

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 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, Hinkley, Schimek; City Clerk, Joan E. Ross; Absent: Emery.

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**

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of February 25, 2013 reported having done so, found same correct. Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

**PUBLIC HEARING**

APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET, UNIT C-318;  
MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 6100 O STREET, UNIT C-318;  
APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 1133 Q STREET;  
MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 1133 Q STREET;  
APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 3730 VILLAGE DRIVE;  
MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 3730 VILLAGE DRIVE;  
APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 3951 NORTH 27TH STREET;  
MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 3951 NORTH 27TH STREET - Tim O'Neill, Attorney for the applicant, Harding & Schultz, 800 Lincoln Sq., 121 S. 13th St., came forward to take oath and answer questions. He said Applebee's has eleven locations in Nebraska and due to other work commitments, Mr. Gabel was unable to attend today's meeting. Mr. O'Neill explained how a one-point person can succeed in managing multiple locations and eliminating compliance issues.  
This matter was taken under advisement.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2012 AND DECEMBER 2012 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Rod Confer, City Attorney, came forward to explain that all revisions and additions to the Lincoln Municipal Code are put into the supplements twice a year.  
This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$2,248,347 FOR THE CITY OF LINCOLN, WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55, 13R-60) (ACTION DATE: 3/11/13);

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2,248,347 IN TIF FUNDS FOR THE P STREET AND CANOPY STREET REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN;

APPROVING THE WEST HAYMARKET P STREET AND CANOPY STREET REDEVELOPMENT PROJECT REDEVELOPMENT AGREEMENT BETWEEN PROJECT OSCAR, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55, 13R-60) (ACTION DATE: 3/11/13);

APPROVING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 OF GENERAL OBLIGATION FACILITY BONDS OF THE WEST HAYMARKET JOINT PUBLIC AGENCY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING TWO PARKING GARAGES (DECK 2 AND DECK 3) IN THE WEST HAYMARKET REDEVELOPMENT AREA OF THE CITY OF LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55, 13R-60) (ACTION DATE: 3/11/13) - David Landis, Urban Development Department Director, came forward to discuss the build-out of the West Haymarket which is moving faster than expected. He identified Block 3 as being a \$14 million, four-story structure with 80,000 sq. ft. of office space and 10,000 sq. ft. of retail on the first floor. He said the TIF amounts to \$2.248 million. The distinctive structure is being depicted as if it is a build-out West Haymarket with building materials that are satisfactory with the Historic Preservation Commission. The building links by skywalk with a 900-stall garage built by JPA. The building has contracted to use 350 stalls. In response to Council questions, Mr. Landis said Olsson Associates may use a little over 50% of the building office space and there will be additional users. He clarified parking elements that will be part of the total mix of servicing of the West Haymarket. Mr. Landis provided a breakdown of expenses for the use of \$2.2 million TIF funds.

**REGULAR MEETING**

**March 4, 2013**

**Page 514**

Brad Strittmatter, President of Olsson Associates, 1111 Lincoln Mall, came forward to provide history and make comments. He said John Olsson founded Olsson Associates in 1956 and the company has grown to 700 professionals on staff, twenty-two offices in seven states and is currently ranked 143rd out of 500 top U.S. firms by Engineering News-Record. Mr. Strittmatter said Olsson Associates employs 200 people in Lincoln and prefers the downtown business atmosphere. He said the company will occupy 40-50,000 sq. ft. in the new location.

Zach Wiegert, Scott, Woodbury, Wiegert, LLC, came forward to clarify the total square footage of the structure. He responded to Council questions on the color of the building and said they are taking steps to make sure it is not a bright white but rather an earthy tone exterior to complement the Haymarket. He clarified that single-purpose LLC's are done for all their buildings; hence, the Olsson building was identified as Project Oscar.

Lauren Wismer, Gilmore & Bell, came forward to discuss changes on the ordinance for the tax increment financing. He said a substitute ordinance has been provided to correct the principal amount, include a proper project description and to prioritize that the City TIF Bond gets paid back before the Redeveloper Bond.

Dan Marvin, West Haymarket JPA Representative, came forward to discuss the resolution relating to the construction of two parking garages. He said there is an issue to get Deck 2 up and running so construction equipment can clear out of the way for private development to finish their projects. In response to questions regarding the announcement of a hotel in West Haymarket, Mr. Marvin said that Hyatt is going in on the north side of Q Street between Canopy and Pinnacle and completion will occur in January or February 2014.

Mr. Landis came forward to clarify that there is a different treatment for West Haymarket than Haymarket. It was said that these two will relate but not be identical. Finally, Mr. Landis said Olsson Associates wants a building that reflects them as they grow into the future, not the past.

This matter was taken under advisement.

AUTHORIZING THE PURCHASE AGREEMENT FOR THE SALE OF SURPLUS PROPERTY GENERALLY LOCATED AT 18TH AND Q STREETS IN DOWNTOWN LINCOLN TO THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$4,304,577 FOR THE CITY OF LINCOLN, 18TH AND Q REDEVELOPMENT PROJECT IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13);

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$4,304,577 IN TIF FUNDS FOR THE 18TH AND Q REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED IN THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREET, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13);

APPROVING THE 18TH AND Q REDEVELOPMENT PROJECT AGREEMENT BETWEEN AF-18R-LINCOLN AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREETS, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN - David Landis, Urban Development Department Director, came forward to discuss the redevelopment project. He compared costs of public construction vs. private construction. Mr. Landis provided economically viable figures of incoming sales taxes, payments of impact fees & building permits. He shared that the Comprehensive Plan says that when a garage is being built, provide residential facilities on top. He said the total cost of the structure will be \$48 million: the developer expects to pay about \$32 million; the University will spend about \$16.7 million. Mr. Landis categorized how the \$4.3 million of TIF will be expended.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., Suite 1900, came forward representing America First Real Estate Group which is an Omaha-based developer involved with ownership/management of over 200 properties across the country containing over 40,000 dwelling units. He said the real estate property is owned by the University of Nebraska-Lincoln and America First Real Estate Group will ground lease the property from UNL Board of Regents. The leasehold interest will be condominiumized: 1) a condominium unit identified as the University-owned parking facility which will provide 1,270 parking stalls; 2) a condominium unit consisting of a 4-story residential structure on the east & north side; 3) a condominium unit consisting of a 3-story residential structure on top of the parking garage; and 4) a condominium unit comprised of privately-owned parking stalls. Mr. Huston thanked the Mayor's office and many other City staffers for their aggressive accommodation to get the 1,270-stall parking garage open & ready for business in August 2014.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA ENVIRONMENTAL PRODUCTS FOR THE ANNUAL REQUIREMENTS OF METAM BASED FOAMING SEWER ROOT CONTROL, PURSUANT TO QUOTE NO. 4350, FOR A FOUR YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND NEWS LINK FOR PRODUCTION OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-118, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND MOORE WALLACE NORTH AMERICA, INC. FOR PRINTING AND MAILING OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-119, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - Suzanne Siemer, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY BETWEEN THE CITY OF LINCOLN AND EHPV LOTTERY SERVICES LLC, FOR A FIVE-YEAR TERM COMMENCING MARCH 10, 2013 - Bill Harvey, General Counsel for EHPV Lottery Services, LLC, came forward to provide an update on the Keno contract and company operations. He expressed appreciation for serving as the City's Keno Lottery operator since 1993. Mr. Harvey reported that in 2012, over \$3.2 million was raised for community betterment for Lincoln and Lancaster County with an overall total of \$48.5 million raised since 1993. He clarified the relationship with the Lincoln Parks Foundation and the projects supported by pickle card proceeds. Mr. Harvey expressed support for the implementation of the City's new alcohol server training ordinance which will be in effect on April 1, 2013. In response to Council questioning, Mr. Harvey said Keno proceeds were not affected by the economic crisis in 2008-09 but saw a 20% downturn in 2006 when the smoking ban went into effect. The business has since been on a growth curve and greater numbers have returned.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING JASON CHRISTENSON TO THE AUDIT ADVISORY BOARD FOR A TERM EXPIRING MARCH 1, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87224 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Jason Christenson to the Audit Advisory Board for a term expiring March 1, 2016, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JOHN KAY AND TOM LAGING TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR TERMS EXPIRING JANUARY 9, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87225 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of John Kay and Tom Laging to the Nebraska Capitol Environs Commission for terms expiring January 9, 2016, is hereby approved.

Introduced by Jonathan Cook

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

FRANCIS MOUL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING MARCH 17, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87226 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Francis Moul to the Community Forestry Advisory Board for a term expiring March 17, 2016, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING MICHELE TILLEY AND MARY ANN WELLS TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87227 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Michele Tilley and Mary Ann Wells to the Urban Design Committee for terms expiring February 1, 2016, is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING DR. MARTHA SHULSKI TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87228 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Dr. Martha Shulski to the Air Pollution Control Advisory Board for a term expiring September 1, 2015, is hereby approved.

