THE MINUTES OF THE CITY COUNCIL MEETING HELD MONDAY, FEBRUARY 23, 2015 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 February 9, 2015, 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 Emery welcomed Boy Scout Troop 159 to the City Council Meeting.

APPLICATION OF ASIAN BUFFET INC. DBA ASIAN BUFFET FOR A CLASS I LIQUOR LICENSE AT 5130 NORTH 27TH STREET, SUITE 5, 6, & 7; MANAGER APPLICATION OF SHENG HUI DONG FOR ASIAN BUFFET INC. DBA ASIAN BUFFET AT 5130 NORTH 27TH STREET, SUITE 5, 6, & 7 - Sheng Hui Dong, 5130 N 27th St., Suites 5, 6 & 7, came forward to take the oath and answer questions.

This matter was taken under advisement

APPLICATION OF JERRY A. CONKEL FOR RT OMAHA FRANCHISE, LLC DBA RUBY TUESDAY AT 2700 NORTH HILL ROAD - Jerry Conkel, Ruby Tuesday, 2700 North Hill Rd., came forward to take the oath and answer questions.

This matter was taken under advisement

APPLICATION OF RAAJ LINCOLN LESSEE LLC DBA HOLIDAY INN FOR A CLASS CK LIQUOR LICENSE AT 131 NORTH 9TH STREET; MANAGER APPLICATION OF TROY J. TERWILLIGER FOR RAAJ LINCOLN LESSEE LLC DBA HOLIDAY INN AT 131 NORTH 9TH STREET - Frank Mihulka, Woods & Aiken, 301 S 13th St., #501, came forward to take the oath and answer questions. Mr. Mihulka stated that the Hotel would be updated to better serve the University community and ultimately have the name changed to The Graduate Hotel.

This matter was taken under advisement

APPLICATION OF JONATHAN D. BENSON DBA MAHONEY GOLF SHOP FOR A CLASS IB LIQUOR LICENSE AT 7900 ADAMS STREET - Jonathan Benson, 7900 Adams Street, came forward to take the oath and answer questions.

He stated that he is the new contracted head golf professional for the City of Lincoln and would be running the golf shop and golf operations through the Parks and Recreation Department.

This matter was taken under advisement

RESCINDING RESOLUTION NO. A-88189 ADOPTED BY THE CITY COUNCIL ON APRIL 14, 2014 FOR THE USE OF PUBLIC RIGHT-OF-WAY ON THE NORTHWEST CORNER OF SOUTH 6TH STREET AND L STREET FOR CONSTRUCTION OF A PORTION OF A LOADING DOCK RAMP - Charles “Buff” Baker, Public Works Engineering Services, came forward and stated that this was a request by Bison Industries to rescind the original application for the use of this Public Right-of-Way.

This matter was taken under advisement

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 CONSTRUCTION PROGRAM FUNDING OF $400,000 FOR THE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN;

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 MAINTENANCE PROGRAM FUNDING OF $2,330,000 FOR THE MAINTENANCE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN - Roger Figard, Public Works, came forward and stated that this was the formal paperwork from the State of
Nebraska to authorize the transfer of dollars from Fiscal Year 2014-15 for the maintenance work the City has been doing for the last 2 ½ years. This will combine with the additional monies that had previously come from the State.

This matter was taken under advisement

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $6,300,000.00 TO REFUND THE CITY’S OUTSTANDING GENERAL OBLIGATION STORM SEWER BONDS, SERIES 2005 AND RELATED MATTERS;

AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $13,500,000.00 TO REFUND THE CITY’S OUTSTANDING SANITARY SEWER REVENUE BONDS, SERIES 2005 AND RELATED MATTERS;

AUTHORIZING THE ISSUANCE OF SOLID WASTE MANAGEMENT REVENUE BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $7,060,000.00 AND RELATED MATTERS.

