

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 15, 2016 AT 3:00 P.M.**

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

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She 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 August 8, 2016, reported having done so, found same correct.

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

**MAYOR AWARD OF EXCELLENCE**

Mayor Beutler came forward to present the Mayor's Award of Excellence for the Month of July, 2016. The award was presented to Troy Hassebroek with Fire and Rescue in the category of customer relations and productivity. Troy has been a Firefighter for a year and a half, and was nominated by Fire Prevention Inspector, Rick Campos, for his actions on a specific day in May that illustrated Troy's character and desire to serve. On that day, Troy was on his way to Huntington Elementary for a Public Education Program, and a foot race against the Principal, Mr. Devney. On the way, Troy stopped at the scene of a bicycle accident to offer first aid to one of the bikers, determined a laceration required medical treatment, put the bicycles on his truck and drove the injured person to a local clinic. The clinic was closed so Troy then took the individual to the hospital for medical care. As Troy was leaving the hospital, he assisted two individuals in wheelchairs reach the hospital entrance by pushing them up a hill. When Troy finally arrived at Huntington Elementary he quickly took the role of fire educator, teacher and role model. He first visited classrooms to educate on fire safety, and completed a friendly race with Principal Devney. Inspector Campos stated Troy's past experience as a teacher was evident by the fact that he gave the students homework. Troy asked every kindergarten student to count the number of smoke detectors in their homes and report to the teachers. Inspector Campos said this simple assignment both, reinforced mass skills, and most immortally provided an opportunity for children and parents to talk about fire safety at home. Inspector Campos further stated, this day was a great example of Troy's demeanor, his dedication to his job, the way he treats other people, and all together his desire to help Lincoln residents, especially those of the next generation.

Troy Hassebroek came forward and accepted the Mayor's Award of Excellence. Troy thanked his family and friends for all their support.

Jon Camp, Council Member, inquired about Mr. Hassebroek's past experiences with the younger generation.

Troy Hassebroek stated his mother works with special needs kids and his desire to help kids started early on. As a freshman in college Troy worked with Camp Kindle, which help kids infected with aids. Following that, he became a teacher. Troy continued to make hospital visits, reading to kids, and when available Troy did a lot of school is cool tours.

Tim Linke, Fire and Rescue, came forward and stated over the short time that Troy has been a Firefighter he has made a huge impact, and is extremely proud of his efforts.

Rick Campos, Fire and Rescue, came forward and shared the day at Huntington Elementary Troy was great with the kids. Troy is a great asset to the community, and the Fire Department is appreciative of all he has done.

**PUBLIC HEARING**

APPOINTING KENDALL WEYERS TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 14, 2019 - Kendall Weyers, 2443 S. 19th, applicant, came forward and requested approval.

This matter was taken under advisement.

APPOINTING SHANNON ROWEN TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2021 - Shannon Rowen, 5933 S. 81st Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING  
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APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 220 FEET BY 220 FEET AT PIONEERS PARK NATURE CENTER AT 3201 SOUTH CODDINGTON AVENUE ON AUGUST 27, 2016 FROM 3:00 P.M. TO 8:00 P.M. - James Mumgaard, 8528 Park Drive, Omaha, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF D & S OPERATIONS DBA CIGARZ LOUNGE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 130 FEET BY 20 FEET AND 100 FEET BY 200 FEET AT CIGARZ LOUNGE/YOWIES STREET/Q STREET AT 800 Q STREET ON AUGUST 27 & 28, 2016 FROM 10:00 A.M. TO 2:00 A.M.;

APPLICATION OF TP LINCOLN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 200 FEET BY 50 FEET AT YOWIES LODGE AT 800 Q STREET ON AUGUST 27 & 28, 2016 FROM 10:00 A.M. TO 2:00 A.M. - Sandy McCorkindale, Owner and General Manager of Cigarz Lounge, came forward and stated they were planning an outdoor event and found out their neighbors, Yowies Lodge, were also requesting an outdoor event for the same day and they decided to plan the event together, but request an SDL under their own separate liquor license.

Carl Eskridge, Council Member, inquired about the times on the applications.

Ms. McCorkindale confirmed it is an all day event and the gates will open at 9:00 a.m. The cigar event starts around 2:00 p.m. into the early evening, and Yowies has a band and several other events that will go longer throughout the night. Cigarz Lounge and Yowies are sharing the alley and the street for one combined event, but have their own separate events going on within the big event.

Jon Camp, Council Member, asked if this event would close down Q Street.

Ms. McCorkindale confirmed this event would close the west half of Q Street, from the parking garage to 8th.

Mr. Camp asked if there has been discussion on how to access the Haymarket.

Ms. McCorkindale stated there have been no discussion on alternate routes to access the Haymarket.

Kyle Fessler, 3126 Shirley Court, Yowies General Manager, came forward and shared they are joining events with Cigarz Lounge. Cigarz Lounge will be serving cans, and Yowies will be serving pints and labeled cups to be able to differentiate who is serving alcohol. After having discussions with Investigator Schafer, there is enough room for vehicles to turn around once they realize the street is blocked off. Park & Go will still be open and accessible. The sidewalk will not be closed down, and the street closure will end where the sidewalk begins. The Zombie Walk will also take place that day. To prevent underage alcohol being served, Yowies thought to remove their gate and collapse the human foosball, put up caution tape so people are able to walk through the event, but not enter the event. When the walk is complete they would close the area back up.

Mr. Camp inquired about the time frames and interfering with the Farmers Market that is also held the same day and already has street closures.

Mr. Fessler confirmed it would conflict with the same time as the Farmers Market.

Mr. Camp asked how would an individual access the Post Office.

Ashley Studzman, 847 N. 30th, came forward and stated they can access the Post Office from the front and the back by using the Salt Creek passway that will remain open. There is also an option to take Pinnacle Bank and go back up R Street.

Mr. Camp suggested using signage to help with traffic flow and talking to the Post Office. Discussion followed.

Tonya Peters, Assistant City Attorney, came forward and stated there are a number of issues with the two applications that need to be sorted out. The maps provided are not consistent, which makes it unclear what will be closed off, how long it will be closed off, and even if they can be closed off. There will be an emergency special event meeting to try and sort some issues out. Assuming that issue can get sorted out, the issue remaining will be if two SDL's can be issued for one area. The area being discussed is different than the Entertainment District, where dual licenses are allowed to be layered on top of each other. In the past the Liquor Commission has not allowed that, but that changed with the addition of the Vineyard Licenses that have come into play and there is more leeway allowed than what is given to the average retail license. Assuming the license can be layered, the further issue is whether they can enter their business with each others liquor, which is something that is allowed in the Entertainment District, but not allowed with retail establishments. If everything is legal, it will be up to Council to decide if they want to start allowing multiple liquor licensing to share the same space on a City street.

Jane Raybould, Council Member, asked how is it allowed at a vineyard with multiple companies serving alcohol.

Ms. Peters confirmed at a vineyard, the breweries are more like the vineyard and they are limited on what is allowed. It is possible that the Liquor Commission has decided to apply those standards to retail licenses that are at the Vineyard. There is nothing in State Statute or in the Liquor regulations that allow that. SDL's are ultimately up to the City Council, not the Liquor Commission.

Mr. Eskridge asked if there was any confusion with the caution tape and the Zombie walk walking through the area.

Ms. Peters stated the Zombie Walk has already gone through the Special Event Process, and it is the understanding that the sidewalks would remain open, but the second map did provide the same information as the SDL, so it is unclear if the sidewalks are included or if the sidewalks are not included. Normally, another event would not cross through this SDL because of the wristbands and responsibility for those spaces.

Leirion Gaylor Baird, Council Chair, commented on the two events coming together as one event would limit the number of times the street would be blocked off.

Ms. Peters stated there could be a way to block off the two events as this has been done in the past. It comes down to how things will be regulated and who will be responsible for the liquor violations. The applications can become difficult with two businesses that could potentially have separate interests. The SDL's could be split, where one business has an SDL for a certain period of time then the other SDL has the remainder of the time. This would also help with the both businesses splitting the street closure costs. Or one business could provide the liquor and the other could provide cigarz.

Ms. Gaylor Baird asked if Council could be provided with information on how other cities handle this type of situation.

Ms. Peters stated she could look into this information, but it also would depend on other cities having different liquor laws. It can be looked into to see if a license has been approved other than a Vineyard or Brewery, which is typically different because it is for tasting to promote a product, not for a large consumption.

This matter was taken under advisement.

APPLICATION OF DOWN THE HATCH, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 30 FEET BY 80 FEET AT 5601 NORTHWEST 1<sup>ST</sup> STREET ON AUGUST 27, 2016 FROM NOON TO 8:00 P.M. - Lindsay Kroger, 11901 N. 79th Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF TOP HAT TAVERN, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 59 FEET AT 736 WEST CORNHUSKER HIGHWAY ON AUGUST 27, 2016 FROM 6:00 P.M. TO 1:00 A.M. - Rachel Rice-Mattson, 736 W. Cornhusker, applicant, came forward and requested approval.

Tonya Peters, Assistant City Attorney, came forward and stated she received an email from Building and Safety stating they still have some concerns regarding the site map for this location, the number of parking spots available, and the setback with the beer garden. A new map was provided and it does not identify the number of parking stalls or the distance from the beer garden to a residential neighborhood.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND AMALGAMATED TRANSIT UNION (ATU) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018 - Doug McDaniel, Human Resources, came forward and stated this contract is a 2 year agreement with some language changes in the seniority article. This will help the management staff control the overtime expenses related to temporary supervisors. The first year of the Agreement are for wages to have a 2.5% adjustment, and the second year will be for 2.25% adjustment to wages. There has also been a longevity payment included. A new health insurance design has also been put into place, moving them off an older more costly design and into a new cost shifted design.

Jon Camp, Council Member, inquired about the number of employees in each longevity group and the costs for the health plans.

Mr. McDaniel confirmed the longevity bands are for 10 years with 15 employees, 15 years with 10 employees, 20 years with 7 employees, 25 years with 3 employees, and 30 years with 9 employees. The health costs for 2016 rates are not calculated, so the 2015 rates that are in effect now for a single employee is \$53.27 per month, and the City share is \$612.63 per month. For a family the employee share is \$293.64 per month, and the City share is \$1,663.00 per month. The single percentage is 92% City and 8% employee. The family percentage is 85% City and 15% employee.

Deb Andrews, 1235 A Street, came forward in opposition.

This matter was taken under advisement.

ADOPTING A COMPREHENSIVE OPEN DATA INITIATIVE FOR TIMELY AND CONSISTENT PUBLICATION OF PUBLIC INFORMATION THAT FOSTERS ACCESSIBILITY, ACCOUNTABILITY, TRANSPARENCY, AND INNOVATION - Rick Hoppe, Mayor Chief of Staff, came forward and advised this request came from Council Member, Trent Fellers, and Council Chair, Leirion Gaylor Baird.

