

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 22, 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, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

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**

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of July 15, 2013 reported having done so, found same correct.

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

**PUBLIC HEARING**

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 - Tim O'Neill, 800 Lincoln Square, 121 S. 13<sup>th</sup> St., came forward to take the oath and answer questions. The owners are from Lincoln and the hotel will be locally managed. Mr. Klimpel, the manager applicant, has experience managing other local establishments. There will be a banquet area and a restaurant. The 30-seat bar is intended to serve hotel guests.

This matter was taken under advisement.

APPLICATION OF YARD INVESTMENTS DBA GATE 25 FOR A CLASS C LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 140;

MANAGER APPLICATION OF BRANDON J. AKERT FOR YARD INVESTMENTS DBA GATE 25 AT 300 CANOPY STREET, SUITE 140;

APPLICATION OF YARD INVESTMENTS DBA GATE 25 FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 140 - Brandon Akert, General Manager of Gate 25, came forward to take the oath and answer questions. The concept of Gate 25 is a modern American bar and restaurant, focused on shared plates. Yard Investments is aware of all responsibilities with regard to the entertainment district and sidewalk café. Discussion followed.

Tonya Peters, Assistant City Attorney, came forward to answer Council questions regarding the criminal histories of the multiple partners of this establishment. Many of these partners do not reside in Lincoln and will not be involved in the day-to-day operations of Gate 25. Discussion followed.

This matter was taken under advisement.

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 2<sup>ND</sup> & 3<sup>RD</sup> READING ON 7/22/2013) - David Landis, Director of Urban Development, came forward to state that One Stop is a collaborative arrangement among partners to deliver employment services. It is currently located within the Gold's Building, along with the State Department of Labor. There is a provision in the lease that allows the City to be relieved of its contractual obligations as a tenant if the State Department of Labor leaves the location, which they are doing October 1, 2013. The City has the opportunity to continue to occupy a location very near the Department of Labor in a space within Southeast Community College, Energy Square. This move would decrease the amount of space rented from over 13,000 square feet to 3,965 square feet and would reduce annual payments from \$174,000 to \$47,000. These numbers more accurately reflect the needs of this program. The move also allows continuance of the relationship with the Department of Labor, which enhances the service One Stop is able to provide to the community. Discussion followed.

Carol Swigart, Lincoln Workforce Investment Board, came forward to state that since the Board heard of this move in March, two public meetings have been held. Tours and visiting sessions were conducted with partners. The guiding principles of the Workforce Investment Board are linking education, workforce development and economic development. The location at Southeast Community College is a perfect fit. The vote was unanimous to go ahead with this site selection. The aggressive timeline is to facilitate the a seamless transition for clients using the employment services.

JoAnne Picolo, CEO of Goodwill Industries, came forward to state that Goodwill Job Connection currently operates within the center as a voluntary partner, meaning it is outreach programming that was selected by the Board of Directors. This site selection is advantageous because it puts many of the 4,000 individuals served on a college campus, a place many thought they would never be.

This matter was taken under advisement.

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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);

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) - Pam Dingman, Engineering Design Consultants, 1021 D St., came forward on behalf of the applicant to state that this annexation is for the continuation of Wilderness Hills. All of the lots plotted will be in conformance with the previously approved preliminary plat.

This matter was taken under advisement.

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. (RELATED ITEMS: 13-81, 13-82);

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". (RELATED ITEMS: 13-81, 13-82) - Marvin Krout, Director of Planning, came forward to state that this item will add the definition for "outlot" to the Zoning Ordinance. An outlot is traditionally used to designate land generally used for open or recreational space as part of an overall development or subdivision. One type of outlot reserves land for future development. The other type is held for permanent open space and is likely to have buildings or subdivision signs included. An issue emerged recently within County jurisdiction in which the unclear definition of "outlot" caused confusion as to whether or not outbuildings were allowed. This will clear up any potential future confusion. Discussion followed.

This matter was taken under advisement.

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) - Tom Huston, 233 S. 13<sup>th</sup> St., Ste. 1900, came forward on behalf of West Dodge Place, LLC, an affiliate of Performance Auto Group. The process before Council involves amending the existing Wilderness Heights PUD to allow motorized vehicle sales and services. West Dodge Place is seeking to construct a 40,000 square foot Lexus dealership, with two 10,000 square foot service buildings. The surrounding areas are not yet developed. Planning Commission voted in unanimous support of this application. Discussion followed.

Mickey Anderson, President of Performance Auto Group, was on hand to answer questions.

Mark Palmer, Project Engineer, Olsson Associates, was on hand to answer questions.

This matter was taken under advisement.

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 - Rick Peo, Chief Assistant City Attorney, came forward to state that under the facilities agreement that was entered into in the past, the City was to act as the primary agent. That is not the way it worked out. The JPA Board wanted to be involved in the process and took adequate control of negotiations and contracts. This created an open, transparent and effective process. Prior to the creation of the Arena, the City elected to issue \$25 million in City bonds. It is now desirable to transfer the money over to the JPA to utilize for construction of the Arena project. In consideration of this transfer, the City will receive title to streets, roads, and utilities in West Haymarket, which have a \$25 million value. The funds can only be used for the Arena project. This has been reviewed by the Law Department and the Finance Department and both comfortable with the terms and conditions.

This matter was taken under advisement.

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 - Mike Rogers, Gilmore & Bell, came forward to state that NUCORP provides heating, cooling and electrical services to the University of Nebraska, Lincoln. This resolution will change the fiscal year end of NUCORP to correspond with that of the Board of Regents for convenience and ease of operation between the two entities.

This matter was taken under advisement.

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 - Steve Huggenberger, Assistant City Attorney, came forward to state the Cable Advisory Board has an obligation to regularly review the access rules and make suggestions and changes. Most of the changes reflect changing technology and how the facilities are being used as a result. Some substantive changes include making Health and Wellness programming part of the objectives of education and government access, making educational access available to any school instead of only to non-profit schools, and allowing for information about Pinnacle Bank Arena events to be placed via text only informational messages. Discussion followed.

Anne Teget, Vice President of Government Relations for Time Warner Cable, came forward to state that mandatory hours of operation will change to better accommodate public access users and to provide more flexibility for staff. Changes in Chapter 3 now allow information about events connected with the Visitor's Bureau, Pershing Center, the Arena, or any other government owned facility to be broadcast. Time Warner Cable believes all content should remain non-commercial. Discussion followed.

Jamie Wentz, Programming Manager for Public Access, was on hand to answer questions.

Mr. Huggenberger returned to answer Council questions.

Shelley Jaquez, 6700 S. 59<sup>th</sup> St. Cir., came forward to request clarification about rules regarding information that schools may broadcast.

This matter was taken under advisement.

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) - Roger Figard, Public Works Department, came forward to state this is a routine agreement with NDOR to allow the City to follow the process that would secure Federal funds for use in the repair of these bridges. The City is trying to do more preventative maintenance. Discussion followed.

This matter was taken under advisement.

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 - Steve Hubka, Director of Finance, came forward to state the City had a line of credit that allowed for promissory notes with US Bank in the amount \$40 million. Only \$2 million was used prior to the issuance of the JPA Bonds. This follow up action is important to ensure that the JPA has adequate cash flow prior to the issuance of the remaining \$55 million in long-term debt as the Arena nears completion. It will allow for that short-term borrowing with US Bank. The more detailed borrowing documents appear on the JPA Agenda for July 26. Additional goals are to make sure that the timing of long-term borrowing is not unduly rushed in any way and that the City has time to properly analyze private activity issues and whether to issue taxable or nontaxable bonds.

Mike Rogers, Gilmore & Bell, was on hand to answer questions.

Scott Keene, Ameritas Investment Corp., was on hand to answer questions.

This matter was taken under advisement.

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 - Suzanne Siemer, Assistant Purchasing Agent, was on hand to answer Council questions.

This matter was taken under advisement.

CREATING THE PINNACLE BANK ARENA ADVISORY COMMITTEE CONSISTING OF SEVEN VOLUNTEER APPOINTED MEMBERS (RELATED ITEMS: 13R-153, 13R-160);

REPEALING RESOLUTION NO. A-41236 ADOPTED JUNE 4, 1956, AS AMENDED BY RESOLUTION NO. A-65580, WHICH CREATED THE AUDITORIUM ADVISORY COMMITTEE. (RELATED ITEMS: 13R-153, 13R-160) - Steve Hubka, Director of Finance, came forward to state there is value in having a Citizen's Advisory Committee and it is a valuable thing to keep in place.

Tom Lorenz, General Manager of Pinnacle Bank Arena, came forward to state that there is great interaction with the Citizen's Board. They provide great feedback, look over financial information, and provide a good sense of how the community is feeling. Mr. Lorenz introduced several members of the Committee who were present. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2013 - Rod Confer, City Attorney, came forward to answer Council questions regarding LES claims. Appeals of those claims would best be made at an LES Board meeting since LES has their own legal counsel who retains more detailed records about those cases.

This matter was taken under advisement.

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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 - Mike Eckert, Civil Design Group, came forward on behalf of Vermaas Land Co. This property is near the Post Office on 13<sup>th</sup> Street. The parking on this site is being reconfigured to allow for more square footage. It includes a waiver of setback and requires Council approval. Discussion followed.  
This matter was taken under advisement.

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 - Mike Eckert, Civil Design Group, came forward to state this is the eighteenth iteration of this plan. There were many factors to consider, including the floodplain and Beal Slough, the railroad, future widening of 56<sup>th</sup> Street, existence or lack of future development in adjacent areas, and avoiding use of private roadways. The connectivity will eventually come to this area as it develops, and it is not uncommon for development to occur in advance of the connections. Discussion followed.

Rick Peo, Chief Assistant City Attorney, came forward to state that this procedure is called a appeal, but it is really a request for City Council to take final action on the application. The action of Planning is just a recommendation of approval at this stage.

Scott Tool, 5615 Shadow Pines Dr., came forward to ask Council to reject the approval of this development as it is currently platted because it will have a negative impact on quality of life and property values due to increased traffic flow. The Access Management Policy is easy to apply to a blank slate, but it seems in this case the City is following rules blindly without taking into consideration the specific challenges of the existing development. Arterial access should be provided to 56<sup>th</sup> Street. Discussion followed.

Roger Wells, 5825 Shadow Ln., came forward in opposition to this resolution. The road is not adequate for the amount of stacking of traffic. He has experienced 12 minute waits at the existing intersection so additional traffic is a major concern.

Ray Bossung, 5734 Shadow Pines Ct., came forward in opposition to this ordinance. Shadow Pines is more secluded from major arterials than many other developments and there is no guarantee of when future development will occur.

Donald Bright, 5750 Shadow Pines Ct., came forward in opposition to this resolution. Development will create a parking problem. There is concern that too many residential units will be platted in too small a space.

Shelley Jaquez, 6700 S. 59<sup>th</sup> St. Cir., came forward in opposition to this resolution. There is no guarantee that other access points will be created in the future.

Vera Salmon, 5725 Shadow Ln., came forward in opposition to this resolution. Many of the proposed roads are located on the land to the north which is owned by the family with no intention of developing.

Roger Figard, Public Works, came forward to answer Council questions.

Marvin Krout, Directory of Planning, came forward to answer Council questions.

Mike Eckert, Civil Design Group, returned for rebuttal.

Rick Peo, Chief Assistant City Attorney, returned to answer Council questions.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN, NEBRASKA STARTRAN TITLE VI REPORT TO THE FEDERAL TRANSIT ADMINISTRATION - Brian Praeuner, StarTran division of Public Works, came forward to state that as a recipient of FTA funding, StarTran must comply with Title VI requirements. This includes submitting a report outlining exactly how this compliance is achieved and includes information detailing the provision of public notice, notice informing citizens of their rights under Title VI, instruction for filing complaints, outreach to minority and limited English proficient citizens, a racial breakdown of the Advisory Board, and a description of efforts made to encourage participation of minorities on StarTran boards, among other things.

Mike Davis, StarTran Transit Manager, came before Council to introduce himself.

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. (RELATED ITEMS: 13-75, 13R-139) (7/1/13- Public Hearing cont'd with Action on 7/22/13);

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 - Peter Katt, attorney for 1320 P, LLC, came forward to state the café cover portion of the project is not as time sensitive since the structure will not be constructed until after the Plaza is completed. \$50,000 is a reasonable estimate of total costs for the cover, including materials and installation, but an exact figure will not be calculated until the design is finalized and approved by Building and Safety. 1320 P, LLC

made the commitment to invest in the project at some risk because the cover will provide benefit to this property, the Plaza and the City. Discussion followed.

Bill Schmeeckle, President of the Downtown Lincoln Association Board, came forward to state in June of this year a letter was sent to the City Council in support of this agreement. From a social perspective, DLA has always been a strong proponent of the Civic Plaza. It will be a location where residents can meet and mingle.

Terry Uland, Executive Director of Downtown Lincoln Association, came forward to state this project will provide a critical active edge, as well as much needed shade to the Civic Plaza.

Chris Connolly, Assistant City Attorney, was on hand to answer questions. This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87426 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the Nebraska Emergency Management Agency and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$281,693.00, for the 2011 Metropolitan Medical Response System for the Lincoln-Lancaster County Health Department for the award period of September 23, 2011 through January 1, 2014, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Judy Halstead, Director of the Lincoln-Lancaster County Health Department.

Introduced by Jon Camp

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

APPOINTING MATTHEW HANSEN TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87427 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Matthew Hansen to the Cable Advisory Board for a term expiring July 1, 2016 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING MARK E. WESTPHALEN TO THE POLICE & FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2018 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87428 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Mark E. Westphalen to the Police and Fire Pension Plan Investment Board for a term expiring September 1, 2018 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING ANDREW CAMPBELL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2016 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87429 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Andrew Campbell to the Community Forestry Advisory Board for a term expiring August 17, 2016 is hereby approved.

Introduced by Jon Camp

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION, GROUP I TO BE HELD MONDAY, JULY 29, 2013 AT 5:30 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF Y.A.M.S. DBA JOYSTICKS ARCADE BAR FOR A CLASS C WITH CATERING LIQUOR LICENSE LOCATED AT 350 CANOPY STREET, SUITE 230 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87430 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555

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S. 10th St., Lincoln, NE for the application of Y.A.M.S., Inc. dba Joysticks Arcade Bar for a Class C with Catering liquor license located at 350 Canopy Street, Suite 230.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF Y.A.M.S. DBA JOYSTICKS ARCADE BAR FOR A CLASS E LIQUOR LICENSE LOCATED AT 350 CANOPY STREET, SUITE 230 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87431 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Y.A.M.S., Inc. dba Joysticks Arcade Bar for a Class E liquor license located at 350 Canopy Street, Suite 230.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ASTRA VEGA, LLC DBA VEGA FOR A CLASS C LIQUOR LICENSE LOCATED AT 300 CANOPY STREET, SUITE 220 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87432 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Astra Vega, LLC dba Vega for a Class C liquor license located at 300 Canopy Street, Suite 220.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ASTRA VEGA, LLC DBA VEGA FOR A CLASS E LIQUOR LICENSE LOCATED AT 300 CANOPY STREET, SUITE 220 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87433 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Astra Vega, LLC dba Vega for a Class E liquor license located at 300 Canopy Street, Suite 220.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF BW & R CANOPY, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS E LIQUOR LICENSE LOCATED AT 350 CANOPY STREET, SUITE 200 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87434 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of BW & R Canopy LLC dba Buffalo Wings & Rings for a Class E liquor license located at 350 Canopy Street, Suite 200.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF PEACE A PIE, LLC DBA MELLOW MUSHROOM FOR A CLASS E LIQUOR LICENSE LOCATED AT 601 R STREET, SUITE 110 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87435 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Peace a Pie, LLC dba Mellow Mushroom for a Class E liquor license located at 601 R Street, Suite 110.

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

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 5, 2013 AT 3:00 P.M. FOR THE APPLICATION OF BSR INC. DBA THE OFFICE FOR A CLASS C WITH CATERING LIQUOR LICENSE LOCATED AT 640 W. PROSPECTOR CT - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87436 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 5, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of BSR Inc. dba The Office for a Class C with Catering liquor license located at 640 W. Prospector Court.

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

Introduced by Roy Christensen

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

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 08017B - Requested by Adam oot, for extension of time for excavation of soil, on property generally located 1/2 mile north of the intersection of Bluff Road and U.S. Highway 77.

Special Permit No. 12027A - Requested by Zipline Brewing Co., to expand the licensed premises to include an outdoor seating area for the consumption of alcoholic beverages on the premises, on property generally located at S. Coddington Avenue and Magnum Circle (2100 Magnum Circle, Suite 1).

Special Permit No. 13017 - Requested by Prairie Homes Builders, Inc., Stone Creek Community Unit Plan, for approximately 38 dwelling units, with waiver requests to modify setbacks, reduce lot width and lot area requirements, waive sidewalks and reduce cul-de-sac pavement radius, on property generally located at S. 82nd Street and Old Cheney Road.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13043 to Special Permit No. 808A, Sevenoaks Community Unit Plan, approved by the Planning Director on July 9, 2013, requested by Malibu Sunrooms, to reduce the rear yard setback on 6231 S. 32<sup>nd</sup> court from 26 feet to 20 feet for the addition of a sun room, on property generally located at S. 32<sup>nd</sup> Court and Raleigh St.

Administrative Amendment No. 13019 approved by the Planning Director on July 11, 2013, requested by the Church of Jesus Christ of Latter-Day Saints, to extend the time for 2 years to install sidewalks and street trees on Telluride Drive and Telluride Circle; and to extend the time for 2 years to install street trees and 3 months to install the sidewalk on Fletcher Avenue. These waivers only apply to Lot 32, North Creek 7<sup>th</sup> Addition. The improvements shall be completed by July 11, 2015, except for the sidewalk on Fletcher Ave. Property is located on the southeast corner of Telluride Dr. and Fletcher Ave.

Administrative Amendment No. 13039 to Use Permit No. 117C, Horizon Business Center, approved by the Planning Director on July 11, 2013, requested by Olsson Associates, to increase the square footage on Lots 32 and 33, create a new Lot 38 and revise the ot layout of all lots, on property generally located at S. 14<sup>th</sup> St. and Infinity Court.

Administrative Amendment No. 13044 to Use Permit No. 56F, approved by the Planning Director on July 11, 2013, requested by Olsson Associates, to revise the site layout for Building E and the Land Use Table, on property generally located at N. 27<sup>th</sup> St. and Cornhusker Hwy.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF BIG RED HOTEL II LLC DBA HILTON GARDEN INN HOTEL FOR A CLASS I LIQUOR LICENSE AT 801 R STREET. (7/15/13 - PUBLIC HEARING & ACTION DELAYED 1 WEEK TO 7/22/13) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87437 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 Big Red Hotel II LLC dba Hilton Garden Inn Hotel for a Class "I" liquor license at 801 R Street, Lincoln, Nebraska, for the license period ending April 30, 2014, 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR BIG RED HOTEL II LLC DBA HILTON GARDEN INN HOTEL AT 801 R STREET. (7/15/13 - PUBLIC HEARING & ACTION DELAYED 1 WEEK TO 7/22/13) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87438 WHEREAS, Big Red Hotel II LLC dba Hilton Garden Inn Hotel located at 801 R Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John E. Klimpel be named manager;

WHEREAS, John E. Klimpel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John E. Klimpel 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF YARD INVESTMENTS DBA GATE 25 FOR A CLASS C LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 140 - PRIOR to reading:

CAMP Moved to Amend the application of Yard Investments dba Gate 25 for a Class C liquor license by adding the following language:

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

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers; NAYS: Gaylor Baird.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87439 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 Yard Investments dba Gate 25 for a Class "C" liquor license at 300 Canopy Street, Suite 140, 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.

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

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

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF BRANDON J. AKERT FOR YARD INVESTMENTS DBA GATE 25 AT 300 CANOPY STREET, SUITE 140 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87440 WHEREAS, Yard Investments dba Gate 25 located at 300 Canopy Street, Suite 140, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Brandon J. Akert be named manager;

WHEREAS, Brandon J. Akert 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 Brandon J. Akert 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 Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird.

APPLICATION OF YARD INVESTMENTS DBA GATE 25 FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 140 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87441 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 ordinance, the City Council recommends that the application of Yard Investments dba Gate 25 for the issuance of an Entertainment District License to the existing Class C liquor license, located at 300 Canopy Street, Suite 140, 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 on the east side of Canopy Street, commonly known as the Railyard, shown in Attachment "A".

2. In addition to the requirements or 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, or 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 Cook and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

#### ORDINANCES - 2<sup>ND</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)- PRIOR to reading:

GAYLOR BAIRD Moved to Suspend Council Rules to have 3<sup>rd</sup> Reading with Action on this date.

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: Camp.

EMERY Moved MTA #1 to amend the Lease Agreement attached to Bill No. 13-78 as Attachment A to substitute the attached page amending Section 13.5.

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

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 second & third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19893**, is recorded in ordinance book #28, Page .

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 second 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

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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 second 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 second 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 second 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 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 second 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 second time.

**PUBLIC HEARING - RESOLUTIONS**

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87442 A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA APPROVING THE FISCAL YEAR CHANGE OF NEBRASKA UTILITY CORPORATION; AND RELATED MATTERS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. Findings and Determinations. The City Council (the "Council") of The City of Lincoln, Nebraska (the "City") hereby finds and determines as follows:

(a) Nebraska Utility Corporation (the "Corporation") is a Nebraska nonprofit corporation duly organized under and pursuant to (1) the laws of the State of Nebraska (the "State"), including, without limitation, (i) the Nebraska Nonprofit Corporation Act (Chapter 21, Article 19, Reissue Revised Statutes of Nebraska, as amended), and (ii) the Interlocal Cooperation Act (Chapter 13, Article 8, Reissue Revised Statutes of Nebraska, as amended), and (2) an Interlocal Cooperation Agreement dated May 17, 2001 (the "Interlocal Agreement") between the City acting for and on behalf of Lincoln Electric System ("LES") and The Board of Regents of the University of Nebraska (the "Regents") for the purpose of providing for purchasing, leasing, constructing and financing facilities and acquiring services in order to furnish energy requirements, utility and infrastructure facilities and related energy, utility and infrastructure services to the City and the Regents and to such other persons and entities as the City and the Regents may be authorized by law to undertake.

(b) Section VI (A) of the Interlocal Agreement provides that the Corporation shall operate on a fiscal year from January 1 to December 31 and Section 5 of Article III of the Corporation's Bylaws, dated as of May 30, 2001 (the "Bylaws"), requires a report of the audit to be submitted to each party to the Interlocal Agreement not later than May 1st immediately following such audit(s).

(c) On April 18, 2013, the Board of Directors of the Corporation (the "Corporation Board") approved a resolution authorizing the Corporation to solicit the approval by the Regents and the City of the change to the Corporation's fiscal year from January 1 to December 31 of each year to July 1 of a year to June 30 of the following year, to align the Corporation's fiscal year with the fiscal year of the Regents.

(d) For ease and efficiency of administration of the Corporation, the City, on behalf of LES, deems it desirable and in the best interests of the City to approve an Amendment to the Interlocal Agreement to reflect a fiscal year beginning July 1 of a year to June 30 of the following year, to align the Corporation's fiscal year with the fiscal year of the Regents.

(e) In order to effect the change of fiscal year as provided herein, the Corporation anticipates that its next financial statements will consist of an 18-month period beginning January 1, 2013 through June 30, 2014, followed by 12-month periods ending each June 30, beginning June 30, 2015.

(f) It is advisable to allow the approval of one or more interim periods in with respect to the Corporation's budget and financial statements in connection with such change in fiscal year.

(g) In order to provide for the Corporation's audit to be submitted to the City and the Regents in a timely manner, if the Corporation's fiscal year will end on June 30 of each year, the City deems it desirable and in the best interests of the City to approve the Amended and Restated Bylaws of the Corporation to provide that the Corporation's report of the audit must be provided to each party to the Interlocal Agreement not later than November 1st immediately following such audit(s).

(h) Any amendment to the Bylaws or the Interlocal Agreement must be approved by the City and the Regents to become effective.

(i) On June 7, 2013, the Regents approved the proposed amendments to the Bylaws and the Interlocal Agreement.

Section 2. Approval of NU Corp Fiscal Year Change. The City, on behalf of LES, hereby approves:

(a) The Amended and Restated Bylaws of the Corporation attached hereto as Exhibit A; and

(b) The Amendment to Interlocal Cooperation Agreement attached hereto as Exhibit B (the "Amendment").

Section 3. Further Authority. The President of the Corporation is hereby authorized to approve one or more interim financial periods as the President of the Corporation determines necessary or appropriate for the Corporation's budget, financial statements and other matters. The appropriate staff and officers of the City are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Resolution. The City further authorizes and directs the execution and delivery of the Amendment substantially in the form presented by the Mayor, and directs such officer to finalize and execute the same, but with such changes as such officer shall approve (whose signature thereon shall constitute conclusive evidence of such approval).

Section 4. Effective Date. This resolution shall take effect and be in force from and after its passage and publication according to law.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87443 WHEREAS, the City Council has indicated through its franchise with Time Warner Cable that access rules shall be promulgated by the Cable Advisory Board; and

WHEREAS, the Lincoln Municipal Code § 5.16.510 provides that the Cable Advisory Board shall review and assist in the drafting of such access rules; and

WHEREAS, the Cable Advisory Board has previously drafted and enacted access rules which have been approved by the City Council, has reviewed such rules and has recommended the changes contained in the attached set of access rules for the Lincoln community.

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

That the Rules Governing the Access Channel, recommended by the Lincoln Cable Advisory Board, a copy of which is attached hereto, are approved and that the Cable Advisory Board is directed to implement such rules.

BE IT FURTHER RESOLVED, that Resolution A-82059 and the rules promulgated thereunder are hereby superseded.

Introduced by Jon Camp

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

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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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87444 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached LPA Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction and construction engineering of the repair of the 27th and Fairfield & West O Street bridges over Salt Creek, Project No. LCLC-5231(15), CN 13247, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87445 A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA APPROVING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 PRINCIPAL AMOUNT WEST HAYMARKET JOINT PUBLIC AGENCY GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2013; AND RELATED MATTERS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. Findings and Determinations. The City Council (the "Council") of the City of Lincoln, Nebraska (the "City") hereby finds and determines as follows:

(a) The Council has heretofore approved the creation of the West Haymarket Joint Public Agency (the "Agency") pursuant to the Joint Public Agency Agreement Creating the West Haymarket Joint Public Agency, dated as of April 1, 2010, as amended by the Amended and Restated Joint Public Agency Agreement of the West Haymarket Joint Public Agency, dated as of January 10, 2011, (together, the "JPA Agreement") executed and delivered by the City and The Board of Regents of the University of Nebraska (the "Regents") in accordance with the Nebraska Joint Public Agency Act (Chapter 13, Article 23, Reissue Revised Statutes of Nebraska, as amended, the "Act").

(b) The Agency has been formed for the purpose of (1) constructing, equipping, furnishing and financing public facilities in the West Haymarket area of the City, including but not limited to, (A) a sports/entertainment arena (the "Arena"), (B) roads, streets and sidewalks, (C) a pedestrian overpass, (D) public plaza space, (E) sanitary sewer mains, (F) water mains, (G) electric transmission lines, (H) drainage systems, (I) flood control, (J) parking garages and (K) surface parking lots (collectively, the "Facilities"), and (2) to (A) acquire land and to relocate existing businesses, and (B) undertake environmental remediation and site preparation as necessary and appropriate for the construction, equipping, furnishing and financing of the Facilities (collectively, the "Projects," and, individually, a "Project"), (3) issue bonds or other evidences of indebtedness to finance the same (the "Agency Obligations"), (4) providing for the operation, maintenance and management of the Arena and related facilities, (5) collecting revenues, rents, receipts, fees, payments and other income related to the Arena, (6) levying a tax, as required and as provided by the Act and the JPA Agreement to pay the principal or redemption price of and interest on the Agency Obligations, when and as the same shall become due; and (7) exercising any power, privilege or authority to provide for the acquisition, construction, equipping, furnishing, financing and owning such capital improvements or other projects upon or related to any of the Projects as shall be determined by the governing body of the Agency to be necessary, desirable, advisable or in the best interests of any of the Participants in the manner and as provided by the Act.

(c) The Agency has determined that it is necessary, desirable, advisable and in the best interest of the Agency and the City to issue its General Obligation Promissory Notes in a principal amount not to exceed \$10,000,000 (the "Promissory Notes") for the purpose of (1) financing certain costs of the Projects and (2) paying the costs of issuing the Promissory Notes.

(d) 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 or indebtedness being first presented to, and approved by, the Mayor and Council of the City."

Section 2. Approval of Issuance of Agency Obligations. The issuance of the Promissory Notes in an aggregate principal amount not to exceed \$10,000,000, such Promissory Notes having such additional designation (if any), principal maturities, interest rates and redemption provisions as shall be determined by the Finance Director of the City as the chief financial officer of the Agency in accordance with the terms and conditions specified in the resolution of the Agency authorizing the issuance of the Promissory Notes is hereby ratified, confirmed and approved.

Section 3. Further Authority. The appropriate staff and officers of the City are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as be deemed necessary or

desirable in their discretion in order to carry out or comply with the terms and provisions of this Resolution.

Section 4. Effective Date. This resolution shall take effect and be in force from and after its passage and publication according to law.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87446 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Omaha Pneumatic Equipment Company, for unit pricing of 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, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

CREATING THE PINNACLE BANK ARENA ADVISORY COMMITTEE CONSISTING OF SEVEN VOLUNTEER APPOINTED MEMBERS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87447 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. There is hereby created the Pinnacle Bank Arena Advisory Committee ("PBAAC") which shall consist of seven members. At the first council meeting in September, 2013, the Mayor shall appoint, with the approval of the City Council, seven electors of the City who shall constitute the PBAAC.

2. Initially, two members appointed shall hold office for a term of two years, two members for a term of three years, and three members for a term of four years.

3. No member shall serve more than two consecutive terms.

4. At the expiration of such initial terms, subsequent appointments, excepting appointments to fill vacancies, shall be made at the first council meeting in August for a term of four years.

5. Vacancies on the PBAAC shall be filled by the Mayor by appointment for the unexpired term.

6. The PBAAC shall designate annually from its membership its Chairperson and Vice-Chairperson at its first meeting in September.

7. The PBAAC shall conduct its operations to coincide with the City of Lincoln's fiscal year which shall commence on September 1 of each year.

8. It shall be the duty of the PBAAC to study and make recommendations to the Mayor with respect to the following matters in connection with Pinnacle Bank Arena:

a) The general management and operation of said arena to insure its successful operation;

b) Review operations contracts and pricing to ensure the financial goals of the JPA and the City of Lincoln are met;

c) Review the upkeep and maintenance needs for the arena building and grounds, its furniture, fixtures and equipment;

d) Serve as the Pinnacle Bank Arena's public liaison with constituent groups and the City Council as needed;

e) Learn the business model and attend events as needed.

9. The City's Finance Director and a representative of the Mayor's office shall serve as Ex-Officio members of the PBAAC.

10. All members of the PBAAC shall serve without pay and shall have no authority to bind the City of Lincoln, or the West Haymarket Joint Public Agency in any manner. Any member may be removed from the committee by the Mayor and City Council at will.

Introduced by Jon Camp

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

REPEALING RESOLUTION NO. A-41236 ADOPTED JUNE 4, 1956, AS AMENDED BY RESOLUTION NO. A-65580, WHICH CREATED THE AUDITORIUM ADVISORY COMMITTEE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87448 WHEREAS, the Auditorium Advisory Committee was created by Resolution No. A 42136, adopted June 4, 1956, as later amended by Resolution No. A-65580, for the purpose of advising the City Council concerning management and operation of Pershing Municipal Auditorium; and

WHEREAS, the City has constructed the Pinnacle Bank Arena, which shall provide a more modern and convenient venue for matters and events that were formerly conducted or performed at Pershing Municipal Auditorium; and

WHEREAS, the City has determined to cease operation of Pershing Municipal Auditorium.

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

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That Resolution No. A 42136, as amended by Resolution No. A-65580, is hereby repealed, and the Auditorium Advisory Committee is hereby disbanded.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:  
A-87449 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated July 1, 2013, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Amanda K. Feser	\$ 59.50	Christopher Howard	\$ 50,000.00
Michael Rohm	200,000.00	Allied Insurance a/s/o	
		Larry Miller	\$ 12,672.41
<u>L.E.S. Claims:</u>		Leona Stevens	2,603.55
Nationwide Insurance a/s/o		Richard & Susan Busker	1,636.64
Tepantla Corp. d/b/a Mazatlan	2,355.31	Terri Magwire	200.00
Chad Essink	200.00	Tim Houlihan	1,761.35
James Hershberger	450.00	Nationwide Insurance a/s/o	
Paul T. Moeller	1,498.00	Phillip Dake	6,314.64
First Plymouth Church	8,206.96	Thomas Klement Otto	1,113.00
Trumbull Services o/b/o General		Farm Bureau a/s/o John Scheer	3,140.33
Casualty a/s/o Leah White	2,590.25	Debra Daharsh o/b/o	
		Garrett A. Daharsh	125,000.00
		<u>L.E.S. Claims:</u>	
		Praxis Consulting o/b/o Homesite	
		Group a/s/o Patrick Campbell	479.00
		Todd Burklund	500.00
		Ken & Arlys Reitan	293.24
		Teresa Johnson	32.00
		Sheridan Place Condo Association	4,512.77
		Visionscapes	466.00
		VerMaas Companies	7,357.78

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87450 WHEREAS, VerMaas Land Co., LLC has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 152A to amend the use permit for Pioneers Pointe Plaza to reduce the front yard setback along Highway 2 for additional parking, on property generally located at South 13th Street and Highway 2, legally described as follows:

All of Outlot A and Lot 1 of Pioneers Pointe Plaza 1st Addition and all of Lots 1-6 and Lot 8 of Pioneers Pointe Plaza Addition, located in the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the use permit for a parking lot will not be adversely affected; and

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

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

That the application of VerMaas Land Co., LLC, hereinafter referred to as "Permittee", to reduce the front yard setback along Highway 2 for additional parking, be and the same is hereby granted under the provisions of Section 27.64.010(h) of the Lincoln Municipal Code upon condition that construction and operation of said parking area be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the front yard setback from 20 feet to 6 feet along Highway 2 as shown on the site plan.

2. Before receiving building permits or before a final plat is approved, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies with all required revisions and documents showing a minimum of 100% screen of a vertical plane from 0 to 3 feet for the parking lot adjacent to Highway 2.

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

4. All privately-owned improvements, including landscaping are to be permanently maintained by the Permittee or an appropriately established association approved by the City.

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

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.

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

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jon Camp

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

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 - PRIOR to reading:

CAMP Moved to Delay Action on Bill No. 13R-156 one week to July 29, 2013.

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

APPROVING THE CITY OF LINCOLN, NEBRASKA STARTRAN TITLE VI REPORT TO THE FEDERAL TRANSIT ADMINISTRATION - PRIOR to reading:

CAMP Moved MTA #1 to Amend Bill No. 13R-157 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 13R-157.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87451 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Title VI Report dated July 2013 prepared by Public Works and Utilities - StarTran in response to the Federal Transit Administration requirements set forth in Circular C4072.1B, is hereby accepted and approved.

Introduced by Jon Camp

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

### ORDINANCE - 3<sup>RD</sup> READING & RESOLUTIONS - FOR PUBLIC HEARING & ACTION

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 Trent 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.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19894**, is recorded in Ordinance Book #28, Page .

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. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87452 A Resolution (1) amending the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (adopted by and attached to Resolution No. A-86975 as Schedule 5 to establish development of the Civic Plaza (an approved project in the Lincoln Center Redevelopment Plan to install a public assembly space and amenities at 13th and P Streets) as a capital improvement project within the adopted Capital Improvement Program; and transferring and establishing appropriations for said capital improvement project.

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

1. That the implementation of the Lincoln Center Redevelopment Plan, 12th Street Revitalization Area Project, Phase I - 11th/13th Street Core Area Sub-Project, to install a public assembly area and amenities ("Civic Plaza") within the Project Area, is hereby established and added to the Urban Development Department's list of capital improvement projects in the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (adopted by and attached to Resolution No. A-86975 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget which transfers Keno Fund appropriations in the amount of \$51,334.00 from 09250.5621 (Keno/Parks/Misc. Contr.) and \$35,000.00 from 09250.9220 (Keno/Parks/Operating Transfer Out) to project 413332.6138 (Civic Plaza/Park Improvements). This also increases appropriations in 09250.9237 (Keno/Parks/CIP Transfer) to transfer the cash to the project. These funds have accumulated from utilizing other funding sources for contractual fund raising. In addition, \$13,666.00 of Parks Department collected, but unappropriated Keno Revenues are appropriated to project 413332.6138 (Civic Plaza/Park Improvements). This also increases appropriations in 09250.9237 (Keno/Parks/CIP Transfer) to transfer the cash to the project.

Introduced by Jon Camp

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #19895, is recorded in Ordinance Book #28, Page .

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

STREET NAME CHANGE 13006 - RENAMING A PORTION OF HILLTOP ROAD AS "NORTH HILL ROAD" LOCATED BETWEEN NORTH HILL ROAD AND FOLKWAYS BOULEVARD, GENERALLY LOCATED AT NORTH 27TH STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Roy Christensen, changing the name of a portion of Hilltop Road located between North Hill Road and Folkways Boulevard, generally located at North 27<sup>th</sup> Street and Folkways Boulevard, to North Hill Road, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 13013 - APPLICATION OF ARMSTRONG PROPERTIES FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT 366 NORTH 48TH STREET - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

APPROVING AMENDMENT NO. 2 TO THE HOME VISITING SERVICES CONTRACT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH LIFESPAN HEALTH SERVICES UNIT FOR NEBRASKA MATERNAL INFANT EARLY CHILDHOOD HOME VISITING, TO EXTEND THE TERM BY AN ADDITIONAL FOUR MONTH PERIOD AND TO INCREASE THE FUNDING OF THE PROGRAM FOR THE EXTENDED TERM.

APPROVING THE NEBRASKA PUBLIC HEALTH LABORATORY AGREEMENT FOR LABORATORY SERVICES BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, ON BEHALF OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLEGE OF MEDICINE, D/B/A NEBRASKA PUBLIC HEALTH LABORATORY FOR LABORATORY TESTING SERVICES FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2015.



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IDENTIFYING AND DECLARING AN AREA WITHIN THE WEST HAYMARKET/DOWNTOWN AREA AS THE WEST HAYMARKET/DOWNTOWN BUSINESS AREA; APPROVING THE MAYOR'S APPOINTMENT OF MEMBERS TO THE WEST HAYMARKET/DOWNTOWN BUSINESS IMPROVEMENT BOARD; AND DIRECTING THE BOARD TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR THE ESTABLISHMENT OF A PLAN FOR IMPROVEMENTS IN THE WEST HAYMARKET/DOWNTOWN BUSINESS AREA.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2013.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 6:41 P.M.**

CAMP Moved to adjourn the City Council meeting of July 22, 2013.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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Teresa J. Meier, City Clerk

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Amy Hana Huffman, Office Specialist

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