

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 11, 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; City Clerk, Joan E. Ross; Absent: Schimek.

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 March 4, 2013 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of January 2013 to Caleb Whisenhunt, Bus Operator for the StarTran Division of Public Works & Utilities Department in the category of valor. Mr. Whisenhunt's quick actions to honk the bus horn potentially saved an exiting passenger from serious injury. A young woman jumped off the bus and, without looking, attempted to cross in the path of an oncoming large truck. She stopped but not before being grazed by the truck and incurred minimal injury.

Miki Esposito, Director of Public Works & Utilities Department, came forward to praise Mr. Whisenhunt's actions.

Mike Weston, Bus Operations Superintendent, came forward to state that after viewing the bus video he realized the woman could have suffered catastrophic injury had it not been for Operator Whisenhunt's care and attentiveness.

Caleb Whisenhunt came forward to graciously accept his award.

RECOGNITION

Council Chair Eskridge recognized Boy Scout Troop 7 chartered by Faith Lutheran Church. Members who were in attendance were working toward their Citizenship in the Community Award.

Council Chair Eskridge identified Boy Scout Troop 93 who were in attendance at today's City Council Meeting.

PUBLIC HEARING

APPLICATION OF RAWHUBS, LLC DBA LINCOLN MEADOWS FOR A CLASS I LIQUOR LICENSE AT 3235 NORTH 35TH STREET;

MANAGER APPLICATION OF LINDA J. WILSON-WEICHBRODT FOR RAWHUBS, LLC DBA LINCOLN MEADOWS AT 3235 NORTH 35TH STREET - Linda J. Wilson-Weichbrodt, 6400 Fremont, came forward to take oath and answer questions. She said her new establishment has been a social hall for many years and she will continue to host similar activities.

This matter was taken under advisement.

APPLICATION OF COYOTE WILLY'S INC. DBA COYOTE WILLY'S FOR A CLASS I LIQUOR LICENSE AT 2137 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF DAVID L. DUFFEK FOR COYOTE WILLY'S INC. DBA COYOTE WILLY'S AT 2137 CORNHUSKER HIGHWAY - David Duffek, 1512 - 238 Road, Seward, came forward to take oath and answer questions. He said his new business was formerly known as Uncle Ron's.

This matter was taken under advisement.

APPLICATION OF LINCOLN NORTH, LLC DBA PEPPER JAX GRILL FOR A CLASS A LIQUOR LICENSE AT 1339 O STREET, SUITE 2;

MANAGER APPLICATION OF ERIN D. DUENSING FOR LINCOLN NORTH, LLC DBA PEPPER JAX GRILL AT 1339 O STREET, SUITE 2 - Mark H. Burrows came forward representing Pepper Jax Grill as Director of Operations, 15326 Polk Circle, Omaha, came forward to take oath and answer questions. He said the restaurant manager, Erin Duensing, was not able to be present today.

This matter was taken under advisement.

APPLICATION OF OLD FEDERAL PLACE, LLC DBA WAREHOUSE NO. 4 FOR A CLASS CK LIQUOR LICENSE AT 228 NORTH 12TH STREET;

MANAGER APPLICATION OF LISA R. FROEHLICH FOR OLD FEDERAL PLACE, LLC DBA WAREHOUSE NO. 4 AT 228 NORTH 12TH STREET - Lisa Froehlich, 129 N. 10th Street, came forward to take oath and answer questions. She said the historic Spaghetti Works building has a unique reception/event space in the lower level.

This matter was taken under advisement.

