

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 2, 2017 AT 3:00 P.M.**

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

Council Chair Christensen 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 September 25, 2017, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF C.BERRY INVESTMENTS, LLC DBA THE JUNCTION FOR A CLASS I LIQUOR LICENSE AT 1434 O STREET, SUITE 2;
MANAGER APPLICATION OF JOHN C. BERRY FOR C.BERRY INVESTMENTS, LLC DBA THE JUNCTION AT 1434 O STREET, SUITE 2 - John C. Berry, 1424 O Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF PR VENTURES, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 87 FEET AT NEBRASKA BOOK COMPANY AT 4700 SOUTH 19TH STREET ON OCTOBER 27, 2017 BETWEEN 5:00 P.M. AND 9:00 P.M. - Chad Carlson, 6255 Havelock, applicant, came forward and requested approval.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1-15, 2017 - Elizabeth Rhodes, 2346 W Street, came forward and stated on August 12th she discovered sewage leaking into the basement of her property which was over a foot and a half deep and destroyed a number of things in the basement. She called a drain service who came out to investigate and there was no blockage in her sewer line. The City came out and managed to get the sewer flowing that day. The City later came back and worked with various crews and was able to get the sewer unblocked. The claim amount is for \$8,939.64.

Roy Christensen, Council Chair, asked what has happened since this incident occurred.

Ms. Rhodes explained she was able to refinance her vehicle and managed to replace the furnace, water heater, washer and dryer.

Chris Blann, 1561 S. Cotner Blvd, came forward and shared that last year he called the Parks & Rec Department's Forestry Division to file a complaint on a tree located in the City's right-of-way in front of his property. There were several limbs that were dead and needed to be trimmed. His neighbor has called the City regarding the same tree for over three years. On the morning of August 20, 2017 the storm broke a few limbs off the tree and fell on his truck. The next day the City came to remove the debris and he was advised that he should file a claim to the City for the damages. He was later advised by the City Attorney's office that his claim would be denied because the tree was fine and the damage was from the storm. Shortly after, they received a notice from the Parks Department stating the tree was now unhealthy and would be removed. The tree was later cut down on the September 25, 2017.

Jeff Kirkpatrick, City Attorney, came forward and explained the Law Department is not disputing anything stated by Ms. Rhodes. There was a blockage in the drain that was in the street. The City went out to inspect the blockage and realized it was caused by a collection of grease and rags. Their records show that main as being maintained on a 12 month cleaning frequency, which is also the cleaning frequency with most of the drains in the City. There are drains in the City that have a shorter frequency if there are constant problems with the drain. This particular drain had no issues prior to the blockage, which is why it was on the typical 12 month frequency. This claim was denied because there was no notice prior to the sewer backup. Discussion followed.

Jane Raybould, Council Member, stated Mr. Blann stated his neighbor had called regarding the tree and asked how those records are maintained.

Mr. Kirkpatrick explained in the case of Mr. Blann, the calls were logged in a notebook. There is a record of calls on the tree and the tree was trimmed in July, 2006. There was another complaint during the summer of 2016, the City inspected the tree and noted a dead limb, which was removed. After that, there were no further complaints until the limb fell on Mr. Blann's vehicle from the storm.

Ms. Raybould asked how they came to the decision that the tree finally needed to be removed.

Mr. Kirkpatrick stated he is unaware of how they determined that, but believes that decision was made after the Law Department recommended denial. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING
OCTOBER 2, 2017
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APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PCE, INC. TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTY GENERALLY LOCATED AT 1821 YOLANDE AVENUE - Tim Sieh, City Attorney, came forward and explained this is a conservation easement for property located generally east of 14th Street and south of Cornhusker Highway. This property sits on the north side of Salt Creek and the easement preserves the area on that lot so that no development can happen to allow the flood storage to continue to be used in that area.

This matter was taken under advisement.

