

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 21, 2015 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of December 14, 2015, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF DH ENTERPRISES, LLC DBA THE DONUT HOLE FOR A CLASS I LIQUOR LICENSES
AT 350 CANOPY STREET, UNIT;

APPLICATION OF DH ENTERPRISES, LLC DBA THE DONUT HOLE FOR A CLASS E LIQUOR LICENSES
AT 350 CANOPY STREET, UNIT;

MANAGER APPLICATION OF BRANDON J. AKERT FOR DH ENTERPRISES, LLC DBA THE DONUT HOLE AT 350 CANOPY STREET, UNIT 103 - Jeff Galyen, Attorney, 100 N. 13th St., Suite 100, Norfolk, came forward representing DH Enterprises LLC, to take the oath and answer questions. Mr. Galyen stated that Breezy Island currently has a liquor license covering the entire indoor public market area, and Nebraska Law states to have a liquor license you must own or lease the space to be licensed. The current license that Breezy Island has is not in compliance with Nebraska Law since they do not own or lease this public area. Mr. Galyen stated that they are asking that Breezy Islands liquor license for the public market area be deleted, and that it goes back to the correct square footage of 500 feet. Donut Hole also feels that the Entertainment District should bridge the gap with the liquor license for the inside public market area.

Jon Camp, Council Member, inquired about the Entertainment District Regulations.

Tonya Peters, Assistant City Attorney, stated that the Entertainment District area is the outside area, not the inside area. Part of the problem is that Donut Hole can't sell into an area that another business has a liquor license. The indoor public market area is licensed by Breezy Island, because they hold the liquor license for the inside public market area they are the only ones that may sell liquor in this area. It could be worked out so that Donut Hole could sell into the outside area, but not the inside public market area. Breezy Island has control over whose liquor comes into the public market area also. Indoor liquor licenses can't overlap like an outdoor license can. Discussion followed

Leirion Gaylor Baird, Council Member, asked what would need to be done to solve this issue to prevent this from happening again.

Ms. Peters stated that there is no legal provision that would allow both places to sell into the same inside area, the State Statutes would need to be changed for both to be able to sell inside.

Roy Christensen, Council Member, stated that he feels that this needs more work before it comes before City Council.

Trent Fellers, Council Chair, stated it seems like the landlord wanted someone to be in charge of the space inside, and that would be a reason that one person to be in charge of this common area. Mr. Fellers asked if it would be possible for them to have a license and not sell into the commons area sell through the window only.

Ms. Peters said yes, but that they believe that there would need to be some type of physical barrier that prevents both businesses from selling into the same inside area.

Mr. Galyen stated according to the State Statute you are required to own or lease the space that is being licensed and Breezy Island doesn't own or lease this area. Mr. Galyen feels the State Statute defines common area broadly enough it could work for both businesses. Discussion followed.

This matter was taken under advisement.

APPLICATION OF CHEFAUCHEF, LLC DBA TALON ROOM BY CHEFAUCHEF FOR A CLASS C LIQUOR LICENSE AT 230 NORTH 12TH STREET;

MANAGER APPLICATION OF AARON D.C. YOUNG FOR CHEFAUCHEF, LLC DBA TALON ROOM BY CHEFAUCHEF AT 230 NORTH 12TH STREET - Aaron Young, 5400 Pawnee St., came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF DOUGLAS W. LARKINS FOR WHITEHEAD OIL COMPANY DBA U-STOP #11 AT 2925 NORTHWEST 12TH STREET - Douglas Larkins, 3902 S. 76th St., came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

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APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND BEEHIVE INDUSTRIES, LLC FOR ENTERPRISE WIDE ASSET MANAGEMENT SOLUTION, PURSUANT TO BID NO. 15-189, FOR A FOUR TERM WITH THE OPTION TO RENEW FOR TWO ADDITIONAL FOUR YEAR TERMS; APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO A NEW PROJECT FOR A COMPREHENSIVE PWU ASSET MANAGEMENT PROGRAM - Donna Garden, Public Works Asst. Director, came forward and stated that this will affect both Public Works and Parks and Rec. saving \$1.8 Million dollars over 4 years.

David Young, Public Works, came forward and stated the City would need to purchase 18 new smart phones and 8 new tablets. This new software will run on all of our existing phones, tablets, and computers.

Jon Camp, Council Member, asked about the programs the funds will be taken out of.

Ms. Garden stated some of the funds will be coming from existing programs that have software associated with them. This is only for this year and it has been split between all the divisions equally.

Carl Eskridge, Council Member, asked how we are currently tracking all of this information.

Ms. Garden stated this information is currently being kept on spreadsheets in each of the divisions in different programs. The new system will save time for the inspectors and staff that currently enter information in by hand. This will save time and money in tracking items with realtime information, knowing when too much time and money has been spent on an item and when the item just needs to be replaced.

Leirion Gaylor Baird, Council Member, inquired about benefits the public will see or feel as a result of this transition.

Mr. Young stated what we are moving towards is an open data model. Currently, each of these five systems uses a different database back end. The new system will have one database back end. This allows us to create a front end that will allow the public to have access to the same information and they will be able to interact in this system. The goal is to tie all of our systems together with this project.

Ms. Gaylor Baird asked about mobile emergency alerts and for having push notifications for staff and the public. Is this a benefit that is planned or just a possibility that is outlined in the contract?

Mr. Young said that it is part of the 311 system, this is something that we need to have more discussions on with ISPC.

Trent Fellers, Council Chair, asked if there would be extra cost with the City downloading this system on our server.

Mr. Young stated that we are purchasing this software as a service contract. We have asked for, and BeeHive is providing us, with an additional layer of comfort by placing a node on our network. This means if our outside internet connection with the server is cut, the internal network system will continue to work and connect to the server. When the outside internet connection is restored the systems will resync.

Mr. Fellers asked about the cost savings.

Mr. Young stated that over the next 18 months they will be working on getting all five systems transferred over to the new system. When the current contract expires, the City will not renew. By doing this all at one time we will be spending less money with this system, than we did with the other systems. Discussion followed.

This matter was taken under advisement.

IDENTIFYING AND DECLARING AN AREA WITHIN DOWNTOWN LINCOLN AS THE DOWNTOWN LINCOLN BUSINESS AREA AND APPOINTING THE MEMBERS OF THE DOWNTOWN LINCOLN BUSINESS IMPROVEMENT BOARD - David Landis, Urban Development Director, came forward and stated there are four Downtown Business Improvement Districts, but there is only a logic for two. State law has changed since the four districts were created so we are looking to simplify the districts. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE VICTORY PARK - VA CAMPUS REDEVELOPMENT AGREEMENT TO EXTEND THREE CONTINGENCY DEADLINES FROM JANUARY 1, 2016 TO AUGUST 31, 2016 - David Landis, Urban Development Director, came forward and stated two of the three original parties to this project have had a change of leadership, and are asking that the deadline be changed to give these parties time to go over the project.

Jon Camp, Council Member, asked if the VA was still planning on deciding the location of the new clinic Jan. 1.

Mr. Landis stated that was correct.

Kent Seacrest, 1111 Lincoln Mall, #300, came forward for The Seniors Foundation and America First who are teamed up to be the development team for the VA project. Mr. Seacrest stated that they are asking for a delay. Discussion followed.

This matter was taken under advisement.

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED NORTH AND SOUTH OF "O" STREET FROM 3RD AND "O" STREET ON THE EAST AND THE ON AND OFF RAMP ONTO HOMESTEAD EXPRESSWAY ON THE WEST AS THE WEST "O" STREET BUSINESS AREA AND APPROVING THE APPOINTMENT OF MIKE DEIBERT, RANDY HAAS, VI SEE, RACHELLE SOULLIERE, AND PATTI YAUSSE AS THE MEMBERS OF THE BUSINESS IMPROVEMENT

BOARD - David Landis, Urban Development Director, came forward and stated this area does not have a business district, and with the improvements made last year maintenance will be needed. The West O Business District always understood this, and said they would self assess themselves for the costs in the form of a Business Improvement District.

Roy Christensen, Council Member, inquired how the appointees were selected.

Mr. Landis stated they are all members of the West O Business Association, and all currently have a business in the West O area. Discussion followed.

This matter was taken under advisement.

WAIVER 15018 - APPEAL OF DENNIS SLAMA FROM THE PLANNING COMMISSION DENIAL OF HIS REQUEST TO WAIVE THE REQUIREMENT OF § 26.23.095 OF THE LAND SUBDIVISION ORDINANCE TO INSTALL A SIDEWALK ADJACENT TO A RESIDENTIAL LOT ON LOT 1, BLOCK 1, WILDERNESS ESTATES 3RD ADDITION, FINAL PLAT #15087, GENERALLY LOCATED AT 731 GLENRIDGE ROAD - Dennis Slama, 731 Glenridge Rd., stated that the reason for this request is that he is wanting to divide his property into two portions to sell part of his property. Mr. Slama stated this area was approved for development in 1997. At that time, the developer was to put in the sidewalk, but, prior to that happening, the developer filed for bankruptcy. Mr. Slama stated that putting a sidewalk in only became an issue when they decided to divide their property to build a new house and sell the other house. Mr. Slama stated he feels he should not be responsible for something the contractor did not do.

Leirion Gaylor Baird, Council Member, inquired why the Planning Commission recommended a denial.

Steve Henrichsen, Planning Department, came forward and stated as a part of the residential building process everyone is required to put sidewalk in if there is none when taking out a building permit. This is also an ADA requirement.

Roy Christensen, Council Member, asked if Mr. Slama was correct in stating that the developer was to put the sidewalk in, and if City failed to exercise the bond to make sure it was done.

Mr. Henrichsen, stated that is correct.

Jon Camp, Council Member, asked about granting the waiver.

Mr. Henrichsen said no, he did not feel this should be waived and this property is the only property in this area without a sidewalk. Discussion followed.

Ms. Gaylor Baird asked if this was to be approved what position it would put the Planning Department in for future requests.

Mr. Henrichsen stated in the future, if someone was not wanting to put in a sidewalk, this would set a precedent, since there is not an existing reason for the sidewalk not to be put in.