AUTHORIZING THE CITY TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $3,400,000.00 TO PURCHASE AND INSTALL LIGHT POLES AND RELATED EQUIPMENT, SUCH AS LIGHT FIXTURES, WIRING, AND OTHER ITEMS NECESSARY TO COMPLETE THE INSTALLATION OF NEW STREET LIGHTS IN THE CITY AND RELATED MATTERS - Steve Hubka, City Finance Director, came forward and stated that it was unusual to bring 4 bond ordinances together at the same meeting, but market conditions make it necessary to get into the market as soon as possible and get these issued. He said we have an aggressive time line to get these done by March and April.

Scott Keene, Ameritas Investment Corp, 5900 O St, came forward and gave a brief overview of the parameters of the percentages of monies that show present value savings for each bond. This does not mean they are extending the length of these bonds, but are keeping the end date the same which is how savings are realized. Discussion followed.

Mike Rogers, Gilmore and Bell Bond Counsel, 450 Regency Parkway, Ste 320, Omaha NE, came forward and stated that these ordinances are similar to what the City has adopted in the past for these types of bond issues. Discussion followed.

This matter was taken under advisement

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 1189 FOR THE PURPOSE OF CONSTRUCTING THE SIDEWALKS GENERALLY LOCATED AT 6844 LAURENT CIRCLE AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Roger Figard, Public Works, came forward and stated that Public Works believes a Sidewalk District should still be created. However, Mr. Figard said he supports working with the property owner as long as they show good faith in constructing the sidewalks in the spring. This would avoid adding additional expenses for the property owner. 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 FEBRUARY 2, 2015 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 9, 2015 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 05054B, an amendment to the Prairie Village North Planned Unit Development (PUD) to expand the area of the PUD; for a change of zone from AG Agricultural District to R-3 PUD; and for approval of amendments to the development plan to allow for an additional 155 lots for residential dwelling units, on property legally described as a portion of Lot 46, I.T., located in the SE1/4 of Section 11-10-7, Lancaster County, Nebraska, generally located at North 90th Street and Adams Street.

Change of Zone 05061B, to amend the development plan of the Southwest Village Planned Unit Development, to adjust sign locations and height, on property legally described as that part of Lot 23 NE lying north of the creek inside the Lincoln City Limits and Lots 20, 21, 24, 25, 27, 29, and 30, I.T., located
in the NE ¼ of Section 22-9-06; Outlots C and E, Southwest Village Addition, and Outlots A and B, Southwest Village 1st Addition, located in the SE ¼ of Section 15-09-06, Lancaster County, Nebraska, generally located at Highway 77 and West Denton Road.

Pre-Existing Use Permit 3AE, to amend the previously approved use permit for a commercial pad site at Gateway Mall to align closer with the underlying B-5 Planned Regional Business District by adjusting the front yard setback; adjusting the sign requirements; requiring additional landscaping; adding a sidewalk along the mall driveway; and relocating the sidewalk along O Street, on property legally described as a portion of Lot 266, I.T., located in the SE 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska, generally located at North 66th Street and O Street (6414 O Street at Gateway Mall). The Planning Commission action is final, unless appealed to the City Council.

Special Permit 15004, for authority to construct a commercial solar energy conversion system (SECS) on AG Agriculture zoned property legally described as the N1/2 of the NE1/4, and Lots 36 and 37, I.T., located in Section 23-10-5, Lancaster County, Nebraska, generally located at N.W. 70th Street and W. Holdrege Street. The Planning Commission action is final, unless appealed to the City Council.

Text Amendment 15001, amending Chapters 27.02, 27.06 and 27.63 of the Lincoln Municipal Code relating to the zoning ordinance to allow a Commercial Solar Energy Conversion System as a special permitted use in the AG District and as a permitted use in the I-1, I-2, and I-3 zoning districts by amending Section 27.02.040 to provide a definition for “Commercial Solar Energy Conversion System”; amending Section 27.06.090 to add Commercial Solar Energy Conversion System to the Utilities Use Group Table; and adding a new section numbered 27.63.830 to set forth the conditions for permitting a Commercial Solar Energy Conversion System in the AG District; and repealing Sections 27.02.040 and 27.06.090 of the Lincoln Municipal Code as hitherto existing.

