

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 3, 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

FELLERS Having been appointed to read the minutes of the City Council proceedings of January 27, 2014, reported having done so, found same correct.
Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

3:03 p.m. Council Member Cook temporarily left Council Chambers.

3:06 p.m. Council Member Cook returned to Council Chambers.

PUBLIC HEARING

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 - Mark Hunzeker, 600 Wells Fargo Center, came forward to answer questions. He stated that this is a change of zone for an alzheimer care facility. They have been working with the State Historic Preservation office to get approval on the design of the building as well as working with the Planning and Public Works Utilities departments for approval on the site plan. There have been no objections to the approval and the Planning Commission has approved this unanimously. Discussion followed.

This matter was taken under advisement.

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);

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);

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) - Tom Huston, 233 S. 13th St. Suite 1900, came forward to answer questions. Mr. Huston stated that this is an all or nothing package and is requesting Council to approve all or none of these applications, primarily due to the negotiations held with the adjoining neighbors. Also, the Planning Commission approved the Annexation No. 13004, but had denied both the Change of Zone No. 13020 and Special Permit No. 13043 which is why it is now being amended and presented as a total package. Discussion followed.

Bill Janike, 6601 Perry Cr., President of Pine Lake Association, came forward in support.
Discussion followed.

Bob Moodie, 6510 Ashbrook Dr., came forward in opposition. Discussion followed.

Raymond Attwood, 8003 Northshore Dr., came forward in opposition. Discussion followed.

Jeff Rawlinson, 6441 Westshore Dr., came forward in opposition.

Michael Haufle, 6500 Ashbrook Dr., came forward in opposition.

3:56 p.m. Council Chair Eskridge stated Council would need a short break. All Council Members left the Chambers.

4:00 p.m. Council Members returned to Chambers.

Jerry L. Puls, 6310 Ashbrook Dr., came forward in opposition.

Jennifer Rawlinson, 6441 Westshore Dr., came forward in opposition. Discussion followed.

Theresa C. Attwood, 8003 Northshore Dr., came forward in opposition. Discussion followed.

Council Member Jon Cook requested for Mr. Janike, to come forward and clarify a prior statement regarding an access road.

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Bill Janike, President of Pine Lake Association, stated that the Pine Lake residents and the Pine Lake Board would not be in favor of having an access road through the neighborhood. Discussion followed. Tom Huston, came forward in rebuttal.

Randy Hoskins, Assistant City Engineer, Public Works Utilities, came forward to answer questions. He shared that traffic signal warrants set out by the Federal Government have to be met before the City can install a traffic signal particularly on a State highway. The Nebraska Department of Roads require that a signal warrant be met before the installation of a traffic signal. He stated that those warrants will not be met until after the Pine Lake project is completed which should bring more traffic to the intersection of Ashbrook, Pine Lake, and Highway 2, however, this is not a guarantee that this will warrant a traffic signal. Discussion followed.

Tom Huston, came forward in rebuttal. Discussion followed.
This matter was taken under advisement.

APPROVING TAVERNS & BARS, LLC DBA SUN VALLEY BAR & GRILL AS A KENO SATELLITE SITE AT 300 WEST P STREET - Katrina Coffey, Vice President of Marketing, Big Red Keno, Omaha, came forward to answer questions. She stated she is asking for Council approval for the Keno application of Sun Valley Bar & Grill to be approved. This request is for an ownership change.

Mike Kallhoff, partner & owner of Taverns & Bars, LLC, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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 - Charles Baker, Public Works & Utilities Engineering Services, came forward to answer questions. There is fiber optic cables running from the existing building on the south side of Lincoln Mall to the Landmark Three building which they are constructing. Public Works has no objections on this request.

This matter was taken under advisement.

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 - Tom Lorenz, Pinnacle Bank Arena, General Manager, came forward to answer questions.

CAMP Council Member Jon Camp asked why the contract is with the City versus the WestHaymarket JPA.

Tom Lorenz stated that Purchasing writes the contracts with the City and that this had gone through with Vince Mejer. Discussion followed.

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 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 - Judy Halstead, Lincoln-Lancaster County Health Department, Director, came forward to answer questions. She stated this is a County role that we play as a joint City/County Health Department. There are no dollars associated with these Inter/local agreements, these are covered through fees. Discussion followed.

This matter was taken under advisement.

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 LOCATED SOUTH OF P STREET BETWEEN S. 14TH STREET AND CENTENNIAL MALL NORTH - Dallas McGee, Assistant Director, Urban Development, this is an amendment to the Lincoln Center Redevelopment Plan to allow for redevelopment of an existing building located at 1421 R Street. The plan is to redevelop the building into 29 units, complete with a bathroom and kitchen. The request is for the City

to establish a TIFF District, a project area to allow TIFF to be generated for this project. The contractors have identified a cost benefit analysis, which concludes that without TIFF funds this project would not be financially feasible. The Planning Commission recommended that this project is in conformance. Discussion followed.

Tom Huston, 233 S. 13th St, Suite 1900, came forward to answer questions. The exterior staircase on the east side of the building will be relocated to the interior of the building. The facilities within the building will try to be brought into compliance with the current building codes. The building itself will be increased for energy efficiency with the HVAC and exterior windows. There are planned facade improvements to the building to help ensure and protect the existing facade. The alley vacation will need to be secured immediately.

This matter was taken under advisement.

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 - Ernie Castillo, Urban Development, came forward to answer questions. He shared that this is an amendment to the North 27th Street Corridor and Environs Plan to include the Hartley Flat Project. On January 8th, the Planning Commission found the plan amendment is in conformance with the North 27th Street Plan. The developer, Kris Sonderup, has been working on this plan and has met with the North 27th Street Business Association and the Hartley Neighborhood Association numerous times and have had good interaction with the surrounding neighborhoods. They also own two other projects within a couple of blocks that have been well maintained and it also continues the positive redevelopment along North 27th Street.

Kris K. Sonderup, 2835 O'Reilly Dr., came forward to answer questions. He stated that they are trying to keep the 27th Street moving forward. It's a good corridor. There's a lot of student housing, but not so much for young professionals. Discussion followed.

Curt Donaldson, 2860 R Street, Vice President, 27th Street Business Association, came forward in support.

This matter was taken under advisement.

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 - Ernie Castillo, Urban Development, came forward to answer questions. This is step two in the redevelopment process for the Piedmont Shopping Center. On October 21st, City Council determined the area was blighted and substandard which is the first step in the process. On January 6th, the Planning Commission found the plan to be in conformance with the Comprehensive Plan. This plan consists of two sections, an existing condition section and the redevelopment plan itself. The developer is planning on major interior and exterior renovations. There has been good interaction with the developer and the neighborhoods. The developer and representatives are present for questions. Discussion followed.

Mark Hunzeker, 600 Wells Fargo Center, came forward to answer questions.

This matter was taken under advisement.

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 - John Huff, Fire and Rescue, Fire Chief came forward to answer questions. These are the fees that we have identified as the cost that we will bill for these services. They were approved with the passing of the current budget in September. Discussion followed.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88068

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

That the attached 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

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option to renew for one additional four-year term, upon the terms and conditions 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 Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88069 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of 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, are hereby approved.

Introduced by Doug Emery

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

APPOINTING JASON HELLBUSCH TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88070 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jason Hellbusch to the StarTran Advisory Board for a term expiring October 20, 2016, is hereby approved.

Introduced by Doug Emery

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

APPOINTING BRENDAN J. MOORE TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2015 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88071 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brendan J. Moore to the Veterans Memorial Garden Advisory Council for a term expiring November 1, 2015, is hereby approved.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88072 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of C.M. "Beech" Dale, Keith E. Fichenschler, and Dan G. Petersen to the Veterans Memorial Garden Advisory Council for terms expiring November 1, 2016, are hereby approved.

Introduced by Doug Emery

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

REAPPOINTING MARTIN KASL, R.J. LIPPERT AND MARK N. LONG TO THE FIRE SPRINKLER AND CHEMICAL EXAMINING BOARD FOR TERMS EXPIRING NOVEMBER 24, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88073 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Martin Kasl, R.J. Lippert and Mark N. Long to the Fire Sprinkler & Chemical Examining Board for terms expiring November 24, 2016, are hereby approved.

Introduced by Doug Emery

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

APPOINTING BRETT EBERT TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING SEPTEMBER 28, 2017 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88074 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brett Ebert to the Charter Revision Commission for a term expiring September 28, 2017, is hereby approved.

Introduced by Doug Emery

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., FEBRUARY 24, 2014 ON THE APPLICATION OF PENELOPE'S LIL CAFÉ INC DBA PENELOPE'S LIL CAFÉ FOR A CLASS I LIQUOR LICENSE AT 4724 PIONEERS BLVD. - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88075 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 24, 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 Penelope's Lil Café Inc. dba Penelope's Lil Café for a Class I liquor license located at 4724 Pioneers Blvd.

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

Introduced by Trent Fellers

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

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second 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 second 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 second 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)

PUBLIC HEARING - RESOLUTIONS

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. (1/13/14 - P.H. CONT’D & ACTION DELAYED TO 2/3/14) - PRIOR TO READING: CHRISTENSEN Moved Motion to Amend #1 to Bill No. 14R-23 by accepting the substitute resolution attached hereto as Bill No. 14R-23S.

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

CLERK Read the following resolution, introduced by Gaylor Baird, who moved its adoption for approval:
A-88076 WHEREAS, Donald Arena’s application designated as Special Permit No. 13053 for an expansion of an existing nonconforming Sexually Oriented Live Entertainment Establishment to add an additional 2,208 square feet of space on property generally located at 1823 O Street and legally described as Lot 4, Block 22, Lavenders Addition, Lincoln, Lancaster County, Nebraska, was approved upon condition that Mr. Arena’s changes to the O Street building facade be reconstructed to include windows on both sides of the existing doorway plus re-facing the stucco on the remainder of the facade below the top of those windows in conformance with the Downtown Design Standards; and

WHEREAS, Donald Arena has submitted an application to waive Lincoln Downtown Design Standards for said facade improvements; and

WHEREAS, the Planning Director denied said application for waivers; and

WHEREAS, on December 18, 2013 Donald Arena filed a notice of appeal appealing the action of the Planning Director denying the requested waivers; and

WHEREAS, after public hearing and consideration of the testimony and record on appeal, the City Council finds that the community as a whole, the surrounding neighborhood, and the real property adjacent to 1823 O Street will be adversely affected by granting the requested waivers.

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

That the application of Donald Arena to waive Lincoln Downtown Design Standards requiring windows on the O Street facade of the building located at 1823 O Street and prohibiting stucco on the lower 20 feet of the facade, be and the same is hereby denied.

BE IT FURTHER RESOLVED that, the O Street facade of the building at 1823 O Street shall be reconstructed to include windows on both sides of the existing doorway plus re-facing of the stucco facade below the top of those windows to grade, in accordance with the Downtown Design Standards.

BE IT FURTHER RESOLVED that, in consideration of the letter agreement from the applicant attached hereto as Attachment “A”, the reconstruction of the facade improvements may be extended by the applicant to November 30, 2015 provided that, in the event the reconstruction of the O Street facade is not completed by November 30, 2015, the use of the west half of the building for any use related to a Sexually Oriented Live Entertainment Establishment under Special Permit No. 13053 shall be deemed to be revoked without further action of the City Council.

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 TAVERNS & BARS, LLC DBA SUN VALLEY BAR & GRILL AS A KENO SATELLITE SITE AT 300 WEST P STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88077 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 Taverns & Bars, LLC dba Sun Valley Bar & Grill, 300 West P Street, Lincoln, NE 68528.

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

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88078 WHEREAS, Nebco, Inc. has submitted an application for a permit to use the public right-of-way in Lincoln Mall between 11th and 12th Streets for the purpose of installing two 4" conduit for fiber and communications as well as two 6" pipes for the supply and return of heated/cooled water underneath Lincoln Mall to connect the Landmark 3 Building to the building at 1111 Lincoln Mall; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Attachment "A" and Attachment "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of Nebco, Inc., hereinafter referred to as Permittee, to use the public right-of-way in Lincoln Mall as shown on Attachment "B", for the purpose of installing underground two 4" conduit for fiber and communications as well as two 6" pipes for the supply and return of heated/cooled water be granted as a privilege only by virtue of and subject to substantial compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence and naming the City as additional insured.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. The Permittee shall cause its contractor to call Diggers Hotline of Nebraska prior to commencing any construction activity and identify the natural gas line, water line and street light cables in Lincoln Mall on a site plan prior to boring.

5. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The cable, where it is underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable, to require a change of location of said cable as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

6. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental is currently \$0.50 per lineal foot of two inch conduit space occupied underneath the public street, alley, sidewalk, or other public ground. Such rental is based upon the number of conduits being placed within the right-of-way. The annual rental amount for this request shall be \$600.00.

All payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided, however, the amount of the initial payment shall be prorated from the date of approval of this permit to the 1st day of October, 2014 and payment shall be due and payable on October 1st thereafter.

Any such rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of 1% per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of 5% shall be added thereto in addition to said interest.

7. Any additions, changes, modifications, or amendments of the uses permitted herein shall require a new permit or other authorization.

8. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

9. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

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10. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall terminate.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88079 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and SMG and Carbonhouse for Website Hosting Services at Pinnacle Bank Arena, pursuant to Bid No. 13-343, for a three year term with the option to renew for three additional one year terms, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

Introduced by Doug Emery

Seconded by Fellers 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 HALLAM, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF HALLAM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88080 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

The City Clerk is directed to transmit one fully executed original Contract to Scott Holmes, Lincoln-Lancaster County Health Department, for transmittal to the Village of Hallam.

Introduced by Doug Emery

Seconded by Fellers 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 ROCA, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF ROCA - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88081 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

The City Clerk is directed to transmit one fully executed original Contract to Scott Holmes, Lincoln-Lancaster County Health Department, for transmittal to the Village of Roca.

Introduced by Doug Emery

Seconded by Fellers 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 SPRAGUE, NEBRASKA TO PROVIDE HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND THE ZONING JURISDICTION OF THE VILLAGE OF SPRAGUE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88082 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

The City Clerk is directed to transmit one fully executed original Contract to Scott Holmes, Lincoln-Lancaster County Health Department, for transmittal to the Village of Sprague.

Introduced by Doug Emery

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

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 LOCATED SOUTH OF P STREET BETWEEN S. 14TH STREET AND CENTENNIAL MALL NORTH - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88083 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "Case, Case and Case Redevelopment Project" for renovation of the existing residential structure, and to make facade and streetscape improvements on property generally located at 1421 P Street; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan and the Case, Case and Case Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on December 27, 2013, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on January 8, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the Case, Case and Case Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the proposed Amendments to the Lincoln Center Redevelopment Plan to add the Case, Case and Case Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and on January 8, 2014 the Lincoln-Lancaster County Planning Commission held a public hearing relating to the Plan Amendments and found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 17, 2014 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 3, 2014, regarding the proposed amendments to the Redevelopment Plan to add the Case, Case and Case Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 17, 2014 and January 24, 2014 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on February 3, 2014 regarding the proposed amendments to the Redevelopment Plan and to add the Case, Case and Case Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 3, 2014 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Case, Case and Case Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Case, Case and Case Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Case, Case and Case Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Case, Case and Case Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document attached hereto as Attachment "A" adding the Case, Case and Case Redevelopment Project to the Lincoln Center Redevelopment Plan (to be listed as Project Z), is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Case, Case and Case Redevelopment Project Area as described and depicted in the Plan Amendment is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88084 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No. A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the North 27th Street Corridor and Environs Redevelopment Plan and amendments thereto (hereinafter the "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "Hartley Flats Redevelopment Project" to redevelop the properties at 444, 436 and 422 North 27th Street as a 13-unit residential building; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan for said blighted and substandard area contained in the document entitled "Hartley Flats Redevelopment Project", which is attached hereto, marked as Attachment "A", and made a part hereof by reference and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on December 27, 2013 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 8, 2014 before the Lincoln City -Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the proposed Amendments to the North 27th Street Redevelopment Plan to add the Hartley Flats Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and on January 8, 2014 said Planning Commission held a public hearing relating to the proposed Amendment to the North 27th Street Redevelopment Plan and found the Amendment to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 17, 2014 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 3, 2014 regarding the proposed Amendment, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on January 17, 2014 and January 24, 2014 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 3, 2014 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 3, 2009 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Hartley Flats Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Hartley Flats Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Hartley Flats Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Hartley Flats Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document attached hereto as Attachment "A" adding the Hartley Flats Redevelopment Project to the North 27th Street Redevelopment Plan (to be listed as Project 3) is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described amendment.

3. That the Redevelopment Project Area for the Hartley Flats Redevelopment Project, as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the North 27th Street Redevelopment Plan.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88085 WHEREAS, the City Council on October 21, 2012, adopted Resolution No. A-87628 finding an area generally bounded by A Street, C Street, 50th Street, and Cotner Boulevard to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

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WHEREAS, the Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "Piedmont Redevelopment Plan" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on December 27, 2013, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on January 8, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Piedmont Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed Piedmont Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation and on January 8, 2014 the Lincoln-Lancaster County Planning Commission held a public hearing relating to the proposed Piedmont Redevelopment Plan, found the proposed Piedmont Redevelopment Plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 17, 2014 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 3, 2014, regarding the proposed Piedmont Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 17, 2014 and January 24, 2014 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on February 3, 2014 regarding the proposed Piedmont Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 3, 2014 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Piedmont Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.
2. That the Piedmont Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.
3. That the substandard and blighted conditions in the Piedmont Redevelopment Plan Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.
4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.
5. That the Piedmont Redevelopment Plan would not be economically feasible without the use of tax-increment financing.
6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "Piedmont Redevelopment Plan" attached hereto as Attachment "A", establishing the Piedmont Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.
2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.
3. That the Redevelopment Area for the Piedmont Redevelopment Plan as described and depicted in the Plan is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.
4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Piedmont Redevelopment Plan.

Introduced by Doug Emery

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1-15, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88086 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 16, 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:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
Debra Prester & Steven Prester \$2,000,000.00	Shannon Havener \$8,621.09
Pennie Marshall 321.00	Wayne Scheidemann 1,179.27
	Louis Bailas 1,145.88
	Realty Management Co. 1,032.55
	Mary Ann Rut 1,078.27
<u>L.E.S. Claims:</u>	<u>L.E.S. Claims:</u>
William Siedhoff 31,000.00	Carla Porter 624.22
Bailard Investments LLC 3,306.40	Rich Hubka 18.62
Phoenix Loss Control/Time Warner 438.75	Kathryn Justman & Lori Justman 577.71
Thomas Day 320.00	Denise Murtaugh 228.24
Jessica Ashby & Randy Pavay 200.00	Phoenix Loss Control/Time Warner 438.75
Ernie's Service 2,869.44	
Tammy Dils (Chism) 144.00	
Robert Haberman 220.16	
Lancaster Event Center 2,893.59	
Luke Luxford 537.38	
Levonne Salisbury 694.96	
Phoenix Loss Control/Time Warner 202.25	
Union Bank & Trust Company 1,713.27	
Glimmer Projects LLC 6,200.00	
Dale & Janice Hogan NAS*	
Duncan Aviation 3,704.73	
Terry Cherney NAS*	
William G. Bauer 5,191.79	

* No Amount Specified

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 Doug Emery

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

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- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-88087 WHEREAS, on August 8, 2012, the City Council passed Ordinance No. 19754 amending Chapter 2.20 of the Lincoln Municipal Code to identify and establish fees for certain services performed by the Lincoln Fire and Rescue Department; and

WHEREAS, the addition of fees will allow users of certain services performed by the Fire and Rescue Department to assume more of the responsibility for funding the Department and allow the City of Lincoln to continue to provide a broad range of rescue services; and

WHEREAS, the purpose of this Resolution is to establish fees for response to hazardous materials incidents by the Lincoln Fire and Rescue Department. These fees shall be in addition to the assessment to the owner or possessor of the hazardous materials of the actual costs of any equipment, supplies, or materials consumed or destroyed in the response to a hazardous materials incident.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the City Council, upon review of the recommendation of the Fire and Rescue Department, hereby accepts and adopts the following fees for a response by Lincoln Fire and Rescue personnel to a hazardous materials incident as provided in Section 2.20.170 of the Lincoln Municipal Code. The Lincoln Fire and Rescue Department shall charge \$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. The Department will charge for at least one hour minimum per response and shall round to the nearest hour for the length of the on-scene response. An additional fee of \$161.00 per hour shall be charged per Department apparatus engaged in the

hazardous materials response after the original first hour of each response. In addition to the hourly rate, the actual costs of any equipment, supplies, or materials consumed or destroyed in the response shall be charged to the liable person or business. All fees shall be charged to the liable person as provided in the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that, upon the effective date of the fee structure set forth above, any prior resolution relating to said fee shall be superseded.

Introduced by Doug Emery

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

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

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 third time.

1/27/14 - Due to lack of required majority vote, Bill No. 14-10S held over one week to February 3, 2014.

EMERY Moved to pass ordinance as read.

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

The ordinance, being numbered #19990, is recorded in Ordinance Book #28, Page .

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

CHANGE OF ZONE NO. 13029 – APPLICATION OF US PROPERTIES FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND NEBRASKA HIGHWAY 2. (RELATED ITEMS: 14-15, 14R-48) - CLERK read an ordinance, introduced by Trent Fellers, 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, for the first time.

SPECIAL PERMIT NO. 13060 – APPLICATION OF SILVER OFFICE - OAKVIEW LLC TO ALLOW A CAMPGROUND FOR 13 CAMP SITES ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND NEBRASKA HIGHWAY 2. (RELATED ITEMS: 14-15, 14R-48)

REDEDICATION OF VACATED CRESTDALE ROAD AS PUBLIC RIGHT-OF-WAY - CLERK read an ordinance, introduced by Trent Fellers, rededicating vacated Crestdale Road right-of-way vacated by Ordinance No. 11221, for the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

SPECIAL PERMIT/USE PERMIT NO. 8C – APPLICATION OF A STREET, LLC, TO ALLOW AN APPROXIMATELY 12,400 SQUARE FOOT EXPANSION OF AN EXISTING HEALTH CARE FACILITY AND TO MODIFY THE REQUIRED PARKING RATIO FOR DOCTORS' OFFICES ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND A STREET.

AMENDING THE SECOND YEAR (2013-14) OF THE SIX YEAR CIP FOR PARKS AND RECREATION DEPARTMENT/WEST ADAMS/CORNHUSKER HIGHWAY AND I-180 CORRIDORS PROJECT TO IDENTIFY AN APPROPRIATION OF \$2.5 MILLION AND CHANGE THE FUNDING SOURCE FROM OTHER FINANCING TO LEASE PURCHASE FUNDING. (RELATED ITEMS: 14R-50, 14R-52)

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION IN CONNECTION WITH ACQUISITION AND INSTALLATION OF MATERIALS AND EQUIPMENT FOR (A) SIDEWALKS, (B) FIBER OPTIC NETWORK INSTALLATIONS AND EXPANSIONS, AND (C) IMPROVEMENTS TO WEST ADAMS/CORNHUSKER HIGHWAY AND I-180 CORRIDOR. (RELATED ITEMS: 14R-50, 14R-52)

APPROVING THE PURCHASE OF PROPERTY LOCATED AT SOUTH 29TH AND A STREETS FROM THE LINCOLN PARKS FOUNDATION FOR A PURCHASE PRICE OF \$248,750 WITH A FUNDING SOURCE FROM THE ADVANCE LAND ACQUISITION FUND.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND WINDSTREAM COMMUNICATIONS FOR THE ANNUAL REQUIREMENTS FOR INTERNET SERVICE PROVIDER SERVICES, PURSUANT TO BID NO. 14-016, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM.

OPEN MICROPHONE - NONE

ADJOURNMENT

5:44 P.M.

COOK Moved to adjourn the City Council Meeting of February 3, 2014.
 Seconded by Emery & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist

**REGULAR MEETING
FEBRUARY 03, 2014
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