

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 22, 2014 AT 3:00 P.M.**

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

Council Chair Emery 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

CAMP Having been appointed to read the minutes of the City Council proceedings of September 22, 2014, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RED LOBSTER HOSPITALITY LLC DBA RED LOBSTER 236 FOR A CLASS I LIQUOR LICENSE AT 6540 O STREET;

MANAGER APPLICATION OF SEAN B. KORTH FOR RED LOBSTER HOSPITALITY LLC DBA RED LOBSTER 236 AT 6540 O STREET - Tim O'Neill, Attorney, Harding & Schultz 121 S. 13th St, came forward on behalf of Red Lobster and the Manager Application of Sean Korth, to answer questions.

This matter was taken under advisement.

APPLICATION OF MLOGIC HOLDINGS LLC DBA TILTED KILT PUB & EATERY FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET;

MANAGER APPLICATION OF SETH T. LIND FOR MLOGIC LLC DBA TILTED KILT PUB & EATERY AT 6100 O STREET - Seth Lind, General Manager, 6100 O St, came forward to take the oath and answer questions. He stated ownership changed 2 months ago and the prior owners had been there for about a 1½ years. The new owners are based out of Chicago. They plan to focus on more checks and balances in the running of the their establishment, more food specials and getting more involved in the community. A completely new management team has been hired with training in creating a comfortable environment for both staff and customers. Security cameras have also been installed.

This matter was taken under advisement.

APPLICATION OF PIES & PINTS LLC DBA PIES & PINTS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 348 FEET BY 40 FEET IN 8TH STREET BETWEEN R AND Q STREETS ON SEPTEMBER 26, 2014 FROM 5:00 P.M. TO 12:00 A.M - Jason Ortmeier, Co-Owner, 311 N 8th St., came forward to answer questions. He stated that they are doing a benefit for the Humane Society and have been visiting with them for about a month on this event. He said his Manager Kelsey Graves has been communicating with the Humane Society.

Kelsey Graves, Manager of Pies & Pints, 311 N 8th St., came forward and stated that she has been talking with Bob and Alisia (Capital Humane Society) by phone and e-mail contact. The license would be in her name and she would be the only one serving alcohol.

Council Member Camp inquired about the request to close down 8th St., and to explain why the event could not be kept within their facilities.

Mr. Ortmeier said their landlord does not like the dock area to be closed off due to the need for tenant access. He stated that the Friday night request before a home game was to take advantage of more people in the area being able to participate in the fund raising event.

Council Member Eskridge expressed concerns about coming before Council on the Monday before the event on Friday and inquired about alternative locations.

Mr. Ortmeier said they wanted to get more involvement from the local small businesses in the Haymarket area and to have an outdoor event for the end of summer.

Conan Schafer, LPD Investigator, came forward questioning if Pies and Pints had gone through the Special Events Team meeting and if off duty police officers were hired since this is on public property.

Mr. Ortmeier stated they have 5 officers and one supervisor.

Teresa Meier, City Clerk, commented that she knows that security had been requested, but did not know if the positions had been filled. Although she had recommended for Pies and Pints to come before the Special Events Team, not enough time had been allowed.

This matter was taken under advisement.

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APPLICATION OF HENRY MAC LLC DBA HENRY'S ON SOUTH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 300 FEET BY 120 FEET AT 2110 WINTHROP ROAD ON OCTOBER 10, 2014 FROM 4:00 P.M. TO 12:00 A.M. AND OCTOBER 11, 2014 FROM 12:00 P.M. TO 12:00 A.M. - Andrew Fuller, Owner, 3225 S. 30th St., came forward to answer questions. He stated the SDL was for their 2nd annual Octoberfest.

This matter was taken under advisement.

APPLICATION OF BDF, LLC DBA CAPTAIN JACKS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 350 FEET BY 350 FEET IN THE PARKING LOT AT 605 N. 8TH STREET ON OCTOBER 11, 2014 FROM 12:00 P.M. TO 12:00 A.M. - Kevin Reynolds, Owner, 140 N 12th St., came forward to answer questions. He stated they are doing the Market to Market Relay which has taken place for the last 10 years.

This matter was taken under advisement.

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA IN 13TH STREET FROM M TO O STREETS AND N STREET FROM 12TH TO 13TH STREETS ON OCTOBER 16, 2014 FROM 5:00 P.M. TO 11:00 P.M. - Jeremiah Moore, 1415 O St., came forward to answer questions. Discussion followed.

Conan Schafer, Investigator, LPD, came forward and stated that Mr. Moore has a good history working with the Lincoln Police Dept. He has been known to go above and beyond what is recommended and they had no concerns.

This matter was taken under advisement.

APPLICATION OF BWITCHED TWO INC. DBA BISON WICHES BAR & DELI TO EXPAND ITS CLASS C LIQUOR LICENSE TO INCLUDE AN APPROXIMATELY 56 FEET BY 26 FEET IRREGULAR SHAPED OUTDOOR AREA AT 1320 P STREET, SUITE 100 - Paul Tuttle, 1320 P St., came forward to take the oath and answer questions. Discussion followed.

This matter was taken under advisement.

PRE-EXISTING USE PERMIT 3AD - AMENDING THE PRE-EXISTING USE PERMIT BY WAIVING PROVISIONS OF THE SIGN ORDINANCE TO ALLOW BANNER SIGNS IN THE PARKING LOT, ON PROPERTY GENERALLY LOCATED AT GATEWAY SHOPPING CENTER AT S. 66TH STREET AND O STREET - Marvin Krout, Planning Dept., came forward and stated they received a call from the local manager at Gateway Mall who had a family emergency and would not be able to attend this meeting. He said this was a case approved by the Planning Commission and there was no opposition. Discussion followed.

This matter was taken under advisement.

APPROVING A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR A PROJECT TO REHABILITATE LINK 55W BETWEEN US 77 AND HIGHWAY 2 (WARLICK BOULEVARD AND 14TH STREET), PROJECT NO. S-L55W(1021), CONTROL NO. 1322 - Roger Figard, Public Works, came forward to answer questions. He stated that this agreement there is no cost to the City and work plans to start in 2015. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING TOM BECKIUS, LOREN MESTRE-ROBERTS, AND DR. CHARLES WILSON TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2017 - CLERK read the following resolution, introduced by Gaylor Baird, who moved its adoption:

A-88541 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Tom Beckius, Loren Mestre-Roberts, and Dr. Charles Wilson to the Community Health Endowment Board for terms expiring September 1, 2017 are hereby approved.

Introduced by Lerion Gaylor Baird

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

REPORT REGARDING SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) WITH AYUBZAI - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPT. 8, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION A-88541 ADOPTED BY THE CITY COUNCIL ON SEPT. 15, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR AUG. 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF AUGUST, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., OCT. 6, 2014 AT 3:00 P.M. ON THE APPLICATION OF TPG HOLDINGS LLC DBA BHUPI G'S HURRY CURRY FOR A CLASS AB LIQUOR LICENSE AT 1601 Q ST., SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88542 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of TPG Holdings LLC dba Bhupi G's Hurry Curry for a Class AB Liquor License located at 1601 Q St., Suite D.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MON., OCT. 6, 2014 AT 3:00 P.M. ON THE APPLICATION OF JJ'S LOUNGE LLC DBA THE LOUNGE FOR A CLASS C LIQUOR LICENSE AT 2001 W. O ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88543 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of JJ's Lounge LLC dba The Lounge for a Class C Liquor License located at 2001 West O St.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MON., OCT. 6, 2014 AT 3:00 P.M. ON THE APPLICATION OF FUCOR, INC. DBA VENUE FOR AN ADDITION OF A SECOND SIDEWALK CAFÉ MEASURING APPROX. 19' X 88' TO THE WEST OF THE LICENSED PREMISE AT 4111 PIONEER WOODS DR., #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88544 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of Fucor, Inc. dba Venue for an addition of a second sidewalk café measuring approx. 19' x 88' to the west of the licensed premises located at 4111 Pioneer Woods Dr., #100.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MON., OCT. 6, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MITCHELL MARTIN FOR ZRC OPERATIONS CO. DBA QDOBA MEXICAN GRILL AT 211 N. 12TH ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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A-88545 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Manager Application of Mitchell Martin for ZRC Operations Co. dba Qdoba Mexican Grill located at 211 N 12th St.

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

Introduced by Jon Camp

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Permit No. 14003, approved by the Planning Director on August 29, 2014, to operate a temporary concrete paving plant per Section 27.62.150 (g) of the Lincoln Municipal Code, through October 1, 2016, on property generally located near N.W. 56th Street and W. O Street.

Administrative Amendment No. 14037, to Use Permit Pre-Existing Special Permit #40, Schwarck Quarry Excavation and Stone Milling Special Permit, approved by the Planning Director on September 10, 2014, requested by Civil Design Group, Inc., to allow a second drive from Lot 22 to S. 54th Street and to show general building locations on Lot 19, on property generally located at S. 54th Street and Wittstruck Road.

Administrative Amendment No. 14060, to Use Permit #97A, Aspen 3rd Addition, approved by the Planning Director on September 10, 2014, requested by ESP Engineering, to reduce the rear and front yard setbacks from 40 feet to 20 feet on Lots 8, 10 and 11, on property generally located at S. 56th Street and Pine Lake Road.

Administrative Amendment No. 14061, to Stevens Creek Pointe Community Unit Plan, approved by the Planning Director on September 15, 2014, requested by ESP Engineering, to revise minimum floor elevations and change to minimum opening elevations on Lots 1, 2 and 3, Block 3 and to add minimum opening elevations to Lots 3 and 4, Block 2.

LIQUOR RESOLUTIONS

APPLICATION OF RED LOBSTER HOSPITALITY LLC DBA RED LOBSTER 236 FOR A CLASS I LIQUOR LICENSE AT 6540 O STREET- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88546 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 Red Lobster Hospitality LLC dba Red Lobster 236 for a Class "I" liquor license at 6540 O Street, Lincoln, Nebraska, for the license period ending April 30, 2015, 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 Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF SEAN B. KORTH FOR RED LOBSTER HOSPITALITY LLC DBA RED LOBSTER 236 AT 6540 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88547 WHEREAS, Red Lobster Hospitality LLC dba Red Lobster 236 located at 6540 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Sean B. Korth be named manager;

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

APPLICATION OF MLOGIC HOLDINGS LLC DBA TILTED KILT PUB & EATERY FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88548

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 MLogic Holdings LLC dba Tilted Kilt Pub & Eatery for a Class "I" liquor license at 6100 O Street, Lincoln, Nebraska, for the license period ending April 30, 2015, 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 Christensen and carried by the following vote; AYES: Camp, Chistensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF SETH T. LIND FOR MLOGIC LLC DBA TILTED KILT PUB & EATERY AT 6100 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88549

WHEREAS, MLogic LLC dba Tilted Kilt Pub & Eatery located at 6100 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Seth T. Lind be named manager;

WHEREAS, Seth T. Lind 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 Seth T. Lind 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 and carried by the following vote; AYES: Camp, Chistensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF PIES & PINTS LLC DBA PIES & PINTS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 348 FEET BY 40 FEET IN 8TH STREET BETWEEN R AND Q STREETS ON SEPTEMBER 26, 2014 FROM 5:00 P.M. TO 12:00 A.M - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-88550

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 Pies & Pints LLC dba Pies & Pints for a special designated license to cover an area measuring approximately 348 feet by 40 feet in 8th Street between R and Q Streets, on September 26, 2014, between the hours of 5:00 p.m. and 12:00 a.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

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

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote; AYES: Camp, Chistensen, Cook, Eskridge, Gaylor Baird; NAYS: Emery, Fellers.

APPLICATION OF RHINODYNAMICS INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 55 FEET BY 51 FEET AT 1412 O STREET ON OCTOBER 10, 2014 FROM 5:00 P.M. TO 2:00 A.M. AND OCTOBER 11, 2014 FROM 4:00 P.M. TO 2:00 A.M - Prior to reading:

CAMP

Moved to continue public hearing & action for 1 week to 9/29/2014

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

APPLICATION OF HENRY MAC LLC DBA HENRY'S ON SOUTH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 300 FEET BY 120 FEET AT 2110 WINTHROP ROAD ON OCTOBER 10, 2014 FROM 4:00 P.M. TO 12:00 A.M. AND OCTOBER 11, 2014 FROM 12:00 P.M. TO 12:00 A.M - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88551

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 Henry Mac LLC dba Henry's on South for a special designated license to cover an area

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measuring approximately 300 feet by 120 feet at 2110 Winthrop Road, Lincoln, Nebraska, on October 10, 2014 between the hours of 4:00 p.m. and 12:00 a.m. and October 11, 2014 between the hours of 12:00 p.m. and 12:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF BDF, LLC DBA CAPTAIN JACKS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 350 FEET BY 350 FEET IN THE PARKING LOT AT 605 N. 8TH STREET ON OCTOBER 11, 2014 FROM 12:00 P.M. TO 12:00 A.M - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88552 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 BDF, LLC dba Captain Jacks for a special designated license to cover an area measuring approximately 350 feet by 350 feet in the parking lot at 605 N. 8th Street, Lincoln, Nebraska, on October 11, 2014 between the hours of 12:00 p.m. and 12:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA IN 13TH STREET FROM M TO O STREETS AND N STREET FROM 12TH TO 13TH STREETS ON OCTOBER 16, 2014 FROM 5:00 P.M. TO 11:00 P.M - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88553 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 Box Awesome LLC dba Box Awesome's Bourbon Theatre for a special designated license to cover an area in 13th Street from M to O Streets and N Street from 12th to 13th Streets, Lincoln, Nebraska, on October 16, 2014 between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF BWITCHED TWO INC. DBA BISON WICHES BAR & DELI TO EXPAND ITS CLASS C LIQUOR LICENSE TO INCLUDE AN APPROXIMATELY 56 FEET BY 26 FEET IRREGULAR SHAPED OUTDOOR AREA AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88554 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 Bewitched Two Inc. dba Bison Wiches Bar & Deli to expand its Class C licensed premises by the addition of an approximately 56 foot by 26 foot irregular shaped outdoor area at 1320 P Street, Suite 100, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

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

Introduced by Jon Camp

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

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

PUBLIC HEARING - RESOLUTIONS

PRE-EXISTING USE PERMIT 3AD - AMENDING THE PRE-EXISTING USE PERMIT BY WAIVING PROVISIONS OF THE SIGN ORDINANCE TO ALLOW BANNER SIGNS IN THE PARKING LOT, ON PROPERTY GENERALLY LOCATED AT GATEWAY SHOPPING CENTER AT S. 66TH STREET AND O STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88555 WHEREAS, Starwood Retail Partners has submitted an application in accordance with Section 27.64.010 of the Lincoln Municipal Code designated as Pre-Existing Use Permit No. 3AD to amend Pre-Existing Use Permit No. 3 in order to waive provisions of the sign ordinance to allow banner signs in the parking lot on property generally located at Gateway Shopping Center at S. 66th Street and O Street, and legally described as:

Lot 4, Gateway Shopping Center Subdivision, located in the Southwest Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the pre-existing use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Starwood Retail Partners, hereinafter referred to as "Permittee", to amend Pre-Existing Use Permit No. 3 to waive provisions of the sign ordinance to allow banner signs in the parking lot, on the property legally described above be and the same is hereby granted under the provisions of Section 27.64.010 of the Lincoln Municipal Code upon condition that operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 11 banner signs in the south parking lot of Gateway Mall as shown on the site plan.
2. Before a sign permit is granted the Permittee shall cause to be prepared and submitted to the Planning Department a revised site plan including five copies adding the following notes to the site plan:
 - a. The approval is for the installation of banners and banner hardware on 11 existing light poles in the parking lots that are under Gateway's ownership and control as indicated on this site plan.
 - b. Each light pole may have a pair of banners, with each banner being a maximum 8 x 2 1/2 feet in area.
 - c. Banners must be affixed to the banner hardware along the top and bottom perimeters and to the poles in a way that they remain rigid.
 - d. The height of the banner shall not exceed 18 feet.
 - e. Existing landscape materials along the O Street frontage shall remain in place and be replaced as required to maintain the current level of screening.
 - f. The Permittee must submit information to the Building and Safety Department with the sign permit that is sufficient for the Department to determine that the banners and hardware will withstand wind loads.

g. Banners shall be maintained and replaced as needed so that they do not present a torn or faded appearance; if any banners fall out of compliance with this condition and the Permittee after appropriate notice to bring any banners into compliance fails to do so, the Building and Safety Department may order the permanent removal of all banners.

h. No additional building or wall signs may be added except by amendment or administrative amendment to the pre-existing use permit.

i. The banners may remain in place for a period of two years after Council approval. The Permittee may submit a request to the Planning Director that can be approved administratively to extend the use of these banners for a specific or indefinite period of time.

3. Before granting any sign permits, all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee or an appropriately established owners association approve by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this Resolution shall run with the land and shall be binding upon the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the use permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however the terms and conditions of all resolutions approving previous permits remain in full force and effect except as specifically amended by this resolution.

Introduced by Leirion Gaylor Baird

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

APPROVING A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR A PROJECT TO REHABILITATE LINK 55W BETWEEN US 77 AND HIGHWAY 2 (WARLICK BOULEVARD AND 14TH STREET), PROJECT NO. S-L55W(1021), CONTROL NO. 13224 - CLERK read the following resolution, introduced by Gaylor Baird, who moved its adoption:

A-88553 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Municipality Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. S-L55W(1021), Control No. 13224, for funding of the project to rehabilitate Link 55W between US 77 and Highway 2 (Warlick Boulevard and 14th Street), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

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

CHANGE OF ZONE 10018A - APPLICATION OF NEBRASKA NOVA, LLC, TO AMEND THE NEBRASKA INNOVATION CAMPUS PLANNED UNIT DEVELOPMENT TO DELETE LAND FROM THE PUD BY CHANGING THE ZONING FROM O-3 OFFICE PARK DISTRICT PUD TO P PUBLIC USE AND TO ADD LAND TO THE PUD BY CHANGING THE ZONING FROM P PUBLIC USE TO O-3 OFFICE PARK DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT NORTH ANTELOPE VALLEY PARKWAY AND SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Trent Fellers, 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 fo the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance being numbered **#20092**, is recorded in Ordinance Book 28, Page.

CHANGE OF ZONE 14024 - APPLICATION OF FARMER'S CO-OPERATIVE FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO AG AGRICULTURE DISTRICT ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT 8800 W. HAVEN ROAD, EMERALD, NEBRASKA - CLERK read an ordinance, introduced by Trent Fellers, 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 show thereon, the third time.

FELLERS Moved to pass the ordinance as read.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.
The ordinance being numbered #20093, is recorded in Ordinance Book 28, Page.

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT. (8/25/14 - PLACED ON PENDING DATE CERTAIN FOR ACTION ONLY ON 9/22/14) - CLERK read an ordinance, introduced by Roy Christensen, eliminating certain appropriations and approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund, Solid Waste Fund, Water Fund, and Wastewater Fund for the Public Works & Utilities Department; and within the Maintenance Fund for the Parks & Recreation Department, the third time.

CHRISTENSEN Moved to pass the ordinance as read.
Seconded by Gaylor Baird and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.
The ordinance being numbered #20094, is recorded in Ordinance Book 28, Page.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

VACATION 14006 - VACATING 13 FEET OF THE Y STREET RIGHT-OF-WAY EAST OF NORTH 10TH STREET GENERALLY LOCATED ADJACENT TO 1018, 1020, 1022, 1024, 1036, 1048, AND 1052 Y STREET - CLERK read an ordinance, introduced by Jon Camp, vacating 13 feet of the Y Street right-of-way east of North 10th Street generally located adjacent to 1018, 1020, 1022, 1024, 1036, 1048, and 1052 Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 14007 - VACATING THE RIGHT-OF-WAY STUB OF SHERMAN COURT ADJACENT TO OUTLOT B, VAN DORN MEADOWS 1ST ADDITION, GENERALLY LOCATED AT SHERMAN STREET AND HOLMES PARK ROAD - CLERK read an ordinance, introduced by Jon Camp, vacating the right-of-way stub of Sherman Court adjacent to Outlot B, Block 2, Van Dorn Meadows 1st Addition generally located at Sherman Street and Holmes Park Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

RESOLUTIONS - 1ST READING

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2014/15 AND 2015/16 FOR AMBULANCE SERVICE.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2014.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HEMOCUE AMERICA FOR THE ANNUAL REQUIREMENTS FOR HEMOCUE MICROCUVETTES, PURSUANT TO QUOTE NO. 4887, FOR A FOUR YEAR TERM.

OPEN MICROPHONE - NONE

3:53 P.M.

ADJOURNMENT

CAMP Moved to adjourn the City Council Meeting of September 22, 2014.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Alexis Traylor, Office Specialist

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