Trent Fellers, Council Member, stated this request is to try and make City data more accessible. Several months ago Mr. Fellers wrote a resolution and presented it the City Law Department. Jeff Kirkpatrick, City Attorney, advised Mr. Fellers that Ms. Gaylor Baird was working on the same project. Following that, Mr. Fellers and Ms. Gaylor Baird have had numerous discussions and meetings to work on the language of the resolution. What Works Cities have been in past conversations to see what is best for the

City. This is the next generation of government transparency, one that can make City data accessible so everyone can utilize it. Hopefully, this is something that can solve City problems in the future, and maybe there would be an entrepreneur who will see this, and be able to create something that can be useful to the City, and can be marketed to government or citizens. This could put Lincoln ahead of the game with a lot of other Cities, such as, Seattle, Kansas City, Houston, and Washington D.C.

Mr. Hoppe shared that the government collects a lot of data on a lot of subjects, primarily for compliance. If a pet is required to be licensed in the community to protect the health and safety of everyone, that is collected by a data set to determine who is complying and who is not in compliance. There are a lot of other uses for data. Open data is data that is made publicly accessible for individuals in the community. Open data is important to create transparency around City policy formation, improve service delivery, foster innovation, solve problems, and support entrepreneurship. Boston had been collecting hazard data and provided the information to the Fire Department to be able to combine with their data to help Firefighters and Dispatchers understand what could be a challenge to a Firefighter while responding to an emergency. This helps increase the safety of the people involved and led to properties that were better salvaged while moving forward. Applications on smart phones are a key to economic growth and job creation. A successful example in Finland is smart phone applications that help blind individuals navigate cities. The application developer used Helsinki region's data on public transport and services, location data from the social networking application Foursquare as well as mapping tools and GPS and artificial voice capabilities of new smart phones and assisted individuals to get around in an unfamiliar City. This is an example of the public and private sector working together to make things better for their citizens and encouraging job growth. There are a number of the things in the Open Data Policy: standardize data formats, develop a process for the release of data, and develop a portal for public access to data. There are some City departments in Lincoln that have already begun to utilize an open data to some degree. The Planning Department has the Geographic Information System that provides information on properties, such as flood plain areas, zoning information, and other information that helps an individual assess the value of a property. The Health Department keeps a health data evaluation that provides information on dog licensing, sexually transmitted diseases, and flu updates. The Police Department provides information about arrests and types of crimes committed in various parts of the City. The Open Data policy will allow for better data collection methods, and will also put in an understandable format for the public. This project will be attempted with existing staff and existing resources. The Open Data Governance Committee will examine the inventory and decide what portals are appropriate for public release, which ones need more work, or which ones are not allowed access because of security reasons, safety, or privacy concerns.

David Young, Public Works, came forward in support. Public Works would like to feed real time data from the Green Light Lincoln Program and real time StarTran information into Google Maps and Apple Maps.

Jon Camp, Council Member, asked what the financial impact of this project would be on the current budget.

Mr. Fellers stated as of now it is unknown what the fiscal impact could be with the project. That is why the intent of this project is to start out slow, and the language in the resolution does state "where financially feasible." The first step would be to make the current accessible data available in one portal. The next step is to prioritize data sets to see which ones can be made public. Discussion followed.

Leirion Gaylor Baird, Council Chair, stated this is an attempt with the existing resources and there is no increase in the budget related to the open data initiative but will take some staff hours. Throughout the first year that the Governance Committee meets, they can examine the different strategies and how far Lincoln wants to go with this. There is a provision in the resolution that states it has to come back to the Mayor and City Council by July 1, 2017.

Mr. Fellers shared this was intended as a resolution instead of an ordinance so it is a looser frame work to try and figure things out throughout the process.

Jane Raybould, Council Member, asked if this resolution allows the City to work with What Works Organization to get the guidelines and direction as our departments move forward on their data collection and data assembly.

Ms. Gaylor Baird stated this is not in place to be required to work with What Works but it opens the door for consulting and support with What Works throughout the process. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE PAY RANGE SCHEDULES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2016;

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE PAY RANGE SCHEDULES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 11, 2016;

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO ADD LANGUAGE FOR THE NEW UNREPRESENTED "W" GROUP;

ORDINANCE CREATING A PAY PLAN FOR EMPLOYEES IN A PAY RANGE PREFIXED BY "W"

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "W" TO DELETE THE CLASSIFICATIONS OF "EMPLOYMENT MANAGER", "PUBLIC UTILITIES ADMINISTRATOR", "PUBLIC UTILITIES COORDINATOR", "ANTELOPE VALLEY PROJECT MANAGER", "TRAFFIC ENGINEER", AND "ASSISTANT PLANNING DIRECTOR" - Doug McDaniel, Human Resources, came forward and stated they are recommending a 2.5% adjustment to the "X" pay plan for excluded individuals

in the clerical ranks, which consist of about 18 individuals. The costs for this adjustment will be \$28,950.00. The amendment to the "E" pay plan is also for excluded employees, which include 18 individuals and it is being recommended for a 2.5% adjustment for the costs of \$38,160.00. Amending chapter 2.76 of the Lincoln Municipal Code to allow a pay group labeled as the "W" group. This group is currently mixed in with the "M" pay plan and are currently unrepresented. They have never been removed from the "M" group, which is represented by LMCEA. By default these individuals get the same pay increases that are negotiated for LMCEA. After the new "W" group is created, a pay plan has to be created for them and they are recommending a 2.5% adjustment to the "W" pay plan, which will have 42 individuals, with an estimated costs of \$118,000.00. Removing the job titles in the "W" pay plan is for clean up purposes only. These are vacant positions and are not being utilized.

Jane Raybould, Council Member, inquired about an estimated costs for the "W" pay group, if the group is just now being created and the employees are already existing employees.

