

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 27, 2011 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Carroll; Council Members: Cook, Emery, Eskridge, Hornung, Snyder; City Clerk, Joan E. Ross; Absent: Camp.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of June 20, 2011 reported having done so, found same correct.

Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

PRESENTATION BY POLICE CHIEF JIM PESCHONG
BYRNE JUSTICE ASSISTANCE GRANT
(Public Comments Welcome)

Chief Peschong came forward to advise that the Lincoln Police Department is applying for some Justice Assistance Grant money in the amount of \$236,461.00. These funds are used to offset the cost of the Narcotic Task Force and shared with Lancaster County for deputies that work with the Unit as well as two prosecutors from the County Attorney's office. One of the requirements of applying for this JAG money is the opportunity for public comment regarding this funding.

PUBLIC HEARING

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET:

COOK Moved to remove Item 27 from the agenda.

Seconded by Snyder & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Eskridge, Hornung; ABSENT: Camp.

Rod M. Confer, City Attorney, came forward to explain the application originally submitted was a short form application to move the location of the liquor license with permission of the local authorities. If the City or Liquor Commission refuses the short form then the matter is treated as a new application and the applicant is required to complete the long form. After the long form is completed it will again come before the City Council for recommendation to the Liquor Control Commission and then goes back to the Liquor Control Commission at which time they consider whether the application shall be granted at the new location. The Liquor Control Commission is given broad discretion and both the City or the Liquor Commission can decide not to grant them the short form, but it can be appealed. There would be First Amendment issues if it appeared the decision was based on the right to express yourself [by dancing].

This matter was taken under advisement.

CHANGE OF ZONE 11016 - APPLICATION OF MARK HUNZEKER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 25TH STREET TO SOUTH 27TH STREET ALONG THE NORTH SIDE OF N STREET - Mark Hunzeker, Baylor Evnen Law, 600 Wells Fargo Center, 1248 O St., came forward representing Carey Johnson Oil Company who is in the process of purchasing a parcel of property from the City Employees Credit Union that encompasses a fairly substantial portion of the north half of the block between 25th and 26th Street from O to N as well as a portion of the south half of that block to construct a new convenience store. The strip of R-6 zoning which exists along the N Street side of the block creates an impediment of a variety of different developments. It creates problems because his client prefers to use a larger site for his stores than many C-store operators. He wants his store to face O Street with the canopy on the O Street side rather than on the side which would make it visible from N Street. He wants his car wash on the O Street frontage north of the alley so there would be less disturbance of the property owners south of N Street. Placing the store on the south side of the alley creates an issue with the setback between the store

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boundary and the residential zoning district. It comes out to about 85 to 90 feet from the edge of the property. His client met with the Woods Park Neighborhood folks on June 14th with six or seven people attending. The Credit Union wants to keep a portion of this property to maintain visibility for their business and to expand their parking. Alcohol will be sold at the C-store which N Street has 100' of right-of-way from the property line and there is still 100' to the south side of N Street. Assuming the building is 60' deep that would mean there would be 90' from that corner down to the property line which will be close to 200'. It is almost 100' to the zoning district line. The parking at the corner of 27th and N is in residential and has been grandfathered so it could continue to be parking. Anything commercial could not be placed on this corner.

Marvin Krout, Director of Planning, came forward to comment as to why Public Works didn't object to an access on O Street was maybe not to focus all the traffic on N Street and 25th Street or not having funds available may be part of the reason. The parking is grandfathered on the corner of 27th and N Street. It would continue to be used as parking for commercial use to the north which would be limited. This strip of residential zoning was a way to create a buffer before there was landscaping and screening requirements. If this property is subdivided then probably there will be street trees planted along N Street. The convenience store was moved further back so the car wash could go up to the O Street frontage further away from the residential like uses to the south.

Mark Hunzeker, Baylor Evnen Law, came forward for rebuttal. He commented that no one ever suggested there couldn't be an access on O Street and if 25th Street was the only access traffic would be backed up onto O Street because of people turning left into the site.

This matter was taken under advisement.

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - Don Herz, Director of Finance, came forward stating this has been done for the past four or five years. If Tax Exempt Financing is used and if it is needed to reimburse the City for any expenses incurred the intent has been officially stated which is the purpose behind this. The bond ordinance will come before the Council sometime in September to complete this transaction if street lights are financed with Tax Exempt Financing. It will probably be combined with another item which is up for first reading.

This matter was taken under advisement.

APPROVING JASF INC. DBA NOWHERE BAR & GRILL AS A KENO SATELLITE SITE AT 2050 CORNHUSKER HIGHWAY - Katrina Coffey, Vice President of Marketing for Big Red Keno in Omaha, Nebraska. She introduced the owner of the Nowhere Bar & Grill, Amy Schafer, and they were available for questions.

This matter was taken under advisement.

