

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 6, 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**

COOK Having been appointed to read the minutes of the City Council proceedings of September 29, 2014, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF JJ'S LOUNGE LLC DBA THE LOUNGE FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET;

MANAGER APPLICATION OF TERRY L. SCHUBERT FOR JJ'S LOUNGE LLC DBA THE LOUNGE AT 2001 WEST O STREET - Terry Schubert, 4200 Paxton Ct., came forward to take the oath & answer questions.

Jason Johnson, owner, 2001 W O St., came forward to take the oath & answer questions.

Roy Christensen, Council Member, inquired about the manager training & the employee training.

Ms. Schubert responded that she had taken the training as well as all the employees had.

This matter was taken under advisement.

APPLICATION OF TPG HOLDINGS LLC DBA BHUPI G'S HURRY CURRY FOR A CLASS AB LIQUOR LICENSE AT 1601 Q STREET, SUITE D.

MANAGER APPLICATION OF JASON A. ABLES FOR TPG HOLDINGS LLC DBA BHUPI G'S HURRY CURRY AT 1601 Q STREET, SUITE D - Jason Ables, owner/manager, 1200 S. 23<sup>rd</sup> St., came forward to take the oath & answer questions. Stated he purchased Sher-E-Punjab a few months ago & is converting this to a fast-casual concept with delivery, going to just have beer only, and he & his employees have completed the training.

This matter was taken under advisement.

MANAGER APPLICATION OF MITCHELL H. MARTIN FOR ZRC OPERATIONS COMPANY DBA QDOBA MEXICAN GRILL AT 211 N. 12TH STREET - Mitchell Martin, 5805 Saltillo Rd., came forward to take the oath & answer questions. Stated he's worked for Qdoba for 8 years & just recently took over the downtown location. He is scheduled for training on Oct. 23<sup>rd</sup>.

This matter was taken under advisement.

AMENDING SECTION 2.76.365 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOURS OF WORK TO PROVIDE THAT EMPLOYEES WITH A PAY RANGE PREFIXED BY "E" WHO ARE ELIGIBLE TO RETIRE WILL BE REQUIRED TO RETIRE WITHIN ONE YEAR FROM THE DATE THEY ELECT TO REDUCE THEIR HOURS - Doug McDaniel, Human Resources Director, came forward to state the employees in the "E" class, which are "excluded", generally follow the LCEA contract. As you know, this is language we negotiated into the LCEA contract so now we're mirroring it for the "E" class employees. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" TO CHANGE THE PAY RANGE OF BUILDING & SAFETY MANAGER FROM M03 TO M02 - Doug McDaniel, Human Resources Director, came forward to state this position is currently vacant. We are anticipating potential audits in the future but expect market data will carry the M02 very easily.

This matter was taken under advisement.

CHANGE OF ZONE 14025 - APPLICATION OF B&J PARTNERSHIP LTD. FOR A CHANGE OF ZONE TO DESIGNATE THE O'CONNELL/GALBRAITH HOUSE AS AN HISTORIC LANDMARK ON PROPERTY GENERALLY LOCATED AT S. 9TH ST. AND G ST. - Ed Zimmer, Planning Dept., came forward to state this has been before Preservation Commission & Planning Commission & was unanimously approved at both. This is related to a Special Permit. Stated that the building dates to about 1880, probably built by John O'Connell, was the home of John & Mabel Galbraith. Mr. Anthony wishes to operate a southern cooking restaurant in it. It has preservation restrictions. Discussion followed.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 504 N. 24TH, 918 S. 16TH, 3610 MOHAWK, 245 F, 3928 S. 14TH, 1645 WASHINGTON, 347 S. 26TH, 2140 W. PLUM, 2975 HOLDREGE, 2019 PEPPER, 4225 S. 40TH, 6031 CORNHUSKER, 1430 N. 26TH, 2942 N. 51ST, 2248 SHELDON, 926 WASHINGTON, 6338 HARTLEY, 1336 N. 39TH, 2630 ORCHARD, 2241 HOLDREGE, 1937 GARFIELD, 7124 HAVELOCK, 1336 N. 39TH, 1640 N. 21ST, 6420 HOLDREGE, 1745 SUMNER, 2335 MARILYNN, 6031 CORNHUSKER, 1430 N. 53<sup>RD</sup> - Judy Halstead, Health Dept. Director, came forward to state there were five properties that were abated twice in the last year. She didn't bring forth a Motion to Amend because City Attorney didn't believe we needed one. The Agenda does list two properties twice, 6031 Cornhusker & 1336 N. 39th, the other 3, 918 S. 16<sup>th</sup>, 2140 W. Plum & 2248 Sheldon St. were not listed twice on the Agenda but they were listed. All of the properties were properly notified.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ELSEY PARTNERSHIP, INC. TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTY DESCRIBED AS THE SOUTH 88 FEET OF LOT 29, BLOCK 15, CAHN METCALF AND FARWELL'S SUBDIVISION GENERALLY LOCATED AT 11TH AND Y STS. - Ben Higgins, Public Works Dept., came forward to state that this is for some right-of-way that was given over to the developer. As part of what we normally do, we asked for a conservation easement over it & they are going to fill that area so we asked for a mitigated area on their property.

Carl Eskridge, Council Member, inquired what the mitigated property would be.

Mr. Higgins replied they mitigated it on their parking lot.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPT. 22, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk.

### **PETITIONS & COMMUNICATIONS**

#### **PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 14016, to Special Permit No. 05050, Hunters Pointe Townhomes, approved by the Planning Director on September 23, 2014, requested by Civil Design Group, to add 12 dwelling units bringing the total number of dwelling units to 128 and to revise the notes accordingly, on property generally located at N. 18<sup>th</sup> Street and Superior Street.

SETTING THE HEARING DATE OF MON., OCT 20, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KEVIN REYNOLDS FOR BDF, LLC DBA CAPTAIN JACKS AT 140 N 12<sup>TH</sup> ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88563 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Kevin Reynolds for BDF, LLC dba Captain Jacks at 140 N. 12<sup>th</sup> St.

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

Introduced by Jonathan Cook

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 MON., OCT 20, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF DOUGLAS LITZ FOR THE OLD PUB, LLC DBA THE OLD PUB AT 420 S 11<sup>TH</sup> ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88564 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Douglas Litz for The Old Pub, LLC dba The Old Pub at 420 S. 11<sup>th</sup> St.

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

Introduced by Jonathan Cook

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 MON., OCT 20, 2014 AT 3:00 P.M. ON THE APPLICATION OF BOULEVARD 333, LLC DBA BOULEVARD BISTRO FOR A CLASS CK LIQUOR LICENSE AT 333 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88565 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 2014, 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 Boulevard 333, LLC dba Boulevard Bistro for a Class CK Liquor License at 333 N. Cotner Blvd.

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

Introduced by Jonathan Cook

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 MON., OCT 20, 2014 AT 3:00 P.M. ON THE APPLICATION OF PLOUGHSHARE BREWING CO. LLC, DBA PLOUGHSHARE BREWING CO FOR A CLASS L LIQUOR LICENSE AT 1630 P ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88566 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 2014, 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 Ploughshare Brewing Co. LLC dba Ploughshare Brewing Co. for a Class L Liquor License at 1630 P St.

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

Introduced by Jonathan Cook

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

#### LIQUOR RESOLUTIONS

APPLICATION OF JJ'S LOUNGE LLC DBA THE LOUNGE FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88567 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 JJ's Lounge LLC dba The Lounge for a Class "C" liquor license at 2001 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2015, 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 Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF TERRY L. SCHUBERT FOR JJ'S LOUNGE LLC DBA THE LOUNGE AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88568 WHEREAS, JJ's Lounge LLC dba The Lounge located at 2001 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Terry L. Schubert be named manager;

WHEREAS, Terry L. Schubert 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 Terry L. Schubert 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 TPG HOLDINGS LLC DBA BHUPI G'S HURRY CURRY FOR A CLASS AB LIQUOR LICENSE AT 1601 Q STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88569 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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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 TPG Holdings LLC dba Bhupi G's Hurry Curry for a Class "AB" liquor license at 1601 Q Street, Suite D, 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 JASON A. ABLES FOR TPG HOLDINGS LLC DBA BHUPI G'S HURRY CURRY AT 1601 Q STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88570 WHEREAS, TPG Holdings LLC dba Bhupi G's Hurry Curry located at 1601 Q Street, Suite D, Lincoln, Nebraska has been approved for a Retail Class "AB" liquor license, and now requests that Jason A. Ables be named manager;

WHEREAS, Jason A. Ables 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 Jason A. Ables 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.

MANAGER APPLICATION OF MITCHELL H. MARTIN FOR ZRC OPERATIONS COMPANY DBA QDOBA MEXICAN GRILL AT 211 N. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88571 WHEREAS, ZRC Operations Company dba Qdoba Mexican Grill located at 211 N. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Mitchell H. Martin be named manager;

WHEREAS, Mitchell H. Martin 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 Mitchell H. Martin be approved as manager of this business for said licensee be approved with the condition that 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.

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 FUCOR INC. DBA VENUE TO EXPAND IT CLASS CK LIQUOR LICENSE TO ADD AN ADDITIONAL OUTDOOR AREA MEASURING APPROXIMATELY 19 FEET BY 88 FEET TO THE WEST AT 4111 PIONEER WOODS DRIVE, #100 - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action for 1 week to 10/13/14.

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING SECTION 2.76.365 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOURS OF WORK TO PROVIDE THAT EMPLOYEES WITH A PAY RANGE PREFIXED BY "E" WHO ARE ELIGIBLE TO RETIRE WILL BE REQUIRED TO RETIRE WITHIN ONE YEAR FROM THE DATE THEY ELECT TO REDUCE THEIR HOURS - CLERK read an ordinance amending Section 2.76.365 of the Lincoln Municipal Code relating to Hours of Work to provide that employees with a pay range prefixed by "E" who are eligible to retire will be required to retire within one year from the date they elect to reduce their hours as provided in said section; and repealing Section 2.76.365 as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" TO CHANGE THE PAY RANGE OF BUILDING & SAFETY MANAGER FROM M03 TO M02 - CLERK read an ordinance amending Section 1 of Ordinance No. 19908 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the job classification "Building & Safety Manager" from M03 to M02, the second time.

CHANGE OF ZONE 14025 - APPLICATION OF B&J PARTNERSHIP LTD. FOR A CHANGE OF ZONE TO DESIGNATE THE O'CONNELL/GALBRAITH HOUSE AS AN HISTORIC LANDMARK, ON PROPERTY GENERALLY LOCATED AT S. 9TH ST. AND G ST - CLERK read an ordinance an ordinance amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

### PUBLIC HEARING - RESOLUTIONS

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 504 N. 24TH, 918 S. 16TH, 3610 MOHAWK, 245 F, 3928 S. 14TH, 1645 WASHINGTON, 347 S. 26TH, 2140 W. PLUM, 2975 HOLDREGE, 2019 PEPPER, 4225 S. 40TH, 6031 CORNHUSKER, 1430 N. 26TH, 2942 N. 51ST, 2248 SHELDON, 926 WASHINGTON, 6338 HARTLEY, 1336 N. 39TH, 2630 ORCHARD, 2241 HOLDREGE, 1937 GARFIELD, 7124 HAVELOCK, 1336 N. 39TH, 1640 N. 21ST, 6420 HOLDREGE, 1745 SUMNER, 2335 MARILYNN, 6031 CORNHUSKER, 1430 N. 53<sup>RD</sup> - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88572 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:  
Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2014 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Roy Christensen

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ELSEY PARTNERSHIP, INC. TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTY DESCRIBED AS THE SOUTH 88 FEET OF LOT 29, BLOCK 15, CAHN METCALF AND FARWELL'S SUBDIVISION GENERALLY LOCATED AT 11TH AND Y STS. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88573 WHEREAS, Elsey Partnership, Inc. desires to convey a permanent conservation easement to the City of Lincoln to preserve the flood storage capacity on property generally located at 11th and Y Streets and legally described as the south 88 feet of Lot 29, Block 15, Cahn Metcalf and Farwell's Subdivision, Lincoln, Lancaster County, Nebraska; and

WHEREAS, conveyance of this conservation easement to the City of Lincoln would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

WHEREAS, the Planning Commission found this proposed conservation easement to be in conformity with the Comprehensive Plan as approved by Resolution No. PC-01407 on September 3, 2014.

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

That Elsey Partnership, Inc.'s offer to grant a conservation easement to the City of Lincoln over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original Conservation Easement to Rick Peo, Chief Assistant City Attorney, for recording with the Register of Deeds.

Introduced by Roy Christensen

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

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF LAKEVIEW PARK LOCATED AT N.W. 20TH AND Q STS. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

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A-88574 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of renovating the neighborhood park of Lakeview Park located at N.W. 20th and Q Street; and WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$50,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

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

The City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for federal assistance from the Land and Water Conservation Grant to provide financial support for the renovation of Lakeview Park.

The City of Lincoln has budgeted its 50 percent match to the proposed total funds and will allocate these funds toward this project upon project approval by NGPC. The City has the financial capacity to operate and maintain the completed project and park property in a safe, attractive, and sanitary manner.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354(1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of NGPC and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. The City will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future project accessible to and usable by the disabled.

The Mayor is hereby authorized to sign all documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City Clerk is directed to transmit a certified copy of this Resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Roy Christensen

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

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

VACATION 14006 - VACATING 13 FEET OF THE Y ST. RIGHT-OF-WAY EAST OF 10TH ST. GENERALLY LOCATED ADJACENT TO 1018, 1020, 1022, 1024, 1036, 1048, AND 1052 Y ST - 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #20095, is recorded in Ordinance Book #28, Page .

VACATION 14007 - VACATING THE RIGHT-OF-WAY STUB OF SHERMAN CT. ADJACENT TO OUTLOT B, VAN DORN MEADOWS 1ST ADDITION, GENERALLY LOCATED AT SHERMAN ST. AND HOLMES PARK RD - 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 third time.

CAMP 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 #20096, is recorded in Ordinance Book #28, Page .

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

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO ADD AND CLARIFY PROVISIONS AND PENALTIES RELATING TO VIOLATIONS OF SNOW EMERGENCY PARKING BANS BY AMENDING SECTION 10.06.110 TO CLARIFY THE AUTHORITY OF PARKING CONTROL OFFICERS TO ISSUE CITATIONS RELATING TO SNOW EMERGENCY PARKING VIOLATIONS PURSUANT TO CHAPTERS 10.40 AND 10.41; AMENDING

SECTION 10.06.120 TO PROVIDE THAT A PERSON ACCUSED OF PARKING IN VIOLATION OF A SNOW REMOVAL DISTRICT PARKING BAN MAY WAIVE ARRAIGNMENT AND THEIR RIGHT TO A HEARING AND PAY A DESIGNATED SUM; AMENDING SECTION 10.40.120 TO DELETE A REFERENCE TO AN OBSOLETE SECTION; AND AMENDING SECTION 10.41.110 TO ADD A REFERENCE TO THE PENALTY SECTION IN SECTION 10.06.120 - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic to add and clarify provisions and penalties relating to violations of snow emergency parking bans by amending Section 10.06.110 to clarify the authority of Parking Control Officers to issue citations relating to snow emergency parking violations pursuant to Chapters 10.40 and 10.41; amending Section 10.06.120 to provide that a person accused of parking in violation of a snow removal district parking ban may waive arraignment and their right to a hearing and pay a designated sum; amending Section 10.40.120 to delete a reference to an obsolete section; amending Section 10.41.110 to add a reference to the penalty section in Section 10.06.120; and repealing Sections 10.06.110, 10.06.120, 10.40.120, and 10.41.110 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBCO, INC. AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT 901 N. 6TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, approving a Real Estate Purchase Agreement between the City of Lincoln and NEBCO, Inc. authorizing the sale of City owned property described as Lot 2, Block 1, West Haymarket Add., Lincoln, Lancaster County, Nebraska, generally located at 901 N. 6<sup>th</sup> St., the first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBCO, INC. DBA WESTERN SAND & GRAVEL AUTHORIZING THE SALE OF APPROXIMATELY 8.46 ACRES OF CITY OWNED PROPERTY GENERALLY LOCATED IN THE LINCOLN WATER SYSTEM WELL FIELDS ADJACENT TO THE SAND AND GRAVEL OPERATION IN SAUNDERS COUNTY - CLERK read an ordinance, introduced by Jonathan Cook, approving a Real Estate Sales Agreement between the City of Lincoln and NEBCO, Inc. dba Western Sand & Gravel Co. authorizing the sale of approximately 8.46 acres of City owned property generally located in the Lincoln Water System wellfield adjacent to the sand and gravel operation in Saunders County, Nebraska, the first time.

#### RESOLUTIONS - 1<sup>ST</sup> READING

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO COOPERATE IN VARIOUS ROAD CONSTRUCTION, IMPROVEMENTS AND ROAD MAINTENANCE PROJECTS FOR COUNTY ROADS LOCATED WITHIN THE THREE-MILE ZONING JURISDICTION OF THE CITY OF LINCOLN.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-31, 2014.

APPROVING A SERVICE CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH LIFESPAN HEALTH UNIT, WOMEN'S AND MEN'S HEALTH PROGRAMS, AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REGARDING PREVENTIVE HEALTH SCREENING FOR A TERM OF SEPTEMBER 15, 2014 THROUGH DECEMBER 31, 2015.  
(CONSENT)

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR ANIMAL CONTROL SERVICES PROVIDED BY LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT ANIMAL CONTROL IN LANCASTER COUNTY AND ESTABLISHING THE PAYMENT OF SERVICES IN THE EVENT OF AN EMERGENCY.

#### OPEN MICROPHONE - NONE

#### ADJOURNMENT

3:26 P.M.

CAMP Moved to adjourn the City Council Meeting of October 6, 2014.  
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**REGULAR MEETING  
OCTOBER 6, 2014  
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