REGULAR MEETING

March 11, 2013

Page 526

VACATION 12010 - VACATING THE NORTH 12 FEET OF THE PRESCOTT AVENUE RIGHT-OF-WAY BETWEEN SOUTH 48TH STREET AND SOUTH 52ND STREET - Paul Janks, Union College representative, came forward to take oath and answer questions.
This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to identify the parking lot developed in 2003 when Potter Street was vacated at that time. The parking lot was intended to serve both people visiting Pentzer Park as well as visitors to the Salvation Army. The five additional parking spaces (four standard and one ADA) for Salvation Army will bring them into compliance with their special use permit. The agreement will have a 15-year term with an opportunity to renew for two additional 15-year terms. Mr. Johnson clarified details of an earlier memorandum of understanding but explained that a license agreement provides a more structured, formalized agreement.
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 CHANGING THE CLASSIFICATION TITLE OF "DIVISION CHIEF OF MAINTENANCE" TO "DIVISION CHIEF OF LOGISTICS";

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";

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" - Doug McDaniel, Personnel Director, came forward to explain that the title "Division Chief of Logistics" is more contemporary and encompasses many other components than just maintenance. In further discussion of the title change, Mr. McDaniel said it will have no impact on pay ranges.

Steve Huggenberger, Assistant City Attorney, came forward to provide background information on the position of "Fiber Network and Infrastructure Manager". In an effort to address complaints about the lack of competition/variety of providers of telecom services in Lincoln, this created position will accomplish several goals. He explained those goals as being the following: 1) to make telecom services attractive to the private sector; 2) to preserve newly constructed streets in the Downtown; and 3) to coordinate well with activities going on in Lincoln. Mr. Huggenberger addressed concerns about confidentiality, neutrality and priority to repairs. He said there are 128 cities in the United States with some version of a conduit/fiber system. In review of other systems, the Tulsa, OK, operation was a very unique, modest, one-price-to-access system and focused on occupation tax to be collected at the rear end. Mr. Huggenberger described the various components of the position that would be vital to the implementation & growth of the system. He provided the financial figures to cover the initial administrative costs of the system. He stressed the importance & need of the manager position.

Mike Lang, Mayor's Office, came forward to state that the created position & the conduit/fiber system is a primary economic development issue for the community of Lincoln. He said broadband is becoming a critical component of our infrastructure and will pay significant dividends moving forward in the future.

In response to questioning, Mr. Huggenberger said the system has an initial opportunity for four providers with a base price of \$65,000 per lessee, per year, with escalators as well.

Mr. McDaniel came forward to discuss the newly developed class of "Impact Fee Administrator." This reorganization allows an individual to move laterally from work that was housed under Public Works/Utilities to the Department of Building & Safety, Development Services.

This matter was taken under advisement.

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 - Steve Huggenberger, Assistant City Attorney, came forward to present the basics of the 20-year agreement to occupy one of the innerducts that will be installed in the conduit system, known as the Lincoln Technology Improvement District. Mr. Huggenberger defined the current boundaries that will eventually expand to the whole City. He presented financial figures regarding the lease and stated there will be technical standards that all providers going into the City conduit will have to comply with.

Jason Axthelm, Director of Planning, NebraskaLink, Holdings, LLC, 6900 Van Dorn St., Suite 23, came forward to answer questions. He said his company saw a need for a statewide network that could provide communication infrastructure for all of Nebraska. They have successfully established their presence in western, central, north and northeastern parts of Nebraska but did not yet have a presence in Lincoln or Omaha. Mr. Axthelm clarified details of the conduit system and shared his personal opinion why a facilitator is needed.

Kyle Fischer, Chamber of Commerce, 1135 M St., came forward in support of the lease agreement. He said the conduit system is a catalyst for private sector investment. He asked that the City consider working on a mechanism in which the Fast Forward Fund can be repaid from its initial investment of \$750,000.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning Department, came forward to answer questions about the school's request to extend the requirement to pave the parking lot. This two-year extension is necessary to allow for funding and finalization of a redevelopment plan.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY EMISSIONS FEES FOR REGULATED AIR POLLUTANTS - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to speak about the air quality program and the changes that have occurred. To effectively manage a shortfall in their budget, they have worked with their Air Pollution Control Advisory Board to propose fee increases and to eliminate a vacant position from within the Health Department. Ms. Halstead said 91 sources will be impacted by tiering emission fees: fifty-four sources, or 59%, will not see any change in their fee from last year; 39% of the sources will see a 2.7% increase; two largest sources (NPPD and ADM) will see the bulk of the increase in fees. She said those who emit significantly more than others should be paying significantly more of the cost.

Scott Holmes, Environmental Public Health-Division Manager, was on hand for questioning.

Chris Schroeder, Air Quality Supervisor, was on hand for questioning.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM THE CITY TREASURER OF THE 3RD QUARTER 2012 PEG FEE FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518B)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY, 2013 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE TIME PERIOD OCTOBER, 2012 THROUGH JANUARY, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 25, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 11022A - Requested by Gana Trucking and Excavating for the excavation of soil on property generally located at NW 48th Street and Highway 34.

Special Permit No. 11033A - Requested by REGA Engineering Group, Inc. for an amendment for a Neighborhood Support Services facility on property generally located at N. 33rd Street and Overland Trail.

Text Amendment No. 13003 - Requested by the Director of Public Works & Utilities amending Title 27 of the Lincoln Municipal Code (Zoning Ordinance) by amending Chapter 27.52, Flood Regulations for Existing Urban Area, and Chapter 27.53, Flood Regulations for Existing New Growth Areas, to provide new dates associated with the approval of the effective floodplains for the City as a FEMA requirement for the National Flood Insurance Program.

Text Amendment No. 13004 - Requested by the Director of Public Works & Utilities amending Title 26 of the Lincoln Municipal Code (Land Subdivision Ordinance) by amending Chapter 26.24, Flood Regulations for Existing Urban Area, and Chapter 26.25, Flood Regulations for New Growth Area, to provide new dates associated with the approval of the effective flood plains for the City as a FEMA requirement for the National Flood Insurance Program.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver No. 12023 approved by the Planning Director on February 26, 2013 requested by Lincoln Federal Savings Bank to extend the time for two years to install sidewalks for Northview 7th Addition. The improvements shall be completed by February 26, 2015. Property is generally located at N. 24th Street and Northview Road.

Administrative Amendment No. 13003 approved by the Planning Director on February 27, 2013 requested by Fire Brothers Development, LLC to extend the time for two years to install street trees for Baron's Ridge 3rd Addition and landscape screen for Baron's Ridge 1st Addition. The improvements shall be completed by February 27, 2013. Property is generally located at NW 1st Street and Highland Boulevard.

Administrative Amendment No. 13008 to Change of Zone No. 05004A, Pine Garden Planned Unit Development, approved by the Planning Director on February 27, 2013 requested by ESP, Inc. to delineate building envelopes for Lots 2 and 3, Block 1, to reallocate commercial floor area to Lot 2, and to revise General Notes 1 and 2 accordingly, on property generally located at the northwest corner of S. 84th Street and Old Cheney Road.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF RAWHUBS, LLC DBA LINCOLN MEADOWS FOR A CLASS I LIQUOR LICENSE AT 3235 NORTH 35TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87245 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 RAWHUBS, LLC dba Lincoln Meadows for a Class "I" liquor license at 3235 North 35th Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF LINDA J. WILSON-WEICHBRODT FOR RAWHUBS, LLC DBA LINCOLN MEADOWS AT 3235 NORTH 35TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87246 WHEREAS, RAWHUBS, LLC dba Lincoln Meadows located at 3235 North 35th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Linda J. Wilson-Weichbrodt be named manager; WHEREAS, Linda J. Wilson-Weichbrodt 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 Linda J. Wilson-Weichbrodt be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF COYOTE WILLY'S INC. DBA COYOTE WILLY'S FOR A CLASS I LIQUOR LICENSE AT 2137 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87247 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 Coyote Willy's Inc. dba Coyote Willy's for a Class "I" liquor license at 2137 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DAVID L. DUFFEK FOR COYOTE WILLY'S INC. DBA COYOTE WILLY'S AT 2137 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87248 WHEREAS, Coyote Willy's Inc. dba Coyote Willy's located at 2137 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that David L. Duffek be named manager;
WHEREAS, David L. Duffek 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 David L. Duffek be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LINCOLN NORTH, LLC DBA PEPPER JAX GRILL FOR A CLASS A LIQUOR LICENSE AT 1339 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87249 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 Lincoln North, LLC dba Pepper Jax Grill for a Class "A" liquor license at 1339 O Street, Suite 2, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF ERIN D. DUENSING FOR LINCOLN NORTH, LLC DBA PEPPER JAX GRILL AT 1339 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87250 WHEREAS, Lincoln North, LLC dba Pepper Jax Grill located at 1339 O Street, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Erin D. Duensing be named manager;

WHEREAS, Erin D. Duensing 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 Erin D. Duensing be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF OLD FEDERAL PLACE, LLC DBA WAREHOUSE NO. 4 FOR A CLASS CK LIQUOR LICENSE AT 228 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87251 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 Old Federal Place, LLC dba Warehouse No. 4 for a Class "CK" liquor license at 228 North 12th Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

REGULAR MEETING

March 11, 2013

Page 530

MANAGER APPLICATION OF LISA R. FROEHLICH FOR OLD FEDERAL PLACE, LLC DBA WAREHOUSE NO. 4 AT 228 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87252 WHEREAS, Old Federal Place, LLC dba Warehouse No. 4 located at 228 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Lisa R. Froehlich be named manager;

WHEREAS, Lisa R. Froehlich 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 Lisa R. Froehlich be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND 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 second 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 second 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 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 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 second 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 second 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 second 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 second time.

PUBLIC HEARING - RESOLUTIONS

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 - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87253 WHEREAS, the Catholic Bishop of Lincoln, on behalf of Pius X High School, has requested a waiver of the surfacing requirements for a parking lot on property generally located at the northeast corner of Eldon Drive and A Street and legally described as:

Block 4, Eastridge 5th Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the City Council finds that:

a. The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution;

b. Alternate materials or techniques will be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c. The location of the parking lot is a sufficient distance from surrounding uses so that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the School as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the parking lot design standards requiring the paving of the parking lot for Pius X High School on property generally located at the northwest corner of Eldon Drive and A Street and legally described above is hereby temporarily waived, subject to revocation, pursuant to § 27.67.100(c) of the Lincoln Municipal Code, under the following conditions:

1. This approval waives the requirement to pave the temporary, 28-stall parking lot for two years from the date of approval of this Resolution and grants the Director Building and Safety the authority to approve a one-year extension if the project is under contract but additional time is needed.

2. The School shall cause to be prepared and submitted to the Planning Department a final plot plan along with five copies.

3. Before use of the parking lot all development and construction must substantially comply with the approved plans.

4. The terms, conditions, and requirements of this resolution shall run with the land and be binding on Pius X High School, its successors and assigns.

5. The City Clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefor to be paid in advance by the School.

Introduced by Lloyd Hinkley

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY EMISSIONS FEES FOR REGULATED AIR POLLUTANTS - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87254 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Proposed Tiered Air Pollution Emission Fees of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, to modify the emission fee structure to base increase in fees on amount of air pollution, are hereby approved.

The City Clerk is directed to return two (2) fully executed copies of this Resolution and Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by Lloyd Hinkley

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

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 - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87255 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$41,741.00 from said gross funds for the human services and allocate \$5,000.00 to the 2013 H.S. Emergency Fund for a total of \$46,741.00, as listed in Attachment "A" (Keno Prevention Fund Round 37) attached hereto and incorporated herein by reference.

REGULAR MEETING

March 11, 2013

Page 532

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

The designation of the \$41,741.00 from gross funds from the operation of keno lottery for the human services and the allocation of \$5,000.00 to the 2013 H.S. Emergency Fund for a total of \$46,741.00, as listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Lloyd Hinkley

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

ORDINANCE - 3RD 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. 44th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19848**, is recorded in Ordinance Book #28, Page .

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19849**, is recorded in Ordinance Book #28, Page .

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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 13-29 by accepting the attached Substitute Ordinance to replace the previously provided Bill No. 13-29.

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

CAMP Moved MTA #2 to amend Bill No. 13-29 by reducing the tax allocation bonds totaling \$2,248,347 by \$300,000 to a new maximum amount of \$1,948,347.

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

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 third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19850**, is recorded in Ordinance Book #28, Page .

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) - PRIOR to reading:

CAMP Moved to amend Bill No. 13R-54 to appropriate only \$1,948,347 in TIF funds for the P Street and Canopy Street Redevelopment Project.

The motion **DIED** for lack of a second.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87256 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86975 as Schedule No. 5; and

WHEREAS, Resolution No. A-86975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, a capital improvement project for the P Street and Canopy Street Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2012-2013; and

WHEREAS, the City desires to amend the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish a project for the P Street and Canopy Street Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the P Street and Canopy Street Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan and found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the P Street and Canopy Street Redevelopment Project for a new office building and associated site clearance, streetscape improvements, street improvements and utility removal within the Project Area, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86975 be amended by adding the P Street and Canopy Street Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$2.25 million from Tax Increment Financing for this P Street and Canopy Street Redevelopment Project.

Introduced by Jonathan Cook

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

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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 13R-55 by accepting the attached Substitute Attachment "A" West Haymarket Redevelopment Agreement (P Street and Canopy Street Project) to replace the previously provided Attachment "A" to Bill No. 13R-55.

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

CLERK Read the following amended resolution, introduced by Jonathan Cook, who moved its adoption:

A-87257 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached West Haymarket Redevelopment Agreement for P Street and Canopy Street Project, between the City of Lincoln, Nebraska, the West Haymarket Joint Public Agency and Project Oscar, LLC, relating to the redevelopment of 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 Streets, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Assistant City Attorney, for transmittal to the parties.

Introduced by Jonathan Cook

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

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) - PRIOR to reading:

REGULAR MEETING

March 11, 2013

Page 534

CARROLL Moved MTA #1 to amend Bill No. 13R-60 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 13R-60. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley; NAYS: None; ABSENT: Schimek.

CLERK Read the following amended resolution, introduced by Jonathan Cook, who moved its adoption:

A-87258 WHEREAS, the West Haymarket Joint Public Agency ("Agency") has been duly organized by the City of Lincoln, Nebraska (the "City") and the Board of Regents of the University of Nebraska ("the Regents") pursuant to the provisions of (a) the Joint Public Agency Act (Chapter 13, Article 25, Reissue Revised Statutes of Nebraska, as amended, herein referred to as the "Act") and (b) Joint Public Agency Agreement Creating the West Haymarket Joint Public Agency, dated as of April 1, 2010, between the City of Lincoln, Nebraska (the "City") and the Board of Regents of the University of Nebraska (the "Regents"), as amended and restated by the Amended and Restated Joint Public Agency Agreement of the West Haymarket Joint Public Agency, dated January 20, 2011 (collectively, the "JPA Agreement"), between the City and the Regents, and is validly existing as a joint public agency of the State of Nebraska (the "State"); and

WHEREAS, the Agency is organized (a) for purposes of constructing, equipping, furnishing and financing public facilities in the West Haymarket Redevelopment Area of the City including but not limited to (1) a sports/entertainment arena (the "Arena"), (2) roads, streets and sidewalks, (3) a pedestrian overpass, (4) public plaza space, (5) sanitary sewer mains, (6) water mains, (7) electric transmission lines, (8) drainage systems, (9) flood control, (10) parking garages and (11) surface parking lots (collectively, the "Facilities"), and (b) to (1) acquire land and to relocate existing business, and (2) undertake environmental remediation and site preparation as necessary and appropriate for the construction, equipping, furnishing and financing of the Facilities (collectively, as itemized on Exhibit A to the Facilities Agreement, dated September 8, 2010, between the City and the Agency, as the same may be amended from time to time, (the "Projects," and, individually, a "Project"); and

WHEREAS, the Agency has determined that, in order to provide funds to pay for the design and construction of two additional parking garages in the West Haymarket Redevelopment Area of the City designated as Decks 2 and 3 to support the parking needs of private development activity occurring within the West Haymarket Redevelopment Area, it is necessary for the Agency to issue its Parking Revenue Bonds in an amount not to exceed \$30 million; and

WHEREAS, Article VI of the JPA Agreement provides that the Agency shall not issue any bonds or other form of indebtedness without the question of whether the Agency should issue such bonds being first presented to and approved by the Mayor and City Council of the City of Lincoln; and

WHEREAS, the City Council finds that the Agency should issue its Parking Revenue Bonds in an amount not to exceed \$30 million to provide funds to pay the cost of the design and construction of parking garage Deck 2 and Deck 3.

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

The Agency is hereby authorized to take any and all action necessary to issue its Parking Revenue Bonds, in one or more series, in an aggregate principal amount not to exceed \$30 million, having such date of maturities, interest rates and redemption provisions as shall be determined by the Agency in the resolution of the Agency authorizing the issuance of the Parking Revenue Bonds.

Introduced by Jonathan Cook

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

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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 13-30 by accepting the attached Substitute Attachment "A" Transfer Property Agreement to replace the previously provided Attachment "A" to Bill No. 13-30.

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

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 third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19851**, is recorded in Ordinance Book #28, Page .

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19852**, is recorded in Ordinance Book #28, Page .

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) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87259 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86975 as Schedule No. 5; and

WHEREAS, Resolution No. A-86975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, a resolution was adopted by the City Council for the City of Lincoln, approving the 18th & Q Redevelopment Project as an approved project, Project M in the Antelope Valley Redevelopment Plan; and

WHEREAS, a capital improvement project for the 18th & Q Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2012-2013; and

WHEREAS, the City desires to amend the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish a project for the 18th & Q Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the 18th & Q Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of its review of an amendment to the Antelope Valley Redevelopment Plan to establish the 18th & Q Redevelopment Project as a project in said Plan; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the 18th & Q Redevelopment Project for a new residential building and parking garage and associated site clearance, streetscape improvements, street improvements and utility removal within the Project Area, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86975 be amended by adding the 18th & Q Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$4.5 million from Tax Increment Financing for this 18th & Q Redevelopment Project.

Introduced by Jonathan Cook

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

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) - PRIOR to reading:

REGULAR MEETING

March 11, 2013

Page 536

CARROLL Moved MTA #1 to amend Bill No. 13R-57 by accepting the attached Substitute Attachment "A" 18th and Q Redevelopment Agreement to replace the previously provided Attachment "A" to Bill No. 13R-57.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87260 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for 18th & Q, between the City of Lincoln, Nebraska and AF-18R-Lincoln, LLC, relating to the redevelopment of property generally bounded by R Street on the north, Q Street on the south, 18th Street on the west, and Antelope Valley Parkway on the east, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Assistant City Attorney, for transmittal to the parties.

Introduced by Jonathan Cook

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

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

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND TANYA A. PORTER AND DAMIAN A. PORTER FOR THE LEASE OF APPROXIMATELY 3,850 SQUARE FEET AT THE SOUTHWEST CORNER OF THE GROUND LEVEL OF THE CENTRUM PARKING GARAGE, GENERALLY LOCATED AT 1100 N STREET, FOR USE AS A DAY CARE FACILITY FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW THE LEASE FOR AN ADDITIONAL FIVE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Tanya A. Porter and Damian A. Porter for the lease of approximately 3,850 sq. ft. of space in the southwest corner of the ground level of the Centrum Parking Garage, generally located at 1100 N Street, for use as a day care facility, the first time.

AMENDING CHAPTER 4.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOSPITAL BOARD BY AMENDING SECTION 4.16.007 TO ESTABLISH A PROCEDURE FOR INVADING THE CORPUS OF THE FUND IN THE EVENT OF A PUBLIC HEALTH EMERGENCY; AMENDING SECTION 4.16.010 OF THE CODE TO CLARIFY THAT EX OFFICIO MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY HEALTH ENDOWMENT SHALL BE ENTITLED TO VOTE; REMOVING THE PROHIBITION THAT PREVENTS THE DIRECTOR OF AN ACUTE CARE HOSPITAL IN LINCOLN FROM SERVING ON THE BOARD OF TRUSTEES AND ADDING A PROHIBITION AGAINST ELECTED OFFICIALS SERVING ON THE BOARD OF TRUSTEES; AND PROVIDING THAT MEMBERS OTHER THAN EX OFFICIO MEMBERS MAY NOT SERVE MORE THAN TWO SUCCESSIVE TERMS ON THE BOARD OF TRUSTEES, EXCEPT FOR MEMBERS WHO ARE APPOINTED TO FILL A VACANCY ON THE BOARD; AMENDING SECTION 4.16.050 TO REMOVE LANGUAGE THAT WAS ONLY APPLICABLE TO THE ORIGINAL APPOINTMENT OF THE BOARD AT ITS INCEPTION; AND AMENDING 4.16.060 TO CHANGE THE TITLE OF THE EXECUTIVE DIRECTOR OF THE COMMUNITY HEALTH ENDOWMENT TO PRESIDENT/CEO - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 4.16 of the Lincoln Municipal Code relating to hospital board by amending Section 4.16.007 to establish a procedure for invading the corpus of the Fund in the event of a public health emergency; amending Section 4.16.010 of the Code to clarify that ex officio members of the Board of Trustees of the Community Health Endowment shall be entitled to vote; removing the prohibition that prevents the director of an acute care hospital in Lincoln from serving on the Board of Trustees and adding a prohibition against elected officials serving on the Board of Trustees; and providing that members other than ex officio members may not serve more than two successive terms on the Board of Trustees, except for members who are appointed to fill a vacancy on the Board; amending Section 4.16.050 to remove language that was only applicable to the original appointment of the Board at its inception; amending 4.16.060 to change the title of the executive director of the Community Health Endowment to President/CEO; and repealing Sections 4.16.007, 4.16.010, 4.16.050 and 4.16.060 as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

REAPPOINTING CATHERINE BEECHAM AND BERWYN JONES TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2016.

REAPPOINTING JON CAMP TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2014.

MISCELLANEOUS BUSINESS

HEARING DATE OF MONDAY, FEBRUARY 1, 2010, REQUESTED BY J. MICHAEL RIERDEN ON BEHALF OF LINCOLN FEDERAL SAVINGS BANK AND STONEBRIDGE CREEK LLC APPEALING FROM THE DETERMINATION OF IMPACT FEES IMPOSED ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 39, 45, 46, 47, 49, 50 IN SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST GENERALLY

REGULAR MEETING

March 11, 2013

Page 537

LOCATED BETWEEN CENTURION DRIVE AND NORTH 27TH STREET ALONG BOTH SIDES OF ALVO ROAD, LANCASTER COUNTY, NEBRASKA. (9/14/09 - PLACED ON PENDING, DATE CERTAIN TO HAVE P.H. ON 2/01/2010) (REQUEST TO PLACE ON INDEFINITE PENDING) (1/11/10 - PLACED ON INDEFINITE PENDING & TO HAVE P.H. WHEN REMOVED FROM PENDING) - PRIOR to reading:

CAMP Moved to Withdraw Item 42) per request of the applicant, Lincoln Federal Savings Bank and Stonebridge Creek, LLC.

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

The request, having been **WITHDRAWN**, was assigned the File #38-4632 & was placed on file in the Office of the City Clerk.

OPEN MICROPHONE - NONE

ADJOURNMENT 4:57 P.M.

CAMP Moved to adjourn the City Council meeting of March 11, 2013.

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

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

REGULAR MEETING
March 11, 2013
Page 538