

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 11, 2016 AT 3:00 P.M.**

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

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 April 4, 2016, reported having done so, found same correct.

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

ANNUAL MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's 2015 Honorable Mention Award to Joel Wittrock, City Finance. Mayor Beutler stated Joel has processed more than 170 refunds, returned \$95,000 to Lincoln citizens, recovered \$4,800 in the City. By December Joel had reduced the revenue balance from \$15,000 to about \$500. Joel closed about 1,900 inactive or incorrect accounts, and added about 400 into accounts by reviewing police calls to determine if there were individuals to whom fees should be applied. Mayor Beutler added since the city took over billing and collections Joel received about \$45,000 more than the billing company did in the same time frame. Joel was nominated by Melinda Jones, City Treasurer. Melinda said Joel did database review in addition to his regular duties. Joel has filled in for open positions, trained new employees, and covered absent employees. A number of City employees had contributed in the success with the Alarm Registration Program, but Joel's detailed work, and cleaning up the database made the city more successful, and the public more responsive to the improved perception of the Alarm Registration Program.

Joel Wittrock came forward and thanked the I.S. Team, Police Officers, Fire Department, 911, and Jeff Kirkpatrick, City Attorney. Joel stated that he might have been the extra piece to help coordinate and get everything together. Joel also thanked his family for being present, and also thanked Melinda Jones, City Treasurer and Steve Hubka, Finance Director.

Jon Camp, Council Member, asked Joel's family to stand up to be recognized as well.

Steve Hubka, Finance Director stated Joel was an extremely reliable and dependable employee and that his peers from the Finance Department were all very pleased to see Joel being presented with the 2015 Honorable Mention award.

Mayor Beutler came forward to present the 2015 Mayor's Award of Excellence to a team from Solid Waste Management Division of Public Works & Utilities. Kevin Patak, Solid Waste Supervisor, Jason Killingsworth, Landfill Operator, and Mark Reynolds, Landfill Operator. Karla Welding, Superintendent of Solid Waste Operations, nominated the team of veteran employees in the category of Customer Relations and Productivity for their work to rebuild the walkway floor and the pedestal boom at the Transfer Station. The Transfer Station was built in the late 1980's and only minor repairs have been made to the walking floor since then. The steel sub-structure where the walking floor is mounted were paper thin and the hydraulic cylinder for the pedestal boom also needed to be resealed to improve reliability and four quicker safer repairs in the future. Kevin Patak, Solid Waste Supervisor, suggested that the staff could repair and rebuild the walkway floor at a lesser cost than a contractor. He designed the plan for handling waste and accepting it while the station was out of service. This plan accounted for weather and changes for customers and staff. Mark Reynolds, Landfill Operator, took the lead role in the projects technical aspects. This included revising the steel sub-structure, and taking all customs measurements for all steel pieces. He directed Jason in disassemble and assemble of the walking floor and steel sub-structure. Mark and Jason did all the welding. The project was completed with no injuries to employees or customers. There was no issues with the transfer of waste to the landfill. The teams efforts saved and estimated \$20,000. The project has improved reliability to waste transfer facilities, and provided a safer working condition for staff in the long term. Karla added that the extent of the teams work was well beyond expectations. The team was each awarded a \$250 gift card and 2 days off with pay. The team each received a plaque and a bronze medallion.

Kevin Patak thanked the Mayor, Karla Welding for the nomination, Solid Waste Operations, and Council.

Jon Camp, Council Member, invited winners to acknowledge their families.

Thomas Shafer, Engineering Service Manager, stated this was a fine example of citizens who use their time and talent to create a better work place, and came up with a better solution which worked out in balancing needs for a safer environment and to keep customer service going and also to save cost. Mr. Shafer thanked all three winners and said it was well deserved.

Mayor Beutler invited everyone to the 2nd floor for a reception in honor of all the winners.

PUBLIC HEARING

APPOINTING BETSY BERGMAN TO THE STAR TRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2017 - Betsy Bergman, 421 Spruce Street, came forward to state she was with Region V Systems as a project specialist. Ms. Bergman said she felt she could represent the consumers of the bus system as she also had experience using the public transportation system.

This matter was taken under advisement.

MANAGER APPLICATION OF CRAIG W. STAGE FOR HOPCAT-LINCOLN, LLC DBA HOPCAT AT 601 P STREET - Craig W. Stage, 7060 S. 88th Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF HOLLENBECK FARMS, LLC DBA HF CRAVE FOR A CLASS A LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W.

MANAGER APPLICATION OF MYRON L. HOLLENBECK FOR HOLLENBECK FARMS, LLC DBA HF CRAVE AT 2801 PINE LAKE ROAD, SUITE W. - Don Bowman, 1045 Lincoln Ball, Attorney for Myron Hollenbeck and HF Crave, came forward to take the oath and request approval.

Myron L. Hollenbeck, 27507 Fletcher Ave, Elmwood, applicant came forward to take oath and ask for approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF E & T, LLC DBA BISON WITCHES BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 1320 P STREET, SUITE 100.

MANAGER APPLICATION OF BRANDON S. KOSEK FOR E & T, LLC DBA BISON WITCHES BAR & GRILL AT 1320 P STREET, SUITE 100. - Brandon Kosak, 1320 R Street, applicant, came forward to take oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF VAL LIMITED DBA VALENTINO'S FOR A CLASS C LIQUOR LICENSE AT 2820 PINE LAKE ROAD, SUITE 1.

MANAGER APPLICATION OF MICHAEL S. MESSINEO FOR VAL LIMITED DBA VALENTINO'S AT 2820 PINE LAKE ROAD, SUITE 1 - Mike Alesio, 2601 S. 70th, Attorney, came forward to take the oath and request approval.

This matter was taken under advisement.

APPLICATION OF RUPERT ENTERPRISES, LLC DBA T'S STOP AND SHOP FOR A CLASS D LIQUOR LICENSE AT 2801 O STREET

MANAGER APPLICATION OF TERRANCE T. RUPERT FOR RUPERT ENTERPRISES, LLC DBA T'S STOP AND SHOP AT 2801 O STREET - Terrance Rupert, 1401 W. Artello Rd, applicant came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE, INC. DBA HY-VEE FOOD STORE 1 AT 5010 O STREET, HY-VEE FOOD STORE 2 AT 1601 NORTH 84TH STREET, HY-VEE FOOD STORE 3 AT 5020 NORTH 27TH STREET, HY-VEE FOOD STORE 4 AT 6001 VILLAGE DRIVE, HY-VEE FOOD STORE 5 AT 7151 STACY LANE, HY-VEE GAS 1 AT 250 NORTH 52ND STREET, HY-VEE GAS 2 AT 1515 NORTH 84TH STREET, HY-VEE GAS 5 AT 7101 PIONEERS BOULEVARD, AND HY-VEE RESTAURANT 3 AT 5020 NORTH 27TH STREET - Rob Reif, 5010 O Street, applicant, came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 160 FEET BY 160 FEET IN PARKING LOT SOUTH OF 575 FALLBROOK BOULEVARD ON JUNE 25, 2016 BETWEEN 1:00 P.M. AND MIDNIGHT - Dallas Schilling, 575 Fallbrook, applicant came forward requesting approval.

Carl Eskridge, Council Member, ask if there were any issues previously with noise since event was located in a residential area.

Mr. Schilling stated there were no previous issues with the residence.

This matter was taken under advisement.

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S BOTTLE SHOP FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 45 FEET AT 3400 A STREET ON APRIL 21, MAY 19, JUNE 16, JULY 21, AUGUST 18, AND SEPTEMBER 15, 2016 BETWEEN 3:30 P.M. AND 7:00 P.M. - Eric Bahm, 3710 LaSalle Street, applicant came forward requesting approval.

This matter was taken under advisement.

APPROVING A RESOLUTION TO PREVENT TOBACCO CONSUMPTION OR SIMULATED ACTIVITIES AT OR WITHIN FIFTEEN (15) FEET OF A BUS STOP, BUS SHELTER, OR PERIMETER LINE OF ANY TRANSIT CENTER OR FACILITY - Jeff Kirkpatrick, City Attorney, came forward stated that the language regarding anti smoking was taken from the state statute regarding no smoking.

Roy Christensen, Council Member, asked Mr. Kirkpatrick to clarify why vaping would be added in the language.

Mr. Kirkpatrick stated the issue is there is no way to differentiate if someone is vaping or smoking Mr. Kirkpatrick said they felt it was appropriate to outlaw vaping as well to clear up any confusion.

Richard L. Schmelling, 4612 Van Dorn, came toward in opposition. Mr. Schmelling stated that he believes there are some bus drivers who smoke and if they have to walk 15 feet away then that could delay the bus route.

Kathy Sifken, 5631 Coyote Circle, came forward in opposition.

Jeff Kirkpatrick, City Attorney, came forward for rebuttal.

Mike Davis, Transit Manager, came forward and stated Star Tran has looked at the positive and negatives of the Resolution. Mr. Davis stated that he is unaware of anyone being banned from riding the bus. Mr. Davis clarified that a suspension can vary. A suspension first starts with a warning and could lead to a 1, 2, or 3 weeks suspension.

This matter was taken under advisement.

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48TH STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST -

Thomas Shafer, Interim Public Works and Utilities Director, came forward stating this area is included in the long range transportation plan. This could also be a trail which would be 8-10 feet. This is not considered City property. This would be included on the University's property. Trail width would include Parks to keep up on maintenance. If this is of sidewalk length Public Works would be included with fixing cost. Design work could start next year and would be done in 2019 at the earliest.

Jon Camp, Council Member, asked if the University would pay for the sidewalk with this being their property.

Mr. Shafer stated to his knowledge those costs would be assessed for the University.

Cyndi Lamm, Council Member, inquired about the width of the sidewalk as opposed to the trail width, and who would be responsible for snow removal.

Mr. Shafer stated if it is of trail width, the Parks Department would be responsible for fixing, planning and snow removal. If it is of sidewalk length, Public Works would be responsible for fixing cost, and the adjacent property owner would be responsible for snow removal.

