

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 23, 2015 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

RAYBOULD Having been appointed to read the minutes of the City Council proceedings of November 16, 2015, reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. TO ALLOW FOR UNLIMITED G.I.S. LICENSING WHICH WILL REVAMP THE CURRENT LICENSE STRUCTURE AND SIMPLIFY PURCHASES, RENEWALS, AND COSTS FOR A FOUR YEAR PERIOD - Steve Henderson, Information Services Director, came forward with Jeff McReynolds, GIS Program Manager, for Lancaster County, to answer questions.

Leirion Gaylor Baird, Council Member, asked for an explanation of how the licensing process works, and inquired if the fees are based on usage or is the City locked into an amount.

Mr. McReynolds stated that it's set up as an enterprise license, so the City is not locked into any set fees. The City will be adding an additional 8 to 12 users to the enterprise license that will be more cost effective.

Jane Raybould, Council Member, asked about the savings of \$200,000.00 dollars.

Mr. McReynolds stated that's correct, with this new contract, the City will save \$200,000.00 dollars. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF NATHAN E. JOHNSON FOR B&R STORES, INC. DBA RUSS'S MARKET #2 AT 130 NORTH 66TH STREET - Nathan E. Johnson, 1545 Arapahoe St., came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF MARCI R. DAVISON DBA CARMELA'S BISTRO FOR A CLASS C LIQUOR LICENSE AT 4141 PIONEER WOODS DRIVE, SUITE 110;

MANAGER APPLICATION OF MARCI R. DAVISON FOR MARCI DAVISON DBA CARMELA'S BISTRO AT 4141 PIONEER WOODS DRIVE, SUITE 110 - Marci R. Davison, 4140 Pioneer Wood Dr., came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF KELLI'S PUB, LLC DBA KELLI'S PUB FOR A CLASS C LIQUOR LICENSE AT 1318 NORTH 66TH STREET;

MANAGER APPLICATION OF CHRIS J. KODAD FOR KELLI'S PUB, LLC DBA KELLI'S PUB AT 1318 NORTH 66TH STREET - Chris J. Kodad, 10922 Belair Dr, Omaha, came forward to take oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON DECEMBER 5, 2015 FROM NOON TO 2:00 A.M., DECEMBER 11, 2015 FROM 2:00 P.M. TO 2:00 A.M., JANUARY 8, 2016 FROM NOON TO 2:00 A.M., AND JANUARY 23, 2016 FROM NOON TO 2:00 A.M. - John Caporale, 5560 S. 48th, came forward to answer questions and request approval. Discussion followed.

This matter was taken under advisement.

A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF LINCOLN CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE ACQUISITION AND INSTALLATION OF STREET LIGHTS, FIBER OPTIC NETWORK EQUIPMENT, FIRE APPARATUS AERIAL TRUCKS AND FIRE ENGINES, A FIRE STATION TO REPLACE THE CITY'S EXISTING

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FIRE STATION NO. 11, AND A NEW ROOF AND HVAC SYSTEM FOR THE CITY'S MUNICIPAL SERVICES CENTER - Steve Hubka, Finance Director, came forward to answer questions and explain that this is a reimbursement resolution, and once passed they will start spending money on these projects.

Cyndi Lamm, Council Member, asked where the fire station is located, and if it was one of the stations already included in the sales tax.

Mr. Hubka stated that this fire station is currently located on airport property, and was not included in the sales tax. He also said that the Airport Authority has asked that the City vacate this fire station by 2017.

Tom Casady, Public Safety Director, stated that the current fire station is located inside the perimeter of the airport and is difficult to get out of, and increases the response time by 1½ minutes.

Ms. Lamm asked the location of the new fire station, and if the \$1.6 Million would be enough to pay for the new station.

Mr. Casady stated that a local contractor looked at the design and gave \$1.6 Million as an estimated the new location is NW 48th & West Adams. Discussion followed.

This item was taken under advisement.

USE PERMIT 107E - APPLICATION OF FIRETHORN DEVELOPMENT CORPORATION TO REMOVE THE LIMITATIONS ON THE MAXIMUM NUMBER OF BUILDINGS ALLOWED, ALONG WITH THE MINIMUM FLOOR AREA REQUIREMENTS FOR OFFICE BUILDING TENANTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND FIRETHORN LANE - Bill Austin, attorney, Bailor, Evnen, Curtiss, Gruit & Witt, L.L.P., 1248 O Street, Suite 600, came forward representing the applicants. Mr. Austin stated that they have been in contact with the Planning Department and have gotten no objections. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO MAKE IMPROVEMENTS ON A PORTION OF HIGHWAY 2 THAT IS WITHIN CORPORATE LIMITS OF THE CITY OF LINCOLN. PROJECT NO. S-2-6(1034), CN 13284 - Roger Figard, Public Works & Utilities, came forward and stated that Nebraska Department of Roads has plans to do major rehabilitation and maintenance work on Hwy 2 from Van Dorn through 56th and Old Cheney area. Mr. Figard also stated that the City has a traffic signal replacement project at the intersection of 48th & Hwy 2. The City is planning on paying the State \$18,000.00 dollars to put in new traffic signal loops under the new pavement the State will be putting in, so when the City starts working on this intersection they will not need to disturb any of the work that the State has already done. Discussion followed.

This matter was taken under advisement.

APPROVING SECOND AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT TO GRANT AUTHORITY AND AUTHORIZE CONTINUED PARTICIPATION OF THE EMERGENCY COMMUNICATIONS CENTER PSAP IN A REGIONAL 911 EQUIPMENT/NETWORK SHARING PROJECT - Tom Casady, Public Safety Director, came forward to discuss the need to replace our 911 telephone system. Mr. Casady stated that 13 other public safety answering points in Southeast Nebraska were interested in entering a network sharing project with the City.

Julie Righter, 911 Communications Manager, stated that Windstream is the selected vendor.

Jane Raybould, Council Member, asked about the reference text to 911, and if this is something new for the deaf community.

Ms. Righter said yes, that text to 911 it is a National Initiative and are waiting for the new system to implement. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16-31, 2015 - William Parminter, 110 Q Street, came forward requesting \$199.00 dollars balance remaining from the sale of his vehicle while he was incarcerated. Mr. Parminter stated that he was not aware that he had only two years to file a claim for the remainder of the money from the sale of his vehicle, he thought that he would just get the balance. Mr. Parminter stated that he was incarcerated for five years and had he known about the two year deadline he would have filed a claim from prison. He did not receive any notices in prison on this matter.

Jeff Kirkpatrick, City Attorney, came forward and stated that he could confirm everything Mr. Parminter had stated. So the funds were put in the City's general fund. Mr. Kirkpatrick stated that when Mr. Parminter filed his claim this year requesting the remaining balance of \$199.00 dollars his claim was denied. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND SNAP-ON INDUSTRIAL FOR TOOLS AND ACCESSORIES, PURSUANT TO STATE OF NEBRASKA CONTRACT 14033 OC, FOR AN ADDITIONAL TWO YEAR TERM THROUGH SEPTEMBER 19, 2017 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89363

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

That the attached Amendment to Contract between the City of Lincoln, Lancaster County, City of Lincoln-Lancaster County Public Building Commission, and Snap-on Industrial, a division of IDSC Holdings, LLC for Small Hand and Power Tools and Accessories, pursuant to State of Nebraska Contract 14033 OC, for an additional two year term from September 20, 2015 through September 19, 2017, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Cyndi Lamm

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

REAPPOINTING MICHAEL CORNELIUS, JEANELLE LUST, AND LYNN O. SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR TERMS EXPIRING AUGUST 24, 2021 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89364

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

That the reappointments of Michael Cornelius, Jeanelle Lust, and Lynn O. Sunderman to the Lincoln-Lancaster County Planning Commission for terms expiring August 24, 2021, are hereby approved.

Introduced by Cyndi Lamm

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. TO ALLOW FOR UNLIMITED G.I.S. LICENSING WHICH WILL REVAMP THE CURRENT LICENSE STRUCTURE AND SIMPLIFY PURCHASES, RENEWALS, AND COSTS FOR A FOUR YEAR PERIOD - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89365

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

That the attached Service Agreement between the City of Lincoln and Environmental Systems Research Institute, Inc. to allow for unlimited G.I.S. licensing which will revamp the current license structure and simplify purchases, renewals, and costs for a four year term, in accordance with the terms, conditions, and assurances contained in said Agreement is hereby approved and the Mayor is hereby authorized to execute the Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Christopher Connolly, Assistant City Attorney, for transmittal to Environmental Systems Research Institute, Inc.

Introduced by Cyndi Lamm

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

RESOLUTION LEVYING THE ASSESSMENTS APPROVED BY THE CITY COUNCIL SITTING AS THE BOARD OF EQUALIZATION ON NOVEMBER 16, 2015 AND SETTING THE INTEREST RATE ON THOSE ASSESSMENTS FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, THE DOWNTOWN MAINTENANCE DISTRICT, THE WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, THE WEST HAYMARKET/DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT, AND THE WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT OVERLAY - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89366

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

That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the October 26, 2015, at 5:30 P.M., assess the improvements in the following special assessment districts:

Downtown Business Improvement District

Core Business Improvement District

Downtown Maintenance District

West Haymarket/Downtown Maintenance Business Improvement District

West Haymarket/Downtown Management Business Improvement District

West Haymarket/Downtown Core Management Business Improvement District

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BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, November 16, 2015, at 3:00 p.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Jane Raybould

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON. DECEMBER 14, 2015 AT 3:00 P.M. ON THE APPLICATION OF B&R STORES INC. DBA RUSS'S MARKET 2 FOR AN ADDITION OF AN AREA MEASURING APPROX 123' X 165' TO THE NORTH AT 130 N. 66TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89367 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, 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 B&R Stores Inc. dba Russ's Market 2 for an addition of an area measuring 123' x 165' to the north located at 130 N 66th St.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MON. DECEMBER 7, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF DOUGLAS W. LARKINS FOR WHITEMARK ENERGY LLC DBA U-STOP #26 AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89368 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 7, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Douglas W. Larkins for Whitemark Energy LLC dba U-Stop #26 at 8350 Northwoods Dr.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MON. DECEMBER 14, 2015 AT 3:00 P.M. FOR THE APPLICATION OF NEBRASKA ENTERTAINMENT INC. DBA SOUTHPOINTE CINEMAS FOR A CLASS I LIQUOR LICENSE LOCATED AT 2920 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89369 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, 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 Application of Nebraska Entertainment Inc. dba Southpointe Cinemas for a Class I Liquor License located at 2920 Pine Lake Road.

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

Introduced by Jane Raybould

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 15073, FALLBROOK 4TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES, GENERALLY LOCATED AT NW 6TH STREET AND BLUE SAGE BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15074, FALLBROOK 8TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES, GENERALLY LOCATED AT NW 8TH STREET AND BLUE SAGE BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15075, FALLBROOK 12TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES, GENERALLY LOCATED AT NW 4TH STREET AND LILAC DRIVE.

ADMINISTRATIVE AMENDMENT NO. 15076, FALLBROOK 13TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES,

GENERALLY LOCATED AT STONEBROOK PARKWAY AND BLUE SAGE BOULEVARD.
ADMINISTRATIVE AMENDMENT NO. 15078, FALLBROOK 14TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES, GENERALLY LOCATED AT BUSHCLOVER ROAD AND SNOWBERRY ROAD.

ADMINISTRATIVE AMENDMENT NO. 15079, FALLBROOK 16TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 3, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES, GENERALLY LOCATED AT NW 7TH STREET AND BLUE SAGE BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15080, FALLBROOK 17TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 5, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL SIDEWALKS, PRIVATE ORNAMENTAL LIGHTS AND STREET TREES, GENERALLY LOCATED AT NW 7TH STREET AND FALLBROOK BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15081, FALLBROOK 18TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 5, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL SIDEWALKS AND STREET TREES, GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD.

