

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 3, 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 September 26, 2016, reported having done so, found same correct.

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

**A SPECIAL PUBLIC HEARING SHALL BE HELD ON MONDAY, OCTOBER 3, 2016 AT 3 P.M. FOR
SETTING A TAX RATE TO SET THE TAX REQUEST AT AN AMOUNT DIFFERENT THAN THE
PROPERTY TAX REQUEST FOR THE PRIOR YEAR ON THE FOLLOWING RESOLUTION.**

APPROVING THE 2016-2017 CITY TAX RATE OF .33366 PER \$100.00 OF ASSESSED VALUATION -
PRIOR to reading:

CAMP Moved to Withdraw Bill No.16R-217.

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

This resolution, having been WITHDRAWN, was assigned the **File #38-4673** & was placed on file in the Office of the City Clerk.

PUBLIC HEARING

APPLICATION OF KILL SCREEN, INC. DBA VS. ARCADE BAR FOR A CLASS CK LIQUOR LICENSE AT
247 NORTH 8TH STREET;

MANAGER APPLICATION OF JOSHUA J. ROOT FOR KILL SCREEN, INC. DBA VS. ARCADE BAR AT 247
NORTH 8TH STREET - Joshua J. Root, 5658 Harding Drive, applicant, came forward to take the oath and
requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF RUSSELL D. SCOTT FOR NEBRASKA DINING HOLDING, LLC DBA
NOODLES & COMPANY #7102 AT 2801 PINELAKE ROAD, SUITE X; NOODLES & COMPANY
#7103 AT 210 NORTH 14TH STREET; AND NOODLES & COMPANY #7105 AT 5001 O STREET -
Russell Scott, 110 East First Ave., Clarkson, applicant, came forward to take the oath and requested
approval. Discussion followed.

Carl Eskridge, Council Member, asked how operations would be conducted in Lincoln with
businesses in Omaha and Lincoln.

Mr. Scott stated he is in Lincoln 3 days of the week on average and has fully trained general
managers that will be in charge the rest of the time. Discussion followed.

This matter was taken under advisement.

APPLICATION OF COUNTRY VIEW STUDIOS, INC. DBA ART & SOUL TO EXPAND ITS CLASS CK
LIQUOR LICENSE BY THE ADDITION OF A NEW LICENSED AREA DESCRIBED AS AN
IRREGULAR SHAPED SINGLE STORY BUILDING MEASURING APPROXIMATELY 43 FEET BY
110 FEET INCLUDING OUTDOOR AREA MEASURING APPROXIMATELY 78 FEET BY 10 FEET
TO THE EAST AT 5740 HIDCOTE DRIVE, SUITE A - James Slattery, 6341 Countryview Ct, applicant,
came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BOILER BREWING COMPANY, LLC FOR A SPECIAL DESIGNATED LICENSE TO
COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 60 FEET AT GRAND
MANSE AT 129 NORTH 10TH STREET ON OCTOBER 22, 2016 FROM 8:00 A.M. TO 10:00 P.M. -
Thad Aerts, 4611 Eagle Ridge Road and Monte Froehlick, 129 North 10th Street, applicants, came forward
and requested approval.

Mr. Aerts stated this SDL is to have an outdoor event on the north side of the Grand Manse. This
event will be open to the public. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING
OCTOBER 3, 2016
PAGE 852**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1-15, 2016 - Mike Eckert, 5353 Executive Woods Dr., Suite 200, Civil Design Group, representing Joshuas Glen, LLC, came forward and stated this claim is from Building and Safety permits that granted building and footing permits that were not properly located at the correct distance back and had to be torn out and redone. Discussion followed.

Blake Collingsworth, 9435 Hollow Tree Ct., Builder and Developer of Tuscany Townhomes, came forward requesting approval on his claim. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE VICTORY PARK – VA CAMPUS REDEVELOPMENT AGREEMENT (RESOLUTION NO. A-89264, AMENDED BY RESOLUTION NO. A-89435) TO ADJUST DETAILS RELATED TO THE PHASING AND IMPLEMENTATION DATES CONTAINED IN THE REDEVELOPMENT AGREEMENT. (REQUEST TO CONTINUE PUBLIC HEARING TO - David Landis, Urban Development Director, came forward and requested this item be continued with public hearing to October 17. Discussion followed.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2845 DUDLEY STREET, 4514 HILLSIDE STREET, 120 A STREET, 183 MORMON TRAIL, 404 MORMON TRAIL, 3130 POTTER STREET, 2248 SHELDON STREET, 1755 NORTH 30TH STREET, SURFSIDE COURT, 2725 A STREET, 1829 PROSPECT STREET, 3138 DUDLEY STREET, 1834 PROSPECT STREET, 4020 ST. PAUL AVENUE, 3800 WORTHINGTON AVENUE, 1436 E STREET, 1709 NORTH 29TH STREET, 2825 T STREET, 2236 SOUTH 13TH STREET, AND 1317 MEADOW DALE DRIVE - Judy Halstead, Lincoln/Lancaster County Health Director, came forward and stated the Health Department annually comes before Council with an abatement list. This list consists of properties that the Health Department arranged for abatement of Public Health Nuisance with a variety of issues.

Richard Hedrick, 404 Mormon Trail, came forward and stated the Health Department has not taken any items from his property. Mr. Hedrick also complained about the abatement fees and feels that an itemized statement is needed. Discussion followed.

Don McCawley, 3265 Potter Street, came forward and stated when he received the notice he had discussions with his new tenants. It was Mr. McCawley's understanding, that K9 had picked up the items by the side of the house, as was stated by his tenants. Mr. McCawley stated that he was not aware that the Health Department removed items from this property he was told by the tenants that they had called K9 to pick up the items. Discussion followed.

This matter was taken under advisement.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA TO ALLOW FOR THREE BIKE SHARE STATIONS TO BE LOCATED ON UNIVERSITY PROPERTY - David Cary, Planning Director, came forward and stated that this is the final step for the bike share program and is asking for approval. Discussion followed.

This matter was taken under advisement.

CREATING ALLEY RE-PAVING DISTRICT NO. 50 FROM 16TH TO 17TH STREET BETWEEN G AND H STREETS - Susie Filipi, Public Works - Engineering Services, came forward to discuss the alley re-paving district request and is asking for its approval. Public Works has received two requests for repair of this alley and it's re-paving. Today is just to create the alley re-paving district. For this to continue forward we would need to get 50% approval from area owners prior to the re-paving. Discussion followed.

Carl Eskridge, Council Member, inquired if the owners are in favor of this project.

Ms. Filipi stated they have contacted all of the owners in this area and they are all in favor of this project, except for the price but they will have 20 years to pay back their portion. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JANET GOODMAN-BANKS, OLGA R. KANNE, AND COLETTE M. POLITE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR TERMS EXPIRING SEPTEMBER 18, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90007 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Janet Goodman-Banks, Olga R. Kanne, and Colette M. Polite to the Multicultural Advisory Committee, for terms expiring September 18, 2019, are hereby approved.

Introduced by Cyndi Lamm

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

REAPPOINTING DON SCHROEDER AND JEFF HLAVAC TO THE ELECTRICAL ADVISORY & APPEALS BOARD FOR TERMS EXPIRING AUGUST 15, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90008 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Don Schroeder and Jeff Hlavac to the Electrical Advisory & Appeals Board, for terms expiring August 15, 2019, are hereby approved.

Introduced by Cyndi Lamm

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

REAPPOINTING PATRICK FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90009 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patrick Finnegan to the Citizen Police Advisory Board, for a term expiring November 17, 2019, is hereby approved.

Introduced by Cyndi Lamm

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

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND FISHER SCIENTIFIC FOR LABORATORY EQUIPMENT AND SUPPLIES, PURSUANT TO NASPO VALUEPOINT MASTER AGREEMENT MA 160000234-1, STATE OF NEBRASKA CONTRACT NO. 14491 OC, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH MARCH 31, 2019 IN THE AMOUNT OF \$112,500.00 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90010 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Fisher Scientific for Laboratory Equipment and Supplies, pursuant to NASPO ValuePoint Master Agreement MA 160000234-1, State of Nebraska Contract No. 14491 OC, for a term effective upon the City's execution of this contract through March 31, 2019 in the amount of \$112,500.00, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Cyndi Lamm

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

MAYOR'S VETO MESSAGE ON RESOLUTION A-89979 - APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-2)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON SEPTEMBER 19, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2016 AT 3:00 P.M. ON THE APPLICATION OF MESAL ENTERPRISES LLC DBA ON THE GO FOR A CLASS D LIQUOR LICENSE AT 5240 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90011 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Mesal Enterprises LLC dba On the Go for a Class D Liquor License at 5240 South 48th Street.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 24, 2016 AT 5:30 P.M. ON THE APPLICATION OF ACR CORPORATION DBA JAKES CIGARS AND SPIRITS FOR AN ADDITION OF AN AREA APPROX. 25' X 54' MAKING NEW DESCRIPTION READ; MAIN FLOOR AREA APPROX. 62' X 54' AT 101 NORTH 14TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90012 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 24, 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 ACR Corporation dba Jakes

**REGULAR MEETING
OCTOBER 3, 2016
PAGE 854**

Cigars and Spirits for an addition of an area approx. 25' X54' making new description read: Main floor area approx. 62' X 54' at 101 North 14th Street, Suite 1.

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, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF COURTNEY P. RENTFRO FOR CEC ENTERTAINMENT INC. DBA CHUCK E CHEESE #568 AT 221 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90013 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Courtney P. Rentfro for CEC Entertainment Inc. dba Chuck E Cheese #568 at 221 North 66th Street.

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

Introduced by Jane Raybould

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ASHLEY R. LANGENBERG FOR TRIPLE D LLC DBA DINO'S EASTSIDE GRILLE AT 2901 SOUTH 84TH STREET, SUITE 16 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90014 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Ashley R. Langenberg for Triple D LLC dba Dino's Eastside Grille at 2901 South 84th Street, Suite 16.

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, Gaylor Baird, Lamm, Raybould; NAYS: None.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 16023, requested by REGA Engineering Group, Inc., from AG (Agricultural District) to H-3 (Highway Commercial District) on approximately 2.62 acres, more or less, on property generally located at 6625 NW 48th Street.

Change of Zone No. 16029, requested by J.D. Burt, from R-2 (Residential District) to R-T (Residential Transition District) on property generally located at 46th and Orchard Streets.

Change of Zone No. 16030, requested by Costco Wholesale c/o TJ Design Strategies, from AG (Agricultural District) to B-2 (Planned Neighborhood Business District), from AG (Agricultural District) to R-1 (Residential District), and from R-1 (Residential District) to B-2 (Planned Neighborhood Business District), on property generally located on the northeast corner of 14th & Pine Lake Road.

Text Amendment No. 16009, requested by Heather Keele, amending Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Section 27.69.090 to amend the exception allowing the permitted wall sign on the building façade of places of religious assembly, schools and community playhouses to be increased from a maximum of 20 square feet in area to 100 square feet in area if such use is located a minimum of 200 feet from any street frontage and is located in an AG or AGR district to provide that when such use is located a minimum of 100 feet from any street frontage, the permitted wall sign shall be a maximum of 50 square feet in area, and repealing Section 27.69.090 as hitherto existing.

Use Permit No. 16008, requested by Josh Hanshaw, Habitat for Humanity, to allow for the construction of an office in an R-T (Residential Transitional District), on property generally located at 46th and Orchard Streets.

Use Permit No. 16009, requested by Costco Wholesale c/o TJ Design Strategies, to allow up to of 177,000 square feet of new commercial floor area including a retail warehouse and motorized vehicle fuel facility, on property generally located at the northeast corner of South 14th Street and Pine Lake Road.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16060 to Pre-existing Use Permit #16006, Walgreens, approved by the Planning Director on September 20, 2016, for approval of the site plan which includes a note stating that the sale of alcohol for consumption off the premises is allowed, generally located at N. 14th and Superior Streets.

Administrative Amendment No. 16062 to Park Place Estates 5th Addition Final Plat, approved by the Planning Director on September 22, 2016, to accept the Affidavit of Surveyor to correct typographical errors on the Final Plat, generally located at Normal Boulevard and Van Dorn Street.

LIQUOR RESOLUTIONS

APPLICATION OF KILL SCREEN, INC. DBA VS. ARCADE BAR FOR A CLASS CK LIQUOR LICENSE AT 247 NORTH 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90015 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 Country View Studios, Inc. dba Art & Soul to expand its licensed premises by the addition of a new licensed area described as an irregular shaped single story building measuring approximately 43 feet by 110 feet including outdoor area measuring approximately 78 feet by 10 feet to the east, at 5740 Hidcote Drive, Suite A, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOSHUA J. ROOT FOR KILL SCREEN, INC. DBA VS. ARCADE BAR AT 247 NORTH 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90016 WHEREAS, Kill Screen, Inc. dba VS. Arcade Bar located at 247 North 8th Street, Suite 105, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Joshua J. Root be named manager;

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

MANAGER APPLICATION OF RUSSELL D. SCOTT FOR NEBRASKA DINING HOLDING, LLC DBA NOODLES & COMPANY #7102 AT 2801 PINELAKE ROAD, SUITE X; NOODLES & COMPANY #7103 AT 210 NORTH 14TH STREET; AND NOODLES & COMPANY #7105 AT 5001 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90017 WHEREAS, Nebraska Dining Holding, LLC dba Noodles & Company #7102 located at 2801 Pine Lake Road, Suite X; Noodles & Company #7103 located at 210 North 14th Street; and Noodles & Company #7105 located at 5001 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Russell D. Scott be named manager;

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

APPLICATION OF COUNTRY VIEW STUDIOS, INC. DBA ART & SOUL TO EXPAND ITS CLASS CK LIQUOR LICENSE BY THE ADDITION OF A NEW LICENSED AREA DESCRIBED AS AN IRREGULAR SHAPED SINGLE STORY BUILDING MEASURING APPROXIMATELY 43 FEET BY 110 FEET INCLUDING OUTDOOR AREA MEASURING APPROXIMATELY 78 FEET BY 10 FEET TO THE EAST AT 5740 HIDCOTE DRIVE, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90018 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 Country View Studios, Inc. dba Art & Soul to expand its licensed premises by the addition of a new licensed area described as an irregular shaped single story building measuring approximately 43 feet

**REGULAR MEETING
OCTOBER 3, 2016
PAGE 856**

by 110 feet including outdoor area measuring approximately 78 feet by 10 feet to the east, at 5740 Hidcote Drive, Suite A, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that 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, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BOILER BREWING COMPANY, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 60 FEET AT GRAND MANSE AT 129 NORTH 10TH STREET ON OCTOBER 22, 2016 FROM 8:00 A.M. TO 10:00 P.M. -

CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90019 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 Boiler Brewing Company, LLC for a special designated license to cover an outdoor area measuring approximately 27 feet by 60 feet at Grand Manse at 129 North 10th Street, Lincoln, Nebraska, on October 22, 2016, between the hours of 8:00 a.m. and 10:00 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 Fellers & 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 SEPTEMBER 1-15, 2016 - PRIOR to reading:

CHRISTENSEN Moved to Amend Bill 16R-213 in the following manner:

Move Tuscany Townhomes LLC from the DENIED list to ALLOWED list.

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

ESKRIDGE Moved to Amend Bill 16R-213 in the following manner:

One Line 11, the following claim should be removed from the list of DENIED CLAIMS:

Kathy Girard-Williams \$1,000,000.00.

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

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

A-90020 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 September 16, 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

| | |
|----------------------------------|-------------------------|
| Sandra Roberts | \$1,100.00 |
| Kathy Girard-Williams | 1,000,000.00 |
| Darin Fessler | 300.00 |
| Tuscany Townhomes LLC | 34,887.28 |
| Sam Myhre | 1,974.75 |
| Pat Schreurs | 61.00 |

ALLOWED/SETTLED CLAIMS

| | |
|-----------------------|------------|
| Alicia Howe | \$1,500.00 |
| Jackie Perry | 1,009.77 |
| Charlie Sims | 1,427.55 |
| Destini Waage | 126.14 |
| Tuscany Townhomes LLC | 34,887.28 |

LITIGATION SETTLEMENT

Ben & Leigh Lewis
o/b/o Nathan Lewis \$11,000.00

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 AN AMENDMENT TO THE VICTORY PARK – VA CAMPUS REDEVELOPMENT AGREEMENT (RESOLUTION NO. A-89264, AMENDED BY RESOLUTION NO. A-89435) TO ADJUST DETAILS RELATED TO THE PHASING AND IMPLEMENTATION DATES CONTAINED IN THE REDEVELOPMENT AGREEMENT - PRIOR to reading:

CHRISTENSEN Moved to continue public hearing & action for 2 weeks to 10/17/16.

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2845 DUDLEY STREET, 4514 HILLSIDE STREET, 120 A STREET, 183 MORMON TRAIL, 404 MORMON TRAIL, 3130 POTTER STREET, 2248 SHELDON STREET, 1755 NORTH 30TH STREET, SURFSIDE COURT, 2725 A STREET, 1829 PROSPECT STREET, 3138 DUDLEY STREET, 1834 PROSPECT STREET, 4020 ST. PAUL AVENUE, 3800 WORTHINGTON AVENUE, 1436 E STREET, 1709 NORTH 29TH STREET, 2825 T STREET, 2236 SOUTH 13TH STREET, AND 1317 MEADOW DALE DRIVE - PRIOR to reading:

CAMP Moved Motion to Amend #1 that Bill No. 16R-215 be amended to remove Clearance No. 16-24 for abatement costs incurred at 4514 Hillside Street on July 29, 2016 from the list of abatement costs to be assessed against the corresponding properties.

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

FELLERS Moved to divide the question to consider the properties 404 Mormon Trail & 3130 Potter Street separately.

Seconded by Christensen.

VOTE ON REMAINING PROPERTIES: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

FELLERS Moved a 2 week delay with continued public hearing on 404 Mormon Trail & 3130 Potter Street.

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

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

A-90021 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2016 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Cyndi Lamm

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

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA TO ALLOW FOR THREE BIKE SHARE STATIONS TO BE LOCATED ON UNIVERSITY PROPERTY - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90022 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the License Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska to allow for three bike share stations to be located on University property, which Agreement is attached hereto, marked as Attachment "A" and made a part hereof by reference, upon the terms and conditions as set forth in said Agreement, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one executed original Agreement to Tim Sieh, Assistant City Attorney, for transmittal to the University of Nebraska-Lincoln.

Introduced by Cyndi Lamm

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

CREATING ALLEY RE-PAVING DISTRICT NO. 50 FROM 16TH TO 17TH STREET BETWEEN G AND H STREETS - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance creating Alley Repaving District No. 50, defining the limits thereof, establishing the width of the alley 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 be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances or parts of ordinances in conflict herewith, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE WITH TAX-QUALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION FROM THE INTERNAL REVENUE SERVICE - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code by amending Sections 2.62.055, 2.65.055, 2.66.055, 2.62.180, and 2.66.140; and repealing Sections 2.62.055, 2.65.055, 2.66.055, 2.62.180, and 2.66.140 as hitherto existing, the third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20378**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

APPROVING THE AMENDED AND RESTATED ARTICLES OF INCORPORATION AND BYLAWS FOR DISTRICT ENERGY CORPORATION.

A SPECIAL PUBLIC HEARING SHALL BE HELD AT A SPECIAL CITY COUNCIL MEETING ON WEDNESDAY, OCTOBER 5, 2016 AT 9 A.M. FOR SETTING A TAX RATE TO SET THE TAX REQUEST AT AN AMOUNT DIFFERENT THAN THE PROPERTY TAX REQUEST FOR THE PRIOR YEAR ON THE FOLLOWING RESOLUTION

APPROVING THE 2016-2017 CITY TAX RATE OF .33366 PER \$100.00 OF ASSESSED VALUATION.

APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION.

A SPECIAL PUBLIC HEARING SHALL BE HELD AT A SPECIAL CITY COUNCIL MEETING ON TUESDAY, OCTOBER 11, 2016 AT 7:30 A.M. FOR SETTING A TAX RATE TO SET THE TAX REQUEST AT AN AMOUNT DIFFERENT THAN THE PROPERTY TAX REQUEST FOR THE PRIOR YEAR ON THE FOLLOWING RESOLUTION

APPROVING THE 2016-2017 CITY TAX RATE OF .33366 PER \$100.00 OF ASSESSED VALUATION.

APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION.

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

CHANGE OF ZONE 16024 – APPLICATION OF LEIGHTON AVE. SHOPPING CENTER, LC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Lincoln Zoning District Maps attached to and made a part 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 first time.

COMP. PLAN CONFORMANCE 16006 – APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE “48TH & LEIGHTON MIXED-USE REDEVELOPMENT PROJECT” TO REDEVELOP THREE UNDERUTILIZED PARCELS WITH EXISTING SURFACE PARKING LOTS AND DETERIORATING STRUCTURES INTO A MIXED-USE DEVELOPMENT INCLUDING MARKET-RATE RESIDENTIAL UNITS AND FIRST FLOOR COMMERCIAL SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) (ACTION DATE: 10/24)

UPCOMING HEARINGS CAMP AND LAMM WITHDREW THEIR REQUEST FOR A SPECIAL CITY COUNCIL MEETING TO BE HELD ON TUESDAY, OCTOBER 4, 2016 AT 8:00 A.M.

ADJOURNMENT

4:46 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of October 3, 2016.

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

Teresa J. Meier, City Clerk

Rhonda M. Bice, Office Specialist