

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 31, 2014 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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**

**GAYLOR BAIRD** Having been appointed to read the minutes of the City Council proceedings of March 24, 2014, reported having done so, found same correct.

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

**PUBLIC HEARING**

**AMENDING CHAPTER 9.30 OF THE LINCOLN MUNICIPAL CODE, DONATION BOXES, TO REMOVE REQUIREMENTS FOR PERMITS, OWNERSHIP BY CHARITIES OR USE OF A PRESCRIBED PORTION OF PROCEEDS FOR CHARITABLE PURPOSES, AND REQUIRING CERTAIN INFORMATIONAL DISCLOSURES** - Rod Confer, City Attorney, came forward to state this is a revision to the ordinance that Council passed in 2013. That ordinance was never put into effect. It was challenged in Federal Court and the City received a ruling indicating that there may be constitutional problems with it. These amendments came about as a result of that ruling.

Council Member Fellers stated that he will move to continue the Public Hearing on this item one more week to allow all parties to explore the amendment further.

Jack Schulz, legal representation for Linc-Drop, came forward to state that his client was involved in litigation with the City on this matter and would support the continuance of the Public Hearing. Additional problems with the redrafted ordinance have been identified, and it would be in the best interest of all parties to explore a solution without incurring additional legal fees. Mr. Shultz thanked the Council for their consideration on this matter.

Rosemary Opbroek, State Director for March of Dimes, came forward to state that March of Dimes projects have benefitted thousands of people in the Lincoln area, and many were funded in part by the donations made by Linc-Drop. Discussion followed.

This matter was taken under advisement.

**REPEALING SECTION 5.04.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROHIBITING MINORS ON LICENSED PREMISES WHICH SELL OR DISPENSE ALCOHOLIC LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES AFTER 9:00 P.M.** - Rod Confer, City Attorney, came forward to state this is an old ordinance that came to light when Marcus Theaters applied for a liquor license. In answer to Council questions, he confirmed that the law is enforced by complaint only, and since no complaints have been made, the law has not been enforced. It was written in 1949 when alcohol was not sold in as wide a variety of establishments as it is today, and if followed now, it would apply even when alcohol is not served after 9:00 P.M. Many bars do not allow minors at any time in order to protect their liquor licenses. There are entertainment venues that allow minors for some activities, and those business owners manage as they see fit. Discussion followed.

Tim O'Neill, legal representative of Marcus Theaters, came forward to state that there are kids in grocery stores, restaurants, and entertainment venues after 9:00 P.M. now. Underage drinking is a concern that should be addressed, but this ordinance is not followed or enforced, and it is overly broad. His clients are in favor of its repeal.

Richard Halverson, 6311 Inverness Road, came forward to state that changing the time would be a better solution than a total repeal.

This matter was taken under advisement.

**COMP. PLAN CONFORMANCE 14003 – APPROVING AN AMENDMENT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN TO IDENTIFY THE “AIRPORT ENTRYWAY CORRIDOR” AS A NEW STREETScape PROJECT, INCLUDING LANDSCAPING, DISTRICT MARKERS AND BANNERS ALONG CORNHUSKER HIGHWAY FROM NEAR THE LINCOLN AIRPORT TO THE I-180 INTERCHANGE AND SOUTH ALONG I-180 TO S STREET** - David Landis, Director of Urban Development, came forward to state that the Planning Commission ruled unanimously that this plan is consistent with the Comprehensive Plan, which speaks clearly about the idea of entryways to the city, identifying locations and the significant impact of providing an indelible first impression of the community. There is an area that is designated blighted and substandard, and the Redevelopment Plan needs to be amended so that the area is identified as a project within the boundaries of the existing plan. The existing boundaries will also be expanded to include an area of City right-of-way. Two major aspects of this project

are the 4.3 miles of significant road work which will cost \$4.9 million, and the beautification work which totals \$2.5 million. The total cost of the project is \$8.8 million. \$1.4 million could be a privately financed endowment, and the other funds will come from Certificates of Participation, and a Tax Increment Financing District.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1- 15, 2014 - Brian Bennetzen, 2206 Independence Drive, came forward to describe the claim he filed against the City after a sewer line backed up into his basement, causing \$16,000 worth of damage. He stated that he believes the City is responsible for many reasons. As a property owner, he is responsible for any problems to the main line; this blockage occurred in the City-maintained portion of the sewer line. The line was completely blocked by tree roots which suggests that the roots could have been growing for years or that the line had not been adequately cleaned at the last inspection. This expense has had far reaching effects for his family. Mr. Bennetzen requested that his claim be sent back to the City Attorney's office for further investigation. Discussion followed.

Rod Confer, City Attorney, came forward to state that according to the Tort Claims Act, the City must be found to be negligent in order to authorize payment of a claim against the City. No negligence was found in this situation. The City does maintain sewer lines at regularly scheduled intervals. The best effort is made to mitigate these types of problems by considering large trees, and other factors that may increase the interval at which the lines are cleaned. The City placed this line on a twenty-four month schedule and determined that roots needed to be cut and cleared with each visit. That schedule had been sufficient up to this point and the City had no prior notice of any problem. Discussion followed.

This matter was taken under advisement.

APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH AND COMPANY FOR THE USE OF FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS AT THE INTERSECTION OF CODDINGTON AVENUE AND WEST VAN DORN STREET (PROJECT NO. HSIP-5205(1), CN 13147) - Roger Figard, Public Works & Utilities Department, came forward to state this is a straightforward amendment. Typically, with professional services contracts, overhead rates are set and audited on an annual basis. In this case, Benesch and HWS had merged and they used an estimated overhead rate at the time this contract was initially entered into, which was November, 2011. It has now been audited, and this is the recommendation for adjustment to rates. The source of funds is 10% local and 90% Federal and the increase is approximately \$1,160. Discussion followed.

This matter was taken under advisement.

ACCEPTING AND APPROVING AN AMENDED AND RESTATED PERMANENT EASEMENT TO CONSERVE AND PROTECT THE LANDMARK DESIGNATION OF THE LEWIS-SYFORD HOUSE GENERALLY LOCATED AT 700 NORTH 16TH STREET - Ed Zimmer, Planning Department, came forward to state the City accepted an easement given by the Nebraska State Historical Society Foundation upon the transfer of the property in 2008. The Sartore family was considering purchasing the property. They looked at the restrictive easement held by the City and decided not to move forward. This was cause for concern because this historical property very much needed an owner interested and able to take care of it. The next step was to look into amending the easement so that it was workable for the Sartore family. This process was completed, and the home has now been restored to safe and habitable conditions and is being used for family purposes. To complete the process, the Preservation Commission, the Planning Commission, and the City have looked at this exchange, and we all recommend it to Council. Discussion followed.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND JACOB NORTH PRINT & MEDIA SOLUTIONS FOR THE ANNUAL REQUIREMENTS FOR BUSINESS CARDS AND LETTERHEAD PRINTING, PURSUANT TO BID NO. 14-025, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88153 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Jacob North Print & Media Solutions for the annual requirements for Business Cards and Letterhead Printing, pursuant to Bid No. 14-025, for a two year term with the option to renew for one additional two 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 and any associated amendments or renewals on behalf of the City of Lincoln.

Introduced by Trent Fellers

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

APPOINTING WILLIAM A. BEECHAM TO THE TELECOMMUNICATION/CABLE TV ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88154 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of William A. (Andy) Beecham to the Telecommunication/Cable Advisory Board for a term expiring July 1, 2016, is hereby approved.

Introduced by Trent Fellers

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 17, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

#### PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT IN NW. 10<sup>TH</sup> STREET BETWEEN W. NANCE AND W. BELMONT STREETS AND IN NW. 10<sup>TH</sup> STREET BETWEEN W. DAWES AND W. NANCE STREETS, SUBMITTED BY GREG ONNEN - CLERK presented said petition which was referred to the Public Works & Utilities Department on March 31, 2014.

SETTING THE HEARING DATE OF MONDAY, APRIL 14, 2014 AT 3:00 P.M. FOR THE APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR THE ADDITION OF A CATERING LICENSE TO ITS EXISTING CLASS L LIQUOR LICENSE LOCATED AT 500 W. SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88155 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 14, 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 Blue Blood Brewing Company, Inc. dba Blue Blood Brewing Company for the addition of a catering license to its existing Class L liquor license located at 500 W. South Street, Suite 8.

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

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.

SETTING THE HEARING DATE OF MONDAY, APRIL 14, 2014 AT 3:00 P.M. FOR THE APPLICATION OF LBR INVESTMENTS, LLC DBA THE NORMANDY FOR A CLASS I LIQUOR LICENSE LOCATED AT 2785 S. 17<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88156 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 14, 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 LBR Investments, LLC dba The Normandy for a Class I liquor license located at 2785 S. 17<sup>th</sup> Street.

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

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.

SETTING THE HEARING DATE OF MONDAY, APRIL 14, 2014 AT 3:00 P.M. FOR THE APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A CLASS CK LIQUOR LICENSE LOCATED AT 575 FALLBROOK BOULEVARD, SUITE 109 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

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A-88157 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 14, 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 MSKDJ, Inc. dba Schillingbridge Cork & Tap House for a Class CK liquor license located at 575 Fallbrook Boulevard, Suite 109.

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

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.

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

Administrative Amendment No. 14008 to Special Permit No. 2005, Scout's School Community Unit Plan, approved by the Planning Director on March 18, 2014, requested by ESP, Inc., to convert 7 single family detached units back to 12 attached single family units, on property generally located at S. Coddington Ave. and W. South St.

Administrative Amendment No. 14007 to Change of Zone No. 08057A, University Place Planned Unit Development, approved by the Planning Director on March 19, 2014, requested by Paul Marshall, to adjust the parking requirement to not provide the 3 additional parking stalls associated with the approximately 700 square foot expansion of the MoJava Restaurant into adjacent retail space, on property generally located at N. 48<sup>th</sup> St. and Saint Paul Ave.

**LIQUOR RESOLUTIONS - NONE**

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

AMENDING CHAPTER 9.30 OF THE LINCOLN MUNICIPAL CODE, DONATION BOXES, TO REMOVE REQUIREMENTS FOR PERMITS, OWNERSHIP BY CHARITIES OR USE OF A PRESCRIBED PORTION OF PROCEEDS FOR CHARITABLE PURPOSES, AND REQUIRING CERTAIN INFORMATIONAL DISCLOSURES - PRIOR to reading:

FELLERS Moved to continue 2<sup>nd</sup> Reading with Public Hearing one week to April 7, 2014.

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

CLERK Read an ordinance, introduced by Trent Fellers, amending Chapter 9.30 of the Lincoln Municipal Code Relating to donation Boxes by amending Section 9.30.010 relating to Definitions to set forth definitions of additional terms; repealing Section 9.30.020 relating to Legislative Intent; amending Section 9.30.030 relating to Prohibitions, to delete requirements for permits and prescribing percentage of proceeds that must be used for charitable purposes, and adding provisions requiring Disclosures on Donation Boxes and prohibiting Deceptive Representations; amending Section 9.30.040 relating to Permits, by deleting any requirement for a separate Donation Box Permit; amending Section 9.30.050 relating to Enforcement; Penalties; Injunction, to delete provisions making owners of property responsible for violations on their properties and provisions requiring Donation Box Permits; and repealing Section 9.30.060 relating to Exemptions; and repealing Sections 9.30.010, 9.30.030, 9.30.040, and 9.30.050 of the Lincoln Municipal Code as hitherto existing, the second time.

REPEALING SECTION 5.04.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROHIBITING MINORS ON LICENSED PREMISES WHICH SELL OR DISPENSE ALCOHOLIC LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES AFTER 9:00 P.M. - CLERK read an ordinance, introduced by Trent Fellers, repealing Section 5.04.120 of the Lincoln Municipal Code relating to prohibiting minors on licensed premises which sell or dispense alcoholic liquor at retail for consumption on the premises after 9:00 p.m., the second time.

**PUBLIC HEARING - RESOLUTIONS**

COMP. PLAN CONFORMANCE 14003 – APPROVING AN AMENDMENT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN TO IDENTIFY THE “AIRPORT ENTRYWAY CORRIDOR” AS A NEW STREETScape PROJECT, INCLUDING LANDSCAPING, DISTRICT MARKERS AND BANNERS ALONG CORNHUSKER HIGHWAY FROM NEAR THE LINCOLN AIRPORT TO THE I-180 INTERCHANGE AND SOUTH ALONG I-180 TO S STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88158 WHEREAS, the City Council on October 23, 2006, adopted Resolution No. A-84082 finding an area generally bounded by Sun Valley Boulevard from West O Street to Cornhusker Highway, along Cornhusker Highway from I-180 to N.W. 12th Street, along N.W. 12th Street from Cornhusker Highway to Highlands Boulevard, Highlands Boulevard from N.W. 12th Street to N.W. 1st Street, and West Superior Street from N.W. 1st Street to I-180 (Northwest Corridors Redevelopment 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 Northwest Corridors Redevelopment Plan (hereinafter the "Northwest Corridors Redevelopment Plan" or "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

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk a proposed amendment to the Plan (hereinafter the "Amendments") to add the Airport Entryway Corridor Project as a redevelopment project to be carried out by the City of Lincoln as a capital improvement project. Said Amendments are contained in the document entitled "Amendment to the Northwest Corridors Redevelopment Plan -- Streetscape Beautification", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, said Amendments to the Northwest Corridors Redevelopment Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on February 21, 2014 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 March 5, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the Amendments, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on March 5, 2014 held a public hearing relating to the Amendments to the Northwest Corridors Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on March 14, 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 March 31, 2014 regarding the Amendments, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on March 14, 2014 and March 21, 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 March 31, 2014 regarding the Amendments, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on March 31, 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 Amendments to the Northwest Corridors 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 Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said Amendments; and

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

1. That the Amendments are described in sufficient detail and are 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 reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.
2. That incorporating the Amendments 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 Northwest Corridors Redevelopment 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 Airport Entryway Corridor Project would not be economically feasible without the use of tax-increment financing.
6. That the Airport Entryway Corridor Project would not occur in the Redevelopment Area without the use of tax-increment financing.
7. 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.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments to the Northwest Corridors Redevelopment Plan attached hereto as Attachment "A", establishing the Airport Entryway Corridor Project as a redevelopment project to be carried out by the City of Lincoln as a capital improvement project, are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Mayor, 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 Amendments, including but not limited to entering into one or more construction contracts for such work.

3. 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 the related necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the Northwest Corridors Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental to the findings, approvals, and authorizations as set forth in Resolution No. A-84082, Resolution No. A-84099, Resolution No. A-84991 and Resolution No. A-86268.

Introduced by Trent Fellers

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

**ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1- 15, 2014 - PRIOR to reading:**

EMERY Moved to Amend Bill No. 14R-81 by removing the claim of Brian Bennetzen from the list of Denied Claims.

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

CLERK Read the following resolution, introduced by Trent Fellers, who moved its adoption as amended:

A-88159

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 March 17, 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>	
FARA Insurance Services TPA for		State Farm Insurance a/s/o	
State of Nebraska Fire Marshal	\$ 582.22	Lois J. Irons	\$ 3,261.27
<del>Brian Bennetzen</del>	<del>16,051.22</del>	Aleesha Kermmoade	4,100.00
Geneva Sickler	1,054.98	Alvina Ryder	21,569.01
Daphne McWilliams	194.12	Southern Heights Presbyterian Church	664.51
Alan & Marjorie Ross	NAS*	Chantell Eaves	957.64
Farmers Insurance a/s/o			
Alan & Marjorie Ross	5,000.00		
Farmers Mutual of Nebraska a/s/o			
Mark & Tanner Nelson	NAS*		
Michelle Ashley	130.00		
Nancy Bundy	140.00		
FARA Insurance Services TPA for			
State of Nebraska Health &			
Human Services	NAS*		

\* 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 Trent Fellers

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

**APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH AND COMPANY FOR THE USE OF FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS AT THE INTERSECTION OF CODDINGTON AVENUE AND WEST VAN DORN STREET (PROJECT NO. HSIP-5205(1), CN 13147) - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-88160

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

That the attached Supplemental Agreement #1 between the City of Lincoln and Alfred Benesch and Company for the use of Federal Highway Safety Improvement Funds for improvements at the intersection of Coddington Avenue and West Van Dorn Street, Project No. HSIP-5205(1), CN 13147, in accordance with the terms and conditions contained in said Supplemental Agreement #1, is hereby

approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Trent Fellers

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

ACCEPTING AND APPROVING AN AMENDED AND RESTATED PERMANENT EASEMENT TO CONSERVE AND PROTECT THE LANDMARK DESIGNATION OF THE LEWIS-SYFORD HOUSE GENERALLY LOCATED AT 700 NORTH 16TH STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88161 WHEREAS, in 2008 the Nebraska State Historical Society Foundation conveyed to the City of Lincoln a permanent preservation easement (Original Preservation Easement) to conserve and protect the landmark designation of the Lewis-Syford House and other improvements on property generally located at 700 N. 16th Street and legally described as the West Half of Lots J and K, Tuttle et al's Subdivision of Lot 1, Little's Subdivision, Lincoln, Lancaster County, Nebraska ("Property"); and

