

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 18, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

Council Chair Eskridge announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of June 11, 2012 reported having done so, found same correct.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PUBLIC HEARING

APPLICATION OF BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE AT 2910 PINE LAKE ROAD, SUITE N;
MANAGER APPLICATION OF JEFF BUSCH FOR BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL AT 2910 PINE LAKE ROAD, SUITE N - Jeff Busch, Manager, came forward to take oath and answer questions.

This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - Lauren Wismer, Gilmore & Bell Bond Counsel, came forward to answer questions about the purchase of four plow trucks at an interest rate 2.97%.

Jim Chiles, Public Works & Utilities Dept., came forward to answer questions and describe the trucks' features. He said the life span of a plow truck is about 12-13 years.

Sharon Mulder, Assistant Purchasing Agent, was on hand for questioning.

This matter was taken under advisement.

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - Scott Holmes, Environmental Health Division Manager of the Lincoln/Lancaster County Health Department, came forward to discuss the changes to body art regulations. He said changes are in coordination with state regulations.

This matter was taken under advisement.

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED "USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN

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CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72;

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED - Marvin Krout, Director of Planning, came forward to answer questions about the reformatting and reorganization of a zoning code that is over 30 years old and in drastic need of bringing up to current 21st century standards.

Rick Krueger, R.C. Krueger Construction, came forward in support of amending the code to make it simpler. He said to encourage more mixed-use developments, he requested that there be fewer zoning districts with more uses by right in each district. He said the result will be to densify the city over time.

This matter was taken under advisement.

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION;

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING - Mike Ekert, Civil Design Group, came forward to state that since buildings are being constructed taller and taller, existing PUDs and CUPs should gain the ability to administratively adjust the height increase. He said garden-level apartments are no longer being done. Other construction factors reveal that trusses between floors require an additional six inches for sprinkler systems and there is a higher demand for nine-foot rather than eight-foot ceilings. He clarified issues with parking requirements.

Marvin Krout, Director of Planning, came forward to answer questions about the notification process. Administrative Amendment approvals are posted on the Planning Department web page and listed on the City Council Agenda. Mr. Krout said careful consideration is given on those rare occasions when something adverse may affect nearby property owners and in this case, notices are sent to nearest property owners.

This matter was taken under advisement.

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corp., for a change to revert to the original H-4 zone allowing more appropriate highway-oriented types of uses in the commercial center on the south side of Highway 2. Ms. Kalkowski said calls from neighbors did not net any issues or concerns.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE DURABLE MARKINGS PROJECT (STATE PROJECT NO. LCLC-5239(8));

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3));

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS TO CHANGE THE FUNDING SOURCE FROM HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - Alicea McClusky, Public Works & Utilities/Engineering Services, came forward to explain the stimulus projects. She described continental crosswalks as visible marking bars that are 2 by 10 feet in length running parallel to traffic. She said the resolutions themselves approve the request to NDOR to reimburse costs related to construction engineering.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES - Council Member Carroll explained why this resolution will be delayed to July 9 for public hearing and action. He said information was missing from Council packets and from the public website.

Council Chair Hornung welcomed anyone present to speak on this item today as well as on July 9.

This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 12001 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005 - Dallas McGee, Urban Development, came forward to discuss the Comprehensive Plan. He said the 1970's Lincoln Center Redevelopment Program provided a vision and direction for growth in Downtown and guided many significant developments. This included the conversion of the Old Town District into what is known today as the Historic Haymarket, redevelopment of a mixed-use entertainment district, construction of the Lied Center, upgrading various streetscapes and building public parking facilities. He said in the mid 1980's the Lincoln Center Redevelopment Plan was adopted to allow the use of Tax Increment Financing as a new tool in leveraging private development. In 2004, the City undertook a comprehensive effort to examine Downtown's economic, transportation and land use to identify a vision for future growth. In 2005, the Downtown Master Plan was the result of a public process that sought to prioritize the redevelopment and improved projects in the Greater Downtown area. He said the private development that has taken place in Downtown totals over \$180 million. Public investment to date includes the Pinnacle Bank Arena, Union Plaza Park and the Centennial Mall renovation -- all under way. In 2010, members of the Downtown Lincoln Association and City staff began to identify elements of the Plan that could be updated. Possible updates were narrowed to three key elements: 1) park blocks and the east/west bicycle connection through Downtown; 2) modify the promenade concept proposed to create a Downtown pedestrian loop; 3) refining the primary retail concept on P Street. He also said a proposed trolley concept was looked at to determine if refinement to the route would be beneficial. Mr. McGee said the bikeway proposed on N Street would provide a convenient connection through Downtown -- connecting bikeways from the east in the Billy Wolff Trail and on the west to the Jamaica North Trail. He said an updated promenade would be located on 11th, 14th, R and N Streets. The 2012 update shortens the primary retail corridor on P Street to an area from 11th to Centennial Mall and adds two blocks of 14th Street, becoming a "Retail T". A supported long-term vision of a trolley on P and Q Streets has been updated to extend it further east and west to connect to West Haymarket and to Antelope Valley, eliminating a north/south connection. Mr. McGee said Council's adoption of the Plan will bring the 2005 Plan up-to-date and better reflect conditions that have changed over the past seven years. Once adopted, a public process will begin to design both the N Street protected bike lanes and the P Street retail corridor. He said input will continue as plans are developed.