Mr. Christensen asked if the Slamas were to withdraw their application would the City still be requiring they put in the sidewalk.

Mr. Henrichsen said no, they would wait for a building permit to request the sidewalk. Discussion followed.

Ms. Gaylor Baird stated that this was also required by the Lincoln Municipal Code.

Mr. Henrichsen said yes. Discussion followed.

Mr. Slama stated that he is not against sidewalks, but feels it was the developers responsibility not his. He also stated that he was not aware of the sidewalk issue when he purchased the property. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 15003 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE "SOUTH HAYMARKET NEIGHBORHOOD PLAN" AS AN AMENDMENT TO THE 2005 DOWNTOWN MASTER PLAN A SUBAREA PLAN OF THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN - David Cary, Interim Planning Director, came forward and stated for the record that Council had received a full briefing a few weeks ago on this project. Mr. Cary also said there have been discussions with other boards and commissions, providing information to get to this point. In meeting with different groups, they have been able to work through some concerns and have received letters of support for the amendment.

Paul Barnes, Planning Department, came forward and stated this area was originally mentioned in the 2005 Master Plan as an area that could be developed in the future. Mr. Barnes stated they have started the outreach process and have had conversations with business and property owners of this area. The Planning Commission has reviewed and approved this plan.

Leirion Gaylor Baird, Council Member, asked who will be affected by this plan and how. Ms. Gaylor Baird asked that this plan does not force anyone to move or leave their space.

Mr. Cary stated this plan doesn't change the zoning on a parcel. This is something that is possible or likely in the future when the project moves forward. Discussion followed.

Roy Christensen, Council Member, asked about the vision of this plan that will ultimately result in making the existing businesses want to move. Do we have a vision, a plan on where they could move to in our City that they would be protected in the future from this happening to them again.

Mr. Cary stated that they have talked with the existing businesses and currently they are not wanting to move, and the City will work with them in the future if they do desire to move. Discussion followed.

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Jon Camp, Council Member, asked why they did not take out the 2½ block area that the Public Building Commission had asked them to.

Mr. Cary stated since they had addressed the majority of the concerns from Public Building Commission they felt there was not a need to remove the 2½ block area from the plan. Discussion followed.

Jane Raybould, Council Member, stated that the Planning Department came back with a document that addressed all of the Public Building Commission concerns, and they were pleased with the new document and it was acceptable to the majority of the members.

Ms. Gaylor Baird asked about the official testimony from Public Building Commission Members.

Mr. Cary stated there was testimony and it was stated the process that was brought them to this point was acceptable. Discussion followed.

Coby Mach, Lincoln Independent Business Association, 620 N. 48th St., came forward and stated some of the business owners have concerns about their rights as business owners. Mr. Mach also said it was important for them to continue to have these rights through this process. Another concern is singling out a joint public agency to oversee this area. Mr. Mach stated that the new language does address these concerns. Discussion followed.

This matter was taken under advisement.

ANNEXATION 14004 - AMENDING ORDINANCE NO. 20125 TO CORRECTLY ASSIGN THE LAND ANNEXED TO CITY COUNCIL DISTRICT #2 - David Cary, Interim Planning Director, came forward and stated this area when annexed was put in the wrong district so this corrects that. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 15034 - APPLICATION OF EDWARD SHARON, TO DESIGNATE THE REES HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 4701 BANCROFT STREET - Ed Zimmer, Planning Department, came forward and stated the owner is interested in selling this property to the applicant and the Planning Department is recommending its approval.

Jon Camp, Council Member, asked for the applicant to explain what she is wanting to do.

Gena Foster, 4716 Prescott Ave., came forward and stated she is a Family Practice Nurse Practitioner, and is the owner of a holistic health clinic. This clinic helps give women the medical care that they need. Ms. Foster said her current lease is up in two weeks and would like to have this new space to move into. Discussion followed.

This matter was taken under advisement.

ANNEXATION 15013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 72.5 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND YANKEE HILL ROAD;

CHANGE OF ZONE 05068E - APPLICATION OF R.C. KRUEGER DEVELOPMENT, TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 82.65 ACRES OF LAND; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND DESIGN STANDARDS TO ALLOW FOR THE DEVELOPMENT OF UP TO 1,185 TOTAL DWELLING UNITS AND UP TO 744,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED BETWEEN 70TH STREET AND 84TH STREET, SOUTH OF YANKEE HILL ROAD - Christina Sabin, Krueger Development, 8200 Cody Dr., came forward and stated they are looking to bring additional land into the development, have held a meeting with area residents, and the residents had a few questions mainly about the roundabout. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON NOVEMBER 23, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON DECEMBER 7, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

LINCOLN ELECTRIC SYSTEM'S QUARTERLY FINANCIAL REPORT THIRD QUARTER JULY -
SEPTEMBER 2015 - CLERK presented said report which was placed on file in the Office of the City
Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 11, 2016 AT 3:00 P.M. ON THE APPLICATION
OF LAKE VENTURES LLC DBA FRESH THYME FARMER MARKET FOR A CLASS C LIQUOR
LICENSE AT 5220 O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who
moved its adoption:

A-89426 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set
for Monday, January 11, 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 Lake Ventures LLC dba Fresh
Thyme Farmer Market for a Class C Liquor License at 5220 O Street.

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

Introduced by Carl Eskridge

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 15121 TO SPECIAL PERMIT NO. 201, CHEZ AMI KNOLLS
COMMUNITY UNIT PLAN, APPROVED BY THE ACTING PLANNING DIRECTOR ON
DECEMBER 10, 2015, REQUESTED BY DIAL RETIREMENT COMMUNITIES, TO REMOVE THE
PROPERTY LEGALLY DESCRIBED AS OUTLOT A & LOT 1, BLOCK 1, CHEZ AMI KNOLLS 2ND
ADDITION FROM THE SPECIAL PERMIT, GENERALLY LOCATED AT NORMAN ROAD AND
OLD CHENEY ROAD.

LIQUOR RESOLUTIONS

APPLICATION OF DH ENTERPRISES, LLC DBA THE DONUT HOLE FOR A CLASS I LIQUOR LICENSES
AT 350 CANOPY STREET, UNIT 103 - CLERK read the following resolution, introduced by Jon Camp,
who moved its adoption for denial:

A-89427 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of
Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or
community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this
application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- I. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of DH
Enterprises, LLC dba The Donut Hole for a Class "I" liquor license at 350 Canopy Street, Unit 103,
Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for
one or more of the following reasons:

- a. The premises is currently licensed by the Nebraska Liquor Control Commission.
- b. The applicant's lease contract does not provide the applicant with any control and/or authority in
the common space located inside what is commonly referred to as the Public Market.
- c. The applicant's premises is not separate from an adjoining liquor license by a significant physical
barrier.
- d. The lease does not allow for the applicant to have an annual liquor license for this space.
- e. The applicant cannot conform to all provisions and requirements of and rules and regulations
adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- f. The applicant has not demonstrated that the type of management and control to be exercised over
the premises described in the application will be sufficient to insure that the licensed business can
conform to all provisions and requirements of and rules and regulations adopted pursuant to the
Nebraska Liquor Control Act, and pertinent City ordinances.
- g. The applicant has not demonstrated that the issuance of the license is or will be required by the
present or future public convenience and necessity.

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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, Raybould; NAYS: None; ABSENT: Lamm.

APPLICATION OF DH ENTERPRISES, LLC DBA THE DONUT HOLE FOR A CLASS E LIQUOR LICENSES AT 350 CANOPY STREET, UNIT 103 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89428 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of DH Enterprises, LLC dba The Donut Hole for a Class "E" liquor license at 350 Canopy Street, Unit 103, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The indoor premises requested in the application is currently licensed by the Nebraska Liquor Control Commission.
- b. The applicant's lease contract does not provide the applicant with any control and/or authority in the common space located outside, commonly referred to as the Railyard.
- c. The applicant's indoor premises is not separate from an adjoining liquor license by a significant physical barrier.
- d. The lease does not allow for the applicant to have an annual liquor license for this space.
- e. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- f. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- g. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

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, Raybould; NAYS: None; ABSENT: Lamm.

MANAGER APPLICATION OF BRANDON J. AKERT FOR DH ENTERPRISES, LLC DBA THE DONUT HOLE AT 350 CANOPY STREET, UNIT 103 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89429 WHEREAS, DH Enterprises, LLC dba The Donut Hole located at 350 Canopy Street, Unit 103, Lincoln, Nebraska requests that Brandon J. Akert be named manager of its facility in accordance with its application for a liquor license.

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 to the Nebraska Liquor Commission that Brandon J. Akert be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. City Council's recommendation for denial of the requested license, if applicable.
- b. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- c. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- d. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can

conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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, Raybould; NAYS: None; ABSENT: Lamm.

APPLICATION OF CHEFAUCHEF, LLC DBA TALON ROOM BY CHEFAUCHEF FOR A CLASS C LIQUOR LICENSE AT 230 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89430 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 Chefauchef, LLC dba Talon Room by Chefauchef for a Class "C" liquor license at 230 North 12th Street, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF AARON D.C. YOUNG FOR CHEFAUCHEF, LLC DBA TALON ROOM BY CHEFAUCHEF AT 230 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89431 WHEREAS, Chefauchef, LLC dba Talon Room by Chefauchef located at 230 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Aaron D.C. Young be named manager;

WHEREAS, Aaron D.C. Young 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 Aaron D.C. Young be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DOUGLAS W. LARKINS FOR WHITEHEAD OIL COMPANY DBA U-STOP #11 AT 2925 NORTHWEST 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89432 WHEREAS, Whitehead Oil Company dba U-Stop #11 located at 2925 Northwest 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Douglas W. Larkins be named manager;

WHEREAS, Douglas W. Larkins 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 Douglas W. Larkins be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND BEEHIVE INDUSTRIES, LLC FOR ENTERPRISE WIDE ASSET MANAGEMENT SOLUTION, PURSUANT TO BID NO. 15-189, FOR A FOUR TERM WITH THE OPTION TO RENEW FOR TWO ADDITIONAL FOUR YEAR TERMS - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89433 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Beehive Industries for Enterprise Wide Asset Management Solution, pursuant to Bid No. 15-189, for a four year term, with the option to renew for two additional four year renewal terms for licensing, 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 Roy Christensen

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

IDENTIFYING AND DECLARING AN AREA WITHIN DOWNTOWN LINCOLN AS THE DOWNTOWN LINCOLN BUSINESS AREA AND APPOINTING THE MEMBERS OF THE DOWNTOWN LINCOLN BUSINESS IMPROVEMENT BOARD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89434 WHEREAS, the City is authorized by the Business Improvement District Act (*Neb. Rev. Stat. §§ 19-4015-19-4038*) (the "Act") to create Business Improvement Districts within an established business area of the City zoned for Business, Public, or Commercial purposes to provide means to raise the necessary funds to provide and maintain the improvements authorized by the Act; and

WHEREAS, the City wishes to identify a Business Area to be improved as provided in the Act and appoint a Business Improvement Board to study and make recommendations to the City Council for the establishment of a plan or plans for improvements in the Business Area consistent with the Act; and

WHEREAS, the area generally extending from approximately N Street on the south and Pinnacle Arena Drive on the west, thence north and northeasterly along Pinnacle Arena Drive to 9th Street, thence southeasterly along 9th Street and I-180 to R Street, thence east along R street to 17th Street, thence south along 17th Street to K Street, thence west along K Street to 16th Street, thence south along 16th Street to H Street, thence west along H Street to 9th Street, thence north along 9th Street to K Street, thence west along K Street to 8th Street, thence north along 8th Street to N Street, thence west along N Street to Pinnacle Arena Drive, as shown in Attachment "A" attached hereto and incorporated herein by this reference, consists of land zoned for Business, Public, or Commercial purposes under the City of Lincoln Zoning Code.

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

1. The Area described above and shown in Attachment "A" is eligible to be and is hereby declared to be an established Business Area of the City of Lincoln to be known as the "Downtown Lincoln Business Area".
2. The Mayor has appointed, and the City Council hereby approves, the following persons consisting of property owners, residents, business operators, or users of space within the Downtown Lincoln Business Area as members of a Business Improvement Board to be known as the "Downtown Lincoln Business Improvement Board":

Bryan Sullivan	Ben Kiser
Clay Smith	Angie Tucci
Will Scott	Josh Berger
John Kay	Nancy Arter Gade
Jon Carlson	David Schmidt
C.J. Thoma	Jane Morrison

3. The above-named members of the Downtown Lincoln Business Improvement Board have agreed to and shall serve without compensation for a three year term or until their successors are appointed and qualified as provided under the Act.

4. The Downtown Lincoln Business Improvement Board shall make recommendations to the City Council for the establishment of a plan or plans for improvements in the Downtown Lincoln Business Area.

5. The Downtown Lincoln Business Improvement Board may make recommendations to the City Council on the proposed boundaries for any Business Improvement Districts to be established in the Downtown Lincoln Business Area. The Board may also make recommendations as to the use of funds collected in any type of assessments, if any, related to any Business Improvement District established in the Downtown Lincoln Business Area.

6. The Downtown Lincoln Business Improvement Board shall comply with the Act including selecting from its members a chairperson and secretary and meeting according to law and such rules and by-laws as the Board shall adopt.

Introduced by Roy Christensen

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

APPROVING AN AMENDMENT TO THE VICTORY PARK - VA CAMPUS REDEVELOPMENT AGREEMENT TO EXTEND THREE CONTINGENCY DEADLINES FROM JANUARY 1, 2016 TO AUGUST 31, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89435 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment No. 1 to the Redevelopment Agreement for Victory Park - VA Campus among the City of Lincoln, Seniors Foundation VA Vision, LLC, and Victory Park, LLC, amending the Redevelopment Agreement approved by Resolution No. A-89264 on August 28, 2015, to extend three contingency deadlines from January 1, 2016 to August 31, 2016: 1) final plat approval; 2) Extended Use Lease with the VA and sublease by Seniors Foundation and Developer; and 3) approval and execution of the Nebraska Investment Finance Authority (NIFA) financing documents for the design and construction of the VASH Housing, is hereby approved and accepted and the Mayor is authorized to execute said Amendment No. 1 to the Redevelopment Agreement on behalf of the City.

The City Clerk is directed to return two fully executed copies of the Amendment to Wynn Hjermstad for transmittal to Seniors Foundation VA Vision, LLC and Victory Park, LLC.

Introduced by Roy Christensen

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

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED NORTH AND SOUTH OF "O" STREET FROM 3RD AND "O" STREET ON THE EAST AND THE ON AND OFF RAMPS ONTO HOMESTEAD EXPRESSWAY ON THE WEST AS THE WEST "O" STREET BUSINESS AREA AND APPROVING THE APPOINTMENT OF MIKE DEIBERT, RANDY HAAS, VI SEE, RACHELLE SOULLIERE, AND PATTI YAUSSE AS THE MEMBERS OF THE BUSINESS IMPROVEMENT BOARD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89436 WHEREAS, the City is authorized by the Business Improvement District Act (*Neb. Rev. Stat. §§ 19-015-19-4038*) (the "Act") to create Business Improvement Districts within an established business area of the City zoned for Business, Public, or Commercial purposes to provide means to raise the necessary funds to provide and maintain the improvements authorized by the Act; and

WHEREAS, the City wishes to identify a Business Area to be improved as provided in the Act and appoint a Business Improvement Board to study and make recommendations to the City Council for the establishment of a plan or plans for improvements in the Business Area consistent with the Act; and

WHEREAS, the area generally located north and south of "O" Street from 3rd and "O" Street on the east and the on and off ramps onto Homestead Expressway on the west, as shown in Attachment "A" attached hereto and incorporated herein by this reference, consists of land zoned for Business, Public, or Commercial purposes under the City of Lincoln Zoning Code.

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

1. The Area described above and shown in Attachment "A" is eligible to be and is hereby declared to be an established Business Area of the City of Lincoln to be known as the "West "O" Street Business Area".
2. The Mayor has appointed, and the City Council hereby approves, the following persons consisting of property owners, residents, business operators, or users of space within the West "O" Street Business Area as members of a Business Improvement Board to be known as the "West "O" Street Business Improvement Board":

Mike Deibert
Randy Haas
Vi See
Rachelle Soulliere
Patti Yaussi

3. The above-named members of the West "O" Street Business Improvement Board have agreed to and shall serve without compensation for a three year term or until their successors are appointed and qualified as provided under the Act.

4. The West "O" Street Business Improvement Board shall make recommendations to the City Council for the establishment of a plan or plans for improvements in the West "O" Street Business Area.

5. The West "O" Street Business Improvement Board may make recommendations to the City Council on the proposed boundaries for any Business Improvement Districts to be established in the West "O" Street Business Area. The Board may also make recommendations as to the use of funds collected in any type of assessments, if any, related to any Business Improvement District established in the West "O" Street Business Area.

6. The West "O" Street Business Improvement Board shall comply with the Act including selecting from its members a chairperson and secretary and meeting according to law and such rules and by-laws as the Board shall adopt.

Introduced by Roy Christensen

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

WAIVER 15018 - APPEAL OF DENNIS SLAMA FROM THE PLANNING COMMISSION DENIAL OF HIS REQUEST TO WAIVE THE REQUIREMENT OF § 26.23.095 OF THE LAND SUBDIVISION ORDINANCE TO INSTALL A SIDEWALK ADJACENT TO A RESIDENTIAL LOT ON LOT 1, BLOCK 1, WILDERNESS ESTATES 3RD ADDITION, FINAL PLAT #15087, GENERALLY LOCATED AT 731 GLENRIDGE ROAD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89437 WHEREAS, Dennis and Sandra Slama ("Owners") are the owners of Lot 1, Block 1, Wilderness Estates Addition, generally located at 731 Glenridge Road, Lincoln, Nebraska; and

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WHEREAS, the Owners have requested to replat Lot 1, Block 1, Wilderness Estates Addition as Lots 1 and 2, Block 1, Wilderness Estates 3rd Addition; and

WHEREAS, pursuant to the Land Subdivision Ordinance, the conditions of approval for Wilderness Estates 3rd Addition required the installation of sidewalks adjacent to Lot 1, Block 1, Wilderness Estates 3rd Addition, Final Plat #15087; and

WHEREAS, Owners have requested a modification of the Land Subdivision Ordinance to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, on November 18, 2015 the Planning Commission held a public hearing on said request and has denied said waiver; and

WHEREAS, on November 23, 2015 Dennis Slama filed a notice of appeal appealing the action of the Planning Commission denying the requested waiver; and

WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(a)(2) the action appealed from is deemed advisory and the City Council is authorized to take final action on the requested waiver; and

WHEREAS, the City Council finds that the strict application of the requirement that sidewalks be installed adjacent to Lot 1, Block 1, Wilderness Estates 3rd Addition would not result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the requested waiver of the requirement of the Land Subdivision Ordinance that sidewalks be installed adjacent to Lot 1, Block 1, Wilderness Estates 3rd Addition, is hereby denied.

Introduced by Roy Christensen

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

COMP. PLAN AMENDMENT 15003 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE "SOUTH HAYMARKET NEIGHBORHOOD PLAN" AS AN AMENDMENT TO THE 2005 DOWNTOWN MASTER PLAN A SUBAREA PLAN OF THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN - PRIOR to reading:

CAMP Moved to amend #1 Bill 15R-252 as follows:

Amend the South Haymarket Neighborhood Plan as an amendment to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan by amending Chapter 3.1 Implementation as follows:

1. On page 3.45 revise the text under "Two Scenarios to Fill in the Floodplain", to read as follows: The recommended approach for floodplain mitigation in South Haymarket is to designate a large, open space area for compensatory storage. This overall mitigation effort will likely require cooperative oversight by a governmental entity entities, similar to the West Haymarket JPA, and will need to be encumbered with a conservation easement to protect flood volume. An effort to provide overall flood storage for the South Haymarket Neighborhood will encourage redevelopment. Although this effort will provide for and preserve the flood volume, individual developments will still be required to elevate above the base flood elevation (BFE).