WHEREAS, the City possesses other preservation easements for historic real property in Lincoln such as the Harris House, Phi Delta Theta Fraternity, and the former U.S. Post Office and Courthouse (Old Federal Building) and Comfort Station; and

WHEREAS, Sartore Family Revocable Trust ("Sartore"), owner of the property, believes that the Original Preservation Easement is unduly cumbersome for the continued upkeep and use of Lewis-Syford House and therefore threatens its preservation; and

WHEREAS, Sartore has requested the City to amend the Original Preservation Easement granted in 2008 by entering into this Amended and Restated Preservation Easement modeled on easements possessed by the City for other Lincoln landmarks in order to better enable Sartore to preserve the Lewis-Syford House; and

WHEREAS, the Amended and Restated Preservation Easement has been submitted to the Lincoln City-Lancaster County Planning Commission for review and recommendation and on October 13, 2013 the Planning Commission held a public hearing relating to the City's acceptance of the Amended and Restated Preservation Easement and found the acquisition to be in conformance with the Comprehensive Plan; and

WHEREAS, the City is willing to enter into this Amended and Restated Preservation Easement.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of an Amended and Restated Preservation Easement by Sartore over the property legally described above and in accordance with the terms of the Amended and Restated Preservation Easement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Amended and Restated Preservation Easement on behalf of the City of Lincoln, Nebraska.

Introduced by Trent Fellers

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

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

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS; P STREET FROM 7TH TO 8TH STREETS; Q STREET FROM 7TH TO CANOPY STREETS; AND UNDER THE CANOPY ALONG CANOPY STREET FROM P TO Q STREETS FROM MAY 3, 2014 THROUGH OCTOBER 11, 2014 AND ON 8TH STREET FROM P TO Q STREETS FROM MAY 3, 2014 THROUGH AUGUST 23, 2014 - CLERK read and ordinance, introduced by Leirion Gaylor Baird, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7<sup>th</sup> Street from P to Q Streets; P Street from 7<sup>th</sup> to 8<sup>th</sup> Streets; Q Street from 7<sup>th</sup> to Canopy Streets; and under the Canopy along Canopy Street from P to Q Streets; from May 3, 2014 through October 11, 2014, and on 8<sup>th</sup> Street from P to Q Street from May 3, 2014 through August 23, 2014, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

REPEALING CHAPTER 5.54 OF THE LINCOLN MUNICIPAL CODE RELATING TO TRAMPOLINE CENTERS AS THE PROVISIONS AND REQUIREMENTS OF THIS CHAPTER ARE OBSOLETE - CLERK read and ordinance, introduced by Leirion Gaylor Baird, repealing Lincoln Municipal Code Chapter 5.54 relating to Trampoline Centers as the provisions and requirements of this chapter are obsolete, the first time.

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AMENDING CHAPTER 8.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC SWIMMING POOLS TO ADOPT UPDATED STANDARDS FOR DESIGN, CONSTRUCTION AND OPERATION OF PUBLIC SWIMMING POOLS AND SPA FACILITIES. (RELATED ITEMS: 14-34, 14R-84, 14-35) - CLERK read and ordinance, introduced by Leirion Gaylor Baird, amending Chapter 8.38 of the Lincoln Municipal Code relating to Public Swimming Pools to adopt updated standards for design, construction and operation of public pools and spa facilities and repealing Sections 8.38.010, 8.38.020, 8.38.030, 8.38.040, 8.38.050, 8.38.090, 8.38.100, 8.38.110, and 8.38.120 of the Lincoln Municipal Code as hitherto existing, the first time.

ADOPTING THE LINCOLN OPERATIONAL AND MANAGEMENT STANDARDS FOR PUBLIC SWIMMING POOLS PURSUANT TO LINCOLN MUNICIPAL CODE SECTION 8.38.050. (RELATED ITEMS: 14-34, 14R-84, 14-35) (ACTION DATE: 4/14/14)

REPEALING CHAPTER 8.40 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPA FACILITIES AS SPA FACILITIES WILL NOW BE REGULATED UNDER REVISED LINCOLN MUNICIPAL CODE CHAPTER 8.38, PUBLIC SWIMMING POOLS. (RELATED ITEMS: 14-34, 14R-84, 14-35) - CLERK read and ordinance, introduced by Leirion Gaylor Baird, repealing Lincoln Municipal Code Chapter 8.40 relating to Spa Facilities as spa facilities will now be regulated under revised Lincoln Municipal Code Chapter 8.38, Public Swimming Pools, the first time.

COMP. PLAN CONFORMANCE NO. 14004 – DECLARING APPROXIMATELY 0.46 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN ANTELOPE VALLEY PARKWAY AND SOUTH 20TH STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 14-36, 14-37) - CLERK read and ordinance, introduced by Leirion Gaylor Baird, declaring approximately 0.46 acres of city owned property generally located between Antelope Valley Parkway and South 20<sup>th</sup> Streets as surplus, the first time.

VACATION NO. 14002 – VACATING 20TH STREET BETWEEN K AND L STREETS, AND THE EAST/WEST ALLEY BETWEEN ANTELOPE VALLEY PARKWAY AND SOUTH 20TH STREET. (RELATED ITEMS: 14-36, 14-37) - CLERK read and ordinance, introduced by Leirion Gaylor Baird, vacating South 20<sup>th</sup> Street between K Street and L Street and the east/west alley between Antelope Valley Parkway and South 20<sup>th</sup> Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AUTHORIZING THE CITY TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY TO (1) PURCHASE AND INSTALL LIGHT POLES AND RELATED EQUIPMENT IN NEWLY DEVELOPED AREAS AND REBUILD AND RELOCATE STREET LIGHTS IN ESTABLISHED AREAS; (2) REPAIR AND REPLACE APPROXIMATELY 2,800 SIDEWALK SECTIONS WITHIN THE CITY; AND (3) CONSTRUCT STREETScape ENHANCEMENTS AND RELATED COSTS FOR AN ENTRYWAY CORRIDOR TO THE CITY - CLERK read and ordinance, introduced by Leirion Gaylor Baird, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (1) purchasing and installing light poles and related equipment, such as light fixtures, wiring, and other items necessary to complete the installation of new street lights in newly developed residential and commercial areas as well as replacing, rebuilding and relocating street lights in established areas, (2) repairing and replacing approximately 2,800 sidewalk sections within the City, and (3) constructing streetscape enhancements and related costs for an entryway corridor to the City and to pay costs of issuance thereof; approving the issuance, sale and delivery of not to exceed \$9,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND USCOC OF GREATER IOWA, LLC FOR PCS TOWER AND APPURTENANCES TO LOCATE A COMMUNICATION FACILITY ON PROPERTY GENERALLY LOCATED AT 5500 W. SUPERIOR - CLERK read and ordinance, introduced by Leirion Gaylor Baird, accepting and approving the Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and USCOC of Greater Iowa, LLC for the placement of telecommunications facilities upon City property generally located at 5500 W. Superior Street (Airpark Site No. 871386) and authorizing the Mayor to sign such Agreement on behalf of the City, the first time.

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

APPROVING A CONTRACT BETWEEN THE CITY AND SCHEMMER ASSOCIATES, INC. FOR THE CONSTRUCTION ENGINEERING SERVICES TO BE PROVIDED FOR THE LINCOLN WEST “O” STREET HISTORIC HIGHWAY PROJECT.



APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NIFCO MECHANICAL SYSTEMS, INC. FOR THE ANNUAL REQUIREMENTS FOR INSPECTION, TESTING AND MAINTENANCE OF SPRINKLER ALARM SYSTEM AND BACKFLOW PREVENTERS, PURSUANT TO BID NO. 14-034, FOR A FOUR YEAR TERM.

AMENDING THE UPDATED MASTER PLAN FOR WOODS PARK APPROVED BY RESOLUTION NO. A-88010 TO ADJUST THE PHASING PLAN FOR THE PROPOSED WOODS PARK TENNIS CENTER RENOVATION PROJECT.

**OPEN MICROPHONE**

Jane Svoboda, no address given, came forward to share her thoughts on various issues.  
This matter was taken under advisement.

**ADJOURNMENT**

**5:48 P.M.**

CAMP            Moved to adjourn the City Council Meeting of March 31, 2014.  
                      Seconded by Cook & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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Teresa J. Meier, City Clerk

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Amy Hana Huffman, Office Specialist

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