APPROVING THE SKATE ZONE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ACCESS COMMERCIAL, LLC RELATING TO THE REDEVELOPMENT OF PROPERTIES GENERALLY LOCATED AT 300 NORTH 48TH STREET, FOR THE CONSTRUCTION OF A HOTEL, RETAIL BUILDING, PARKING, AND OTHER ASSOCIATED IMPROVEMENTS. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17);

AMENDING THE FY 17/18 CIP TO AUTHORIZE AND APPROPRIATE \$960,000 IN TIF FUNDS FOR THE SKATE ZONE PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SKATE ZONE REDEVELOPMENT PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) - David Landis, Urban Development Director, came forward and shared this is the replacement of an existing building that is 19,000 square feet with 4 stories of an 11,000 square foot building and a footprint of about 45,000 square feet and an additional 5,600 square foot retail building. The total amount of private sector investment is about \$11 million that will generate about \$960,000 in TIF that the developer would like to use towards the progress of the project. The first use of those funds would be cost of issuance and then the City's administration fee. Then the intersection improvements on 48th Street. This allows a protected ingress and egress that is available to other users in that area with a connection to 50th Street. There are also facade enhancements and site acquisition improvements. This project will also include 149 parking stalls. Discussion followed.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward on behalf of Access Development and shared this project consists of the two primary components of the retail building with a facade fronting both 48th and the east side with a 4 story hotel building to be developed by True Hotel. There is a driveway that exists at the north edge of the property that currently is not protected by the signal. There will be a relocation to the driveway to the south and the signal will have to be replaced. With this relocation, the current 3 way signal will be replaced with a 4 way signal and that will be paid with TIF funds.

Carl Eskridge, Council Member, asked for an explanation of the traffic flow within the property.

Mr. Huston explained there is a private drive that is from N. 48th to N. 50th that can be used for public access. This will be a private drive and there can be traffic calming devices, such as speed bumps installed if there is a problem with speeding through the property. There will be a grade differential from the two buildings.

Leirion Gaylor Baird, Council Member, asked about the retail building and the possible usage.

Mr. Huston stated that specific users have not been identified, but it does permit a restaurant with a drive-thru attached to it. This is the B-2 zoning, which is pretty broad.

Ms. Gaylor Baird asked how it would work with a fast food restaurant in that area with the elevations and the facade improvements and how that would be implemented.

Mr. Huston explained that if there are substantial changes to the elevation outside of what was already approved in the Redevelopment Agreement, then there would be further questions asked and further explanation has to be given during the building permit stage.

This matter was taken under advisement.

**** Council Member Lamm left Chambers at 3:40 p.m. ****

AMENDING CHAPTER 5.50 OF THE LINCOLN MUNICIPAL CODE RELATING TO TAXICABS BY AMENDING SECTION 5.50.010, DEFINITIONS, TO ADD A DEFINITION FOR "TRANSPORTATION NETWORK COMPANY"; BY ADDING A NEW SECTION NUMBERED 5.50.015 ENTITLED TRANSPORTATION NETWORK COMPANY, EXEMPTION, TO PROVIDE THAT MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE SOLICITED THROUGH TRANSPORTATION NETWORK COMPANIES SHALL NOT BE CONSIDERED TAXICABS AND SHALL BE EXEMPTED FROM THE PROVISIONS OF LINCOLN MUNICIPAL CODE CHAPTER 5.50; AND REPEALING SECTION 5.50.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Abby Littrell, City Attorney, came forward and shared that it was the City's belief that prior to these amendments that transportation network driver companies such as Uber and Lyft likely fell in the definition of tax drivers under the Lincoln Municipal Code and therefore fell under the regulations of taxi cab drivers. This change in the ordinance will exempt those companies from the licensing and testing requirements by the City.

Jane Raybould, Council Member, stated that the language does not specifically call out or identify that Uber and Lyft are required to be in compliance with State regulations.

Ms. Littrell explained there are two changes within the ordinance in the definition section which mirrors the language in the State Statute and if they fall within our definition they will automatically fall within the State's definition. Even if this did not match the State's definition, it does not exempt them from complying with the State.

Ms. Raybould asked what the process was for the certification within the State.

Ms. Littrell explained there are a number of things that the Transportation Network Company (TNC) is required to certify to the Public Service Commission (PSC): that they perform a background check that is comprehensive to a criminal background check performed by the FBI, that there are a number of moving traffic violations that they cannot exceed, which is 4, they cannot have more than 1 major traffic violation in the last 3 years, they cannot hire anyone who has been convicted of a DUI for a period of 7 years and they cannot permit a registered sex offender to drive, or been convicted of certain felonies.

Jon Camp, Council Member, asked what this changes from our existing ordinance and if they were considered taxi cab drivers, what changes and how onerous would it be to comply with the City ordinance.

Ms. Littrell stated the number of drivers who would fall under the definition of taxi drivers would increase substantially. Uber and Lyft also could not provide an exact number of drivers in Lincoln, but it would increase the workload for the City substantial to perform the background checks and additional work for the Police Department to have all of them licensed. The intent here is to bring the practice in line with what the ordinance says.

Mr. Camp asked for the costs and licensing process of the City.

Teresa Meier, City Clerk, confirmed the fee for a taxi is \$5 for the background check and once approved, another \$10 for the permit.

Jeff Bliemeister, Chief of Lincoln Police Department, came forward and shared that as part of the previously existing resolution, he performed some research on how many taxi backgrounds were processed. In 2016, they performed 141 background investigations for applicants seeking either a new taxi license or a renewal. A new background takes up to 45 minutes and 15 minutes for a renewal. To perform background checks on Uber and Lyft drivers, this would be a very large drain on the personnel resources for Transportation Network Companies to be able to vet them in a similar fashion. LPD officers who patrol the downtown area have noted the change of Uber and Lyft drivers during the bar break hours. This also removes people who are lingering on the streets and eliminates impaired drivers on the streets. Discussion followed.

Mr. Camp asked if it made sense for the Uber and Lyft drivers to have an additional background performed by the City to ensure public safety for the Citizens and the UNL students.

Chief Bliemeister said as part of their research they looked at what the PSC's are doing and sent LPD officers to training on TNC's and to try and get an idea of the vetting process that is performed and to check on the accountability level they have at the corporate level. Based upon what we know happens at the PSC's and what they are told within the private entity itself, in his opinion, the cost associated with that replication of service did not make sense.

Roy Christensen, Council Chair, asked why is the City performing background checks on local taxi companies instead of the PSC's.

Ms. Littrell shared that the requirements for the Uber/Lyft's for the TNC's at the State level are more than for the local taxi cab drivers. Discussion followed.

Carl Eskridge, Council Member, inquired if the State Statute that applies to the TNC's, does not apply to taxi's.

Ms. Littrell explained that it is a different model of how they are administered. In order to be certified through the Public Service Commission, Uber and Lyft have to demonstrate, certify and promise that they are doing all the things that the Statute requires. That is different than the way the PSC regulates taxi cab drivers. The PSC has audit authority to go in and audit the files to make sure TNC companies are compliant with the State Statute.

Ms. Meier stated as a point of clarification the TNC's are required to do FBI level background checks whereas the City only does local. We are not getting a United States wide criminal background. The PSC does not perform the criminal history's on taxi drivers, the City performs those. Discussion followed.

Mark Mitchell, President of Happy Cab, 5440 L Street, Omaha, came forward in opposition. Discussion followed.

Bill Mulloy, 1711 Harwood Street, Apt 2, came forward in opposition.

Jim Johnson, owner of Leisure Taxi Company, 5008 NW Cummings Street, came forward in opposition.

Andy Pollack, Rembolt Ludtke Law Firm, 1128 Lincoln Mall, Suite 300, came forward on behalf of Happy Cab and stated their opposition on this item does not have to do with Uber, Lyft or Happy Cab, but to the public safety of the driver. It is important that the City ordinance along with the State provide the drivers be vetted. Discussion followed.

**** Council Member Lamm returned to Chambers at 4:43 p.m.**

This matter was taken under advisement.

CHANGE OF ZONE 17021 – APPLICATION OF SIERRA INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 2051 K STREET - Mark Hunzeker, Baylor Evnen Law Firm, 1248 O Street, Suite 600, came forward on behalf of Sierra Investments LLC and stated that 11 years ago on the land where Glenn's Body Shop currently exists was rezoned over the objections of City staff. They were being moved out of the previous establishment by condemnation through the Antelope Valley Project. The design for the building was approved by the Capital Environs Commission. Glenn's Body Shop now needs to expand and the design of the additional building will be identical to the existing building. There was also a special permit that accompanied this change of zone request which was also approved by the Planning Commission. The Planning Department