Jane Raybould, Council Member, inquired if the University has been asked to put a sidewalk in.

Mr. Schafer states that he is unaware of any request to the University to put a sidewalk in.

Trent Fellers, Council Member, asked what the cost would be for a sidewalk.

Mr. Schafer stated the estimates based off the fact sheet were around \$80,000, which include construction and engineering for a 5 foot sidewalk.

Don Taute, City Attorney, came forward regarding the assessment. The area is eligible, by law, for a special assessment.

Roy Christensen, Council Member, clarifies the difference between constructing a trail as opposed to a sidewalk.

David Cary, Planning Department, came forward stating the timing might be more of an issue. To save time there could be a sidewalk constructed then later revamped into a trail with the potential of throw away cost. It might be more beneficial to work with the University to try and get a more long term agreement with trying to get a trail as opposed to a 5 foot sidewalk sooner. Mr. Cary states this is a conversation that has not happened, but that is their long term goal with the trail systems.

Jon Camp, Council Member, inquired about how much right away from the curb to the trees does the city own and the trees being sacrificed. Discussion followed.

Mr. Shafer states it varies from one spot to the next. Some spots it is 8 feet, and other spots it is up to 12 feet.

Danny Obern, 2344 N. 44th Street, came forward in agreement.

This matter was taken under advisement.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO LINCOLN FOOD CODE TO ADD A NEW SECTION NUMBERED 8.20.070 TO REQUIRE FOOD HANDLERS AND FOOD MANAGERS TO PREVENT CONTAMINATION OF FOOD FROM HANDS - Judy Halstead, Health Director for Lincoln-Lancaster County Health Department, came forward. The Food Advisory Committee has looked at how to protect the public from food borne illnesses by looking at how food servers contaminate ready to eat food. This ordinance is more stringent than what the Nebraska Department of Agriculture has. The owner of a food establishment can talk to their food inspector to put a written plan in place on how they educate their employees about employee illness and their policies used when employees are ill. In addition, food handlers are required to double wash their hands when handling ready to eat food or in addition to one other strategy that will be put in place in that plan. Some exceptions are for people garnishing drinks, or washing fruits and vegetables, and individuals handling food before cooking would all

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be excluded from the policy. October 1, 2016 is the proposed date to implement this change. Food establishment managers were invited to attend two prior meetings for this change. Food Advisory Committee and the Board of Health both agreed on this policy change. Discussion followed.

Jim Partington, Executive Director of Nebraska Restaurant Association, 1610 S. 70th Street, came forward in support.

Cathy Sifkin, Nebraska Grocery Industry Association, 5631 Coyote Circle, came forward in support.

Ms. Lamm, inquired about individuals handling fruits and vegetables in the grocery store.

Ms. Sifkin confirmed that individuals handling fruits and vegetables are exempt.

This matter was taken under advisement.

AMENDING CHAPTER 4.28 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN AIRPORT BY ADDING A NEW SECTION NUMBERED 4.28.060 ENTITLED "UNMANNED AIRCRAFT SYSTEMS; INTENT" TO STATE THE INTENT OF THE CITY COUNCIL IN ENACTING REGULATIONS FOR THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS; BY ADDING A NEW SECTION NUMBERED 4.28.070 ENTITLED "UNMANNED AIRCRAFT SYSTEMS; DEFINITIONS" TO PROVIDE DEFINITIONS OF THE TERMS; BY ADDING A NEW SECTION NUMBERED 4.28.080 TO ESTABLISH OPERATING RESTRICTIONS FOR UNMANNED AIRCRAFT; AND BY ADDING A NEW SECTION NUMBERED 4.28.090 TO ESTABLISH PENALTIES - Jeff Kirkpatrick, City Attorney, came forward stating the Lincoln Airport Authority brought this to their attention. The number of drones in the Lincoln area has grown over the last few years . This ordinance would allow the city to enforce regulations on a local basis.

Trent Fellers, Council Member, asked what the penalty could be for operating an unmanned aircraft.

Mr. Kirkpatrick stated it would be an infraction, which could be a fine and it is not a criminal penalty.

Bill Austin, Attorney for Airport Authority, 1248 O Street came forward in support.

Jane Raybould, Council Member, clarified where an unmanned aircraft would have to get registered.

Mr. Austin clarified the registration would come from the FAA. Mr. Austin states any unmanned aircraft over .5 lbs must be registered.

Carl Eskridge, Council Member, inquired about any incidents that have happened at the Lincoln Airport.

Bob McNally, 3101 W. Branched Oak Rd, Raymond, Deputy Director of Operations, stated they have no known instances or any reported instances at the Lincoln Airport.

Roy Christensen, Council Member, inquired about the process after receiving a drone that weighs over the specified weight and you intend to fly next to the airport.

David Haring, Executive Director of Airport Authority, came forward stating, per federal regulations, you have to give notice to the airport and the air traffic control tower. Registration compliance is also required. Mr. Haring further stated most of the instances that are coming in are not ground based violations, but from pilot's that are reporting close impact or the vicinity on approach. Discussion followed.

Trent Fellers, Council Member, asked if he were flying a drone would he know that he was approaching an airport.

Mr. McNally stated that would depend on the equipment being flown and the operator. That is why it is important to contact the airport or air traffic control to get specific trainings. Discussion followed.

Matt Waite, 3420 Scottsdale Lane, came forward stating his concern about Lincoln Police Department having specific training to know the difference in registration for hobbyist, for the University, and for commercial operator.

Jane Raybould, Council Member, confirmed that no matter the license of the operator, you still would have to stay outside of the 5 mile radius of the airport.

Mr. Waite, clarified that you are allowed within the 5 mile radius, but additional paperwork is required along with notifying air traffic control. Discussion followed.

Mr. Kirkpatrick came forward for rebutal.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING RONALD GEARY TO THE BOARD OF MECHANICAL EXAMINERS FOR A TERM EXPIRING APRIL 4, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption for approval:

A-89602 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ronald Geary to the Board of Mechanical Examiners, for a term expiring April 4, 2019, is hereby approved.

Introduced by Cyndi Lamm

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

APPOINTING BETSY BERGMAN TO THE STAR TRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2017 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption for approval:

A-89603 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Betsy Bergman to the Star Tran Advisory Board, for a term expiring October 20, 2017, is hereby approved.

Introduced by Cyndi Lamm

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE SECOND QUARTER, FISCAL YEAR, 2015-2016 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption for approval:

A-89604 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the city of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jane Raybould

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MARCH 28, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR FEBRUARY, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

2015 CITY LAW DEPARTMENT ANNUAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

AFFIDAVITS OF MAILING FOR BOARD OF EQUALIZATION FOR COLLEGE VIEW MAINTENANCE BUSINESS IMPROVEMENT DISTRICT, HAVELOCK STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT, NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT, SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT, UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 25, 2016 AT 5:30 P.M. ON THE APPLICATION OF CHHIBBANE RESTAURANT GROUP LLC DBA CHEF KARIM'S MEDITERRANEAN GRILL AT 333 N. COTNER BLVD - CLERK read the following resolution introduced by Jane Raybould, who moved its adoption:

A-89605 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 25, 2016, 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 Application of Chhibbane Restaurant Group LLC dba Chef Karim Mediterranean Grill for a Class IK Liquor License at 333 N. Cotner Blvd.

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16019 TO FINAL PLAT NO. 15142, VAVRINA MEADOWS 35TH ADDITION, APPROVED BY THE PLANNING DIRECTOR ON MARCH 30, 2016, REQUESTED BY REGA ENGINEERING, TO ACCEPT THE AFFIDAVIT OF SURVEYOR TO CORRECT TYPOGRAPHICAL ERRORS ON THE FINAL PLAT, GENERALLY LOCATED AT SOUTH 14TH STREET AND VAVRINA BOULEVARD.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF CRAIG W. STAGE FOR HOPCAT-LINCOLN, LLC DBA HOPCAT AT 601 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89606 WHEREAS, HopCat-Lincoln, LLC dba HopCat located at 601 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Craig W. Stage be named manager;

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

APPLICATION OF HOLLENBECK FARMS, LLC DBA HF CRAVE FOR A CLASS A LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89607 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 Hollenbeck Farms, LLC dba HF Crave for a Class "A" liquor license at 2801 Pine Lake Road, Suite W, Lincoln, Nebraska, for the license period ending April 30, 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 Jon Camp

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

MANAGER APPLICATION OF MYRON L. HOLLENBECK FOR HOLLENBECK FARMS, LLC DBA HF CRAVE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89608 WHEREAS, Hollenbeck Farms, LLC dba HF Crave located at 2801 Pine Lake Road, Suite W Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Myron L. Hollenbeck be named manager;

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

APPLICATION OF E & T, LLC DBA BISON WITCHES BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89609 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 E & T, LLC dba Bison Witches Bar & Grill for a Class "C" liquor license at 1320 P Street, Suite 100, 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 Jon Camp

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

MANAGER APPLICATION OF BRANDON S. KOSEK FOR E & T, LLC DBA BISON WITCHES BAR & GRILL AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89610 WHEREAS, E & T, LLC dba Bison Witches Bar & Grill located at 1320 P Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Brandon S. Kosek be named manager;

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

APPLICATION OF VAL LIMITED DBA VALENTINO'S FOR A CLASS C LIQUOR LICENSE AT 2820 PINE LAKE ROAD, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89611 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 Val Limited dba Valentino's for a Class "C" liquor license at 2820 Pine Lake Road, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 2016, 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 Camp

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

MANAGER APPLICATION OF MICHAEL S. MESSINEO FOR VAL LIMITED DBA VALENTINO'S AT 2820 PINE LAKE ROAD, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89612 WHEREAS, Val Limited dba Valentino's located at 2820 Pine Lake Road, Suite 1, Lincoln Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Michael S. Messineo be named manager;

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

APPLICATION OF RUPERT ENTERPRISES, LLC DBA T'S STOP AND SHOP FOR A CLASS D LIQUOR LICENSE AT 2801 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89613 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 Rupert Enterprises, LLC dba T's Stop and Shop for a Class "D" liquor license at 2801 O Street, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

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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 Camp

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

MANAGER APPLICATION OF TERRANCE T. RUPERT FOR RUPERT ENTERPRISES, LLC DBA T'S STOP AND SHOP AT 2801 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89614 WHEREAS, Rupert Enterprises, LLC dba T's Stop and Shop located at 2801 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Terrance T. Rupert be named manager;

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

MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE, INC. DBA HY-VEE FOOD STORE 1 AT 5010 O STREET, HY-VEE FOOD STORE 2 AT 1601 NORTH 84TH STREET, HY-VEE FOOD STORE 3 AT 5020 NORTH 27TH STREET, HY-VEE FOOD STORE 4 AT 6001 VILLAGE DRIVE, HY-VEE FOOD STORE 5 AT 7151 STACY LANE, HY-VEE GAS 1 AT 250 NORTH 52ND STREET, HY-VEE GAS 2 AT 1515 NORTH 84TH STREET, HY-VEE GAS 5 AT 7101 PIONEERS BOULEVARD, AND HY-VEE RESTAURANT 3 AT 5020 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89615 WHEREAS, Hy-Vee, Inc. dba Hy-Vee Food Store 1 located at 5010 O Street, Hy-Vee Food Store 2 located at 1601 North 84th Street, Hy-Vee Food Store 3 located at 5020 North 27th Street, Hy-Vee Food Store 4 located at 6001 Village Drive, Hy-Vee Food Store 5 located at 7151 Stacy Lane, Hy-Vee Gas 1 located at 250 North 52nd Street, Hy-Vee Gas 2 located at 1515 North 84th Street, Hy-Vee Gas 5 located at 7101 Pioneers Boulevard, and Hy-Vee Restaurant 3 located at 5020 North 27th Street, Lincoln, Nebraska have been approved for Retail Class "CK", "C", "D", and "IK" liquor licenses, and now requests that Rob A. Reif be named manager;

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

APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 160 FEET BY 160 FEET IN PARKING LOT SOUTH OF 575 FALLBROOK BOULEVARD ON JUNE 25, 2016 BETWEEN 1:00 P.M. AND MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89616 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 MSKDJ, Inc. dba SchillingBridge Cork & Tap House for a special designated license to cover an outdoor area measuring approximately 160 feet by 160 feet in parking lot south of 575 Fallbrook Boulevard, Lincoln, Nebraska, on June 25, 2016, between the hours of 1:00 p.m. and midnight, 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 Camp

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

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S BOTTLE SHOP FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 45 FEET AT 3400 A STREET ON APRIL 21, MAY 19, JUNE 16, JULY 21, AUGUST 18, AND SEPTEMBER 15, 2016 BETWEEN 3:30 P.M. AND 7:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89617 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 Moran's Liquor Works, LLC dba Moran's Bottle Shop for a special designated license to cover an outdoor area measuring approximately 36 feet by 45 feet at 3400 A Street, Lincoln, Nebraska, on April 21, May 19, June 16, July 21, August 18, and September 15, 2016, between the hours of 3:30 p.m. and 7:00 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 Camp

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

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 MARCH 16-31, 2016 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89618 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 March 31, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Lori Cook	NAS*	Autumn Mower	\$6,056.96
Helen Witt	\$409.97	State Farm Insurance	
Zach Votipka	NAS*	a/s/o Wade Stange	1,989.56
Glen Soukup	1,215.01	Ahmad Hmood	4,000.00
Gregory Snow	302.48	Lidia Kula	1,097.00
Justin Seidler	445.08		
Jennifer Pribyl	312.22		
			<u>WITHDRAWN CLAIM</u>
		Sharnick Compton	\$250,000.00

* No Amount Specified

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

APPROVING A RESOLUTION TO PREVENT TOBACCO CONSUMPTION OR SIMULATED ACTIVITIES AT OR WITHIN FIFTEEN (15) FEET OF A BUS STOP, BUS SHELTER, OR PERIMETER LINE OF ANY TRANSIT CENTER OR FACILITY - PRIOR to reading:

CHRISTENSEN Motion in as it was stated "Remove the word banned from line 11 and substitute the word suspended."

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

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CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption:
A-89619 WHEREAS, the City Council finds that tobacco use is a carcinogen and dangerous to the health of consumers of tobacco products and those who may be in close proximity to consumers of tobacco products; and

WHEREAS, the City Council desires to prevent tobacco consumption or simulated activities at or within fifteen (15) feet of a bus stop, bus shelter, or perimeter line of any transit center or facility.

NOW, THEREFORE, BE IT RESOLVED that the use or consumption of any cigarettes, cigars, other tobacco products, electronic cigarettes, vapor products or other smoking simulation or alternative nicotine products is prohibited at or inside or within fifteen (15) feet of any bus stop, bus shelter, transit center facility, or transit facility perimeter line. Failure to comply with this prohibition may result in being ~~banned~~ suspended from using StarTran services.

Introduced by Roy Christensen

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

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48TH STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST - PRIOR to reading:

CHRISTENSEN Moved to place Bill 16R-69 on Pending until 05/16/16.

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

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

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO LINCOLN FOOD CODE TO ADD A NEW SECTION NUMBERED 8.20.070 TO REQUIRE FOOD HANDLERS AND FOOD MANAGERS TO PREVENT CONTAMINATION OF FOOD FROM HANDS - CLERK read an ordinance, introduced by Cyndi Lamm, amending Chapter 8.20 of the Lincoln Municipal Code relating to Lincoln Food Code to add a new section numbered 8.20.070 to require food handlers and food managers to wash their hands as specified in the Nebraska Food Code, the second time.

AMENDING CHAPTER 4.28 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN AIRPORT BY ADDING A NEW SECTION NUMBERED 4.28.060 ENTITLED "UNMANNED AIRCRAFT SYSTEMS; INTENT" TO STATE THE INTENT OF THE CITY COUNCIL IN ENACTING REGULATIONS FOR THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS; BY ADDING A NEW SECTION NUMBERED 4.28.070 ENTITLED "UNMANNED AIRCRAFT SYSTEMS; DEFINITIONS" TO PROVIDE DEFINITIONS OF THE TERMS; BY ADDING A NEW SECTION NUMBERED 4.28.080 TO ESTABLISH OPERATING RESTRICTIONS FOR UNMANNED AIRCRAFT; AND BY ADDING A NEW SECTION NUMBERED 4.28.090 TO ESTABLISH PENALTIES - PRIOR to reading:

ESKRIDGE Moved to continue public hearing and action to 04/18/16.

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

CLERK Read an ordinance, introduced by Cyndi Lamm, amending Chapter 4.28 of the Lincoln Municipal Code relating to the Lincoln Airport by adding a new Section numbered 4.28.060 entitled "Unmanned Aircraft Systems; Intent" to state the intent of the City Council in enacting proposed regulations for the operation of Unmanned Aircraft Systems; by adding a new Section numbered 4.28.070 entitled "Unmanned Aircraft Systems; Definitions" to provide definitions of the terms; by adding a new Section numbered 4.28.080 to establish operating restrictions for the operation of unmanned aircraft within the City of Lincoln; and by adding a new Section numbered 4.28.090 to establish penalties, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

ANNEXATION 16002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 89.59 ACRES AND ADJACENT RIGHT-OF-WAY ON PROPERTY GENERALLY LOCATED AT NORTH 89TH STREET AND FREMONT STREET. (RELATED ITEMS: 16-25, 16-26) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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 third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20312, is recorded in Ordinance Book 31.

CHANGE OF ZONE 05054D - APPLICATION OF STAROSTKA-LEWIS, LLC, TO AMEND THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 75.81 ACRES OF LAND AND A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 7.4 ACRES OF LAND, ON PROPERTY GENERALLY LOCATED AT NORTH 89TH AND FREMONT STREET. (RELATED ITEMS: 16-25, 16-26) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20313**, is recorded in Ordinance Book 31.

CHANGE OF ZONE 16002 - APPLICATION OF LARRY AND CONNIE COFFEY AND PLACZEK PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 32ND STREET AND WEST O STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20314**, is recorded in Ordinance Book 31.

TEXT AMENDMENT 16005 - AMENDING SECTION 26.27.005 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MINIMUM REQUIRED IMPROVEMENTS WITHIN A FINAL PLAT TO PROVIDE THAT THE CITY MAY ENCOURAGE AND PROMOTE THE INSTALLATION OF NEW MINIMUM REQUIRED IMPROVEMENTS NOT REQUIRED IN A PREVIOUSLY APPROVED FINAL PLAT BY AGREEING TO SUBSIDIZE THE INCREASED COST OF THE NEW MINIMUM REQUIRED IMPROVEMENT IN ACCORDANCE WITH SPECIFIC CRITERIA ADOPTED BY RESOLUTION OF THE CITY COUNCIL; AND REPEALING SECTION 26.27.005 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 16-28, 16R-63) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 26.27.005 of the Lincoln Municipal Code relating to the minimum required improvements within a final plat to provide that the City may encourage and promote the installation of new minimum required improvements not required in a previously approved final plat by agreeing to subsidize the increased cost of the new minimum required improvement in accordance with specific criteria adopted by resolution of the City Council and repealing Section 26.27.005 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20315**, is recorded in Ordinance Book 31.

TEXT AMENDMENT 16003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO ADD CHAPTER 3.100, DESIGN STANDARDS FOR OUTDOOR LIGHTING, PROVIDING DESIGN STANDARDS FOR THE INSTALLATION OF OUTDOOR LUMINARIES; REVISING SECTION 3 DEFINITION OF "LUMEN, LUMINAIRE AND MOUNTING HEIGHT"; AMENDING SUBSECTIONS 6.2, 6.3, 6.4, AND 6.7; REPEALING SECTIONS 3, 4, 6, 7, 9, AND 12 OF CHAPTER 3.100 AS HITHERTO EXISTING; AND TO PROVIDE THAT THE CITY MAY REQUIRE LED POST TOP FIXTURES IN EXISTING FINAL PLATS PROVIDED THE CITY PAYS FOR THE INCREASED COST OVER THE APPROVED HSPV POST TOP FIXTURE. (RELATED ITEMS: 16-28, 16R-63) (ACTION DATE: 4/11/16) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, Roy Christensen moved its adoption:

A-89620 WHEREAS, the City of Lincoln has previously adopted Resolution No. A-85023 amending the City of Lincoln Design Standards to add Chapter 3.100, Design Standards for Outdoor Lighting, providing design standards for the installation of outdoor luminaires; and

WHEREAS, the Director of Public Works and Utilities in coordination with Lincoln Electric System has proposed to reissue Chapter 3.100 of the Design Standards for Outdoor Lighting with amendments as shown on Attachment "A" which is attached hereto and incorporated herein by reference. Said amendments amend Section 3. Definitions to revise the definition of "Lumen, Luminaire, and Mounting height"; amend subsection 4.1 of Section 4. Class I Lighting to correct the spelling of foot-candles; amend Section 6. Class III Lighting (Street Lighting) to amend subsection 6.2 Design Requirements to refer to the latest addition of the cited IESNA Standard; amend subsection 6.3 Standard Street Lighting and subsection 6.4 Ornamental Street Lighting to require LED light sources for local residential streets and to further require under subsection 6.4 certain specified street light intensity; amend subsection 6.7 Arterial Street Lighting to refer to roadway luminaires instead of street lights; amend

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subsection 7.1.C.1 of Section 7. Class IV Lighting, subsection A.2. of Section 9. Light Trespass and Glare, and subsection D of Section 12. Permanent Exemptions to correct spelling and grammatical errors; and repeal Sections 3, 4, 6, 7, 9, and 12 of Chapter 3.100 as hitherto existing.

WHEREAS, the City Council desires to encourage and promote the installation of LED post top fixtures not required in a previously approved final plat by agreeing to subsidize the increased cost to subdividers to install ornamental street lights with LED post top fixtures as opposed to HPSV post top fixtures based upon the cost differential between a HPSV Colonial/Contemporary HPSV post top fixture and comparable LED post top fixture.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That Chapter 3.100, Design Standards for Outdoor Lighting, of the City of Lincoln Design Standards, adopted by the City Council on September 15, 2008 by Resolution No. A-85023, be and the same is hereby amended and restated in its entirety as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that these amendments to Chapter 3.100 of the Design Standards for Outdoor Lighting shall only apply to final plats that are filed on or after the date of this Resolution, except that in order to promote the installation of ornamental street lighting with LED post top fixtures in any final plat filed on or before the date of this Resolution, the City may require the installation of a LED post top fixture by agreeing to pay one hundred percent (100%) of the cost differential between the cost of the approved HPSV post top fixture and the cost of a comparable LED post top fixture.

Introduced by Leirion Gaylor Baird

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

CHANGE OF ZONE 16005 - APPLICATION OF AUSTIN REALTY INVESTMENTS FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT AND THE CITY'S REQUEST FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD AND 300 ~~SOUTH~~ NORTH 56TH STREET RESPECTIVELY. (RELATED ITEMS: 16-30, 16R-62) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27, of the Lincoln Municipal Code, by changing the boundaries of the districts established as shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20316, is recorded in Ordinance Book 31.

PRE-EXISTING USE PERMIT 3AG - APPLICATION OF AUSTIN REALTY INVESTMENTS TO AMEND THE BOUNDARY OF THE GATEWAY MALL USE PERMIT BY ADDING THE PROPERTY AT 225 NORTH COTNER BOULEVARD, FOR AUTHORITY TO CONSTRUCT UP TO 153 UNITS OF MULTI-FAMILY HOUSING OR TO CONSTRUCT UP TO 36,000 SQUARE FEET OF COMMERCIAL SPACE OR ANY CONSTRUCTION THEREOF, INCLUDING WAIVERS TO INCREASE THE MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 55 FEET AND TO REDUCE RESIDENTIAL PARKING REQUIREMENTS FROM 2 TO 1.4 STALLS PER DWELLING UNIT, ON PROPERTY GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD. (RELATED ITEMS: 16-30, 16R-62) (ACTION DATE: 4/11/16) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, Roy Christensen moved its adoption:

A-89621 WHEREAS, Austin Realty Investments has submitted an application designated as Pre-Existing Use Permit No. 3AG to amend the boundary of the Gateway Mall Use Permit by adding the property at 225 North Cotner Boulevard, for authority to construct up to 153 units of multi-family housing or to construct up to 36,000 square feet of commercial space or any construction thereof, including waivers to increase the maximum building height from 40 feet to 55 feet and to reduce residential parking requirements from 2 to 1.4 stalls per dwelling unit, on property generally located at 225 North Cotner Boulevard, and legally described as:

Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 and Outlot A, Q Place, except for the east part for street; Lot 256 of Irregular Tracts, except that part lying northwest of a line 40 feet east of the centerline of Cotner Boulevard and except parts in northwest and south for road; Lot 263 of Irregular Tracts, except 544.35 square feet in south for street; Lot 265 of Irregular Tracts, except 2,835.50 square feet in south part for road; Lot 266 of Irregular Tracts, except the south portion of right-of-way of O Street; Lot 163 of Irregular Tracts, except 182.63 square feet in the southeast corner for street; all located in the South Half of Section 21, Township 10 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 pre-existing 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 Austin Realty Investments, hereinafter referred to as "Permittee", to amend Pre-Existing Use Permit No. 3 to amend the boundary of the Gateway Mall Use Permit by adding the property at 225 North Cotner Boulevard, for authority to construct up to 153 units of multi-family housing or to construct up to 36,000 square feet of commercial space or any construction thereof, including waivers to increase the maximum building height from 40 feet to 55 feet and to reduce residential parking requirements from 2 to 1.4 stalls per dwelling unit, on the property legally described above be and the same is hereby granted upon condition that 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 approves up to 153 dwelling units or up to 36,000 square feet of commercial floor area or any combination thereof in Area H, with waivers to increase the building height from 40 feet to 55 feet and to reduce the residential parking requirements from 2 stalls to 1.4 stalls per unit.
2. The City Council approves associated request Change of Zone #16005.
3. Before receiving building permits:
 - a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
 - i. Add a note to the overall plan that states, "Screening in Area H will comply with the landscaping and screening standards for Multiple Family Dwellings found in Chapter 3.50 of the Design Standards. The landscape plan shall be approved at the time of building permit."
 - ii. Add a note to the plan that states, "Methods to meet water quality standards will be submitted and approved by Watershed Management prior to obtaining a building permit."
 - iii. Change all references on the site plan for 225 North Cotner from Area "C" to Area "H".
 - iv. Add a reference to the Waiver Number in the Parking Table for Area "H".
 - v. Revise Waiver #3 to state, "Area H building height from 40 to 55 feet, provided that at least a 20 foot setback is provided to the north and to the west, except in the area adjacent to the L.E.S. substation."
 - vi. Revise Waiver #4 to state, "In Area H, 1.4 parking stalls are required per dwelling unit as long as no more than 60 of the dwelling units contain more than 1 legal bedroom."
 - vii. Replace the thick boundary line between Area B and Area H with the line type that separates other areas within the use permit.
 - viii. Add the 20 foot setbacks to Area H on the overall site plan.
 - ix. Remove the REGA name from this site plan.
 - x. Add text at the end of Waiver #2 that states, "...unless otherwise noted."
 - xi. Amend Note #7 to include 'P' Street.
 - xii. Amend the Parking Table to reflect Residential and Commercial uses in Area H.
 - xiii. Add a note to the plan that includes any conditions from the approved deviation request regarding the North Cotner Boulevard or P Street accesses.
 - xiv. Add the utility easements on the north and west to the site plan.
 - b. Provide documentation that the letter of acceptance, as required by the approval of the special permit, has been recorded with the Register of Deeds.
 - c. The required easements, as shown on the site plan, must be recorded with the Register of Deeds.
4. Before occupying the buildings all development and construction is to substantially comply with the approved plans.
5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
6. 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.
7. This resolution's terms, conditions, and requirements run with the land and shall be binding upon the Permittee, its successors, and assigns.
8. 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.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all resolutions/ordinances approving previous permits shall remain in force and effect except as specifically amended by this resolution.

Introduced by Leirion Gaylor Baird

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

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APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND PAUL E. VERSAW FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 1732 NORTH 28TH STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, approving a Real Estate Purchase Agreement between the City of Lincoln and Paul E. Versaw authorizing the sale of City owned property generally located at 1732 North 28th Street, Lincoln, Nebraska, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20317, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

WAIVER NO. 16001 - APPLICATION OF BANG THI NGUYEN AND TRUYEN N. PHAM TO WAIVE THE ADDITIONAL PARKING REQUIRED BY A CHANGE IN USE FROM VACANT COMMERCIAL TO RESTAURANT, PURSUANT TO SECTION 27.67.030(F) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 2708 Y STREET.

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

CHANGE OF ZONE 16007 - APPLICATION OF PADEN DALY FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 4811 BRADOCK COURT - CLERK read an ordinance introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION 16003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 19.37 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 33RD STREET AND WILDERNESS HILLS BOULEVARD. (RELATED ITEMS: 16-35, 16-36) - 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 first time.

CHANGE OF ZONE 16009 - APPLICATION OF LINCOLN FEDERAL BANCORP 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. (RELATED ITEMS: 16-35, 16-36) - CLERK read an ordinance introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

OPEN MICROPHONE

Terry Pope Gonzalez, 349 S. 1st Street, came forward with comments on various issues.

This matter was taken under advisement

ADJOURNMENT

5:23 P.M.

CAMP Moved to adjourn the City Council Meeting of April 11, 2016.

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

Teresa Meier, City Clerk

Monet J. McCullen, Office Specialist