

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 4, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Carroll, Cook, Emery, Hinkley, 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

CAMP Having been appointed to read the minutes of the City Council proceedings of January 28, 2013 reported having done so, found same correct.

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

PUBLIC HEARING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE AND REFUNDING BONDS, AND RELATED MATTERS - Steve Hubka, Director of Finance, came forward along with Scott Keene of Ameritas Investment Corp., and Lauren Wismer and Mike Rogers of Gilmore and Bell, to introduce this ordinance. Fran Mejer, Public Works & Utilities, was on hand to answer questions.

Scott Keene, Ameritas Investment Corp., came forward to state that this item will authorize the issuance of up to but not to exceed \$9 million of Solid Waste Revenue Management Bonds, the purpose of which is to fund approximately 5.7 million dollars of improvements at the landfill. It will also refund approximately 2.8 million dollars of outstanding Series 2006 Solid Waste Revenue Bonds at a rate of about 2.25%, which will save approximately \$22,000 per year for its remaining 8 years. Present value savings are approximately \$178,000, which represents roughly 6.3% of the outstanding amount. This is considered an advance refund, and although this isn't as strong an amount for present value savings as we have done in the past, it makes sense to do it at this time. The financing needs to be completed by June of 2013 and we expect to be moving forward quickly. We are planning for the bonds to be sold through a negotiated sale, but if interest rates rise before between now and the time we go to market, we may look at only doing the new money portion, which could be done on a competitive sales basis. We expect credit agencies to affirm our AA+ ratings again expect a very good sale two weeks later.

Lauren Wismer, Gilmore & Bell, came forward to introduce Mike Rogers. Both were available to answer questions.

Fran Mejer, Public Works & Utilities came forward to answer Council questions. She stated that the improvements to the landfill include a Phase 12 liner for \$3.2 million, a Phase 5 cap for \$1.5 million, and an access roadway for \$1 million for a total of \$5.7 million.

This matter was taken under advisement.

CHANGE OF ZONE 10014A - APPLICATION OF UNION BANK TO AMEND THE NORTHWOODS PLAZA PLANNED UNIT DEVELOPMENT TO CHANGE THE NUMBER OF DWELLING UNITS FROM 80 TO 150 ON PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HOLDREGE STREET - Danay Kalkowski, Seacrest and Kalkowski, PC, LLO, came forward on behalf of applicant and potential buyer of the property. She gave a brief history of this development. In 2010, the owner bought the areas known as Lots 7, 8, and 9. The purpose of the PUD made at that time was to allow for flexibility in the uses of the area, particularly to incorporate some residential options that would not have been allowed under the earlier B-2 zoning. The conditions set with neighbors at that time included a 50-foot uninterrupted, greenspace setback along the existing residential neighbors to the south. The application before Council today is requesting some further modifications to the PUD relating to the residential element. The three lots will be combined into one lot. The location of the hotel will shift closer to Holdrege and there is a request for an increase in the multifamily density, up from 80 units to 150 units. The Planning staff report supports our feeling that there would not be much additional impact on the neighbors as a result of this change. There is some opposition from neighbors, including the multifamily use near their existing properties, and additional traffic within the development. But the PUD already permits multifamily use, and the increase in traffic will actually be better than if the area were used for retail or office space. The Planning Department also recognizes that this is a good transition use between single family and commercial use areas.

Brad Marshall, Olsson Associates, came forward to answer Council questions. Many of the building requirements and density limitations are not much different from before; there is simply a shift in the location of the hotel with the additional housing taking its place. There are no definitive design plans at this time.

Danay Kalkowski stated that access to the development from the southeast is heavily opposed by the neighbors and is not being sought at this time. She described and discussed the access points to this development.

Council Member Doug Emery expressed his concern over the high volume of traffic in this area with limited signals, sight obstructions and multiple lanes of traffic.

Matt & Jennifer Jonas, 8230 Rainy River Rd., came forward to discuss their concerns. Their property is located south of this development. Their main concern is traffic. It is already inconvenient and at times, unsafe navigating the hills, multilane traffic and tight corners in the area. Waiting to cross Holdrege street often takes five minutes during peak hours. There are also privacy concerns with multistory apartments being built in an area that would overlook their property. There would be nothing to stop people from parking on their street and walking across their property to access the apartments if that parking lot was full. In answer to Council questions, Mr. Jonas responded that it is a difficult problem to solve; there are no alternative routes, adding extra traffic signals does not seem possible since the intersections are too close to the main intersection at 84th and Randolph Streets, and there is not adequate time or space to make U-turns.

Miki Esposito, Director of Public Works & Utilities, came forward to discuss various potential solutions to the traffic issues. The state warrants requires that certain components exist, such as traffic volumes. If they are met, PW can install a traffic signal at the location; it seems likely that those traffic volumes do not exist there. It looks like it could eventually be possible to build dual turn lanes or a designated U-turn spot. Another cost effective option would be to analyze the timing of the traffic light to see if an adjustment would move traffic more efficiently during peak hours.

Council Member Cook asked that this issue be investigated to that the City could discuss what options would exist, even if they are not implemented immediately.

Ms. Kalkowski returned for rebuttal. She stated that the issue before Council now is the addition of the 50 units. They are not being added on top of what was already approved, they are taking the place of 79,000 square feet of office and retail that will no longer be included, and this use will create fewer traffic problems. Everything else in this PUD was already approved in 2010.

This matter was taken under advisement.

CHANGE OF ZONE 12033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO REFORMAT CHAPTER 27.72 (HEIGHT AND LOT REGULATIONS) AND TO INCLUDE REGULATIONS THAT WERE NOT CARRIED OVER FROM CHAPTER 27.71 TO 27.72; TO PROVIDE CLARIFICATION AS TO HOW USES ARE REGULATED BY AMENDING CHAPTERS 27.02 DEFINITIONS, 27.06 USE GROUPS, 27.39 H-1 INTERSTATE COMMERCIAL DISTRICT, 27.62 CONDITIONAL USES, 27.63 SPECIAL PERMITS, 27.69 SIGNS, 27.72 HEIGHT AND LOT REGULATIONS. (RELATED ITEMS: 13-5, 13R-29) (ACTION DATE: 2/11/13);

MISC. NO. 12018 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING CHAPTER 3.5 (LANDSCAPING AND SCREENING) TO PROVIDE CLARIFICATION REGARDING SCREENING REQUIREMENTS FOR MOTORIZED VEHICLE REPAIR AND SERVICE FACILITIES. (RELATED ITEMS: 13-5, 13R-29) (ACTION DATE: 2/11/13) - Marvin Krout, Director of Planning Department, came forward to explain these amendments. The reorganization of the Zoning Code occurred last June. Since then, minor errors and omissions have been noticed and some clarifications in the language are needed, but there are no substantive changes being made.

This matter was taken under advisement.

CHANGE OF ZONE 12036 - APPLICATION OF KEVIN RHINEHART FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, DESIGNATING THE MYRON WHEELER HOUSE AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT 1717 D STREET - Kevin Rhinehart, 1345 E Street, came forward to describe the circumstances that led to this request. He purchased this property in 2011 with the impression that it was still zoned to be a triplex; there were still three separate entrances, utilities and plumbing and it appeared that the previous owner did only the minimum amount for this home to qualify as a single-family dwelling. Since the time of purchase, major renovations have been completed, including new heating and air systems, major structural repairs and the addition of an off-street parking garage. It wasn't until recently that it was realized that the zoning was incorrect for a triplex. Mr. Rhinehart stated he immediately met with the Near South Neighborhood Association and sent out 65 letters to nearby property owners explaining his situation. He has only heard positive replied and has received support to go on with the project, provided the zoning is corrected. The request for the landmark designation is based on the home itself as well the historical significance of the original owner. Two years of work has gone into this project, and it is only ten months away from completion; this is the final option to allow for that.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "PUBLIC WORKS AND UTILITIES ASSISTANT DIRECTOR." - Doug McDaniel, Director of Personnel, came forward to introduce this new employment classification that was contained initially in the approved budget.

Miki Esposito, Director of Public Works & Utilities, came forward to describe the reorganization that took place and led to the creation of this position. Four utilities divisions will now be housed under a single supervisor in order to eliminate redundancy and to match the division head managers to a single decision maker. In answer to Council questions, Director Esposito stated

that the Assistant Director is taking on the supervisory responsibilities for each division as vacancies occur. This should be fully implemented by the next budget cycle in 2015.

Director McDaniel confirmed that the City is saving money by restructuring to have a single supervisor over four divisions since it means the consolidation of positions.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 2 AND THE NORTH 5 FEET OF LOT 3, BLOCK 1, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 1621 NORTH 29TH STREET - Steve Werthmann, Urban Development Department, came forward to state that the dilapidated structure on this lot was cleared in order to build a single family, owner occupied home. The new home will be constructed by Lincoln Northeast Highschool Students as part of the Home Build Project, sponsored by the Lincoln Housing Authority. In answer to Council questions, Mr. Werthmann explained that the City always tries to recoup the money spent on housing rehabilitation and real estate, but that is not always possible; in this case, Urban Development was required to pay the appraisal price which was based on both the income and market approach. In the past, Northeast has built homes ranging in value from around \$80,000 to \$120,000. The new home will add value to the Clinton neighborhood and will be on the tax rolls at a higher value.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY, LANCASTER COUNTY AND CITY OF LINCOLN TO OBTAIN DIGITAL MAP PRODUCTS INCLUDING AERIAL PHOTOGRAPHY OVER LANCASTER COUNTY AND UPDATING EXISTING BUILDING FOOTPRINTS WITHIN LANCASTER COUNTY - Jeff McReynolds, GIS Program Manager, came forward to state that this agreement is similar to an agreement made three years ago in coordination with MAPA to capture aerial imagery for Lancaster County. The rough estimate for cost is 2 million dollars overall and has been budgeted for under the GIS budget by City and County agencies over the three year period. The split is roughly 70% to the City, 20% to County, and 10% to other agencies such as LES, Lower Platte South NRD, and UNL. Mr. McReynolds answered Council question regarding how and when the images would be acquired, and who has legal rights to use the imagery.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE CITY OF LINCOLN POLICE DEPARTMENT FOR THE USE OF THE DMV FACIAL RECOGNITION SYSTEM FOR A FOUR YEAR PERIOD - Tom Casady, Director of Public Safety, came forward to briefly describe the new facial recognition software implemented by the Department of Motor Vehicles. This technology has potential law enforcement applications. Investigators have been able to do searches from unknown photos and compare them to the database of available images. Privacy is protected and searches are tightly limited by State Statute. The technology is not perfect yet as it requires high-quality head and shoulders photos to properly make matches, but it is developing rapidly and is something law enforcement would like to have in place.

In answer to Council questions, Mr. Casady responded that changes to facial features could make a person unrecognizable by the facial recognition software. In a recent case, investigators were able to catch apprehend a suspect due to a clear image from video that showed an unusual logo on a backpack. Many states now use digital imaging and facial recognition software. Because laws vary from state to state, it is difficult to say when or if there will be access to a nationwide database. Right now the technology is such that it is used primarily as a tool for investigation, rather than as a means of positively identifying a suspect.

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 JANUARY 1 - 15, 2013 - Dr. Peter J. Capuano, 3255 W. Pershing Rd., came forward to describe the details of his denied \$105 claim. After a snowstorm that occurred on December 20, 2012, snow plows tore up a 3 to 4 foot swath of his lawn. There are no sidewalks in this neighborhood; additionally, Mr. Capuano was told by his realtor and his neighborhood association that the area in question is part of his property and is not City right-of-way.

Rod Confer, City Attorney, came forward to explain that the claim was denied on the basis that the area is City right-of-way; however, time may be taken to reevaluate the property. The claim should be reconsidered if the damage occurred on private property. He went on to explain the process that Mr. Capuano can expect to go through from this point on.

Council Chair Eskridge asked for details about two claims that were settled with Black Hills Energy.

Mr. Confer stated these were two separate and unrelated incidents in which pipelines were damaged. In the first claim, the line had been correctly located but was still damaged through the operation of heavy machinery. The second claim involved damage caused during the removal of concrete. Both cases involved City negligence so the claims were allowed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2012. (5-21)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEMS FISCAL YEAR 2011-12 AUDITS. (8-71A)

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FIRST QUARTER, FISCAL YEAR 2012-2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87194 Be it hereby resolved by the City Council of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jon Camp

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87195 Be it resolved by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2012, \$126,262.80 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12071 - Change of Zone No. 2531U, Williamsburg Village Planned Unit Development, approved by the Planning Director on January 22, 2013, requested by Olsson Associates, to add 2 lots, reduce the setback from 40 feet to 20 feet abutting the north outlot, reduce the front yard setback from 60 feet to 20 feet along S. 34th Street and the eastern side of Faulkner Drive and to increase the assisted care units from 44 to 95, on property generally located at S. 34th Street and Faulkner Drive.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTION - NONE

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE AND REFUNDING BONDS, AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, being a Series Ordinance adopted under and pursuant to Ordinance No. 18774 authorizing the issuance of Solid Waste Management Revenue and Refunding Bonds, Series 2013, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$9,000,000 for the purposes of (A) providing for extensions, enlargements and improvements to the City's Solid Waste Management Facilities and (B) providing for the payment and redemption of the City's \$2,800,000 outstanding principal amount Solid Waste Management Revenue Bonds, Series 2006; fixing in part and providing for the fixing in part of the details of the Bonds; authorizing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents; taking other action in connection with the foregoing; and related matters, the second time.

CHANGE OF ZONE 10014A - APPLICATION OF UNION BANK TO AMEND THE NORTHWOODS PLAZA PLANNED UNIT DEVELOPMENT TO CHANGE THE NUMBER OF DWELLING UNITS FROM 80 TO 150 ON PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HOLDREGE STREET - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Northwoods Plaza Planned Unit Development to increase the number of multi-family dwelling units from 80 to 150, increasing the lot size of Lot 7 by adding in Lot 8, Lot 10 and a small portion of parking area in Outlot A to allow Lot 7 to be used for either 150 multi-family dwelling units or 79,000 sq. ft. of commercial use as an alternative to the previously approved use of Lot 7 for elderly housing or

residential health care and relocating the hotel site to Lot 6 to allow Lot 6 to be used for an 86 room hotel or 24,000 sq. ft. of commercial use, on property generally located at North 84th Street and Holdrege Street, the second time.

CHANGE OF ZONE 12033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO REFORMAT CHAPTER 27.72 (HEIGHT AND LOT REGULATIONS) AND TO INCLUDE REGULATIONS THAT WERE NOT CARRIED OVER FROM CHAPTER 27.71 TO 27.72; TO PROVIDE CLARIFICATION AS TO HOW USES ARE REGULATED BY AMENDING CHAPTERS 27.02 DEFINITIONS, 27.06 USE GROUPS, 27.39 H-1 INTERSTATE COMMERCIAL DISTRICT, 27.62 CONDITIONAL USES, 27.63 SPECIAL PERMITS, 27.69 SIGNS, 27.72 HEIGHT AND LOT REGULATIONS (RELATED ITEMS: 13-5, 13R-29) (ACTION DATE: 2/11/13) - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code (Zoning Ordinance) to reformat Chapter 27.72 (Height and Lot Regulations) and to include regulations that were not carried over from Chapter 27.71 to 27.72; to provide clarification as to how uses are regulated by amending Chapters 27.02 Definitions, 27.06 Use Groups, 27.39 H-1 Interstate Commercial District, 27.62 Conditional Uses, 27.63 Special Permits, 27.69 Signs, 27.72 Height and Lot Regulations, the second time.

MISC. NO. 12018 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING CHAPTER 3.5 (LANDSCAPING AND SCREENING) TO PROVIDE CLARIFICATION REGARDING SCREENING REQUIREMENTS FOR MOTORIZED VEHICLE REPAIR AND SERVICE FACILITIES. (RELATED ITEMS: 13-5, 13R-29) (ACTION DATE: 2/11/13)

CHANGE OF ZONE 12036 - APPLICATION OF KEVIN RHINEHART FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, DESIGNATING THE MYRON WHEELER HOUSE AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT 1717 D STREET - CLERK read an ordinance, introduced by DiAnna Schimek, accepting the application of Kevin Rhinehart for a change of zone from R-2 Residential District to R-2 Residential District with Landmark Overlay, designating the Myron Wheeler House as a Landmark, on property generally located at 1717 D Street, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "PUBLIC WORKS AND UTILITIES ASSISTANT DIRECTOR" - CLERK read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 19776 passed September 17, 2012, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Public Works and Utilities Assistant Director", the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 2 AND THE NORTH 5 FEET OF LOT 3, BLOCK 1, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 1621 NORTH 29TH STREET - CLERK read an ordinance, introduced by DiAnna Schimek, Approving a Real Estate Sales Agreement between the City of Lincoln and the Housing Authority of the City of Lincoln authorizing the sale of City owned property described as Lot 2 and the north 5 feet of Lot 3, Block 1, Gibbon's Addition, more commonly known as 1621 N. 29th Street, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN MEDICAL EDUCATIONAL PARTNERSHIP AND CITY OF LINCOLN, ON BEHALF OF THE LINCOLN POLICE DEPARTMENT FOR SPACE TO BE UTILIZED FOR THE SOUTHEAST TEAM SUBSTATION FOR AN EIGHT MONTH TERM - CLERK read an ordinance, introduced by DiAnna Schimek, accepting and approving a Lease Agreement between Lincoln Medical Educational Partnership and the City of Lincoln for a lease of space for a term of February 1, 2013 through September 30, 2013, for use by the Lincoln Police Department, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY, LANCASTER COUNTY AND CITY OF LINCOLN TO OBTAIN DIGITAL MAP PRODUCTS INCLUDING AERIAL PHOTOGRAPHY OVER LANCASTER COUNTY AND UPDATING EXISTING BUILDING FOOTPRINTS WITHIN LANCASTER COUNTY - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87196 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the Omaha-Council Bluffs Metropolitan Area Planning Agency, Lancaster County and the City of Lincoln to obtain digital map products including aerial photography over Lancaster County and updating existing building footprints within Lancaster County, upon the terms and conditions as set forth in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to transmit one original agreement to Angela Zocholl, Lancaster County Clerk's office, and a copy of the executed original Interlocal Agreement to Patti McCoy, Metropolitan Area Planning Agency, 222 Cuming Street, Omaha, NE 68102-4328.

Introduced by DiAnna Schimek

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

REGULAR MEETING
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APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE CITY OF LINCOLN POLICE DEPARTMENT FOR THE USE OF THE DMV FACIAL RECOGNITION SYSTEM FOR A FOUR YEAR PERIOD - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87197 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Memorandum of Understanding between the City of Lincoln, on behalf of the Lincoln Police Department, and the Nebraska Department of Motor Vehicles for the use of the Department of Motor Vehicles' Facial Recognition System for a four-year term, upon the terms and conditions set forth in said Memorandum of Understanding, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is authorized to execute said Memorandum of Understanding on behalf of the City.

The City Clerk is directed to send an executed copy of the Memorandum of Understanding to Tonya Peters, Lincoln Police Department, for transmittal to the Nebraska Department of Motor Vehicles.

Introduced by DiAnna Schimek

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2013 - PRIOR to reading:

COOK Moved to remove Peter J. Capuano from the list of Denied Claims.

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

A-87198 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 January 16, 2013, 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>	
Lisa Peterson	\$321.57	Shirley Dolezal	\$ 79.00
Jeff & Jen Chartier	175.00	Black Hills Energy	1,163.61
Dan Doran d/b/a Sun-Kist Cleaners	700.00	Black Hills Energy	9,161.58
Howard Shaw	NAS*	Jamila Bajelan	1,322.83
Lori Cook	794.29	Nicole Paulk	2,230.96
Erin & Patti Byrne	49.66		
Peter J. Capuano	105.00		

* 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 DiAnna Schimek

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

ORDINANCE - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2014 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2014 whereby the City of Lincoln is subleasing space to Goodwill Industries to provide job training and employment services under the Workforce Investment Act, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF THE DEPARTMENT OF LABOR FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division, on behalf of the Nebraska Department of Labor, for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2013 whereby the City of Lincoln is subleasing space to the Nebraska Department of Labor to provide job training and employment services under the Workforce Investment Act, the first time.

APPROVING A GROUND LEASE BETWEEN THE CITY OF LINCOLN AND ACTIVE LIVING CENTER CONDOMINIUM ASSOCIATION FOR THE LEASE OF THE ACTIVE LIVING CENTER AT 250 N. 21ST STREET FOR A 30 YEAR TERM. **(RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25)** - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Ground Lease between the City of Lincoln and the Active Living Center Condominium Association for the lease of real property generally located at 250

North 21st Street, Lincoln, Nebraska, for use for the Active Living Center Building consisting of three condominium units for a period of 30 years, the first time.

APPROVING THE CONVEYANCE BY QUITCLAIM DEED OF UNIT 3 OF THE ACTIVE LIVING CENTER FROM THE CITY OF LINCOLN TO THE NEBRASKA TRAILS FOUNDATION ON PROPERTY LOCATED AT 250 N. 21ST STREET, SUITE 3. **(RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25)** - CLERK read an ordinance, introduced by Jon Camp, that pursuant to the Memorandum of Understanding authorized by Executive Order No. 84336 between the City of Lincoln, the Community Health Endowment and the Nebraska Trails Foundation Inc., to accomplish the construction and operation of a mixed use building known as the Active Living Center, generally located at 21st and Q Streets, the transfer of Unit 3 of the Active Living Center Condominium to Nebraska Trails Foundation Inc. is hereby authorized and approved and the Mayor is authorized to execute the Quitclaim Deed attached hereto for such transfer on behalf of the City of Lincoln, the first time.

COMP. PLAN CONFORMANCE 12024 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD "THE WRAP PROJECT" FOR APPROXIMATELY 160 DWELLING UNITS AND A 1,600 STALL PARKING GARAGE ON PROPERTY GENERALLY LOCATED BETWEEN Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. **(RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13)**.

COMP. PLAN CONFORMANCE 12023 - DECLARING APPROXIMATELY 0.20 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 18TH STREET AND Q STREET AS SURPLUS PROPERTY. **(RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13)** - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 0.20 acres of city owned property generally located at the northeast corner of North 18th Street and Q Street as surplus, the first time.

VACATION NO. 12011 - VACATING NORTH 18TH STREET BETWEEN Q AND R STREET; THE NORTH 4 FEET OF Q STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY; AND THE SOUTH 4 FEET OF R STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. **(RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13)** - CLERK read an ordinance, introduced by Jon Camp, vacating North 18th Street between Q & R Streets; the north 4 feet of Q Street between North 18th Street and N. Antelope Valley Parkway; and the south 4 feet of R Street between North 18th Street and N. Antelope Valley Parkway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 12037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT AND I-1 INDUSTRIAL DISTRICT; AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT, R-4 RESIDENTIAL DISTRICT, R-6 RESIDENTIAL DISTRICT, I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY BOUNDED BY CORNHUSKER HIGHWAY TO P STREET AND NORTH 10TH STREET TO NORTH 23RD STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted 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 first time.

COMP. PLAN AMENDMENT 12003 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND CORNHUSKER HIGHWAY. **(RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13)**.

COMP. PLAN CONFORMANCE 12020 - APPROVING THE 1ST AND CORNHUSKER REDEVELOPMENT PLAN CONSISTING OF AN ESTIMATED 78 ACRES COMPRISED OF MOBILE HOME RESIDENTIAL LAND USE, GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, N. 4TH STREET, ADAMS STREET AND N. 1ST STREET. **(RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13)**.

APPROVING A DIRECTED ARTERIAL STREET IMPACT FEE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY AND ASCENTIA REAL ESTATE INVESTMENT COMPANY TO IDENTIFY DEVELOPER'S COST RESPONSIBILITIES REGARDING THE CONSTRUCTION OF THE ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS RELATED TO MIXED-USE DEVELOPMENT, INCLUDING AN APARTMENT COMPLEX, HOTEL, OFFICE SPACE AND RETAIL SPACE, GENERALLY LOCATED AT 1ST AND CORNHUSKER HIGHWAY. **(RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13)**.

CHANGE OF ZONE 12029 - APPLICATION OF COUNTRYSIDE MOBILE HOME PARK LLP AND LINCOLN MOBILE HOME PARKS LLP FOR A CHANGE OF ZONED FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT N. 1ST STREET AND CORNHUSKER HIGHWAY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW 391,100 SQ. FT. OF COMMERCIAL FLOOR AREA, A HOTEL AND 450 DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA. **(RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13)** - 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 07.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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COMP. PLAN CONFORMANCE 12022 - DECLARING APPROXIMATELY 1.56 ACRES OF PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET AS SURPLUS PROPERTY. **(RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13)** - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 1.56 acres of City owned property generally located at West B Street and South Folsom Street as surplus, the first time.

CHANGE OF ZONE 12039 - APPLICATION OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET. **(RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13)** - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY AND WILLARD COMMUNITY CENTER FOR PROPERTY GENERALLY LOCATED AT 1245 S. FOLSOM STREET. **(RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13)** - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and Willard Community Center authorizing the sale of surplus property generally located at 1245 South Folsom Street, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, PARKS AND RECREATION DEPARTMENT, AND THE NEBRASKA GAME AND PARKS COMMISSION FOR ENGINEERING SERVICES AND CONSTRUCTION IMPROVEMENTS TO BOWLING LAKE GENERALLY LOCATED AT N.W. 48TH STREET AND W. CUMING STREET.

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE CITYWIDE STREET RESURFACING PROJECT (STATE PROJECT NO. LCLC-5228(4), CN 13138, CITY PROJECT NO. 540022).

MISCELLANEOUS BUSINESS

CHANGE OF ZONE 08075 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND O STREET. (RELATED ITEMS 10-4, 10R-26) (REQUEST TO PLACE ON INDEFINITE PENDING) (1/11/10 - PLACED ON INDEFINITE PENDING & TO HAVE P.H. WHEN REMOVED FROM PENDING) (REQUEST TO WITHDRAW & REMOVE FROM COUNCIL AGENDA):

CARROLL Moved to Withdraw Bill No. 10-4.

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

The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4629** and was placed on file in the Office of the City Clerk.

USE PERMIT 08003 - APPLICATION OF WATERFORD ESTATES, LLC, TO DEVELOP 250,000 SQ. FT. OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND O STREET. (RELATED ITEMS 10-4, 10R-26) (ACTION DATE: 2/1/10) (REQUEST TO PLACE ON INDEFINITE PENDING) (1/11/10 - PLACED ON INDEFINITE PENDING & TO HAVE P.H. WHEN REMOVED FROM PENDING) (REQUEST TO WITHDRAW & REMOVE FROM COUNCIL AGENDA):

CARROLL Moved to Withdraw Bill No. 10R-26.

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

The resolution, having been **WITHDRAWN**, was assigned the File **#38-4629** and was placed on file in the Office of the City Clerk.

OPEN MICROPHONE - NONE

ADJOURNMENT 4:42 P.M.

CAMP Moved to adjourn the City Council meeting of February 4, 2013.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy Hana Huffman, Senior Office Assistant