

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD
MONDAY, JANUARY 27, 2014 AT 5:30 P.M.**

The Board of Equalization met at 5:30 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

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

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.

ESKRIDGE Took the Chair and proceeded with the continuation of the Board of Equalization for Sewer District #1187.

PUBLIC HEARING

SEWER DISTRICT #1187 - ALMIRA LANE - Kris Humphrey, Public Works & Utilities, came forward to review this equalization for the sewer district in the 6700 block of Almira Lane located in the southwest corner of 70th Street and Highway 2. There are 4 property owners who are impacted. The total amount is approximately \$78,650 with a City subsidy of approximately \$46,000 and an assessed amount of approximately \$32,643, which is the maximum \$34 per front foot rate. A letter was sent out in December with an incorrect phone number, so there were issues over whether or not people were able to contact us and questions over the actual assessment amount. In order to clear that up, Public Works sent out another letter with current contact information and a detailed breakdown of the assessment amount. Ms. Humphrey stated that she personally contacted two owners, left a message for a third, and was unable to locate a contact number for the final property owner.

This matter was taken under advisement.

VOTING SESSION

SEWER DISTRICT #1187 - ALMIRA LANE.

EMERY Moved approval of Sewer District #1187.

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

ADJOURNMENT

EMERY Moved to adjourn the Board of Equalization meeting Sine Die.

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

5:34 P.M.

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**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 27, 2014 AT : P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eskridge; Council Members: Christensen, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Camp, Cook.

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

EMERY Having been appointed to read the minutes of the City Council proceedings of January 13, 2014, reported having done so, found same correct.
Seconded by Fellers & carried by the following vote: AYES: Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp, Cook.

RECOGNITION

COUNCIL CHAIR ESKRIDGE recognized and welcomed Boy Scouts from Troop 63 and Troop 8 who were in attendance working on merit badges.

PUBLIC HEARING

APPLICATION OF TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET FOR A CLASS C LIQUOR LICENSE AT 600 Q STREET;
MANAGER APPLICATION OF DAVID WHEATON FOR TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET AT 600 Q STREET;
APPLICATION OF TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 600 Q STREET - David Wheaton, 600 Q Street, came forward to take the oath and answer questions. In answer to Council questions, he replied that the hotel will have food available at all times through a limited service format with counter service instead of wait staff. A small bar will primarily serve coffee during the breakfast and lunch hours, but will operate as a bar in the evening. Eventually there will be outdoor seating.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING CO. FOR A CLASS L LIQUOR LICENSE AT 300 S. 7TH STREET;
MANAGER APPLICATION OF JAMES C. ENGELBART FOR EMPYREAN BREWING CO. AT 300 S. 7TH STREET - James C. Engelbart, 3340 Franklin Street, came forward to take the oath and answer questions.
Eric Schafer, 6747 Ridge Road, came forward to take the oath and answer questions. In answer to Council questions, he replied that Empyrean currently has cold storage in Waverly, but are now converting this old dairy building into cold storage in order to operate the warehouse from Lincoln. Eventually, the brewery may move to this location.

This matter was taken under advisement.

APPLICATION OF HERGERT OIL CO. DBA SUPER C FOR A CLASS D LIQUOR LICENSE AT 501 WEST A STREET;
MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL CO. DBA SUPER C AT 501 WEST A STREET - Dan Hergert, 6221 S. 58th Street, came forward to take the oath and answer questions. In answer to Council questions, he stated that Hergert Oil took over this location January 1st and are now asking to take over the liquor license. Mr. Larson has management experience and has taken the Responsible Server training.

This matter was taken under advisement.

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 - Bob Walla, Purchasing Department, came forward to answer questions. He stated that this contract is based on an as-needed ordering basis. The City pays a rack price plus a fixed freight charge, and is not locked in to any certain dollar amount. This is a new contract.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 6, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 13, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

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

LINCOLN ELECTRIC SYSTEM RATE SCHEDULES AND SERVICE REGULATIONS FOR RATES EFFECTIVE JANUARY 1, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., FEBRUARY 10, 2014 AT 3 P.M. ON THE APPLICATION OF GARAGE SPORTS BAR & GRILL INC. DBA GARAGE SPORTS BAR & GRILL TO EXPAND THEIR EXISTING BEER GARDEN FROM 14' X 64' TO 21' X 64' ON THE SOUTHWEST SIDE OF THE BUILDING AT 5551 S. 48TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88057 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 10, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Garage Sports Bar & Grill Inc. dba The Garage Sports Bar & Grill to expand their existing beer garden from 14' x 64' to 21' x 64' on the southwest side of the building at 5551 S. 48th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MON., FEBRUARY 10, 2014 AT 3 P.M. ON THE APPLICATION OF TEMENAY CORP DBA MUM'S LIQUOR FOR A CLASS D LIQUOR LICENSE AT 2202 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88058 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 10, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Temenay Corp dba Mum's Liquor for a Class D liquor license located at 2202 O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MON., FEBRUARY 10, 2014 AT 3 P.M. ON THE APPLICATION OF NEBRASKA ENTERTAINMENT INC DBA LINCOLN GRAND CINEMA FOR A CLASS I LIQUOR LICENSE AT 1101 P STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88059 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 10, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Nebraska Entertainment Inc. dba Lincoln Grand Cinema for a Class I liquor license located at 1101 P Street.

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

Introduced by Doug Emery

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

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 1753C - Requested by ESP, Inc. for an amendment to the Vavrina Meadows 1st Addition Community Unit Plan, to increase the number of multi-family dwelling units from 364 units to 376 units, including a request to reduce the front yard setback from 25 feet to 20 feet, on property generally located at South 14th Street and Yankee Hill Road.

Special Permit No. 985A - Requested by Bryan and Jennifer Thomas for an amendment to the Kess Kove Community Unit Plan, to add one lot for one additional residential dwelling unit, with a waiver to grading and paving in South 60th Street, on property generally located at South 60th Street and Kess Drive.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13085 to Special Permit No. 13033, The Preserve at Cross Creek First Addition Community Unit Plan, approved by the Planning Director on January 9, 2014, requested by Land II, LLC, to adjust the lot sizes for Phase 1, on property generally located at S. 63rd St. and Roca Rd.

Administrative Amendment No. 13084 to Special Permit No. 1013J, Trade Center Planned Service Commercial Center, approved by the Planning Director on January 13, 2014, requested by Verizon Wireless, to allow accessory buildings with the 50 foot setback (but no closer than 20 feet to a lot line), on property generally located near S. 56th St. and Old Cheney Rd.

LIQUOR RESOLUTIONS

APPLICATION OF TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET FOR A CLASS C LIQUOR LICENSE AT 600 Q STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88060 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 TDP Phase Two, LLC dba Hyatt Place Lincoln Haymarket for a Class "C" liquor license at 600 Q 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 Doug Emery

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

MANAGER APPLICATION OF DAVID WHEATON FOR TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET AT 600 Q STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88061 WHEREAS, TDP Phase Two, LLC dba Hyatt Place Lincoln Haymarket located at 600 Q Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that David Wheaton be named manager;

WHEREAS, David Wheaton appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that David Wheaton 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 Doug Emery

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

APPLICATION OF TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET FOR A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 600 Q STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88062 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of TDP Phase Two LLC dba Hyatt Place Lincoln Haymarket for the issuance of an Entertainment District License to the existing Class C liquor license, located at 600 Q Street, Lincoln, Nebraska, be approved with the condition that the following conditions run with the term of the license and any renewal:

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1. The Entertainment District License area includes one commons area located adjacent to the Canopy Lofts and Hobson/Hyatt Place Hotel, commonly known as the Courtyard, shown in Attachment "A" on the west side of Canopy Street.

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

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

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

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

3. The Entertainment District License manager must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

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

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

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

Introduced by Doug Emery

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

APPLICATION OF EMPYREAN BREWING CO. FOR A CLASS L LIQUOR LICENSE AT 300 S. 7TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88063 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 Empyrean Brewing Co. for a Class "L" liquor license at 300 S. 7th Street, Lincoln, Nebraska, for the license period ending April 30, 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 Doug Emery

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

MANAGER APPLICATION OF JAMES C. ENGELBART FOR EMPYREAN BREWING CO. AT 300 S. 7TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88064 WHEREAS, Empyrean Brewing Co. located at 300 S. 7th Street, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that James C. Engelbart be named manager;

WHEREAS, James C. Engelbart 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 James C. Engelbart 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 Doug Emery

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

APPLICATION OF HERGERT OIL CO. DBA SUPER C FOR A CLASS D LIQUOR LICENSE AT 501 WEST A STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88065

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 Hergert Oil Co. dba Super C for a Class "D" liquor license at 501 West A Street, Lincoln, Nebraska, for the license period ending April 30, 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 Doug Emery

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

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL CO. DBA SUPER C AT 501 WEST A STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-88066

WHEREAS, Heger Oil Co. dba Super C located at 501 West A Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Joel B. Larson be named manager;

WHEREAS, Joel B. Larson 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 Joel B. Larson 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 Doug Emery

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

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 - CLERK read the following resolution, introduced by Jon Camp.

FELLERS

Moved its adoption:

A-88067

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

That the attached 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, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

ORDINANCES - 3RD 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

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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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19981**, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19982**, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19983**, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19984**, is recorded in Ordinance Book #28, Page .

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 - PRIOR to reading:

CHRISTENSEN Moved Motion to Amend #1 to amend Bill 14-5 in the following manner:

1. On page 1, line 8, after the word "Resources" insert the word "Operations".

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

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19985, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #19986, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #19987, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #19988, is recorded in Ordinance Book #28, Page .

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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered #19989, is recorded in Ordinance Book #28, Page .

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AMENDING TITLE 28 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 28.03,
REGULATIONS FOR POST CONSTRUCTION STORMWATER MANAGEMENT - PRIOR to reading:

EMERY Moved Motion to Amend #1 to amend Bill 14-10 by accepting the substitute ordinance
Bill No. 14-10S:

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

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 third time.

GAYLOR BAIRD Moved to Pass Bill No. 14-10 as amended (14-10S):

Seconded by Emery: AYES: Emery, Eskridge, Gaylor Baird; NAYS: Christensen, Fellers;
ABSENT: Camp, Cook.

Due to lack of required majority vote, Bill No. 14-10S held over one week to February 3, 2014.

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

CHANGE OF ZONE 13028 – APPLICATION OF LINCOLN COUNTRYHOUSE III, LLC FOR A CHANGE OF
ZONE FROM P PUBLIC USE DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY
GENERALLY LOCATED AT SOUTH 70TH STREET AND O STREET - CLERK read an ordinance,
introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a
part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal
Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION NO. 13004 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING
APPROXIMATELY 15.81 ACRES GENERALLY LOCATED AT HIGHWAY 2 AND ASHBROOK
DRIVE. (RELATED ITEMS: 14-13, 14-14 & 14R-44) - CLERK read an ordinance, introduced by Doug
Emery, annexing and including the below described land as part of the City of Lincoln, Nebraska and
amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the
extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon,
the first time.

CHANGE OF ZONE NO. 13020 – APPLICATION OF LIVINGSTON INVESTMENTS FOR A CHANGE OF
ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL ON
PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND ASHBROOK DRIVE. (RELATED
ITEMS: 14-13, 14-14 & 14R-44) - CLERK read an ordinance, introduced by Doug Emery, amending the
Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal
Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the
districts established and shown thereon, the first time.

SPECIAL PERMIT NO. 13043 – APPROVING THE APPLICATION OF LIVINGSTON INVESTMENTS TO
DEVELOP THE BROADMOOR ASHBROOK APARTMENTS COMMUNITY UNIT PLAN TO
ALLOW UP TO 220 DWELLING UNITS WITH REQUESTED WAIVERS OF THE REQUIRED
BLOCK LENGTH AND BUILDING HEIGHT ON PROPERTY GENERALLY LOCATED AT
HIGHWAY 2 AND ASHBROOK DRIVE. (RELATED ITEMS: 14-13, 14-14 & 14R-44)

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY
AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MIDLANDS
RECYCLING, LLC FOR THE ANNUAL REQUIREMENTS FOR RECYCLABLE COLLECTION
SERVICES, PURSUANT TO BID NO. 13-304, FOR A FOUR YEAR TERM WITH THE OPTION TO
RENEW FOR ONE ADDITIONAL FOUR YEAR TERM.

APPROVING TAVERNS & BARS, LLC DBA SUN VALLEY BAR & GRILL AS A KENO SATELLITE SITE
AT 300 WEST P STREET.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF FIBER OPTIC CABLE
AND WATER SUPPLY FOR HEATED/COOLED WATER LINES IN LINCOLN MALL BETWEEN
11TH AND 12TH STREET.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SMG AND
CARBONHOUSE FOR WEBSITE HOSTING SERVICES AT PINNACLE BANK ARENA, PURSUANT
TO RFP BID NO. 13-343, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR
THREE ADDITIONAL ONE YEAR TERMS.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE VILLAGE OF HALLAM, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF HALLAM.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE VILLAGE OF ROCA, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF ROCA.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE VILLAGE OF SPRAGUE, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF SPRAGUE.

REAPPOINTING JIM CADA, MIKE DONLAN, STEVE GUITTAR, LAURIE LAGE, JOSE J. SOTO AND DIANE WALKOWIAK TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING SEPTEMBER 28, 2017.

APPOINTING JASON HELLBUSCH TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2016.

APPOINTING BRENDAN J. MOORE TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2015.

REAPPOINTING C.M. "BEECH" DALE, KEITH E. FICKENSCHER AND DAN G. PETERSEN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2016.

REAPPOINTING MARTIN KASL, R.J. LIPPERT AND MARK N. LONG TO THE FIRE SPRINKLER AND CHEMICAL EXAMINING BOARD FOR TERMS EXPIRING NOVEMBER 24, 2016.

COMP. PLAN CONFORMANCE 13016 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "CASE, CASE, AND CASE REDEVELOPMENT PROJECT" FOR RENOVATION OF THE EXISTING RESIDENTIAL STRUCTURE, IMPROVE THE FACADE AND TO MAKE STREETScape IMPROVEMENTS ON THE PROPERTY GENERALLY SOUTH OF P STREET BETWEEN S. 14TH STREET AND CENTENNIAL MALL NORTH.

COMP. PLAN CONFORMANCE 13017 – APPROVING AN AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "HARTLEY FLATS REDEVELOPMENT PROJECT" TO CONSTRUCT A THIRTEEN DWELLING UNIT BUILDING WITH 10 GARAGE SPACES AND 13 PARKING STALLS ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 27TH STREET AND S STREET.

COMP. PLAN CONFORMANCE 13018 – APPROVING THE PROPOSED "PIEDMONT REDEVELOPMENT PLAN" FOR RENOVATION AND REDEVELOPMENT OF THE CURRENTLY DEVELOPED SERVICE STATION AND PIEDMONT SHOPS NEIGHBORHOOD SHOPPING CENTER GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 50TH STREET AND SOUTH COTNER BOULEVARD.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1-15, 2014.

APPROVING A FEE FOR A HAZARDOUS MATERIALS RESPONSE SERVICE PERFORMED BY LINCOLN FIRE AND RESCUE IN THE AMOUNT OF \$1,494.00 PER HOUR FOR A LEVEL 1 HAZARDOUS MATERIALS INCIDENT RESPONSE AND \$1,229.00 PER HOUR FOR A LEVEL 2 HAZARDOUS MATERIALS INCIDENT RESPONSE PURSUANT TO SECTION 2.20.170 OF THE LINCOLN MUNICIPAL CODE.

APPOINTING BRETT EBERT TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING SEPTEMBER 28, 2017.

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OPEN MICROPHONE - NONE

ADJOURNMENT

6:04 P.M.

FELLERS Moved to adjourn the City Council Meeting of January 27, 2014.
 Seconded by Christensen & carried by the following vote: AYES: Christensen, Emery, Eskridge,
 Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp, Cook.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist