

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 9, 2014 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Emery 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**

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of June 2, 2014, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF HY-VEE INC. DBA HY-VEE LINCOLN 3 TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION TO THE AREA FOR A NEW LICENSED AREA DESCRIBED AS A ONE STORY BUILDING APPROXIMATELY 246 FEET BY 371 FEET LOCATED AT 5020 NORTH 27TH STREET - Steve Parker, 2637 W. Washington St., came forward to take the oath and answer questions. This Hy-Vee location is expanding to the north and will now have a separate wine and spirits section.

This matter was taken under advisement.

APPLICATION OF SULTANI BROTHERS INC. DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET;  
MANAGER APPLICATION OF AHMAD H. SULTANI FOR SULTANI BROTHERS INC. DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD STREET - Ahmad H. Sultani, 5700 N. 33rd St., came forward to take the oath and answer questions. Sultani Brothers, Inc. acquired this gas station and convenience store last month.

This matter was taken under advisement.

APPLICATION OF MADSEN'S BOWLING AND BILLIARDS CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 97 FEET BY 135 FEET IN THE PARKING LOT AT 4700 DUDLEY STREET ON JUNE 21, 2014 FROM 11:00 A.M. TO 2:00 A.M. - Thomas Madsen, 4111 Dudley St., came forward to state Madsen's will host this bike show event in the front parking lot. There will be a band, outdoor games and a trailer provided by Budweiser. It is the first event of this type at this location.

This matter was taken under advisement.

APPLICATION OF HENRY MAC LLC DBA HENRY'S ON SOUTH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 20 FEET BY 30 FEET AT 2110 WINTHROP ROAD ON JUNE 21 & 28, JULY 5, 12, 19 & 26, AND AUG. 2, 2014 FROM 12:00 P.M. TO 5:00 P.M. - Melissa Fuller, co-owner of Henry's on South, 2110 Winthrop Rd., came forward during the Voting Session to state that they did not receive notification of the requirement to appear before Council today. Andrew Fuller came forward at the last meeting to describe these outdoor events. These are the dates for the remainder of the summer.

This matter was taken under advisement.

VACATION NO. 06007- VACATING PINE RIDGE LANE IN THE PINE LAKE COMMUNITY UNIT PLAN GENERALLY LOCATED ON THE WEST SIDE OF WESTSHORE DRIVE, HALFWAY BETWEEN NORTHSHORE DRIVE AND EIGER DRIVE - Bill Austin, Baylor Evnen, 1248 O St., was on hand to answer questions.

Bill Janike, President of the Pine Lake Neighborhood Association, was on hand to answer questions.

This matter was taken under advisement.

ANNEXATION NO. 14002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.4 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD;  
CHANGE OF ZONE 05068D - AMENDING THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD TO EXPAND THE AREA OF THE PUD, AND FROM R-3 RESIDENTIAL DISTRICT PUD TO R-3 RESIDENTIAL DISTRICT TO REDUCE THE AREA OF THE PUD, GENERALLY LOCATED BETWEEN SOUTH 70TH STREET AND SOUTH 84TH STREET

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SOUTH OF YANKEE HILL ROAD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION ON THE PROPERTY BEING ADDED TO THE PUD; AND FOR APPROVAL OF A DEVELOPMENT PLAN MODIFYING THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW INCREASES IN THE NUMBER OF DWELLING UNITS FROM 613 TO 675;

STREET NAME CHANGE 12002 - RENAMING BUSH AVENUE GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 78TH STREET AND YANKEE WOODS DRIVE TO HACIENDA DRIVE - Marvin Krout, Director of Planning Department, came forward to state these items are related to the Woodlands Development, which has been going on for several years. This is a middle section of the area and has involved some land trades so that two developers could own entire lot sections.

Rick Krueger, President of Krueger Development, came forward to answer questions. The street name change occurs on a portion of road where no one lives at this time. The reason for the density change is due to the construction of townhomes. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 9.36.025 RELATING TO FIREARMS OFFERED FOR SALE AT RETAIL; ACCESS RESTRICTED, TO PROVIDE THAT AMMUNITION FOR FIREARMS OTHER THAN HANDGUNS IS NOT REQUIRED TO BE SECURED OR INACCESSIBLE WITHOUT ASSISTANCE OF AUTHORIZED SALES PERSONNEL OF THE RETAILER; AND REPEALING SECTION 9.36.025 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Tom Cassady, Director of Public Safety, came forward to state this proposed change came about when a citizen informed the City via email that there were two retailers in violation of the current ordinance because they displayed shotgun ammunition in their aisles. The City asked them to comply and they explained that it would be difficult for them to do so for multiple reasons. The Law Department reviewed this and drafted this amendment to accommodate this change. This will not impact public safety and this type of ammunition is not targeted by shoplifters since it is so bulky.

Louie Sikich, Scheels All Sports, came forward to thank Council and the City for reviewing this law. The rules regarding the sales of ammunition make sense for firearms, but not for these huge volumes of shotgun shells. Scheels sells thousands of these during peak season, and storing them off the shelves creates an immense burden. Customers also like to read the product packaging and see this merchandise before they make a purchase.

This matter was taken under advisement.

AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT 422, 436 AND 444 NORTH 27<sup>TH</sup> STREET TO TJK INVESTMENTS INC. PURSUANT TO THE HARTLEY FLATS REDEVELOPMENT AGREEMENT - David Landis, Director of Urban Development, came forward to state the redevelopment agreement associated with this property was approved last week. The sale of the property proceeded on a different schedule which is why it is before Council today. Discussion followed.

This matter was taken under advisement.

VACATION NO. 13004 - VACATING PINE TREE LANE FROM NORTH 7TH STREET TO THE END OF THE PINE TREE LANE CUL-DE-SAC, GENERALLY LOCATED AT NORTH 7TH STREET AND PINE TREE LANE - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, came forward representing Pine Tree Lane Neighborhood Association. The city has grown up to the borders of this unique old neighborhood, and the residents are now looking to the future to transition from the current 5 acre lot size, to a neighborhood development more consistent with surrounding areas. The intention is to create 1 acre sites that cluster density in order to leave space and retain old tree growth. Neighborhood residents would also like to turn this road into a private street that would be owned and maintained by them. This would maintain the rural character of the neighborhood by avoiding the City requirements for curb and gutter. The public would still have access to the road. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$4,700,000 FOR THE CITY OF LINCOLN, SPEEDWAY SPORTING VILLAGE REDEVELOPMENT PROJECT - David Landis, Director of Urban Development, came forward to state that this bond agreement is appearing without the redevelopment agreement today due to last minute issues. The developers brought this forward first so that action would be taken simultaneous to the redevelopment agreement.

Mike Rogers, Gilmore and Bell, came forward to state this bond ordinance follows the same form as others that have been approved by Council. He remained on hand to answer questions. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT 14003 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.63.130 TO CLARIFY THAT THE SECTION APPLIES ONLY TO OUTDOOR RECREATIONAL FACILITIES, TO PROVIDE THAT THE PLANNING COMMISSION MAY ESTABLISH PARKING REQUIREMENTS FOR SUCH OUTDOOR RECREATIONAL FACILITIES AND PROVIDING THAT, AS PART OF THE SPECIAL PERMIT FOR AN OUTDOOR RECREATIONAL FACILITY, THE PLANNING COMMISSION MAY, SUBJECT TO SECTION 27.63.680, PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE

PREMISES AS AN ACCESSORY USE; AND AMENDING SECTION 27.63.680 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AS AN ACCESSORY USE - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, came forward representing Great American Sports Park, LLC, to state this ordinance allows all outdoor recreational facilities to be treated as a group and to serve alcohol. Several amendments have been made to allow Council to pull the special permit in the event of any alcohol violations. It is also made clear that if a youth event is taking place anywhere on premises, alcohol is not allowed to be served, so it would only be permitted at the unique adult events between youth seasons.

