

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 17, 2013 AT 3:00 P.M.**

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

Council Chair Eskridge 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

EMERY Having been appointed to read the minutes of the City Council proceedings of June 10, 2013 reported having done so, found same correct.

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

**PRESENTATION BY POLICE CHIEF JIM PESCHONG
BYRNE JUSTICE ASSISTANCE GRANT**

Chief Peschong came forward to state that Lincoln Police Department will be applying for the Byrne Justice Assistance Grant in the amount of \$174,108. The annual grant has been used to partially fund operating expenses of the Narcotics Unit for many years. This is a direct Federal Grant award which requires this public announcement and opportunity for comment.

PUBLIC HEARING

APPLICATION OF BW&R CANOPY, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE AT 350 CANOPY STREET, SUITE 200;

MANAGER APPLICATION OF KEVIN WOLF FOR BW&R CANOPY, LLC DBA BUFFALO WINGS & RINGS AT 350 CANOPY STREET, SUITE 200 - Steve Barton, CEO of BW & R Canopy, LLC, came forward to take the oath and answer questions. He stated this establishment will occupy a 6,200 square foot, 2nd story space of the Railyard and will be an upscale, restaurant and sports bar concept. The ratio of food to alcohol served will be 70%/30%. The expected opening date is August 28, 2013.

Kevin Wolf, 350 Canopy Street, Suite 200, came forward to take the oath and answer questions.

Michael Barton, Partner at BW & R, LLC, came forward to take the oath and answer questions.

This matter was taken under advisement.

APPLICATION OF ASIAN FUSION INC. DBA ASIAN FUSION FOR A CLASS I LIQUOR LICENSE AT 2840 JAMIE LANE;

MANAGER APPLICATION OF XIU FANG ZHANG FOR ASIAN FUSION INC. DBA ASIAN FUSION AT 2840 JAMIE LANE - Jennifer Tomka, Boucher Law Firm, came forward representing Asian Fusion. The restaurant is located in a new, 2,500 square foot building and is open for business now. The majority of profits come from food sales.

Xiu Fang Zhang, 2840 Jamie Lane, came forward to take the oath and answer questions.

This matter was taken under advisement.

APPLICATION OF PEACE A PIE LLC DBA MELLOW MUSHROOM FOR A CLASS I LIQUOR LICENSE AT 601 R STREET, SUITE 110;

MANAGER APPLICATION OF DEBRA A. NELSON FOR PEACE A PIE LLC DBA MELLOW MUSHROOM AT 601 R STREET, SUITE 110 - Debra Nelson, 601 R Street, came forward to take the oath and answer questions. This franchise will be located across from the new arena and will serve pizza, calzones, and salads and will have an 80%/20% split of food and alcohol. The projected opening is the end of August.

This matter was taken under advisement.

APPLICATION OF NEBRASKA DINING HOLDING LLC DBA NOODLES & COMPANY 7105 FOR A CLASS I LIQUOR LICENSE AT 5001 O STREET;

MANAGER APPLICATION OF MELINDA S. MELLICK FOR NEBRASKA DINING HOLDING LLC DBA NOODLES & COMPANY 7105 AT 5001 O STREET - Melinda Melick, 5001 O Street, came forward to take the oath and answer questions. This will be the 3rd Noodles location and is expected to open by mid-August.

This matter was taken under advisement.

APPLICATION OF ZELL'S LOUNGE LLC DBA ZELL'S LOUNGE FOR A CLASS I LIQUOR LICENSE AT 1011 WEST DAWES AVE;

MANAGER APPLICATION OF KRISTINA E. MATTOX FOR ZELL'S LOUNGE LLC DBA ZELL'S LOUNGE AT 1011 WEST DAWES AVE - Kristina Mattox, 1011 W. Dawes Ave., came forward to take the oath and answer questions. She stated this is the former Point After location. There are several industries near this location and not many food options.

This matter was taken under advisement.

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APPLICATION OF CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #80 FOR A CLASS D LIQUOR LICENSE AT 2555 O STREET;

MANAGER APPLICATION OF KEVIN D. BODTKE FOR CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #80 AT 2555 O STREET - Mark Hunzeker, 1248 O St., came forward representing Carey Johnson Oil Company to take the oath and answer questions. The store is open now and is a nice, upscale convenience store that has more pumps than most. Kevin D. Bodtke, 2555 O Street, came forward to take the oath and answer questions. The store will sell primarily beer and wine with a small selection of spirits available.

Janet Froschheiser, 2730 S. 34th St., came forward to take the oath and answer questions. She stated that she has no affiliation with EZ Go or with the City Mission, but is just speaking as a concerned citizen. The fact that it is legal for EZ Go to sell alcohol at this location does not make it prudent. It is in close proximity to a school and a City Mission facility. The Mission works hard to help individuals struggling with addiction to make better choices for their own futures and this could be an obstacle to their success.

This matter was taken under advisement.

APPROVING A SUBGRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH TOBACCO FREE NEBRASKA PROGRAM, TO ACCEPT A SUBGRANT IN THE AMOUNT OF \$651,321.00 TO DEVELOP AND IMPLEMENT STRATEGIES FOR REDUCING TOBACCO USE AND EXPOSURE TO TOBACCO SMOKE IN SCHOOLS AND COMMUNITIES AND ELIMINATE DISPARITIES RELATED TO TOBACCO USE AND ITS EFFECTS AMONG POPULATION GROUPS, FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2015 - Judy Halstead, Director of Health Department, came forward to state this is a multi-year grant renewal agreement with the Nebraska Department of Health and Human Services. There are no new City funds being obligated. The Health Department serves as a coordinator and collaborator and distributes the funds to a number of community organizations. This program serves both Lincoln and Lancaster County.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MAINTAIN CONSISTENCY WITH FEDERAL AND STATE REGULATIONS - Judy Halstead, Director of Health Department, came forward to state that the primary purpose of these amendments is to create consistency with Federal and State requirements. The Air Pollution Control Advisory Board and the Board of Health have both approved these changes. This will affect both Lincoln and Lancaster County.

Chris Schroeder, Air Quality Program Supervisor, came forward to state that the Air Quality Program is proposing these changes to the Lincoln-Lancaster County Air Pollution Control Program Regulation and Standards. Proposed are substantial changes to Article I, Sections V & VI, which include incorporation of State and Federal laws, reference corrections and some general formatting changes. No new fee increases are proposed and these changes do not impose any additional regulatory or administrative burden. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2013 - David Tarrence, Local Movers, came forward to state that on June 11, 2012, the box on a company truck was destroyed by a low hanging tree limb. At the time of the accident, a Police report was filed and the City Forestry Department was on scene to measure the limb. The limb was 11 feet, 2 inches above the street. The City ordinance says limbs must be 14 feet over the roadway and that only the City can trim them back. The City has an obligation to keep them trimmed back so citizens can have the confidence to drive down streets without worrying about colliding with them. Because the damaged truck had a new engine installed, it was worth the cost and effort to replace the box. Insurance covered that cost. Local Movers is seeking other damages and expenses incurred as a result of the accident.

The employee of Local Movers who was driving the truck the day the incident took place came forward to give a brief description of events.

Rod Confer, City Attorney, came forward to state that the ordinance in the City Code provides that the City "may", not "shall", trim trees to a height of 14 feet over roadways. The ordinance does not include any statement about City liability if they are not kept above that height. The City is bound by the requirements of the Nebraska Political Subdivision Tort Claims Act. Statute 13-910, Subsection 12, provides that in order for the City to be liable, it must be established that there was prior knowledge of a localized defect before damage occurs. There are thousands of trees and the City is not required to know the height of every limb overhanging streets. In this case, there was no prior report of the limb hanging below 14 feet. In addition to this, it is not necessary for every vehicle to look for low hanging branches, but when the vehicle is over-height, a driver does have some responsibility to exercise caution. The insurance company of Mr. Terrance also filed a claim against the City in the approximate amount of \$17,000, and that was denied by Council on February 25, 2013.

Councilman Jon Camp asked Mr. Tarrence, for the record, depending on the action of Council today and if the claim is not allowed, if is he aware of the procedures available to him through the court system.

