

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 28, 2014 AT 5:30 P.M.**

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

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of July 21, 2014, reported having done so, found same correct.

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

**PUBLIC HEARING**

Council Chair Doug Emery recognized Boy Scout Troop 159.

APPLICATION OF MO CHARA, LLC DBA MCFARLAND & SON'S FOR A CLASS C LIQUOR LICENSE AT 710 P STREET;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA MCFARLAND & SON'S AT 710 P STREET - Bryan McFarland, 9322 S. 28<sup>th</sup> St., applicant, came forward to take the oath & answer any questions. Stated it will be an Irish Pub in the original Lazlo's Building.

This matter was taken under advisement.

CREATING PAVING DISTRICT 2634 IN N.W. 10TH STREET FROM W. DAWES STREET TO S. BELMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Roger Figard, Public Works & Utilities, came forward. The City received an informal petition by a property owner, Greg Onen at 2620 NW 10<sup>th</sup> St., on March 31<sup>st</sup>. Public Works held a public meeting on April 24, 2014. This was approved by the SAR committee May 21<sup>st</sup>. This has an estimated cost of \$205,000 based on 27 feet of 6 inch residential pavement. The action before the Council is to create the district which still requires that they obtain a majority petition. We recently realized there were a few more complications with this street that go beyond just a residential area. There's actually multiple zoning in this area. There is H-3 zoning on the west & the last 3 properties on the east side of the street. The other properties are in R-2. That has an impact from the standpoint of design standards would call for the potential of a different paving in that commercial area both in width & thickness. Typically, in a commercial area with residential property, if we made the street wider and/or thicker, we would suggest a subsidy. We don't have that information in here. What I'd like to suggest, after testimony, is that Public Works be given an opportunity to call another public meeting & go back & sit down with folks & talk about the options on width of paving & thickness of paving & the issues with the two sets of zoning and that we would pull that information together & that perhaps we'd come back on Aug. 25<sup>th</sup> with continued public hearing.

Doug Emery, Council Chair, asked Roger to explain the majority issue to everyone.

Mr. Figard stated that if Council chooses to create, they need at least 50% plus frontage along the street that's going to be built & assessed to sign a petition saying they are in favor. They are given 1 year to do so. If they fail to do so, we ask Council to remove it. If they do, it will then come back before Council for ordering it constructed.

Discussion followed.

Justin Harding, 2536 NW 10<sup>th</sup> St., came forward to state he is for this but doesn't agree with the homeowners having to pay for it or for extra road for the business to have extra parking.

Richard Schillinger, 1012 W. Dawes, came forward. I'm three houses in from this paving district. Since we are commercial, this has no value to me to be paved in the first place. We have other streets that need paved that would help with dust more.

Discussion followed with Staff questions.

Greg Onen, 2620 NW 10<sup>th</sup> St., came forward. Stated he requested this because he has severe dust allergies. It gets to the point where he can't breathe, his lungs close, he loses his voice & sometimes ends up in the hospital. Stated he didn't know it was going to cost this much but the dust is a problem for him.

Shawna Harding, 2536 NW 10<sup>th</sup> St., came forward. Inquired why they have to pay for it to be widened & thickened because they have semis going up & down their street. Semi's are having a hard time getting down the street because of the parking. You don't see many semi's going thru neighborhoods except for their's. Also inquired as to when their house value would go up. State they were told they could make monthly installments.

Discussion followed.

This matter was taken under advisement.

CREATING WATER DISTRICT 1207 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN GOODHUE BLVD. FROM A STREET TO B STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Roger Figard, Public Works & Utilities, came forward. There's a water main in A St., there's a water main in B Street but there is no water main, north-south in Goodhue. The petitioner is Ormand Plautz at 1317 Goodhue. There are only 3 properties that would be benefitted & assessed: 1309, 1317, 1319. Lincoln Water System has worked with the owner numerous times to gain better water pressure, service & water quality. We're to the point where we either need to rebuild those long services at a fairly significant cost to the property owners or build a new water main in Goodhue & then connecting those three properties up. The SAR Committee did approve the project May 21st. The front foot cost for water mains & sanitary sewers is set at \$40 per foot. The remainder of the cost would be subsidized by Lincoln Water System & they are supportive of doing that. The estimated cost is just under \$134,000, the City subsidy is going to be just about \$130,000. So there's just under \$3,000 of assessment. Unlike the paving district, the action before you tonight would create because it constitutes a life safety issue & the Council can order these constructed. You do not need majority petitions for this. Discussion followed.

Ormand Plautz, 2539 S. 60<sup>th</sup> St., owner of the property at 1317 Goodhue came forward to state that he's owned the property for about 30 years & has had water pressure issues over the years. A few years ago, he had a leak in the stop box & had a plumber come to repair it. When the plumber dug down, they found that the existing pipe was pretty deteriorated already & the plumber had a hard time hooking new pipe onto the existing water service.

This matter was taken under advisement..

APPROVING THE 1100 Y STREET REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1100 Y STREET, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT Y STREET FROM 10TH STREET TO 12TH STREET, AND NORTH OF Y STREET TO THE EXISTING EAST-WEST ALLEY, FOR CONSTRUCTION OF A MULTI-STORY APARTMENT COMPLEX CONTAINING APPROXIMATELY 126 UNITS. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) (ACTION DATE: 8/4/14);

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$1,600,000 IN TIF FUNDS FOR THE 1100 Y STREET REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED AT Y STREET FROM 10TH STREET TO 12TH STREET, AND NORTH OF Y STREET TO THE EXISTING EAST-WEST ALLEY. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) (ACTION DATE: 8/4/14);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 1100 Y STREET REDEVELOPMENT PROJECT. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84);

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND 1100 Y STREET, LLC FOR THE USE OF A CITY OWNED PARKING LOT TO BE USED FOR CONSTRUCTION STAGING DURING CONSTRUCTION OF THE 1100 Y STREET REDEVELOPMENT PROJECT. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) - Dave Landis, Director of Urban Development, came forward. This is 126 residential units. Although it is in approximation to the campus, the developer has no restriction on who he will rent to. It is about a \$12 million project. It is a developer purchased TIF project so no liability to the City. The uses of the money that we will spend are for: construction of Y Street & 12<sup>th</sup> Street connection; paving of an alley that is shared with other property owners; storm sewer & water relocation; utility costs will be born & they'll be updated not only for these uses but others in the neighborhood; & construction of a right in/right out on 10<sup>th</sup> Street. The site preparation will include the demolition of 12 houses & 7 garages all of which were purchased by the developer. Site grading, landscaping, irrigation & energy enhancement close out the reasons for which the money from the TIF fund will be spent. The schedule for this project is on a fast-track. We've done this drafting in about 90 days. The developer is hoping upon approval to begin construction within 90 days & to complete by Oct. 31, 2015. With the agreement of the developer, there is a buffering of height. This is in the flood zone but it also meets the City's no net rise standard. The lease is for a parking lot we normally lease to people to park for football. We agreed that the developer could use it for their construction & the heavy equipment they need but we asked them to pay us the amount of revenue we would lose which is about \$5,000. The developer was agreeable. The Urban Design Committee & the Planning Commission did review & approve the project.

Lauren Wismer, Gillmore & Bell, 1248 O St., Suite 710, came forward to state that they prepared the bond ordinance & it is very similar to all the others the Council has seen.

Derek Zimmerman, Baylor Evnen, 1248 O St., Suite 600, came forward representing developer. Stated they wanted to thank Urban Development for their assistance on fast-tracking this.

This matter was taken under advisement.

APPROVING DOWNTOWN LINCOLN ASSOCIATION'S 2014-2015 BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MAINTENANCE AND MANAGEMENT BUSINESS IMPROVEMENT DISTRICTS - Dave Landis, Director of Urban Development, came forward. This is an annual matter of the Budget for DLA's work in the downtown area. It's divided in 2 different functions: maintenance & management. We pay half the cost of the maintenance. This amount is \$659,000. That number is up due to the addition of the West Haymarket area but the assessment rate of \$3.80 has not changed. We do not share in the management costs but they are reflected in the budget. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1665C - APPLICATION OF CHATEAU DEVELOPMENT LLC TO AMEND THE VAN DORN MEADOWS 1ST ADDITION COMMUNITY UNIT PLAN TO REVISE THE LAYOUT FROM NINE SINGLE-FAMILY LOTS TO 10 TWO-FAMILY DWELLING UNITS AND A 20 UNIT MULTIPLE-FAMILY BUILDING ON PROPERTY GENERALLY LOCATED AT SHERMAN STREET AND HOLMES PARK ROAD. (PUBLIC HEARING & ACTION DELAYED 1 WEEK TO 8/4/14, 7-0) - Clerk noted for the record that we have received a request from the applicant for public hearing & action to be delayed 1 week to Aug. 4, 2014.

Mark Hunzeker, Baylor Evnen Law Firm, 1248 O St., Suite 600, came forward to support the request & answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2014 - Foch Clark, 2426 S. 8<sup>th</sup> St., came forward to protest the denial of his claim for damage to his vehicle from a tree falling on it due to storm damage. The question was who owned the tree.

Linda Clark, 2426 S. 8<sup>th</sup>, Mr. Clark's daughter, came forward to state there was \$7,000 in damages to the van. Stated when the house was built, City had put in a marker to mark property line. If you take a string & run it down it runs into the tree.

Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 14, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR JUNE, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

NEBRASKA DEPT. OF ROADS SURFACE TRANSPORTATION PROGRAM BOOK FOR FY 2015 - 2020 - CLERK presented said report which was placed on file in the Office of the City Clerk. (12)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 4, 2014 AT 3 P.M. ON THE APPLICATION OF RENA INC. DBA THE FOXY FOR AN EXPANSION OF THEIR LIQUOR LICENSE TO GO FROM A SINGLE STORY BUILDING APPROX. 24' X 92' W/ OUTDOOR AREA APPROX 17' X 22' TO THE SOUTH TO A SINGLE STORY BUILDING APPROX. 48' X 92' W/ OUTDOOR AREA APPROX 17' X 22' TO THE SOUTH - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88418 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 4, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Rena Inc dba The Foxy for an expansion of their liquor license to go from a single story building approx. 24' x 92' w/ outdoor area approx. 17' x 22' to the south to a single story building approx. 48' x 92' w/ outdoor area approx. 17' x 22' to the south.

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

Introduced by Leirion Gaylor Baird

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

INFORMAL PETITION TO CREATE A PAVING DISTRICT IN FLETCHER AVENUE FROM N. 84<sup>TH</sup> ST. TO N. COTNER BLVD. SUBMITTED BY HENDRICKS COMMERCIAL PROPERTIES - CLERK presented said petition which was referred to the Public Works Department.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14049 to Change of Zone No. 14008, Speedway Sporting Village Planned Unit Development, requested by Olsson Associates, approved by the Planning Director on July 16, 2014, to add language to note #11 regarding the flood elevations on this site, on property generally located at Park Boulevard and Speedway Circle.

Administrative Amendment No. 14018 to Special Permit No. 409, Wellington Greens Community Unit Plan, requested by Studio 951, approved by the Planning Director on July 16, 2014, to demolish the existing maintenance building and construct a new maintenance building, on property generally located at South Street and Old Post Road.

Administrative Amendment No. 14043 to Special Permit No. 1999A, Wilderness Hills Community Unit Plan, requested by EDC, approved by the Planning Director on July 18, 2014, to revise the lot layout along Keystone Drive south of Rockport Drive and eliminate a portion of Outlot C and all of Outlot D, and revise notes accordingly, on property generally located at Whispering Wind Boulevard and Keystone Drive.

### LIQUOR RESOLUTIONS

APPLICATION OF MO CHARA, LLC DBA MCFARLAND & SON'S FOR A CLASS C LIQUOR LICENSE AT 710 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88419 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 Mo Chara, LLC dba McFarland & Son's for a Class "C" liquor license at 1710 P Street, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.
3. 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.
4. Applicant must obtain a Sidewalk Café permit prior to occupying the outdoor area located on City of Lincoln right-of-way.

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 BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA MCFARLAND & SON'S AT 710 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88422 WHEREAS, Mo Chara, LLC dba McFarland & Son's located at 710 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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.

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

CREATING PAVING DISTRICT 2634 IN N.W. 10TH STREET FROM W. DAWES STREET TO S. BELMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action to 8/25/14.

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

CREATING WATER DISTRICT 1207 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN GOODHUE BLVD. FROM A STREET TO B STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Trent Fellers, creating Water District 1207, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

APPROVING THE 1100 Y STREET REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1100 Y STREET, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT Y STREET FROM 10TH STREET TO 12TH STREET, AND NORTH OF Y STREET TO THE EXISTING EAST-WEST ALLEY, FOR CONSTRUCTION OF A MULTI-STORY APARTMENT COMPLEX CONTAINING APPROXIMATELY 126 UNITS. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) (Action Date: 8/4/14)

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$1,600,000 IN TIF FUNDS FOR THE 1100 Y STREET REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED AT Y STREET FROM 10TH STREET TO 12TH STREET, AND NORTH OF Y STREET TO THE EXISTING EAST-WEST ALLEY. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) (Action Date: 8/4/14)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 1100 Y STREET REDEVELOPMENT PROJECT. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) - CLERK read an ordinance, introduced by Trent Fellers, 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 \$1,600,000 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 11<sup>th</sup> & Y Redevelopment area, including acquiring any real estate and/or interest 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.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND 1100 Y STREET, LLC FOR THE USE OF A CITY OWNED PARKING LOT TO BE USED FOR CONSTRUCTION STAGING DURING CONSTRUCTION OF THE 1100 Y STREET REDEVELOPMENT PROJECT. (RELATED ITEMS: 14R-194, 14R-195, 14-83, 14-84) - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska and 1100 Y Street, LLC for the lease of City owned property generally located east of the intersection of 12<sup>th</sup> and Charleston Streets for approximately a one year term to be used for construction staging during construction of the 1100 Y Street Project, the second time.

#### PUBLIC HEARING - RESOLUTIONS

APPROVING DOWNTOWN LINCOLN ASSOCIATION'S 2014-2015 BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MAINTENANCE AND MANAGEMENT BUSINESS IMPROVEMENT DISTRICTS - PRIOR to reading:

FELLERS Moved adoption.

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

FELLERS Moved to reconsider.

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

CAMP Moved Motion to Amend #1 to amend Bill 14R-192 to accept and substitute the attached Downtown Lincoln Association, Downtown & West Haymarket Maintenance BID Proposed Budget, September 1, 2014 - August 31, 2015 ("Maintenance BID Budget") for the Maintenance BID Budget included within Attachment "A" attached to Bill 14R-192.

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 Trent Fellers, who moved its adoption as amended.:

A-88421 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within the various Downtown and West Haymarket/Downtown Management and Maintenance Business Improvement Districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown and West Haymarket/Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2014-2015 Maintenance and Management BID Budgets and Program of Work to be performed by the Downtown Lincoln Association for the period of September 1, 2014 to August 31, 2015 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Trent Fellers

FINAL VOTE AS AMENDED: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SPECIAL PERMIT NO. 1665C - APPLICATION OF CHATEAU DEVELOPMENT LLC TO AMEND THE VAN DORN MEADOWS 1ST ADDITION COMMUNITY UNIT PLAN TO REVISE THE LAYOUT FROM NINE SINGLE-FAMILY LOTS TO 10 TWO-FAMILY DWELLING UNITS AND A 20 UNIT MULTIPLE-FAMILY BUILDING ON PROPERTY GENERALLY LOCATED AT SHERMAN STREET AND HOLMES PARK ROAD - PRIOR to reading:

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FELLERS Moved to continue Public Hearing & Action to 8/4/14.  
Seconded by Camp 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 JULY 1 - 15, 2014 - PRIOR to reading:**

FELLERS Moved to amend Bill 14R-196 by removing the claim of Foch L. Clark.  
Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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

A-88422 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 July 16, 2014, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIM</u>	<u>ALLOWED/SETTLED CLAIMS</u>
<del>Foch L. Clark</del> — \$7,178.66	Barbara Rutt/Farmers Mutual \$1,609.20

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Trent Fellers

Seconded by Camp 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)**

CHANGE OF ZONE 14016 - APPLICATION OF HOOGLAND FOODS FOR A CHANGE OF ZONE FROM O-2 OFFICE DISTRICT TO B-1 BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND ADAMS STREET - 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 third time.

ESKRIDGE 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 **#20051**, is recorded in Ordinance Book #209, Page .

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$143,897.00 FOR THE CITY OF LINCOLN, KIECHEL ART GALLERY, 1208 O STREET REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Carl Eskridge, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes other obligations, in one or more taxable or tax-exempt properties, in an aggregate principal amount not to exceed \$143,897 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 1208 O Street 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 third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20052**, is recorded in Ordinance Book #209, Page .

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

VACATION 14003 - VACATING THE EAST/WEST ALLEY BETWEEN NORTH 10TH STREET AND VACATED NORTH 11TH STREET WITHIN BLOCK 28, ORIGINAL LINCOLN - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating the east/west alley between North 10<sup>th</sup> Street and vacated North 11<sup>th</sup> Street within Block 28, Original Lincoln and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ANNEXATION 13005 - AMENDING ORDINANCE NO. 19952 TO ACCEPT A SUBSTITUTE MAP TO CORRECTLY SHOW THE BOUNDARY LINE OF THE ANNEXED PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND HIGHWAY 34 - CLERK read an ordinance, introduced by

Leirion Gaylor Baird, amending Ordinance No. 19952 to clarify that the annexation of land described in Ordinance No. 19952 as part of the City of Lincoln, Nebraska and the corresponding amendment to the Corporate Limits Map attached to and made a part of Ordinance No. 18208 did not include Purple Heart Highway, but does include Wildrose Lane and County Road 618, the first time.

AMENDING TITLE 21 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 21.09 ENTITLED "REGISTRATION OF NEGLECTED BUILDINGS" TO ESTABLISH A REGISTRATION SYSTEM FOR MONITORING VACANT AND NEGLECTED RESIDENTIAL BUILDINGS WITHIN THE CITY - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Title 21 of the Lincoln Municipal Code by adding a new Chapter 21.90 entitled "Registration of Neglected Buildings" to establish a registration system for monitoring vacant and neglected residential buildings within the City as a means to decrease the number of such neglected buildings and to prevent them from becoming a burden to the neighborhood and community or a threat to the public health, safety, and welfare, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "B" TO BE EFFECTIVE AUGUST 14, 2014 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B"; and repealing Ordinance No. 19602, passed by the City Council on August 15, 2011, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" TO CHANGE THE PAY RANGE OF INFORMATION & FISCAL SERVICES MANAGER FROM M01 TO M02 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 1 of Ordinance No. 19908 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M", by changing the pay range for the job classification "Information and Fiscal Services Manager" from M01 to M02, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 14, 2014 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 19906, passed by the City Council on August 12, 2013, as amended by Ordinance No. 19919, passed by the City Council on September 16, 2013, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 14, 2014 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X"; and repealing Ordinance 19911, passed by the City Council on August 12, 2013, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ALLOWING A ONE TIME LUMP SUM PAYMENT FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTER "M" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, approving a one time lump sum payment in the amount of 1.25% of the current annual pay for employees of the City of Lincoln, Nebraska, whose classifications are assigned to pay ranges prefixed by the letter "M" as adopted by Ordinance No. 19908, the first time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; LONGEVITY PAY FOR AN INCREASE OF LONGEVITY PAY TO COINCIDE WITH THE NEGOTIATED LMCEA LABOR AGREEMENT FOR UNREPRESENTED EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "M" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.155 of the Lincoln Municipal Code relating to longevity pay to increase the longevity pay of employees with a pay range prefixed by the letter "M"; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.160 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN & VARIABLE MERIT PAY PLAN TO REDUCE THE PROBATIONARY INCREASE TO COINCIDE WITH THE NEGOTIATED LMCEA LABOR AGREEMENT FOR UNREPRESENTED EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "M" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.160 of the Lincoln Municipal Code relating to the variable merit pay plan for employees with a pay range prefixed by the letter "M" to reduce the probationary increase for such employees from 4.5" to 3"; and repealing Section 2.76.160 of the Lincoln Municipal Code as hitherto existing, the first time.

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AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTHORIZED HOLIDAYS FOR AN INCREASE IN PERSONAL HOLIDAYS HOURS AND ALLOWABLE USAGE TO COINCIDE WITH THE NEGOTIATED PAGE LABOR CONTRACT FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "N" OR "X" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.370 of the Lincoln Municipal Code relating to authorized holidays to increase the number of hours of personal holidays for those employees with a pay range prefixed by the letter "N" and "X" from 9 hours to 16 hours; and repealing Section 2.76.370 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE RELATING TO FUNERAL LEAVE TO DELETE OBSOLETE LANGUAGE FOR "M" PAY RANGES AND TO ADD CERTAIN USES TO COINCIDE WITH THE NEGOTIATED PAGE LABOR CONTRACT FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "N" OR "X" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.385 of the Lincoln Municipal Code relating to funeral leave to delete obsolete references to "an employee with a pay range prefixed by the letter "M" who works a fifty-six hour work week", and to provide for the usage of funeral leave to attend the funeral or bereave the death of certain relatives for employees with a pay range prefixed by the letter "N" and "X"; and repealing Section 2.76.385 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE RELATING TO VACATION LEAVE WITH PAY TO INCREASE VACATION ACCRUALS AT THE 12 YEAR LEVEL FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A", "C", OR "E" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 2.76.395 of the Lincoln Municipal Code relating to vacation leave with pay to provide for a vacation accrual of 148 hours after twelve years of service for employees with a pay range prefixed by the letters "A", "C", and "E", to provide a department head may require vacation leave be taken not less than one hour at a time; and to provide employees with a pay range prefixed by "A", "C", and "E" may accumulate vacation leave to a maximum of 80 hours over and above the employee's maximum annual earning rate; and repealing Section 2.76.395 of the Lincoln Municipal Code, the first time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR 48TH AND NORMAL BOULEVARD BETWEEN THE CITY OF LINCOLN AND GALE AND CINDY MATSON AND WELLS AND TAMI MANGRUM, LLC TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 14018 ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER SOUTH 48TH STREET AND NORMAL BOULEVARD. (RELATED ITEMS 14R-203, 14-98) (ACTION DATE: 8/11/14)

CHANGE OF ZONE 14018 - APPLICATION OF MATSON-MANGRUM, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT AND FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 48TH STREET AND NORMAL BOULEVARD. (RELATED ITEMS 14R-203, 14-98) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, 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.

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

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN AND EMS TECHNOLOGY SOLUTIONS, LLC FOR EMS INVENTORY MANAGEMENT SOLUTION TO EXERCISE ITS OPTION TO RENEW THE AGREEMENT FOR AN ADDITIONAL FOUR YEAR TERM AND APPROVING THE EXPENDITURES FOR SAID RENEWAL.

APPROVING AN INTERGOVERNMENTAL AGREEMENT AMENDMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING THE 2012 STORMWATER GRANT TO EXTEND THE TERM FROM JUNE 30, 2014 TO NOVEMBER 30, 2014.

COMP. PLAN CONFORMANCE 14013 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "P STREET EAST REDEVELOPMENT PROJECT" FOR STREETScape ENHANCEMENTS WITHIN PUBLIC RIGHTS-OF-WAY GENERALLY LOCATED BETWEEN CENTENNIAL MALL, N. 17TH STREET, P STREET, AND Q STREET.

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$170,000 IN TIF FUNDS FOR THE P STREET EAST REDEVELOPMENT PROJECT ON PUBLIC RIGHTS-OF-WAY ADJACENT TO 1630 P STREET IN GREATER DOWNTOWN LINCOLN.

AMENDING THE FY 13/14 CIP TO AMEND THE EXISTING P STREET STREETScape CIP PROJECT TO INCLUDE P STREET FROM CENTENNIAL MALL TO 17TH STREET AND 16TH AND 17TH STREETS FROM P TO Q STREETS IN GREATER DOWNTOWN LINCOLN.



APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) TO BE EFFECTIVE AUGUST 14, 2014 THROUGH AUGUST 31, 2016.

**PENDING LIST**

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE, THE BUILDING CODE, BY ADDING A NEW CHAPTER 20.02, ENTITLED NEGLECTED BUILDING REGISTRATION, TO REQUIRE REGISTRATION OF NEGLECTED, DETERIORATED AND/OR ABANDONED BUILDINGS, TO REQUIRE THE FILING OF PLANS FOR RESTORATION OR DEMOLITION OF ABANDONED BUILDINGS, AND TO ESTABLISH PENALTIES FOR VIOLATIONS THEREOF. (5/7/07 - PLACED ON PENDING, NO DATE CERTAIN) - PRIOR to reading:

FELLER Moved to withdraw Bill 07-73.  
Seconded by Christensen.  
After discussion, Fellers withdrew his motion.

**OPEN MICROPHONE**

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

Mike Morosin, 1500 N 15<sup>th</sup>, came forward to state that people are afraid to come forward due to fear of retaliation. Stated he asked a question about tax dollars & then he had a City employee come out & look over his property & the only violation they could find was a ladder violation. Stated this was a waste of tax dollars to come after somebody.

This matter was taken under advisement.

Ron Sisel, 1010 W. P St., presented a statement to the City Clerk, prior to the City Council meeting, which he wanted reflected in the minutes. It is regarding the application & administration of the "K" Zoning Code by Building & Safety. A copy of the statement is on file in the Office of the City Clerk.

This matter was taken under advisement.

**ADJOURNMENT**

**6:44 P.M.**

CAMP Moved to adjourn the City Council Meeting of July 28, 2014.  
Seconded by Christensen and 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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