2. On page 3.51 delete in its entirety the existing "Joint Public Agency" text and insert in lieu thereof the following "Cooperative Agreements" text:

Cooperative Agreements

There are a number of aspects of the South Haymarket redevelopment which may require joint decision-making, particularly in the area of flood storage where the Lower Platte South Natural Resource District has jurisdiction. Cooperative arrangements may be necessary to build parking garages and other infrastructure. The City of Lincoln is committed to working cooperatively with all public and private investors to identify possible mechanisms to address the area's needs in a manner that best serves the interests of the South Haymarket, the area's investors, and Lincoln citizens.

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

CAMP Moved to amend #2 Bill 15R-252 as follows:

Amend the South Haymarket Neighborhood Plan as an amendment to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan by deleting all text in the South Haymarket Neighborhood Plan to Consolidate the Government Footprint, including, but not limited to, pages 1.7, 2.53, 2.54, 2.55, 2.56, 2.57, 2.66, 2.94, 3.52, 3.53 and 3.54.

Seconded by Christensen and LOST by the following vote; AYES: Camp, Christensen; NAYS: Eskridge, Fellers, Gaylor Baird, Raybould; ABSENT: Lamm.

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89438 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to adopt the "South Haymarket Neighborhood Plan", an Executive Summary of which is attached hereto marked as Attachment A, in an area generally bounded by O Street, South 10th Street, G Street, and South 4th Street, as an amendment to the 2005 Downtown Master Plan, which is a subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

The "South Haymarket Neighborhood Plan" on file in the office of the Planning Director and made a part hereof by reference, is hereby adopted as an amendment to the 2005 Downtown Master Plan, which is a subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Roy Christensen

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

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

ANNEXATION 14004 - AMENDING ORDINANCE NO. 20125 TO CORRECTLY ASSIGN THE LAND ANNEXED TO CITY COUNCIL DISTRICT #2 - CLERK read an ordinance, introduced by Roy Christensen, amending Ordinance No. 20125 passed by the City Council of the City of Lincoln, Nebraska on January 5, 2015 annexing a part of Lot 68 I.T. located in the Southwest Quarter of Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, into the corporate limits boundary of the City of Lincoln and correctly assigning the annexed land from City Council District #4 to City Council District #2, the second time.

CHANGE OF ZONE 15034 - APPLICATION OF EDWARD SHARON, TO DESIGNATE THE REES HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 4701 BANCROFT STREET- PRIOR to reading:

CAMP Moved to suspend the City Council Rules for Bill 15-154 to have 3rd reading & action on this date. Seconded Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.

CLERK Read an ordinance, introduced by Roy Christensen, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time. (See further Council Action under "ORDINANCES - 3RD READING & RELATED RESOLUTIONS".)

APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO A NEW PROJECT FOR A COMPREHENSIVE PWU ASSET MANAGEMENT PROGRAM. (RELATED ITEMS 15-155, 15R-248) - CLERK read an ordinance, introduced by Roy Christensen, approving the transfer of appropriations between certain capital improvement projects within the Water Fund, Wastewater Fund, Solid Waste Fund, and Street Construction Fund for the Public Works & Utilities Department, the second time.

ANNEXATION 15013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 72.5 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND YANKEE HILL ROAD - CLERK read and ordinance, introduced by Roy Christensen, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 05068E - APPLICATION OF R.C. KRUEGER DEVELOPMENT, TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 82.65 ACRES OF LAND; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND DESIGN STANDARDS TO ALLOW FOR THE DEVELOPMENT OF UP TO 1,185 TOTAL DWELLING UNITS AND UP TO 744,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED BETWEEN 70TH STREET AND 84TH STREET, SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 15-152, 15-153) - CLERK read and ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

CHANGE OF ZONE 15034 - APPLICATION OF EDWARD SHARON, TO DESIGNATE THE REES HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 4701 BANCROFT STREET- PRIOR to reading:

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CAMP Moved to suspend the City Council Rules for Bill 15-154 to have 3rd reading & action on this date.
Seconded Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.

CLERK Read an ordinance, introduced by Roy Christensen, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

CHRISTENSEN Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered # **20271**, is recorded in Ordinance Book #30.

COMP. PLAN CONFORMANCE 15031 - DECLARING FOUR VACANT PARCELS OF LAND GENERALLY LOCATED AT NORTH 14TH AND NEW HAMPSHIRE, 2100 Y STREET, AND CITY-OWNED LOTS ON THE 400 BLOCK OF SOUTH 40TH STREET AND THE 400 BLOCK OF SOUTH 55TH STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jon Camp, declaring four vacant parcels of land generally located at North 14th Street and New Hampshire, 2100 Y Street, and city-owned lots on the 400 block of South 55th Street as surplus, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #**20272**, is recorded in Ordinance Book 30.

ANNEXATION 15010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 28 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 15-143, 15-144) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as 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.

CAMP Moved to pass the ordinance as read.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #**20273**, is recorded in Ordinance Book 30.

CHANGE OF ZONE 15029 - APPLICATION OF ANDERMATT, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 15-143, 15-144) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #**20274**, is recorded in Ordinance Book 30.

ANNEXATION 15012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15-145, 15-146) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #**20275**, is recorded in Ordinance Book 30.

CHANGE OF ZONE 15032 - APPLICATION OF HIMARK PROPERTIES, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15-145, 15-146) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #**20276**, is recorded in Ordinance Book 30.

TEXT AMENDMENT 15022 - AMENDING SECTION 27.62.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CONDITIONAL USES IN RETAIL SALES AND SERVICES USE GROUP TO CORRECT AN ERROR MADE TO SUBSECTION (H)(2) IN A PREVIOUS TEXT AMENDMENT TO CLARIFY THAT THE FLOOR AREA RESTRICTION FOR PERSONAL SERVICES APPLIES TO THE SIZE OF THE USE AND NOT TO THE SIZE OF THE BUILDING THE USE IS LOCATED IN; AND REPEALING SECTION 27.62.100 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.62.100 of the Lincoln Municipal Code relating to Conditional Uses in Retail Sales and Services Use Group to correct an error made to subsection (h)(2) in a previous text amendment to clarify that the floor area restriction for personal services applies to the use and not the size of the building the use is located in; and repealing Section 27.62.100 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #20277, is recorded in Ordinance Book 30.

CHANGE OF ZONE 15033 - APPLICATION OF JOHN D. AND JANICE K. VERMAAS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND ROKEBY ROAD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #20278, is recorded in Ordinance Book 30.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, PARKS AND RECREATION DEPARTMENT AND U.S. DEPARTMENT OF THE ARMY FOR THE LEASE OF 333.75 ACRES OF PUBLIC PARK PROPERTY AT HOLMES LAKE DAM SITE NO. 17 FOR A 25 YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln, Parks and Recreation Department and U.S. Department of the Army for the lease of 333.75 acres of public park property at Holmes Lake Dam Site No. 17 for a 25 year term, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.
The ordinance, being numbered #20279, is recorded in Ordinance Book 30.

RESOLUTIONS - 1ST READING

ACCEPTING AND APPROVING THE 2015-2016 WORK PLAN 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 SECTION 105 AIR QUALITY PROGRAM GRANT. (*CONSENT*)

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY ASPEN HEIGHTS CONSTRUCTION, LLC FOR PRIVATE CONDUIT AND FIBER INSTALLATION TO CONNECT NEWLY CONSTRUCTED STUDENT HOUSING BUILDINGS ALONG NORTH 18TH STREET BETWEEN Q AND P STREETS.

APPOINTING MARK ORR TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2017. (*CONSENT*)

REAPPOINTING DIANE BARTELS, WILLIAM A. BOWMAN, WILLIAM C. JACKSON, JR., AND RON LECHNER TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2018. (*CONSENT*)

COMP. PLAN CONFORMANCE 15032 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "TELEGRAPH DISTRICT PHASE I: 401 BUILDING AND 333 BUILDING PROJECT" TO INCLUDE THE REHABILITATION OF AN EXISTING OFFICE BUILDING AND PARKING GARAGE TO BE USED FOR OFFICE, COMMERCIAL, AND PARKING USES, ON PROPERTY GENERALLY LOCATED BETWEEN M STREET, K STREET, 20TH STREET, AND 21ST STREET AND TO DELETE THE REDEVELOPMENT PROJECT, "21ST & N".

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

AMENDING CHAPTER 8.06 OF THE LINCOLN MUNICIPAL CODE, AIR POLLUTION, BY AMENDING SECTION 8.06.090, RELATING TO INSPECTIONS; HOW CONDUCTED, TO ALLOW INSPECTIONS TO BE CONDUCTED AT ANY REASONABLE TIME - Clerk read an ordinance, introduced by Carl Eskridge, amending Chapter 8.06 of the Lincoln Municipal Code relating to Air Pollution by amending Section 8.06.090 Inspections; How Conducted to allow inspections to be conducted at any reasonable time; and repealing Section 8.06.090 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 20.06 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 20.06.235 TO CREATE THE BUILDING CODE TASK FORCE AND ADDING A NEW SECTION NUMBERED 20.06.037 TO CREATE THE CODE STUDY COMMITTEE - Clerk read an ordinance, introduced by Carl Eskridge, amending Chapter 20.06 of the Lincoln Municipal Code relating to the Lincoln Building Code to create an advisory task force to advise the Mayor on changes to and development of the Building Code and to provide for the appointment and terms of the task force members, by adding a new section 20.06.235 to create the Building Code Task Force; adding a new Section 20.06.237 to create the Code Study Committee to advise the Mayor on the suitability of proposed changes to code or ordinances found in Lincoln Municipal Code Chapters 19.03, 20.06, 20.10, 21.05, 23.10, 24.01, 24.05, 25.04, and 25.10, the first time.

OPEN MICROPHONE

Mike Morosin, 1500 N. 15th St., came forward requesting a list and pictures of property that was seized from him and he stated that it is required.

This matter was taken under advisement.

Gary Aldridge, 7112 S 45th St., came forward with comments on various issues.

This matter was taken under advisement.

ADJOURNMENT

8:33 P.M.

CAMP Moved to adjourn the City Council Meeting of December 21, 2015.
Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: None; ABSENT: Lamm.

Teresa Meier, City Clerk

Rhonda Bice, Office Specialist