Mr. Terrance replied that he is aware of and understands how this process works.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALLIED OIL & SUPPLY, INC. FOR THE ANNUAL SUPPLY OF ANTIFREEZE TO STARTRAN, PURSUANT TO QUOTE NO. 4416, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM UPON THE TERMS SET FORTH IN SAID CONTRACT - Bob Walla, Assistant Purchasing Agent, came forward to state this is a new bid for a multi-year contract.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND INDUSTRIAL SERVICES, INC. TO RENEW CONTRACT NO. C-10-0310 FOR THE ANNUAL REQUIREMENTS FOR DEAD ANIMAL REMOVAL, FOR AN ADDITIONAL THREE-YEAR TERM FROM JULY 19, 2013 THROUGH JULY 18, 2016 - Bob Walla, Assistant Purchasing Agent, came forward to state this is a renewal for a multi-year contract.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JONATHAN COOK TO THE PARKS & RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87362 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a term expiring May 31, 2014, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING DOUG EMERY TO THE RAILROAD SAFETY TRANSPORTATION DISTRICT FOR A TERM EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption"

A-87363 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Doug Emery to the Railroad Safety Transportation District for a term expiring May 31, 2014, is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING LEIRION GAYLOR BAIRD AND ROY CHRISTENSEN TO THE RAILROAD SAFETY TRANSPORTATION DISTRICT FOR TERMS EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87364 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Leirion Gaylor Baird and Roy Christensen to the Railroad Safety Transportation District for terms expiring May 31, 2014, is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING LEIRION GAYLOR BAIRD TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87365 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Leirion Gaylor Baird to the Joint Budget Committee for a term expiring May 31, 2015, is hereby approved.

Introduced by Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 3, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ROBIN OIL COMPANY DBA ROC'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 1449 N. 56TH STREET - CLERK read the following ordinance, introduced by Doug Emery, who moved its adoption:

A-87366 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 1, 2013, 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 Robin Oil Company dba Roc's Stop & Shop for a Class D liquor license located at 1449 N. 56th Street.

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

Introduced by Doug Emery

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

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SETTING THE HEARING DATE OF MONDAY, JULY 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF SEVEN CROWNS INVESTMENT GROUP DBA RODIZIO GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 151 N. 8TH STREET, SUITE 130 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87367 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 1, 2013, 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 Seven Crowns Investment Group, LLC dba Rodizio Grill for a Class I liquor license located at 151 N. 8th Street, Suite 130.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JULY 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF SWEEP LEFT LLC DBA SWEEP LEFT FOR A CLASS I LIQUOR LICENSE LOCATED AT 815 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87368 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 1, 2013, 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 Sweep Left, LLC dba Sweep Left for a Class I liquor license located at 815 O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JULY 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ZOO BLUES INC. DBA ZOO BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 136 N 14TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87369 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 1, 2013, 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 Zoo Blues Inc. dba Zoo Bar for a Class C liquor license located at 136 N. 14th Street.

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

Introduced by Doug Emery

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

REFERRALS TO THE PLANNING DEPARTMENT:

Text Amendment No. 13007 - Requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code to define and regulate the use of outlots by amending Section 27.02.160 to add the definition of "outlot"; amending Section 27.69.030 to provide signs may be erected and maintained on an outlot; adding a new Section 27.70.070 to establish permitted uses for an outlot; and repealing Sections 27.02.160 and 27.69.030 of the Lincoln Municipal Code as hitherto existing.

Text Amendment No. 13009 - Requested by the Director of Planning, amending Chapter 26.07 of the Lincoln Municipal Code (Land Subdivision Definitions) by amending Section 26.07.135 to revise the definition of "Outlot"; and repealing Section 26.07.135 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 07060A - Requested by West Dodge Place, for an amendment to the Wilderness Heights Planned Unit Development (PUD), to allow motorized vehicle sales and service and to rezone a portion of the PUD from B-2 Planned Neighborhood Business District PUD to R-3 Residential on property generally located at the southeast corner of South 40th Street and Yankee Hill Road.

Change of Zone No. 13011 - Requested by Lincoln Federal Bancorp, Inc., from AG Agricultural District to R-3 Residential District on property generally located at S. 27th Street and Rokeby Road.

Special Permit No. 1995A - Requested by ESP, Inc., for an amendment to the Hub Hall Heights Community Unit Plan, to reduce the number of single family lots from 347 to 338, add 6 single-family attached units and 9 townhouse units including the waiver requests approved with the original CUP and additional waiver requests to lot area and lot width, on property generally located at NW 48th Street and W. Holdrege Street.

Special Permit No. 13020 - Requested by Willard Community Center, for an early childhood care facility on property generally located Brookside Drive and West Q Street (1030 West Q Street).

Special Permit No. 13022 - Requested by Joshua's Glen, LLC, Joshua's Glen Community Unit Plan, to allow up to 156 dwelling units, with requests to waive minimum lot width; minimum lot area; reduce setbacks; lot width to depth ratio; minimum street radius and sag curve K value; internal street intersection spacing; sanitary sewer to flow opposite street grades; and, cul-de-sac radius, on property generally located at S. 56th Street and Shadow Pines Drive (6520 S. 56th Street).

Use Permit No. 152A - Requested by VerMaas Land Co., LLC., for an amendment to Pioneers Pointe Plaza, to reduce the front yard setback along Highway 2, on property generally located at S. 13th Street and Highway 2.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13029 to Preliminary Plat No. 03004, Northbank Junction, approved by the Planning Director on June 6, 2013, requested by ESP, Inc., to revise the general notes, lot layout in Blocks 17 and 19 and the street profiles for N. 50th St., N. 49th St. and Alvo Rd., on property generally located at N. 56th St. and Alvo Rd.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF BW&R CANOPY, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE AT 350 CANOPY STREET, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87370 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 BW&R Canopy, LLC dba Buffalo Wings & Rings for a Class "I" liquor license at 350 Canopy Street, Suite 200, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF KEVIN WOLF FOR BW&R CANOPY, LLC DBA BUFFALO WINGS & RINGS AT 350 CANOPY STREET, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87371 WHEREAS, BW&R Canopy, LLC dba Buffalo Wings & Rings located at 350 Canopy Street, Suite 200, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kevin Wolf be named manager;

WHEREAS, Kevin Wolf 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 Kevin Wolf 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF ASIAN FUSION INC. DBA ASIAN FUSION FOR A CLASS I LIQUOR LICENSE AT 2840 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87372 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 Asian Fusion Inc. dba Asian Fusion for a Class "I" liquor license at 2840 Jamie Lane, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

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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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF XIU FANG ZHANG FOR ASIAN FUSION INC. DBA ASIAN FUSION AT 2840 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87373 WHEREAS, Asian Fusion Inc. dba Asian Fusion located at 2840 Jamie Lane, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Xiu Fang Zhang be named manager;

WHEREAS, Xiu Fang Zhang 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 Xiu Fang Zhang 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF PEACE A PIE LLC DBA MELLOW MUSHROOM FOR A CLASS I LIQUOR LICENSE AT 601 R STREET, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87374 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 Peace a Pie LLC dba Mellow Mushroom for a Class "I" liquor license at 601 R Street, Suite 110, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF DEBRA A. NELSON FOR PEACE A PIE LLC DBA MELLOW MUSHROOM AT 601 R STREET, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87375 WHEREAS, Peace a Pie LLC dba Mellow Mushroom located at 601 R Street, Suite 110, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Debra A. Nelson be named manager;

WHEREAS, Debra A. Nelson 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 Debra A. Nelson 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF NEBRASKA DINING HOLDING LLC DBA NOODLES & COMPANY 7105 FOR A CLASS I LIQUOR LICENSE AT 5001 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87376 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 Nebraska Dining Holding LLC dba Noodles & Company 7105 for a Class "I" liquor license at 5001 O Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

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

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

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF MELINDA S. MELLICK FOR NEBRASKA DINING HOLDING LLC DBA NOODLES & COMPANY 7105 AT 5001 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87377 WHEREAS, Nebraska Dining Holding LLC dba Noodles & Company 7105 located at 5001 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Melinda S. Mellick be named manager; WHEREAS, Melinda S. Mellick 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 Melinda S. Mellick 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF ZELL'S LOUNGE LLC DBA ZELL'S LOUNGE FOR A CLASS I LIQUOR LICENSE AT 1011 WEST DAWES AVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87378 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 Zell's Lounge LLC dba Zell's Lounge for a Class "I" liquor license at 1011 West Dawes Ave., Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF KRISTINA E. MATTOX FOR ZELL'S LOUNGE LLC DBA ZELL'S LOUNGE AT 1011 WEST DAWES AVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87379 WHEREAS, Zell's Lounge LLC dba Zell's Lounge located at 1011 West Dawes Ave., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kristina E. Mattox be named manager;

WHEREAS, Kristina E. Mattox 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 Kristina E. Mattox 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #80 FOR A CLASS D LIQUOR LICENSE AT 2555 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87380 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 Carey Johnson Oil Company Inc. dba EZ Go #80 for a Class "D" liquor license at 2555 O Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF KEVIN D. BODTKE FOR CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #80 AT 2555 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87381 WHEREAS, Carey Johnson Oil Company Inc. dba EZ Go #80 located at 2555 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kevin D. Bodtke be named manager;

WHEREAS, Kevin D. Bodtke 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 Kevin D. Bodtke 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

APPROVING A SUBGRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH TOBACCO FREE NEBRASKA PROGRAM, TO ACCEPT A SUBGRANT IN THE AMOUNT OF \$651,321.00 TO DEVELOP AND IMPLEMENT STRATEGIES FOR REDUCING TOBACCO USE AND EXPOSURE TO TOBACCO SMOKE IN SCHOOLS AND COMMUNITIES AND ELIMINATE DISPARITIES RELATED TO TOBACCO USE AND ITS EFFECTS AMONG POPULATION GROUPS, FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87382 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Subgrant Agreement between the Nebraska Department of Health and Human Services, Division of Public Health Tobacco Free Nebraska Program, and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$651,321.00 to develop and implement strategies for reducing tobacco use and exposure to tobacco smoke in schools and communities and eliminate disparities related to tobacco use and its effects among population groups, for a term of July 1, 2013 through June 30, 2015, in accordance with the terms, conditions and assurances contained in said Agreement, is hereby approved and the Mayor is hereby authorized to execute said Subgrant Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Subgrant Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MAINTAIN CONSISTENCY WITH FEDERAL AND STATE REGULATIONS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87383 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to the Lincoln-Lancaster County Air Pollution Control Regulations and Standards, to assure consistency with Federal and State air quality regulations, copies of which are attached hereto and made a part hereof by reference, are hereby approved.

The City Clerk is directed to return a fully executed copy this Resolution and Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87384 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated June 3, 2013, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| <u>DENIED CLAIMS</u> | | <u>ALLOWED/SETTLED CLAIMS</u> | |
|-----------------------------------|-------------|----------------------------------|-------------|
| Nationwide Insurace a/s/o | | Carolyn Robinson | \$ 4,901.00 |
| James & Marti Harris | \$ 9,799.42 | Pharmacists Mutual Insurance Co. | |
| Mabel Koch | 1,900.00 | a/s/o Jon Novak | 17,816.27 |
| Don Dinkelman | 67.45 | Raymond & Linda Brennan | 357.00 |
| Kevin Benne | 273.97 | Jerad Betten | 857.01 |
| David Tarrence d/b/a Local Movers | 4,380.37 | NRMA t/p/a for State of Nebraska | 22.50 |
| Windstream Communications | 11,741.09 | Chet A. Poehling | 28.01 |
| | | Stephen Redlin | 311.77 |

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALLIED OIL & SUPPLY, INC. FOR THE ANNUAL SUPPLY OF ANTIFREEZE TO STARTRAN, PURSUANT TO QUOTE NO. 4416, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM UPON THE TERMS SET FORTH IN SAID CONTRACT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87385 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Contract Agreement between the City of Lincoln and Allied Oil & Supply, Inc. for the Annual Supply of Antifreeze to StarTran, pursuant to Quote No. 4416, for a two year term with the option to renew for one additional two year term, 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 Jonathan Cook

Seconded by Fellers and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND INDUSTRIAL SERVICES, INC. TO RENEW CONTRACT NO. C-10-0310 FOR THE ANNUAL REQUIREMENTS FOR DEAD ANIMAL REMOVAL, FOR AN ADDITIONAL THREE-YEAR TERM FROM JULY 19, 2013 THROUGH JULY 18, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87386 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Amendment to Agreement between the City of Lincoln, Lancaster County and Industrial Services, Inc. to renew Contract No. C-10-0310 for the Annual Requirements for Dead Animal Removal, for a additional three-year term from July 19, 2013 through July 18, 2016, 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 Jonathan Cook

Seconded by Christensen and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

ORDINANCE - 3RD READING & RELATED RESOLUTIONS (as required)

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 5, BLOCK 4 AND THE EAST 90 FEET OF LOT 1 AND ALL OF LOT 2, HOUTZ AND BALDWIN'S SUBDIVISION; LOT 7, BLOCK 8, SECOND EAST PARK ADDITION AND LOT 3, BLOCK 3, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 540, 541, 545 AND 1531 N. 28TH STREETS AND 2800 Y STREET - CLERK read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln authorizing the sale of City owned property described as Lot 5, Block 4, the east 90 feet of Lot 1 and all of Lot 2, Houtz and Baldwin's Subdivision; Lot 3, Block 3, Gibbon's Addition; and Lot 7, Block 8, Second East Park Addition and, more commonly known as 540, 541, 545 and 1531 N. 28th Streets and 2800 Y Street, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19884**, is recorded in Ordinance Book #28, Page .

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APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND ENTERPRISE COMPANY, INC. TO EXTEND THE TERM OF THE LEASE OF APPROXIMATELY 813 SQUARE FEET OF FLOOR SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE WOMEN, INFANTS AND CHILDREN (WIC) SUPPLEMENTAL NUTRITION PROGRAM FOR AN ADDITIONAL THREE YEARS FROM NOVEMBER 1, 2013 TO OCTOBER 31, 2016 - CLERK read an ordinance, introduced by Roy Christensen, accepting and approving the First Amendment to Lease Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Enterprise Company, Inc. To extend the term for the lease of approximately 813 square feet of floor space at 2662 Cornhusker Highway for the Women, Infants and Children (WIC) Supplemental Nutrition Program for an additional three years from November 1, 2013 to October 31, 2016, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19885**, is recorded in Ordinance Book #28, Page .

TEXT AMENDMENT 12031 - AMENDING AND REORGANIZING CHAPTER 27.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF ZONING APPEALS TO SIMPLIFY AND CLARIFY THE PROCESS FOR FILING VARIANCES BY RENUMBERING EXISTING SECTION 27.75.020 AS SECTION 27.75.040 AND AMENDING IT TO GRANT EXPLICIT AUTHORITY TO CANCEL REGULARLY SCHEDULED MEETINGS OF THE BOARD OF ZONING APPEALS; AMENDING SECTION 27.75.030 TO REVISE THE PROCEDURE FOR APPEALS AND TO ESTABLISH A PROCEDURE TO OBTAIN BOARD OF ZONING APPEALS REVIEW OF PETITIONS FOR VARIANCES AND EXCEPTIONS; RENUMBERING EXISTING SECTION 27.75.040 AS 27.75.020 AND AMENDING IT TO DISTINGUISH BETWEEN THE BOARD OF ZONING APPEALS' APPELLATE JURISDICTION AND ORIGINAL JURISDICTION; AMENDING SECTION 27.75.050 TO FURTHER DEFINE THE JURISDICTION OF THE BOARD OF ZONING APPEALS; AND AMENDING SECTION 27.75.060 TO PROVIDE THAT ANY DECISION APPROVING A PETITION FOR A VARIANCE OR AN EXCEPTION SHALL BE BY RESOLUTION OF THE BOARD OF ZONING APPEALS - PRIOR to reading:

COOK Moved to amend Bill No. 13-67 in the following manner:

1. On page 3, lines 20-23, delete subsection (f) in its entirety.

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

CLERK Read an ordinance, introduced by Roy Christensen, amending and reorganizing Chapter 27.75 of the Lincoln Municipal Code relating to the Board of Zoning Appeals to simplify and clarify the process for filing variances by renumbering existing Section 27.75.020 as Section 27.75.040 and amending it to grant explicit authority to cancel regularly scheduled meetings of the Board of Zoning Appeals; amending Section 27.75.030 to revise the procedure for appeals and to establish a procedure to obtain Board of Zoning Appeals review of petitions for variances and exceptions; renumbering existing Section 27.75.040 as 27.75.020 and amending it to distinguish between the Board of Zoning Appeals' appellate jurisdiction and original jurisdiction; amending Section 27.75.050 to further define the jurisdiction of the Board of Zoning Appeals; amending Section 27.75.060 to provide that any decisions approving a petition for a variance or an exception shall be by resolution of the Board of Zoning Appeals; and repealing Sections 27.75.020, 27.75.030, 27.75.040, 27.75.050 and 27.75.060 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19886**, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 13009 - APPLICATION OF CAMPBELL'S NURSERY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK PUD FOR A MIXED USE DEVELOPMENT CONSISTING OF RESIDENTIAL, OFFICE, AND RETAIL USES ON THE UNDERLYING O-3 ZONED AREA GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 40TH STREET AND LAKE STREET - CLERK read an 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 third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19887**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE, RELATING TO PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR, TO CONFORM WITH RECENT CHANGES IN THE STATE LAW BY INCREASING THE PERIOD OF AN OPERATOR'S LICENSE REVOCATION FROM ONE YEAR TO 18 MONTHS FOR A SECOND OFFENSE DUI AND REQUIRING AN IGNITION INTERLOCK DEVICE TO BE INSTALLED ON ANY MOTOR VEHICLE OWNED OR OPERATED BY A PERSON CONVICTED OF A SECOND OFFENSE DUI FOR AT LEAST ONE YEAR - CLERK read an ordinance, introduced by Roy Christensen, amending Section 10.16.030 of the Lincoln Municipal Code, relating to penalties for driving under the influence of alcoholic liquor, to conform with recent changes in the state law by increasing the period of an operator's license revocation from one year to 18 months for a second offense DUI and requiring an ignition interlock device to be installed on any motor vehicle owned or operated by a person convicted of a second offense DUI for at least one year; and repealing Section 10.16.030 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None. The ordinance, being numbered #19888, is recorded in Ordinance Book #28, Page .

RESOLUTION - FOR ACTION ONLY

ESTABLISHING AN ENTERTAINMENT DISTRICT IN THE AREA SOUTH OF THE PINNACLE BANK ARENA GENERALLY BOUNDED BY 7TH STREET, THE NORTH/SOUTH ALLEY WEST OF CANOPY STREET, R STREET AND Q STREET (6/10/13 - ACTION DELAYED 1 WEEK TO 6/17/13) - PRIOR to reading:

COOK Moved MTA #4 to amend Bill No. 13R-112 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 13R-112. Seconded by Camp and carried by the following vote: AYES: Camp, Cook, Eskridge; NAYS: Christensen, Emery, Fellers, Gaylor Baird.

GAYLOR BAIRD Moved MTA #5 to amend Bill No. 13R-112 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 13R-112. Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: Camp.

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

A-87387 WHEREAS, it is desirable and in the public interest of the City of Lincoln, Nebraska, to designate areas of real property as an entertainment district in order to encourage economic growth areas near entertainment venues by providing exciting, vibrant and diverse restaurants, retail and lodging that will support and complement the entertainment venue; and

WHEREAS, Chapter 5.21 of the Lincoln Municipal Code prescribes the requirements and procedures for the designation of an area of real property as an entertainment district; and

WHEREAS, TDP Phase One, LLC, the owner of real property located at 600 R Street, 350 Canopy Street and 300 Canopy Street, and TDP Phase Two, LLC, the owner of real property located at 601 Q Street, have created a promotional association known as Railyard Promotional Associates, LLC for the purpose of applying for and maintaining an Entertainment District designation and permit; and

WHEREAS, Railyard Promotional Associates, LLC has submitted an application, Attachment "A", attached hereto, for an Entertainment District designation and Entertainment District Permit in accordance with the requirements of Chapter 5.21. The application seeks to have an area of real property generally bounded by a line center line of 7th Street on the east, one foot east of the east right-of-way line of the north/south alley west of Canopy Street on the west, the center line of R Street on the north and the center line of Q Street on the south as an Entertainment District; and

WHEREAS, the proposed Entertainment District includes as two commons areas certain properties owned by TDP Phase One, LLC and TDP Phase Two, LLC known as the Railyard and the Courtyard adjacent to the Canopy Lots and Hobson/Hyatt Place Hotel and future outdoor sidewalk cafes as more particularly described in the application; and

WHEREAS, the application and proposed Entertainment District designation and Entertainment District Permit has been reviewed by the Entertainment District Review Committee and said Committee has recommended approval of the application, designation of the area as an Entertainment District and issuance of the Entertainment District Permit.

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

That after a hearing duly had as required by law, consideration of the facts and descriptions provided in this application (Attachment "A" and Amended Attachment "B"), the Nebraska Liquor Control Act, and the pertinent City ordinances:

1. That the area of real property generally bounded by the center line of 7th Street on the east, one foot east of the east right-of-way line of the north/south alley west of Canopy Street on the west, the center line of R Street on the north and the center line of Q Street on the south, as more particularly described and shown on Amended Attachment "B" which is part of the application and 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 City Clerk is hereby authorized to issue Railyard Promotional Associates, LLC an Entertainment District Permit subject to the requirements of Section 5.21.060 of the Lincoln Municipal Code upon the City Clerk's receipt of payment of the Entertainment District Permit Fee.

3. In addition to the requirements or restrictions contained in Chapter 5.04 and 5.21 of the Lincoln Municipal Code, the Entertainment District designation and permit are subject to the following requirements or restrictions:

a. The Entertainment District shall be designed, constructed, and operated as presented in the applicant's application (Attachment "A" and Amended Attachment "B") or as modified in compliance with Chapter 5.21.010.

b. The Entertainment District shall be bound by the restrictions and agreements contained in Resolution No. A-87330. Should any conflicts exists between Resolution No. A-87330, this resolution, the applicant's application (Attachment "A" and Amended Attachment "B"), and/or applicable laws or regulations, the most restrictive provision shall control.

c. The City Council's ability to amend, suspend, revoke, or the decision not to renew designation and permit subject to Chapter 5.21.030.

d. The manager of an Entertainment District shall be required to ensure that designated security personnel be available in outdoor commons areas and sidewalk cafe's when attendance approaches or exceeds 200 persons. The security ratio should be at minimum one security personnel for every 200 persons in attendance. Designated security personnel should wear an unique uniform identifying the personnel as security. Designated security should provide only security related duties, and not other duties such as food or alcoholic liquor service.

e. Within six months of the issuance of the Entertainment District Permit, the applicant shall provide to the City Clerk with its proposed security policies detailing the applicant's steps to prevent underage drinking in the Entertainment District. The City Clerk shall forward the policy to the City Council's Internal Liquor Committee for review. The policy and recommendations of the Internal Liquor Committee shall then be placed on City Council's agenda for action.

4. That the City Clerk, subject to the requirements in Section 5.21.080 of the Lincoln Municipal Code, is hereby granted authority and authorized to extend the Entertainment District designation granted by this Resolution for two (2) additional two year periods and to issue a new Entertainment District Permit to Railyard Promotional Associates, LLC for each two year term without requiring a renewal application to be submitted to and approved by the City Council.

Introduced by Roy Christensen

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MIDWEST PUMP AND EQUIPMENT CO. FOR UNIT PRICE CONTRACT FOR PARTS AND SERVICE FOR QUINCY AIR COMPRESSOR FOR STARTRAN, PURSUANT TO QUOTE NO. 4300, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPOINTING KATHI WIESKAMP TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2016.

REAPPOINTING LEO BENES, RUSS F. NEIL AND THOMAS WRIGHT TO THE ALARM APPEALS BOARD FOR TERMS EXPIRING JULY 1, 2015.

REAPPOINTING GEORGIA GLASS TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2018.

APPOINTING PAUL BARNETT AND DR. STEVEN EGGLAND TO THE CABLE ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2014.

REAPPOINTING JERROD JAEGER AND JIM JOHNSON TO THE CABLE ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2016.

APPOINTING SARAH PEETZ TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM EXPIRING DECEMBER 31, 2014.

APPOINTING KELLY O'HANLON TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING JUNE 1, 2014.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND G K SERVICES FOR THE ANNUAL REQUIREMENTS TO SUPPLY AND DELIVER STARTRAN UNIFORM RENTAL, PURSUANT TO QUOTE NO. 4431, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 4:16 P.M.

CAMP Moved to adjourn the City Council meeting of June 17, 2013.
 Seconded by Christensen & carried by the following vote: AYES: Camp,
Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist

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