asked for landscaping of this site for the existing site and the addition which far exceeds any standards to apply to a site like this. They asked for street trees to be planted on both K Street and 20th Street. Public Works wanted to eliminate the west access. Glenn's offered an alternative that would not eliminate the access now, but would give the City the opportunity to eliminate both K Street curb cuts if the use of the property every changed. That was adopted by the Planning Commission and was not appealed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND PONCA TRIBE OF NEBRASKA ON BEHALF OF THE MINORITY HEALTH PARTNERS' INITIATIVE TO ACCEPT A TWO YEAR SUBGRANT IN THE AMOUNT OF \$68,400.00 TO WORK WITH COMMUNITY PARTNERS ON THE REDUCTION OF MINORITY HEALTH RISKS, INCLUDING ASSISTING CLIENTS IN ACCESSING DENTAL SERVICES - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90698 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Subgrant Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and Ponca Tribe of Nebraska on behalf of the Minority Health Partners' Initiative to accept a two year subgrant from the Nebraska Department of Health and Human Services in the amount of \$68,400.00 to work with community partners on program goals in the reduction of minority health risks, including the assistance of clients with accessing dental services and establishing a dental home, for a term of July 1, 2017 through June 30, 2019, in accordance with the terms, conditions, and assurances contained in said Subgrant Agreement, is hereby approved and the Mayor is hereby authorized to execute said Subgrant Agreement on behalf of the City.

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

Introduced by Jane Raybould

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION PASSED BY CITY COUNCIL ON SEPTEMBER 18, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM'S SEMI-ANNUAL FINANCIAL HIGHLIGHTS ENDING JUNE 30, 2017 FOR AUGUST, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 16, 2017 AT 3:00 P.M. ON THE APPLICATION OF NUMARK GOLF LLC DBA NUMARK GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90699 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 16, 2017, 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 Numark Golf LLC dba Numark Golf Course for a Class C Liquor License at 8901 Augusta Drive.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 16, 2017 AT 3:00 P.M. ON THE APPLICATION OF ATEMAJAC INC DBA LA CABANA FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 21' X 35' TO THEIR LICENSED PREMISE AT 3223 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90700 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 16, 2017, 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 Atemajac Inc dba La Cabana for an addition of an area measuring approximately 21' x 35' to their licensed premise at 3223 Cornhusker Highway.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 16, 2017 AT 3:00 P.M. ON THE APPLICATION OF BW& R EAST LINCOLN LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE AT 6822 O STREET - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90701 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 16, 2017, 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 BW& R East Lincoln LLC dba Buffalo Wings & Rings for a Class I Liquor License at 6822 O Street.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 23, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MICHELLE M. EHRESMAN FOR GREENSFIELDS CAFÉ INC DBA GREENSFIELDS AT 7900 S. 87TH STREET - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90702 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 23, 2017, 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 Michelle M. Ehresman for Greensfields Café Inc dba Greensfields at 7900 S. 87th Street.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 23, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RANDY WILSON JR. FOR CHATTERS LLC DBA 1640 EVENT CENTER AT 1640 O STREET - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90703 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 23, 2017, 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 Randy Wilson Jr. for Chatters LLC dba 1640 Event Center at 1640 O Street.

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

Introduced by Bennie Shobe

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 23, 2017 AT 3:00 P.M. ON THE MANAGER APPLICATION OF DONALD V. CARY III FOR WILDERNESS RIDGE LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 WILDERNESS WOODS PLACE - CLERK read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90704 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 23, 2017, 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 Donald V. Cary III for Wilderness Ridge LLC dba Wilderness Ridge Golf Course at 1800 Wilderness Woods Place.

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

Introduced by Bennie Shobe

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

INFORMAL PETITION TO CREATE A PAVING DISTRICT ON WEST NANCE AVENUE BETWEEN NW 8TH AND NW 9TH STREETS SUBMITTED BY HEATHER NUNN - CLERK presented said report which was referred to Public Works.

LIQUOR RESOLUTIONS

APPLICATION OF C.BERRY INVESTMENTS, LLC DBA THE JUNCTION FOR A CLASS I LIQUOR LICENSE AT 1434 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90705 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 C.Berry Investments, LLC dba The Junction for a Class "I" liquor license at 1434 O Street, Suite 2, Lincoln, Nebraska, for the license period ending April 30, 2018, 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF JOHN C. BERRY FOR C.BERRY INVESTMENTS, LLC DBA THE JUNCTION AT 1434 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90706 WHEREAS, C.Berry Investments, LLC dba The Junction located at 1434 O Street, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Berry be named manager;

WHEREAS, John C. Berry 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 John C. Berry 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF SCOTT E. FOLEY FOR STAR CITY HOCKEY, LLC DBA LINCOLN STARS HOCKEY AT 1880 NORTH ANTELOPE VALLEY PARKWAY - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action 2 weeks to 10/16/17.

