

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 24, 2014 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Christensen, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Cook.

Council Chair Eskridge 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

FELLERS Having been appointed to read the minutes of the City Council proceedings of March 17, 2014, reported having done so, found same correct.

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; ABSENT: Cook; NAYS: None.

PUBLIC HEARING

APPLICATION OF LINCOLN BLUE SUSHI LLC DBA BLUE SUSHI SAKE GRILL FOR A CLASS I LIQUOR LICENSE AT 804 R STREET;

MANAGER APPLICATION OF JACOB R. MASON FOR LINCOLN BLUE SUSHI LLC DBA BLUE SUSHI SAKE GRILL AT 804 R STREET - Jacob R. Mason, General Manager, came forward to take the oath and answer questions. He stated the location will be at 8th and R St. lower level courtyard by the Marriott Hotel. Blue Sushi is a company based in Omaha and has been extremely successful. He shared that they already have several locations open in Omaha, Denver and Fort Worth that have the same concept. Discussion followed.

This matter was taken under advisement.

WAIVER NO. 14002 – APPLICATION OF WORD OF LIFE LUTHERAN CHURCH TO WAIVE LANDSCAPE SCREENING REQUIREMENTS AND TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE - Frederick Geiler, 21900 N. 162nd St, representative of Word of Life Lutheran Church, came forward to answer questions. He verified that they are requesting the waiver for the paving and screening requirements for the parking lot. The construction is in bidding right now and should be starting within the next month or so. He also stated that the expected time frame for construction would be 8-10 months. Discussion followed.

Council Chair Eskridge asked Randy Hoskins, Assistant City Engineer, Public Works, and Marvin Krout, Director of Planning, to come forward to clarify some history and traffic concerns around the area.

Randy Hoskins, Public Works Engineering Services, came forward. He shared that there has been discussion on how people will get to and from the church. When the Links apartment were built on the south side of Fletcher Road, the builder had proposed the potential of putting in a road as a means to connect to 1st Avenue. He shared that this road was never a road the city had to build. It was an optional road that the builder had talked about building. As far as people coming to and from the church site, people coming from Fallbrook could easily come down and make a U-turn at Highway 34 and head back towards the church. People leaving the church and wanting to get back to the Highlands can go to the existing medium break and make the U-turn. Mr. Hoskins also stated that they reviewed some crashes to see if there have been problems at this location and have come to the conclusion that there has not been a significant amount to see the U-turn as a problem. Discussion followed.

Marvin Krout, Director of Planning, came forward. He shared that the request originally came from the apartments that are south of Fletcher Road. The developer later requested to have an amendment on the PUD to add in 5 acres of land that will allow him to develop additional apartments or come in for public hearing for the possibility of commercial development. In either case, the right-of-way would need to be dedicated and the road built before any further development would occur. Mr. Krout believes that there could be a combination of public and private costs when the time comes for this area to be developed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JIM JOHNSON AND LIZ KUHLMAN TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2017 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88146 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointments of Jim Johnson and Liz Kuhlman to the Historic Preservation Commission for terms expiring April 15, 2017, are hereby approved.

Introduced by Doug Emery

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPOINTING ARTHUR ZYGIELBAUM TO THE TELECOMMUNICATION/CABLE TV ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88147 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Arthur Zygielbaum to the Telecommunication/ Cable TV Advisory Board for a term expiring July 1, 2016, is hereby approved.

Introduced by Doug Emery

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 10, 2014 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FEBRUARY 2014 FINANCIAL & OPERATING STATEMENT - CLERK presented said report which was placed on file in the office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, ~~MARCH 24, 2014~~ APRIL 7, 2014 AT 3:00 P.M. FOR THE APPLICATION OF THE OLD PUB LLC DBA THE OLD PUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 420 S. 11TH ST - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88148 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 7, 2014 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 The Old Pub LLC dba The Old Pub for a Class C liquor license located at 420 S. 11th Street.

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

Introduced by Trent Fellers

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

REFERRED TO PLANNING DEPARTMENT:

Change of Zone No. 14003 requested by B & J Partnership, Ltd., from H-3 Highway Commercial District to I-1 Industrial District, on property legally described as Lot 99 I.T., located in the SW 1/4 of Section 7-10-7, Lancaster County, Nebraska, generally located at North 31st Street Circle and Cornhusker Highway (3010 Cornhusker Highway).

PLACED ON FILE IN THE OFFICE OF CITY CLERK:

Administrative Amendment No. 14006 to Special Permit No. 04055, Four Stones Community Unit Plan, approved by the Planning Director on March 11, 2014, requested by ESP, Inc., to reduce the front yard setback along Stagecoach Rd. from 50 feet to 30 feet on Lot 3, Block 1, on property generally located at SW. 29th St. and W. Stagecoach Rd.

Administrative Amendment No. 14010 to Use Permit No. 117C, Horizon Business Center, approved by the Planning Director on March 11, 2014, requested by Olsson Associates, to increase the floor area from 12,000 square feet to 14,751 square feet on Lot 9, on property generally located at S. 13th St. and Aries Dr.

LIQUOR RESOLUTIONS

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET IN THE PARKING LOT AT 500 WEST SOUTH STREET, SUITE 8, ON APRIL 5, 2014 FROM 12:00 P.M. TO 11:59 P.M. (3/17/14 - PUBLIC HEARING AND ACTION DELAYED FOR ONE WEEK TO 03/24/14) - CLERK read the following resolution, introduced by Jon A. Camp, who moved its approval for adoption:

A-88149 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 Blue Blood Brewing Company, Inc. for a Special Designated License to cover an outdoor area measuring approximately 70 feet by 90 feet in the parking lot at 500 West South Street, Suite 8, Lincoln, Nebraska, on April 5, 2014, between the hours of 12:00 p.m. and 11:59 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon A. Camp

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPLICATION OF LINCOLN BLUE SUSHI LLC DBA BLUE SUSHI SAKE GRILL FOR A CLASS I LIQUOR LICENSE AT 804 R STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88150 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 Lincoln Blue Sushi LLC dba Blue Sushi Sake Grill for a Class "I" liquor license at 804 R Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon A. Camp

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF JACOB R. MASON FOR LINCOLN BLUE SUSHI LLC DBA BLUE SUSHI SAKE GRILL AT 804 R STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88151 WHEREAS, Lincoln Blue Sushi LLC dba Blue Sushi Sake Grill located at 804 R Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jacob R. Mason be named manager;

WHEREAS, Jacob R. Mason 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 Jacob R. Mason 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 A. Camp

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

WAIVER NO. 14002 – APPLICATION OF WORD OF LIFE LUTHERAN CHURCH TO WAIVE LANDSCAPE SCREENING REQUIREMENTS AND TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88152 WHEREAS, Word of Life Lutheran Church has requested a waiver of the surfacing requirements for a parking lot on property generally located at North 1st Street and Fletcher Avenue and legally described as:

A portion of Lot 25 and a portion of Lot 26, Cumberland Heights, Lincoln, Lancaster County, Nebraska, more particularly described in Exhibit A attached hereto;

WHEREAS, the City Council finds that:

- a. The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution;
- b. Alternate materials or techniques will be utilized which provide reasonable control of dust, runoff, and safe circulation; and
- c. The location of the parking lot is a sufficient distance from surrounding uses so that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the Owners as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the requirement for the paving of the parking lot for Word of Life Lutheran Church generally located at North 1st Street and Fletcher Avenue and legally described above is hereby temporarily waived subject to revocation pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1. The approval waives the requirement to pave parking for four years from the time of approval of this Resolution.
2. This approval waives the landscape screening requirements for the parking lot until the parking lot is surfaced and made permanent at which time a landscape plan will be required.
3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on Word of Life Lutheran Church, its successors and assigns.
4. The City Clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefor to be paid in advance by the Owner.

Introduced by Doug Emery

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

VACATION NO. 14001 – VACATING THE NORTH-SOUTH ALLEY AND THE CONNECTION THERETO BETWEEN NORTH 14TH STREET AND CENTENNIAL MALL NORTH - PRIOR to reading:

CAMP Moved to Delay Action for two weeks to April 04, 2014.

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

CLERK Read an ordinance, introduced by, Jonathan Cook, vacating the north-south alley and connection thereto between North 14th Street and Centennial Mall North and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, for the third time.

COMP. PLAN CONFORMANCE 14001 – DECLARING APPROXIMATELY 7.73 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF V STREET BETWEEN NORTH 4TH STREET AND NORTH 6TH STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by, Jonathan Cook, declaring approximately 7.73 acres of city owned property generally located south of V Street between North 4th Street and North 6th Street as surplus, for the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

The ordinance, being numbered #20004, is recorded in Ordinance Book #209, Page .

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 9.30 OF THE LINCOLN MUNICIPAL CODE, DONATION BOXES, TO REMOVE REQUIREMENTS FOR PERMITS, OWNERSHIP BY CHARITIES OR USE OF A PRESCRIBED PORTION OF PROCEEDS FOR CHARITABLE PURPOSES, AND REQUIRING CERTAIN INFORMATIONAL DISCLOSURES - CLERK read an ordinance, introduced by Trent Fellers, amending Chapter 9.30 of the Lincoln Municipal Code Relating to donation Boxes by amending Section 9.30.010

relating to Definitions to set forth definitions of additional terms; repealing Section 9.30.020 relating to Legislative Intent; amending Section 9.30.030 relating to Prohibitions, to delete requirements for permits and prescribing percentage of proceeds that must be used for charitable purposes, and adding provisions requiring Disclosures on Donation Boxes and prohibiting Deceptive Representations; amending Section 9.30.040 relating to Permits, by deleting any requirement for a separate Donation Box Permit; amending Section 9.30.050 relating to Enforcement; Penalties; Injunction, to delete provisions making owners of property responsible for violations on their properties and provisions requiring Donation Box Permits; and repealing Section 9.30.060 relating to Exemptions; and repealing Sections 9.30.010, 9.30.030, 9.30.040, and 9.30.050 of the Lincoln Municipal Code as hitherto existing, the first time.

REPEALING SECTION 5.04.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROHIBITING MINORS ON LICENSED PREMISES WHICH SELL OR DISPENSE ALCOHOLIC LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES AFTER 9:00 P.M. - CLERK read an ordinance, introduced by Trent Fellers, repealing Section 5.04.120 of the Lincoln Municipal Code relating to prohibiting minors on licensed premises which sell or dispense alcoholic liquor at retail for consumption on the premises after 9:00 p.m., the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND JACOB NORTH PRINT & MEDIA SOLUTIONS FOR THE ANNUAL REQUIREMENTS FOR BUSINESS CARDS AND LETTERHEAD PRINTING, PURSUANT TO BID NO. 14-025, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

COMP. PLAN CONFORMANCE 14003 – APPROVING AN AMENDMENT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN TO IDENTIFY THE “AIRPORT ENTRYWAY CORRIDOR” AS A NEW STREETScape PROJECT, INCLUDING LANDSCAPING, DISTRICT MARKERS AND BANNERS ALONG CORNHUSKER HIGHWAY FROM NEAR THE LINCOLN AIRPORT TO THE I-180 INTERCHANGE AND SOUTH ALONG I-180 TO S STREET.

APPOINTING WILLIAM A. BEECHAM TO THE TELECOMMUNICATION/CABLE TV ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016. (CONSENT)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1- 15, 2014.

APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH AND COMPANY FOR THE USE OF FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS AT THE INTERSECTION OF CODDINGTON AVENUE AND WEST VAN DORN STREET (PROJECT NO. HSIP-5205(1), CN 13147).

ACCEPTING AND APPROVING AN AMENDED AND RESTATED PERMANENT EASEMENT TO CONSERVE AND PROTECT THE LANDMARK DESIGNATION OF THE LEWIS-SYFORD HOUSE GENERALLY LOCATED AT 700 NORTH 16TH STREET.

OPEN MICROPHONE - NONE

ADJOURNMENT

3:19 P.M.

CAMP Moved to adjourn the City Council Meeting of March 24, 2014.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist

**REGULAR MEETING
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