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Tim Steiner, 541 Village Ave., came forward in opposition to the proposed cycle track as it will have safety issues. He said bike riders fare better when treated as drivers of vehicles who share the road.

Bill Schmeekle, Downtown Lincoln Association Chairman of the Board, came forward in support of the Downtown Master Plan Update as the success of retail in the central business district has always been a core interest to DLA.

Terry Uland, DLA President & Director, came forward in support. He said since 2010 in the Downtown, there have been 31 new retailers come into business -- 21 are dining and 10 are shopping.

Angela Tucci, 1570 S. Cotner, came forward as the President of the Lincoln Haymarket Development Corporation in support of the 2012 Downtown Master Plan Update because it provides additional information reflecting changes to the Haymarket area due to the Arena and other projects.

Scott Holmes, Health Department, came forward in support. He said the Plan helps make physical activity the easy choice allowing connectivity between trails for riders and walkers. He said, as we all know, physical activity reduces health risks. Increased bicycling Downtown will decrease air emissions & improve air quality.

Mike Tavlin, CFO for Speedway Properties, came forward in support of the update as there is increased retail on P Street and that transportation is safe.

Robert Boyce, 735 S. 37th St., came forward as a lifetime cyclist in opposition to the proposed bikeway on N Street. He said he has commuted to work by bicycle for 36-years, has analyzed bicycle collisions in Lincoln, is a licensed bicycling instructor with the League of American Bicyclists and finds that cycling is already a safe mode of transportation in Downtown Lincoln. He said bicycle education is the key.

Elisabeth Reinkordt, 1723 S. 24th St., came forward as a bike commuter in support of providing a bikeway for the "non" hard core rider.

Bradley Walker, 1800 High St., came forward in support of multi-modal transportation connecting trails. He expressed concerns about many unreported accidents involving a bike/vehicle and/or bike/pedestrian.

Dan Parsons, 129 N. 10th St., came forward as the owner of a public relations/marketing company in support of an effort to make Lincoln a walk- and bike-friendly city.

Josh Berger, 728 Q St., came forward representing Woodbury Strategic Partners in support of the Downtown Master Plan.

Coby Mach, LIBA, came forward in support and suggested four amendments. He asked that the bike lane be held off until the Pinnacle Bank Arena is up and running due to the flow of traffic on N Street; explore the movement of protected bike lanes one block to the east; find ways to maintain on-street parking; and remove the streetcar idea as it will only lead to further taxation.

Barb Fraser, 3210 Laredo Dr., came forward as chair of the Mayor's Pedestrian and Bicycle Advisory Committee in support of the update of the 2005 Downtown Master Plan. She feels the Plan will strengthen safety for all users.

Rosina Paolini, 1850 Dakota, came forward in support of the Plan which addresses the use of multi-modal transportation. She expressed a safety concern that a bicycle traveling Downtown at 10 mph would be an impediment to vehicular traffic. Ms. Paolini identified good routes for cyclists to travel to get in and out of Downtown for its diverse activities.

Sydney Brown, address not given, came forward as the President of a women's cycling club in support of the proposed bikeway on N Street. She said a bikeway would normalize transportation trips for families.

Jo Tetherow, 3118 Shirley Ct., came forward to comment. As a vehicular driver, she expressed her concerns about the loss of parking and cost of construction/maintenance. She said there is a need for traffic signage and bicycle education.

Ed Swotek, 5340 W. McKelvie Rd., came forward representing DLA in support of a Plan which has been created for all people for generations to come. He said a total of 638 parking stalls will be added and retail is increasing in downtown.

Mr. McGee came forward in rebuttal to clarify the long-term elements. He acknowledged the differing views on the bike lane. He clarified traffic flow analysis findings before & projected after the opening of the Pinnacle Bank Arena and found no impact on significant intersections. If the Arena had an event during the p.m. rush, it would only impact 9th and 10th Streets. In response to Council Chair Hornung's suggestion to remove the street car, Mr. McGee said there is a benefit to keeping it in the Plan.

Lynn Johnson, Director of Parks & Recreation, came forward to clarify the reasoning for the bike route. He explained the intent to connect with a route south of Downtown and the 14th Street alignment is a straight shot.

David Cary, Planning Dept., came forward to answer questions and clarify that there will not be a full-blown, protected bikeway going all the way south. The Plan proposes a bikeway concept from the University to about K Street.

Council Member Schimek expressed her concerns about bicycle facilities and stated that Centennial Mall is for strolling pedestrians.

This matter was taken under advisement.

SPECIAL PERMIT NO. 12019 - APPLICATION OF KINDER PORTER SCOTT FAMILY FOUNDATION TO PRESERVE A LANDMARK (THE LEWIS-SYFORD HOUSE) BY PERMITTING THE UTILIZATION OF THE PROPERTY FOR OFFICE AND EDUCATIONAL USES, WITH REQUESTED WAIVERS OF REAR YARD SETBACK AND PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 700 NORTH 16TH STREET;

APPROVING AN AMENDMENT TO THE DEED OF HISTORIC PRESERVATION RIGHT (EASEMENT) REGARDING PRESERVATION OF THE LEWIS SYFORD HOUSE LOCATED AT 700 NORTH 16TH STREET AND THE PREMISES IT IS LOCATED ON TO ALLOW THE ERECTION OF NEW STRUCTURES UPON RECEIPT OF THE CITY OF LINCOLN'S EXPRESS WRITTEN PERMISSION AND TO CLARIFY THE PROCESS FOR OBTAINING SUCH PERMISSION - Cristy Joy, Managing Partner of Archi+Etc., LLC, came forward to explain her client's purpose for productive reuse and choice of location of Lewis-Syford House. She clarified the parking stalls on site, a drive lane to the south and a drop-off lane on the side to the north. The University can provide 15 parking permits for staff to utilize off-site parking. She recognized neighboring structures as being a campus sorority, University student housing and the Catholic Church.

Chrissy McNair, 3745 Calvert, came forward as founder of the FEAT Academy and explain the purpose of the proposed site, the programs taking place and reasoning for use of the Lewis-Syford House. The center will be an alternative to a school setting for individuals with autism and developmental disabilities. It will serve children in kindergarten through 8th grade. She said a vision will be to expand services to early childhood, into high-school and eventually all ages. As the site's services grow it will be maintained as a hub that will serve as a training/early childhood intervention facility. As the incidence of autism grows, Ms. McNair said the need for this facility is great in Lincoln and Nebraska overall. She said the owners of the Lewis-Syford House, Kinder Porter Scott Family Foundation, have been very supportive. The proximity to the University is critical to the program's success as it would be a site for practicum studies for students; it is close to the Legislature; the site is easily accessible off the Interstate for families outside of Lincoln; and most importantly, the house provides a natural environment for children to engage in a life-skills situation. She said the proposed facility could be compared to the proven example of the Joshua School in Denver.

Ms. Joy came forward to provide square footage figures. She said the home is 1,500 sq. ft.; the carriage house is 400 sq. ft.; and 3,600 sq. ft. would be provided in the additional two-story building.

Sheila Page, Legislative Aide, State Capitol Room 2028, came forward on behalf of State Senator Colby Coash of District 27, in support of the school. She said autism affects one in 88 children in the United States. Ms. Page said the school will help the University of Nebraska to prepare a skilled and experienced pipeline of workers to fill a growing need for therapists in fields such as Applied Behavior Analysis therapy.

Ann Stebbins-Sidles, 5200 Cavvy Rd., came forward in support of the new plans for the Lewis-Syford home. She provided her background involvement in historical and preservation organizations. She quoted from a magazine article stating "buildings aren't meant to be static unless they're museums".

Jordan Berger, 2416 Woodsdale, came forward in support. He explained why the property works for all parties.

Drew Lepinski, 7545 Stevens Ridge Rd., came forward as a physician in support of the FEAT Academy. He said as a father of an autistic son who was home-schooled, the program offers children a chance at a better life.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., Attorney for the applicant, came forward to clarify issues with the property. He said the use of the Lewis-Syford House is in the permitted use category, it is not a variation of use. He said the parking matrix says there must be 12 parking stalls on the property, but doing so would detract from the significance of the site. Mr. Huston said the reasonable solution was to have one stall on site with other stalls being roughly a block away. He said the other issue will be to recess a two-story addition to diminish any visual effect that the addition will have on the historical house. He said the best way to preserve an historical site is to have it occupied with an active use.