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

APPLICATION OF PR VENTURES, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 87 FEET AT NEBRASKA BOOK COMPANY AT 4700 SOUTH 19TH STREET ON OCTOBER 27, 2017 BETWEEN 5:00 P.M. AND 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90707 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 PR Ventures, LLC for a special designated license to cover an outdoor area measuring approximately 100 feet by 87 feet at Nebraska Book Company at 4700 South 19th Street on October 27, 2017 between 5:00 p.m. and 9:00 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

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, 2017 - PRIOR to reading:

ESKRIDGE Moved to amend Bill No. 17R-245 in the following manner:

On line 13, the claim of Anne Romjue should be removed from the list of DENIED CLAIMS.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,

Gaylor Baird, Lamm, Raybould, Shobe. NAYS: None.

SHOBE Made a verbal amendment on Bill No. 17R-245 to remove the claim of Lyle Schmidt, Zohal Saeed and Chris Blann from the list of DENIED CLAIMS.

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

CLERK Read the following resolution, introduced by Jane Raybould, who moved its adoption as amended:

A-90708 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 18, 2017, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
Lyle Schmit 3,358.37	Farmers Mutual a/s/o
Elizabeth Rhodes 8,939.64	Michael Schaefer \$6,448.51
Zohal Saeed NAS*	Lincoln Baptist Church 239.84
Anne Romjue 4,505.64	Shawn Podraza 1,473.11
Chris Blann 13,096.93	Jason W. Hayes 509.36
Peg Phillips-Coogan 4,786.00	
Sharon Ernst 121.66	
Deloris Cole 30.00	

* No Amount Specified

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

Introduced by Jane Raybould

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PCE, INC. TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTY GENERALLY LOCATED AT 1821 YOLANDE AVENUE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90709 WHEREAS, PCE, Inc. desires to convey a permanent Conservation Easement to the City of Lincoln to preserve the flood storage capacity on property generally located at 1821 Yolande Avenue and legally described as:

A portion of Lot 220 I.T. and Lot 221 I.T., located in the Northwest Quarter of Section 13, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of said Lot 220 I.T., thence south along the west line of said Lot 220 I.T., along an assumed bearing of south 01 degree 20 minutes 04 seconds west, a distance of 530.00 feet to the point of beginning; thence south 88 degrees 30 minutes 14 seconds east, along a line that is 530.00 feet south of and parallel with the north line of said Lot 220 I.T., and Lot 221 I.T., a distance of 145.68 feet to a point; thence south 01 degree 22 minutes 09 seconds west, a distance of 23.00 feet to a point on the south line of said Lot 221 I.T.; thence south 77 degrees 16 minutes 26 seconds west, along the south line of said Lot 221 I.T., and Lot 220 I.T., a distance of 150.16 feet to the southwest corner of said Lot 220 I.T.; thence north 01 degree 20 minutes 04 seconds east, along the west line of said Lot 220 I.T., a distance of 59.91 feet to the point of beginning. Said tract contains a calculated area of 6,037.89 square feet or 0.14 acres, more or less; 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-01568 on August 30, 2017.

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

That PCE, 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.

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

Introduced by Jane Raybould

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

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

APPROVING THE SKATE ZONE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ACCESS COMMERCIAL, LLC RELATING TO THE REDEVELOPMENT OF PROPERTIES GENERALLY LOCATED AT 300 NORTH 48TH STREET, FOR THE CONSTRUCTION OF A HOTEL, RETAIL BUILDING, PARKING, AND OTHER ASSOCIATED IMPROVEMENTS. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17)

AMENDING THE FY 17/18 CIP TO AUTHORIZE AND APPROPRIATE \$960,000 IN TIF FUNDS FOR THE SKATE ZONE PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) (ACTION DATE: 10/16/17)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SKATE ZONE REDEVELOPMENT PROJECT. (RELATED ITEMS: 17R-241, 17R-242, 17-135) - CLERK read an ordinance, introduced by Jane Raybould, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$960,000.00 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain property and improvements within the City's Skate Zone Redevelopment Project Area, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

AMENDING CHAPTER 5.50 OF THE LINCOLN MUNICIPAL CODE RELATING TO TAXICABS BY AMENDING SECTION 5.50.010, DEFINITIONS, TO ADD A DEFINITION FOR "TRANSPORTATION NETWORK COMPANY"; BY ADDING A NEW SECTION NUMBERED 5.50.015 ENTITLED TRANSPORTATION NETWORK COMPANY, EXEMPTION, TO PROVIDE THAT MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE SOLICITED THROUGH TRANSPORTATION NETWORK COMPANIES SHALL NOT BE CONSIDERED TAXICABS AND SHALL BE EXEMPTED FROM THE PROVISIONS OF LINCOLN MUNICIPAL CODE CHAPTER 5.50; AND REPEALING SECTION 5.50.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 5.50 of the Lincoln Municipal Code relating to Taxicabs by amending Section 5.50.010, Definitions, to add a definition for "Transportation Network Company"; by adding a new Section numbered 5.50.015 entitled Transportation Network Company, Exemption, to provide that motor vehicles and persons driving motor vehicles carrying passengers for hire solicited through transportation network companies, shall not be considered taxicabs and shall be exempted from the provisions of Lincoln Municipal Code Chapter 5.50; and repealing Section 5.50.010 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 17021 – APPLICATION OF SIERRA INVESTMENTS, LLC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 2051 K STREET - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

ORDINANCE APPROVING (1) AMENDMENT TO THE MASTER SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) AMENDMENT TO THE MASTER LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$1,700,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2017 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, of the City of Lincoln, Nebraska (the "City") approving (A) an amendment to the Master Site Lease among the City and the County of Lancaster, Nebraska (the "County"), jointly, as Lessor and the Lincoln-Lancaster County Public Building Commission (the "Commission"), as Lessee, with respect to the various facilities operated by the Commission (the "Premises"), (B) and amendment to the Master Lease Agreement among the

Commission, as Lessor, to the Premises, and (C) the issuance of not to exceed \$1,700,000 in aggregate stated principal amount of the Commission's tax supported Lease Rental Revenue Bonds, series 2017; and related matters, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #20560, is recorded in Ordinance Book 33.

RESOLUTIONS - 1ST READING

REAPPOINTING ERIC T. HOKE TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2019. (*CONSENT*)

REAPPOINTING SCOTT HATFIELD, ROSHAN PAJNIGAR, AND CAMEYA RAMIREZ-ROUSSEAU TO THE CITIZEN POLICE ADVISORY BOARD FOR TERMS EXPIRING NOVEMBER 17, 2020. (*CONSENT*)

REAPPOINTING MELISSA MARSH, MARK ORR, AND MELISSA WILKERSON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2020. (*CONSENT*)

HEARING ON ONE AND SIX YEAR STREETS AND HIGHWAY PROGRAM AS REQUIRED BY STATE STATUTE.

APPROVING AN AMENDED CONSERVATION EASEMENT AGREEMENT BETWEEN APPLE'S WAY, INC., THE CITY OF LINCOLN, NEBRASKA, AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO MODIFY THE TERMS AND BOUNDARIES OF THE EXISTING EASEMENT ON PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF TWO NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE AND RUDGE PARKS).

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2919 APPLE ST., 1004 PEACH/1838 S. 10TH, 1546 S. 21ST ST., 1434 N. 27TH ST., 2725 A ST., 301 S. 54TH ST., 520 S. 25TH ST., 800 GARFIELD ST., 1336 N. 39TH ST., 1245 N. 21ST ST., 1237 N. 21ST ST., 4300 D ST., 4842 ADAMS ST. 112 W. DAWES AVE., 2975 HOLDREGE ST., 3000 S. 46TH ST., 1409 N. 21ST ST., 815 N. 24TH ST., 1533 GRACE AVE., 2200 DEVOE DR., 2545 THERESA ST. #F14, 2545 THERESA ST. #F11, 353 S. 26TH ST., AND 1112 NEW HAMPSHIRE.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200; AND REPEALING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 2.75 of the Lincoln Municipal Code relating to Personnel System by amending Section 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200; and repealing Sections 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200 as hitherto existing, the first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KELLY CUSTOM HOMES LTD., D/B/A NEBRASKA COTTAGE COMPANY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 3268 RANDOLPH STREET - CLERK read an ordinance, introduced by Bennie Shobe, approving a Real Estate Sales Agreement between the City of Lincoln and Kelly Custom Homes Ltd., d/b/a Nebraska Cottage Company authorizing the sale of City owned property generally located at 3268 Randolph Street, Lincoln, Nebraska, the first time.

ADJOURNMENT

4:50 P.M.

CAMP Moved to adjourn the City Council Meeting of October 2, 2017.
 Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist