

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD  
MONDAY, JANUARY 13, 2014 AT 3:00 P.M.**

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Roy Christensen, Jonathan Cook, Doug Emery, Carl Eskridge, Trent Fellers, Leirion Gaylor Baird.

Council Chair Eskridge announced that a copy of the Open Meeting 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.

**ELECTION OF CHAIRPERSON**

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

ESKRIDGE Took the Chair and proceeded with the reading of the procedures to be followed during Public Hearing on matters presented to the Board.

**PUBLIC HEARING**

SEWER DISTRICT #1187 - ALMIRA LANE - Kris Humphrey, Public Works and Utilities, came forward to state this is the assessment for the Sewer District in the 6700 block of Almira Lane, which is located in the southwest corner at approximately 70<sup>th</sup> and Highway 2. The 8 inch sewer line was constructed during the summer of 2013 for four different properties and it was assessed at the maximum rate of \$34 per front foot.

Terry Williams, 6701 Almira Ln., came forward to state that he participated in the petition process for this district. When he received the notice for today's meeting, it did not come with any other information, such as the break down of costs. Based on his understanding of information he received at the start of this project about a maximum dollar amount that could be applied, the assessment is higher than expected. He requests more time to gather information and to resolve this discrepancy.

Thomas Shafer, Public Works and Utilities, came forward to state that there is a maximum of \$34 per front foot, but there is not a maximum total amount. That has been a long standing policy, so even if there was a misunderstanding, delaying will not change the result. Only the Board of Equalization could change the policy. Discussion followed.

Don Taute, Law Department, came forward to state the interest rate would be subject to the rate set at the time of creation. As was pointed out, delaying will not clarify things any more, but it would be fair to provide explanation to Mr. Williams. Discussion followed.

This matter was taken under advisement.

SIDEWALK DISTRICT 96 - THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVE.; ON THE EAST BY 84TH STREET; ON THE SOUTH BY PINE LAKE ROAD; AND ON THE WEST BY NW 49TH STEET - Harry Kroos, Public Works and Utilities, came forward to state this sidewalk district that was created by Ordinance Number 19268 on October 3, 2011. Most of the work occurred in 2012.

This matter was taken under advisement.

**VOTING SESSION**

SEWER DISTRICT #1187 - ALMIRA LANE.

CAMP Moved to delay Sewer District #1187 two weeks to January 27, 2014.  
Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SIDEWALK DISTRICT 96 - THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVE.; ON THE EAST BY 84TH STREET; ON THE SOUTH BY PINE LAKE ROAD; AND ON THE WEST BY NW 49TH STEET.

CAMP Moved approval of Sidewalk District 96.  
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 188**

**ADJOURNMENT**

CAMP            Moved to adjourn the Board of Equalization Meeting.  
                  Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery,  
                  Eskridge, Fellers, Gaylor Baird; NAYS: None.

**3:24 P.M.**

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 13, 2014 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of January 06, 2014, reported having done so, found same correct.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler came forward to present the Award of Excellence for December, 2013 to Damon Wirth, firefighter and paramedic with Lincoln Fire and Rescue, in the categories of Customer Relations and Productivity. Damon came to the department with a wealth of knowledge and experience and now acts as a Paramedic Instructor and Canine Search Specialist. Additionally, he is trained in procedures that are only used in rare, life threatening emergencies for which only the best receive training. In 2008, he volunteered to join Search and Rescue. When a search dog was donated to the Task Force, Damon was selected to be handler. After four years of training, his dog, George, is now fully accredited. They are inseparable and ready to deploy at a moment's notice in case of a local or national disaster. He now coordinates all dog training, often on his own time. Because of his efforts, the Task Force canine search dogs are some of the best in country.

Fire Captain John Huff came forward to state for the record that Mr. Wirth was nominated by Fire Captain Dustin Morton. Damon is the type of person the Department would like to have more of. Everything he does is excellent and he deserves this award.

Damon came forward to introduce his family and humbly accept his award. He expressed how much the award means to him and that the citizens of Lincoln should know that this is one of the best fire departments with the best working dogs in the country.

**PUBLIC HEARING**

CLERK Requested a motion to set the hearing date of Monday, January 27, 2014 at 5:30 p.m. to consider the Application of TDP Phase Two, LLC dba Hyatt Place Lincoln Haymarket for a Class C & Class E Liquor License at 600 Q Street.

CHRISTENSEN So moved.

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

(See Resolution under "COUNCIL ACTION")

MANAGER APPLICATION OF SAVANNA CARMAN FOR TRIPLE D LLC DBA DINO'S EASTSIDE GRILLE AT 2901 S. 84TH ST., SUITE L - Savanna Carman, 431 N. Coddington, came forward to take the oath and answer questions. She stated Dino's Eastside Grille has been open 7 years and she has one year of experience there.

This matter was taken under advisement.

APPLICATION OF CEREUS SNOWBIRDS, LLC DBA BODEGA'S ALLEY FOR A CLASS C LIQUOR LICENSE AT 1418 O STREET;

MANAGER APPLICATION OF RYAN C. DETLEFSEN FOR CEREUS SNOWBIRDS, LLC DBA BODEGA'S ALLEY 1418 O STREET - Ryan C. Detlefsen, 811 S. 38<sup>th</sup> St. Ct., came forward to take the oath and answer questions. Bodega's has been open since 1996. Mr. Detlefsen worked for Cliff's for 10 years, and they have now taken over Bodega's.

This matter was taken under advisement.

CREATING A MAINTENANCE BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROXIMATELY K STREET ON THE SOUTH, NORTH TO N STREET AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DRIVE TO APPROXIMATELY 9TH AND 10TH STREETS, THENCE SOUTH TO R STREET, THENCE

WEST TO 7TH STREET, THENCE SOUTH TO O STREET, THENCE EAST TO 8TH STREET, THENCE SOUTH TO THE ALLEY SOUTH OF N STREET, THENCE WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION, TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT (WHM MAINTENANCE BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT;

CREATING A MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING WORK AND IMPROVEMENT PROGRAMS WITHIN THE AREA ROUGHLY BOUNDED BY PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 10TH STREET ON THE EAST, AND Q, R AND N STREETS ON THE SOUTH TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT (WHM MANAGEMENT BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT;

CREATING A CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING WORK AND IMPROVEMENT PROGRAMS WITHIN THE AREA GENERALLY BOUNDED BY PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 8TH AND NORTH 9TH STREETS ON THE EAST, AND O AND N STREETS ON THE SOUTH, TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT (WHM CORE BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - David Landis, Director of Urban Development, came forward to state this is the third of three required steps in the creation of these Business Improvement Districts (BIDs), which will expand the boundaries of the existing downtown BIDs into the West Haymarket. These Districts help to cover costs of and manage activities like trash removal, graffiti control, recycling, landscaping, decorations and promotion, that the City might otherwise exclusively pay for and oversee. Under this arrangement, the City pays approximately half of the maintenance costs, and no management or promotion costs. Discussion followed.

John Kay, 6048 Old Farm Cir., came forward as Chairman of the BID Board to state that the Board was comprised of eleven members representing various business and property interests within the West Haymarket area. The purpose of their Board was to prepare recommendations. All issues were systematically worked through in a comprehensive and thoughtful way over the course of four meetings held over a six week period.

Mike Tavlin, 340 Victory Lane, came forward as Chief Financial Officer for Speedway Motors, in support of the BIDs. This proposed expansion will include several Speedway properties. Despite the financial impact, maintaining the properties is a matter of fairness and guests will enjoy all of the benefits.

Will Scott, 440 N. 8<sup>th</sup> St., came forward representing WRK, LLC in support of the creation of the BIDs.

Scott Richardson, 6533 Pheasant Run Pl., came forward as President of Lincoln Haymarket Development Corporation in support of these items.

This matter was taken under advisement.

AMENDING SECTION 2.76.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO LEAVES OF ABSENCE WITHOUT PAY TO INCLUDE PROVISIONS FOR A TEMPORARY LOSS OF FUNDING - Doug McDaniel, Director of Human Resources Department, came forward to state that there are several Federally funded positions throughout the City. During the Federal Government furlough last fall, the City lost funding and moved forward by reducing work force because there was no language to provided for leaves of absence without pay. This language will allow for leave for up to ninety days, which is expected to be a sufficient amount of time. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS X, M AND E BY CHANGING THE CLASS TITLES OF PERSONNEL CLERK, PERSONNEL COORDINATOR AND PERSONNEL OPERATIONS SPECIALIST TO HUMAN RESOURCES CLERK, HUMAN RESOURCES COORDINATOR AND HUMAN RESOURCES OPERATIONS SPECIALIST;

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER N TO DELETE THE CLASSIFICATION OF FIRE AIR TECHNICIAN;

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE F (IAFF) TO ADD THE CLASSIFICATION OF FIRE AIR TECHNICIAN - Doug McDaniel, Director of Human Resources, came forward to state Bill No. 14-5 is a technical action to change job titles with "Personnel" to "Human Resources" to match the department name change. This will have no fiscal impact. The next items make adjustments to the Fire Air Technician classification, a position which was approved and hired. There was no market data specific to this position, so comparable positions were used to make determinations. The Fire Union asked for the clarification in the F Range. There is no fiscal impact and this falls under the civilian benefit plan, not the Police and Fire Pension.

This matter was taken under

CHANGE OF ZONE 13026 – APPLICATION OF HOPPE BROTHERS, LLC FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT S. 21ST ST. AND N ST. FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL AND COMMERCIAL USES, WITH MODIFICATIONS TO THE DESIGN STANDARDS, ZONING ORDINANCE, AND LAND SUBDIVISION ORDINANCE - Tom Huston, 233 S. 13<sup>th</sup> St., Ste. 1900, came forward to state this is the land use component for this project. This is an unusual, high density, urban project designed for people who live and work downtown, so it will not be dominated by automobiles. It was decided that green space would add more value than traditional sidewalk, so a contrasting pedestrian walkway will be added as part of the roadway. This concept that will work well here. Discussion followed.

Fred Hoppe, 1600 Stony Hill Rd., was available to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 13027 – APPLICATION OF LINCOLN PARKS AND RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO P PUBLIC USE DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE MUNY BUILDING, GENERALLY LOCATED AT 23RD AND N STS., AS A LANDMARK - Ed Zimmer, Planning Department, came forward to state the Historical Society has an interest in the long-term use of this building, especially as the surrounding area is under development. In 1921, this public building was used as a pool house. It is currently used by the Parks and Recreation Department and is in very good condition. Included in the preservation standards is an exception to indicate that if the City ever transfers ownership of this building to another party, the Historical Society will be consulted. Discussion followed.

This matter was taken under advisement.

AMENDING TITLE 28 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 28.03, REGULATIONS FOR POST CONSTRUCTION STORMWATER MANAGEMENT  
AMENDING THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL BY REPLACING CHAPTER 8 WITH NEW PROVISIONS FOR THE PURPOSES OF PROVIDING REQUIREMENTS AND CRITERIA TO MANAGE WATER QUALITY FROM RAINFALL AMOUNTS TO DIMINISH ADVERSE IMPACTS TO HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF LINCOLN - Miki Esposito, Director of Public Works, came forward to state that in accordance with National Pollutant Discharge Elimination System (NPDES) management policies, the City must adopt local post-construction control standards. In the past, best management practices included moving stormwater away from developments quickly. Now the emphasis is on slowing the water down while moving it, so it has time to filter through soil to help with water quality and to avoid sedimentation problems. This recommendation allows for a two year sunrise provision so that over that period of time, analysis and discussion can occur regarding its impacts on stakeholders. Discussion followed.

Wilbur Dasenbrock, 1449 Meadow Dale Dr., came forward to state that good water management practices are a benefit to public health, and these provisions are good for the City.

Mike Eckert, Civil Design Group, came forward to thank Public Works for making adjustments to consider impacts since these requirements will add another cost for developers that will ultimately be passed on to buyers. It is important to make sure these controls focused on post-construction practices are targeting problem areas since they will come at a cost.

Brad Hulse, Realtors Association of Lincoln, came forward to state that there are questions and concerns regarding unintended long-term consequences of these provisions, such as maintenance and repair responsibilities falling upon individual homeowners who are without a neighborhood association. Discussion followed.

Lorrie Bensen, Clean Water Task Force, came forward to state that the Task Force is comprised of a diverse group of stakeholders representing varied interests. The hope of facilitators is to have an open process, with plenty of time and options for all ideas to be captured.

Miki Esposito returned for rebuttal. She stated that the concerns represented are legitimate since this is an unfunded mandate which will impact stakeholders and the City. There is a requirement that developers submit a maintenance plan at the time of development. Another option is the ability to opt into a program where the City takes on inspection and maintenance responsibilities. This would be funded by an annual permit fee. Drainage ponds are an example of an existing working model for a similar scenario. Discussion followed.

**4:40 P.M.**

Council Chair Eskridge paused Public Hearing for a moment to recognize and welcome Linda Major, Assistant Vice Chancellor at the University of Nebraska, Lincoln, and a delegation of accomplished young adults from South Africa, Angola, Mozambique and Zimbabwe, who are visiting Nebraska and the United States to learn about the government.

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 192**

**4:42 P.M.**

Ben Higgins, Public Works Department, came forward to state that estimated inspection costs will be \$150 per year, and the City would be willing to take that on. Maintenance is figured at an amount between 2% and 10% of actual construction cost. There are areas in Lincoln who have worked together to create accepted types of water management solutions, and the results are beautiful, usable riparian areas that are actually less expensive to maintain. Surrounding cities and states all have these water quality ordinances. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA FOR DEVELOPMENT OF ONLINE FOOD HANDLER TRAINING PROGRAMS;

APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN OFFICE OF ONLINE AND DISTANCE EDUCATION TO PROVIDE THE ONLINE PORTAL FOR ONLINE FOOD HANDLER AND CITY ALCOHOL SERVER/SELLER TRAINING PROGRAMS AND THE ASSOCIATED TECHNICAL SUPPORT - Judy Halstead, Director of Health Department, came forward to state these are renewal agreements with the University. The second agreement is relatively new and is related to newer alcohol regulations. The items have been separated because they are through two separate University offices. Each is for \$15,000.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE CITY OF WAVERLY, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF WAVERLY;

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE VILLAGE OF MALCOLM, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MALCOLM;

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE CITY OF HICKMAN, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF HICKMAN;

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE VILLAGE OF FIRTH, NEBRASKA FOR HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE VILLAGE OF FIRTH - Judy Halstead, Director of Health Department, came forward to state that it has taken a long time to update these interlocal agreements, the oldest of which dates back to 1973. Part of the Health Department's duties as a combined County and City Department is to provide services to surrounding areas outside of Lincoln. These agreements do not allocate any additional funds.

This matter was taken under advisement.

APPROVING SMALL TOWN BAR INC. DBA ROADHOUSE BAR & GRILL AS A KENO SATELLITE SITE AT 1501 CENTER PARK RD - Katrina Coffee, Vice President of Marketing for Big Red Keno, came forward with Tim Roland of Roadhouse Bar and Grill to state that this establishment already has Keno and this is merely an ownership change.

This matter was taken under advisement.

AMENDING THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT AGREEMENT TO EXPAND THE PHASE I PROJECT AREA TO ACCOMMODATE CONSTRUCTION OF A NEW GREENHOUSE COMPLEX - David Landis, Director of Urban Development, came forward to state the change in boundaries is to accommodate the footprint of the \$13.3 million structure that will house a 16,000 square foot, state of the art greenhouse. This is a highly technical structure with a lot of commercial interest.

Josh Berger, Tetrad Property Group, LLC, came forward to state progress at Innovation Campus is moving along faster than anticipated. The Department of Food Science does not have need for these world-class greenhouses, so they have moved to another building. The scope of this project is slightly larger than originally anticipated, and the area was originally intended to be a parking garage, but it is on the south side, where it receives the most sunlight.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN PUBLIC SCHOOLS TO ALLOW THE USE OF LPS FACILITIES FOR EMERGENCY MASS CLINIC OPERATIONS - Judy Halstead, Director of Health Department, came forward to state this agreement with Lincoln Public Schools is to use LPS facilities in the event of an emergency. It outlines liability, supplies to be kept on hand at locations, and there are no dollars attached and it.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES FOR PRINTING SERVICES AND SUBSEQUENT MAILING SERVICES FOR A TWO YEAR TERM - Vince Mejor, Purchasing Agent, came forward to state that the State changed the way they operate. In order for them to give the City a price, they require this agreement. There are no monies involved.

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE 17TH/A, 17TH/D AND 17TH/WASHINGTON TRAFFIC SIGNAL REPLACEMENTS. (STATE PROJECT NO. LCLC-5227(8), CN 13261);

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE A STREET/ REGENCY SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5220(5), CN 13262);

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 48TH/CALVERT AND 56TH/CALVERT SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5239(10), CN 13260);

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 48TH/HWY. 2 SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5239(9), CN 13253) - Thomas Schaffer, Public Works and Utilities, came forward to state that this is the first step in the process for updating signals that have reached the end of their working lives. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO ALLOW FOR A JOINT CRACK SEALING CONTRACT ON S. 70TH ST. FROM ROKEBY RD. TO YANKEE HILL RD - Thomas Schaffer, Public Works and Utilities, came forward to state that a section of 70<sup>th</sup> Street that is being improved by the County is within City boundaries. They asked if the City would like to make repairs at the same time.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR RELOCATION OF EXISTING WATERLINE FACILITIES RELATED TO IMPROVEMENTS AT THE INTERSECTION OF U.S. HWY. 6 (W. O ST.) AND S.W. 40TH ST. (PROJECT NO. HSIP-6-6(161), CN 13093) - Thomas Schaffer, Public Works and Utilities, came forward to state this is a Nebraska Department of Roads safety project. The design they have chosen requires the City to relocate a water main.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND WATERSHED INVESTMENT CONSULTANTS, INC. TO PROVIDE INVESTMENT CONSULTING SERVICES REGARDING THE POLICE AND FIRE PENSION FOR A THREE YEAR TERM EXPIRING DECEMBER 31, 2016 - Doug McDaniel, Director of Human Resources, came forward to state the Request for Proposal Committee received twelve respondents and ultimately accepted the proposal of Watershed Investment Consultants, Inc., who work exclusively with public sector clients dealing with defined benefit plans. Discussion followed.

This matter was taken under advisement.

URBAN DESIGN REVIEW 13066 – APPEAL OF DONALD J. ARENA FROM THE PLANNING DIRECTOR’S DENIAL OF A WAIVER OF DOWNTOWN DESIGN STANDARDS TO WAIVE THE REQUIRED WINDOWS ON THE NORTH FACADE AND THE REQUIREMENT PROHIBITING STUCCO ON THE LOWER 20 FEET OF THE FACADE, ON PROPERTY GENERALLY LOCATED AT 1823 O STREET - Don Arena, 1930 Surfside Dr., came forward to state that the permits he applied for were approved so he went forward with improvements under the assumption that he was meeting the design standards. He was unaware of the design requirements until after the \$14,000 facade project was completed. Now there has been no construction for three months. The code requiring windows was not established for this type of business. Mr. Arena requests some type of arrangement wherein he could get use out of the facade that is now in place and have time to keep the business running and make other improvements. Discussion followed.

Marvin Krout, Director of Planning, came forward to answer Council questions. He confirmed that errors were made by both Mr. Arena, and the City. Discussion followed.

Rick Peo, Law Department, came forward to state that the resolution in front of Council is for denial, so if more time is needed for consideration, it would be better to move forward with a motion to

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 194**

delay. It is also important to consider long-term consequences, such as timelines, enforcement, and financial impacts, if any type of exception or special arrangement is made in this situation. Discussion followed.

This matter was taken under advisement.

USE PERMIT 13011 – APPLICATION OF BREHM ENTERPRISES, INC. TO DEVELOP 50,200 SQ. FT. OF COMMERCIAL SPACE, WITH A REQUEST TO WAIVE THE REQUIRED FRONT YARD SETBACKS FOR BUILDINGS AND PARKING LOTS ALONG RUSSWOOD PARKWAY AND COLLEGE PARK DRIVE, ON PROPERTY GENERALLY LOCATED N. 84TH ST. AND O ST - Mike Eckert, Civil Design Group, came forward on behalf of Brehm Enterprises, Inc. to state that a potential user of this site wants to move closer to O Street. Planning Department was consulted to implement Reform Standards. This site is bounded by four existing streets and is difficult to work with. Discussion followed.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$140,000.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 38) AND ALLOCATING \$1,000.00 TO THE 2014 H.S. EMERGENCY FUND AND \$50,000.00 TO YEAR 1 OF THE ADULT RECIDIVISM REDUCTION PROJECT FOR A TOTAL OF \$191,000.00 - Kit Boesch, Human Services, came forward to state that after sending out a request for proposals, Human Services is recommending twenty-two agencies to fund. The Emergency Fund was used to hire three Americorps members and now that fund is being rebuilt. The Keno Committee also encouraged funding a single project that could have significant impact, so \$50,000 is going toward the Adult Recidivism Project. Discussion followed.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **SETTING THE HEARING DATE**

SETTING THE HEARING DATE OF MONDAY, JANUARY 27, 2014, AT 5:30 P.M. ON THE APPLICATION OF TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET FOR CLASS C & CLASS E LIQUOR LICENSES LOCATED AT 600 Q STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88025 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 27, 2014, at 5:30 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 TDP Phase Two, LLC dba Hyatt Place Lincoln Haymarket for Class C & E liquor licenses located at 600 Q Street.

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

### **REPORTS OF CITY OFFICERS**

APPOINTING CAMEYA RAMIREZ-ROUSSEAU TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2014 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88026 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Cameya Ramirez-Rousseau to the Citizen Police Advisory Board for a term expiring November 17, 2014, is hereby approved.

Introduced by Leirion Gaylor Baird

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

APPOINTING REBECCA GARRETT-FERGUSON TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88027 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Rebecca Garrett-Ferguson to the Police and Fire Pension Plan Investment Board for a term expiring September 1, 2017, is hereby approved.

Introduced by Leirion Gaylor Baird

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

REAPPOINTING MICHEAL Q. THOMPSON TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:



A-88028 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Micheal Q. Thompson to the Human Rights Commission for a term  
expiring December 31, 2016, is hereby approved.

Introduced by Leirion Gaylor Baird

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

APPOINTING CINDY REMPE TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM  
EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor  
Baird, who moved its adoption:

A-88029 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Cindy Rempe to the Air Pollution Control Advisory Board for a term  
expiring September 1, 2016, is hereby approved.

Introduced by Leirion Gaylor Baird

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON  
SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER 30,  
2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88030 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That during the month ended November 30, 2013 \$64,035.95 was earned from the investments of  
"IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance  
of each fund and allocating a portion of the interest on the ration that such balance bears to the total of all  
fund balances.

Introduced by Jon Camp

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE  
CITY TREASURER FOR THE FIRST QUARTER, FISCAL YEAR 2013-2014, ENDING NOVEMBER  
30, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88031 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:  
That the Investment Activity report and attached list of investments be confirmed and approved,  
and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed  
by the City Council.

Introduced by Jon Camp

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS  
NOVEMBER 30, 2013 - CLERK presented said report which was placed on file in the Office of the City  
Clerk. (5-21)

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR NOVEMBER 2013 - CLERK  
presented said report which was placed on file in the Office of the City Clerk. (40)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE  
CITY COUNCIL ON DECEMBER 9, 2013 - CLERK presented said report which was placed on file in the  
Office of the City Clerk. (27-1)

## PETITIONS & COMMUNICATIONS

### REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 13028 - Requested by Mark Hunzeker from P Public Use District to R-3 Residential  
District, on property generally located at South 70th Street and "O" Street (300 South 70th Street).

Change of Zone 13029 - Requested by US Properties from AGR Agricultural Residential District to H-3  
Highway Commercial District, on property generally located at Highway 2 and Pine Lake Road.

Special Permit 1405A - Requested by Sanine Beck to allow an early childhood care facility for up to 45  
children and five adult staff, on property located at 6200 Pine Lake Road.

Special Permit 1960A - Requested by Seacrest & Kalkowski for an amendment to the Grandview Heights  
Community Unit Plan for two additional lots with a request to waive design standards to allow Pine Tree  
Lane to be a rural road cross section with sidewalk aligned only on the south side of the roadway, along  
with the waiver of street trees and ornamental lighting granted with the existing Grandview Heights  
Community Unit Plan, on property generally located at North 7th Street to North 14th Street,  
Ogden/Superior Street to north of Pine Tree Lane and Hilltop Road.

Special Permit 13055 - Requested by BVH Architects, for expansion of a nonconforming and nonstandard use, to allow for an early childhood care facility and neighborhood support services, including a waiver request to reduce the front yard setback and to allow parking in the side yard, on property generally located at 1245 S. Folsom Street.

Special Permit 13058 - Requested by Mark Hunzeker for authority to operate a residential healthcare facility with approximately 40 beds, on property generally located at South 70th Street and "O" Street (300 South 70th Street).

Special Permit 13060 - Requested by US Properties for a 13-stall campground on property generally located at Highway 2 and Pine Lake Road.

Use Permit 149A - Requested by Mark Hunzeker for an amendment to reconfigure the building and parking layout south of Jamie Lane, west of South 27th Street, including a request to reduce the side and rear yard setbacks to allow a 400 sq. ft. increase of commercial floor area, on property generally located at South 27th Street and Jamie Lane.

Pre-Existing Special Permit 5C - Requested by Olsson Associates to expand the limits of the existing special permit for an addition to the existing plant, on property generally located at N. 70th Street and Cornhusker Highway (6940 Cornhusker Highway).

Special Permit/Use Permit 8C - Requested by Rega Engineering for an amendment to allow an addition of approximately 12,400 square feet to an existing building including a request to reduce the parking requirements for doctors' offices, on property generally located at South 70th Street and A Street.

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

Administrative Amendment No. 13081 to Change of Zone 2300A, College Park Planned Unit Development, approved by the Planning Director on December 24, 2013, requested by John Finnell, to replace six garage units with five apartment units and add seven surface parking spaces, on property generally located at N. 84<sup>th</sup> St. and "O" St.

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF SAVANNA CARMAN FOR TRIPLE D LLC DBA DINO'S EASTSIDE GRILLE AT 2901 S. 84TH ST., SUITE L. (1/6/14 - P.H. & ACTION CONT'D FOR 1 WEEK TO 1/13/14) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88032 WHEREAS, Triple D, LLC dba Dino's Eastside Grille located at 2901 S. 84th Street, Suite L, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Savanna Carman be named manager;

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

APPLICATION OF CEREUS SNOWBIRDS, LLC DBA BODEGA'S ALLEY FOR A CLASS C LIQUOR LICENSE AT 1418 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88033 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 Cereus Snowbirds, LLC dba Bodega's Alley for a Class "C" liquor license at 1418 O Street, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

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

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

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF RYAN C. DETLEFSEN FOR CEREUS SNOWBIRDS, LLC DBA BODEGA'S ALLEY 1418 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88034 WHEREAS, Cereus Snowbirds, LLC dba Bodega's Alley located at 1418 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ryan C. Detlefsen be named manager;

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

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

CREATING A MAINTENANCE BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROXIMATELY K STREET ON THE SOUTH, NORTH TO N STREET AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DRIVE TO APPROXIMATELY 9TH AND 10TH STREETS, THENCE SOUTH TO R STREET, THENCE WEST TO 7TH STREET, THENCE SOUTH TO O STREET, THENCE EAST TO 8TH STREET, THENCE SOUTH TO THE ALLEY SOUTH OF N STREET, THENCE WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION, TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT (WHM MAINTENANCE BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Leirioin Gaylor Baird, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. §19-4015 et. seq.) to be known as the West Haymarket/Downtown Maintenance Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area generally located along the west line of Outlot C, West Haymarket Addition from approximately K Street on the south, north to N Street and continuing north along the center line of Pinnacle Arena Drive to approximately 9th and 10th Streets, thence south to R Street, thence west to 7th Street, thence south to O Street, thence east to 8th Street, thence south to the alley south of N Street, thence west to the east line of Outlot C, West Haymarket Addition; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

CREATING A MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING WORK AND IMPROVEMENT PROGRAMS WITHIN THE AREA ROUGHLY BOUNDED BY PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 10TH STREET ON THE EAST, AND Q, R AND N STREETS ON THE SOUTH TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT (WHM MANAGEMENT BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Leirion Gaylor Baird, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) (the Act) to be known as the West Haymarket/Downtown Management Business Improvement District, within the area generally bounded by Pinnacle Arena Drive on the west and north, North 10th Street on the east, and Q, R, and N Streets on the south, for the purpose of providing for certain work and improvement programs under the Act for the betterment of the district and employing or contracting for personnel, including administrators, as may be necessary or proper to carry out such work and improvement programs; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

CREATING A CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING WORK AND IMPROVEMENT PROGRAMS WITHIN THE AREA GENERALLY BOUNDED BY PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 8TH AND NORTH 9TH STREETS ON THE EAST, AND O AND N STREETS ON THE SOUTH, TO BE KNOWN AS THE WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT (WHM CORE BID) AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Leirion Gaylor Baird, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) (the Act) to be known as the West Haymarket/Downtown Core Management Business Improvement District, within the area generally bounded by Pinnacle Arena Drive on the west and north, North 8th and North 9th Street on the east, O and N Streets on the south, for the purpose of providing for certain work and improvement programs under the Act for the betterment of the district and employing or contracting for personnel, including administrators, as may be necessary or proper to carry out such work and improvement programs providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 198**

AMENDING SECTION 2.76.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO LEAVES OF ABSENCE WITHOUT PAY TO INCLUDE PROVISIONS FOR A TEMPORARY LOSS OF FUNDING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.400 relating to Leaves of Absence Without Pay to allow employees who have been laid off due to loss of funding a leave of absence without using their applicable leave balances; and repealing Section 2.76.400 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS X, M AND E BY CHANGING THE CLASS TITLES OF PERSONNEL CLERK, PERSONNEL COORDINATOR AND PERSONNEL OPERATIONS SPECIALIST TO HUMAN RESOURCES CLERK, HUMAN RESOURCES COORDINATOR AND HUMAN RESOURCES SPECIALIST - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 1 of Ordinance No. 19911 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X," to change the class title "Personnel Clerk" to "Human Resources Clerk"; amending Section 1 of Ordinance No. 19908 passed August 12, 2013 to change the class title "Personnel Coordinator" to "Human Resources Coordinator"; and amending Section 1 of Ordinance No. 19909 passed August 12, 2013 (as amended by Ordinance No. 19919 passed September 16, 2013) to change the class title "Personnel Operations Specialist" to "Human Resources Specialist." , the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER N TO DELETE THE CLASSIFICATION OF FIRE AIR TECHNICIAN - CLERK read an ordinance, introduced by Leirion, Gaylor Baird, amending Section 1 of Ordinance No. 18972 passed August 6, 2007 (as amended by Ordinance No. 19794 passed October 15, 2012), relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N," by deleting the job classification of "Fire Air Technician." , the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE F (IAFF) TO ADD THE CLASSIFICATION OF FIRE AIR TECHNICIAN - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 1 of Ordinance No. 19907 passed August 12, 2013 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "F," to add the job classification of "Fire Air Technician" to the IAFF pay plan with a proposed pay range of F11, the second time.