Teri Pope Gonzalez, 349 S. 1<sup>st</sup> St., came forward for clarification that no alcohol will be served during any youth event.

This matter was taken under advisement.

APPROVING AN INTERLOCAL MASTER FACILITY USE AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN ESTABLISHING AN EQUITABLE METHOD FOR SHARING COSTS ASSOCIATED WITH SHARED USE OF FACILITIES MANAGED BY EACH OF THE PARTIES - Lynn Johnson, Director of Parks & Recreation, came forward to request this item be delayed with Public Hearing and Action in two weeks.

This matter was taken under advisement.

AUTHORIZING B&J PARTNERSHIP LTD. TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT MCKINNEY'S IRISH PUB AT 151 NORTH 8TH STREET FOR USE AS A SIDEWALK CAFÉ - Buff Baker, Public Works and Utilities Department, came forward to state this location meets all City standards and we recommend approval. Discussion followed.

Joel Schossow and Nathan Stewart, co-owners of McKinney's, came forward to answer questions. McKinney's has a twenty-three item menu. Discussion followed.

This matter was taken under advisement.

APPROVING SUPPLEMENTAL AGREEMENT #1 TO THE PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR PROJECT NO. HSIP-5253(1), CN 13227, A SAFETY PROJECT AT NORTH 66TH STREET AND FREMONT STREET - Craig Alridge, Public Works and Utilities Department, came forward to answer questions. He stated that Public Works conducted an initial meeting inviting fifty stakeholders, but had a low turnout. An additional open house was conducted to get more input, and all alternatives were presented. Now Public Works would like to conduct another meeting in order to present preferred alternatives.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 14009 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "KIECHEL FINE ART GALLERY REDEVELOPMENT PROJECT" FOR RENOVATION OF THE EXISTING BUILDING FOR ADDITIONAL ART GALLERY SPACE INCLUDING AN ART GARDEN ON THE ROOFTOP DECK, ENERGY EFFICIENT WINDOWS AND ENHANCED FACADE LIGHTING IMPROVEMENT ON PROPERTY GENERALLY LOCATED AT 1208 O STREET - David Landis, Director of Urban Development, came forward to state that Kiechel has taken over the old Dietze building and has done some handsome reworking of the first and second floors. Their initial budget did not allow for further renovations. Using tax increment financing would allow the development of the third and fourth floors, with a public space on the roof. The total project is 1.2 million dollars, which would be developer purchased. The City is excited to complete the renovation of this historically significant building.

Derek Zimmerman, Baylor Evnen, 1248 O St., came forward to state that a redevelopment agreement will come before Council at a later date.

This matter was taken under advisement.

APPROVING THE ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DENIS VONTZ FOR PROFESSIONAL GOLF SERVICES AND MANAGEMENT OF THE GOLF CLUBHOUSES AT THE HIGHLANDS GOLF CLUBHOUSE AND THE MAHONEY GOLF CLUBHOUSE TO ADJUST THE TERM OF THE LICENSE, EXPAND THE SERVICES PROVIDED BY THE GOLF PROFESSIONAL, AND TO AMEND THE COMPENSATION;

APPROVING THE ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND TIMOTHY ROWLAND FOR PROFESSIONAL GOLF SERVICES AND MANAGEMENT OF THE GOLF CLUBHOUSE AT PIONEERS GOLF CLUBHOUSE TO ADJUST THE TERM OF THE LICENSE, EXPAND THE SERVICES PROVIDED BY THE GOLF PROFESSIONAL, AND TO AMEND THE COMPENSATION - Lynn Johnson, Director of Parks and Recreation, came forward to state that there are existing contracts with Mr. Vontz and Mr. Rowland. This is the third year and Parks is now bringing forth amendments to change the end date of these contracts to make transitions occur at the end of the calendar year, since that is during off-season. The Sustainability Plan includes more marketing and marshaling efforts, so provisions for both of those services will also be added, including incentive payment. Discussion followed.

Tim Rowland, Head Golf Pro at Pioneers, 3403 W. Van Dorn St., came forward to answer Council questions. He stated that guidelines included in a national study will be followed. Discussion followed.  
This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND CEDARS YOUTH SERVICES FOR THE HEALTHY FAMILIES AMERICA PROGRAM TO PROVIDE HOME VISITING SERVICES TO PROMOTE POSITIVE PARENTING FOR A TERM OF MARCH 1, 2014 THROUGH JUNE 30, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88296

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 Cedars Youth Services for home visitation services to promote positive parenting under the Healthy Families America program for a term of March 1, 2014 through June 30, 2015, in accordance with the terms and conditions contained in said Agreement is hereby approved and the Mayor is hereby authorized to execute the Agreement on behalf of the City.

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

Introduced by Jonathan Cook

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

REAPPOINTING DOUG EMERY TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88297

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

That the reappointment of Doug Emery to the Joint Budget Committee for a term expiring May 31, 2016, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING DOUG EMERY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING MAY 31, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88298

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

That the reappointment of Doug Emery to the Lincoln-Lancaster County Board of Health for a term expiring May 31, 2015, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING CARL ESKRIDGE TO THE MULTI-CULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING MAY 31, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88299

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

That the reappointment of Carl Eskridge to the Multi-Cultural Advisory Committee for a term expiring May 31, 2017, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88300

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

That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a term expiring May 31, 2015, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING ROY CHRISTENSEN, DOUG EMERY AND LEIRION GAYLOR BAIRD TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR A TERM EXPIRING MAY 31, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88301 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Roy Christensen, Doug Emery and Leirion Gaylor-Baird to the Railroad Transportation Safety District for terms expiring May 31, 2015, are hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING GILL PEACE AND MICHELLE PENN TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88302 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Gill Peace and Michelle Penn to the Urban Design Committee for terms expiring February 1, 2017, are hereby approved.

Introduced by Jonathan Cook

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

APPOINTING TAMMY EAGLE BULL TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88303 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tammy Eagle Bull to the Urban Design Committee for a term expiring February 1, 2017, is hereby approved.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE UNMC COLLEGE OF DENTISTRY TO PROVIDE CLINICAL TRAINING FOR DENTAL AND DENTAL HYGIENE STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2014 THROUGH JUNE 30, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval:

A-88304 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska Board of Regents, on behalf of the UNMC College of Dentistry, for the clinical training of dental and dental hygiene students at the Health Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, for a term of July 1, 2014 through June 30, 2017, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Jonathan Cook

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

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT REGARDING SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) WITH LINC-DROP, INC - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 23, 2013 AT 3:00 P.M. FOR THE APPLICATION OF SHAD SANFORD DBA SLICE PIZZERIA FOR A CLASS I LIQUOR LICENSE LOCATED AT 4811 NW 1<sup>ST</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88305 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 9, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the application of Shad Sanford dba Slice Pizzeria for a Class I liquor license located at 4811 NW 1st Street.

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

Introduced by Carl Eskridge

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, JUNE 23, 2013 AT 3:00 P.M. FOR THE APPLICATION OF STAR CITY HOCKEY, LLC DBA LINCOLN STARS HOCKEY FOR A CLASS I LIQUOR LICENSE LOCATED AT 1800 STATE FAIR DRIVE - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88306 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the application of Star City Hockey, LLC dba Lincoln Stars Hockey for a Class I liquor license located at 1800 State Fair Park Drive.

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

Introduced by Carl Eskridge

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, JUNE 23, 2013 AT 3:00 P.M. FOR THE APPLICATION OF SCHMICK'S MARKET, INC. DBA SCHMICK'S MARKET FOR A CLASS CK LIQUOR LICENSE LOCATED AT 2727 N. 11<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88307 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the application of Schmick's Market, Inc. dba Schmick's Market for a Class CK liquor license located at 2727 N. 11<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 Carl Eskridge

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

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 14013 - Requested by Sheridan Lutheran Church, to allow outdoor seasonal sales, on property generally located at the southwest corner of the intersection of South 70th Street and Old Cheney Road (6955 Old Cheney Road).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14032 to Special Permit No. 1762D, Vintage Heights Community Unit Plan, requested by Shawn Lang, approved by the Planning Director on May 27, 2014, to adjust the front yard setback along Parducci Drive from 20 feet to 17 feet to allow an addition to the home at 6443 Gabrielle Drive, generally located at S. 84<sup>th</sup> St. and Old Cheney Rd.