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Bob Puschendorf, Deputy State Historical Preservation Officer with the Nebraska State Historical Society, came forward in opposition to the special permit but respects the goals and objectives of the school and its owner. He explained that three of the 10 preservation standards would not be met by this proposal. Mr. Puschendorf said in the sale of the property, a preservation easement was attached to the deed. The enforcement of the easement falls upon the City of Lincoln. The City & the owners now propose to remove one of the most important provisions of that easement which requires the building to be maintained & preserved according to preservation standards. He said the Preservation Office has contacted the City of Lincoln over a period of one year to investigate and inspect the property.

Becky Martin, 338 S. 29th St., came forward representing the Preservation Association of Lincoln in opposition to the special permit. She said the Association supports the protection of the preservation easements and encourages the City Council to keep them attached without alteration.

Roxanne Smith, 711 Peach St., came forward in opposition to the special permit and stated that its historic nature should be preserved. She suggested ideas to make the property usable again.

John Strope, 7920 Thornview Road, came forward to encourage Council to do the right thing and fulfill a duty to promise to preserve, to protect and to maintain integrity.

Miki Esposito, Director of Public Works & Utilities, came forward to state that her department is working with the developer to explore options for traffic flow through the driveway.

Rod Confer, City Attorney, came forward to explain the easement granted to the prior owner, which runs with the land. He said the City is the grantee under the easement and has the right to enforce the easement as well make an agreement to revise the terms of the easement.

Tim Sieh, Asst. City Attorney, came forward to present options to Council. He said in the regulations from the Secretary of the Interior, the guidelines previously spoken of are just that -- guidelines -- not to be held against private property owners. Mr. Sieh explained options to enforce the easement.

Marvin Krout, Director of Planning Department, came forward to answer questions. He and another planner took the case to the Preservation Board and then to the Planning Commission. They recommended approval of the special permit & of amending the preservation easement to allow for additional structures. He commented that there are efforts to make changes that will serve the community for the next generation.

Mr. Huston came forward in rebuttal. He discussed designation of standards, land-use concepts and considered the factor of economic impact on the property. Mr. Huston encouraged Council to consider a variety of factors contained in the ordinance. He stated that his client is an economically viable, active user with a very good plan that brings a public benefit. He said on balance, it complies with the ordinance and complies with the requirements of preserving historically significant property.

This matter was taken under advisement.

TOOK BREAK 7:02 P.M.

RECONVENED 7:07 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 4, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

LINCOLN ELECTRIC SYSTEM ANNUAL REPORT FOR 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(3)**

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 05061A - Requested by Horseman's Benevolent & Protection Assn. for an amendment to the Southwest Village Planned Unit Development to amend the site plan to show a horse race course, simulcast facility, barns and accessory buildings to the southwest of 1st Street and West Denton Road; to allow all B-2 zoning district conditional and special permitted uses as permitted uses; and to waive the requirement for 1st Street to be paved prior to the Race Course construction; generally located at Hwy. 77 and West Denton Road.

Change of Zone No. 05068C - Requested by Calruby, LLC, for an amendment to The Woodlands at Yankee Hill Planned Unit Development for expansion of the area of the PUD by approximately 11 acres on property generally located at S. 70th Street and Yankee Hill Road for a Planned Unit Development district designation and approval of a development plan which proposes certain modifications to the Zoning and Land Subdivision Ordinances to allow an additional approximately 57 dwelling units in the underlying R-3 zoned area and a street renaming.

Special Permit No. 1335C - Requested by Dwight and Margaret Wilson for an amendment to the Homestead Park Community Unit Plan for a reduction in the rear yard setback on property generally located at NW 8th Street and Glacier Trail.

Special Permit No. 12025 - Requested by Hy-Vee, Inc. for the sale of alcohol for consumption off the premises on property generally located at N. 52nd Street and O Street (250 N. 52nd Street).

MISCELLANEOUS REFERRALS

SETTING THE HEARING DATE OF MONDAY, JUNE 25, 2012 AT 5:30 P.M. FOR THE APPLICATION OF COUNTRYVIEW STUDIOS, INC. DBA ART & SOUL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE LOCATED AT 5740 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86856 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 25, 2012, at 5:30 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 Countryview Studios, Inc. dba Art & Soul for the addition of a catering license to its Class C liquor license located at 5740 Hidcote Drive.

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

Introduced by Jon Camp

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 25, 2012 AT 5:30 P.M. FOR THE APPLICATION OF LAMI, LLC DBA GUESTHOUSE INN FOR A CLASS I LIQUOR LICENSE LOCATED AT 5250 CORNHUSKER HWY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86857 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 25, 2012, at 5:30 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 LAMI, LLC dba Guesthouse Inn for a Class I liquor license located at 5250 Cornhusker Hwy.

