

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 9, 2015 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; Deputy City Clerk, Sandy L. Dubas; Absent: Gaylor Baird.

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

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of March 2, 2015, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. TO EXPAND ITS CLASS L LIQUOR LICENSE BY THE ADDITION TO THE AREA FOR A NEW LICENSED AREA DESCRIBED AS A SINGLE STORY BUILDING APPROXIMATELY 120 FEET BY 106 FEET WITH AN OUTDOOR AREA APPROXIMATELY 12 FEET BY 40 FEET LOCATED AT 2100 MAGNUM CIRCLE, SUITES 1-3 - Craig Reier, Zipline Brewing, 1740 S. 49th St., came forward to take the oath and answer questions. He said that the business is doing well and in order to meet the demand, Zipline Brewing is expanding into the adjacent suites next to their facility. He said that they will not be serving beer in the new space, it is solely to be used to package beer.

This matter was taken under advisement.

APPLICATION OF HOLMES GOLF, INC. DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET;
MANAGER APPLICATION OF SCOTT E. WEIHE FOR HOLMES GOLF, INC. DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET - Scott E. Weihe, 3205 Curtis Dr., came forward to take the oath and answer questions. He shared some additional information regarding his background check and thanked the Council for consideration of his application. Discussion followed.

Council Member Camp asked for some justification on why the City Golf Courses want the ability to have full service for alcohol beverages.

Mr. Weihe stated that there was pressure coming from the golfing public to be able to allow this on the City golf courses. He said they were being compared to other privately owned courses and country clubs. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward and questioned how the golf course was able to serve alcohol at an event that she had attended.

Jerry Shorney, Supt. of Parks/Operations, Parks and Recreation, stated that they are operating with a liquor license that is held with their Golf Pro, Tim Roland.

Mr. Weihe said that they have a 90-day Temporary Operating Permit. Discussion followed.

This matter was taken under advisement.

APPLICATION OF MCKENNEY'S PUB, LLC DBA MCKINNEY'S IRISH PUB FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 60 FEET AT 151 NORTH 8TH STREET ON MARCH 17, 2015 FROM 4:00 P.M. TO 12:30 A.M. - Joel Schossow, 5970 Gunnison Ct., came forward to state that they are having an Irish Festival for Saint Patrick's Day. There will be live entertainment and music, it will be fenced off and security will be provided. He said that this is the first time for this event. He believes it will be a success and will benefit the Haymarket area. Discussion followed.

This matter was taken under advisement.

USE PERMIT 15002 - APPLICATION OF T&N INVESTMENTS, 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 GENERALLY LOCATED AT N.W. 12TH STREET AND ISAAC DRIVE - Richard Esquivel, 733 W. Cuming St., came forward to state that he was interested in this project since it is in his neighborhood. He also said that there is a shortage in development for the 55+ community.

Jim Tomasek, Tomasek Homes Inc., 5649 S. 31st St., came forward to address any Council questions.

**REGULAR MEETING
MARCH 9, 2015
PAGE 846**

Council Member Eskridge asked if there will be any designs for this project.

Mr. Tomasek said that Studio 951 will be doing this project and that he had just picked up the blueprints prior to coming to Council. Council will be able to view these at a later time. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CHANGE THE PAY RANGE OF UTILITIES SAFETY & TRAINING SPECIALIST FROM A11 TO A13 - Doug McDaniel, Director of Human Resources, came forward to state that Public Works requested Human Resources to review this position and relate it to the market. Mr. McDaniel, shared that after conducting the market survey, they felt that the position was undervalued and want to raise it two ranges from an A11 to A13. Discussion followed.

This matter was taken under advisement.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2014 AND DECEMBER 2014 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Jeff Kirkpatrick, City Attorney, came forward to state that this is a periodic codification of what has been passed by the City Council.

This matter was taken under advisement.

CHANGE OF ZONE 05061B - APPLICATION OF NEBRASKA HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION, TO AMEND THE DEVELOPMENT PLAN OF THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT, TO ADJUST SIGN LOCATIONS AND HEIGHT, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD - Alan M. Wood, EricksonSederstrom Attorney, 301 S. 13th St., Suite 400, came forward on behalf of Nebraska Horsemen's Benevolent & Protective Association, to state this is an amendment to the Southwest Village Plan Unit Development. This will allow construction of a free standing sign next to the property and will be in accordance with the existing City ordinance requirements.

This matter was taken under advisement.

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 TABLE"; 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 IN THEIR ENTIRETY - David Cary, Acting Planning Director, came forward to state this is identifying a special use permit in the AG district.

Council Member Camp inquired if there are any considerations on how this ordinance will have an impact with future growth in the City.

Mr. Cary stated that this is an opportunity to provide this type of project locally. This is only in the AG district and will not be a proliferation for these kinds of projects, but an opportunity to provide an alternative power source. Discussion followed.

Jason Fortik, VP of Power Supply, Lincoln Electric System, 1040 O St., came forward in support and to comment on the project. LES conducted a survey with their customers to see what level of interest there was for adding renewables to their resource portfolio. Solar was identified and had a lot of support in the community, resulting in the program called Sun Shares. The program allows people to sign up for a minimum of \$3.00 added to their bill. To help support a community solar project. He said there is good support in the community for this project and a positive relationship with the underlying land owner. He respectfully request Council's consideration and approval. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward with questions about the developer of this project, it's location, and how the survey was conducted.

Mr. Fortik provided answers. He said the developer is Heliosage located in Charlottesville, VA. He shared they hired a company to conduct the survey by using mailings, email, and phone interviews. Discussion followed.

This matter was taken under advisement.

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;

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED THE AMOUNT OF ~~\$2,400,000.00~~ \$374,000.00 FOR THE CITY OF LINCOLN, SWANSON RUSSELL REDEVELOPMENT PROJECT LOCATED AT 12TH AND P STREETS - David Landis, Director of Urban Development, came forward to state that continuation of the Public Hearing is not due to the

Swanson Russell project, but the use of the bidding process. The task today is to evaluate this idea with the members of the public and development community. He said the attempts that bridge the difference include the creation of the DSC, publishing of the access manual by the Public Works Department, and a standard TIF Agreement drafted by the Law Department make this process work. Discussion followed.

Council Member Camp asked for clarification on the tax exempt status.

Rick Peo, Assistant City Attorney, came forward to state that tax exempt only applies for specific City public improvements like sidewalks, streets, and sewers. The sale tax exemption does not apply to public enhancements like façade treatment or energy enhancements. Discussion followed.

Tom Huston, 233 S. 13th St., Suite #1900, came forward in support.

Mark Hunzeker, 1248 O St., Suite #600, came forward in support.

Ken Fougerson, Speedway Properties, 340 Victory Ln., came forward in support.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward in opposition.

Richard Esquivel, 733 W. Cuming St., came forward in opposition.

Dave Landis, Director of Urban Development, came forward in rebuttal.

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 23, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF 911 SURCHARGE FOR THE TIME PERIOD OF DECEMBER 2014 THROUGH JANUARY 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR JANUARY 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY MARCH 23, 2015 AT 3:00 P.M. ON THE APPLICATION OF PARKER'S SMOKEHOUSE LLC DBA PARKER'S SMOKEHOUSE FOR AN ADDITION OF A WALK-IN COOLER 8' X 18' LOCATED AT 8341 O STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88793 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 23rd, 2015 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 Parker's Smokehouse LLC dba Parker's Smokehouse for an addition of a walk-in cooler 8' x 18' located at 8341 O Street.

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

Introduced by Roy Christensen

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 15008 to Change of Zone #11024, North Hills PUD, approved by the Acting Planning Director on February 26, 2015, requested by Civil Design Group, to show an apartment complex on the western portion of the site, on property generally located at N. 14th Street and Fletcher Avenue.

LIQUOR RESOLUTIONS

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. TO EXPAND ITS CLASS L LIQUOR LICENSE BY THE ADDITION TO THE AREA FOR A NEW LICENSED AREA DESCRIBED AS A SINGLE STORY BUILDING APPROXIMATELY 120 FEET BY 106 FEET WITH AN OUTDOOR AREA APPROXIMATELY 12 FEET BY 40 FEET LOCATED AT 2100 MAGNUM CIRCLE, SUITES 1-3 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-88794 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

**REGULAR MEETING
MARCH 9, 2015
PAGE 848**

application of Zipline Brewing Co., LLC dba Zipline Brewing Co. to expand its Class L licensed premises by the addition to the area for a new licensed area described as a single story building approximately 120 feet by 106 feet including an outdoor area measuring approximately 12 feet by 40 feet, at 2100 Magnum Circle, Suites 1-3, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

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

Introduced by Roy Christensen

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

APPLICATION OF HOLMES GOLF, INC. DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-88795 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 Holmes Golf, Inc. dba Holmes Golf Course for a Class "C" liquor license at 3701 South 70th Street, Lincoln, Nebraska, for the license period ending October 31, 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 prior to receiving the liquor license from the City Clerk.
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 Roy Christensen

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

MANAGER APPLICATION OF SCOTT E. WEIHE FOR HOLMES GOLF, INC. DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-88796 WHEREAS, Holmes Golf, Inc. dba Holmes Golf Course located at 3701 South 70th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott E. Weihe be named manager;

WHEREAS, Scott E. Weihe 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 Scott E. Weihe 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 Roy Christensen

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

APPLICATION OF MCKENNEY'S PUB, LLC DBA MCKINNEY'S IRISH PUB FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 60 FEET AT 151 NORTH 8TH STREET ON MARCH 17, 2015 FROM 4:00 P.M. TO 12:30 A.M. - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-88797 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 McKenney's Pub, LLC dba McKinney's Irish Pub for a special designated license to cover an outdoor area measuring approximately 20 feet by 60 feet at 151 North 8th Street, Lincoln, Nebraska, on March 17, 2015, between the hours of 4:00 p.m. and 12:30 a.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 Roy Christensen

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

PUBLIC HEARING - RESOLUTIONS

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. (3/2/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/9/15) (REQUEST TO CONTINUE PUBLIC HEARING & ACTION TO 3/16/15) - PRIOR to reading:

FELLERS Moved to Continue P.H. & Action on Bill No. 15R-46 for 1 week to 3/16/15.

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

USE PERMIT 15002 - APPLICATION OF T&N INVESTMENTS, 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 GENERALLY LOCATED AT N.W. 12TH STREET AND ISAAC DRIVE - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88798 WHEREAS, T&N Investments has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 15002, for authority to construct a multi-family development consisting of four 30-plex buildings, for a total of 120 dwelling units; to increase the maximum building height from 35 feet to 40 feet; to reduce parking requirements from 2 stalls per dwelling unit to 1.5 stalls per dwelling unit and to allow tandem parking to be counted toward required parking, on property generally located at N.W. 12th Street and Isaac Drive, and legally described as:

Lot 2, Highlands Coalition 4th Addition, Lincoln, Lancaster County, Nebraska;

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

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

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

That the application of T&N Investments, hereinafter referred to as "Permittee", to construct a multi-family development consisting of four 30-plex buildings, for a total of 120 dwelling units; to increase the maximum building height; to reduce the per dwelling parking requirements and to allow tandem parking to count toward required parking, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.27.080 and Chapter 27.64 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 120 dwelling units, a waiver of O-3 Zoning district requirements to increase the maximum building height to 40 feet, to decrease the required parking to 1.5 stalls per dwelling unit, and to allow tandem parking to be counted as required parking.

2. Before receiving building permits:

a. The Permittee shall cause to be prepared and submitted to the Planning

Department a revised and reproducible final plot plan including five copies with all required revisions as listed below:

i. Delete Notes 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 23, and 24 from the General Notes. They are not necessary.

ii. Add the following note to the General Notes, "Parking spaces located on a driveway approach to a garage shall count toward required parking."

iii. Make corrections to the Grading and Drainage Plan per Public Works Watershed Management.

b. The construction plans substantially comply with the approved plans.

c. The Permittee shall provide documentation that an avigation and noise easement on all or that part of the land located within the Airport Environs Noise District has been granted to and received by the Lincoln Airport Authority.

3. Before occupying the dwelling units, all development and construction shall be in substantial compliance with the approved plans.

4. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

**REGULAR MEETING
MARCH 9, 2015
PAGE 850**

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

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

Introduced by Jon A. Camp

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

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

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CHANGE THE PAY RANGE OF UTILITIES SAFETY & TRAINING SPECIALIST FROM A11 TO A13 - CLERK read an ordinance, introduced by Jon A. Camp, amending Ordinance No. 19904 passed August 12, 2013, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "A," by changing the pay range for the job classification "Utilities Safety & Training Specialist" from A11 to A13, the second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2014 AND DECEMBER 2014 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon A. Camp, adopting the supplements to the Lincoln Municipal Code dated June 2014 and December 2014 as part of the official Lincoln Municipal Code, the second time.

CHANGE OF ZONE 05061B - APPLICATION OF NEBRASKA HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION, TO AMEND THE DEVELOPMENT PLAN OF THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT, TO ADJUST SIGN LOCATIONS AND HEIGHT, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jon A. Camp, amending the Development Plan of the Southwest Village Planned Unit Development, to adjust regulations regarding the location and height of signs, on property generally located at Highway 77 and West Denton Road, the second time.

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 TABLE"; 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 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Jon A. Camp, amending Title 27 the Lincoln Municipal Code to allow a Commercial Solar Energy Conversion System as a special permitted use in the AG District 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, the second time.

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

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) - PRIOR to reading:

FELLERS Moved MTA #2 to amend Bill No. 15R-44 as follows:

Between lines 14 and 15 insert the following new language:

In the event the Redeveloper elects to bid the Site Preparation or the City Street Scape Improvements or both in accordance with the Redeveloper Bidding Requirements the City Urban Development Department and the Purchasing Agent shall post notice of that fact on the Urban Development Department and the Purchasing E-bid websites, respectively. This notice shall include:

- (1) A statement that the bid shall be open to all potential bidders;
- (2) The date when sealed bids must be received and the location where the bids are to be delivered;
- (3) That the bids will be publicly opened and read in the presence of all bidders who attend the opening;
- (4) Where plans and specifications may be examined;
- (5) That the Redeveloper has the right to reject all bids; and
- (6) That a City representative shall be present when the bids are opened by the Redeveloper or its representative.

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

CLERK Read the following amended resolution, introduced by Leirion Gaylor Baird.

CHRISTENSEN Moved its adoption:

A-88799 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Swanson Russell, between the City of Lincoln, Nebraska and B & H Enterprises, LLC relating to the redevelopment of property generally located at 1202 P Street for construction of a new, approximately 12,000 square foot office building, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The Mayor is further authorized to execute an amendment to the Redevelopment Agreement to replace Exhibits A-2, E, G, and K with substitute Exhibits bearing the complete legal description of the Redeveloper Property after the declaration creating a condominium of Lots 7 and 8, Block 37, Original Plat of Lincoln and describing the existing office building, the new office building, and respective portions of the parking lot as Unit 1 and Unit 2 is filed of record with the Register of Deeds of Lancaster County, Nebraska.

In the event the Redeveloper elects to bid the Site Preparation or the City Street Scape Improvements or both in accordance with the Redeveloper Bidding Requirements the City Urban Development Department and the Purchasing Agent shall post notice of that fact on the Urban Development Department and the Purchasing E-bid websites, respectively. This notice shall include:

- (1) A statement that the bid shall be open to all potential bidders;
- (2) The date when sealed bids must be received and the location where the bids are to be delivered;
- (3) That the bids will be publicly opened and read in the presence of all bidders who attend the opening;
- (4) Where plans and specifications may be examined;
- (5) That the Redeveloper has the right to reject all bids; and
- (6) That a City representative shall be present when the bids are opened by the Redeveloper or its representative.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to Ernie Castillo, Urban Development Department. Ernie Castillo is further directed to transmit the original Agreement to B & H Enterprises, LLC.

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

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

Rick Peo, Assistant City Attorney, came forward to state for the record the bond amount is \$374,000.00 dollars.

There was a typo in the newspaper, the ad said \$2,400,000.00, was actually the total purchase cost of the project. TIF was only \$374, 000.00.

CLERK Read an ordinance, introduced by Leirion Gaylor Baird, 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 third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20165**, is recorded by Ordinance Book #29.

**REGULAR MEETING
MARCH 9, 2015
PAGE 852**

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, introduced by Leirion Gaylor Baird, 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 third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered #20166, is recorded by Ordinance Book #29.

APPROVING THE 23RD AND O STREET REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND USTIS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 23RD STREET AND THE NORTH-SOUTH ALLEY BETWEEN 23RD AND 25TH STREETS, AND N AND O STREETS, FOR RENOVATION OF A LARGE RETAIL BUILDING, AND RELATED IMPROVEMENTS. (RELATED ITEMS: 15R-42, 15R-43, 15-32) (ACTION DATE: 3/9/15) - CLERK read the following resolution, introduced by Leirion Gaylor Baird.

CHRISTENSEN Moved its adoption:

A-88800

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

That the attached City of Lincoln Redevelopment Agreement for 23rd and O Street, between the City of Lincoln, Nebraska and Ustis, LLC relating to the redevelopment of property generally bounded by 23rd Street, the north-south alley between 23rd and 25th Streets, from N Street to O Street, and N and O Streets, for acquisition and renovation of a large retail building, and related improvements, to be used as an integrated community health clinic providing outpatient medical care and behavioral health services, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to Wynn Hjermsstad, Urban Development Department, for transmittal to the parties.

Introduced by Leirion Gaylor Baird

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

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) - CLERK read the following resolution, introduced by Leirion Gaylor Baird.

FELLERS Moved its adoption:

A-88801

A Resolution (1) amending the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2014 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-88504 as Schedule 5 to establish the 23rd and O Street Redevelopment Project (an approved project in the Antelope Valley Redevelopment Plan) to pay site acquisition costs associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$450,000.00 from TIF funds for said capital improvement project.

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

1. That the implementation of the Antelope Valley Redevelopment Plan, 23rd and O Street Redevelopment Project to pay site acquisition costs associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2014-15 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-88504 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$450,000.00 from Tax Increment Financing for this 23rd and O Street Redevelopment Project.

Introduced by Leirion Gaylor Baird

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

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, introduced by Leirion Gaylor Baird, 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 third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered #20167, is recorded in Ordinance Book #29.

RESOLUTIONS - 1ST READING

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BLACK HILLS ENERGY FOR THE COMPANY TO OCCUPY AND USE A PARCEL OF PROPERTY FOR A GAS REGULATING STATION IN COOPER PARK AT APPROXIMATELY SOUTH 6TH AND D STREETS. (CONSENT)

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALAMAR UNIFORMS AND UNIFORMS MANUFACTURING, INC. FOR THE ANNUAL SUPPLY FOR WORK CLOTHING, PURSUANT TO BID NO. 15-019 FOR A FOUR YEAR TERM. (CONSENT)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16-28, 2015.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATIONAL TRAILS PROGRAM PROJECT GRANT TO FUND CONSTRUCTION OF THE PIONEERS PARK TRAIL - PHASE III.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY RELATING TO THE COMPLETION OF VARIOUS ROAD GRADING, ROAD PAVING, ROAD MAINTENANCE, RESTORATION, RESURFACING, AND REHABILITATION PROJECTS INVOLVING SECTIONS OF ROADWAY LOCATED BOTH INSIDE CITY LIMITS AND COUNTY LIMITS.

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

OPEN MICROPHONE

Jane Svoboda, no address given, came forward with comments on various issues.

This matter was taken under advisement.

Richard Hedrick, 404 Mormon Tr., came forward with comments regarding the proper use of TIF funds. He also shared comments on sidewalk repair.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming St., came forward and shared his thoughts regarding Vietnam Veterans. He suggested that there needs to be more recognition and commemoration for Vietnam Veterans in the City of Lincoln.

This matter was taken under advisement.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward and shared comments on two items. She said she does not agree with the Antelope Valley report. She also shared her concerns on the use of TIF funds within the City.

This matter was taken under advisement.

**REGULAR MEETING
MARCH 9, 2015
PAGE 854**

ADJOURNMENT

5:00 P.M.

CAMP Moved to adjourn the City Council Meeting of March 9, 2015.
 Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook,
 Emery, Eskridge, Fellers; NAYS: None; ABSENT: Gaylor Baird.

Sandy L. Dubas, Deputy City Clerk

Soulinnee Phan, Office Specialist