Mr. McDanieal confirmed this is the annual increase for those employees, just as it was requested for the increase to the "X" and "E" associates.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING JANE RAYBOULD TO THE PUBLIC BUILDING COMMISSION FOR A TERM EXPIRING AUGUST 1, 2020 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89920 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jane Raybould to the Public Building Commission, for a term expiring August 1, 2020, is hereby approved.

Introduced by Cyndi Lamm

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

REAPPOINTING MARY SWEENEY TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 14, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89921 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mary Sweeney to the Community Forestry Advisory Board, for a term expiring August 14, 2019, is hereby approved.

Introduced by Cyndi Lamm

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

APPOINTING KENDALL WEYERS TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 14, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89922 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kendall Weyers to the Community Forestry Advisory Board, for a term expiring August 14, 2019, is hereby approved.

Introduced by Cyndi Lamm

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

REAPPOINTING CRAIG GIES AND DAVID L. JOHNSON TO THE BUILDING CODE BOARD OF APPEALS FOR TERMS EXPIRING APRIL 1, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89923 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Craig Gies and David L. Johnson to the Building Code Board of Appeals, for terms expiring April 1, 2019, are hereby approved.

Introduced by Cyndi Lamm

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

**REGULAR MEETING  
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REAPPOINTING JANET GOODMAN BANKS AND JASON HELLBUSCH TO THE STAR TRAN ADVISORY BOARD FOR TERMS EXPIRING OCTOBER 20, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89924 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Janet Goodman Banks and Jason Hellbusch to the Star Tran Advisory Board, for terms expiring October 20, 2019, are hereby approved.

Introduced by Cyndi Lamm

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

APPOINTING SHANNON ROWEN TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2021 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89925 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Shannon Rowen to the City Personnel Board, for a term expiring June 22, 2021, is hereby approved.

Introduced by Cyndi Lamm

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

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

A-89926 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 Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF JUNE, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF JULY, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518C)**

**PETITIONS & COMMUNICATIONS**

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16037 TO USE PERMIT #05006, GRAINGER HEIGHTS USE PERMIT, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 2, 2016, TO ADJUST THE LOT DIMENSIONS AND ADD THREE ADDITIONAL LOTS, GENERALLY LOCATED AT S. 40<sup>TH</sup> STREET AND GRAINGER PARKWAY.

ADMINISTRATIVE AMENDMENT NO. 16040 TO CHANGE OF ZONE #15016, WILDERNESS CREEK PUD, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 3, 2016, TO REVISE THE LOCATION OF THE COMMON ACCESS EASEMENT ALONG THE SOUTH LOT LINE OF LOTS 1 AND 2, BLOCK 1, PROVIDE A SITE PLAN FOR LOT 1, BLOCK 4, MODIFY THE BOUNDARY OF OUTLOT A, AND MODIFY INTERIOR SETBACKS, GENERALLY LOCATED AT S. 40<sup>TH</sup> STREET AND YANKEE HILL ROAD.

ADMINISTRATIVE AMENDMENT NO. 16053 TO SPECIAL PERMIT #16007, GARAGE REBUILD, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 3, 2016, TO INCREASE THE DEPTH OF THE PROPOSED GARAGE FROM 21'2" TO 24'0", AT 1821 S. 13<sup>TH</sup> STREET, GENERALLY LOCATED AT S. 13<sup>TH</sup> STREET AND ROSE STREET.

ADMINISTRATIVE AMENDMENT NO. 16054 TO CHANGE OF ZONE #08066, ANTELOPE VILLAGE PUD, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 8, 2016, TO ADJUST THE SIDE YARD SETBACK ON TWO LOTS AND TO ADD A NOTE THAT BUILDINGS SHALL NOT BE ALLOWED IN OUTLOT A AND THAT LOT LINES SHALL NOT BE RECONFIGURED ANY CLOSER TO ANY STRUCTURE WITHIN THE DEVELOPMENT; ALL IN ANTELOPE SQUARE ADDITION, GENERALLY LOCATED AT N. 22<sup>ND</sup> STREET AND Q STREET.

LIQUOR RESOLUTIONS

APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 220 FEET BY 220 FEET AT PIONEERS PARK NATURE CENTER AT 3201 SOUTH CODDINGTON AVENUE ON AUGUST 27, 2016 FROM 3:00 P.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89927 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 Brewsky's Food & Spirits Haymarket, Inc. for a special designated license to cover an outdoor area measuring approximately 220 feet by 220 feet at Pioneers Park Nature Center at 3201 South Coddington Avenue, Lincoln, Nebraska, on August 27, 2016, between the hours of 3:00 p.m. and 8:00 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 Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF GNS CORP DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 165 FEET BY 55 FEET AT LINCOLN RACQUET CLUB AT 5300 OLD CHENEY ROAD ON AUGUST 26, 2016 FROM 10:00 A.M. TO 2:00 A.M. - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action to 08/22/16.

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

APPLICATION OF D & S OPERATIONS DBA CIGARZ LOUNGE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 130 FEET BY 20 FEET AND 100 FEET BY 200 FEET AT CIGARZ LOUNGE/YOWIES STREET/Q STREET AT 800 Q STREET ON AUGUST 27 & 28, 2016 FROM 10:00 A.M. TO 2:00 A.M. - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action to 08/22/16.

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

APPLICATION OF TP LINCOLN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 200 FEET BY 50 FEET AT YOWIES LODGE AT 800 Q STREET ON AUGUST 27 & 28, 2016 FROM 10:00 A.M. TO 2:00 A.M. - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action to 08/22/16.