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

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE AT 2910 PINE LAKE ROAD, SUITE N - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86858 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 Burrito Builders Lincoln 101, LLC, dba Pancho's Mexican Grill for a Class "A" liquor license at 2910 Pine Lake Road, Suite N, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

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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. 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF JEFF BUSCH FOR BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL AT 2910 PINE LAKE ROAD, SUITE N - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86859 WHEREAS, Burrito Builders Lincoln 101, LLC, dba Pancho's Mexican Grill located at 2910 Pine Lake Road, Suite N, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Jeff Busch be named manager;

WHEREAS, Jeff Busch 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 Jeff Busch 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and approving equipment lease purchase agreement No. LIN2012-05E with Community First National Bank for plow trucks in the amount of \$575,412.00 and an escrow agreement; and related matters, the second time.

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments to update regulations of health and sanitation to reflect the current state of industry practice and to clarify provisions by amending Section 8.08.030 to require at least one person with a practitioner permit to be present at all times the establishment is open; amending Section 8.08.100 relating to the display or posting of the practitioner permit; amending Section 8.08.200 to clarify sink requirements; amending Section 8.08.230 to allow autoclaved instruments to be used for up to 90 days from the date autoclaved; amending Section 8.08.310 to change a record keeping requirement; and repealing Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED

"USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72 - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code ("Zoning Code") generally to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses down to 14 Use Groups, and to eliminate the possibility that a use type is not listed by making the use groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner; by adding a new Chapter 27.02 to provide definitions; by adding a new Chapter 27.06 titled "Use Groups" to classify and combine the main uses of buildings and/or premises into 14 Use Groups based upon functional and physical use type characteristics, to designate specific use types within each Use Group as permitted, permitted conditional, and permitted special uses within each zoning district per the Use Group Tables in Chapter 27.06 and to provide that the maximum height and minimum lot requirements within said zoning districts shall be regulated in conformance with the requirements of Chapter 27.72; by adding a new Chapter 27.62 titled "Conditional Uses" to relocate and consolidate all zoning district types which are allowed as permitted conditional uses in designated zoning districts in conformance with the specific conditions of approval for such use types into a single chapter; by adding a new Chapter 27.64 titled Use Permits to combine and consolidate the process for obtaining a use permit in the O-3, R-T, B-2, B-5, and I-3 zoning districts into a single chapter; by amending Chapter 27.69 to authorize certain signs for motorized vehicle fuel sales facilities, residential health care facilities and non-residential health care facilities; and by adding a new Chapter 27.72 titled Height and Lot Requirements, to relocate and consolidate height and lot regulations for all the zoning districts into a single chapter and to incorporate additional height and area regulations from Chapter 27.71 into Chapter 27.72, the second time.

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED.

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director authority to approve amendments to a planned unit development or community unit plan to allow a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling; by further amending Section 27.65.060 to grant the Planning Director authority to

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approve amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway behind a garage attached to a multi-family dwelling to be used toward satisfaction of required parking; by amending Section 27.65.090 to delete the requirement that the use of such stacked parking stalls in satisfaction of required parking be approved by the Planning Commission; and repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING.

CHANGE OF ZONE 12012 - APPLICATION OF LANA PEREZ FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 505 S.W. 1ST STREET AND GENERALLY FROM SALT CREEK WEST OF S.W. 1ST STREET AND NORTH OF J STREET - CLERK read an ordinance, introduced by DiAnna Schimek, 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.

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by DiAnna Schimek, 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.

PUBLIC HEARING - RESOLUTIONS

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE DURABLE MARKINGS PROJECT (STATE PROJECT NO. LCLC-5239(8)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86860

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

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering costs for Lincoln Citywide Durable Markings Project, Project No. LCLC-5239(8), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Agreement to Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86861

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

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering costs for Lincoln Citywide Continental Pedestrian Crosswalks Project, Project No. LCLC-5221(3), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Agreement to Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS TO CHANGE THE FUNDING SOURCE FROM HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86862 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement No. 1 between the City of Lincoln and the State of Nebraska Department of Roads to change the funding source from Highway Infrastructure Investment Funds provided by the American Recovery and Reinvestment Act of 2009 to Federal Surface Transportation Program Funds for Citywide Continental Pedestrian Crosswalks Project, Project No. LCLC-5221(3), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Agreement to Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES - PRIOR to reading:

CARROLL Moved to Continue Public Hearing with Action on Bill No. 12R-117 three weeks to July 9, 2012.

Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

COMP. PLAN AMENDMENT NO. 12001 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005 - PRIOR to reading:

HORNUNG Moved to delay Bill No. 12R-118 three weeks for Action Only to July 9, 2012.

Seconded by Camp & carried by the following vote: AYES: Camp, Emery, Hornung, Schimek; NAYS: Carroll, Cook, Eskridge.

SPECIAL PERMIT NO. 12019 - APPLICATION OF KINDER PORTER SCOTT FAMILY FOUNDATION TO PRESERVE A LANDMARK (THE LEWIS-SYFORD HOUSE) BY PERMITTING THE UTILIZATION OF THE PROPERTY FOR OFFICE AND EDUCATIONAL USES, WITH REQUESTED WAIVERS OF REAR YARD SETBACK AND PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 700 NORTH 16TH STREET (RELATED ITEMS: 12R-121, 12R-123) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

38-4618 WHEREAS, the Kinder Porter Scott Family Foundation, as owner, is proposing to use the premises located at 700 North 16th Street, and legally described as:

The western 175 feet of Lots J and K of Tuttle Subdivision of Lot 1 of SW Little's Subdivision, Lincoln, Lancaster County, Nebraska;

for a school for autistic children which is a permitted use of the premises under its existing R-7 Zoning; and

WHEREAS, however, the proposed use of the premises for a school for autistic children includes rehabilitation of the Lewis-Syford House, an historic landmark, including new foundation, mechanical systems, roof and sprinkler system, reconstruction of the existing carriage house, including new foundation and structural elements, and the construction of a new educational building at the rear of the property designed to meet contemporary code requirements and the education program intention of the private school; and

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WHEREAS, such construction work cannot be undertaken without a certificate of appropriateness under Chapter 27.57 of the Zoning Code as well as waivers of the required rear yard setback in the R-7 Zoning District and the required parking for private schools; and

WHEREAS, the Kinder Porter Scott Family Foundation has submitted an application designated as Special Permit No. 12019 requesting the grant of a certificate of appropriateness to undertake the above described work together with requested waivers of the required R-7 Zoning District rear yard setback and parking requirements for private schools; and

WHEREAS, the real property adjacent to the area included within the site plan for this use of the premises and historic landmark building will not be adversely affected; and

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

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

That the application of Kinder Porter Scott Family Foundation, hereinafter referred to as "Permittee", to rehabilitate the Lewis-Syford House, reconstruct the carriage house and construct a new building for use as a school for autistic children, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said premises and historic landmark be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves for historic preservation the use of the Lewis-Syford House and other buildings on the premises for a private school for autistic children with a maximum of 15 students with the requested waivers to the rear yard and off-street parking requirements for a private school, subject to general conformance with the approved site plan and the following conditions:

a. The rear yard is reduced from 30 feet to 15 feet 5 inches and the on-site parking requirement is reduced from 12 stalls to one stall. The Permittee shall provide evidence at the time of Building Permit of the availability to provide 15 off-site parking stalls in a lot or garage within 1200 feet of the property.

b. Architectural details for all proposed repairs to and reconstruction of existing buildings, proposed new construction including signage, and proposed alterations to landscaping or to the proposed site plan must be submitted to and approved by the Historic Preservation Commission as being consistent with the Certificate of Appropriateness deemed to have been granted by approval of this special permit.

c. Provide a survey to verify the site plan and its dimensions.

d. Architectural recording of carriage house construction shall be performed prior to and during its deconstruction at the expense of the Permittee.

e. Contract to provide for archeological investigation/documentation of portion of site proposed for alteration at the expense of the Permittee.

f. Approval by the City Council of the associated request to amend paragraph 7 of the Deed of Historic Preservation Right (Conservation Easement) to allow the erection of new structures on the premises.

2. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

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

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council, which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

Seconded by Carroll & **LOST** by the following vote: AYES: Carroll, Eskridge, Hornung; NAYS: Camp, Cook, Emery, Schimek.

The resolution, having **LOST**, was assigned File #38-4618 & was placed on file in the Office of the City Clerk.

APPROVING AN AMENDMENT TO THE DEED OF HISTORIC PRESERVATION RIGHT (EASEMENT) REGARDING PRESERVATION OF THE LEWIS SYFORD HOUSE LOCATED AT 700 NORTH 16TH STREET AND THE PREMISES IT IS LOCATED ON TO ALLOW THE ERECTION OF NEW STRUCTURES UPON RECEIPT OF THE CITY OF LINCOLN'S EXPRESS WRITTEN PERMISSION AND TO CLARIFY THE PROCESS FOR OBTAINING SUCH PERMISSION (RELATED ITEMS: 12R-121, 12R-123) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

38-4619 WHEREAS, Resolution No. A-84981 adopted by the City Council for the City of Lincoln on August 18, 2008 accepted the conveyance of a Deed of Historic Preservation Right (Preservation Easement) from the Nebraska State Historical Society Foundation ("Grantor") to the City of Lincoln, Nebraska ("Grantee") to conserve and protect the architectural features of the Lewis-Syford House on property generally located at 700 North 16th Street and legally described as the west half of Lots J and K, Tuttle Subdivision of Lot 1, Little's Subdivision, Lincoln, Lancaster County, Nebraska; and

WHEREAS, Kinder Porter Scott Family Foundation is the current owner and successor in interest to Nebraska Historical Society Foundation; and

WHEREAS, the Kinder Porter Scott Family Foundation as Grantor and the City of Lincoln, Nebraska as Grantee now desire to amend the Deed of Historic Preservation Right to remove the prohibition against the erection of new structures and instead to allow the erection of new structures upon the Grantor's receipt of express written permission from the Grantee in order to allow the new structure proposed by Grantor in its application for Special Permit No. 12019 to be erected and to further ensure the Grantor's economic ability to preserve the historic character of the Lewis-Syford House and the premises upon which it is located; and

WHEREAS, the Kinder Porter Scott Family Foundation, as Grantor, and the City of Lincoln, Nebraska, as Grantee, further desire to amend the Deed of Historic Preservation Right to correct the omission of the National Registration of Historic Places Registration Form for the Lewis-Syford House as an attachment to the Deed of Historic Preservation Right and to amend paragraph 20 to conform the Deed to the draft Deed of Historic Preservation Right included as part of the record for the City Council, adoption of Ordinance No. 19079 declaring the Lewis-Syford House an historic landmark; and

WHEREAS, the Kinder Porter Scott Family Foundation, as Grantor, and the City of Lincoln, Nebraska, as Grantee, desire to further amend the Deed of Preservation Right to delete the requirement that the Deed and amendments be executed in five counterparts.

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

That on behalf of the City of Lincoln the attached Amendment No. 1 to Deed of Historic Preservation Right, attached hereto marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized or execute the Amendment No. 1 to the Deed of Historic Preservation Right on behalf of the City of Lincoln, Nebraska.

The City Clerk is directed to file the original Amendment No. 1 to Deed of Historic Preservation Right with the Register of Deeds, filing fees to be paid in advance by the Kinder Porter Scott Family Foundation. This Amendment No. 1 is to be indexed against the West Half of Lots J and K, Tuttle Subdivision of Lot 1, Little's Subdivision, Lincoln, Lancaster County, Nebraska.

The City Clerk is directed to return one fully executed Counterpart of Amendment No. 1 to Deed of Historic Preservation Right to the Nebraska State Historical Society, 1500 R Street, Lincoln, NE 68508.

Seconded by Carroll & **LOST** by the following vote: AYES: Carroll, Eskridge, Hornung; NAYS: Camp, Cook, Emery, Schimek.

The resolution, having **LOST**, was assigned File #38-4619 & was placed on file in the Office of the City Clerk.

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

CREATING PAVING DISTRICT NO. 2631 IN GLADSTONE FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Carl Eskridge, creating Paving District No. 2631, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be

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benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19725**, is recorded in Ordinance Book #27, Page .

CREATING SANITARY SEWER DISTRICT NO. 1187 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN ALMIRA LANE APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, creating Sewer District No. 1187, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19726**, is recorded in Ordinance Book #27, Page .

VACATION 12001 - VACATING A PORTION OF 4TH STREET RIGHT-OF-WAY, A PORTION OF R STREET RIGHT-OF-WAY, A PORTION OF THE EAST/WEST ALLEY WITHIN BLOCKS 266, 267, 248 AND ALL OF THE EAST/WEST ALLEY WITHIN BLOCK 249, ORIGINAL PLAT OF LINCOLN, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHT-OF-WAYS SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12-59 in the following manner:

1. On page 1, line 2, after the number 267 delete the comma and insert the word and.

2. On page 1, lines 2 and 3, delete the following language: "and all of the east/west alley within block 249".

3. On page 1, line 8, after the number 267 delete the comma and insert the word and.

4. On page 1, lines 8 and 9, delete the following language: "and all of the east/west alley within block 249".

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, vacating a portion of 4th Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley within Blocks 266, 267, and 248 ~~and all of the east/west alley within Block 249~~, Original Plat of Lincoln, retaining title thereto in the City of Lincoln, Nebraska declaring the vacated right-of-ways surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19727**, is recorded in Ordinance Book #27, Page .

