

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 15, 2013 AT 3:00 P.M.**

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

CAMP Having been appointed to read the minutes of the City Council proceedings of July 01 , 2013 reported having done so, found same correct.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

**PUBLIC HEARING**

APPLICATION OF YIN FAMILY LLC DBA HIRO88 FOR A CLASS C LIQUOR LICENSE AT 601 R STREET, SUITE 100;

MANAGER APPLICATION OF MILTON YIN FOR YIN FAMILY LLC DBA HIRO88 AT 601 R STREET, SUITE 100;

APPLICATION OF YIN FAMILY LLC DBA HIRO88 FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 601 R STREET, SUITE 100 - Michael Huffer, Cassem, Tierney, Adams, Gotch, & Douglas law firm in Omaha Ne, 9290 West Dodge Rd. Suite 302, Omaha Ne 68114; Milton Yin, 307 S. 169th Cr., Omaha, Ne; Charles Yin, HIRO88, 1502 Jones St., Unit 305 , Omaha, Ne 68102; came forward to take oath and to answer questions.

Charles Yin, stated they are wanting to open a new restaurant, HIRO88 in the West Haymarket development area, a Pan Asian cuisine with Sushi and Chinese foods; if approved would love to provide alcoholic beverages. Currently owns 4 successful establishments in Omaha operating with liquor licenses. Discussion followed.

Tonya Peters, Assistant City Attorney, came forward to explain Entertainment Districts. The Entertainment District is already approved, Railyard Promotional Association manages the defined area of the entertainment district, involving the class E licenses, which is an additional add on to the operating Class C liquor licenses. What is coming before Council now are the individual liquor licenses for Class C, on and off sale of liquor. Entertainment district allows multiple licenses' to utilize and share the common outdoor space. Each business of interest will have both Class C liquor license and Class E entertainment license. Tonya Peters also discussed the SDL licenses and violations for the Entertainment District. Discussion followed.

This matter was taken under advisement.

APPLICATION OF OLD FEDERAL PLACE LLC DBA GRAND MANSE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 27 FEET BY 260 FEET TO THE NORTH OF THE LICENSED PREMISES AT 129 NORTH 10TH STREET ON AUGUST 31, SEPTEMBER 7, 14, 21; OCTOBER 5; NOVEMBER 2, 16, 29, 2013 FROM 8:00 A.M. TO 2:00 A.M - Lisa Froehlich; 129 N. 10<sup>th</sup> St.; Lincoln, Ne, came forward to discuss approval for a SDL license, regarding a public tailgate for all Nebraska home football games. Applied for full parameters of 8:00 a.m. to 2:00 a.m., allowing the ability to keep options open in regards to late home games. Discussion followed.

This matter was taken under advisement.

APPLICATION OF LINCOLN PUB GROUP DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 50 FEET BY 60 FEET TO THE NORTH OF THE LICENSED PREMISES AT 728 Q STREET ON AUGUST 31, SEPTEMBER 7, 14, 21; OCTOBER 5; NOVEMBER 2, 16, 29, 2013 FROM 8:00 A.M. TO 1:00 A.M - Todd J. Campfield; 6240 NW 2nd Cir Apt 245, Lincoln, Ne, 68521; General Manager of the N Zone, came forward to discuss approval for a SDL license, for all Nebraska home football games. Event will be held from 8:00 a.m. to 1:00 a.m. Discussion followed.

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 "A" BY CHANGING THE TITLE AND PAY RANGE OF THE CLASSIFICATION "LABOR SUPERVISOR II" TO "DISTRICT SUPERVISOR." - Doug McDaniel, Personnel Department, came forward to explain the item.

Council member Leirion Gaylor Baird inquired about the fiscal impact on the changes made. Mr. McDaniel stated there will be a payroll savings since the incumbent, Street Superintendent, will be retiring at a pay scale of A15, maxing out at \$77,000.00, this position will not be filled. Increasing the LABOR SUPERVISOR II positions from an A9 pay scale to a District Supervisor A12 pay scale, two positions are currently vacant waiting for the reorganization, one incumbent will realize a pay increase the two other vacancies will post in the future for hiring. The added expenses are around \$16,600.00.

Council Chair Eskridge inquired if this would be just one person having duties added.

Scott Opfer, Street and Traffic Operations, came forward to state that actually it would affect three. Three district shops are lead by a labor Supervisor II, currently there are two vacancies, which are waiting to be

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reallocated. The District Supervisors will be responsible for day-to-day oversight will be passed to the District Supervisor in their respective districts. Discussion followed.

This matter was taken under advisement.

ORDERING PAVING DISTRICT NO. 2631 CONSTRUCTED IN GLADSTONE STREET FROM 35<sup>TH</sup> TO 36<sup>TH</sup> STREETS AND IN 36<sup>TH</sup> STREET FROM GLADSTONE TO HARTLEY STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Tom Schaffer, Public Works, came forward to state this project was ordered created by the Council earlier. Once 51% of the frontage property owners had signed on, it then comes back for Council to order construction.

Mike Ayers, no address given, came forward to testify, in support.

This matter was taken under advisement.

APPROVING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND CONSULTANTS IN INFECTIOUS DISEASE LLC FOR MEDICAL CONSULTATION SERVICES FOR THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2016 - Judy Halstead, Lincoln Lancaster County Health Department, stated that this is a renewal of an agreement and that it is a 3 year term.

Council Chair Eskridge asked how long have we've been involved with this program; Halstead replied that this program has been going on for 30 years.

Council member Gaylor Baird inquired if there is a 3% increase every year or if that was typically the standard for this contract. Halstead replied that this contract has varied from 2% to 6%, and for the term of this multiple year agreement, it is the 3% increase.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1320 P LLC FOR A WALL EASEMENT AT 1320 P STREET IN CONJUNCTION WITH DEVELOPMENT OF CIVIC PLAZA, GRANTING OF A BUILDING RESTRICTION EASEMENT ALONG THE EASTERN BOUNDARY OF THE CIVIC PLAZA, AND PROVIDING AN OPTION FOR THE DEVELOPMENT AND OPERATION OF A SIDEWALK CAFÉ IN THE SOUTHEASTERN AREA OF THE CIVIC PLAZA - Chris Connolly, Assistant City Attorney, came forward and stated that the East side of this wall is in need of repair, especially on the north end. As part of the development of Civic Plaza, the city wanted to be able to control what happens in terms of the aesthetics, stability, and usefulness of the wall. For that reason, obtaining an easement for this wall is apart of the agreement. As apart of the discussions, a sidewalk café will be part of the development, along with a café cover and fencing around the designated area, allowing Bison Witches to operate a business in that location. City of Lincoln pays \$85,000 for the easement on the wall, said property owner pays \$26,000 for fixing up the wall. The cost for the café cover is also split as follows, said property owner pays \$50,000; however, if the cost exceeds the \$50,000 the City will pay only up to an additional \$15,000 dollars, anything else over the total amount of \$65,000, the property owner is responsible for. City's maximum exposure for total investment of this project is \$100,000. For the \$100,000 investment, the City gets control of the wall. The City will get ownership of that cover and is able to use that space as we see fit, in the event the contract with said property owner expires or not renewed, Bison Witches moves out, or a new business moves in and chooses not to use that space. In terms of the sidewalk café, the only difference between this sidewalk café and any other sidewalk cafés, is that this permit is extended for 5 years. The conditions for fees, costs, and rent still apply. Discussion followed.

Peter Katt, attorney for 1320 P LLC, came forward to discuss the benefits of having this space as an active public space. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, representing Watchdogs of Lincoln Government, came forward to raise concerns of the misuse of tax payers money that has already been spent on the development of P street and Civic Plaza.

Ken Gobber, no address given, came forward in favor of the development of the Civic Plaza and downtown public area; however, he is not in favor of the sidewalk café. Discussion followed.

Lynn Johnson, Parks and Recreation, came forward to address Council and responded to Ken Gobber's testimony. Johnson stated there will be another permanent shade structure where there will be tables and chairs available for the public. Also, available within the plaza will be other flexible seating with tables, chairs, umbrellas, as well as planters at seat height; estimated available seating is 90 seats. The intent of the space was designed in a way where it can be utilized to support a variety events and positive activities. Discussion followed.

This matter was taken under advisement.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

ASSESSMENT RESOLUTIONS FOR BOARD OF EQUALIZATION, GROUP I TO BE HELD MONDAY, JULY 29, 2013 AT 5:30 P.M. - CLERK read the resolutions, introduced by Camp, who moved their adoption.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; Nays: None; ABSENT: Emery.

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 575 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2013. THIS BEING THE 26TH CONSECUTIVE YEAR NO LEVY IS REQUIRED FOR THE COMING YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REAPPOINTING MARTHAELLEN FLORENCE TO THE LIBRARY BOARD FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2020 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87418 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Marthaellen Florence to the Library Board for a seven-year term expiring August 31, 2020, is hereby approved.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYES: None; ABSENT: Emery.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 24, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION A-87411 ADOPTED BY THE CITY COUNCIL ON JULY 1, 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:**

Change of Zone No. 13013 - Requested by Peter Katt, from H-2 Highway Business District to B-3 Commercial District, on property generally located at N. 48<sup>th</sup> Street and R street (366 N. 48<sup>th</sup> Street).

Special Permit No. 13024 - Requested by TMC0, for expansion of a nonconforming use, to adjust setback requirements on property generally located at S. 6<sup>th</sup> Street and J Street (535 J Street).

##### **PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 13013 approved by the Planning Director on June 28, 2013, requested by Center Associates, LLC, to extend the time for two years to install sidewalks and street trees for King Ridge Addition, Lots 3-8, on property located at N. 27<sup>th</sup> St. and Folkways Blvd. The improvements shall be completed by June 28, 2015.

Administrative Amendment No. 13027 approved by the Planning Director on July 1, 2013, requested by Village Gardens Development Co., to extend the time for two years to install the sidewalks along non-major streets, a pedestrian sidewalk, street trees along a non-major street, trees along an improved major street and for a landscape screen along Pine Lake Rd. for Village Gardens 1<sup>st</sup> Addition, on property generally located at S. 56<sup>th</sup> St. and Pine Lake Rd. The improvements shall be completed by July 1, 2015.

Administrative Amendment No. 13035 to Special Permit No. 1609, Paul VI Heights Community Unit Plan, approved by the Planning Director on July 1, 2013, requested by Progress for People LLC, to reduce the area of the community unit plan by removing the area west of N. 18<sup>th</sup> St.; realigning N. 18<sup>th</sup> St. and reducing the allowed density from 57 dwelling units to 37 dwelling units on property generally located at N. 18<sup>th</sup> St. and Superior St.

Administrative Amendment No. 13046 to the Sevenoaks Community Unit Plan, Special Permit No. 808A, approved by the Planning Director on July 2, 2013, requested by Darren Murray, to reduce a portion of the rear yard setback to 17 feet to include an existing structure attached to the main building, on property generally located at S. 30<sup>th</sup> St. and Raleigh St. (6109 S. 30<sup>th</sup> St.)

#### **MISCELLANEOUS REFERRALS - NONE**

#### **LIQUOR RESOLUTIONS**

APPLICATION OF YIN FAMILY LLC DBA HIRO88 FOR A CLASS C LIQUOR LICENSE AT 601 R STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87419 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 Yin Family LLC dba HIRO88 for a Class "C" liquor license at 601 R Street, Suite 100, Lincoln, Nebraska for the license period ending October 31, 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.

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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 Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

MANAGER APPLICATION OF MILTON YIN FOR YIN FAMILY LLC DBA HIRO88 AT 601 R STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87420 WHEREAS, Yin Family LLC DBA HIRO88 located at 601 R Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license and now request that Milton Yin be named manager;

WHEREAS, Milton Yin appears to be a fit and proper person for 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 Milton Yin 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 Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

APPLICATION OF YIN FAMILY LLC DBA HIRO88 FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 601 R STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87421 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That this after hearing duly had a required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of the Yin Family LLC DBA HIRO88 for the issuance of an Entertainment District License to the existing Class C liquor license, located at 601 R Street, Suite 100, Lincoln, Nebraska, be approved with the condition that the following conditions run with the term of the license and any renewal:

1. The Entertainment District License area includes one commons area located adjacent to the Canopy Lofts and Hobson/Hyatt Place Hotel, commonly known as the Courtyard, shown in Attachment "A" on the west side of Canopy Street. The map provided with the applicant's application is not correct.

2. In addition to the requirements of restrictions contained in Chapter 5.04 and 5.21 of the Lincoln, Municipal Code, the Entertainment District License is subject to the following requirements or restrictions:

a. The commons area and sidewalk café shall be designed, constructed, and operated as presented in Attachment "A" or as modified in compliance with Chapter 5.21.010.

b. The Entertainment District License shall be bound by the restrictions and agreements contained in Resolution No. A-87257 and A-87387.

c. The City Council retains the ability to amend, suspend, revoke, not renew the Railyard Promotional Associate's Entertainment District designation and permit subject to Chapter 5.21.030. Should the City Council amend, suspend, revoke, or decide not to renew the designation or permit, the applicant's Entertainment District License shall be automatically amended or expire as applicable.

3. The Entertainment District License manager 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.

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

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

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

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

APPLICATION OF BIG RED HOTEL II LLC DBA HILTON GARDEN INN HOTEL FOR A CLASS I LIQUOR LICENSE AT 801 R STREET;

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR BIG RED HOTEL II LLC DBA HILTON GARDEN INN HOTEL AT 801 R STREET - PRIOR to reading:

CAMP Moved to continue public hearing and action to 07/22/2013.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

APPLICATION OF OLD FEDERAL PLACE LLC DBA GRAND MANSE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 27 FEET BY 260 FEET TO THE NORTH OF THE LICENSED PREMISES AT 129 NORTH 10TH STREET ON AUGUST 31, SEPTEMBER 7, 14, 21; OCTOBER 5; NOVEMBER 2, 16, 29, 2013 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87422

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 Grand Manse for a Special Designated License to cover an area measuring approximately 27 feet by 260 feet immediately adjacent to its licensed premises located at 129 North 10<sup>th</sup> Street, Lincoln, Nebraska on August 31, September 7, 14, 21; October 5; November 2, 16, 29, 2013 between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Any food sold shall be provided by a incensed and inspected establishment.

Introduced by Jon Camp

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

APPLICATION OF LINCOLN PUB GROUP DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 50 FEET BY 60 FEET TO THE NORTH OF THE LICENSED PREMISES AT 728 Q STREET ON AUGUST 31, SEPTEMBER 7, 14, 21; OCTOBER 5; NOVEMBER 2, 16, 29, 2013 FROM 8:00 A.M. TO 1:00 A.M.- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87423

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 Pub Group, Inc. dba N Zone for a Special Designated License to cover an area measuring approximately 50 feet by 60 feet to the north of its licensed premises located at 728 Q Street, Lincoln, Nebraska on August 31, September 7, 14, 21; October 5; November 2, 16, 29, 2013 between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Any food sold shall be provided by a incensed and inspected establishment.

Introduced by Jon Camp

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird, Naves; None; ABSENT: Emery.

#### **ORDINANCES - 2<sup>ND</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 "A" BY CHANGING THE TITLE AND PAY RANGE OF THE CLASSIFICATION "LABOR SUPERVISOR II" TO "DISTRICT SUPERVISOR." - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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 amending Classification Code 5011 to create a new job classification "District Supervisor" by renaming the current Class Title "Labor Supervisor II" as "District Supervisor," revising the specifications for said classification as set forth on Attachment A, attached hereto, and amending the pay range of said classification from (A09) to (A12), the second time.

#### **PUBLIC HEARING - RESOLUTIONS**

ORDERING PAVING DISTRICT NO. 2631 CONSTRUCTED IN GLADSTONE STREET FROM 35TH TO 36TH STREETS AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87424

WHEREAS a majority petition has been submitted by the owners of record title of property located within Paving District No. 2631, being Gladstone from 35th Street to 36th Street and in 36th Street from Gladstone to Hartley Street, and said petitions have been approved and accepted by previous action of this City Council;

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

That streets in said district are hereby ordered paved, and the paving material in said paving district is hereby designated as asphaltic concrete or Portland cement concrete; and,

BE IT FURTHER RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Leirion Gaylor Baird

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; Nays: None; ABSENT: Emery.

APPROVING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND CONSULTANTS IN INFECTIOUS DISEASE LLC FOR MEDICAL CONSULTATION SERVICES FOR THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird who moved its adoption:

A87425

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

That the renewal of the Service Contract between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Consultants in Infectious Disease, LLC for medical consultation services for the Health Department for a term of July 1, 2013 through June 30, 2016, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to the Consultants in Infectious Disease, LLC.

Introduced by Leirion Gaylor Baird

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; Nays: None; ABSENT: Emery.

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1320 P LLC FOR A WALL EASEMENT AT 1320 P STREET IN CONJUNCTION WITH DEVELOPMENT OF CIVIC PLAZA, GRANTING OF A BUILDING RESTRICTION EASEMENT ALONG THE EASTERN BOUNDARY OF THE CIVIC PLAZA, AND PROVIDING AN OPTION FOR THE DEVELOPMENT AND OPERATION OF A SIDEWALK CAFÉ IN THE SOUTHEASTERN AREA OF THE CIVIC PLAZA. (RELATED ITEMS: 13-75, 13R-139) (7/1/13- Public Hearing cont'd with Action on 7/22/13)- CLERK Read an ordinance, introduced by Fellers, accepting and approving the Agreements between the City of Lincoln and 1320 P LLC for a wall easement at 1320 P Street in conjunction with development of Civic Plaza, granting of a building restriction easement along the eastern boundary of Civic Plaza, and providing an option for the development and operations of a sidewalk café in the southeastern area of Civic Plaza and authorizing the Mayor to sign such Agreement and related documents on behalf of the City, the third time.

AUTHORIZING THE ISSUANCE, SALE AND DELIVER OF ANTELOPE VILLAGE REDEVELOPMENT PROJECT TAX ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - PRIOR to reading:

FELLERS Moved to Amend Bill NO. 13-73 by accepting the attached Substitute Ordinance to replace the previously provided Ordinance.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

CLERK Read an ordinance, introduced by Fellers, 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 \$800,000 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 Antelope Village 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.

FELLERS Moved to pass the ordinance as amended.

Seconded by Christensen and carried by the following vote: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; Nays: None; ABSENT: Emery.

The ordinance, being numbered **#19891**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 5.04.165 OF THE LINCOLN MUNICIPAL CODE RELATING TO OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES BY ADDING A NEW SUBSECTION (C) TO CLASSIFY A VIOLATION OF THIS SECTION AS AN INFRACTION AND PRESCRIBING THE PENALTY FOR VIOLATION OF THAT SECTION CONSISTENT WITH STATE STATUTES - CLERK read an ordinance, introduced by Fellers, amending Section 5.04.165 of the Lincoln Municipal Code relating to open alcoholic beverage containers in motor vehicles by adding a new subsection (c) to classify a violation of this section as an infraction and prescribing the penalty for violation of that section, consistent with state statutes; and repealing Section 5.04.165 of the Lincoln Municipal Code as hitherto existing, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; Nays: None; ABSENT: Emery.

The ordinance, being numbered #19892, is recorded in Ordinance Book #28, Page .

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

APPROVING A LEASE AGREEMENT BETWEEN SOUTHEAST COMMUNITY COLLEGE AND THE CITY OF LINCOLN FOR THE LEASE BY THE CITY OF 3,965 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF ADULT AND DISLOCATED WORKER AND YOUTH WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 WITH OPTIONS TO RENEW FOR TWO ADDITIONAL FOUR YEAR TERMS. (REQUEST TO HAVE 2ND & 3RD READING ON 7/22/2013)- CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Southeast Community College for the lease by the City of 3,965 square feet of space at 1111 O Street for use by the Adult and Dislocated Worker and Youth Workforce Investment Act Services and the American Job Center, the first time.

ANNEXATION 13002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 24 ACRES GENERALLY LOCATED NORTHEAST OF SOUTH 27TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 13-79, 13-80)- CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 13011 - APPLICATION OF LINCOLN FEDERAL BANCORP, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 27TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 13-79, 13-80)- CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

TEXT AMENDMENT 13007 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO DEFINE AND REGULATE THE USE OF OUTLOTS BY AMENDING SECTION 27.02.160 TO ADD THE DEFINITION OF "OUTLOT"; AMENDING SECTION 27.69.030 TO PROVIDE SIGNS MAY BE ERECTED AND MAINTAINED ON AN OUTLOT; AND ADDING A NEW SECTION 27.70.070 TO ESTABLISH PERMITTED USES FOR AN OUTLOT - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code to define and regulate the use of outlots by amending Section 27.02.160 to add the definition of "outlot"; amending Section 27.69.030 to provide signs may be erected and maintained on an outlot; adding a new Section 27.70.070 to establish permitted uses for an outlot; and repealing sections 27.02.160 and 27.69.030 of the Lincoln Municipal Code as hitherto existing, the first time.

TEXT AMENDMENT 13009 - AMENDING CHAPTER 26.07 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION DEFINITIONS) BY AMENDING SECTION 26.07.135 TO REVISE THE DEFINITION OF "OUTLOT" - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 26.07 of the Lincoln Municipal Code (Land Subdivision Definitions) by amending Section 26.07.135 to revise the definition of "outlot"; and repealing Section 26.07.135 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING AMENDMENT NO. 1 TO THE WILDERNESS HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, RELATING TO THE ANNEXATION OF APPROXIMATELY 153 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD TO DEFINE THE PHASE I COMMERCIAL AREA OF WILDERNESS HEIGHTS, AND TO CLARIFY THE REQUIREMENTS FOR THE TIMING AND CONSTRUCTION OF SITE RELATED IMPROVEMENTS TO YANKEE HILL ROAD, SOUTH 40TH STREET AND HOHENSEE, AND ARTERIAL STREET IMPROVEMENTS TO SOUTH 40TH STREET TO ACCOMMODATE DEVELOPMENT IN THE PHASE I AND PHASE II COMMERCIAL AREAS. (RELATED ITEMS: 13R-158, 13-83) (ACTION DATE: 7/29/13).

CHANGE OF ZONE 07060A - APPLICATION OF WEST DODGE PLACE TO AMEND THE WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT TO ALLOW MOTORIZED VEHICLE SALES AND SERVICE, AND TO REZONE A PORTION OF THE PUD FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD TO R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 40TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 13R-158, 13-83) - CLERK read an ordinance, introduced by Jon Camp, amending the Wilderness Heights Planned Unit Development to rezone approximately 1.13 acres of the below

**REGULAR MEETING**

**July 15, 2013**

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described property from B-2 Planned Neighborhood Business District to R-3 Residential District and to remove said R-3 zoned land from the Planned Unit Development Overlay District, and to allow motor vehicle sales and service as a permitted use on property generally located on the southeast corner of South 40th Street and Yankee Hill Road and legally described as a portion of Lots 49 and 50, located in the Northwest Quarter of Section 29, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described by metes and bounds in Attachment "A" attached hereto, the first time.

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FACILITIES AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND THE WEST HAYMARKET JOINT PUBLIC AGENCY AND RELATED MATTERS - CLERK read an ordinance, introduced by Jon Camp, an ordinance of the City of Lincoln, Nebraska approving an amended and restated facilities agreement between the City and The West Haymarket Joint Public Agency, and related matters, the first time.

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

APPROVING THE AMENDED AND RESTATED BYLAWS OF THE NEBRASKA UTILITY CORPORATION (NUCORP) AND THE INTERLOCAL COOPERATION AGREEMENT IN ORDER TO IMPLEMENT THE FISCAL YEAR CHANGE OF NUCORP AND RELATED MATTERS.

APPROVING AND ADOPTING THE CHANGES IN THE RULES GOVERNING THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) ACCESS CHANNELS FOR LINCOLN, NEBRASKA, PROPOSED BY THE CABLE ADVISORY BOARD.

APPROVING A LPA PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE REPAIR OF THE 27TH AND FAIRFIELD & WEST O STREET BRIDGES OVER SALT CREEK (STATE PROJECT NO. LCLC-5231(15), CN 13247).

APPROVING THE SUB-RECIPIENT AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2011 METROPOLITAN MEDICAL RESPONSE SYSTEM IN THE AMOUNT OF \$281,693.00 FOR THE AWARD PERIOD OF 9/23/2011 THROUGH 1/31/2014.

APPROVING THE ISSUANCE BY THE WEST HAYMARKET JOINT PUBLIC AGENCY OF NOT TO EXCEED \$10,000,000 OF ITS REVENUE PROMISSORY NOTES AND RELATED MATTERS.

APPOINTING MATTHEW HANSEN TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016.

REAPPOINTING MARK E. WESTPHALEN TO THE POLICE & FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2018.

REAPPOINTING ANDREW CAMPBELL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2016.

APPROVING THE UNIT PRICE CONTRACT BETWEEN THE CITY OF LINCOLN AND OMAHA PNEUMATIC EQUIPMENT COMPANY FOR PARTS AND SERVICE FOR QUINCY AIR COMPRESSOR FOR STARTRAN, PURSUANT TO QUOTE NO. 4300, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPROVING THE APPROPRIATION OF \$100,000 OF PREVIOUSLY-APPROPRIATED KENO FUNDS TO THE CIVIC PLAZA CAPITAL IMPROVEMENT PROJECT FOR COSTS ASSOCIATED WITH THE DEVELOPMENT OF THE AREA LOCATED AT 1320 P STREET.

CREATING THE PINNACLE BANK ARENA ADVISORY COMMITTEE CONSISTING OF SEVEN VOLUNTEER APPOINTED MEMBERS.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2013.

USE PERMIT 152A - APPLICATION OF VERMAAS LAND CO., LLC TO AMEND THE EXISTING USE PERMIT TO ALLOW A REDUCTION IN THE FRONT YARD SETBACK ALONG HIGHWAY 2 FOR ADDITIONAL PARKING, ON PROPERTY GENERALLY LOCATED AT SOUTH 13TH STREET AND HIGHWAY 2.

SPECIAL PERMIT 13022 - APPEAL OF SCOTT A. TOOL FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL TO DEVELOP JOSHUA'S GLEN COMMUNITY UNIT PLAN FOR 90 LOTS WITH A MAXIMUM ALLOWED DENSITY OF 156 DWELLING UNITS, TOGETHER WITH A REQUEST TO WAIVE/MODIFY THE LAND SUBDIVISION AND ZONING CODE REQUIREMENTS TO (1) ADJUST THE MINIMUM AVERAGE LOT WIDTH; (2) ADJUST MINIMUM LOT AREA; AND (3) ADJUST THE FRONT AND REAR SETBACKS, ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND SHADOW PINES DRIVE.

APPROVING THE CITY OF LINCOLN, NEBRASKA STARTRAN TITLE VI REPORT TO THE FEDERAL TRANSIT ADMINISTRATION.

REPEALING RESOLUTION NO. A-41236 ADOPTED JUNE 4, 1956, AS AMENDED BY RESOLUTION NO. A-65580, WHICH CREATED THE AUDITORIUM ADVISORY COMMITTEE.



MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE - NO ONE CAME FORWARD

ADJOURNMENT 4:12 P.M.

CAMP Moved to adjourn the City Council meeting of July 15, 2013.  
Seconded by Christensen & carried by the following vote: AYES: Camp,  
Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

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Teresa J. Meier, City Clerk

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Soulinnee Mychackavane, Office Specialist

