

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 15, 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

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of September 8, 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

MANAGER APPLICATION OF KATRINA PAGE FOR 1515-23 MARKET STREET, INC. DBA QUALITY INN AT 3200 N.W. 12TH STREET. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14) - Katrina Page, 1101 W. Bond St., took oath & came forward to answer questions. We do have a bar but it is closed right now. This would be just to allow service for private parties, etc.

This matter was taken under advisement.

APPLICATION OF LANCASTER COUNTY AG SOCIETY DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 100 FEET BY 200 FEET AT 4100 NORTH 84TH STREET ON SEPTEMBER 20, 2014 FROM 9:00 A.M. TO 3:00 P.M. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14);

APPLICATION OF LANCASTER COUNTY AG SOCIETY DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 50 FEET BY 550 FEET AT 4100 NORTH 84TH STREET ON OCTOBER 11, 2014 FROM 9:00 A.M. TO 6:00 P.M. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14) - Susie Weiler, Associate Director, 4100 N. 84th St., came forward to answer questions. The event for Sept. 20th has been cancelled. The event for Oct. 11th is for a tractor pull.

This matter was taken under advisement.

CHANGE OF ZONE 10018A - APPLICATION OF NEBRASKA NOVA, LLC, TO AMEND THE NEBRASKA INNOVATION CAMPUS PLANNED UNIT DEVELOPMENT TO DELETE LAND FROM THE PUD BY CHANGING THE ZONING FROM O-3 OFFICE PARK DISTRICT PUD TO P PUBLIC USE AND TO ADD LAND TO THE PUD BY CHANGING THE ZONING FROM P PUBLIC USE TO O-3 OFFICE PARK DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT NORTH ANTELOPE VALLEY PARKWAY AND SALT CREEK ROADWAY - Tim Gergen, Clark Enersen Partners, 1010 Lincoln Mall, representing developer, came forward to request approval.

This matter was taken under advisement.

CHANGE OF ZONE 14024 - APPLICATION OF FARMER'S CO-OPERATIVE FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO AG AGRICULTURE DISTRICT ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT 8800 W. HAVEN ROAD, EMERALD, NEBRASKA - Roger Kreifels, Farmer's Co-Operative, 8800 W. Haven Rd., Emerald Nebraska, came forward. We're looking to change it back to AG only. We're wanting to install a propane bulk plant there. We did have to apply for a special permit & that was approved by the Planning Commission. The Health Dept. expressed some concern with it being AGR that some houses could be built with the setback needed for the propane so we would like to get this changed to AG only.

Leirion Gaylor Baird, Council person, expressed appreciation for the Co-op working with Health Dept. & Planning Dept. to find a solution that met their needs & the requirements we try to follow.

This matter was taken under advisement.

APPROVING THE 2014-2015 CITY TAX RATE OF .31958 PER \$100.00 OF ASSESSED VALUATION - Steve Hubka, Interim Finance Director, came forward to state this is the resolution you have to approve each year to set the tax rate which is required by State Law & the County Clerk's Office. These tax rates go on the tax statements that come out in December.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CASH-WA DISTRIBUTION CO., INC. FOR FOOD SERVICE AND RELATED ITEMS, PURSUANT TO UNL RFP NO. 2335-14-5010, FOR A TERM EXPIRING JULY 31, 2017 WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE YEAR TERMS - Vince Mejer, City Purchasing Agent, Finance Department, came forward to state this is our standard piggy back contract with UNL for food.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING BECKY HANNA TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88533 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Becky Hanna to the Lincoln Housing Authority Board for a term expiring July 1, 2019 is hereby approved.

Introduced by Trent Fellers

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2014 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88534 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2014, \$96,545.48 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Leirion Gaylor Baird

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 29, 2014 AT 5:30 P.M. ON THE APPLICATION OF HY-VEE INC. DBA HY-VEE GAS FOR CLASS D LIQUOR LICENSE AT 7101 PIONEERS BLVD. - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88535 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 29, 2014 at 5:30 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 Hy-Vee Inc. DbA Hy-Vee Gas for a Class D Liquor License located at 7101 Pioneers Blvd.

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14056 to Use Permit #84B, Elizabeth Park South Commercial Center, approved by the Planning Director on September 8, 2014, requested by Rega Engineering, to reduce the front yard setback adjacent to both S. 70th Street and Pioneers Boulevard from 50' to 20', and to revise the parking lot layout on Lot 1, on property generally located southwest of South 70th Street and Pioneers Boulevard.

Administrative Amendment No. 14057 to Special Permit #06046, Dakota Springs Community Unit Plan, approved by the Planning Director on September 5, 2014, requested by Civil Design Group, to adjust the build through lot lines of future lots 9A and 9 B to accommodate the foundation already constructed, on property generally located at S. 1st and W. Saltillo Rd.

Administrative Amendment No. 14058 to Use Permit #140C, Appian Way Regional Shopping Center, approved by the Planning Director on September 3, 2014, requested by Clark Enersen Partners, to clarify the setbacks for the building envelope on Lot 1, Block 4, and modify the street alignment, on property generally located at S. 84th Street and Highway 2.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF KATRINA PAGE FOR 1515-23 MARKET STREET, INC. DBA QUALITY INN AT 3200 N.W. 12TH STREET. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88536 WHEREAS, 1515-23 Market Street, Inc. dba Quality Inn located at 3200 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Katrina Page be named manager;

WHEREAS, Katrina Page 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 Katrina Page be approved as manager of this business for said licensee 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.

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 LANCASTER COUNTY AG SOCIETY DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 100 FEET BY 200 FEET AT 4100 NORTH 84TH STREET ON SEPTEMBER 20, 2014 FROM 9:00 A.M. TO 3:00 P.M. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14) - PRIOR to reading:

CAMP Moved to Withdraw this application.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4650 and was placed on file in the Office of the City Clerk.

APPLICATION OF LANCASTER COUNTY AG SOCIETY DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 50 FEET BY 550 FEET AT 4100 NORTH 84TH STREET ON OCTOBER 11, 2014 FROM 9:00 A.M. TO 6:00 P.M. (9/8/14 - PUBLIC HEARING & ACTION CONT'D TO 9/15/14) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88537 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 Lancaster County Ag Society dba Lancaster Event Center for a special designated license to cover an area measuring approximately 50 feet by 550 feet at 4100 North 84th Street, Lincoln, Nebraska, on October 11, 2014, between the hours of 9:00 a.m. and 6:00 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.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 10018A - APPLICATION OF NEBRASKA NOVA, LLC, TO AMEND THE NEBRASKA INNOVATION CAMPUS PLANNED UNIT DEVELOPMENT TO DELETE LAND FROM THE PUD BY CHANGING THE ZONING FROM O-3 OFFICE PARK DISTRICT PUD TO P PUBLIC USE AND TO ADD LAND TO THE PUD BY CHANGING THE ZONING FROM P PUBLIC USE TO O-3 OFFICE PARK DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT NORTH ANTELOPE VALLEY PARKWAY AND SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Trent Fellers, 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 fo the districts established and shown thereon the second time.

CHANGE OF ZONE 14024 - APPLICATION OF FARMER'S CO-OPERATIVE FOR A CHANGE OF ZONE FROM AGRICULTURAL RESIDENTIAL DISTRICT TO AG AGRICULTURE DISTRICT ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT 8800 W. HAVEN ROAD, EMERALD, NEBRASKA - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and show thereon the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2014 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88538 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 September 2, 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>	
Black Hills Energy	\$ 488.03	Farmers Insurance a/s/o Joseph Rolenc	\$3,000.00
Foch L. Clark	7,178.66	Thomas Alderman	2,141.50
Stephanie Morrison	301.73		
Ryan Luckey	2,466.71		
		<u>LITIGATION SETTLEMENT</u>	
		Matthew Thomas	\$18,500.00

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

APPROVING THE 2014-2015 CITY TAX RATE OF .31958 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88539 A RESOLUTION establishing a final property tax levy for the City's 2014-2015 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 5, 2014, which date was at least five days prior to September 15, 2014 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 25, 2014, the tax rate was anticipated to be .31958 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2014-2015 fiscal year for a property tax request of \$55,543,408.00: \$0.31958 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03620
General	.18590
Library	.04376
Social Security	.01630
Police and Fire Pension	<u>.03742</u>
Total	.31958

Introduced by Trent Fellers

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CASH-WA DISTRIBUTION CO., INC. FOR FOOD SERVICE AND RELATED ITEMS, PURSUANT TO UNL RFP NO. 2335-14-5010, FOR A TERM EXPIRING JULY 31, 2017 WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE YEAR TERMS - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88540

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

That the attached Contract Agreement between the City of Lincoln and Cash-Wa Distribution Co. Inc. for Food Service and Related Items, pursuant to UNL RFP No. 2335-14-5010, for a term expiring July 31, 2017 with the option to renew for two additional one year terms, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

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

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

COMP. PLAN CONFORMANCE 14015 - DECLARING APPROX. 2.7 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD AS SURPLUS PROPERTY. (8/25/14 - ACTION DELAYED FOR 3 WEEKS TO 9/15/14) - CLERK read an ordinance, introduced by Roy Christensen, declaring approx. 2.27 acres of city owned property generally located at the northeast corner of S. 27th St. & Old Cheney Rd. As surplus, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - 1ST READING

REAPPOINTING TOM BECKIUS, LOREN MESTRE-ROBERTS, AND DR. CHARLES WILSON TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2017.
(CONSENT)

PRE-EXISTING USE PERMIT 3AD - AMENDING THE PRE-EXISTING USE PERMIT BY WAIVING PROVISIONS OF THE SIGN ORDINANCE TO ALLOW BANNER SIGNS IN THE PARKING LOT, ON PROPERTY GENERALLY LOCATED AT GATEWAY SHOPPING CENTER AT S. 66TH STREET AND O STREET.

APPROVING A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR A PROJECT TO REHABILITATE LINK 55W BETWEEN US 77 AND HIGHWAY 2 (WARLICK BOULEVARD AND 14TH STREET), PROJECT NO. S-L55W(1021), CONTROL NO. 13224.

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to offer comment on various issues.
This matter was taken under advisement.

ADJOURNMENT

3:20 P.M.

CAMP Moved to adjourn the City Council Meeting of September 15, 2014.

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

Teresa J. Meier, City Clerk

**REGULAR MEETING
SEPTEMBER 15, 2014
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