Introduced by Jonathan Cook

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

**PETITIONS & COMMUNICATIONS**

INFORMAL PETITION TO CREATE A WATER DISTRICT ON PROPERTY LOCATED ON DUDLEY STREET FROM 50TH TO 51ST STREETS, SUBMITTED BY ROBERT KIRSTINE - CLERK presented said petition which was referred to the Public Works & Utilities Department on February 27, 2013.

SETTING THE HEARING DATE OF MONDAY, MARCH 18, 2013 AT 3:00 P.M. FOR THE APPLICATION OF DON E. YOUNG, II DBA CAPITAL CIGAR COMPANY FOR A CLASS D LIQUOR LICENSE LOCATED AT 333 N. COTNER, SUITE 6 - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87229 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 18, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Don E. Young, II dba Capital Cigar Company for a Class D liquor license located at 333 N. Cotner, Suite 6.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Lloyd Hinkley

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

SETTING THE HEARING DATE OF MONDAY, MARCH 18, 2013 AT 3:00 P.M. FOR THE APPLICATION OF KIT SAM & LAN TRINH DBA SHEN CAFÉ FOR A CLASS A LIQUOR LICENSE LOCATED AT 3520 VILLAGE DRIVE, SUITE 100-200 - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87230 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 18, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Kit Sam & Lan Trinh dba Shen Café for a Class A liquor license located at 3520 Village Drive, Suite 100-200.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Lloyd Hinkley

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 12066 TO CHANGE OF ZONE NO. 05054A, PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT, APPROVED BY THE PLANNING DIRECTOR ON FEBRUARY 20, 2013 REQUESTED BY STAROSTKA-LEWIS, INC. TO SHOW THE FINAL LOT LAYOUT OF 27 SINGLE FAMILY UNITS ALONG N. 91ST ST. AND STETSON DR. AND 34 SINGLE FAMILY ATTACHED UNITS ALONG N. 89TH ST. ON PROPERTY GENERALLY LOCATED NORTHEAST OF N. 84TH ST. AND ADAMS ST.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET, UNIT C-318 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87231 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 RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar for a Class "I" liquor license at 6100 O Street, Unit C-318, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 6100 O STREET, UNIT C-318 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87232 WHEREAS, RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar located at 6100 O Street, Unit C-318, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Gabel be named manager;

WHEREAS, John C. Gabel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John C. Gabel 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 1133 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87233 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 RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar for a Class "I" liquor license at 1133 Q Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 1133 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87234 WHEREAS, RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar located at 1133 Q Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Gabel be named manager;

WHEREAS, John C. Gabel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John C. Gabel 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 3730 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87235 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 RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar for a Class "I" liquor license at 3730 Village Drive, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 3730 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87236 WHEREAS, RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar located at 3730 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Gabel be named manager;

WHEREAS, John C. Gabel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John C. Gabel 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

**REGULAR MEETING**

**March 4, 2013**

**Page 518**

APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 3951 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87237 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 RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar for a Class "I" liquor license at 3951 North 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JOHN C. GABEL FOR RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR AT 3951 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87238 WHEREAS, RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar located at 3951 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Gabel be named manager;

WHEREAS, John C. Gabel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John C. Gabel 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, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Emery.

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

VACATION NO. 12009 - VACATING THE NORTH-SOUTH ALLEY BETWEEN WEST O STREET AND WEST MONROE STREET, EAST OF S.W. 44TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north-south alley between West O Street and West Monroe Street, east of S.W. 44<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2012 AND DECEMBER 2012 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, adopting the supplements to the Lincoln Municipal Code dated June 2012 and December 2012 as part of the official Lincoln Municipal Code, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$2,248,347 FOR THE CITY OF LINCOLN, WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13-R-55) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, 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 \$2,206,662 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's P Street and Canopy Street 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 or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2,248,347 IN TIF FUNDS FOR THE P STREET AND CANOPY STREET REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55) (ACTION DATE: 3/11/13)

APPROVING THE WEST HAYMARKET P STREET AND CANOPY STREET REDEVELOPMENT PROJECT REDEVELOPMENT AGREEMENT BETWEEN PROJECT OSCAR, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55, 13R-60) (ACTION DATE: 3/11/13)

APPROVING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 OF GENERAL OBLIGATION FACILITY BONDS OF THE WEST HAYMARKET JOINT PUBLIC AGENCY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING TWO PARKING GARAGES (DECK 2 AND DECK 3) IN THE WEST HAYMARKET REDEVELOPMENT AREA OF THE CITY OF LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13R-55, 13R-60) (ACTION DATE: 3/11/13)

AUTHORIZING THE PURCHASE AGREEMENT FOR THE SALE OF SURPLUS PROPERTY GENERALLY LOCATED AT 18TH AND Q STREETS IN DOWNTOWN LINCOLN TO THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, approving a Property Transfer Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska authorizing the transfer of City owned property within the block bounded by 18th Street, Antelope Valley Parkway, Q Street, and R Street, more commonly known as the 18th and R Block, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$4,304,577 FOR THE CITY OF LINCOLN, 18TH AND Q REDEVELOPMENT PROJECT IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, 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 \$4,304,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 18th and Q Redevelopment 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 or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$4,304,577 IN TIF FUNDS FOR THE 18TH AND Q REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED IN THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREET, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13)

APPROVING THE 18TH AND Q REDEVELOPMENT PROJECT AGREEMENT BETWEEN AF-18R-LINCOLN AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREETS, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, 13R-57) (ACTION DATE: 3/11/13)

#### PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87239 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 February 19, 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>	
Peter J. Capuano	\$ 105.00	Matthew Howe	\$22,500.00
Phyllis Roehl	NAS*	State Farm Insurance a/s/o	
Lori Miller	36.99	Robert and Eileen Perkins	504.37
Diana H. Warner	150.00	Robert and Judy Miller	400.00
Daniel E. Eckstein	260.00	Gaye Richardson	6,000.00
Kirk Botts	10,000,000.00	Wayne DeLong	50.00
		Wayne and Amy Davis	500.00
		Mary Kaup	1,128.16
		Joni Severson	1,719.38

\* No Amount Specified

**REGULAR MEETING**

**March 4, 2013**

**Page 520**

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 Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA ENVIRONMENTAL PRODUCTS FOR THE ANNUAL REQUIREMENTS OF METAM BASED FOAMING SEWER ROOT CONTROL, PURSUANT TO QUOTE NO. 4350, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87240

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

That the attached Contract Agreement between the City of Lincoln and Nebraska Environmental Products for the annual requirements of Metam Based Foaming Sewer Root Control, pursuant to Quote No. 4350, for a four-year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND NEWS LINK FOR PRODUCTION OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-118, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87241

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

That the attached Contract Agreement between the City of Lincoln, Aging Partners, and News Link for the Production of "Living Well" Magazine, pursuant to Bid No. 12-118, for a two year term with the option to renew for one additional two year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND MOORE WALLACE NORTH AMERICA, INC. FOR PRINTING AND MAILING OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-119, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87242

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

That the attached Contract Agreement between the City of Lincoln, Aging Partners, and Moore Wallace North America, Inc. for Printing and Mailing of "Living Well" Magazine, pursuant to Bid No. 12-119, for a two year term with the option to renew for one additional two year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY BETWEEN THE CITY OF LINCOLN AND EHPV LOTTERY SERVICES LLC, FOR A FIVE-YEAR TERM COMMENCING MARCH 10, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87243

WHEREAS, the City of Lincoln entered into a non-exclusive contract ("Contract") with Lincoln's Big Red Keno, Ltd. (now known as Lincoln's Big Red Lottery Services Ltd.) a Nebraska limited partnership, for the operation of keno type lottery on behalf of the City of Lincoln and the County of Lancaster, dated March 10, 1993; and

WHEREAS, the City has approved the assignment of the Contract with Lincoln's Big Red Lottery Services Ltd. to EHPV Lottery Services LLC; and

WHEREAS, pursuant to Section 28 of the Contract, the City Council and Lincoln Big Red Lottery Services Ltd. and EHPV Lottery Services LLC, as applicable, have agreed to additional five year extensions of the term through March 9, 2013; and

WHEREAS, Section 28 of the Contract provides that: "The City shall have the right, through its City Council, to renew this contract for one additional term of not to exceed five years. Such renewal shall be effective by passage of a resolution by the City Council exercising such right of renewal and giving operator notice of such action by the City Council at least 30 days before expiration of the original term." Thereafter, the parties may mutually agree to additional extensions to the term; and

WHEREAS, EHPV Lottery Services LLC has requested an additional renewal of the Contract for the operation of a keno type lottery within the City of Lincoln and the County of Lancaster; and

WHEREAS, the City Council is now desirous of mutually agreeing to such extension renewal for an additional term of five years.



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

The City Council does hereby mutually agree with EHPV Lottery Services LLC to extend the term of its contract, attached hereto marked as Attachment "A", for the operation of a keno type lottery on behalf of the City of Lincoln and the County of Lancaster for an additional term of five years commencing on March 10, 2013 and terminating on March 9, 2018 without further extensions of the term of said contract unless mutually agreed to by the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit one copy of this resolution to EHPV Lottery Services LLC c/o Gary Vander Woude, Chief Financial Officer, 11248 John Galt Blvd., Omaha, NE 68137; one copy to the City's Finance Director; and one copy to Steve Schatz, Charitable Gaming Division, Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Jonathan Cook

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

### ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

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" (2/11/14 - Action Delayed 2 wks to 2/25/13) (Request to con't Action one week to 03/04/13) (2/25/13 - Action Delayed 1 wk to 3/4/13) - 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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19842, is recorded in Ordinance Book #28, Page .

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION ARENA BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING THE PINNACLE BANK ARENA AND RELATED FACILITIES AND IMPROVEMENTS; PLEDGING THE INCOME, PROCEEDS, AND REVENUE OF THE ARENA, APPROPRIATIONS FROM THE STATE OF NEBRASKA AND OTHER STATE SOURCES, AND OTHER AVAILABLE REVENUE, INCOME AND RECEIPTS OF THE CITY, INCLUDING CERTAIN SALES, USE, OCCUPATION AND/OR PROPERTY TAX REVENUE, FEES OR RECEIPTS SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS AS THEY BECOME DUE AND PAYABLE; AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Arena Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$25,000,000 (The "Bonds"), for the purpose of paying a portion of the costs of acquiring, constructing, equipping and furnishing a Sports/Entertainment Arena and related facilities and improvements (The "Project"); prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; pledging the income, proceeds, and revenue of the project, any state appropriations and sources, and available revenue, income, and receipts of the City, including certain City sales, use, occupation and/or property tax revenue, fees or receipts, in an amount sufficient to pay the principal of and the interest on said bonds as they become due and payable; and authorizing and approving certain other related matters, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19843, is recorded in Ordinance Book #28, Page .

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION STORMWATER BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND EXTENDING THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM, THE LEVYING OF A TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY TO PAY THE PRINCIPAL, PREMIUM AND INTEREST ON SUCH BONDS, AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Stormwater Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$7,900,000 (The "Bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's stormwater drainage and flood management system; prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the

REGULAR MEETING

March 4, 2013

Page 522

Bonds; providing for the payment of the principal of and interest on the Bonds by the levy of a tax on all of the taxable property within the City; and authorizing and approving certain other related matters, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19844, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 12021 - APPLICATION OF INTERSTATE LAND, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT TO ALLOW A CAMPGROUND, MULTI-FAMILY RESIDENTIAL AND ANY USE ALLOWED IN THE I-1 INDUSTRIAL DISTRICT ON THE UNDERLYING R-3 RESIDENTIAL ZONED AREA ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND CORNHUSKER HIGHWAY - PRIOR to reading:

CARROLL Moved MTA #2 to amend Bill No. 13-22 in the following manner:

1. On page 1, on line 12 after the word "hereby", strike subparagraph (1) as follows: ~~(1) transferred from the I-1 Industrial District to R-3 Residential and is hereby made a part of the R-3 Residential District;~~ and renumber the subsequent subparagraphs accordingly.

2. On page 1, line 13, strike "R-3" and insert in lieu thereof I-1.

3. On page 1, line 16, strike "R-3" and insert in lieu thereof I-1.

4. On page 2, line 1, strike "R-3" and insert in lieu thereof I-1.

5. On page 2, lines 1 and 2, strike the words, "678 multi-family dwelling units,".

6. On page 2, line 7, strike the words, ", 678 multi-family dwelling units" and insert the following language: provided that a minimum 300 feet shall be maintained between a campground and a business which manufactures, stores, or uses chemicals at or above Tier 2 threshold quantities for RMP chemicals as listed in applicable federal law, without amending the PUD.

7. On page 2, line 8, prior to the designation "I-1" insert the word underlying.

8. On page 2, line 8, after the word "District" strike the words, "on the underlying R-3 Residential zoned area".

9. On page 3, between the lines 2 and 3, add a subparagraph (c) to read as follows: (c) Verification that the Lincoln - Lancaster County Health Department has approved an emergency notification system and emergency response plan for operation of any campground within the Planned Unit Development.

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

CLERK Read an ordinance, introduced by Eugene Carroll, 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.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19845, is recorded in Ordinance Book #28, Page .

APPROVING THE MANOR OF LINCOLN DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN MANOR OF LINCOLN, INC. AND THE CITY OF LINCOLN TO LIMIT USES ON THE PROPERTY TO OFFICE, VETERINARY FACILITY AND THOSE B-1 USES ALSO ALLOWED IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET SHOULD THE PROPERTY BE RE-ZONED FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87244 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Manor of Lincoln Development and Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Manor of Lincoln, Inc., to restrict the use of property located at North 14th Street and Knox Street to office, veterinary facility and those B-1 uses also allowed in the R-2 District should the property be rezoned from R-2 Residential District to B-1 Local Business District, is hereby approved and the Mayor is authorized to execute the Manor of Lincoln Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Eugene Carroll

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

CHANGE OF ZONE 12040 - APPLICATION OF MANOR OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13) - CLERK read an ordinance, introduced by Eugene Carroll, 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 third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19846, is recorded in Ordinance Book #28, Page .

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND CONSTELLATION STUDIOS, LLC FOR THE LEASE OF CITY PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST AND O STREETS FOR A FIVE YEAR TERM WITH OPTIONS TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska and Constellation Studios, LLC for the lease of property generally located at the southwest corner of 21st and O streets for a five year term with options to renew said Lease for two additional five year terms, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19847, is recorded in Ordinance Book #28, Page .

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 13003 - APPLICATION OF SIGMA ALPHA EPSILON BUILDING ASSOCIATION FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, DESIGNATING THE SIGMA ALPHA EPSILON FRATERNITY HOUSE AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT 635 NORTH 16TH STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

VACATION 12010 - VACATING THE NORTH 12 FEET OF THE PRESCOTT AVENUE RIGHT-OF-WAY BETWEEN SOUTH 48TH STREET AND SOUTH 52ND STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, vacating the north 12 feet of the Prescott Avenue right-of-way between South 48th Street and South 52nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING THE LICENSE AGREEMENT FOR PARKING BETWEEN THE CITY OF LINCOLN AND THE SALVATION ARMY FOR THE USE OF FIVE PARKING SPACES WITHIN THE PENTZER PARK PARKING LOT GENERALLY LOCATED AT NORTH 27TH STREET AND POTTER STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, accepting and approving the License Agreement between the City of Lincoln, Nebraska and the Salvation Army to designate five parking spaces in the Pentzer Park parking lot generally located at North 27th Street and Potter Street for use by the Salvation Army, the first 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 CHANGING THE CLASSIFICATION TITLE OF "DIVISION CHIEF OF MAINTENANCE" TO "DIVISION CHIEF OF LOGISTICS" - CLERK read an ordinance, introduced by Lloyd Hinkley, 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 changing the job classification title of "Division Chief of Maintenance" to "Division Chief of Logistics," the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATIONS OF "FIBER NETWORK AND INFRASTRUCTURE MANAGER" - CLERK read an ordinance, introduced by Lloyd Hinkley, 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 "Fiber Network and Infrastructure Manager," the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATION IS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATIONS OF "IMPACT FEE ADMINISTRATOR" - CLERK read an ordinance, introduced by Lloyd Hinkley, amending Section 1 of Ordinance No. 19601 passed August 15, 2011, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classification of "Impact Fee Administrator," the first time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKALINK HOLDINGS, LLC TO OCCUPY SPACE IN THE CITY'S LINCOLN TECHNOLOGY IMPROVEMENT DISTRICT CONDUIT SYSTEM FOR A 20 YEAR TERM - CLERK read an ordinance, introduced by Lloyd Hinkley, accepting and approving a Conduit System Lease Agreement between the City of Lincoln, Nebraska and NebraskaLink Holdings, LLC to occupy space in the City's Lincoln Technology Improvement District conduit system for a 20 year term, the first time.

**REGULAR MEETING**  
**March 4, 2013**  
**Page 524**

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

WAIVER 13006 - APPLICATION OF PIUS X HIGH SCHOOL TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ELDON DRIVE AND A STREET.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY EMISSIONS FEES FOR REGULATED AIR POLLUTANTS.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$41,741.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 37) AND ALLOCATING \$5,000.00 TO THE 2013 H.S. EMERGENCY FUND FOR A TOTAL OF \$46,741.00.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 4:28 P.M.**

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

---

Joan E. Ross, City Clerk

---

Sandy L. Dubas, Office Specialist