CHANGE OF ZONE 13026 – APPLICATION OF HOPPE BROTHERS, LLC FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT S. 21ST ST. AND N ST. FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL AND COMMERCIAL USES, WITH MODIFICATIONS TO THE DESIGN STANDARDS, ZONING ORDINANCE, AND LAND SUBDIVISION ORDINANCE - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 13027 – APPLICATION OF LINCOLN PARKS AND RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO P PUBLIC USE DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE MUNY BUILDING, GENERALLY LOCATED AT 23RD AND N STS., AS A LANDMARK - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

AMENDING TITLE 28 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 28.03, REGULATIONS FOR POST CONSTRUCTION STORMWATER MANAGEMENT - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Title 28 of the Lincoln Municipal Code relating to Stormwater Quality and Erosion and Sediment Control by adding a new Chapter 28.03 entitled "Regulations for Post Construction Stormwater Management" to provide requirements and criteria to manage stormwater runoff in the City of Lincoln, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA FOR DEVELOPMENT OF ONLINE FOOD HANDLER TRAINING PROGRAMS - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88035 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Board of Regents of the University of Nebraska to provide online food handlers training programs for the Lincoln-Lancaster County Health Department 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the University of Nebraska-Lincoln.

Introduced by Leirion Gaylor Baird

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

APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN OFFICE OF ONLINE AND DISTANCE EDUCATION TO PROVIDE THE ONLINE PORTAL FOR ONLINE FOOD HANDLER AND CITY ALCOHOL SERVER/SELLER TRAINING PROGRAMS AND THE ASSOCIATED TECHNICAL SUPPORT - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88036 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Board of Regents of the University of Nebraska to provide the online portal for online food handler and city alcohol server/training programs and the associated technical support for the Lincoln-Lancaster County Health Department 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the University of Nebraska-Lincoln.

Introduced by Leirion Gaylor Baird

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE CITY OF WAVERLY, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF WAVERLY - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88037 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the City of Waverly, Nebraska to provide for health regulation inspection and enforcement within the corporate limits of the City of Waverly 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the City of Waverly.

Introduced by Leirion Gaylor Baird

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE VILLAGE OF MALCOLM, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MALCOLM - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88038 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Village of Malcolm, Nebraska to provide for health regulation inspection and enforcement within the corporate limits and one-mile zoning jurisdiction of the Village of Malcolm 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the Village of Malcolm.

Introduced by Leirion Gaylor Baird

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

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 200**

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE CITY OF HICKMAN, NEBRASKA, TO UPDATE THE EXISTING AGREEMENT FOR PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF HICKMAN - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88039 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the City of Hickman, Nebraska to provide for health regulation inspection and enforcement within the corporate limits of the City of Hickman 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the City of Hickman.

Introduced by Leirion Gaylor Baird

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

APPROVING SMALL TOWN BAR INC. DBA ROADHOUSE BAR & GRILL AS A KENO SATELLITE SITE AT 1501 CENTER PARK RD - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88040 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Small Town Bar, Inc. dba Roadhouse Bar & Grill, 1501 Center Park Road, Lincoln, NE 68512.

The City Clerk is directed to return an executed copy of this Resolution to Roadhouse Bar & Grill.

Introduced by Leirion Gaylor Baird

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

AMENDING THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT AGREEMENT TO EXPAND THE PHASE I PROJECT AREA TO ACCOMMODATE CONSTRUCTION OF A NEW GREENHOUSE COMPLEX - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88041 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Exhibit E, including two new legal descriptions of Site Development Lease III and Site Development Lease IV in the Phase I Project Area, to the City of Lincoln Redevelopment Agreement for Nebraska Innovation Campus, Phase I, between the City of Lincoln, Nebraska, Nova Development LLC, and the Nebraska Innovation Campus Development Corporation, approved by the City Council by Resolution No. A-86891 on July 9, 2012, are hereby approved and accepted as the substitute Exhibits to the Redevelopment Agreement for the purpose of amending the Project Area to include a Greenhouse Complex to be constructed on Site Development Lease IV.

Introduced by Leirion Gaylor Baird

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE VILLAGE OF FIRTH, NEBRASKA FOR HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE VILLAGE OF FIRTH - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88042 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Village of Firth, Nebraska to provide for health regulation inspection and enforcement within the corporate limits of the Village of Firth 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, Director of the Lincoln-Lancaster County Health Department, for transmittal to the Village of Firth.

Introduced by Leirion Gaylor Baird

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN PUBLIC SCHOOLS TO ALLOW THE USE OF LPS FACILITIES FOR EMERGENCY MASS CLINIC OPERATIONS - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88043 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln, Nebraska, on behalf of the Lincoln-Lancaster County Health Department, and Lincoln Public Schools, for the use of Lincoln Public School facilities for emergency mass clinic operations, upon the terms and conditions set forth in said Contract, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward two fully executed originals of said Agreement to the Purchasing Department for transmittal to Lincoln Public Schools.

Introduced by Leirion Gaylor Baird

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRYAN COLLEGE OF HEALTH SCIENCES FOR CLINICAL TRAINING AT EASTERDAY RECREATION CENTER FOR PUBLIC HEALTH STUDENTS FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88044 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, Nebraska and Bryan College of Health Sciences, to provide clinical training for public health nursing students at Easterday Recreation Center for a term of January 1, 2014 through December 31, 2016, upon the terms and conditions as set forth in said Agreement, which are attached hereto and made a part hereof by reference, are 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 copy of the Agreement to Lynn Johnson, Director of the Parks and Recreation Department for transmittal to Bryan College of Health Sciences.

Introduced by Leirion Gaylor Baird

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES FOR PRINTING SERVICES AND SUBSEQUENT MAILING SERVICES FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88045 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, Lancaster County and the Nebraska Department of Administrative Services for the purpose of providing and procuring printing services and subsequent mailing services, if necessary, for a two year term, upon the terms and conditions set out in the Agreement which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed copy of the Agreement to Steve Hubka, Finance Director, and to the Clerk of Lancaster County.

Introduced by Leirion Gaylor Baird

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

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE 17TH/A, 17TH/D AND 17TH/WASHINGTON TRAFFIC SIGNAL REPLACEMENTS. (STATE PROJECT NO. LCLC-5227(8), CN 13261) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88046 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 preliminary engineering, construction and construction engineering of the 17th/A, 17th/D and 17/Washington traffic signal replacements, Project No. LCLC-5227(8), CN 13261, 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.

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 202**

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

Introduced by Leirion Gaylor Baird

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

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE A STREET/ REGENCY SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5220(5), CN 13262) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88047 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 preliminary engineering, construction and construction engineering of the A Street/Regency signal replacement, Project No. LCLC-5220(5), CN 13262, 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 Erin Sokolik, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 48TH/CALVERT AND 56TH/CALVERT SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5239(10), CN 13260) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88048 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 preliminary engineering, construction and construction engineering of the 48th/Calvert and 56th/Calvert signal replacement, Project No. LCLC-5239(10), CN 13260, 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 Erin Sokolik, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO ALLOW FOR A JOINT CRACK SEALING CONTRACT ON S. 70TH ST. FROM ROKEBY RD. TO YANKEE HILL RD - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88049 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and Lancaster County to allow for a joint crack sealing contract on South 70th Street from Rokeby Road to Yankee Hill Road, 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 Erika Nunes, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by Lancaster County.

Introduced by Leirion Gaylor Baird

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

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 PRELIMINARY ENGINEERING, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 48TH/HWY. 2 SIGNAL REPLACEMENT. (STATE PROJECT NO. LCLC-5239(9), CN 13253) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:



A-88050

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 preliminary engineering, construction and construction engineering of the 48th/Highway 2 signal replacement, Project No. LCLC-5239(9), CN 13253, 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 Kris Humphrey, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR RELOCATION OF EXISTING WATERLINE FACILITIES RELATED TO IMPROVEMENTS AT THE INTERSECTION OF U.S. HWY. 6 (W. O ST.) AND S.W. 40TH ST. (PROJECT NO. HSIP-6-6(161), CN 13093) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88051

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

That the attached Funding Agreement between the City of Lincoln and the State of Nebraska Department of Roads for relocation of existing waterline facilities related to improvements at the intersection of U.S. Highway 6 (West O Street) and S.W. 40th Street, Project No. HSIP-6-6(161), CN 13093, 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 Craig Aldridge, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND WATERSHED INVESTMENT CONSULTANTS, INC. TO PROVIDE INVESTMENT CONSULTING SERVICES REGARDING THE POLICE AND FIRE PENSION FOR A THREE YEAR TERM EXPIRING DECEMBER 31, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88052

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

That the attached Agreement between the City of Lincoln and Watershed Investment Consultants, Inc. to provide investment consulting services for the Police and Fire Pension Plan for a three year term, upon the terms as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

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

URBAN DESIGN REVIEW 13066 – APPEAL OF DONALD J. ARENA FROM THE PLANNING DIRECTOR’S DENIAL OF A WAIVER OF DOWNTOWN DESIGN STANDARDS TO WAIVE THE REQUIRED WINDOWS ON THE NORTH FACADE AND THE REQUIREMENT PROHIBITING STUCCO ON THE LOWER 20 FEET OF THE FACADE, ON PROPERTY GENERALLY LOCATED AT 1823 O STREET - PRIOR to reading:

CAMP

Moved to continue Public Hearing with Action for three weeks to 02/03/14.

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

USE PERMIT 13011 – APPLICATION OF BREHM ENTERPRISES, INC. TO DEVELOP 50,200 SQ. FT. OF COMMERCIAL SPACE, WITH A REQUEST TO WAIVE THE REQUIRED FRONT YARD SETBACKS FOR BUILDINGS AND PARKING LOTS ALONG RUSSWOOD PARKWAY AND COLLEGE PARK DRIVE, ON PROPERTY GENERALLY LOCATED N. 84TH ST. AND O ST - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88053

WHEREAS, Brehm Enterprises, Inc. has submitted an application designated as Use Permit No. 13011 to develop approximately 50,200 sq. ft. of commercial space, with a request to waive the required front yard setbacks for buildings and parking lots along North 84th Street, O Street, Russwood Parkway and College Park Drive, on property generally located at North 84th Street and O Street, and legally described as:

Lots 3 and 4, Russwood Park Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development 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 Brehm Enterprises, Inc., hereinafter referred to as "Permittee", to develop approximately 50,200 sq. ft. of commercial floor area on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.030 and Section 27.64.010 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves approximately 50,200 sq. ft of commercial floor area with a modification to the front yard setback along North 84th Street, O Street, Russwood Parkway and College Park Drive, and adopts site design standards and building design standards.
2. Before receiving building permits:
  - a. 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 as listed below:
    - i. Remove the text, "right-of-way to be dedicated for credit for street impact fees" and replace with "Area to be dedicated as right-of-way".
    - ii. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
    - iii. Delete the text "Amended Use Permit #53A" and replace it with "Use Permit #13011".
    - iv. Delete notes 11, 12 and 13, which are not necessary.
    - v. Correct the misspelling of the word 'Eaves' in Note 14.
    - vi. Show the sidewalk along 'O' Street to be relocated 8 feet from the back of curb as stated in Note 15.
    - vii. Add a dashed line to the plan that shows 70 feet from centerline of N. 84<sup>th</sup> Street. Dimension the 10' setback for the grocery store and parking lot from the dashed line.
    - viii. Show the appropriate location for the sidewalk within the future 140 foot right-of-way along N. 84<sup>th</sup> Street.
    - ix. Show the location of the dumpster and screening.
    - x. Revise the right-of-way dedication to 20 feet along N. 84<sup>th</sup> Street. Revise the right-of-way dedication along 'O' Street to align with the right-of-way to the west.
    - xi. Adjust the setback measurements for the building and parking lot. The setbacks should be measured from the future right-of-way line.
    - xii. Add the Site Design Standards and Building Design Standards, as shown in Revised Exhibit 1 to the General Notes. Update the dimensions on the plan as needed.
    - xiii. Add a note to the plan that states, "A landscape plan will be approved by the Director of Planning, prior to approval of the final plat, or prior to a building permit being issued."
  - b. Submit a grading and drainage plan to be approved by the Public Works and Utilities Department.
  - c. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. The easternmost access on College Park Drive may be constructed without a median or without a right-in, right-out design, only if the western driveway is constructed at the same time. A median or other design to limit access to right-in, right-out will be constructed immediately in the eastern driveway, at the expense of the Permittee, if either of the following conditions are present:
  - (1) If two separate crashes occur within a 12 month period which would otherwise have been prevented by a right-in, right-out driveway; or
  - (2) The City receives a report or observes two or more instances in a 30-day time period, where traffic is backing up into the N. 84<sup>th</sup> Street and College Park Drive intersection, as a result of driveway induced congestion.
4. Dedicate the right-of-way, as shown on the site plan, along N. 84<sup>th</sup> Street and 'O' Street at time of final plat. If a final plat is not submitted then dedicate the right-of-way prior to obtaining a building permit.
5. Replace Exhibit 1 (the recommended additions/deletions to the General Notes on the site plan) with the attached Revised Exhibit 1.
6. Prior to the issuance of a building permit:
  - a. The construction plans must substantially comply with the approved plans.

b. Final plat(s) shall be approved by the City (if subdividing is required). If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

7. Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. Permittee agrees to enter into an agreement with the City wherein Permittee as Subdivider shall agree:

- a. To complete the installation of sidewalks along N. 84<sup>th</sup> Street, College Park Drive, Russwood Parkway and 'O' Street as shown on the final plat within two (2) years following the approval of the final plat.
- b. To complete the enclosed public drainage facilities shown on the approved drainage study to serve the plat within two (2) years following the approval of the final plat.
- c. To complete the enclosed private drainage facilities shown on the approved drainage study to serve the plat within two (2) years following the approval of the final plat.
- d. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve the plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- e. To complete the installation of street trees along the streets as shown on the final plat within two (2) years following the approval of the final plat.
- f. To complete the planting of the landscape screen within the plat within two (2) years following the approval of the final plat.
- g. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- h. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- i. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- j. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- k. To complete the public and private improvements.
- l. To keep taxes and special assessments on the outlots from becoming delinquent.
- m. To maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.
- n. To maintain the landscape screens on a permanent and continuous basis.
- o. To maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the Permittee.
- p. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
  - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

**REGULAR MEETING  
JANUARY 13, 2014  
PAGE 206**

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

8. Before occupying the buildings all development and construction is to substantially comply with the approved plans.

9. 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.

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

11. 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 special 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 therefore to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Leirion Gaylor Baird

Seconded by Christensen 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 DECEMBER 1 - 31, 2013 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:**

A-88054 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 2, 2014, 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:

DENIED CLAIMS

Phoenix Loss Control	
o/b/o Time Warner Cable	\$1,255.72
Melanie Holtan	600.00
Dave & June Baumgartner	41.54

ALLOWED/SETTLED CLAIMS

John & Paula M. Sharkey	\$65,000.00
Gallagher Bassett Services	
a/s/o United Parcel Service	5,000.00
Rafael Moreno	3,500.00
Christopher Lawhead	10,400.00
Maynard & Beverly Avey	2,766.17
Brian Zitek	113.32
Trevor Mattox	2,250.00
Lee Irons	1,305.67

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 Leirion Gaylor Baird

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

**APPROVING APPROPRIATIONS IN THE AMOUNT OF \$140,000.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 38) AND ALLOCATING \$1,000.00 TO THE 2014 H.S. EMERGENCY FUND AND \$50,000.00 TO YEAR 1 OF THE ADULT RECIDIVISM REDUCTION PROJECT FOR A TOTAL OF \$191,000.00 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:**

A-88055 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$140,000.00 from said gross funds for the human services and allocate \$1,000.00 to the 2013 H.S. Emergency Fund and \$50,000.00 to Year 1 of the Adult Recidivism Reduction Project for a total of \$191,000.00, as listed in Attachment "A" (Keno Prevention Fund Round 38) attached hereto and incorporated herein by reference.

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

The designation of the \$140,000.00 from gross funds from the operation of keno lottery for the human services and the allocation of \$1,000.00 to the 2013 H.S. Emergency Fund and \$50,000.00 to Year 1 of the Adult Recidivism Reduction Project for a total of \$191,000.00, as listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Leirion Gaylor Baird

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

AMENDING THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL BY REPLACING CHAPTER 8 WITH NEW PROVISIONS FOR THE PURPOSES OF PROVIDING REQUIREMENTS AND CRITERIA TO MANAGE WATER QUALITY FROM RAINFALL AMOUNTS TO DIMINISH ADVERSE IMPACTS TO HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF LINCOLN - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88056 WHEREAS, the Mayor's Clean Water Program Task Force (Task Force) was asked to propose recommendations for City standards to manage water quality and stormwater runoff; and  
WHEREAS, the Task Force has completed their evaluation and has issued recommendations; and  
WHEREAS, the City would like to implement the Task Force recommendations involving the Clean Water Program; and

WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Drainage Criteria Manual by Resolution No. A-80038; and

WHEREAS, a text change to the Drainage Criteria Manual is necessary under Chapter 8 "Stormwater Best Management Practices" to replace the existing chapter 8 with new provisions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That Chapter 8 of the City of Lincoln Drainage Criteria Manual, adopted by the City Council on February 22, 2002 by Resolution No. A-80038, and as amended since, is hereby amended and replaced to read as shown on Attachment "A," which is attached hereto and incorporated herein by reference.

Introduced by Leirion Gaylor Baird

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

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

**RECONSIDERED - RESOLUTION FOR ACTION ONLY**

APPROVING THE BLOCK 68 REDEVELOPMENT PROJECT REDEVELOPMENT AGREEMENT BETWEEN CA/ARGENT BLOCK 68 LINCOLN, LLC AND THE CITY OF LINCOLN RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 10TH, 11TH, M AND N STREETS. (RELATED ITEMS: 13R-286, 13R-287) (12/16/13 - ADOPTED, 7-0; A-88008) (1/6/14 - CITY ATTORNEY & URBAN DEVELOPMENT REQUESTED RECONSIDERATION. MOTION TO RECONSIDER APPROVED, 6-0; TO HAVE ACTION ON 1/13/14) - PRIOR to reading:

COOK Moved to amend Bill No. 13R-287 (Resolution A-88008) by accepting Attachment "A" to replace Attachment "A" previously provided with Bill No. 13R-287.

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

CLERK Read the following Resolution, introduced by Doug Emery who moved it readoption:

A-88008 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Block 68, between the City of Lincoln, Nebraska and CA/Argent Block 68 Lincoln, LLC, relating to the redevelopment of property generally bounded by 10th, 11th, M, and N Streets, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Doug Emery

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

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SAPP BROS. PETROLEUM, INC. FOR THE ANNUAL SUPPLY OF FUEL FOR STARTRAN FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

**OPEN MICROPHONE**

Mike Arena, 1930 Surfside Dr., came forward to discuss the liquor license expansion that occurred at his establishment.

This matter was taken under advisement.

Jane Svoboda, no address given, came forward to express her thoughts on various issues.

This matter was taken under advisement.

**ADJOURNMENT**

**6:20 P.M.**

CAMP Moved to adjourn the City Council Meeting of January 13, 2014.  
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