ADMINISTRATIVE AMENDMENT NO. 15072, TO CHANGE OF ZONE NO. 05054B, PRAIRIE VILLAGE NORTH, APPROVED BY THE ACTING PLANNING DIRECTOR ON NOVEMBER 5, 2015, REQUESTED BY GREG SISTRUNK, TO REVISE NOTES FOR LOTS ADJACENT TO MARKET DRIVE, TO ADD A SITE PLAN, GRADING PLAN, LANDSCAPE PLAN, AND ELEVATION FOR LOT 4, BLOCK 1, GENERALLY LOCATED AT N. 84TH STREET AND ADAMS STREET.

MISCELLANEOUS REFERRALS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF SANDRA MCCORKINDALE FOR D & S OPERATIONS LLC DBA CIGARZ LOUNGE AT 800 Q STREET, SUITE 102 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89370 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Sandra McCorkindale for D & S Operations LLC dba Cigarz Lounge at 800 Q Street, Suite 102.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE APPLICATION OF BOILER BREWING COMPANY LLC DBA BOILER BREWING COMPANY FOR A CLASS C LIQUOR LICENSE AT 129 N. 10TH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89371 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, 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 Boiler Brewing Company LLC dba Boiler Brewing Company for a Class C Liquor License at 129 N. 10th Street, Suite 8.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JAMES DONALDSON FOR THE FLATWATER BISTRO LLC DBA THE FLATWATER BISTRO AT 802 R ST., SUITE 100 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89372 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set or Monday, December 14, 2015, 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 Boiler Brewing Company LLC dba Boiler Brewing Company for a Class C Liquor License at 129 N. 10th Street, Suite 8.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF PATRICK J. DYTRYCH FOR STL OF NEBRASKA INC. DBA TARGET STORE T-2303 AT 8201 S. 40TH ST., TARGET STORE T-0879 AT 5330 S. 56TH ST., AND TARGET STORE T-0217 AT 333 N. 48TH STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89373 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Patrick J. Dytrych for STL of Nebraska Inc. Dba Target Store T-2303 at 8201 S. 40th St., Target Store T-0879 at 5330 S. 56th St., and Target Store T-0217 at 333 N. 48th Street.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KATHLEEN M. TITMAN FOR TOP SPIN LLC DBA TAVERN ON THE SQUARE AT 816 P STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89374 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Kathleen M. Titman for Top Spin LLC dba Tavern on the Square at 816 P Street.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JASON GEHRKEN FOR RED ROBIN INTERNATIONAL INC DBA RED ROBIN AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89375 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Jason Gehrken for Red Robin International Inc dba Red Robin at 2707 Pine Lake Road.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RANDY WILSON JR FOR NHC LLC DBA CRAWFORDS AT 130 N. 10TH STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89376 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Randy Wilson Jr for NHC LLC dba Crawfords at 101 N. 14th Street.

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

Introduced by Jane Raybould

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

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF NATHAN E. JOHNSON FOR B&R STORES, INC. DBA RUSS'S MARKET #2 AT 130 NORTH 66TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89377 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 23, 2015, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Nathan E. Johnson for Russ's Market #2 at 130 N 66th Street.

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

Introduced by Roy Christensen

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

APPLICATION OF MARCI R. DAVISON DBA CARMELA'S BISTRO FOR A CLASS C LIQUOR LICENSE AT 4141 PIONEER WOODS DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89378 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 23, 2015, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for Marci Davison dba Carmela's Bistro for a Class C Liquor License located at 4141 Pioneer Woods Drives, Suite 110.

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

Introduced by Roy Christensen

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

MANAGER APPLICATION OF MARCI R. DAVISON FOR MARCI DAVISON DBA CARMELA'S BISTRO AT 4141 PIONEER WOODS DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89379 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 23, 2015, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Marci Davison for Carmela's Bistro at 4141 Pioneer Woods Drive, Suite 110.