### **LIQUOR RESOLUTIONS**

APPLICATION OF HY-VEE INC. DBA HY-VEE LINCOLN 3 TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION TO THE AREA FOR A NEW LICENSED AREA DESCRIBED AS A ONE STORY BUILDING APPROXIMATELY 246 FEET BY 371 FEET LOCATED AT 5020 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88308 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Hy-Vee Inc. dba Hy-Vee Lincoln 3 to expand its licensed premises for a new licensed area described as a one story building approximately 246 feet by 371 feet located at 5020 North 27th Street, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF SULTANI BROTHERS INC. DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88309

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Sultani Brothers Inc. dba North Star Express for a Class "D" liquor license at 5700 North 33rd Street, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF AHMAD H. SULTANI FOR SULTANI BROTHERS INC. DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88310

WHEREAS, Sultani Brothers Inc. dba North Star Express located at 5700 North 33rd Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ahmad H. Sultani be named manager;

WHEREAS, Ahmad H. Sultani appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ahmad H. Sultani be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF MADSEN'S BOWLING AND BILLIARDS CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 97 FEET BY 135 FEET IN THE PARKING LOT AT 4700 DUDLEY STREET ON JUNE 21, 2014 FROM 11:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88311

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Madsen's Bowling and Billiards Center for a Special Designated License to cover an area measuring approximately 97 feet by 135 feet in the parking lot at 4700 Dudley Street, Lincoln, Nebraska, on June 21, 2014, between the hours of 11:00 a.m. and 2:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET AT 500 W. SOUTH STREET ON JUNE 21, 2014 FROM 12:00 P.M. TO 10:00 P.M. - PRIOR to reading:

ESKRIDGE Moved adoption for approval on the applications of Blue Blood Brewing and Henry's on South. Seconded by Fellers.

ESKRIDGE Withdrew his motion.

CAMP Moved adoption for approval on the application of Henry's on South. Seconded by Fellers.

CHRISTENSEN Moved to Amend the adoption for approval to included Blue Blood Brewing Company.

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

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

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A-88312

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Co., Inc. for a Special Designated License to cover an area measuring approximately 70 feet by 90 feet at 500 W. South Street, Lincoln, Nebraska, on June 21, 2014, between the hours of 12:00 p.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF HENRY MAC LLC DBA HENRY'S ON SOUTH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 20 FEET BY 30 FEET AT 2110 WINTHROP ROAD ON JUNE 21 & 28, JULY 5, 12, 19 & 26, AND AUG. 2, 2014 FROM 12:00 P.M. TO 5:00 P.M. - - PRIOR to reading:

ESKRIDGE Moved adoption for approval on the applications of Blue Blood Brewing and Henry's on South. Seconded by Fellers.

ESKRIDGE Withdrew his motion. Seconded by Fellers.

Melissa Fuller, co-owner of Henry's on South, came forward to give testimony. (See Public Hearing)

CAMP Moved adoption for approval on the application of Henry's on South. Seconded by Fellers.

CHRISTENSEN Moved to Amend the adoption for approval to included Blue Blood Brewing Company. Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird.

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

A-88313

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Henry Mac LLC dba Henry's on South for a Special Designated License to cover an area measuring approximately 20 feet by 30 feet at 2110 Winthrop Road, Lincoln, Nebraska, on June 21, 28, July 5, 12, 19, 26, and August 2, 2014, between the hours of 12:00 p.m. and 5:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

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

VACATION NO. 06007- VACATING PINE RIDGE LANE IN THE PINE LAKE COMMUNITY UNIT PLAN GENERALLY LOCATED ON THE WEST SIDE OF WESTSHORE DRIVE, HALFWAY BETWEEN NORTHSHORE DRIVE AND EIGER DRIVE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Pine Ridge Lane in the Pine Lake Community Unit Plan, generally located on the west side of Westshore Drive, halfway between Northshore Drive and Eiger Drive and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.



ANNEXATION NO. 14002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.4 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 14-58, 14-59 & 14-60) - CLERK read an ordinance, introduced by Jonathan Cook, 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 05068D - AMENDING THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD TO EXPAND THE AREA OF THE PUD, AND FROM R-3 RESIDENTIAL DISTRICT PUD TO R-3 RESIDENTIAL DISTRICT TO REDUCE THE AREA OF THE PUD, GENERALLY LOCATED BETWEEN SOUTH 70TH STREET AND SOUTH 84TH STREET SOUTH OF YANKEE HILL ROAD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION ON THE PROPERTY BEING ADDED TO THE PUD; AND FOR APPROVAL OF A DEVELOPMENT PLAN MODIFYING THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW INCREASES IN THE NUMBER OF DWELLING UNITS FROM 613 TO 675. (RELATED ITEMS: 14-58, 14-59 & 14-60) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

STREET NAME CHANGE 12002 - RENAMING BUSH AVENUE GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 78TH STREET AND YANKEE WOODS DRIVE TO HACIENDA DRIVE. (RELATED ITEMS: 14-58, 14-59 & 14-60) - CLERK read an ordinance, introduced by Jonathan Cook, changing the name of Bush Avenue located southeast of the intersection of South 78th Street and Yankee Woods Drive to Hacienda Drive as recommended by the Street Name Committee, the second time.

AMENDING SECTION 9.36.025 RELATING TO FIREARMS OFFERED FOR SALE AT RETAIL; ACCESS RESTRICTED, TO PROVIDE THAT AMMUNITION FOR FIREARMS OTHER THAN HANDGUNS IS NOT REQUIRED TO BE SECURED OR INACCESSIBLE WITHOUT ASSISTANCE OF AUTHORIZED SALES PERSONNEL OF THE RETAILER; AND REPEALING SECTION 9.36.025 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 9.36.025 relating to Firearms Offered for Sale at Retail; Access Restricted, to provide that ammunition for firearms other than handguns is not required to be secured or inaccessible without assistance of authorized sales personnel of the retailer; and repealing Section 9.36.025 of the Lincoln Municipal Code as hitherto existing, the second time.

AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT 422, 436 AND 444 NORTH 27<sup>TH</sup> STREET TO TJK INVESTMENTS INC. PURSUANT TO THE HARTLEY FLATS REDEVELOPMENT AGREEMENT - CLERK read the following ordinance, introduced by Jonathan Cook, authorizing the sale of City owned property located at 422, 436 and 444 North 27th Street, Lincoln, Nebraska, more particularly described on Exhibit A-1 attached hereto, to TJK Investments Inc. pursuant to the Hartley Flats Redevelopment Agreement, the second time.

VACATION NO. 13004 - VACATING PINE TREE LANE FROM NORTH 7TH STREET TO THE END OF THE PINE TREE LANE CUL-DE-SAC, GENERALLY LOCATED AT NORTH 7TH STREET AND PINE TREE LANE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Pine Tree Lane from North 7th Street to the end of the Pine Tree Lane cul-de-sac, generally located at North 7th Street and Pine Tree Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$4,700,000 FOR THE CITY OF LINCOLN, SPEEDWAY SPORTING VILLAGE REDEVELOPMENT PROJECT - CLERK read the following resolution, introduced by Jonathan Cook, authorizing and providing for the issuance of city of Lincoln, Nebraska tax allocation bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$4,700,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the city's sporting village redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

PUBLIC HEARING - ORDINANCES- 3<sup>RD</sup> READING

TEXT AMENDMENT 14003 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.63.130 TO CLARIFY THAT THE SECTION APPLIES ONLY TO OUTDOOR RECREATIONAL FACILITIES, TO PROVIDE THAT THE PLANNING COMMISSION MAY ESTABLISH PARKING REQUIREMENTS FOR SUCH OUTDOOR RECREATIONAL FACILITIES AND PROVIDING THAT, AS PART OF THE SPECIAL PERMIT FOR AN OUTDOOR RECREATIONAL FACILITY, THE PLANNING COMMISSION MAY, SUBJECT TO SECTION 27.63.680, PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AS AN ACCESSORY USE; AND AMENDING SECTION 27.63.680 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AS AN ACCESSORY USE - PRIOR to reading:

CHRISTENSEN Moved to Motion to Amend #1 to amend Section 1 of Bill no. 14-50 to read as follows:

Section 1. That Section 27.63.130 of the Lincoln Municipal Code be amended to read as follows:  
27.63.130 Recreational Facilities, Outdoor.

Outdoor Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

- (a) The application for such special permit shall provide the following information:
  - (1) A statement describing all proposed accessory uses and accessory buildings to be included as part of the outdoor recreational facility.
  - (2) A site plan showing the location, height, and use of all structures on the parcel.
- (b) Yard requirements in excess of those required in the district may be imposed. In the AG district, the City Council may decrease the yard requirements with consideration given to both the outdoor recreational facilities and the adjacent environment.
- (c) ~~Parking shall be in conformance with Chapter 27.67; additional~~ The Planning Commission may establish the parking requirements may be imposed based on a determination of the parking needs and operation of the proposed uses; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.
- (d) Outdoor lighting of the outdoor recreational facility may be permitted in conformance with the Design Standards for Outdoor Lighting.
- (e) All buildings, including accessory buildings, shall be located so that they will not adversely affect any existing or reasonably anticipated future uses in the surrounding area.
- (f) The Planning Commission may authorize temporary structures which exceed the maximum height requirements of the district in which they are located upon a finding by the Planning Commission that there is sufficient justification for such an adjustment and that there will be no significant adverse affect on existing or reasonably anticipated future uses in the surrounding area.
- (g) As part of the special permit for an outdoor recreational facility ~~for a golf course or country club~~, the Planning Commission may ~~permit approve or deny~~ the sale of alcoholic beverages for consumption on the premises as an accessory use to the ~~golf course or country club~~ outdoor recreational facility, provided that approval of such accessory use shall be subject to the following conditions:

- (1) ~~the~~ The applicable locational requirements of Section 27.63.680 shall have been met or waived by the City Council.
- (2) The Permittee as the holder of any liquor license issued on the premises of an outdoor recreational facility shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility or the special permit for the outdoor recreational facility is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event such accessory use or special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility approved as part of the special permit.

The Planning Commission shall impose such other conditions as are appropriate and necessary to protect the health, safety and general welfare in the approval of the sale of alcoholic beverages for consumption on the premises as an accessory use to an outdoor recreational facility.

The City Council may consider any of the following as cause to revoke the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility approved under this section:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises;
- (2) Repeated violations related to the operation of the permittee's business; or

- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

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

CLERK Read the following ordinance, introduced by Jon A. Camp, amending Chapter 27.63 of the Lincoln Municipal Code by amending Section 27.63.130 to clarify that the section applies only to outdoor recreational facilities, to provide that the Planning Commission may establish parking requirements for such outdoor recreational facilities based on a determination of the parking needs and operation of the proposed uses, and providing that, as part of the special permit for an outdoor recreational facility, the Planning Commission may, subject to applicable locational requirements of Section 27.63.680, permit the sale of alcoholic beverages for consumption on the premises as an accessory use; amending Section 27.63.680 to allow the sale of alcoholic beverages for consumption on the premises as an accessory use to an outdoor recreational facility as part of a separate special permit for the outdoor recreational facility under Section 27.63.130; and repealing Sections 27.63.130; and repealing Sections 27.63.130 and 27.63.680 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #20027, is recorded in Ordinance Book #209, Page .

#### PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL MASTER FACILITY USE AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN ESTABLISHING AN EQUITABLE METHOD FOR SHARING COSTS ASSOCIATED WITH SHARED USE OF FACILITIES MANAGED BY EACH OF THE PARTIES - PRIOR to reading:

FELLERS Moved to Continue Public Hearing with Action for two weeks to June 23, 2014.

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

AUTHORIZING B&J PARTNERSHIP LTD. TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT MCKINNEY'S IRISH PUB AT 151 NORTH 8TH STREET FOR USE AS A SIDEWALK CAFÉ -  
CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88314 WHEREAS, B & J Partnership, Ltd. ("Owner") has submitted an application for a permit to use a portion of the public right-of-way in front of McKinney's Irish Pub at 151 North 8th Street as a sidewalk cafe; and

WHEREAS, the applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "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 14.54 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 application aforesaid of B & J Partnership, Ltd. to use the public right-of-way in front of McKinney's Irish Pub at 151 North 8th Street for outdoor seating/ sidewalk café be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment for rent as set forth in Section 14.54.090 as it may be amended from time to time for use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Owner, its heirs, 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. 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. Prior to the start of any construction activities, the applicant shall or shall cause its contractor to contact Diggers Hotline of Nebraska for all utilities locations. In addition, prior to the start of any construction activities, the applicant shall or shall cause its contractor to request and receive all required permits for construction of the sidewalk café.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

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6. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant 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 thereupon automatically terminate.

Introduced by Jonathan Cook

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

APPROVING SUPPLEMENTAL AGREEMENT #1 TO THE PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR PROJECT NO. HSIP-5253(1), CN 13227, A SAFETY PROJECT AT NORTH 66TH STREET AND FREMONT STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88315 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement #1 to the Preliminary Engineering and National Environmental Policy Act Services Agreement between the City of Lincoln and Alfred Benesch & Company to establish various duties and funding responsibilities for a Federal Aid Project for Project No. HSIP-5253(1), CN 13227, a Safety Project at North 66th Street and Fremont Street, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Jonathan Cook

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

COMP. PLAN CONFORMANCE 14009 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "KIECHEL FINE ART GALLERY REDEVELOPMENT PROJECT" FOR RENOVATION OF THE EXISTING BUILDING FOR ADDITIONAL ART GALLERY SPACE INCLUDING AN ART GARDEN ON THE ROOFTOP DECK, ENERGY EFFICIENT WINDOWS AND ENHANCED FACADE LIGHTING IMPROVEMENT ON PROPERTY GENERALLY LOCATED AT 1208 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88316 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 "Kiechel Fine Art Gallery Redevelopment Project" for renovation of the existing building for additional art gallery space including an art garden on the rooftop deck, energy efficient windows, and enhanced facade lighting improvements on property generally located at 1208 O 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 the "Kiechel Fine Art Gallery 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 May 2, 2014, 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 May 14, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the Kiechel Fine Art Gallery 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 Kiechel Fine Art Gallery Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and on May 14, 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 May 23, 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 June 9, 2014, regarding the proposed amendments to the Redevelopment Plan to add the Kiechel Fine Art Gallery Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on May 23, 2014 and May 30, 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 June 9, 2014 regarding the proposed amendments to the Redevelopment Plan and to add the Kiechel Fine Art Gallery 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 June 9, 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 Kiechel Fine Art Gallery 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 Kiechel Fine Art Gallery 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 Kiechel Fine Art Gallery 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 Kiechel Fine Art Gallery 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 Kiechel Fine Art Gallery Redevelopment Project to the Lincoln Center 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 as they relate to the above-described modifications.

3. That the Kiechel Fine Art Gallery 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 Jonathan Cook

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

APPROVING THE ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DENIS VONTZ FOR PROFESSIONAL GOLF SERVICES AND MANAGEMENT OF THE GOLF CLUBHOUSES AT THE HIGHLANDS GOLF CLUBHOUSE AND THE MAHONEY GOLF CLUBHOUSE TO ADJUST THE TERM OF THE LICENSE, EXPAND THE SERVICES PROVIDED BY THE GOLF PROFESSIONAL, AND TO AMEND THE COMPENSATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

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A-88317

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

That the "Addendum to Service Agreement between the City of Lincoln and Timothy Rowland for Rendering Professional Golf Service and Managing the Golf Clubhouse at Pioneers Golf Course" which adjusts the term of the license, expands the services provided by the Golf Professional, and amends the compensation as set forth in said Addendum (attached hereto as Attachment "A") is hereby approved and the Mayor is hereby authorized to execute said Addendum on behalf of the City.

The City Clerk is directed to return an executed copy of the Addendum to Lynn Johnson, Director of the Parks and Recreation Department.

Introduced by Jonathan Cook

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

APPROVING THE ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND TIMOTHY ROWLAND FOR PROFESSIONAL GOLF SERVICES AND MANAGEMENT OF THE GOLF CLUBHOUSE AT PIONEERS GOLF CLUBHOUSE TO ADJUST THE TERM OF THE LICENSE, EXPAND THE SERVICES PROVIDED BY THE GOLF PROFESSIONAL, AND TO AMEND THE COMPENSATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88318

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

That the "Addendum to Service Agreement between the City of Lincoln and Denis Vontz for Rendering Professional Golf Service and Managing the Golf Clubhouses at Highlands Golf Course and Mahoney Golf Course" which adjusts the term of the license, expands the services provided by the Golf Professional, and amends the compensation as set forth in said Addendum (attached hereto as Attachment "A") is hereby approved and the Mayor is hereby authorized to execute said Addendum on behalf of the City.

The City Clerk is directed to return an executed copy of the Addendum to Lynn Johnson, Director of the Parks and Recreation Department.

Introduced by Jonathan Cook

Seconded by Fellers 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)**

COMP. PLAN AMENDMENT 14002 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 61 ACRES OF LAND FROM URBAN RESIDENTIAL TO COMMERCIAL, GREEN SPACE AND ENVIRONMENTAL RESOURCES, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST CHARLESTON STREET AND SUN VALLEY BOULEVARD. (RELATED ITEMS: 14R-131, 14-52, 14R-132) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88319

WHEREAS, the Planning Director, on behalf of Oak Lake Development, LLC, has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land designation in the Lancaster County and Lincoln Area Future Land Use Plans from Urban Residential to Commercial, Green Space and Environmental Resources for approximately 60.57 acres of land generally located southwest of the intersection of West Charleston Street and Sun Valley Boulevard and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on pages 1.8 and 12.2, and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial, Green Space and Environmental Resources land use on approximately 60.57 acres of land generally located southwest of the intersection of West Charleston Street and Sun Valley Boulevard as shown on Attachment "A".

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Jon Camp

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

CHANGE OF ZONE 14009 – APPLICATION OF OAK LAKE DEVELOPMENT, LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT AND I-1 INDUSTRIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST

OF THE INTERSECTION OF WEST CHARLESTON STREET AND SUN VALLEY BOULEVARD.  
(RELATED ITEMS: 14R-131, 14-52, 14R-132) - Read an ordinance, introduced by Jon A. Camp, 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 third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.  
The ordinance, being numbered #20028, is recorded in Ordinance Book #209, Page .

USE PERMIT 14004 – APPLICATION OF OAK LAKE DEVELOPMENT, LLC TO PERMIT OUTDOOR RECREATIONAL FACILITIES AS A SPECIAL PERMITTED USE, TO DEVELOP 75,000 SQ. FT. OF COMMERCIAL USE, 175,000 SQ. FT. OF INDOOR RECREATIONAL FACILITIES AND 275 HOTEL ROOMS, INCLUDING REQUESTED WAIVERS TO MODIFY THE PARKING, SIGNAGE, MAXIMUM HEIGHT, PARKING LOT SCREENING, STREET TREES AND SIDEWALK REQUIREMENTS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST CHARLESTON STREET AND SUN VALLEY BOULEVARD.  
(RELATED ITEMS: 14R-131, 14-52, 14R-132) - PRIOR to reading:

COOK Moved to Motion to Amend #1 to amend Bill No. 14R-132 in the following manner:

1. On page 2, line 12, after “27.31.030” insert Section 27.63.130.
2. On page 4, after line 8, insert a new paragraph 6 as follows:
  6. The sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility is permitted pursuant to and in accordance with the requirements of Section 27.63.130(g) of the Lincoln Municipal Code and the following conditions:
    - a. The sale of alcoholic beverages for consumption shall only be permitted within the areas between or abutting the sports fields’ sidelines fence (collectively "Permitted Areas") as generally illustrated by the shaded area shown on the attachment.
    - b. Whenever a Youth Sporting Event is being held on any portion of the outdoor recreation facility, then the sale of alcoholic beverages for consumption on the premises shall not be permitted within the Permitted Areas. A “Youth Sporting Event” is defined as a sporting event, sponsored by an organization at the outdoor recreation facility, which limits the age of the sports participants to eighteen years or younger.
    - c. An applicant may apply for a Special Designated Licenses (“SDL”) on any non-Permitted Areas of the outdoor recreation facility as provided by Lincoln Municipal Code Sections 5.04.060, 5.04.062, 5.04.064, 5.04.066, and 5.04.068.
3. Renumber the subsequent paragraphs accordingly.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption as amended:  
A-88320 WHEREAS, Oak Lake Development, LLC has submitted an application designated as Use Permit No. 14004 to develop an outdoor recreational facility as a special permitted use with the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility together with approximately 75,000 sq. ft. of commercial space, 175,000 sq. ft. of indoor recreational facilities and 275 hotel rooms, with a request to modify the parking, signage, maximum height, parking lot screening, street trees and sidewalk requirements, on property generally located southwest of the intersection of West Charleston Street and Sun Valley Boulevard, and legally described as:

Lot 81 I.T. and Lot 90 I.T. in the Southeast Quarter of Section 15; Lot 303 I.T., Lot 304 I.T. and Lot 305 I.T. in the Northeast Quarter of Section 22; and Lot 71 I.T. in the Northwest Quarter of Section 23, all in Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; and more particularly described in Attachment “A” hereto;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and

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

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

That the application of Oak Lake Development, LLC, hereinafter referred to as "Permittee", to develop an outdoor recreational facility as a special permitted use with the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility together with approximately 75,000 sq. ft. of commercial space, 175,000 sq. ft. of indoor recreational facilities and 275 hotel rooms, on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.030, Section 27.63.130 and Section 27.64.010 of the Lincoln Municipal Code upon

condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits an outdoor recreational facility as a special permitted use with the sale of alcoholic beverages for consumption on the premises as an accessory use to the recreational facility, 75,000 sq. ft. of commercial use, 175,000 sq. ft. of indoor recreational facility and 275 hotel rooms and the following waivers:

- a. Allow parking stalls in excess of required stalls for the sports facilities to be gravel
- b. Increase the area of the center identification sign located outside the front yard setback from 150 sq. ft. to 250 sq. ft. subject to approval of the Planning Director after review by the Urban Design Committee.
- c. Allow one additional center identification sign.
- d. Increase maximum building height from 40' to 75' for hotels and indoor recreational facilities and increase the height from 40' to 50' for all other buildings.
- e. To parking lot screening and street trees within the area of the former landfill if NDEQ determines landscaping will have an adverse impact on the former landfill.

2. The City Council must approve the associated requests: Change of Zone No. 14009 and Comp. Plan Amendment No. 14002.

3. Before a final plat is approved the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies with all required revisions as listed below:

- a. Delete Notes 7,13,16,17 and 29. These notes are not needed.
- b. In Note 6 add that the gravel surfacing is only for parking stalls in excess of required stalls for the sports facilities.
- c. In the Land Use table change field house/indoor sports to 175,000 sq. ft. enclosed commercial recreation facility and event center.
- d. Replace the note under the Land Use table with note as shown in mark-ups.
- e. In the Land Use table change "softball fields in sports complex" to outdoor recreational fields.
- f. Change 600 stalls to 30 stalls per recreational field, change 275 stalls to 1 stall per hotel room and change 583 stalls to 1 stall per 600 sq. ft. in the Land Use table.
- g. Change the note under Durr Enterprises LLC to Existing right-of-way to be vacated once new W. Charleston St. is dedicated.
- h. Revise the grading and drainage plan to the satisfaction of Public Works & Utilities.
- i. Show the right and left turn lanes on Sun Valley Blvd. at Line Dr. to the satisfaction of Public Works & Utilities.

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

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

6. The sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility is permitted pursuant to and in accordance with the requirements of Section 27.63.130(g) of the Lincoln Municipal Code and the following conditions:

- a. The sale of alcoholic beverages for consumption shall only be permitted within the areas between or abutting the sports fields' sidelines fence (collectively "Permitted Areas") as generally illustrated by the shaded area shown on the attachment.
- b. Whenever a Youth Sporting Event is being held on any portion of the outdoor recreation facility, then the sale of alcoholic beverages for consumption on the premises shall not be permitted within the Permitted Areas. A "Youth Sporting Event" is defined as a sporting event, sponsored by an organization at the outdoor recreation facility, which limits the age of the sports participants to eighteen years or younger.
- c. An applicant may apply for a Special Designated Licenses ("SDL") on any non-Permitted Areas of the outdoor recreation facility as provided by Lincoln Municipal Code Sections 5.04.060, 5.04.062, 5.04.064, 5.04.066, and 5.04.068.

~~6.~~ 7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

~~7.~~ 8. The Applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Ppplicant. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Jon Camp

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



APPROVING THE GREAT AMERICAN SPORTS PARK REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND GREAT AMERICAN SPORTS PARK, LLC AND OAK LAKE DEVELOPMENT, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN SUN VALLEY BOULEVARD ON THE EAST, CHARLESTON STREET AND WEST CHARLESTON STREET ON THE NORTH, THE VIEW STUDENT HOUSING COMPLEX ON THE WEST, AND THE UNION PACIFIC RAIL LINE ON THE SOUTH. (RELATED ITEMS: 14R-134, 14R-135, 14-53, 14-54) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88321 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement between the City of Lincoln, Nebraska, Great American Sports Park, LLC and Oak Lake Development, LLC relating to the redevelopment of property generally located west of Sun Valley Boulevard and south of West Charleston Street, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Jon Camp

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

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$2,116,463 IN TIF FUNDS AND \$1,188,889 IN ENHANCED EMPLOYMENT AREA OCCUPATION TAX FOR THE GREAT AMERICAN SPORTS PARK REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED BETWEEN SUN VALLEY BOULEVARD ON THE EAST, CHARLESTON STREET AND WEST CHARLESTON STREET ON THE NORTH, THE VIEW STUDENT HOUSING COMPLEX ON THE WEST, AND THE UNION PACIFIC RAIL LINE ON THE SOUTH. (RELATED ITEMS: 14R-134, 14R-135, 14-53, 14-54) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88322 A Resolution amending the schedule of Capital Improvement Projects for the Fiscal Year beginning September 1, 2013 within the Capital Improvement Program adopted by and attached to Resolution No. A-86975 as Schedule 5 and amended by Resolution A-87532 to establish development of the West Haymarket Sports Park Redevelopment Project (an approved project in the Northwest Corridors Redevelopment Plan to construct outdoor sports fields and associated parking, restrooms, concession buildings and other improvements) as a capital improvement project within the adopted Capital Improvement Program for Fiscal Year 2013-14; and transferring and establishing appropriations for said Capital Improvement Project.

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

1. That the implementation of the Lincoln Center Redevelopment Plan and West Haymarket Sports Park Redevelopment Project, for the construction of new outdoor sports fields and associated parking, restrooms, concession buildings and other related improvements located southwest of the intersection of Sun Valley Boulevard and West Charleston Street within the Project Area, is hereby established and added to the Urban Development Department's list of Fiscal Year 2013-14 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-86975 as Schedule 5 as amended by Resolution A-87532.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the biennial budget to designate \$2,116,463.00 from Tax Increment Financing funds and \$1,188,889.00 from Occupation Tax funds in Fiscal Year 2013-14 to be used toward development of the West Haymarket Sports Park Redevelopment Project.

Introduced by Jon Camp

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

AUTHORIZING A RETAIL BUSINESS OCCUPATION TAX ON RETAIL BUSINESSES LOCATED WITHIN THE GREAT AMERICAN SPORTS PARK PROJECT'S ENHANCED EMPLOYMENT AREA IDENTIFIED IN THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN FOR OUTDOOR LIGHTED SPORTS FIELDS AND ASSOCIATED PARKING, RESTROOMS AND RELATED IMPROVEMENTS. (RELATED ITEMS: 14R-134, 14R-135, 14-53, 14-54) - Read an ordinance, introduced by Jon A. Camp, providing for the levy of a retail business occupation tax; establishing definitions; providing for the administration, collections, returns, delinquencies and recovery of unpaid amounts related to such occupation tax; specifying how such tax revenue will be used; providing a sunset provision for the tax; and related matters, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #20029, is recorded in Ordinance Book #209, Page .

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS AND THE ISSUANCE OF OCCUPATION TAX REVENUE BONDS FOR THE GREAT AMERICAN SPORTS PARK REDEVELOPMENT PROJECT. (RELATED ITEMS: 14R-134, 14R-135, 14-53, 14-54) - PRIOR to reading:

COOK Moved to Motion to Amend #1 to amend Bill No. 14-53 by accepting the substitute ordinance Bill No. 14-53S.

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

CLERK Read an ordinance, introduced by Jon A. Camp, authorizing and providing for the issuance by the City of Lincoln, Nebraska of (a) a tax allocation bond, note or other obligation in an aggregate principal amount not to exceed \$2,116,463 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the city's sports park redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof and (b) an occupation tax revenue bond, note or other obligation in an aggregate principal amount to not exceed \$1,188,889 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the city's sports park redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of such bonds, notes or other obligations; pledging certain property tax revenue and other revenue to the payment of the principal of and interest on the tax allocation bond, note or other obligation as the same become due; pledging certain occupation tax revenues to the payment of the principal of and interest on the occupation tax revenue bond, note or other obligation as the same become due; limiting payment of such bond, note or other obligation to the revenues specified herein; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of such bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #20030, is recorded in Ordinance Book #27, Page .

COMP. PLAN CONFORMANCE NO. 14008 – APPROVING THE WEST VAN DORN REDEVELOPMENT PLAN FOR DEVELOPMENT OF APPROXIMATELY 289 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN CALVERT ST. ON THE SOUTH, ROSE ST. ON THE NORTH, 1ST ST. ON THE WEST AND S. 4TH ST. ON THE EAST. (RELATED ITEMS: 14R-138, 14-55) (ACTION DATE: 6/9/14) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88323 WHEREAS, the City Council on May 12, 2014, adopted Resolution No. A-88259 finding an area generally bounded by South 1st Street on the west, Calvert Street on the south, vacated railroad right-of-way west of 8th Street adjacent to Standing Bear Park to Van Dorn Street on the east and the north property line of Sawyer Snell Park to the north 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 Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "West Van Dorn 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 April 18, 2014, 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 April 30, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the proposed West Van Dorn 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 West Van Dorn Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation and on April 30, 2014 the Lincoln-Lancaster County Planning Commission held a public hearing relating to the proposed West Van Dorn Redevelopment Plan, found the proposed West Van Dorn Redevelopment Plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on May 16, 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 June 2, 2014, regarding the proposed West Van Dorn Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on May 9, 2014 and May 16, 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 West Van Dorn 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 June 2, 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 West Van Dorn 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 West Van Dorn 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 West Van Dorn 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 West Van Dorn 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 "West Van Dorn Redevelopment Plan" attached hereto as Attachment "A", establishing the West Van Dorn 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 West Van Dorn 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 West Van Dorn Redevelopment Plan.

Introduced by Roy Christensen

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

CHANGE OF ZONE 14008 – APPLICATION OF SPEEDWAY PROPERTIES FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT PARK BLVD. AND VAN DORN ST., AND APPROVING A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS TO ALLOW AN INDOOR SPORTS FACILITY AND OUTDOOR SOCCER FIELDS, WITH FUTURE SHOPS AND RETAIL, AND THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON THE UNDERLYING I-1 ZONING DISTRICT. (RELATED ITEMS: 14R-138, 14-55) - PRIOR to reading:

GAYLOR BAIRD Moved Motion to Amend #1 to amend Section 2 of Bill No. 14-55 as follows:

1. On page 2, delete lines 4 through 8 and insert the following text in lieu thereof:

"1. This ordinance permits a mixed use development generally consisting of indoor recreational facilities, an outdoor recreational facility, and future shops and retail uses, and approves the following waivers to the City of Lincoln Design Standards and the Land Subdivision Ordinance."

2. On page 2 between lines 19 and 20 insert a new paragraph 2 to read as follows:

"2. This ordinance grants a special permit permitting the sale of alcoholic beverages on the premises of the outdoor recreational facility and on the premises of any indoor recreational facility or combination indoor recreational facility/special event building (collectively, indoor recreational facility), in accordance with the provisions in Section 27.63.680 of the Lincoln Municipal Code and the following express conditions:

- a. Special Conditions - Outdoor Recreational Facility.
- (i) The sale of alcoholic beverages for consumption on the premises of the outdoor recreational facility shall be limited to the Championship Field Licensed Area ("Licensed Area A") as shown on Exhibit 1 attached hereto;
  - (ii) Whenever a Youth Sporting Event is being held on the Championship Field, then the sale alcoholic beverages for consumption on the premises shall not be permitted within Licensed Area A.
  - (iii) Licensed Area A shall be contained by a six-foot or higher fence or other rigid barrier preventing uncontrolled entrance or exit of persons from Licensed Area A. The fence or other rigid barrier shall be designed so as to provide screening based on soccer industry standards and adequate for preventing view of gameplay on the Championship Field from the non-licensed area of the outdoor recreational facility.
- b. Special Conditions - Indoor Recreational Facilities.
- (i) The sale of alcoholic beverages for consumption on the premises of any indoor recreational facility shall be limited to the interior portions of the facility ("Licensed Area").
  - (ii) No alcohol sales shall be allowed in the indoor recreational facilities during any Youth Sporting Event, except in the areas of the indoor recreational facilities with direct access to the exterior of the building and provided that no alcohol sales or consumption shall be permitted in the portion of the indoor recreational facility where the Youth Sporting Event is held.
- c. General Conditions.
- (i) Whenever the sale of alcoholic beverages for consumption on the premises is occurring in Licensed Area A or in the Licensed Area of any indoor recreational facility at the same time as a Youth Sporting Event is being held on the Championship Field or in any indoor recreational facility, all areas accessible to both activities shall have controlled access which, at a minimum, shall be posted with signage stating "No Alcohol Beyond This Point" to prevent persons from leaving the applicable Licensed Area A or other Licensed Area with alcoholic beverages.
  - (ii) Pursuant to this Special Permit for the sale of alcoholic beverages for consumption on the premises, the Permittee, as the holder of any liquor license issued on the premises, shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit for the sale of alcoholic beverages for consumption on the premises is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having such special permit.
- d. The sale of alcoholic beverages for consumption on the premises shall not be permitted at any other location than those described in 2.a and 2.b above without the issuance of a separate special permit under Section 27.63.680 of the Lincoln Municipal Code.
- e. A "Youth Sporting Event" is defined as a sporting event, sponsored by an organization at the outdoor recreation facility, which limits the age of the sports participants to eighteen years or younger.
- f. The City Council may consider any of the following as cause to revoke the sale of alcoholic beverages for consumption on the premises:
- (i) Revocation or cancellation of the liquor license for the specially permitted premises;
  - (ii) Repeated violations related to the operation of the permittee's business;  
or
  - (iii) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter."

3. Renumber the existing paragraphs 2-7 in Section 2 accordingly.

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

CLERK Read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as amended.

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

The ordinance, being numbered #20031, is recorded in Ordinance Book #209, Page .

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND STANLEY JOU FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 639 N. 27TH ST - CLERK read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Stanley Jou authorizing the sale of City owned property described as the north half of Lot E, Hawley's Addition to Lincoln, Lancaster County, Nebraska, more commonly known as 639 N. 27th Street, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20032, is recorded in Ordinance Boon #209, Page .

### RESOLUTIONS - FOR ACTION ONLY

SPECIAL PERMIT 1662A - APPLICATION OF STAR CITY OPTIMIST YOUTH FOUNDATION TO AMEND THE SITE PLAN FOR A RECREATIONAL FACILITY, TO CHANGE THE HOURS OF OPERATION AND TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES, ALONG WITH A REQUESTED WAIVER TO MODIFY THE SIDE AND FRONT YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT S. FOLSOM ST. AND W. PIONEERS BOULEVARD. (5/19/14 - CON'T P.H. W/ ACTION FOR 2 WEEKS TO 6/2/14) (6/2/14 - ACTION CONT'D FOR 1 WEEK TO 6/9/14) - PRIOR to reading:

COOK Moved to Amend Bill No. 14R-133 as follows:

1. On page 3, after line 25, add a new subparagraph to paragraph 3.a. as follows:

ix. Revise General Note 7 to read as follows: The sale of alcoholic beverages for consumption on the Premises as an accessory use to the outdoor recreational facility is permitted pursuant to and in accordance with the requirements of Section 27.63.130(g) of the Lincoln Municipal Code and the following conditions:

- (1) The sale of alcoholic beverages for consumption shall only be permitted within the areas between or abutting the sports fields' sideline fence (collectively "Permitted Areas") as generally illustrated by the shaded areas shown on the attachment.
- (2) Whenever a Youth Sporting Event is being held on any portion of the outdoor recreation facility, then the sale of alcoholic beverages for consumption on the premises shall not be permitted within the Permitted Areas. A "Youth Sporting Event" is defined as a sporting event, sponsored by an organization at the outdoor recreation facility, which limits the age of the sports participants to eighteen years or younger.
- (3) An applicant may apply for a Special Designated Licenses ("SDL") on any non-Permitted Areas of the outdoor recreation facility as provided by Lincoln Municipal Code Sections 5.04.060, 5.04.062, 5.04.064, 5.04.066, and 5.04.068.

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

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

A-88324 WHEREAS, Star City Optimist Youth Foundation has submitted an application in accordance with Section 27.63.130 of the Lincoln Municipal Code designated as Special Permit No. 1662A to amend the site plan for an outdoor recreational facility, to change the hours of operation and to allow the sale of alcohol for consumption on the premises as an accessory use to the outdoor recreational facility, with a request to waive the requirements for side and front yard setbacks, on property generally located at South Folsom Street and West Pioneers Boulevard, and legally described as:

Lots 47 and 49 Irregular Tracts, located in the Southeast Quarter of Section 10, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this recreational facility will not be adversely affected; and

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

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

That the application of Star City Optimist Youth Foundation, hereinafter referred to as "Permittee", for authority to amend the site plan for an outdoor recreational facility, to change the hours of operation and to allow the sale of alcohol for consumption on the premises as an accessory use to the

outdoor recreational facility, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.130 of the Lincoln Municipal Code upon condition that development of the outdoor recreational facility be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an Outdoor Recreational Facility for ball fields, accessory structures, sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility, a reduction of the front yard setback to 25 feet as shown on the site plan and a reduction of the side yard setback to 25 feet for ballfields only on the north property line.

2. The City Council must approve the associated request, Text Amendment #14003. approved (if a final plat is required):

- a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies showing the following revisions:
  - i. Add a note that states the hours of operation with the revision to state Monday-Saturday 8:00 a.m. to 11:00 p.m. and Sunday 8:00 a.m. to 10:00 p.m.
  - ii. In Note 2 delete Salt Creek Roadway and Pioneers Blvd. and insert Highway 77.
  - iii. Add a note that accessory buildings are allowed anywhere outside of the setbacks and need not be shown.
  - iv. Add a note that the minimum parking shall be 60 stalls per ball field.
  - v. Revise the grading and drainage plan to the satisfaction of Public Works & Utilities Department.
  - vi. Make corrections to the Grading & Drainage Plan to the satisfaction of Public Works & Utilities Department.
  - vii. Change the side yard setback to 60 feet on the south boundary and to 25' setback for ball fields only on the north boundary.
  - viii. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

The sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility is permitted pursuant to and in accordance with the requirements of Section 27.63.130(g) of the Lincoln Municipal Code and the following conditions:

- (1) The sale of alcoholic beverages for consumption shall only be permitted within the areas between or abutting the sports fields' sideline fence (collectively "Permitted Areas") as generally illustrated by the shaded areas shown on the attachment.
- (2) Whenever a Youth Sporting Event is being held on any portion of the outdoor recreation facility, then the sale of alcoholic beverages for consumption on the premises shall not be permitted within the Permitted Areas. A "Youth Sporting Event" is defined as a sporting event, sponsored by an organization at the outdoor recreation facility, which limits the age of the sports participants to eighteen years or younger.
- (3) An applicant may apply for a Special Designated Licenses ("SDL") on any non-Permitted Areas of the outdoor recreation facility as provided by Lincoln Municipal Code Sections 5.04.060, 5.04.062, 5.04.064, 5.04.066, and 5.04.068.

- b. Provide the following documents to the Planning Department:
  - i. Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - ii. Verification that the required easements as shown on the site plan have been recorded with the Register of Deeds.

4. Before receiving a building permit the construction plans must substantially comply with the approved plans.

5. Before starting the operation all development and construction shall substantially comply with the approved plans.

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

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

8. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however the terms and conditions of all prior resolutions approving this permit remain in full force and effect except as amended by this resolution.

Introduced by Jon Camp

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 MAY 1 - 15, 2014 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88325 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 May 15, 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>
Vern Thompson \$ 96.00	Blanca Rincon-Flores \$3,500.00
Doug Friendt 1,014.69	Jennifer Woodard & Joseph Rolenc 4,268.00
	Jackie Sidders 3,006.44
	Brenda Soto 421.43
	Matthew Rauert 726.30
	Michael Karloff 1,211.43

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 Roy Christensen

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

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

COMP. PLAN CONFORMANCE 13020 - DECLARING APPROXIMATELY 9.37 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND SOUTH STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 14-66, 14-65, 14-67, 14R-161) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 9.37 acres of city owned property generally located at S. 84<sup>th</sup> St. and South St. as surplus, the first time.

APPROVING A REAL ESTATE SALES AGREEMENT FOR THE SALE OF APPROXIMATELY 9.37 ACRES OF SURPLUS PROPERTY GENERALLY LOCATED AT 2201 S. 84TH STREET TO THE LINCOLN HOUSING AUTHORITY. (RELATED ITEMS: 14-66, 14-65, 14-67, 14R-161) - CLERK read an ordinance, introduced by Carl Eskridge, approving a Real Estate Purchase Agreement for the sale of a portion of Lot 51, Irregular Tract, located in Section 34, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., to The Housing Authority of the City of Lincoln. Said portion of Lot 51 I.T. is described as Parcel 2 and more particularly described & depicted on Exhibit A attached to the Real Estate Purchase Agreement, the first time.

CHANGE OF ZONE 14012 - APPLICATION OF THE LINCOLN HOUSING AUTHORITY FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM R-1 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND SOUTH STREET. (RELATED ITEMS: 14-66, 14-65, 14-67, 14R-161) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 14009 - APPLICATION OF LINCOLN HOUSING AUTHORITY TO DEVELOP THE LINCOLN HOUSING AUTHORITY 84TH STREET SITE COMMUNITY UNIT PLAN FOR 72 DWELLING UNITS, WITH A REQUESTED WAIVER TO ALLOW MORE THAN 40 DWELLING UNITS ON A DEAD END STREET, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND SOUTH STREET. (RELATED ITEMS: 14-66, 14-65, 14-67, 14R-161) (ACTION DATE 6/23/14)

**REGULAR MEETING  
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APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA FOR THE SALE OF SURPLUS PROPERTY GENERALLY LOCATED SOUTH OF V STREET BETWEEN NORTH 4TH STREET AND NORTH 6TH STREET FOR THE BRESLOW ICE CENTER. (RELATED ITEMS: 14-68, 14R-163) - CLERK read an ordinance, introduced by Carl Eskridge, approving a Real Estate Purchase Agreement between the City of Lincoln and the University of Nebraska authorizing the sale of City owned property described as Lot 1, Block 1, West Haymarket Addition, Lincoln, Lancaster County, Nebraska, generally located south of V St. between N. 4<sup>th</sup> St. & N. 6<sup>th</sup> St., the first time.

APPROVING AN OPERATIONS AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA FOR THE CONSTRUCTION AND OPERATION OF THE BRESLOW ICE HOCKEY CENTER AND OTHER RELATED FACILITIES ON PROPERTY GENERALLY LOCATED SOUTH OF V STREET BETWEEN NORTH 4TH STREET AND NORTH 6TH STREET. (RELATED ITEMS: 14-68, 14R-163) (ACTION DATE: 6/23/14)

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

APPROVING THE SPEEDWAY SPORTING VILLAGE REDEVELOPMENT AGREEMENT BETWEEN B & J PARTNERSHIP, LTD AND THE CITY OF LINCOLN RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF WEST VAN DORN ON THE NORTH, PARK BOULEVARD ON THE WEST, BURLINGTON NORTHERN SANTA FE RAILROAD TRACKS ON THE EAST, AND APPROXIMATELY CALVERT STREET ON THE SOUTH. (RELATED ITEMS: 14R-158, 14R-159).

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$4,700,000 IN TIF FUNDS FOR THE SPEEDWAY SPORTING VILLAGE REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED IN THE VICINITY OF WEST VAN DORN ON THE NORTH, PARK BOULEVARD ON THE WEST, BURLINGTON NORTHERN SANTA FE RAILROAD TRACKS ON THE EAST, AND APPROXIMATELY CALVERT STREET ON THE SOUTH. (RELATED ITEMS: 14R-158, 14R-159).

USE PERMIT 57E - APPLICATION OF RYAN CARSON TO AMEND THE PREVIOUSLY APPROVED LINCOLN CROSSING USE PERMIT TO REMOVE THE THEATER AND TO ALLOW A HOTEL AND OTHER COMMERCIAL PAD SITES, INCLUDING A WAIVER TO INCREASE THE MAXIMUM HEIGHT, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND FOLKWAYS BOULEVARD.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2014.

**OPEN MICROPHONE**

Teri Pope Gonzalez, 349 S. 1st St., came forward to ask for clarification about tax increment financing.

This matter was taken under advisement.

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

This matter was taken under advisement.

**ADJOURNMENT**

**5:00 P.M.**

CAMP Moved to adjourn the City Council Meeting of June 9, 2014.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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Teresa J. Meier, City Clerk

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Amy Hana Huffman, Office Specialist