

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 20, 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**

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of October 13, 2014, reported having done so, found same correct.

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

**GATEWAY STATION POST OFFICE PROJECT PRESENTATION**

Russell E. Rainey, retired Real Estate Specialist with United States Postal Service, 7500 East 53<sup>rd</sup> Place, Denver, Colorado, presented a report on the relocation of the Lincoln Gateway Station, which is currently located at 5945 R Street. Mr. Rainey stated that the postal service has approved this project. The Gateway Station is a leased facility that houses carriers and a retail operation. For now the carriers have moved to the main office facility but the retail operation still remains. Mr. Rainey stated that they will be looking for 4300 sq. ft. of existing space that can serve as the new Gateway Station. He said the preferred geographical boundary is Holdrege on the North, A St. on the South, 84<sup>th</sup> on the East, and 56<sup>th</sup> on the West. He shared that the community has 15 days to participate in a mandated community contact process where they have an opportunity to submit written comments regarding their approvals, questions, or concerns about the project. Mr. Rainey then stated he will be sending a letter to the Mayors office, which will outline the project, instructions on how to appeal the project and any additional information regarding the process.

Kerry Kowalski, Postal Co-Chair, 700 R Street, came forward in support and addressed Council Members questions.

**PUBLIC HEARING**

APPLICATION OF BOULEVARD 333 LLC DBA BOULEVARD BISTRO FOR A CLASS CK LIQUOR LICENSE AT 333 N. COTNER BLVD.

MANAGER APPLICATION OF ABDEL-KARIM CHHIBBANE FOR BOULEVARD 333 LLC DBA BOULEVARD BISTRO AT 333 N. COTNER BLVD. - Abdel-karim Chhibbane, 333 N. Cotner Blvd., Boulevard Bistro, Master Chef, came forward to take the oath and answer questions.

Anthony Ditton, 333 N. Cotner Blvd., Owner, Boulevard Bistro, came forward in support and to state that this is a French Bistro serving classic French and Mediterranean cuisine.

This matter was taken under advisement.

APPLICATION OF PLOUGHSHARE BREWING CO. LLC DBA PLOUGHSHARE BREWING CO. FOR A CLASS L LIQUOR LICENSE AT 1630 P STREET.

MANAGER APPLICATION OF MATT STINCHFIELD FOR PLOUGHSHARE BREWING CO. LLC DBA PLOUGHSHARE BREWING CO. AT 1630 P STREET - Matt Stinchfield, 3621 Everett St., Manager came forward to take the oath and answer questions. Stated that this is a hybrid business model micro brewery. The back portion is a wholesaler production brewery and the front portion is a tap room with food and their own beverages. They have already opened with a Class C license and introduced food items August 1<sup>st</sup>. Stated all their training is complete and current and that they are awaiting their final fire & safety inspection so they can finally sell their brewed beers.

This matter was taken under advisement.

MANAGER APPLICATION OF DOUGLAS LITZ FOR THE OLD PUB LLC DBA THE OLD PUB AT 420 S.

11TH STREET - Douglas Litz, 420 S. 11<sup>th</sup>, The Old Pub, came forward to take the oath and answer questions. He became partners with Jack a few years ago and it was decided that he should become the manager. He stated that there have been new improvements. They have mostly an older crowd and is known as a tight knit community bar.

This matter was taken under advisement.

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MANAGER APPLICATION OF KEVIN REYNOLDS FOR BDF, LLC DBA CAPTAIN JACKS AT 140 N. 12<sup>TH</sup> STREET - Kevin Reynolds, 140 N. 12<sup>th</sup> St., Captain Jacks, came forward to take the oath and answer questions. Mr. Reynolds stated that he is here fixing paper work. The manager information on the license was incorrect and needed to be changed to his name. He stated Captain Jacks has been at this location for 6 years, it was previously known as Cliff's Lounge, and predominantly has an older crowd that loves soccer. This matter was taken under advisement.

ANNEXATION 14005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 39 ACRES OF PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135)

CHANGE OF ZONE 14026 - APPLICATION OF R & D DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135) - Roger Schwisow, 1354 Pelican Bay Place, came forward to answer questions. Mr. Schwisow stated that they have out grown the amount of ground that they have within the city limits. He stated that they were parking equipment on agricultural zoned ground and are wanting to get the property annexed to clean it up and make it right.

This matter was taken under advisement.

APPROVING ECKK INC. DBA KELLI'S PUB AS A KENO SATELLITE SITE AT 1318 N. 66TH STREET - Katrina Coffey, Vice President of Marketing for Big Red Keno, 11248 John Galt Blvd., Omaha, & Elaine Kodad, applicant, 1318 N. 66<sup>th</sup> St., came forward to request approval.

Roy Christensen, Council Member, stated that the manager for liquor license training expired and wanted to confirm that the manager will be present at the next training.

Elaine Kodad stated that she will be present and Katrina Coffey stated that she will also follow up on the training.

This matter was taken under advisement.

MISC. 14002 - APPROVING THE FIRST AMENDMENT TO PROTECTIVE COVENANTS FOR LOTS 1, 6, 7, 8, 9, 10, 11, AND 12, BLOCK 4, EASTMONT SECOND ADDITION TO ALLOW MODIFICATIONS TO SETBACKS, PARKING REQUIREMENTS, BUILDING FLOOR AREA, LANDSCAPE SCREENING, AND RELOCATION OF THE SIDEWALKS ON PROPERTY GENERALLY LOCATED AT 6201 O STREET. - Jerry Nelson, Architectural Innovations, no address given, came forward to state that there is a new retail tenant for this building. He stated most of the changes will bring the property to more of the performance of the current zoning. The biggest benefit will be the new landscaping that is added to that corner.

Jon Cook, Council Member, asked what kind of meetings have there been regarding this project.

Mr. Nelson, stated that there were letters sent out to the neighbors and to the association; however, no one appeared at the meeting.

Marvin Krout, Director of Planning, came forward to address council questions.

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 OCTOBER 6, 2014 - CLERK presented said report which was placed on file in the office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS A-88579 ADOPTED BY THE CITY COUNCIL ON OCTOBER 13, 2014 AND PRESENTED TO THE MAYOR ON AUGUST 14, 2014 - 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 MON., NOV. 3, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CHRISTEEN M. JACKSON FOR HCF TACO CO #1 DBA FUZZY'S TACO SHOP AT 1442 O ST - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88582 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Christeen M. Jackson for HCF Taco Co. #1 dba Fuzzy's Taco Shop located at 1442 O Street.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MARVIN SCHUMACHER FOR SAM'S WEST INC DBA SAM'S CLUB 4873 AT 8480 ANDERMATT DR. - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88583 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Marvin Schumacher for Sam's West Inc. dba Sam's Club 4873 located at 8480 Andermatt Drive.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CHAD PARKER FOR SAM'S WEST INC DBA SAM'S CLUB 6413 AT 4900 N. 27<sup>TH</sup> ST. - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88584 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Chad Parker for Sam's West Inc. dba Sam's Club 6413 located at 4900 N. 27<sup>th</sup> Street.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE APPLICATION OF JANELLI SANCHEZ VARGAS DBA CIELITO LINDO FOR A RETAIL CLASS I LIQUOR LICENSE AT 100 N. 1<sup>ST</sup> ST., SUITE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88585 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Janelli Sanchez Vargas dba Cielito Lindo for a Class I liquor license located at 100 N. 1<sup>st</sup> Street, Suite 1.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE APPLICATION OF RUPERT ENTERPRISES LLC DBA T'S STOP & SHOP FOR A RETAIL CLASS B LIQUOR LICENSE AT 2801 O ST. (FORMERLY GIT 'N SPLIT) - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88586 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Rupert Enterprises LLC dba T's Stop & Shop for a Class B liquor license located at 2801 O Street.

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

Introduced by Trent Fellers

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

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SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE APPLICATION OF MG ENTERPRISES LLC DBA THE ALLEY FOR A RETAIL CLASS C LIQUOR LICENSE AT 1031 M STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88587 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 MG Enterprises LLC dba The Alley for a Class C liquor license located at 1031 M Street.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON., NOV. 3, 2014 AT 3:00 P.M. ON THE APPLICATION OF MLOGIC HOLDINGS LLC DBA TILTED KILT PUB & EATERY FOR THE ADDITION OF AN OUTDOOR AREA (SIDEWALK CAFÉ) MEASURING APPROX. 37' X 47' AT 6100 O ST. - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88588 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 MLogic Holdings LLC dba Tilted Kilt Pub & Eatery for an addition to the licensed premise to include an outdoor area approx. 37' x 47' located at 6100 O Street.

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

Introduced by Trent Fellers

Seconded by Cook & 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 Amendment No. 13035, to Special Permit No. 06030, Charleston Heights, approved by the Planning Director on October 8, 2014, requested by Olsson Associates, to revise the lot and street layout, increase the number of single family lots, and decrease the number of single family attached lots, on property generally located at N. 14<sup>th</sup> Street and Humphrey Avenue.

Administrative Amendment No. 14069, to Special Permit No. 14069, Van Dorn Meadow Community Unit Plan, approved by the Planning Director on October 8, 2014, requested by Olsson Associates, to adjust the front yard setback for Lots 13 and 14, Block 2 (3220 and 3232 Sherman Place) from 20 feet to 17 feet, on property generally located at South 70<sup>th</sup> and Van Dorn Streets.

Administrative Amendment No. 14071, to Special Permit No. 1790A, Longview 1<sup>st</sup> Addition, approved by the Planning Director on October 8, 2014, requested by E-S-P, to reduce the side yard setback from 15 feet to 5 feet along the south lot line of Lot 16, Block 1 (4611 W. High Ridge Place), on property generally located at S.W. 48<sup>th</sup> Street and Van Dorn Street.

**LIQUOR RESOLUTIONS**

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 Jon Camp, who moved its adoption for approval:

A-88589 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 Boulevard 333 LLC dba Boulevard Bistro for a Class "CK" liquor license at 333 N. Cotner Blvd., 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 Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF ABDEL-KARIM CHHIBBANE FOR BOULEVARD 333 LLC DBA BOULEVARD BISTRO AT 333 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88590 WHEREAS, Boulevard 333 LLC dba Boulevard Bistro located at 333 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Abdel-karim Chhibbane be named manager;

WHEREAS, Abdel-karim Chhibbane 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 Abdel-karim Chhibbane 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 Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF PLOUGHSHARE BREWING CO. LLC DBA PLOUGHSHARE BREWING CO. FOR A CLASS L LIQUOR LICENSE AT 1630 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88591 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 Ploughshare Brewing Co. LLC dba Ploughshare Brewing Co. for a Class "L" liquor license at 1630 P Street, Lincoln, Nebraska, for the license period ending April 30, 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 Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF MATT STINCHFIELD FOR PLOUGHSHARE BREWING CO. LLC DBA PLOUGHSHARE BREWING CO. AT 1630 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88592 WHEREAS, Ploughshare Brewing Co. LLC dba Ploughshare Brewing Co. located at 1630 P Street, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that Matt Stinchfield be named manager;

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

MANAGER APPLICATION OF DOUGLAS LITZ FOR THE OLD PUB LLC DBA THE OLD PUB AT 420 S. 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88593 WHEREAS, The Old Pub LLC dba The Old Pub located at 420 S. 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Douglas Litz be named manager;

WHEREAS, Douglas Litz appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Douglas Litz 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 Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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MANAGER APPLICATION OF KEVIN REYNOLDS FOR BDF, LLC DBA CAPTAIN JACKS AT 140 N. 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88594 WHEREAS, BDF, LLC dba Captain Jacks located at 140 N. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Kevin Reynolds be named manager;

WHEREAS, Kevin Reynolds 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 Reynolds 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 Fellers & 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)**

ANNEXATION 14005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 39 ACRES OF PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135) - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 14026 - APPLICATION OF R & D DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING ECKK INC. DBA KELLI'S PUB AS A KENO SATELLITE SITE AT 1318 N. 66TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88595 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of ECKK Inc. dba Kelli's Pub, 1318 N. 66th Street, Lincoln, NE 68505.

The City Clerk is directed to return an executed copy of this Resolution to ECKK Inc. dba Kelli's Pub, 1318 N. 66th Street, Lincoln, NE 68505.

Introduced by Carl Eskridge

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

MISC. 14002 - APPROVING THE FIRST AMENDMENT TO PROTECTIVE COVENANTS FOR LOTS 1, 6, 7, 8, 9, 10, 11, AND 12, BLOCK 4, EASTMONT SECOND ADDITION TO ALLOW MODIFICATIONS TO SETBACKS, PARKING REQUIREMENTS, BUILDING FLOOR AREA, LANDSCAPE SCREENING, AND RELOCATION OF THE SIDEWALKS ON PROPERTY GENERALLY LOCATED AT 6201 O STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88596 A RESOLUTION adopting the First Amendment to Protective Covenants for Lots 1, 6, 7, 8, 9, 10, 11, and 12, Block 4, Eastmont Second Addition.

WHEREAS, on February 13, 1975 Raymond Gottner and Maxine Gottner, husband and wife, and Irvin E. Schappaugh and Eva Schappaugh, husband and wife, collectively the then owners of Lots 1, 6, 7, 8, 9, 10, 11, and 12, Block 4, Eastmont Second Addition (collectively the "Property") in consideration of the City of Lincoln, Nebraska re-zoning the Property as requested by the Gottners and Schappaughs from A-1

and A-2 Single Family Zoning District to the F Restricted Commercial and the G Local Business Zoning Districts subjected the Property to certain protective covenants dated February 13, 1975 and filed of record on February 21, 1975 in the office of the Register of Deeds for Lancaster County, Nebraska, as Instrument No. 75-2040 (the "Protective Covenants"); and

WHEREAS, paragraph 13 of the Protective Covenants provides that, "these covenants and restrictions may be terminated or modified at any time by resolution of the City Council of the City of Lincoln as from time to time constituted; provided, however, no greater restrictions may be imposed than those provided herein;" and

WHEREAS, Falgers Inc., a Kansas corporation, is the current owner of that portion of the Property located at 6201 O Street, Lincoln, Nebraska, and legally described as Lot 1 except 210.4 square feet and except 181.25 feet and except the north 1,622.33 feet, Block 4, Eastmont Second Addition to Lincoln, Lancaster County, Nebraska (hereinafter "6201 O Street"); and

WHEREAS, Falgers, Inc. has requested the City Council of the City of Lincoln to modify Appendix A and paragraphs 3, 4, 5, and 8 of the Protective Covenants to revise covenants and restrictions pertaining to 6201 O Street; and

WHEREAS, if the improvements to 6201 O Street are constructed in general conformance with the Site Plan and Landscape Plan attached as Appendix B to the First Amendment to Protective Covenants (defined below), the community as a whole, the surrounding neighborhood and the real property located in Block 4, Eastmont Second Addition, will not be adversely affected by modifying the Protective Covenants as set forth below.

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

1. That paragraph 3 of the Protective Covenants be amended to read as follows:
3. That there shall be maintained a permanent minimum twenty-five (25) and twenty (20) foot building and parking lot development set-back from the right-of-way line of Eastridge Drive, and a permanent minimum fifteen (15) foot building and parking lot development set-back from the right-of-way line of Lyncrest Drive, all as shown on the plot plan attached hereto as Appendix "A" and made a part hereof.
2. That paragraph 4 of the Protective Covenants be amended to read as follows:
4. That for the purpose of identifying the commercial and office uses existing upon the real estate above described, there shall be permitted one (1) non- illuminated sign not exceeding thirty (30) square feet in total area, to be located on said real estate within ten (10) feet of the driveway entrance thereto from Eastridge Drive. No other signs of any nature whatsoever shall be erected within the area twenty-five (25) feet from the right-of-way line of Eastridge Drive, or the area prescribed by applicable zoning regulations, whichever area is larger. Signs as per applicable zoning requirements along 'O' Street right-of-way shall be permitted.
3. That paragraph 5 of the Protective Covenants be amended to read as follows:
5. That there shall be permitted one building in that geographic area designed as Parcel "A", as shown on the attached Appendix "A"; that the total floor area for said building shall not exceed 4,500 square feet; that the height of said building shall not exceed twenty-nine (29) feet; and that no part of the roof slope on said building shall exceed a three-inch rise in a twelve-inch run. The improvements to be constructed in Parcel A shall be constructed in general conformance with the Site Plan and Landscape Plan as shown on Appendix B attached hereto.
4. That paragraph 8 of the Protective Covenants be amended to read as follows:
8. That there shall be provided and maintained upon the real estate above described not less than one parking space for each three hundred (300) square feet or portion thereof of building floor area developed in that geographic area designated as Parcel "A", and that there shall be provided and maintained upon the real estate above described not less than one parking space for each two hundred (200) square feet or portion thereof of building floor area developed in geographic area designated as Parcel "B", and that there shall be provided and maintained upon the real estate above described not less than one parking space for each one hundred sixty-seven (167) square feet or portion thereof of building floor area developed in that geographic area designated as Parcel "C".
5. That the drawing attached hereto marked as Appendix A shall supercede and replace Appendix A attached to the Protective Covenants. That the drawings attached hereto marked as Appendix B are hereby added to and made a part of the Protective Covenants.
6. That the above amendments to paragraphs 3, 4, 5, and 8 of the Protective Covenants and the attached Appendix A and Appendix B are collectively referred to as the First Amendment to the Protective Covenants.
8. The City Clerk shall file a copy of this Resolution with the Register of Deeds to be indexed against Lots 1, 6, 7, 8, 9, 10, 11, and 12, Block 4, Eastmont Second Addition, filing fees to be paid in advance by Falgers, Inc.

Introduced by Carl Eskridge

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

**ORDINANCES - 3RD 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 third time.

COOK Moved to pass ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.  
The ordinance, being numbered **#20100**, is recorded in Ordinance Book #28, Page .

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 - PRIOR to reading:

FELLERS Moved to Amend #1 to Bill No. 14-132 in the following manner:  
1. On Page 1, after line 11, insert a new Section 2 to read as follows:  
Section 2. All proceeds from the sale of this property shall be deposited in Account #78665.4201 (MSC Operations, Sale of Land).  
2. Renumber the subsequent Sections accordingly.  
Seconded by Cook & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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 third time.

COOK Moved to pass ordinance as read.  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.  
The ordinance, being numbered **#20101**, is recorded in Ordinance Book #28, Page .

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 well field adjacent to the sand and gravel operation in Saunders County, Nebraska, the third time.

COOK Moved to pass ordinance as read.  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.  
The ordinance, being numbered **#20102**, is recorded in Ordinance Book #28, Page .

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

AMENDING SECTION 2.42-040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DIVISIONS OF THE URBAN DEVELOPMENT DEPARTMENT TO RESTRICT THE AUTHORITY OF THE URBAN DEVELOPMENT DEPARTMENT BY REQUIRING THAT ANY ACQUISITION OF RESIDENTIAL PROPERTY HAVING VALUE EXCEEDING \$50,000.00 FOR WHICH THE SOURCE OF FUNDING IS COMMUNITY IMPROVEMENT FINANCING BE APPROVED BY RESOLUTION OF THE CITY COUNCIL - CLERK read an ordinance, introduced by Trent Fellers, amending Section 2.42.040 of the Lincoln Municipal Code relating to the Divisions of the Urban Development Department to restrict the



authority of the Urban Development Department by requiring that any acquisition of residential property having value exceeding \$50,000.00 for which the source of funding is Community Improvement Financing be approved by resolution of the City Council; and repealing Section 2.42.040 as hitherto existing, the first time.

AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS TO CREATE A NEW CHAPTER 1.30, SALE OF CITY REAL PROPERTY - CLERK read an ordinance, introduced by Trent Fellers, amending Title 1 of the Lincoln Municipal Code relating to General Provisions to create a new Chapter 1.30, Sale of City Real Property, the first time.

TEXT AMENDMENT 14013 - AMENDING SECTION 27.63.160 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS FOR EXCAVATION AND STONE MILLING TO ALLOW STONE MILLING AS AN ACCESSORY USE TO AN EXCAVATION OPERATION AND TO ELIMINATE STONE MILLING AS A SEPARATE PERMITTED USE. - CLERK read an ordinance, introduced by Trent Fellers, amending Section 27.63.160 of the Lincoln Municipal Code relating to Special Permits for Excavation and Stone Milling to allow stone milling as an accessory use to an excavation operation and to eliminate stone milling as a separate permitted use; and repealing Section 27.63.160 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING RED STRIKE INC. DBA SUN VALLEY LANES AS A KENO SATELLITE SITE AT 321 VICTORY LANE.

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

COMP. PLAN CONFORMANCE 14019 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "A&P II REDEVELOPMENT PROJECT" FOR THE REDEVELOPMENT OF THE AMBASSADOR AND PRESIDENT APARTMENT BUILDINGS GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 14TH STREET AND LINCOLN MALL.

#### **ADJOURNMENT**

**3:39 P.M.**

CAMP Moved to adjourn the City Council Meeting of October 20, 2014.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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Teresa J. Meier, City Clerk

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Soulinnee Phan, Office Specialist

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