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

APPLICATION OF DOWN THE HATCH, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 30 FEET BY 80 FEET AT 5601 NORTHWEST 1<sup>ST</sup> STREET ON AUGUST 27, 2016 FROM NOON TO 8:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89928 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 Down the Hatch, Inc. for a special designated license to cover an outdoor area measuring approximately 30 feet by 80 feet at 5601 Northwest 1st Street, Lincoln, Nebraska, on August 27, 2016, between the hours of noon and 8:00 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 Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF TOP HAT TAVERN, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 59 FEET AT 736 WEST CORNHUSKER HIGHWAY ON AUGUST 27, 2016 FROM 6:00 P.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action to 08/22/16.

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

### PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16-31, 2016 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved it adoption:

A-89929 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 August 1, 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:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

Chris Franson & Katrina Ommert \$992.10

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: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND AMALGAMATED TRANSIT UNION (ATU) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018 - CLERK read the following resolution, introduced by Carl Eskridge, who moved it adoption:

A-89930 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union (ATU) to be effective August 11, 2016 through August 31, 2018.

Introduced by Carl Eskridge

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

ADOPTING A COMPREHENSIVE OPEN DATA INITIATIVE FOR TIMELY AND CONSISTENT PUBLICATION OF PUBLIC INFORMATION THAT FOSTERS ACCESSIBILITY, ACCOUNTABILITY, TRANSPARENCY, AND INNOVATION - CLERK read the following resolution, introduced by Leirion Gaylor Baird, and Trent Fellers, who moved it adoption:

A-89931 A RESOLUTION regarding the City's commitment to adopt a comprehensive Open Data Initiative that shall be applied to as much City departmental data as is practical.

WHEREAS, the City of Lincoln is committed to using technology to foster open, transparent, and accessible government; and

WHEREAS, the purpose of the Open Data Initiative is to remove barriers and set the rules by which City of Lincoln data is made available to the public as valuable, machine-readable datasets.

WHEREAS, by sharing data freely, the City of Lincoln seeks to develop opportunities for economic development and increased civic engagement for citizens of Lincoln and Lancaster County; and

WHEREAS, publishing structured, standardized data in machine-readable formats creates opportunities for information from different sources to be combined and visualized in new and unexpected ways, for niche markets to be identified and developed, and for citizens to browse, interpret, and draw attention to trends or issues with greater efficiency; and

WHEREAS, Lincoln is a leader in the growth of the Silicon Prairie with new businesses and professionals located in and around Lincoln; and

WHEREAS, the City of Lincoln seeks to encourage the local community to develop applications and tools to collect, organize, and share public data in new and innovative ways; and

WHEREAS, software applications and tools that enable citizens to access, visualize, and analyze public information will promote greater civic engagement and encourage citizens to provide feedback on local issues; and

WHEREAS, the protection of privacy, confidentiality, and security must be maintained as a paramount priority; and

WHEREAS, a City Open Data Initiative will support and encourage the development of Open Source software curricula in Lincoln area educational institutions and foster a "Culture of Openness" that will increase the momentum behind Lincoln's efforts for the foreseeable future; and

WHEREAS, the adoption of an Open Data Initiative improves transparency, access to public information, and improved coordination and efficiencies among agencies and partner organizations across the public, non-profit, and private sectors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the City of Lincoln will, to the extent practical and financially feasible:

- 1) Share pro-actively its open and accessible departmental datasets while taking into consideration any existing data policies and adhering to rights of privacy, security, and confidentiality as identified by federal, state, and local privacy laws.
- 2) Publish datasets in a central location via Lincoln.ne.gov or any successor site allowing for public development of digital applications that may improve governmental transparency and public participation, enhance access to City services, and, ultimately, strengthen democracy and contribute to a more liveable city.
- 3) Post on the City website procedures, supported file formats, glossary, and other dataset context information to promote responsible use of City information.
- 4) Identify appropriate City Representatives who shall comprise an Open Data Governance Committee of City representatives and, to the extent practical and financially feasible:
  - A. Encourage city departments to collaborate and to oversee execution and implementation of the Open Data Initiative;
  - B. Identify existing and potential datasets for release as part of the Open Data Initiative and work periodically with Information Services and City departments to plan and develop of new datasets, review existing datasets, set Open Data Initiative priorities, prioritize data releases, recommend appropriate citation forms; maintain descriptors that define the published data; publish datasets; and release datasets online to the public where data/information in hard copy (printed reports, posters, brochures, etc.) or soft copy (PDF, web content, etc.) has already been released to the public, including any available public feed;
  - C. Plan, implement, update, and identify metrics and measures of current datasets when planning the creation of new datasets/databases or scheduling technology enhancements;
  - D. Appropriately safeguard sensitive information;
  - E. Incorporate public perspectives into policy implementation through channels such as the Taking Charge survey or an online Open Data survey portal;
  - F. Shall annually submit on or before July 1 of each year an Open Data Initiative progress report with accompanying recommendations to the Mayor and City Council.
  - G. Ensure information at the City is managed in ways that assist in creating a culture of Open Government and information sharing by providing open data governance and oversight;
  - H. Provide support to develop awareness and training programs to help City staff incorporate Open Data practices into their business planning processes;
  - I. Promote information transparency and accountability to build trust and confidence in government and foster Open Government leadership in recognition of the evolving democratic process.
- 5) The following principles shall be used to manage the City's datasets:
  - A. Completeness: Released datasets will be as complete as possible while complying with legal obligations regarding the release of personal information, proprietary, or other confidential information.
  - B. Primacy: Datasets will be the primary source data with data collection methods documented and published.
  - C. Timeliness: Datasets will be available to the public in a timely fashion to maintain the business value of the data. To the extent practical and financially feasible, data should be made available as close as possible to the time that it is collected. It is not enough to mandate the one-time release of a data set, because it becomes incomplete as soon as additional data is created but not published. In order to ensure that published information is as accurate and useful as possible, specific requirements regarding data timeliness should be put in place by the Open Data Governance Committee.
  - D. Accessibility: Datasets will be as accessible as possible, with accessibility defined as the ease with which information can be obtained.
  - E. Machine-Readable: Datasets will be machine readable so that the public can create applications that can use the data for new services, research, or analysis.
  - F. Non-discrimination: Datasets will be available to anyone, with no requirement for registration.

- G. Permission shall be granted without charge or license to any person obtaining City data and associated documentation files to use, copy, merge, publish, distribute, sublicense, and sell copies of the data subject only to city copyright restrictions.
- H. Long Term Access to Data: Datasets made available online should remain online, with appropriate version-tracking and archiving over time where applicable and available.
- 6) Definitions
- A. Dataset: A collection of machine-readable, raw, non-manipulated data usually presented in tabular form with associated metadata.
- B. Enterprise Information Management: A set of business processes, disciplines, and practices used to manage the information created from an organization's data.
- C. Machine-readable Data: Data that, in order to be understood, must be translated by a computer or other type of equipment. Portable document format (PDF) is not machine-readable.
- D. Open Data: Data that can be freely used, reused, and redistributed by anyone - subject only, at most, to the requirement to attribute and share.
- E. Open Government: A policy of promoting transparency, accountability, and accessibility of good governance which fosters a culture of collaboration and improved service delivery to the public.
- F. Primary Source Data: Original information created or collected by the City, details on how the data was created or collected, and the original source documents recording the creation or collection of the data.
- G. Raw Dataset: A structured file format (including geospatial formats) that can be read by a machine, such as spreadsheets, comma delimited Extensible Markup Language (XML), Comma Separated Values File (CSV), or JavaScript Object Notation (JSON). A raw dataset is not a report, a flyer, web applications, a PDF document, or anything that cannot be exported or used by a machine.

Introduced by Leirion Gaylor Baird & Trent Fellers

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

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE PAY RANGE SCHEDULES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2016 - CLERK read an ordinance, introduced by Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X", and repealing Ordinance No. 20224, passed by the City Council on August 10, 2015, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE PAY RANGE SCHEDULES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 11, 2016 - CLERK read an ordinance, introduced by Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E", and repealing Ordinance No. 20225, passed by the City Council on August 10, 2015, the second time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO ADD LANGUAGE FOR THE NEW UNREPRESENTED "W" GROUP - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.76 of the Lincoln Municipal Code relating to Personnel System by amending Sections 2.76.040, 2.76.130, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.370, 2.76.380, 2.76.385, 2.76.395, and 2.76.450 and repealing Sections 2.76.040, 2.76.130, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.370, 2.76.380, 2.76.385, 2.76.395, and 2.76.450 as hitherto existing, the second time.

ORDINANCE CREATING A PAY PLAN FOR EMPLOYEES IN A PAY RANGE PREFIXED BY "W" - CLERK read an ordinance, introduced by Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "W", in accordance with Section 2.76.120 of the Lincoln Municipal Code, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "W" TO DELETE THE CLASSIFICATIONS OF "EMPLOYMENT MANAGER", "PUBLIC UTILITIES ADMINISTRATOR", "PUBLIC UTILITIES COORDINATOR", "ANTELOPE VALLEY PROJECT MANAGER", "TRAFFIC ENGINEER", AND "ASSISTANT PLANNING DIRECTOR" - CLERK read an ordinance, introduced by

Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by the letter "W", by deleting the job classification of "Employment Manager", "Public Utilities Administrator", "Public Utilities Coordinator", "Antelope Valley Project Manager", "Traffic Engineer", and "Assistant Planning Director", the second time.

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, THE PARKS & RECREATION DEPARTMENT, AND THE URBAN DEVELOPMENT DEPARTMENT - CLERK read an ordinance, introduced by Trent Fellers, an ordinance eliminating certain appropriations and approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Fund, Wastewater Fund, Street Construction Fund, and Solid Waste Fund for the Public Works & Utilities Department; within the General Revenue Fund for the City Libraries Department; within the Athletic Fee Fund for the Parks & Recreation Department; and within the Parking Facility Bond Series 2010B/2011 Fund and Parking Facilities Construction Fund for the Urban Development Department, the third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered #20365, is recorded in Ordinance Book 31.

AMENDING SECTION 8.32.150 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE OCCUPATION TAX FROM \$11.00 PER TON TO \$12.00 PER TON, EFFECTIVE JANUARY 1, 2017 AND TO INCREASE THE OCCUPATION TAX FROM \$12.00 PER TON TO \$13.00 PER TON, EFFECTIVE JANUARY 1, 2018 - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending section 8.32.150 of the Lincoln Municipal Code relating to the occupation tax imposed on refuse haulers to increase said occupation tax, effective January 1, 2017 from \$11.00 to \$12.00 per ton, and effective January 1, 2018, from \$12.00 to \$13.00 per ton; and repealing Section 8.32.150 of the Lincoln Municipal Code as hitherto existing, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Eskridge, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Fellers, Lamm.

The ordinance, having **LOST**, was assigned File #38-4670 & was placed on file in the Office of the City Clerk.