Use Permit 15002, for authority to construct a multi-family development consisting of four 30-plex buildings for a total of 120 dwelling units, including an adjustment to the maximum height and the parking requirements, on property legally described as Lot 2, Highlands Coalition 4th Addition, located in both the SE 1/4 of Section 4-10-6 and the SW 1/4 of Section 3-10-06 Lincoln, Lancaster County, Nebraska, generally located at N.W. 12th Street and Isaac Drive.

PLACE ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14099 to Final Plat No. 06078, Wilderness Hills Commercial 1st Addition, approved by the Acting Planning Director on February 9, 2015, requested by Engineering Design Consultants, for a waiver to extend the time for two years to install sidewalks and street trees, on property generally located at 27th Street and Yankee Hill Road.

Administrative Amendment No. 15002 to Special Permit No. 228A, Capitol Beach, approved by the Acting Planning Director on February 5, 2015, requested by Stephen Kinsella, to allow a carport in the front yard setback, on property generally located at 122 W. Lakeshore Drive.

Administrative Amendment No. 14087 to Final Plat No. 04023, Appian Way Regional Center Phase II, approved by the Acting Planning Director on February 10, 2015, requested by Seacrest & Kalkowski, LLC, for a waiver to extend the time for two years to install sidewalks, on property generally located at 84th Street and Highway 2.

Administrative Amendment No. 14088 to Final Plat No. 4116, Appian Way Regional Center Phase II 2nd Addition, approved by the Acting Planning Director on February 10, 2015, requested by Seacrest & Kalkowski, LLC, for a waiver to extend the time for two years to install sidewalks and street trees, on property generally located at 84th Street and Highway 2.

Administrative Amendment No. 14089 to Final Plat No. 05015, Appian Way Regional Center Phase II 3rd Addition, approved by the Acting Planning Director on February 10, 2015, requested by Seacrest & Kalkowski, LLC, for a waiver to extend the time for two years to install sidewalks and street trees, on property generally located at 84th Street and Highway 2.

Administrative Amendment No. 14090 to Final Plat No. 05016, Appian Way Regional Center Phase II 4th Addition, approved by the Acting Planning Director on February 10, 2015, requested by Seacrest & Kalkowski, LLC, for a waiver to extend the time for two years to install sidewalks and street trees, on property generally located at 84th Street and Highway 2.

SETTING THE HEARING DATE OF MONDAY, MARCH 9, 2015 AT 3:00 P.M. ON THE APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. HOLDER OF A CLASS I LIQUOR LICENSE, FOR AN INTERIOR ADDITION AT 2100 MAGNUM CIR., SUITE 1 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 9, 2015 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 Zipline Brewing Co., LLC dba Zipline Brewing Co. for an interior addition at 2100 Magnum Cir., Suite 1.

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

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.
REGULAR MEETING
FEBRUARY 23, 2015
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SETTING THE HEARING DATE OF MONDAY, MARCH 9, 2015 AT 3:00 P.M. ON THE APPLICATION OF HOLMES GOLF INC. DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 S. 70TH ST - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88784
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 9, 2015 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 Holmes Golf Inc. dba Holmes Golf Course for a Class C Liquor License located at 3701 S. 70th St.

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

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

LIQUOR RESOLUTIONS

REQUEST OF TIGER INC DBA KARMA NIGHTCLUB FOR A GRANT OF PERMISSION FOR THE LICENSED PREMISES AT 226 S 9TH ST TO REMAIN CLOSED LONGER THAN TEN CONSECUTIVE DAYS AS SET FORTH IN THE LMC 5.04.270 UNDER A “HARDSHIP STATUS” DUE TO THEIR ESTABLISHMENT BURNING DOWN AND UNTIL A NEW LOCATION CAN BE FOUND - CLERK requested a motion to allow the licensed premises to remain closed longer than 10 consecutive days.

CAMP So moved.

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

APPLICATION OF ASIAN BUFFET INC. DBA ASIAN BUFFET FOR A CLASS I LIQUOR LICENSE AT 5130 NORTH 27TH STREET, SUITES 5, 6, & 7 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88773
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 Asian Buffet, Inc. dba Asian Buffet for a Class “I” liquor license at 5130 North 27th Street, Suite 5, 6, & 7, 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 Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF SHENG HUI DONG FOR ASIAN BUFFET INC. DBA ASIAN BUFFET AT 5130 NORTH 27TH STREET, SUITE 5,6, & 7 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88774
WHEREAS, Asian Buffet, Inc. dba Asian Buffet located at 5130 North 27th Street, Suite 5, 6, & 7, Lincoln, Nebraska has been approved for a Retail Class “I” liquor license, and now requests that Sheng Hui Dong be named manager;

WHEREAS, Sheng Hui Dong 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 Sheng Hui Dong be approved as manager of this business for said license.

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

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

MANAGER APPLICATION OF JERRY A. CONKEL FOR RT OMAHA FRANCHISE, LLC DBA RUBY TUESDAY AT 2700 NORTH HILL ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
WHEREAS, RT Omaha Franchise, LLC dba Ruby Tuesday located at 2700 North Hill Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jerry A. Conkel be named manager;
WHEREAS, Jerry A. Conkel 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 Jerry A. Conkel 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 Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylord Baird; NAYS: None.

APPLICATION OF RAAJ LINCOLN LESSEE LLC DBA HOLIDAY INN FOR A CLASS CK LIQUOR LICENSE AT 131 NORTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
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 RAAJ Lincoln Lessee, LLC dba Holiday Inn for a Class “CK” liquor license at 131 N. 9th Street, Lincoln, Nebraska, for the license period ending October 31, 2015, 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.
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF TROY J. TERRILLIGER FOR RAAJ LINCOLN LESSEE LLC DBA HOLIDAY INN AT 131 NORTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
WHEREAS, RAAJ Lincoln Lessee, LLC dba Holiday Inn located at 131 N. 9th Street, Lincoln, Nebraska has been approved for a Retail Class “CK” liquor license, and now requests that Troy J. Terwilliger be named manager;
WHEREAS, Troy J. Terwilliger 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 Troy J. Terwilliger 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 Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylord Baird; NAYS: None.

APPLICATION OF JONATHAN D. BENSON DBA MAHONEY GOLF SHOP FOR A CLASS IB LIQUOR LICENSE AT 7900 ADAMS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
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 Mahoney Golf Shop dba Mahoney Golf Course for a Class “IB” liquor license at 7900 Adams Street, Lincoln, Nebraska, for the license period ending April 30, 2015, 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.
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

A-88779

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 February 2, 2015, 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 approved:

<table>
<thead>
<tr>
<th>DENIED CLAIM</th>
<th>ALLOWED/SETTLED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luxury Inn (Jay Patel)</td>
<td>$3,236.84</td>
</tr>
<tr>
<td>Torrance Rose</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

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

RESCINDING RESOLUTION NO. A-88189 ADOPTED BY THE CITY COUNCIL ON APRIL 14, 2014 FOR THE USE OF PUBLIC RIGHT-OF-WAY ON THE NORTHWEST CORNER OF SOUTH 6TH STREET AND L STREET FOR CONSTRUCTION OF A PORTION OF A LOADING DOCK RAMP - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88780

A RESOLUTION to repeal Resolution No. A-88189 adopted by the City Council on April 14, 2014 and approved by Mayor Chris Beutler on April 17, 2014, relating to the application of a permit to use the public right-of-way on the northwest corner of South 6th Street and L Street.

WHEREAS, the application of Bison, Inc. for a permit to use the public right-of-way on the northwest corner of South 6th Street and L Street for construction of a portion of a loading dock ramp for the property at 540 L Street was approved by Resolution No. A-88189 on April 14, 2014; and

WHEREAS, the loading dock ramp was not installed in the right-of-way and the applicant has failed to use the space for which the permit was granted; and

WHEREAS, IMS Properties LLC, the current owner of 540 L Street, has requested that Resolution No. A-88189 be repealed as it does not intend to use the right-of-way for the installation of any connection and would like to terminate the bond for occupier of public space and certificate of liability insurance as required by Chapter 14.54 of the Lincoln Municipal Code for a permit for the use of public space; and

WHEREAS, the City Council has reviewed the application and finds that the request of the applicant to repeal the Resolution No. A-88189 for a permit to use the public space as outlined above should be allowed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Resolution No. A-88189 is hereby repealed.

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 CONSTRUCTION PROGRAM FUNDING OF $400,000 FOR THE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88781

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

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Fiscal Year 2015 Construction Program funding for the resurfacing of selected state highway links within the City of Lincoln, in the amount of $400,000.00, 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 the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 MAINTENANCE PROGRAM FUNDING OF $2,330,000 FOR THE MAINTENANCE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88782

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Fiscal Year 2015 Maintenance Program funding for the resurfacing of selected state highway links within the City of Lincoln, in the amount of $2,330,000.00, 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 the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

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

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

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $6,300,000.00 TO REFUND THE CITY’S OUTSTANDING GENERAL OBLIGATION STORM SEWER BONDS, SERIES 2005 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, authorizing and providing for the issuance, sale and delivery of general obligation storm sewer and drainage system refunding bonds, series 2015, of the City of Lincoln, Nebraska (the “City”), in an aggregate principal amount not to exceed $6,300,000.00 (the “Bonds”), for the purpose of providing for the payment and redemption of $6,340,000.00 aggregate principal amount of the City’s general obligation storm sewer and drainage system bonds, series, 2005, dated June 15, 2005; prescribing certain terms of the bonds; delegating, authorizing and directing the finance director to exercise his independent judgment and absolute discretion in determining certain other terms of the bonds; providing for the payment of the principal and interest on the bonds by the levy of a tax on all of the taxable property within the city; authorizing the execution of an escrow agreement relating to the temporary investment of a portion of the bond proceeds and the appointment of an escrow agent; authorizing and approving certain other related matters, the second time.

AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $13,500,000.00 TO REFUND THE CITY’S OUTSTANDING SANITARY SEWER REVENUE BONDS, SERIES 2005 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, fifth series ordinance adopted under and pursuant to Ordinance No. 18171 authorizing the issuance of Sanitary Sewer Revenue Refunding Bonds, Series 2015, of the City of Lincoln, Nebraska in a principal amount not to exceed thirteen million five hundred thousand dollars ($13,500,000.00); fixing in part and providing for the fixing in part of the details of the bonds; providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents an taking other action in connection with the foregoing; and related matters, the second time.

COURT NEWS - 2ND READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE ISSUANCE OF SOLID WASTE MANAGEMENT REVENUE BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $7,060,000.00 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, a series ordinance adopted under and pursuant to Ordinance No. 18774 authorizing the issuance of Solid Waste Management Revenue Bonds, Series 2015, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed $7,060,000 for the purposes of providing for extensions, enlargements and improvements to the City’s solid waste management facilities; fixing in part and providing for the fixing in part of the details of the bonds; authorizing for the sale of the bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents; taking other action in connection with the foregoing; and related matters, the second time.

AUTHORIZING THE CITY TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $3,400,000.00 TO PURCHASE AND INSTALL LIGHT POLES AND RELATED EQUIPMENT, SUCH AS LIGHT FIXTURES, WIRING, AND OTHER ITEMS NECESSARY TO COMPLETE THE INSTALLATION OF NEW STREET LIGHTS IN THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of purchasing and installing light poles and related equipment, such as light fixtures, wiring, and other items necessary to complete the installation of new street lights in the City and to pay cost of issuance thereof; approving the issuance, sale and delivery of not to exceed $3,400,000.00 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the second time.

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 97 FOR THE PURPOSE OF CONSTRUCTING THE SIDEWALKS GENERALLY LOCATED AT 6844 LAURENT CIRCLE AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:
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ESKRIDGE Moved to continue Public Hearing 1 week to 03/02/2015. 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 Trent Fellers, creating and ordering construction of Sidewalk Improvement District No. 97, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

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

COMP. PLAN CONFORMANCE 14027 - DECLARING APPROXIMATELY 2,690 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND CHARLESTON STREET AS SURPLUS PROPERTY - Clerk read an ordinance, introduced by Carl Eskridge, declaring approximately 2,690 square feet of City owned property generally located at North 12th Street and Charleston Street as surplus, the third time.

ESKRIDGE Moved to pass the ordinance as read. Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered #20157, is recorded in Ordinance Book 29.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND OMAHA PUBLIC POWER DISTRICT FOR THE INSTALLATION OF A FIBER OPTIC LINE ON CITY OWNED PROPERTY IN ASHLAND, NEBRASKA - Clerk read an ordinance, introduced by Carl Eskridge, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Omaha Public Power District, a Nebraska public corporation and political subdivision of the State of Nebraska, for the installation of a fiber optic line on City owned property in Ashland, Saunders County, Nebraska and authorizing the Mayor to sign such Agreement on behalf of the City, the third time.

ESKRIDGE Moved to pass the ordinance as read. Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered #20158, is recorded in Ordinance Book 29.

CHANGE OF ZONE 14035 - APPLICATION OF DARLENE HARRISON FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 40TH STREET AND PIONEERS BOULEVARD - 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 Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered #20159, is recorded in Ordinance Book 29.

RESOLUTIONS - 1ST READING

REAPPOINTING DAN HARSHMAN, W. DON NELSON, AND SARAH PEETZ TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR TERMS EXPIRING DECEMBER 31, 2017. (CONSENT)

APPOINTING HELEN MEEKS TO THE TELECOMMUNICATION/CABLE TV ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2015. (CONSENT)

APPOINTING DEBRA MCGUIRE TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2017. (CONSENT)


APPROVING A CONSTRUCTION ENGINEERING AGREEMENT SUPPLEMENT NO. 3 BETWEEN THE CITY OF LINCOLN AND KIRKHAM MICHAEL AND ASSOCIATES, INC. FOR CONSULTANT COMPENSATION FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE JAMAICA TRAIL NORTH PHASE 2 FEDERAL AID PROJECT (STATE PROJECT NO. ENH-55(160), CN 12879).

AUTHORIZING ACCEPTANCE OF THE LOW BID TO BRYNE & JONES, WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR THE 36TH & GLADSTONE PAVING DISTRICT NO. 2631.

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

AMENDING SECTION 10.02.254 OF THE LINCOLN MUNICIPAL CODE RELATING TO “PARKING SERVICES ENFORCEMENT AREA,” TO INCLUDE PORTIONS OF 19TH STREET, 21ST STREET, AND TRANSFORMATION DRIVE THAT BISECT THE UNIVERSITY OF NEBRASKA INNOVATION CAMPUS - CLERK read an ordinance amending Section 10.02.254, “Parking Services Enforcement Area,” to include portions of the Innovation Campus area, and repealing Section 10.02.254 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE SWANSON RUSSELL REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND B & H ENTERPRISES, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 1202 P STREET FOR CONSTRUCTION OF A NEW, APPROXIMATELY 12,000 SQUARE FOOT OFFICE BUILDING. (RELATED ITEMS: 15R-44, 15-33) (ACTION DATE: 3/9/15)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED THE AMOUNT OF $2,400,000.00 FOR THE CITY OF LINCOLN, SWANSON RUSSELL REDEVELOPMENT PROJECT LOCATED AT 12TH AND P STREETS. (RELATED ITEMS: 15R-44, 15-33) - CLERK read an ordinance 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 $374,000 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 Swanson Russell 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 first time.


AMENDING THE FY 14/15 CIP TO AUTHORIZE AND APPROPRIATE $450,000.00 IN TIF FUNDS FOR THE 23RD AND O STREET PROJECT. (RELATED ITEMS: 15R-42, 15R-43, 15-32) (ACTION DATE: 3/9/15)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED THE AMOUNT OF $450,000.00 FOR THE CITY OF LINCOLN, 23RD AND O STREET PROJECT. (RELATED ITEMS: 15R-42, 15R-43, 15-32) - CLERK read an ordinance 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 $450,000 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 23rd & 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 first time.
OPEN MICROPHONE

Jane Svoboda, no address given, came forward with comments on various issues.
This matter was taken under advisement.

ADJOURNMENT

6:10 P.M.

CAMP Moved to adjourn the City Council Meeting of February 23, 2015.
Seconded by Fellers 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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Alexis Traylor, Office Specialist