COMP. PLAN CONFORMANCE NO. 12006 - DECLARING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET AND M STREET AS SURPLUS (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 4.4 acres of City owned property generally located east of South 21st Street and M Street as surplus, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19728**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 12011 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT AND FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET, SOUTH OF N STREET (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps attached to and made a

part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19729**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 12010 - AMENDING SECTION 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO ALLOW THE CITY COUNCIL TO WAIVE THE 100-FOOT SEPARATION REQUIREMENT SET FORTH IN SUBSECTION 27.63.685(C) UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 27.63.685 of the Lincoln Municipal Code to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & **LOST** by the following vote: AYES: None; NAYS: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, having **LOST**, was assigned File **#38-4620** & was placed on file in the Office of the City Clerk.

APPROVING A STARTRAN TRANSPORTATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR THE ROUTE #24 - HOLDREGE INTER-CAMPUS BUS SERVICE ROUTE FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Carl Eskridge, approving a StarTran Transportation Agreement between the City of Lincoln and the University of Nebraska-Lincoln for the Route #24 - Holdrege inter-campus bus service route for a five year term, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19730**, is recorded in Ordinance Book #27, Page .

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

APPROVING AMENDMENT NO. 3 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF APPROXIMATELY 40.68 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12)

ANNEXATION NO. 12003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41 ACRES GENERALLY LOCATED AT SOUTH 63RD STREET AND PINE LAKE ROAD (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

CHANGE OF ZONE 04075C - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO CHANGE THE ZONING FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, TO EXPAND THE AREA OF THE PUD BY APPROXIMATELY 41 ACRES, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO ALLOW NEIGHBORHOOD GENERAL USES (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY, INC. FOR THE SALE OF SURPLUS CITY PROPERTY DESCRIBED AS LOTS 3 AND 5, BLOCK 10, OLYMPIC HEIGHTS FIRST ADDITION AND COMMONLY KNOWN AS 2501 AND 2521 NW 52ND STREET - CLERK read an ordinance, introduced by Jon Camp, approving a Real

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Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity, Inc. authorizing the sale of City owned property described as Lots 3 and 5, Block 10, Olympic Heights First Addition, more commonly known as 2501 and 2521 NW 52nd Street, the first time.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT: NEBRASKA INNOVATION CAMPUS, PHASE I, BETWEEN THE CITY OF LINCOLN AND NEBRASKA NOVA LLC, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION RELATING TO THE DEVELOPMENT OF PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$10,739,724.00 IN TIF FUNDS FOR THE NEBRASKA INNOVATION CAMPUS PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN, NEBRASKA INNOVATION CAMPUS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,739,724 (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 \$10,739,724 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the city's Nebraska Innovation Campus Phase I Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, 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 and 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 first time.

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION FOR AN EXCHANGE OF A PORTION OF NEBRASKA INNOVATION CAMPUS PROPERTY FOR A PORTION OF CITY OF LINCOLN WASTEWATER SYSTEM PROPERTY TO FACILITATE THE DEVELOPMENT AND OPERATION OF THE NEBRASKA INNOVATION CAMPUS SITE (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving an Exchange Agreement between the City of Lincoln, Nebraska and the Board of Regents of the University of Nebraska for an exchange of a portion of Nebraska Innovation Campus property for a portion of City of Lincoln Wastewater System property to facilitate the development and operation of the Nebraska Innovation Campus Site, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPOINTING RACHEL WARMAN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2013.

REAPPOINTING MARGARET E.S. STINE TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2017.

REAPPOINTING DR. LAURIE THOMAS LEE AND ED HOFFMAN TO THE CABLE TELEVISION ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2015.

APPOINTING CAITLYN DO AND CLEOME MULLISON TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING JUNE 1, 2013.

REAPPOINTING DALLAS MCGEE TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2017.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1 - 14, 2012.

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APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING VOIP SYSTEM BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN TO FACILITATE FINANCING OF VOIP EQUIPMENT BY THE CITY AND THE COUNTY.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NACR FOR THE PURCHASE AND INSTALLATION OF VOICE OVER INTERNET PROTOCOL PHONE SYSTEM.

AMENDING CITY COUNCIL PROCEDURE FOR THE OPEN MICROPHONE SESSION AT CITY COUNCIL MEETINGS TO PROVIDE THAT ANY PERSON WHO APPEARS SHALL BE PERMITTED TO ADDRESS ANY MATTER THAT HAS NOT BEEN PUBLISHED ON THE AGENDA.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 7:29 P.M.

CAMP Moved to adjourn the City Council meeting of June 18, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

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