**RECONSIDERATION - ORDINANCE -20359**

STREET & ALLEY VACATION 16003 - VACATING A PORTION OF THE WEST ONE-HALF OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY SOUTH OF THE INTERSECTION WITH ANDERMATT DRIVE - PRIOR to reading:

RAYBOULD Moved to Amend Bill No. 16-73 as follows:

On page 1, line 15, add the following language between "LLC" and the period at the end of the sentence:

"Subject to the City of Lincoln reserving a permanent easement over the entire width and length of the vacated right-of-way for an existing 48-inch water main in South 98<sup>th</sup> Street.

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

CLERK Read and ordinance, introduced by Jane Raybould, creating Re-Paving District No. 159, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

RAYBOULD Moved to re-pass the ordinance as amended.

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

The ordinance, being numbered #20359, is recorded in Ordinance Book 31.

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

APPROVING AMENDMENT NO. 2 FOR A THREE YEAR EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN WATER SYSTEM AND THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WHICH ALLOWS PRIVATE DEVELOPERS AND LINCOLN WATER SYSTEM TO CONTINUE CONSTRUCTING NEW AND REPLACEMENT DISTRIBUTION WATER MAINS IN ACCORDANCE TO APPROVED STANDARDS.

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

CHANGE OF ZONE 16021 – APPLICATION OF BENNY AND CONNIE DAHLBERG FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3255 SOUTH 10<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jane Raybould, an ordinance 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.

TEXT AMENDMENT 16007 – AMENDING SECTIONS 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.060, 27.06.090, AND 27.06.170; CHAPTER 27.28; SECTIONS 27.28.020, 27.60.060, 27.61.090, 27.62.030, 27.62.040, 27.63.430, 27.63.590, 27.65.020, 27.65.060, 27.65.075, 27.67.030, AND 27.67.040; FIGURES 27.67.020 AND 27.67.040; SECTIONS 27.69.035, 27.72.080, AND 27.72.190, ADDING A NEW SECTION 27.63.065, AND REPEALING SECTIONS 21.52.010, 27.63.430, AND 27.63.590 OF THE LINCOLN MUNICIPAL CODE, TO AMEND DEFINITIONS, PARKING REGULATIONS, HEIGHT AND LOT REGULATIONS, AND SPECIAL PERMIT REGULATIONS FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING UNCLEAR TERMS AND CONCEPTS, STREAMLINING APPROVAL PROCESSES FOR CITY STAFF AND THE PUBLIC, AND ELIMINATING BURDENSOME REQUIREMENTS - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending Title 21 of the Lincoln Municipal Code relating to Housing by repealing Section 21.52.010 to eliminate an obsolete provision prohibiting housing in a frame or veneer building above the second story; amending Title 27 of the Lincoln Municipal Code (“Zoning Code”) by amending Section 27.02.030 defining terms beginning with the letter B to remove the definition of Boarding House and to revise the definition of Buildings, Height of; by amending Section 27.02.040 defining terms beginning with the letter C to revise the definitions of Campsite and Clubs and to add a definition for Church; by amending Section 27.02.080 defining terms beginning with the letter G to revise the definitions of Garden Center, Grade and Greenhouses; by amending Section 27.02.090 defining terms beginning with the letter H to revise the definition of Health Care Facility, Residential; by amending Section 27.02.140 defining terms beginning with the letter M to revise the definition of Mini-warehouse; by amending Section 27.02.160 defining terms beginning with the letter O to revise the definitions of Outdoor Dining; by amending Section 27.02.170 defining terms beginning with the letter P to add definition of Place of Religious Assembly; by amending Section 27.02.220 defining terms beginning with the letter U to revise the definition of Urban Garden; by amending Section 27.06.060 to remove Greenhouses from the Agriculture Use Group; by amending Section 27.06.090 to delete Broadcast Stations as a special permitted use in the AG District and to re-designate Broadcast Stations as a permitted use rather than permitted special use in the H-4 District under the Utilities Use Group; by amending Section 27.06.170 to eliminate Temporary Storage of Construction Equipment and Materials as a common use type within the Heavy Commercial Services Use Group Table; by amending Chapter 27.28 to add an introductory statement at the beginning of the R-T District to state that the R-T zoning district is envisioned as a transition area consisting primarily of office and other types of small scale commercial uses in close proximity to residential use; by amending Section 27.28.020 to clarify that the R-T zoning district is a commercial district; by amending Section 27.60.060 to allow the Planning Director to approve an amendment to a Planned Unit Development District granting a height increase up to five feet for single-family or two-family dwellings; by amending Section 27.61.090 to automatically adjust the setback when the City obtains property for right-of-way and to automatically adjust the maximum building height for existing buildings built prior to the adoption of this ordinance to reflect their existing height under the new definition when the revised definitions of building, height of and grade cause the building to exceed the applicable district maximum height allowed; by amending Section 27.62.030 to remove Greenhouses as a conditional use type under the Agriculture Use Group and to modify the districts Urban Gardens are allowed in as a conditional use; by amending Section 27.62.040 to delete the note providing that if the dwellings do not qualify as a conditional use the dwelling use may be allowed by special permit; by adding a new section 27.63.065 to allow by special permit more than one platted lot or irregular tract under common ownership or under combined ownership of the Permittees under a special permit, separated by a street to be used as a single premises provided at least 50 percent of the street frontage of the platted lots or irregular tracts on each side of the street are directly opposite of each other; by repealing Sections 27.63.430 and 27.63.590 to eliminate Greenhouses and Temporary Storage of Construction Equipment and Material as special permitted uses; by amending Section 27.65.020 to clarify that in a Community Unit Plan the allowed dwelling unit bonuses shall not exceed a cumulative total of twenty percent; by amending Section 27.65.060 to allow the Planning Director to approve an amendment to increase the maximum building height of single and two-family dwellings in a

Community Unit Plan up to 5 feet; by amending Section 27.65.075 to revise provisions for the Acreage Development Component in Community Unit Plans for Build Through Acreages and to adopt a preferred plan for the Acreage Development Component; by amending Section 27.67.030 to add under the general conditions for parking that no parking space is required for outside open use areas; by amending Section 27.67.040 to modify the special parking requirements for mini-warehouses, domestic shelters, restaurants in the B-1 and B-3 Districts, and joint parking in the B-5 District, to eliminate the special parking requirement for doctors' and dentists' offices and to add special parking requirements for guest parking associated with small width lots for two-family or attached single family dwellings under a CUP, PUD or Use Permit; by amending Figure 27.67.020 (Parking Matrix ) to reduce the required parking ratios from 4.5 stalls/1,000 sq. ft. to 1 stall/300 sq. ft. for office, retail and commercial uses in a B-5 District and to clarify that parking for accessory buildings for retail sales is not required to be provided, when the accessory buildings are not fully enclosed; by amending Figure 27.67.040 to delete dentists' offices and doctors' offices and to add accessory buildings for retail and guest parking for single and two-family dwellings as uses with Special Parking Requirements; by amending Section 27.69.035 to provide that the only required setback for off premises signs from residential districts is 150 feet; by amending Section 27.72.080 to modify the existing exception to the Front Yard Requirements requiring a greater front yard setback in all zoning districts except the R-1, O-3, B-2, B-5, H-4, and I-3 districts where 40% or more of the frontage in the same zoning district is developed with two or more main buildings that have a greater frontage and setback than required and to adopt a new exception for the R-1 Zoning District; by amending Sections 27.06.020, 27.06.100, 27.51.060, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.67.040, 27.67.040, 27.69.090, 27.72.110, the introductory statement in Chapters 27.11, 27.13, 27.17, 27.19, 27.21, 27.23, 27.24, and Figure 27.67.040 to change references to Church to Place of Religious Assembly; by amending Section 27.72.190 to provided that the Planning Director may make minor modifications to the maximum height regulations; by amending Section 27.81.030 to delete language referring to illustrations as illustrations are no longer in the Zoning Code; and repealing Sections 21.52.010, 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.020, 27.06.060, 27.06.090, 27.06.100, 27.06.170, 27.28.020, 27.51.060, 27.60.060, 27.62.030, 27.62.040, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.65.020, 27.65.060, 27.65.075, 27.67.030, 27.67.040, 27.69.035, 27.69.090, 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure 27.67.020, and Figure 27.67.040 as hitherto existing, the first time.

TEXT AMENDMENT 16008 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTION 27.020.080 TO REVISE THE DEFINITION OF GARAGE, PRIVATE; BY AMENDING SECTION 27.72.120 TO PROVIDE A MAXIMUM HEIGHT OF 15 FEET FOR ACCESSORY BUILDINGS NOT PART OF A MAIN BUILDING WHICH EXTEND INTO THE REQUIRED SIDE YARD IN THE LISTED ZONING DISTRICTS, AND TO ESTABLISH THE MAXIMUM ALLOWABLE AREA FOR ACCESSORY BUILDINGS ON SINGLE-FAMILY OR 2-FAMILY LOTS OR TRACTS IN THE AG, AGR, AND R-1 TO R-8 ZONING DISTRICTS - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending Title 27 of the Lincoln Municipal Code ("Zoning Code") by amending Section 27.02.080 defining terms beginning with the letter G to revise the definition of Garage, Private; by amending Section 27.72.120 to provide a maximum height of 15 feet for accessory buildings not part of a main building which extend into the required side yard in the listed zoning districts, and to establish the maximum allowable area for accessory buildings on single family or two family lots or tracts in the AG, AGR, and R-1 to R-8 Zoning districts and repealing Sections 27.02.080 and 27.72.120 as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND STEVEN L. CARPER AND GAYLE E. CARPER FOR THE LEASE OF PROPERTY GENERALLY LOCATED AT 139 NORTH 18<sup>TH</sup> STREET FOR A TWO YEAR TERM - CLERK read an ordinance, introduced by Jane Raybould, an ordinance accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Steven L. Carper and Gayle E. Carper for the lease of City owned property generally located at 139 North 18th Street for a two year term (9/1/2016-8/31/2018) with the option to renew for two addition two year terms, the first time.

#### OPEN MICROPHONE

Jane Svobada, 2450 Q Street, came forward and gave numerous statements.  
This matter was taken under advisement.

Clyde Kendall, 406 W. 5th Street, Seward, Executive Director of the Lincoln Indian Center, came forward and requested Lincoln grant Indigenous People Day, a day that honors many Native Americans.  
This matter was taken under advisement.

Jacinda Wilshstabler, 1511 B Street, came forward and read the proposed resolution in support of Indigenous Peoples Day.  
This matter was taken under advisement.

**REGULAR MEETING  
AUGUST 15, 2016  
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Stephanie Prichard-Lobatski, 1701 A Street, came forward in support of Indigenous Peoples Day.  
This matter was taken under advisement.

Frank Bearkiller, 5201 W. Crawl, came forward in support of Indigenous Peoples Day. Mr. Bearkiller stated The Lincoln Indian Center maintained the grounds surrounding the Indian Center. A fence was put up by the City and now the grass is not being maintained. The Indian Center requests the grass be maintained or the fence be taken down to allow the Indian Center access to maintain the grassy area.  
This matter was taken under advisement.

**ADJOURNMENT**

**4:55 P.M.**

CAMP Moved to adjourn the City Council Meeting of August 15, 2016.

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

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist