DATE: 1/29/18) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - Mark Hunzeker, Baylor Evnen, 1248 O Street, Suite 600, came forward on behalf of Lewis-Starostka, LLC and shared this area is a single family and townhome area. There is a possibility that part of O Street will be condemned by the City, but if that does not happen there will be the possibility of having some office space. At the north end of the project, it abuts a subdivision called Sky Ranch Acres. The roads within Sky Ranch are built to County standards and there has been concern expressed about traffic on those roads. They are public roads that are currently owned by the City and they are required by the subdivision ordinance to connect to those roads. They do not plan to make the actual connection to the road until 74 dwelling units are occupied. Discussion followed.

Leirion Gaylor Baird, Council member, asked for clarification on the different motions to amend.

Mr. Hunzeker explained he has proposed two amendments and Sky Ranch Acres has submitted a motion to amend as well. His proposed amendment addresses everything except for moving the well house for Sky Ranch Acres.

Matt Sherman, President of the Sky Ranch Acres Homeowners Association, 1420 Cessna Lane, came forward in opposition stating they would like the roads dead ended and the well house left as that is the source of water for all 28 houses on the Acreage. Discussion followed.

Marge Davenport, 602 N. 112th, came forward in opposition.

Dave Dobesh, 1222 Beechcraft, came forward in opposition.

Stephen Mason, 1200 Cessna Circle, came forward in opposition.

Ronald Wilham, 1301 Piper Way, came forward in opposition.

Joe Borer, 1200 Beechcraft Road, came forward in opposition.

Roger Johnson, 1320 Cessna Lane, came forward in opposition.

Gail Dobesh, 1222 Beechcraft Road, came forward stating she would be in support of the development if they fix the current infrastructure.

Mr. Hunzeker came forward for rebuttal and shared that as for dead ended streets and the developer using those streets for access, that was not something the developer has chosen. The streets have to be connected per the subdivision ordinance because they are public streets. They have made every effort they can to minimize the difficulty during construction and barricade the roads until the first 74 lots are occupied.

Jane Raybould, Council Member, asked if the well would later needed to be moved who would be responsible for that.

David Cary, Planning Department Director, came forward and explained there has been a lot of design with the streets to not impact the well being moved. At this point in time, there is no requirement for the well to be moved. Discussion followed.

Steve Henrichsen, Planning Department, came forward and explained the well was not built in the proper area to begin with. The City nor the County would approve a well being built in the right-of-way. Therefore, the City does not feel it would be their responsibility to move the well if it ever needed to be moved. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-ANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA FOR PRACTICUM OR SHADOWING EXPERIENCES FOR STUDENTS IN METHODS OF WORKING WITH INFANTS IN PROGRAMS AND COMMUNITIES, THE DIETETIC INTERNSHIP PROGRAM, AND IN THE EARLY CHILDHOOD SPECIAL EDUCATION PROGRAM, FOR A THREE YEAR TERM FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90859 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska-Lincoln for practicum or shadowing experiences for students in Methods of Working with Infants in Programs and Communities, the Dietetic Internship Program, and in the Early Childhood Special Education Programs for a three year term from January 1, 2018 through December 31, 2020, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully-executed Agreement to Shavonna Lausterer, Lincoln-Lancaster County Health Department Director, for transmittal to the University of Nebraska-Lincoln.

Introduced by Bennie Shobe

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

APPROVING THE CONSENT TO ASSIGNMENT AGREEMENT BETWEEN THE CITY AND SMG TO PROVIDE THAT SMG HOLDINGS, INC. WILL MERGE WITH ONEX CORPORATION IN JANUARY 2018 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90860 WHEREAS, pursuant to the Second Management Agreement ("Agreement") dated August 5, 2016, between the City and SMG, the City engaged SMG to serve as manager of the Facilities as defined in the Agreement.

WHEREAS, pursuant to the Agreement at Section 33.1, the City may expressly approve an assignment of the Agreement by reason of a "merger, consolidation, sale, transfer of assets, or otherwise" with respect to SMG.

WHEREAS, SMG is a general partnership, whose partners are wholly-owned and controlled by SMG Holdings, Inc. The Shareholders of SMG Holdings, Inc. have entered into a merger agreement whereby SMG Holdings, Inc. will be acquired by an entity controlled by Onex Corporation ("Transaction"). The Transaction, expected to close in January 2018, will not result in any change in the management and operations of SMG, and SMG will remain the manager under the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Consent to Assignment attached hereto as Attachment "A" and incorporated herein by this reference between the City of Lincoln, Nebraska ("City") and SMG is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, Nebraska.

The City Clerk is directed to return an executed copy of the Consent to Assignment to Chris Connolly, Chief Assistant City Attorney, for transmittal to SMG.

Introduced by Bennie Shobe

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

APPROVING A SERVICE MAINTENANCE AGREEMENT BETWEEN THE CITY AND ACCELERATED TECHNOLOGY LABORATORIES, INC. FOR A LABORATORY INFORMATION MANAGEMENT SYSTEM TO BE USED BY THE ~~LINCOLN WASTEWATER SANITARY ENGINEERING ANALYTICAL LABORATORY~~ LINCOLN WATER SYSTEM, ASHLAND WATER TREATMENT PLANT LABORATORY - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90861 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service and Maintenance Agreement between the City of Lincoln and Accelerated Technology Laboratories, Inc. for the Laboratory Information Management System to be used by the Lincoln Water Systems Sanitary Engineering Analytical Laboratory for management of all analytical data for process control and compliance with National Pollutant Discharge Elimination permits for a three year term, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

The City Clerk is directed to send one fully-executed Service and Maintenance Agreement to Steve Owen, Public Works and Utilities, Water Division, for transmittal to Accelerated Technology Laboratories, Inc.

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Introduced by Bennie Shobe

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND WESTERN PATHOLOGY CONSULTANTS, INC. FOR DRUG AND ALCOHOL TESTING SERVICES FOR THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2020 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90862 WHEREAS, the City of Lincoln desires to enter into a contract with Western Pathology Consultants, Inc. to perform drug and alcohol testing services; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one fiscal year and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the Council.

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

That a contract between the City of Lincoln and Western Pathology Consultants, Inc. for drug and alcohol testing services upon the terms and conditions as set out in said Agreement which is attached hereto as Attachment "A" is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return one fully-executed copy of this resolution and the Agreements to the Human Resources Department for transmittal to Western Pathology Consultants, Inc.

Introduced by Bennie Shobe

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

REAPPOINTING ANNETTE MCROY TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2023 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90863 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Annette McRoy to the Board of Zoning Appeals, for a term expiring February 1, 2023, is hereby approved.

Introduced by Bennie Shobe

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

APPOINTING STEVE MILLER TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2022 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90864 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Steve Miller to the Board of Zoning Appeals, for a term expiring February 1, 2022, is hereby approved.

Introduced by Bennie Shobe

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

APPROVING THE LICENSED TRAINING PROVIDER AGREEMENT BETWEEN THE CITY ON BEHALF OF THE PARKS DEPARTMENT AND THE AMERICAN NATIONAL RED CROSS TO LICENSE TRAINING MATERIALS FOR PARKS DEPARTMENT USE IN TRAINING COURSES - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90865 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Licensed Training Provider Agreement between the City of Lincoln, on behalf of the Parks and Recreation Department, and the American National Red Cross, to license Red Cross training materials for Parks and Recreation Department use in the instruction of Red Cross training courses, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully-executed original of said Licensed Training Provider Agreement to Lynn Johnson, Parks and Recreation Department, for transmittal to the American National Red Cross.

Introduced by Bennie Shobe

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE ROCK ISLAND TO JAMAICA NORTH TRAIL CONNECTION PROJECT AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90866 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate and enter into an Agreement on the Rock Island to Jamaica North Trail Connection Project (Project), including the transfer of funds from RTSD to the City for the Project.

WHEREAS, the Project will connect the Rock Island Trail and the Jamaica North Trail with a pedestrian and bicycle bridge over the active railroad tracks near Densmore Park.

WHEREAS, the Project is necessary to protect public safety and to provide access from the neighborhoods of south Lincoln to Wilderness Park and to the Jamaica North Trail, which is a direct connection to Downtown Lincoln and the University of Nebraska.

WHEREAS, the Agreement defines the roles and responsibilities for the City and RTSD regarding the Project over the one year term of the Agreement.

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

That the attached Annual Financial Interlocal Agreement between the City and RTSD in connection with the design, construction, funding, ownership, and maintenance of the Rock Island to Jamaica North Trail Connection Project is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. The Mayor is further authorized to approve any subsequent and necessary written amendments to this Agreement without further action of the City Council.

Introduced by Bennie Shobe

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

PETITIONS & COMMUNICATIONS - NONE.

LIQUOR RESOLUTIONS

APPLICATION OF HUNKY DORY, LLC DBA THE ROYAL GROVE FOR A CLASS C LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY. (REQUEST TO CONTINUE PUBLIC HEARING & ACTION TO 2/12/18) - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action 1 week to 2/5/18.

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

MANAGER APPLICATION OF ELI MARDOCK FOR HUNKY DORY, LLC DBA THE ROYAL GROVE AT 340 W. CORNHUSKER HIGHWAY. (REQUEST TO CONTINUE PUBLIC HEARING & ACTION TO 2/12/18) - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action 1 week to 2/5/18.

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

APPLICATION OF BEAUVENT TRAVEL, LLC DBA THE NORMANDY FOR A CLASS I LIQUOR LICENSE AT 2785 S. 17TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90867 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 Beauvent Travel, LLC dba The Normandy for a Class "I" liquor license at 2785 South 17th Street, 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 ERIC POST FOR BEAUVENT TRAVEL, LLC DBA THE NORMANDY AT 2785 S. 17TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90868 WHEREAS, Beauvent Travel, LLC dba The Normandy located at 2785 South 17th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Eric C. Post be named manager;

WHEREAS, Eric C. Post 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:

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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 Eric C. Post 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.

MANAGER APPLICATION OF NATE BECWAR FOR DHABS, LLC DBA BARRYMORE'S AT 124 NORTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90869 WHEREAS, DHABS, LLC dba Barrymore's located at 124 North 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Nate R. Becwar be named manager;

WHEREAS, Nate R. Becwar 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 Nate R. Becwar 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.

MANAGER APPLICATION OF BRIAN MAKOVICKA FOR WHITEHEAD OIL COMPANY DBA U-STOP #6 AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90870 WHEREAS, Whitehead Oil Company dba U-Stop #6 located at 942 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Brian J. Makovicka be named manager;

WHEREAS, Brian J. Makovicka 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 Brian J. Makovicka 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.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 – 15, 2018 - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90871 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 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:

DENIED CLAIMS		ALLOWED/SETTLED CLAIMS	
Keith Thomson	\$250.00	Kelsea Brunner	\$11,000.00
Joshua Brinson	298.88		

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

Introduced by Bennie Shobe

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

AUTHORIZING THE MAYOR TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT), SO THAT FEDERAL FUNDS MAY BE USED TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF THE EAST LEG OF THE BIG 'X' BRIDGE, THE EASTBOUND K STREET (ROSA PARKS WAY) CONNECTOR

BRIDGE, AND A BRIDGE FOR ACCESS TO CITY PROPERTY AT THE ASHLAND WATER TREATMENT PLANT. PROJECT NO. STP-NBIS (110) & NBIS (108), CN 00953A & 00958A - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90872 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Funding Agreement between the City of Lincoln and the State of Nebraska Department of Transportation (NDOT) so that Federal Funds may be used to complete the Fracture Critical Bridge Inspection of the east leg of the Big 'X' bridge, the eastbound K Street (Rosa Parks Way) connector bridge, and a bridge for access to City of Lincoln property at the Ashland Water Treatment Plant, Project No. STP-NBIS (110) & NBIS (108), CN 00953A & 00958A, 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 the Public Works and Utilities Department, for transmittal and execution by the State Department of Transportation.

Introduced by Bennie Shobe

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

SPECIAL PERMIT NO. 687A – APPLICATION OF DON FARRALL FOR A SPECIAL PERMIT TO ALLOW A DAYCARE CENTER FOR UP TO 90 CHILDREN ON PROPERTY GENERALLY LOCATED AT 4005 NORTH 70TH STREET - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90873 WHEREAS, EPIC Church (formerly Lincoln Family Church) has submitted an application designated as Special Permit No. 687A for an early childhood care facility for up to 90 children, with a waiver to Section 1.3, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street, on property generally located at 4005 North 70th Street, and legally described as:

Lots 11 thru 16, Block 1, Ackerman Addition to Havelock, EXCEPT the North Half of Lots 15 and 16, and the East 1.0 foot of the North Half of Lot 14, Block 1, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian, City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

Referring to the Northeast corner of Lot 16, Block 1, Ackerman Addition to Havelock, a 1" Pipe found for corner; thence southerly on an assumed bearing of South 00°10'48" West, on the East line of said Lot 16, 71.00 feet, to the true Point of Beginning; thence continuing on the last described bearing, on the East line of Lot 16, 71.00 feet, to the Southeast corner of Block 1, Ackerman Addition to Havelock; thence South 89°58'17" West, on the South line of Block 1, Ackerman Addition to Havelock, 291.28 feet, to the Southwest corner of Lot 11, Block 1, Ackerman Addition to Havelock; thence North 00°00'18" East, on the West line of Lot 11, Block 1, Ackerman Addition to Havelock, 142.15 feet, to a point of intersection on the North line of the South Half of said Block 1; thence North 89°59'58" East, on the North line of the South Half of Block 1, 199.28 feet; thence departing said North line South 00°00'18" West, 71.03 feet; thence North 89°59'08" East, 92.22 feet, to the Point of Beginning. Containing a total calculated area of 34,859 square feet, or 0.800 acres, more or less;

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

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

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

That the application of EPIC Church (formerly Lincoln Family Church), herein after referred to as "Permittee", for an early childhood care facility for up to 90 children, with a waiver from Section 1.3, Chapter 3.90 of the City of Lincoln Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street, be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an early childhood care facility for up to 90 children with a waiver from Section 1.3, Chapter 3.90 of the City of Lincoln Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street.

2. Before receiving building permits or before a final plat is approved:

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

i. On the sheet titled "Site Plan", clarify that this special permit is only applicable to the area noted as Parcel 2 by distinguishing said boundary from other parcel boundaries shown on the "Site Plan."

- ii. Illustrate the dimensions of the setback to the playground on the south side.
 - iii. Illustrate the dimensions of the parking stalls.
 - iv. Confirm whether the regular parking and ADA parking stalls meet the Design Standards for Parking Lots and ADA standards, and revise the parking layout accordingly as needed.
 - v. Show parking lot screening per the Design Standards for Screening and Landscaping.
 - vi. Add the following note: "The existing freestanding sign for the church on the northwest corner of N. 70th Street and Kearney Avenue does not meet the provisions of Section 27.69.160 and cannot be used by the daycare in the current location."
 - vii. Add the following note: "Signs need not be shown on this site plan, but all signs need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance. All signs must be approved by Building & Safety Department prior to installation."
 - viii. Revise the Conversion Plan (Alternative Use Plan) to remove mention of uses not allowed by right in the R-3 zoning district (triplex and quadplex) to the satisfaction of the Planning Director.
- b. The Permittee shall provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
3. Before occupying the buildings, all development and construction shall substantially comply with the approved plans.
 4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
 6. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued until the letter of acceptance has been filed.
 7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Introduced by Bennie Shobe

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

APPROVING AN AMENDMENT TO THE CONSTRUCTION-MANAGER-AT-RISK CONTRACT BETWEEN THE CITY AND HAUSMANN CONSTRUCTION TO ACCEPT THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF FOUR FIRE STATIONS - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90874 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Guaranteed Maximum Price Amendment to the Construction Manager at Risk Contract between the City of Lincoln and Hausmann Construction for construction of four fire stations is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Amendment to Tom Casady, Director of Public Safety, for transmittal to the parties.

Introduced by Bennie Shobe

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

APPROVING AN AGREEMENT AMONG THE CITY ON BEHALF OF THE PARKS DEPARTMENT, LINCOLN PUBLIC SCHOOLS, AND FRIENDS OF WOODS TENNIS, INC. FOR A TEN YEAR COOPERATIVE AGREEMENT FOR USE OF THE TENNIS CENTER BY LPS - PRIOR to reading:

SHOBE Moved to amend Bill No. 18R-28 by accepting the substitute page one of the Agreement attached hereto to replace page one of the Agreement previously provided with Bill No. 18R-28 (Agreement Regarding Woods Tennis Center).

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

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

A-90875 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement among the City of Lincoln, Nebraska, on behalf of the Parks and Recreation Department, Lincoln Public Schools ("LPS"), and Friends of Woods Tennis, Inc. for a ten year cooperative agreement for use of the Tennis Center facility by LPS, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City of Lincoln. The Mayor is further authorized to approve any subsequent and necessary written amendments to this Agreement without further action of the City Council.

The City Clerk is directed to return two fully-executed originals of said Agreement to Lynn Johnson, Parks and Recreation Department, for transmittal to LPS and Friends of Woods Tennis, Inc.

Introduced by Bennie Shobe

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

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

STREET & ALLEY VACATION 17006 – VACATING A PORTION OF 17TH STREET RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN VINE STREET AND A POINT APPROXIMATELY 300 FEET NORTH OF R STREET - CLERK read an ordinance, introduced by Bennie Shobe, vacating a portion of 17th Street right-of-way, generally located at 17th Street, between Vine Street and a point approximately 300 feet north of R Street, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 17031 – APPLICATION OF GAGE INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. (RELATED ITEMS: 18-8, 18R-18) - CLERK read an ordinance, introduced by Bennie Shobe, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

CHANGE OF ZONE 17028 – APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT, FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, FROM R-4 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, AND FROM R-4 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTIES GENERALLY LOCATED IN THE VICINITY OF THE FORMER MISSOURI PACIFIC RAILROAD CORRIDOR BETWEEN NORTH 22ND AND NORTH 35TH STREETS. (RELATED ITEMS: 18-12, 18R-21) - CLERK read an ordinance, introduced by Bennie Shobe, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

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

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

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CHANGE OF ZONE 17030 – APPLICATION OF MATODOL, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; FOR A PLANNED UNIT DEVELOPMENT DISTRICT FOR A RESIDENTIAL AREA WITH SINGLE-FAMILY, MULTIPLE-FAMILY, AND RESIDENTIAL TRANSITION USES, WITH VARIOUS WAIVERS, CONSISTING OF 78.66 ACRES ON PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. (RELATED ITEMS: 18R-19, 18-10, 18-11, 18R-20) - CLERK read an ordinance, introduced by Bennie Shobe, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

TEXT AMENDMENT 17001 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO CREATE AN EXCEPTION FOR GROCERY STORES WHICH REDUCES THE REQUIRED SEPARATION DISTANCE BETWEEN THE PREMISES LICENSED TO SELL OFF-SALE ALCOHOL AND FIRST FLOOR RESIDENTIAL USE, DAY CARE FACILITIES, PARKS, CHURCHES, STATE MENTAL HEALTH FACILITIES AND RESIDENTIAL ZONING DISTRICTS FROM 100 FEET TO 25 FEET IN ZONING DISTRICTS B-1, B-3, H-1, H-2, H-3, H-4, I-1, AND I-3, AND REPEALING SECTION 27.63.685 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to create an exception for grocery stores which reduces the required separation distance between the premises licensed to sell off-sale alcohol and first floor residential use, day care facilities, parks, churches, state mental health facilities, and residential zoning districts from 100 feet to 25 feet in zoning districts B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3, and repealing Section 27.63.685 as hitherto existing, the second time.

CHANGE OF ZONE 17037 – APPLICATION OF JERRY BOYCE FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3720 NORTH 1ST STREET - CLERK read an ordinance, introduced by Bennie Shobe, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ANNEXATION 17007 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 70.01 ACRES OF PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - Clerk read an ordinance, introduced by Jane Raybould, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

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

CHANGE OF ZONE 17015 – APPLICATION OF STAROSTKA-LEWIS, LLC, LEWIS STAROSTKA, INC., AND JAMES M. BUEL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. (RELATED ITEMS: 18-2, 18R-11, 18-3, 18R-3) (1/29/18 - PUBLIC HEARING CONT'D TO 2/5/18) (ACTION DATE: 2/12/18) - Clerk read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

TEXT AMENDMENT 17013 – AMENDING SECTIONS 26.15.030, 26.19.031, 27.60.020, 27.64.010, AND 27.65.070 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE PROVISIONS TO IMPLEMENT COMPUTER-AIDED-DESIGN (CAD) STANDARDS FOR PRELIMINARY PLATS, FINAL PLATS, USE PERMITS, COMMUNITY UNIT PLANS, AND PLANNED UNIT DEVELOPMENTS; AND REPEALING SECTIONS 26.15.030, 26.19.031, 27.60.020, 27.64.010, AND 27.65.070 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Sections 26.15.030, 26.19.031, 27.60.020, 27.64.010, and 27.65.070 of the Lincoln Municipal Code to provide provisions to implement Computer-Aided- Design (CAD) Standards for Preliminary Plats, Final Plats, Use Permits, Community Unit Plans, and Planned Unit Developments; and repealing Sections 26.15.030, 26.19.031, 27.60.020, 27.64.010, and 27.65.070 as hitherto existing, the third time.

RAYBOULD Moved to pass ordinance as read.

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

The ordinance, being numbered #20622, is recorded in Ordinance Book 34.

CHANGE OF ZONE 17036 – APPLICATION OF LINCOLN FEDERAL BANCORP, INC. C/O LEO SCHUMACHER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 33RD STREET AND WILDERNESS HILLS BOULEVARD - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass ordinance as read.

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

The ordinance, being numbered #20623, is recorded in Ordinance Book 34.

AMENDING SECTION 25.06.220 EXAMINATION AND REGISTRATION FEE OF THE LINCOLN MUNICIPAL CODE TO DECREASE THE EXAMINATION FEES FOR MASTER MECHANICAL CONTRACTOR AND JOURNEYMAN MECHANICAL TECHNICIAN; AND REPEALING SECTION 25.06.220 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 25.06 of the Lincoln Municipal Code entitled “Lincoln Mechanical Code” by amending Section 25.06.220 Examination and Registration Fee to decrease the examination fees for master mechanical contractor and journeyman mechanical technician; and repealing Section 25.06.220 of the Lincoln Municipal Code as hitherto existing, the third time.

RAYBOULD Moved to pass ordinance as read.

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

The ordinance, being numbered #20624, is recorded in Ordinance Book 34.

RESOLUTIONS - 1ST READING

APPOINTING GABRIEL RONK TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2020. (*CONSENT*)

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2019. (*CONSENT*)

REAPPOINTING MATT MORRISSEY TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM TO RUN FROM MARCH 15, 2018 TO FEBRUARY 1, 2020. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2018.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) SO THAT FEDERAL FUNDS MAY BE USED FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE INTERSECTION RECONSTRUCTION AT 66TH STREET AND FREMONT STREET.

APPROVING A CONSERVATION EASEMENT AGREEMENT AMONG THE CITY, LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, AND VILLAGE MEADOWS, LLC TO PRESERVE THE NATURAL RESOURCES OVER THE EASEMENT AREA LOCATED AT OUTLOT D, VILLAGE MEADOWS 7TH ADDITION, OUTLOT A, VILLAGE MEADOWS 10TH ADDITION, OUTLOT A, VILLAGE MEADOWS 11TH ADDITION, AND OUTLOT B, VILLAGE MEADOWS 15TH ADDITION.

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APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY AND SCHEMMER ASSOCIATES, INC. TO SET OUT THE DUTIES AND FEES TO PERFORM FINAL PRELIMINARY DESIGN SERVICES FOR THE SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND ON-RAMP TO US HIGHWAY 6 FEDERAL AID PROJECT (PROJECT NO. HSIP-5227(7), CN 12944).

REAFFIRMING THE TERMINATION ON OCTOBER 1, 2018 OF THE INCREASE IN LOCAL OPTION SALES TAX AS SET FORTH IN ORDINANCE 20197.

APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY AND AGA CONSULTING, INC., TO PROVIDE STRUCTURAL REPAIR DOCUMENTS FOR CITY MUNICIPAL PARKING GARAGES FOR A TWO YEAR TERM EXPIRING ON SEPTEMBER 1, 2019, FOR A SUM NOT TO EXCEED \$50,300.

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

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 factor-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 first time.

ADJOURNMENT

7:02 P.M.

CAMP Moved to adjourn the City Council Meeting of February 5, 2018.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist