

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JULY 25, 2016 AT 5:30 P.M.**

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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of July 18, 2016, reported having done so, found same correct.

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

PUBLIC HEARING

APPOINTING MICHAEL HATTEN TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2017 - Michael Hatten, 5531 S. 38th Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING CO. DBA LAZLO'S BREWERY & GRILL – HAYMARKET FOR A DELETION TO THEIR LICENSE PREMISE BY ELIMINATING 710 P STREET, 1ST FLOOR MEASURING APPROXIMATELY 25 FEET BY 142 FEET, PLUS LOFT MEASURING APPROXIMATELY 25 FEET BY 73 FEET - Angela Tucci, 1001 O Street, Suite 802, applicant, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF PLOUGHSHARE BREWING CO., LLC DBA PLOUGHSHARE BREWING CO. TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 25 FEET TO THE EAST LOCATED AT 1630 P STREET - Matt Stinchfield, 1630 P Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF FANI DELIGIANNIS DBA ANNUNCIATION GREEK ORTHODOX CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 230 FEET BY 116 FEET AT 950 NORTH 63RD STREET ON AUGUST 26, 2016 FROM 4:00 P.M. TO 10:00 P.M. AND AUGUST 27, 2016 FROM 11:00 A.M. TO 10:00 P.M. - Fani Deligiannis, 3031 Diadem Drive, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE WEST HAYMARKET ENTERTAINMENT DISTRICT BOUNDARIES TO REDUCE THE NORTH BOUNDARY FROM THE NORTH CURB LINE TO THE SOUTH CURB LINE OF R STREET WHEN NOT IN USE - Hallie Salem, Urban Development, came forward and shared this request is for area located south of Pinnacle Bank Arena. The area was adopted in June, 2013, and the north boundary is set at the center line of R Street. The amendment request the boundary be to the south curb line of R Street with the opportunity to expand it to the north curb line with a special event permit.

Carl Eskridge, Council Member, asked if this change would benefit the railyard to be able to extend to the north side of R Street if they had an event, and would it also benefit Pinnacle Bank Arena if they had an event and could extend on the South side of R Street.

Ms. Salem confirmed this amendment would benefit the Railyard and Pinnacle Bank Arena. That is the sole purpose for this request to allow both locations to be able to use R Street.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 GRANT WORKPLAN TO PROVIDE AN ADDITIONAL \$30,000.00 FOR THE PURCHASE OF SO2 MONITORING EQUIPMENT AND RELATED SOFTWARE - Judy Halstead, Lincoln-Lancaster Health Department Director, came forward and stated this Agreement was previously presented by the Nebraska Department of Environmental Quality because it was a two year grant. They are now giving the Health Department additional funds to be able to purchase additional air monitoring equipment. This will be at the south end of the County. The matching dollars that are required are paid for out of the Health Department fees.

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Cyndi Lamm, Council Member, asked for clarification on the additional funds that are being given. Ms. Halstead advised the \$30,000 is the grant from the NDEQ, the matching amount is \$12,000 which come from fees. This specifically looks at meeting a federal EPA requirement for the monitoring for the NPPD plant, and the monitor will be adjacent to that plant.

This matter was taken under advisement.

APPROVING A RESOLUTION FOR THE SIGNING OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS AND PAVING ON ROKEBY ROAD FROM 84TH TO 98TH STREET FOR LINCOLN ELECTRIC SYSTEM - Roger Figard, Public Works, came forward and shared the new paved roadway would serve the new LES Service Center as well as the future emerging annexations in that area. The City, County, and LES have been working together for over a year regarding this potential project. In the future, this could become an urban roadway. This would be located in the County and is not the typical County roadway project. It is a suburban roadway that is operable and the County is willing to maintain it. It is compatible with an emerging urban environment. The County has agreed to building a roadway that is built to the City's standards: permanent pavement, full depth concrete, grass median down the middle with median breaks at the quarter and half mile, and is set up to protect assets management as the development moves forward in the future. In addition, there will be an 8 foot graded shoulder, of which 4 feet will be paved to full depth for the purpose of being added on in the future. This will also provide a place for bicycle and pedestrian walkways while waiting for future annexations and continued growth in the area. LES will be paying for the improvement, the County will own it and maintain it, and the City, after future annexations, would own it.

Jon Camp, Council Member, asked if there was a chance that there could not be a median due to the ongoing maintenance and landscaping.

Mr. Figard clarified this would be a low maintenance median, and if there is no median then there would be no room for future turn lanes with future annexations and future growth. This will be consistent with roadways that are being built in the Yankee Hill area. The grass medians provide access management, lower maintenance, and the road stays in good shape with no cars driving on the pavement. The City, County and LES all felt this is the lower cost option, and the better option, for long term use.

Mr. Camp stated he would encourage all parties to look into having a dual left turn lane that would help with other areas.

Mr. Figard shared the City has currently evolved to a new intersection design standard that is eliminating traffic signals and eliminating right and left turn lanes due to roundabouts working in certain areas. There would be no need for the center turn lane and there would be no need to pay to put extra concrete down.

Pam Dingman, Lancaster County Engineer, came forward and advised that the City and County have both worked together with LES. This is a very important road for a City and County partnership and would be at no costs to the taxpayers.

This matter was taken under advisement.

CREATING RE-PAVING DISTRICT 159 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Susan Filipi, Engineering Services, came forward and explained they received a request from property owner, Ed Grubbs in February, 2016, to create a paving district on Saunders, which is considered a substandard street. The Maintenance Department has exhausted most of the options of repairing the street. Saunders Avenue was originally hard surfaced by the Department of Roads as an access road while they were working on Cornhusker, therefore, it was never built to City standards. Engineering Services held a neighborhood meeting in March, 2016, advising the neighbors of the proposed process as it would affect the 13 property owners and 17 parcels. The area is zoned as industrial and has a large volume of truck traffic. To meet City standards, the proposed pavement would be 35 feet wide with 9 inch depth and have curbs and gutters. The existing paving is 27 feet wide. The City would pay 70% of the costs, which is currently estimated at \$345,000. The City would subsidize approximately \$242,000. This would make the estimated cost of \$80.00 per frontage foot for property owners. Homeowners have been given an option to pay their estimated costs over a 20 year timeframe. The project would be done in phases to continue to allow access to businesses. This ordinance is solely to create the district. If approved, it would be required to get formal letters from the majority of the property owners before designs and construction is started. Saunders would not be a detour route for any of the upcoming projects.

Carl Eskridge, asked for clarification on Saunders not being a designated detour route, but there would be construction on the east side of North 14th Street and on the west side of North 10th Street. At certain times, both those roads will be closed, so it would seem that individuals would try and use Saunders.

Ms. Filip confirmed there could be more congestion in that area, however, it would not be designated as a detour route.

Ed Grubbs, 1524 South 58th Street, came forward in support.

Ben and Amy Herr, 7731 San Mateo Lane, came forward in support.

This matter was taken under advisement.

CHANGE OF ZONE 16018 - APPLICATION OF ST. PATRICK CATHOLIC CHURCH FOR A CHANGE OF ZONE ON LOTS 1-18, BLOCK 44, HAVELOCK FROM O-3 OFFICE PARK DISTRICT TO R-4 RESIDENTIAL DISTRICT AND TO DESIGNATE LOTS 1-18, BLOCK 44 AND LOTS 1-7, BLOCK 61, HAVELOCK AS AN R-4 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT 6111 MORRILL AVENUE - Richard Zurkie, 4021 Fredrick Circle, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 16019 - APPLICATION OF FRIEDA BUSKIRK FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 1430 SOUTH FOLSOM STREET - Frieda Buskirk, 1430 South Folsom Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

STREET & ALLEY VACATION 16003 - VACATING A PORTION OF THE WEST ONE-HALF OF SOUTH 98TH STREET RIGHT-OF-WAY SOUTH OF THE INTERSECTION WITH ANDERMATT DRIVE - Tim Gergen, Civil Engineer with Clark Enersen Partners, 1010 Lincoln Mall, #200, came forward and explained the property was once considered commercial and a right turn lane was built on 98th Street. Since then, the property has been changed in zones to residential. The right turn lane and the driveway is no longer needed.

This matter was taken under advisement.

APPROVING THE SECOND MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG FOR THE OPERATION AND MANAGEMENT OF PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2016 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - Rick Peo, City Attorney Department, came forward and stated last year they encountered a little difficulty with the existing language in the Management Agreement concerning the tax exemption from sales and use tax. Instead of the Agreement automatically renewing for another 3 year period, SMG and the City felt it was better to enter into a new agreement to revise the misleading terms in the current language. Under Nebraska Law in order for the City to have sales tax exemption on purchases made at the arena, the City has to be the direct purchaser of those items. The purchases cannot be by SMG as the City's agent, and then reimburse SMG for those costs. The Agreement is being revised to remove that type of language for reimbursable expenses, and to specify it is not an SMG operating fund, it is a Pinnacle Bank Arena operating fund. It has always been established that way, so there have been no difficulties in the operation of the facility. The misleading language has to be removed in order to conform to current operations. In addition, the Bond Counsel wanted clearer language stating there was no net profit revenue base fee as a basis for SMG fees, and state that it has to be based on performance. Language was added that the Bond Counsel requested to preserve tax exemptions on bonds previously issued.

Tom Lorenz, General Manager of Pinnacle Bank Arena, came forward and stated SMG is in favor of this agreement. When the initial contract was put together there were different revenue streams, and after 3 years of Pinnacle Bank Arena being open, it makes sense to move forward with these changes.

Lon Rosenberg, SMG Regional Vice President, came forward in support. Discussion followed.

This matter was taken under advisement.

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 20341 WHICH ONLY INCLUDED A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF THE ANNEXATION TO INCLUDE ALL OF SAID LOT 102 I.T. TO CONFORM TO THE CORPORATE LIMITS MAP ATTACHED TO AND MADE A PART OF ORDINANCE NO. 20341 - Rick Peo, City Law Department, came forward and explained this request is to correct an error in the legal description.

This matter was taken under advisement.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 20342 WHICH ONLY INCLUDED A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF CHANGE OF ZONE 15036 TO INCLUDE ALL OF SAID LOT 102 I.T. AS INTENDED BY THE REQUEST FOR ORDINANCE AND FACT SHEET FOR SAID CHANGE OF ZONE - Rick Peo, City Law Department, came forward and explained this request is to correct an error in the legal description.

This matter was taken under advisement.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCREASE RECYCLING IN LINCOLN BY REQUIRING WASTE HAULERS TO OFFER CURBSIDE RECYCLING SERVICE TO CUSTOMERS, DIVERTING CORRUGATED CARDBOARD AND OTHER PAPER RECYCLABLES AWAY FROM THE LANDFILL, INCREASING CAPACITY OF THE FREE CITY RECYCLING DROP OFF SITES, IMPROVING DATA TRACKING ON RECYCLING, AND IMPLEMENTING A COMMUNITY WIDE RECYCLING EDUCATION CAMPAIGN - Jon Carlson, Mayor's Office, came forward and stated the Recycle Lincoln Plan has been in the works for over a year and a half. The task was to figure out how to capture what works in Lincoln, how to take advantage of the existing policies, the

existing practices, the existing private market, and to utilize the private haulers. The plan is to have the right policies and the right education to be able to create a plan that will increase the Lincoln recycling rate. The plan for Lincoln is to create universal accessibility, education, expanded diversion, and expanded drop off sites. The landfill is currently set to last until 2032 due to Lincoln changing its policies and not allowing leaves, tires, household appliances, and chemicals to be dropped off there. Separating cardboard and paper is the next logical step in the diversion stream and keeping that out of the landfill. Within the 23 years that grass has been diverted from trash, there has not been a ticket that has been given if leaves and grass are placed in with regular trash. Cardboard can be dropped off by individuals at drop off sites, or can be picked up by curbside, or can be recycled by using it throughout your home.

Donna Garden, Assistant Director of Public Works, came forward and shared that recycling conserves natural resources, reduces greenhouse gas emissions, and reduces the expensive need to develop the next landfill. About 42% of the household waste that goes to the Bluff Road Landfill in north Lincoln is readily recyclable. Twenty eight percent of household waste is office paper and cardboard. The proposal shows corrugated cardboard would be diverted from the landfill in 2017, newspaper would be diverted in 2018, and mixed office paper would be diverted in 2019. Then the City would launch community-based education programs. All waste haulers would offer curbside recycling services to their residential customers. The 28 current drop off sites would continue to operate for those who chose to not have curbside and the capacity of those would expand. The proposal and ordinance change came from a 20 member Citizen Advisory Committee in 2013 that came up with the Solid Waste Management plan 2040, a 10 member Recycle Working Group in 2015 that came up with recommendations that make up Recycle Lincoln, and meetings with numerous stakeholders in 2016 to work out all details. The cost of Recycle Lincoln would be \$0.85 per ton per year in associated with Recycle Lincoln. The \$0.85 would cover education, expansion of drop off sites, reducing tonnage in landfills, and provide matching for NDEQ grant funds. The City has been awarded two grants supporting Recycle Lincoln. A grant of \$225,000 for the design and implementation of education, engagement, and behavior change programs. The second grant of \$114,000 is for the purchase of additional roll-off containers to place at selected recycling drop off sites to increase the capacity to collect materials. The changes proposed of the Lincoln Municipal Code would be found in chapter 8.32. A license would be required by a hauler who intends to collect recyclable similar to waste haulers. Current waste haulers would not be required to apply for another licence for picking up recyclable. This ordinance proposal is very similar to the way yard waste is collected and enforced.

Roy Christensen, Council Member, asked how many current haulers offer curbside pickup.

Ms. Garden advised she has heard it is in the high 90% of haulers who offer curbside.

Mr. Christensen asked about landlord liability, and if the tenant would be liable or the landlord if recycling is not taking place.

Mr. Carlson stated ultimately it is the landlords responsibility to have a contract with the haulers to pick up the recyclables and would be the landlord responsibility.

Ms. Garden explained they have been in contact with other communities and have heard there are people that do not fully comply, but have never got report of a chronic situation of someone not complying.

Mr. Christensen asked where the percentage and studies came from and when were these studies conducted.

Ms. Garden advised the numbers came from a waste characterization study in 2008, and it is in the upcoming budget to conduct a current study.

Mr. Carlson stated there are also annual and ongoing studies at the landfills.

Gene Hanlon, Recycling Coordinator, came forward and shared there are not physical monitoring, but being at the landfill on a day to day basis you see a lot of cardboard and paper. There may be some reduction in the numbers from 2008 because more people are recycling, but the number probably has not dropped significantly.

Mr. Christensen inquired about the 6 months in jail and the \$500.00 fine that can occur and if it is good policy to have that in the ordinance if there are no intentions to enforce that.

Mr. Carlson stated he felt the enforcement existed as the backstop and a number of things in the Lincoln Municipal Code are backed up by that enforcement. Any ordinance related to maintaining a house properly has the misdemeanor clause in it.

Mr. Christensen asked if the pay as you go recycling was considered.

Ms. Garden stated that option was looked into and input from the haulers stated that would restructure their entire business model.

Trent Fellers, Council Member, asked how much time was expected to divert 57,500 tons of waste.

Ms. Garden confirmed the rate model is 4 years, and would be completely gone from the landfill after that.

Mr. Fellers asked how many tons are brought into the landfill every year.

Ms. Garden stated household waste is about 206,000, and total waste coming into the system is about 317,000 tons. Discussion followed.

Mr. Fellers asked for clarification on expanding the drop off sites.

Ms. Garden said there would be more bins available. If the drop off sites are being used more often there would be more service available.

Mr. Fellers asked why they have chosen to start with cardboard and paper as a requirements to recycle.

Ms. Garden shared they looked at a number of options, and cardboard and paper is a good stable market. These items can be reused and resold in the market and economy. Discussion followed.

Mr. Fellers inquired about the usage at drop off points.

Mr. Hanlon stated in 2012 there was a scientific based community wide survey of over 400 households in Lincoln. The outcome of the survey showed 56% of the households used the recycling sites at one point and 24% subscribed to curbside pickup. The survey does not cover the variety of materials recycled or the consistency of how often people recycle.

Mr. Fellers asked for more information on the education that will be provided.

Ms. Garden stated they are currently putting together an RFP, and will use the grant of \$225,000 and have some match funds that are in the budget, and an additional \$70,000 from a previous grant. The education will cover what you can recycle and where you can recycle. Discussion followed.

Mike Ayars, 801 West Creek, came forward in support.

Lara Herrick, 3331 N. 67th Street, came forward in support.

Jamie Carson, 211 N. 14th Street, came forward in support.

Ann Ringlein 3442 M Street, came forward in support.

Steve Hatten, 740 Stevens Ridge Road, came forward in support.

Mr. Christensen asked if Mr. Hatten could give some insight on what the market penetration for recycling is for his customers.

Mr. Hatten stated he believes it is around 15% are recycling. This low number could be because other haulers do not pick up on the same day as his company and he services the neighborhoods with close recycling drop off sites.

Cyndi Lamm, Council Member, clarified that Mr. Hatten does offer recycling service.

Mr. Hatten confirmed his company does offer recycling pick up but it is the residents choice to use it or not.

Mr. Fellers asked how subcontracting recycling works.

Mr. Hatten said Paragon Sanitation picks up the recyclables and takes them to a processing station. The recycling fee is around \$8.00 per month and the company pays \$30.00 per ton to process the recyclables.

Jon Camp, Council Member, asked for Mr. Hatten's insight on possibly being fined for having recyclables in with regular trash.

Mr. Hatten explained it is the haulers responsibility to have the trash in the right bins and the recyclables in the right bins. Although this ordinance has not passed, the haulers for his company already sort out the trash from the recyclable.

Travis Marshall, 329 Carolyn Court, came forward in support.

Carrie Hakenkamp, Executive Director of Waste Cap Nebraska, 610 J Street, Suite 300, came forward in support.

Tom Pappas, 4150 South Street, came forward in support.

JoEllen Polzien, 2508 Ponca Street, came forward in support.

Kim Morrow, 4500 Meadow Lane, came forward in support.

Jack Coogan, 6317 Artisan Way, came forward in support.

Chelsea Johnson, Deputy Director of Nebraska League of Conservation Voters, came forward in support.

Elisa Fuenzalida, no address given, came forward in support.

Hannah Cass, 405 South 28th Street, came forward in support.

Carissa Bohaty, 5429 Cleveland Avenue, came forward in support.

Susan Coffey, 5901 Margo, came forward and explained she is in favor of recycling, but as a commercial property owner, expressed her concerned for the fines, the misdemeanor, and the jail time she could get if one of her tenants did not comply with recycling.

Ms. Garden confirmed this is the same thing that applies to a lot of Lincoln Municipal Codes. This also applies in the waste and hauling ordinance, and all commercial and residential neighborhoods are currently held under this same standard with trash. The Lincoln Municipal Code fines have not been touched at all with this request.

Paul Jarrett, 1320 N Street, came forward in support.

Rick Carter, 3111 Jasper Court, Executive Director of the Human Services Federation, came forward in support.

Jake Kurtzer, 3810 B Street, came forward in support.

Nancy Packard, 30307 Sewell Street, came forward in support.

Donald Spies, 1000 O Street, came forward in support, and inquired about living in an apartment complex and how this ordinance will work with living in an apartment complex.

Ms. Garden explained that will be up to the complex, how they choose to manage the recyclables within their complex.

Mr. Spies asked about how other recyclables will be recycled.

Ms. Garden said it is the hope of the City that with the education phase that people will learn further how to recycle more than the required cardboard and paper.

Marilyn McNabb, 1701 W. Rose Street, came forward in support.

Jimmy Klein, 4200 W High Ridge Road, President of Lincoln Solid Waste and Recycling Association, came forward in support. Discussion followed.

Todd Watson, Owner of Century Management, came forward and expressed concern with the fines, misdemeanors, and jail time that can occur.

Dale Gabbels, 1211 Cork Drive, Papillion, came forward in support.

Amy Willeke, 3120 W. Covered Bridge Drive, came forward in support.

Lynn Fisher, 6500 Alpine Road, Denton, came forward and stated he supports recycling, and the education, but as a landlord he does not want to be in charge of his tenants activities and possibly fined if they do not comply with recycling. It is easy to collect the grass because it is already separate. He cannot go through trash to make sure his tenants are recycling properly. He also has low income places and the additional money it would cost for pick up is also a concern.

Fred Hoppe, 1600 Stony Hill Road, Realtors Association of Lincoln, came forward in opposition.
Coby Mac, Lincoln Independent Business Association, came forward in opposition.

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

Rachel Terry, 3830 Sheridan Boulevard, came forward in opposition.

Justin Johnson, 3600 J Street, Home Builders Association of Lincoln, came forward in support, but expressed concern with some of the stipulations.

Mark Freeouf, 315 West Charleston Street, came forward in opposition.

J.T. Lewis, no address given, came forward and made a few statements.

Ben Terry, 3830 Sheridan Boulevard, came forward in opposition.

John Austin, 626 South 14th Street, came forward in opposition.

Cassey Lottman, 1801 J Street, came forward in support.

Lee Todd, no address given, came forward in opposition.

Dana Steffan, 800 Manes Court, came forward in opposition.

Dan Klein, 1960 Southwest 112 Street, came forward in opposition.

Chris Zegar, 6771 Wildrye Road, Owner of Recycling Enterprises, came forward in opposition.

The company performs a lot of recycable collection. One of the biggest contaminants regarding cardboard is wax coated boxes, they are still cardboard, but are not appropriate for processing and the mills will reject the load or penalize haulers for these types of boxes. This was not mentioned in the definitions of the LMC regarding cardboard boxes. The LMC mentioned plastic recycling for plastics #1 - #7, but it needs to be specified as #1 - #7 household plastics because everything can be considered #1 - #7 plastics, which also is not acceptable for recycling facilities.

Mr. Carlson stated the concerns of the landlords are the concerns the City wants to hear to be able to come to a solution for everyone. The concern about the penalties listed in section 8.32 of LMC is a discussion that can continue and possibly discuss options with the Law Department about changing some of the language. Citizens of Lincoln are already subject to the penalties of this section with their waste hauling. If a tenant continues to place garbage on the ground and not in the trash bin a landlord is already subject to those provisions. If grass and leaves are mixed, those provisions also would apply. Those provisions are all over the Lincoln Municipal Code as a backstop, but the program is designed to help individuals understand how to recycle and to educate individuals on how to do the right things. There is an increase on the cost of the recycling plan, but the City feels it will pay off in the long run, and be able to continue the diversion in the community. If the money is spent on solely education without diversion, you will end up spending money to just encourage people to recycle, and this could mean money would have been spent and the recycling rate will not rise. The studies have shown that the four components: create universal accessibility, education, expanded diversion, and expanded drop off sites are all needed to have success. There can be amendments made to some definitions regarding cardboard with wax coating or plastics #1 - #7.

Ms. Garden added this program is not intended to have mixed waste collected and then take the recyclable out of the mixed waste.

Mr. Camp asked what are the solutions if someone comes along and throws a tire in a cardboard recyclable bin, or if the recyclable bin gets contaminated.

Mr. Carlson stated those incidents will happen on occasion, and that comes down to the providers to pull tires and house hold appliances out of the garbage if they see certain items in areas they should not be.

Ms. Garden stated there will be times when cardboard will be allowed to go to the landfill. If a pizza box still has pizza in the box then that is considered a contaminated box and will go to the landfill.

Mr. Camp shared that based off his personal experience he tried to have a dumpster for recycling and more than 50% of the time someone would come and put garbage in the bin. Earlier testimony showed people have the desire to recycle, but it has to be done on a practical basis.

Mr. Carlson explained they do not intend for the system to be perfect, but they recognize there is enormous room for improvements. They do not expect to get 100% of the materials diverted, but they expect to get a significant amount of the materials diverted.

Mr. Fellers asked if recyclable are taken out to the curb and it rains and becomes contaminated would the home owner have to go out and separate the contaminated boxes and place back into the garbage.

Mr. Hanlon stated if the material gets wet the processors will mix the wet material with the dry material to meet the mills standards and are still able to market it. A homeowner would not have to sort through the wet recyclable. The mills have instruments that measure moisture in the cardboard and if it exceeds the standard the load will be rejected. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MICHAEL HATTEN TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2017 - CLERK read the following resolution, introduced by Jane Raybould, Roy Christensen moved it adoption:

A-89877 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Michael Hatten to the StarTran Advisory Board, for a term expiring October 20, 2017, is hereby approved.

Introduced by Jane Raybould

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

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF MAY, 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 APRIL AND MAY, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JULY 11, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

NEBRASKA SURFACE TRANSPORTATION PROGRAM 2017 - 2022 FISCAL YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk. **(12)**

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:

CHANGE OF ZONE NO. 16021, REQUESTED BY NEBRASKA MALT, LLC, FROM H-3 (HIGHWAY COMMERCIAL DISTRICT) TO I-1 (INDUSTRIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 3255 SOUTH 10TH STREET, WHICH IS NOT ZONED I-1 INDUSTRIAL DISTRICT, BUT WHICH IS ZONED H-3 HIGHWAY COMMERCIAL DISTRICT.

TEXT AMENDMENT NO. 16007, REQUESTED BY LINCOLN-LANCASTER COUNTY PLANNING DEPARTMENT, 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 OF THE LINCOLN MUNICIPAL CODE, AND REVISING THE TERM "CHURCH" TO "PLACE OF RELIGIOUS ASSEMBLY" WHERE IT APPEARS THROUGHOUT TITLE 27, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO THE DEFINITIONS, PARKING REGULATIONS, HEIGHT AND LOT REGULATIONS, AND SPECIAL PERMITS REGULATIONS, 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 AS HITHERTO EXISTING.

TEXT AMENDMENT NO. 16008, REQUESTED BY LINCOLN-LANCASTER COUNTY PLANNING DEPARTMENT, AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") BY AMENDING SECTION 27.02.080 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, LINCOLN, LANCASTER COUNTY, NEBRASKA.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16038, TO SPECIAL PERMIT #585C, QUAIL VALLEY CUP, APPROVED BY THE PLANNING DIRECTOR ON JULY 12, 2016, TO PERMIT A REAR YARD OF THREE FEET FOR AN UNENCLOSED DECK ON LOT 5, BLOCK 2, QUAIL VALLEY, GENERALLY LOCATED AT 5411 OLD LODGE COURT.

ADMINISTRATIVE AMENDMENT NO. 16042, TO SPECIAL PERMIT 1993, SOLID ROCK GYMNASTICS, APPROVED BY THE PLANNING DIRECTOR ON JULY 13, 2016, TO ALLOW CONSTRUCTION OF A BUILDING ADDITION, GENERALLY LOCATED AT 610 HILL STREET.

ADMINISTRATIVE AMENDMENT NO. 16046, TO SPECIAL PERMIT #110CO, VETERINARY FACILITY, APPROVED BY THE PLANNING DIRECTOR ON JULY 13, 2016, TO RESCIND SPECIAL PERMIT #110CO, GENERALLY LOCATED AT S. 120TH STREET AND YANKEE HILL ROAD.

ADMINISTRATIVE AMENDMENT NO. 16029, TO SPECIAL PERMIT #1423J, HIMARK CUP, APPROVED BY THE PLANNING DIRECTOR ON JULY 14, 2016, TO REVISE THE LOT LAYOUT ON HIMARK LANE TO ACCOMMODATE A NEW GOLF CART PATH ALONG WITH A REVISED GRADING AND DRAINAGE PLAN WHICH INCLUDES A NEW DETENTION CELL, GENERALLY LOCATED AT HIMARK LANE AND PIONEERS BOULEVARD.

LIQUOR RESOLUTIONS

APPLICATION OF EMPYREAN BREWING CO. DBA LAZLO'S BREWERY & GRILL – HAYMARKET FOR A DELETION TO THEIR LICENSE PREMISE BY ELIMINATING 710 P STREET, 1ST FLOOR MEASURING APPROXIMATELY 25 FEET BY 142 FEET, PLUS LOFT MEASURING APPROXIMATELY 25 FEET BY 73 FEET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89878 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 including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of Empyrean Brewing Co. dba Lazlo's Brewery & Grill - Haymarket for a deletion to their licensed premises by eliminating space on the 1st floor measuring approximately 25 feet by 142 feet, plus loft measuring approximately 25 feet by 73 feet at 710 P Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

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; NAYS: None; ABSENT: Raybould.

APPLICATION OF PLOUGHSHARE BREWING CO., LLC DBA PLOUGHSHARE BREWING CO. TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 25 FEET TO THE EAST LOCATED AT 1630 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89879 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 Ploughshare Brewing Co., LLC dba Ploughshare Brewing Co. to expand its licensed premises by the addition of an outdoor area measuring approximately 45 feet by 25 feet to the east, at 1630 P Street, 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; NAYS: None; ABSENT: Raybould.

APPLICATION OF RACHEL RICE-MATSON DBA TOP HAT TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 32 FEET BY 35 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 44 FEET BY 60 FEET AT 736 WEST CORNHUSKER HIGHWAY ON AUGUST 6, 2016 FROM 2:00 P.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action 1 week to 08/01/16.

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

APPLICATION OF FANI DELIGIANNIS DBA ANNUNCIATION GREEK ORTHODOX CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 230 FEET BY 116 FEET AT 950 NORTH 63RD STREET ON AUGUST 26, 2016 FROM 4:00 P.M. TO 10:00 P.M. AND AUGUST 27, 2016 FROM 11:00 A.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89880 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 Fani Deligiannis dba Annunciation Greek Orthodox Church for a special designated license to cover an outdoor area measuring approximately 230 feet by 116 feet at 950 North 63rd Street, Lincoln,

Nebraska, on August 26, 2016, between the hours of 4:00 p.m. and 10:00 p.m. and August 27, 2016, between the hours of 11:00 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 Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybould.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN AMENDMENT TO THE WEST HAYMARKET ENTERTAINMENT DISTRICT BOUNDARIES TO REDUCE THE NORTH BOUNDARY FROM THE NORTH CURB LINE TO THE SOUTH CURB LINE OF R STREET WHEN NOT IN USE - PRIOR to reading:

ESKRIDGE Moved to Amend Bill No. 16R-147 by substituting the attached Amended Attachment B: Amended Entertainment District 7/25/16 for the Amended Attachment B attached to Bill No. 16R-147.

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

CLERK Read the following resolution, introduced by Jane Raybould, Roy Christensen moved it adoption:

A-89881 WHEREAS, TDP Phase One has submitted a request to amend the boundaries of the West Haymarket's Entertainment District, established by Resolution No. A-87387, to assist the City in allowing for Pinnacle Bank Arena and other public events to be held in R Street when appropriate.

WHEREAS, the boundaries of the Entertainment District are set forth in paragraph 1 of Resolution No. A-87387. The center line of R Street is the north boundary of the Entertainment District. This north boundary has limited the ability of the Pinnacle Bank Arena to host SDL events for area non-profits within the R Street right-of-way.

WHEREAS, Resolution No. A-87387 should be amended to re-establish the north boundary of the Entertainment District as the south curb line of R Street when not in use, but allow for Entertainment District Events to use R Street to the north curb line, if needed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That Resolution No. A-87387 is amended as follows:

1. That paragraph 1 is hereby deleted in its entirety and replaced by a new paragraph 1 to read as follows.
 1. That the area of real property generally bounded by the center line of 7th Street on the east, the east right-of-way line of the north/south alley west of Canopy Street on the west, the south curb line of R Street on the north provided that, the north boundary may be expanded by a Special Event Permit to allow for Entertainment District Events to use R Street to the north curb line, and the center line of Q Street on the south, as more particularly described and shown on Amended Attachment B attached hereto, be and the same is hereby designated as an Entertainment District. The Entertainment District includes the commons areas shown on Amended Attachment B.
 2. That the map attached hereto marked as Amended Attachment B be substituted for and replace the Amended Attachment B attached to Resolution No. A-87387.

Introduced by Jane Raybould

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

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 GRANT WORKPLAN TO PROVIDE AN ADDITIONAL \$30,000.00 FOR THE PURCHASE OF SO2 MONITORING EQUIPMENT AND RELATED SOFTWARE - CLERK read the following resolution, introduced by Jane Raybould, Roy Christensen moved it adoption:

A-89882 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Workplan Amendment between the Nebraska Department of Environmental Quality and the Lincoln Lancaster County Health Department regarding the FFY 2016-2017 Workplan for Lincoln-Lancaster County Health Department (LLCHD): Section 105 Air Quality Program, as approved by Resolution No. A-89439, to reflect funding for the period of October 1, 2016 to September 30, 2017 in the amount of \$127,000.00 which includes \$30,000.00 for the purchase of SO2 monitoring equipment and related software, in accordance with the terms, conditions and assurances contained in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute said Amendment to Agreement on behalf of the City.

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The City Clerk is directed to return an executed copy of the Amendment to Agreement to Judy Halstead, Director of the Lincoln/Lancaster County Health Department for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Jane Raybould

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

APPROVING A RESOLUTION FOR THE SIGNING OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS AND PAVING ON ROKEBY ROAD FROM 84TH TO 98TH STREET FOR LINCOLN ELECTRIC SYSTEM - CLERK read the following resolution, introduced by Jane Raybould, Roy Christensen moved it adoption:

A-89883 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska for the construction of roadway improvements and paving on Rokeby Road from 84th to 98th Street and a portion of 91st Street for Lincoln Electric System, upon the terms and conditions set forth in said Interlocal Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed copy of said Interlocal Agreement to the Lancaster County Clerk's office, for approval by the County.

Introduced by Jane Raybould

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

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

CREATING RE-PAVING DISTRICT 159 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an 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 second time.

CHANGE OF ZONE 16018 - APPLICATION OF ST. PATRICK CATHOLIC CHURCH FOR A CHANGE OF ZONE ON LOTS 1-18, BLOCK 44, HAVELOCK FROM O-3 OFFICE PARK DISTRICT TO R-4 RESIDENTIAL DISTRICT AND TO DESIGNATE LOTS 1-18, BLOCK 44 AND LOTS 1-7, BLOCK 61, HAVELOCK AS AN R-4 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT 6111 MORRILL AVENUE - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 16019 - APPLICATION OF FRIEDA BUSKIRK FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 1430 SOUTH FOLSOM STREET - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

STREET & ALLEY VACATION 16003 - VACATING A PORTION OF THE WEST ONE-HALF OF SOUTH 98TH STREET RIGHT-OF-WAY SOUTH OF THE INTERSECTION WITH ANDERMATT DRIVE - CLERK read an ordinance, introduced by Jane Raybould, vacating a portion of the west one-half of South 98th Street right-of-way south of the intersection with Andermatt Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING THE SECOND MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG FOR THE OPERATION AND MANAGEMENT OF PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2016 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jane Raybould, whereas, SMG, a Pennsylvania general partnership, currently operates and manages the Arena Site (including the Pinnacle Bank Arena, Arena Garage, and other improvements located thereon), Arena Surface Lot (Festival Space) and Pinewood Bowl, collectively the "Facilities", on behalf of the City and for the benefit of the citizens of the City of Lincoln, the second time.

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 20341 WHICH ONLY INCLUDE A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF THE ANNEXATION TO INCLUDE ALL OF SAID LOT 102 I.T. TO CONFORM TO THE CORPORATE LIMITS MAP ATTACHED TO AND MADE A PART OF ORDINANCE NO. 20341 - CLERK read an ordinance, introduced by Jane Raybould, amending Section 1 of Ordinance No. 20341 which annexed Lot 45 and a portion of Lot 102 of Irregular Tracts, located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska to revise the legal description of the annexation to include all of said Lot 102 I.T. to conform to the Corporate Limits Map attached to and made part of Ordinance No. 20341, the second time.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 20342 WHICH ONLY INCLUDE A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF CHANGE OF ZONE 15036 TO INCLUDE ALL OF SAID LOT 102 I.T. AS INTENDED BY THE REQUEST FOR ORDINANCE AND FACT SHEET FOR SAID CHANGE OF ZONE - CLERK read an ordinance, introduced by Jane Raybould, amending Section 2 of Ordinance No. 20342 which rezoned a portion of Lot 102 Irregular Tract, located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska to R-4 Residential District to revise the legal description of Change of Zone 15036 to include all of said Lot 102 I.T. as reflected in the Request for Ordinance and Fact Sheet for said Change of Zone, the second time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCREASE RECYCLING IN LINCOLN BY REQUIRING WASTE HAULERS TO OFFER CURBSIDE RECYCLING SERVICE TO CUSTOMERS, DIVERTING CORRUGATED CARDBOARD AND OTHER PAPER RECYCLABLES AWAY FROM THE LANDFILL, INCREASING CAPACITY OF THE FREE CITY RECYCLING DROP OFF SITES, IMPROVING DATA TRACKING ON RECYCLING, AND IMPLEMENTING A COMMUNITY WIDE RECYCLING EDUCATION CAMPAIGN - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wasters by amending Section 8.32.010 to add additional definitions; by amending Section 8.32.040 to add new subsections (c), (d), and (e); and by adding new Sections 8.32.115, 8.32.135, 8.32.136, 8.32.137, 8.32.138, 8.32.139, and 8.32.225; and repealing Sections 8.32.010 and 8.32.040 as hitherto existing, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

CHANGE OF ZONE 16017 - APPLICATION OF BOARD OF REGENTS FOR THE UNIVERSITY OF NEBRASKA AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO P PUBLIC, FROM R-4 RESIDENTIAL TO P PUBLIC, FROM R-5 RESIDENTIAL TO P PUBLIC, FROM R-6 RESIDENTIAL TO P PUBLIC, FROM I-1 INDUSTRIAL TO P PUBLIC, FROM B-3 COMMERCIAL TO P PUBLIC, FROM R-6 RESIDENTIAL TO P PUBLIC, AND FROM P PUBLIC TO R-6 RESIDENTIAL TO CLEANUP THE ZONING MAP TO REFLECT CURRENT OWNERSHIP AND USE ON PROPERTY GENERALLY LOCATED AT UNL EAST CAMPUS FROM 27TH TO 46TH STREET ALONG LEIGHTON AVENUE, AND INCLUDING LAND AT 33RD AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

LAMM Moved to pass ordinance as read.

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

The ordinance, is being numbered #20353, is recorded in Ordinance Book 31.

ANNEXATION 16007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 92.5 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF YANKEE HILL ROAD AND NORTH OF ROKEBY ROAD, BETWEEN SOUTH 27TH AND SOUTH 40TH STREETS - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance annexing and including the below described and land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

LAMM Moved to pass ordinance as read.

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

The ordinance, is being numbered #20354, is recorded in Ordinance Book 31.

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APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND BROCK A. AND KILEY S. SHULER FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 1732 NORTH 28TH STREET - PRIOR to reading:

CAMP Moved to Amend Bill No. 16-70 as follows:

1. On page 1, between lines 10 and 11, insert a new Section 2 to read as follows:

“Section 2. This Ordinance repeals Ordinance No. 20317 approving a Real Estate Purchase Agreement between the City of Lincoln and Paul E. Versaw for the sale of the foregoing City owned property located at 1732 North 28th Street as the parties have entered into an Addendum to Purchase Agreement releasing and discharging each other from all duties, obligations, and liability arising from or relating to the Purchase Agreement and declaring said Purchase Agreement Void.”

3. On page 1, lines 11 and 17, renumber “Section 2” and “Section 3”, as “Section 3” and “Section 4”.

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

CLERK Read an ordinance, introduced by Cyndi Lamm, an ordinance approving a Real Estate Sales Agreement between the City of Lincoln and Brock A. Shuler and Kiley S. Shuler authorizing the sale of City owned property generally located at 1732 north 28th Street, Lincoln, Nebraska, the third time.

LAMM Moved to pass ordinance as amended:

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

The ordinance, is being numbered #20355, is recorded in Ordinance Book 31.

RESOLUTION - FOR ACTION ONLY

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 329 FEET BY 240 FEET AND 22 INCHES AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON AUGUST 5, 2016 FROM 8:00 A.M. TO 2:00 A.M. (7/18/16 - ACTION DELAYED 1 WEEK TO 7/25/16) - CLERK read the following resolution, introduced by Trent Fellers, who moved it adoption for approval:

A-89884 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 SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 329 feet by 240 feet and 22 inches at Pinnacle Bank Arena at 400 Pinnacle Arena Drive, Lincoln, Nebraska, on August 5, 2016, between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Trent Fellers

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

RESOLUTIONS - 1ST READING

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1-15, 2016.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NEBRASKA SOYBEAN BOARD FOR BIODIESEL SUBSIDY PROGRAM (STARTRAN), PURSUANT TO QUOTE NO. 5358, FOR A TERM BEGINNING UPON EXECUTION OF THE CONTRACT THROUGH DECEMBER 2, 2017 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS. (*CONSENT*)

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNION COLLEGE FOR CONSTRUCTION OF SEATING WALLS, COLUMNS, ARCHES, LIGHTING FEATURES, AND MONUMENT WALLS AT SOUTH 48TH STREET AND PRESCOTT AVENUE.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM.

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

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE LIST OF OUTDOOR AND INDOOR CITY OWNED LOCATIONS WHERE ALCOHOLIC BEVERAGES CAN BE SERVED FOR SPECIFIC ACTIVITIES AND EVENTS - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending Section 12.08.270 of the Lincoln Municipal Code relating to Alcoholic Liquor Prohibited; Exceptions and Permit Requirements to include Tower Square, Auld Pavilion, and Jayne Snyder Trails Center in subsections (c) and (d); and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the first time.

PENDING DATE CERTAIN

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48TH STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST. (4/11/16 - PLACED ON PENDING UNTIL 5/16/16) (5/16/16 - PLACED ON PENDING FOR 2 WEEKS TO 6/6/16) (6/6/16 - PUBLIC HEARING & ACTION CONT'D TO 8/1/16, 7-0) - PRIOR to reading: CHRISTENSEN Moved to Withdraw Bill 16R-69.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4668 & was placed on file in the office of the City Clerk.

OPEN MICROPHONE

Jane Svoboda, 2450 Q Street, came forward, and made numerous statements.

John Austin, 626 South 14th Street, came forward and discussed numerous issues.

ADJOURNMENT

9:28 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of July 25, 2016.

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

Teresa Meier, City Clerk

Mo net J. McCullen, Office Specialist

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