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

Introduced by Roy Christensen

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

APPLICATION OF KELLI'S PUB, LLC DBA KELLI'S PUB FOR A CLASS C LIQUOR LICENSE AT 1318 NORTH 66TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89380 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 Kelli's Pub, LLC dba Kelli's Pub for a Class "C" liquor license at 1318 North 66th Street, Lincoln, Nebraska, for the license period ending October 31, 2016, 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 prior to receiving the liquor license from the City Clerk.

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 Roy Christensen

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

MANAGER APPLICATION OF CHRIS J. KODAD FOR KELLI'S PUB, LLC DBA KELLI'S PUB AT 1318 NORTH 66TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89381 WHEREAS, Kelli's Pub, LLC dba Kelli's Pub located at 1318 North 66th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Chris J. Kodad be named manager;

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WHEREAS, Chris J. Kodad 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 Chris J. Kodad 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 Roy Christensen

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

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON DECEMBER 5, 2015 FROM NOON TO 2:00 A.M., DECEMBER 11, 2015 FROM 2:00 P.M. TO 2:00 A.M., JANUARY 8, 2016 FROM NOON TO 2:00 A.M., AND JANUARY 23, 2016 FROM NOON TO 2:00 A.M. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89382

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 GNS Corporation dba Cappy's for a special designated license to cover an outdoor area measuring approximately 20 feet by 40 feet and an indoor area measuring approximately 85 feet by 85 feet at Gala Reception Hall at 2602 Park Boulevard, Lincoln, Nebraska, on December 5, 2015, between the hours of noon and 2:00 a.m., December 11, 2015 between the hours of 2:00 p.m. and 2:00 a.m., January 8, 2016 between the hours of noon and 2:00 a.m., and January 23, 2016 between the hours of noon and 2:00 a.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 Roy Christensen

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

PUBLIC HEARING - RESOLUTIONS

A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF LINCOLN CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE ACQUISITION AND INSTALLATION OF STREET LIGHTS, FIBER OPTIC NETWORK EQUIPMENT, FIRE APPARATUS AERIAL TRUCKS AND FIRE ENGINES, A FIRE STATION TO REPLACE THE CITY'S EXISTING FIRE STATION NO. 11, AND A NEW ROOF AND HVAC SYSTEM FOR THE CITY'S MUNICIPAL SERVICES CENTER - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89383

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE ACQUISITION AND INSTALLATION OF MATERIALS AND EQUIPMENT FOR LIGHT POLES AND RELATED EQUIPMENT FOR LIGHTING OF STREETS, FIBER OPTIC NETWORK INSTALLATIONS AND EXPANSIONS, FIRE APPARATUS AERIAL TRUCKS AND FIRE ENGINES, A FIRE STATION, AND A ROOF AND HVAC SYSTEMS FOR THE CITY MUNICIPAL SERVICE CENTER.

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has begun the acquisition of materials and equipment for and the installation of (i) light poles and related equipment for the lighting of streets (the "Streetlights"); (ii) fiber optic network installations and expansions (the "Fiber Infrastructure"); (iii) fire apparatus aerial trucks and new fire engines (the "Firefighting Apparatus"); (iv) a fire station to replace the City's existing Fire Station No. 11, which is currently located in space provided by the Lincoln Airport Authority (the "Fire Station); and (v) a

new roof and HVAC systems for the City’s Municipal Services Center (the “MSC Roof and HVAC”; and together with the Streetlights, Fiber Infrastructure, Firefighting Apparatus and Fire Station, (the “Project”) in the current fiscal year to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended (“Section 15- 201.02”), the City is authorized to enter into installment contracts for the purchase of real and personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into one or more lease-purchase agreements (the “Lease Agreements”) pursuant to its authority under Section 15-201.02 in connection with all or portions of the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of one or more series of Certificates of Participation in the Lease Agreements (the “COPs”).

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder (the “Regulations”).

(e) The Regulations govern the City’s use of proceeds derived from the sale of the COPs to reimburse original expenditures” made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreements and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreements and the issuance of the COPs, the City is authorized to advance moneys in the following amounts for costs of the following portions of the Project:

| <u>Project</u> | <u>Amount</u> |
|------------------------|---------------|
| Streetlights | \$3,000,000 |
| Fiber Infrastructure | \$600,000 |
| Firefighting Apparatus | \$2,000,000 |
| Fire Station | \$1,676,000 |
| MSC Roof and HVAC | \$2,150,000 |

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) “de minimus expenditures” defined under Section 1.150-2(f)(1) of the Regulations, and (iii) “preliminary expenditures” defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreements constituting debt service on the COPs will be paid from the City’s General Fund.

(d) The COPs will be issued at such times and in the amounts, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreements and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an “Authorized Officer”) are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers shall be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the "reimbursement allocations" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates.

This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Cyndi Lamm

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

USE PERMIT 107E - APPLICATION OF FIRETHORN DEVELOPMENT CORPORATION TO REMOVE THE LIMITATIONS ON THE MAXIMUM NUMBER OF BUILDINGS ALLOWED, ALONG WITH THE MINIMUM FLOOR AREA REQUIREMENTS FOR OFFICE BUILDING TENANTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND FIRETHORN LANE - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89384 WHEREAS, Firethorn Development Corporation has submitted an application designated as Use Permit No. 107E to delete General Notes #19 and #20 from the site plan prohibiting the sale of lots for speculative office space and requiring single users to occupy at least 35,000 square feet of floor area or 50% of the floor area of each building and to remove the limitation on the maximum number of buildings allowed, on property generally located at South 84th Street and Firethorn Lane, legally described as follows:

Lot 3, Block 1, and Outlot C, Firethorn 17th Addition; Lots 1 and 2, and Outlot A, Firethorn 24th Addition; Lots 1 and 2, Firethorn 25th Addition; Outlot C, Firethorn 28th Addition; and Lot 3, Firethorn 41st Addition, all located in the Northwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 Firethorn Development Corporation, hereinafter referred to as "Permittee", to delete General Notes #19 and #20 from the site plan prohibiting the sale of lots for speculative office space and requiring single users to occupy at least 35,000 square feet of floor area or 50% of the floor area of each building and to remove the limitation on the maximum number of buildings allowed, be and the same is hereby granted upon condition that construction and operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit modifies the resolution approving Use Permit #107 by deleting the limit on the number of buildings allowed and deletes General Notes #19 and #20 from the site plan.
2. The Permittee shall submit 3 copies of the revised site plan for the Firethorn Office Park use permit to the Planning Department for review and approval.
3. Before occupying the buildings, all development and construction shall substantially comply with the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established association approved by the City.
5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

7. 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 use permit. The City Clerk shall file a copy of the resolution approving the use 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 unless the letter of acceptance has been filed.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however, the terms and conditions of all resolutions approving previous permits shall remain in force and effect except as specifically amended by this resolution.

Introduced by Cyndi Lamm

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

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO MAKE IMPROVEMENTS ON A PORTION OF HIGHWAY 2 THAT IS WITHIN CORPORATE LIMITS OF THE CITY OF LINCOLN. PROJECT NO. S-2-6(1034), CN 13284 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89385

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

That the attached Municipality Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads to allow the State of Nebraska to make improvements on a portion of Highway 2 that is within corporate limits of the City of Lincoln, 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 Roads.

Introduced by Cyndi Lamm

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

APPROVING SECOND AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT TO GRANT AUTHORITY AND AUTHORIZE CONTINUED PARTICIPATION OF THE EMERGENCY COMMUNICATIONS CENTER PSAP IN A REGIONAL 911 EQUIPMENT/NETWORK SHARING PROJECT - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89386

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

That the Interlocal Cooperation Agreement approved by Resolution A-88188 between the City of Lincoln and the governing boards of Public Safety Answering Points (PSAPs) in the counties of Cass, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York to establish a Southeast 911 governing committee for coordinated regional 911 communications capabilities, is hereby amended to include the Second Amended and Restated Interlocal Cooperation Agreement Southeast Region 911 Communication Services Procurement and Delivery to grant authority and authorize continued participation of the Emergency Communications Center PSAP in a regional 911 equipment/network sharing project, upon the terms and conditions as set forth in said Second Amended and Restated Interlocal Cooperation Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, and the Mayor is authorized to execute said Second Amended and Restated Interlocal Cooperation Agreement on behalf of the City. The Chief of Police or his or her designee, is appointed as the representative of the City on the Southeast 911 Committee.

The City Clerk is directed to send a copy of this Resolution and one fully executed Second Amended and Restated Interlocal Cooperation Agreement to Tonya Peters, Assistant City Attorney, for transmittal to the parties.

Introduced by Cyndi Lamm

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16-31, 2015 - PRIOR to reading:

CHRISTENSEN Moved to amend Bill 15R-233 to allow the claim of William Parminter.

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

CLERK

Read the following resolution, introduced by Cyndi Lamm, who moved its adoption as amended:

A-89387

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 November 2, 2015, 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:

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| <u>DENIED CLAIMS</u> | | <u>ALLOWED/SETTLED CLAIMS</u> | |
|------------------------------|-------------------|-------------------------------|---------------|
| Barrymore's | \$2,610.42 | Dan Kessler | \$3,000.00 |
| Gary & Marlene Beyke | 347.75 | Kathy Mummert | 8,000.00 |
| William Parminter | 199.00 | Melody Kuwamoto | 729.05 |
| Candace Hanes | 2,314.67 | Larry & Caroline Routh | 730.00 |
| | | Benjamin Nguyen | 1,687.47 |
| | | Torrie Irene | 3,582.21 |
| | | John & Cheryl Marshall | 1,277.00 |
| | | Linda Reafleng/John Reafleng | 83.96 |
| | | <u>William Parminter</u> | <u>199.00</u> |

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 Cyndi Lamm

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

ANNEXATION 15011 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 48.92 ACRES AND ADJACENT O STREET RIGHT-OF-WAY ON PROPERTY GENERALLY LOCATED AT SOUTH 90TH STREET AND O STREET. (RELATED ITEMS: 15-136, 15-137) (REQUEST TO DELAY PUBLIC HEARING TO 12/7/15) - PRIOR to reading:

CHRISTENSEN Moved to delay Public Hearing on Bill 15-136 for 2 weeks to 12/7/15.

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

CLERK Read an ordinance, introduced by Cyndi Lamm, 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, for the second time.

CHANGE OF ZONE 15028 - APPLICATION OF THE OWNERS FOR APPROVAL OF A CHANGE OF ZONE REZONING APPROXIMATELY 48.92 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES R-3, R-5 AND B-2 USES AND MODIFICATIONS TO THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS. (RELATED ITEMS: 15-136, 15-137) (REQUEST TO DELAY PUBLIC HEARING TO 12/7/15) - PRIOR to reading:

CHRISTENSEN Moved to delay Public Hearing on Bill 15-137 for 2 weeks to 12/7/15.

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

CLERK Read an ordinance, introduced by Cyndi Lamm, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.02 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, for the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO LEASE AGREEMENT, AND A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH AN ADJUSTMENT TO THE INTEREST RATE PROVISIONS OF THE CITY'S INDUSTRIAL DEVELOPMENT PROMISSORY REVENUE NOTE (NEBRASKA SCHOOL ACTIVITIES ASSOCIATION PROJECT) SERIES 2015 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending subsection (y) of Section 27.67.040 to provide that parking for greenhouses and garden centers located in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls; amending subsection (c) of Section 27.67.100 to provide that parking lots may be provided on unpaved areas in the AG zoning district where specifically authorized under the special parking requirements in Section 27.67.040; and repealing Sections 27.67.040 and 27.67.100 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20266, is recorded in Ordinance Book 30.

RESOLUTIONS - 1ST READING

REAPPOINTING S.A. MORA JAMES, J.D. AND MICHEAL Q. THOMPSON TO THE CITIZEN POLICE ADVISORY BOARD FOR TERMS EXPIRING NOVEMBER 17, 2018. (*CONSENT*)

REAPPOINTING LARRY ANDERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2018. (*CONSENT*)

REAPPOINTING MIKE LANG TO THE DISTRICT ENERGY CORP. FOR A TERM EXPIRING DECEMBER 31, 2017. (*CONSENT*)

APPROVING A PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENT NO. 2 BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY FOR CONSULTANT COMPENSATION FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE SAFETY PROJECT AT SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET (PROJECT NO. HSIP-5205(1), CN 13147).

APPROVING A PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENT NO. 3 BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY FOR CONSULTANT COMPENSATION FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE SAFETY PROJECT AT SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET (PROJECT NO. HSIP-5205(1), CN 13147).

APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND COUNTY OF LANCASTER TO ADOPT NEW KENO HUMAN SERVICES PREVENTION FUND GUIDELINES TO REPLACE THE PREVIOUSLY ADOPTED GUIDELINES BY THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT APPROVED BY RESOLUTION NO. A-87598 ON OCTOBER 7, 2013.

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

APPROVING A CABLE TELEVISION FRANCHISE AGREEMENT FOR A 15 YEAR TERM BETWEEN THE CITY OF LINCOLN AND ALLO COMMUNICATIONS, LLC TO PROVIDE CABLE TELEVISION SERVICES AND PRODUCTS TO THE CITIZENS OF LINCOLN. (RELATED ITEMS: 15-138, 15-139, 15-140, 15-141) - Clerk read an ordinance, introduced by Jane Raybould, granting a cable communication facility franchise to Allo Communications, LLC to provide cable television services and to maintain a cable communication facility within the City of Lincoln pursuant to and subject to the provisions of the Lincoln Municipal Code for the first time.

APPROVING A BROADBAND FRANCHISE AGREEMENT FOR A 25 YEAR TERM BETWEEN THE CITY OF LINCOLN AND ALLO COMMUNICATIONS, LLC TO PROVIDE BROADBAND SERVICES AND PRODUCTS TO THE CITIZENS OF LINCOLN. (RELATED ITEMS: 15-138, 15-139, 15-140, 15-141) - Clerk read an ordinance, introduced by Jane Raybould, granting a broadband franchise to Allo Communications, LLC to provide broadband services and to maintain a broadband facility within the City of Lincoln pursuant to and subject to the provisions of the franchise agreement and the Lincoln Municipal Code, for the first time.

APPROVING A CONDUIT LEASE AGREEMENT FOR A TWENTY FIVE YEAR TERM BETWEEN THE CITY OF LINCOLN AND ALLO COMMUNICATIONS, LLC TO OCCUPY SPACE IN THE CITY'S LINCOLN TECHNOLOGY IMPROVEMENT DISTRICT CONDUIT SYSTEM. (RELATED ITEMS: 15-138, 15-139, 15-140, 15-141) - Clerk read an ordinance, introduced by Jane Raybould, accepting and approving a Conduit System Lease Agreement between the City of Lincoln, Nebraska and Allo Communications, LLC to occupy space in the City's Lincoln Technology Improvement District conduit system for a twenty five year term, for the first time.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS TO CREATE A NEW CHAPTER 5.12 ENTITLED "RESIDENTIAL BROADBAND" TO COORDINATE THE REGULATIONS WITH THE NEWLY NEGOTIATED BROADBAND FRANCHISE. (RELATED ITEMS: 15-138, 15-139, 15-140, 15-141) - Clerk read an ordinance, introduced

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by Jane Raybould, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations to create a new Chapter entitled "Residential Broadband" to establish licenses and regulations for residential broadband services, for the first time.

OPEN MICROPHONE

Jane Svoboda, no address given, came forward with comments on various issues.
This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward inquiring if City Council has had a chance to put together the information that he had requested for the citizens on the 911 enhancement surcharge, how much money had been collected, and what it has been spent on.
This matter was taken under advisement.

ADJOURNMENT

6:47 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of November 23, 2015.
Seconded by Raybould & carried by the following vote; AYES: Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

Teresa Meier, City Clerk

Rhonda Bice, Office Specialist