PROVIDING AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2010 - 2011 - Harry Kroos, Sidewalk Supervisor for Public Works & Utilities Dept., came forward to answer questions and explain these four properties were formerly assessed, but there was language in the legal description that needed to be clarified. The property owners were notified regarding the new public hearing.

This matter was taken under advisement.

MISC. NO. 11003 - DECLARING THE YOLANDE AVENUE REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 96.6 ACRES GENERALLY BOUNDED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK, FROM APPROXIMATELY NORTH 14TH STREET AT THE WEST BOUNDARY TO APPROXIMATELY NORTH 24TH STREET AT THE EAST BOUNDARY - David Landis, Director of Urban Development, came forward to state a study was done by Hanna Keelan Associates of the blight and substandard conditions. Of the four conditions that could potentially create blight, all four were present. They also found that of the 12 standards that are measured under the Substandard Measurements at the State level 10 of those were present. Over 30% of the structures are dilapidated in the area. There is obsolete street platting and a number of conditions that are environmentally unsound with the presence of flammable material yet no water for fire. Businesses in the area would like to see some street repair. This area will see some industrial growth. A business who is doing very well would like to invite people to their business such as Fortune 500 companies, therefore, would like to have better looking surroundings. PCE Manufacturing approached the City asking if something could be done about the streets as well? They said they were going to build a

building which would create Tax Increment and the City would be welcome to use it. This is not attached to the Innovation Campus of the University.

Sam Featherston, CEO of Plastic Company Enterprises, stated they would be building an approximate \$2,000,000 corporate office and would like to have better streets accessing their company.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE NO. 11005 - RESOLUTION OF INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS IN THE AREA OF HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY EAST TO 64TH STREET, TO BE KNOWN AS THE HAVELOCK BUSINESS IMPROVEMENT DISTRICT - David Landis, Director of Urban Development, came forward to state under State law there needs to be 51% of the affected land owners to object to this BID to not be able to go forward with it. The reason BID's are created is that businesses have streetscapes with plantings to beautify their area so this will create a mechanism for ongoing maintenance of which the businesses will share in that cost. Snow removal will be included in the maintenance. The businesses will pay a fee capped at \$4.00 per front footage. The streetscape will include some historical markers, beautiful five bulb ornamental lighting, landscaping with trees and shrubs.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON June 13, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11020 to Use Permit No. 150B, Appian Way Regional Shopping Center Phase II, approved by the Planning Director on June 15, 2011, requested by Tallgrass Development, LLC., to revise the Land Use Table for Lot 3, Block 2, to show the allocated floor area as automobile sales and amending the trip generation calculations accordingly, on property located on the 8800 block of Amber Hill Court.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2011 AT 3:00 P.M. FOR APPLICATION OF CORY FLETCHER DBA MAHONEY GOLF COURSE FOR AN UPGRADE OF LIQUOR LICENSE FROM CLASS A TO CLASS I LOCATED AT 7900 ADAMS STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86385 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 11, 2011 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 Cory Fletcher dba Mahoney Golf Course for an upgrade of liquor license from Class A to Class I located at 7900 Adams Street.

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

Introduced by Jonathan Cook

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 11016 - APPLICATION OF MARK HUNZEKER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 25TH STREET TO SOUTH 27TH STREET ALONG THE NORTH SIDE OF N STREET - CLERK read an ordinance, introduced by Adam Hornung, 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 second time.

PUBLIC HEARING - RESOLUTIONS

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - CLERK read the following resolution, introduced by Adam Hornung for Jon Camp who was absent, who moved its adoption:

A-86386 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the **Council**) of the City of Lincoln, Nebraska (the **City**) as follows:

Section 1. Findings.

(a) The City has begun the acquisition and installation of light poles and related equipment for the lighting of streets (the **Project**) in the current fiscal year to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended (Section 15-201.02), the City is authorized to enter into installment contracts for the purchase of personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the **Lease Agreement**) pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the **COPs**).

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the **Code**), and the applicable regulations thereunder (the **Regulations**).

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse original expenditures made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$1,500,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) de minimus expenditures defined under Section 1.150-2(f)(1) of the Regulations, and (iii) preliminary expenditures defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of

the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an **Authorized Officer**) are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the reimbursement allocations described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jon Camp

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1 - 15, 2011 - CLERK read the following resolution, introduced by Adam Hornung for Jon Camp who was absent, who moved its adoption:

A-86387

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 June 16, 2011, 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>	
Dale Gardner	NAS*	Ben Mickey	\$ 236.82
		Thuy Huynh	1,402.10

* No Amount Specified

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 Jon Camp

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

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APPROVING JASF INC. DBA NOWHERE BAR & GRILL AS A KENO SATELLITE SITE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Adam Hornung for Jon Camp who was absent, who moved its adoption:

A-86388 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of JASF Inc. dba Nowhere Bar & Grill, 2050 Cornhusker Highway, Lincoln, NE 68521 upon condition that Jeffrey Fredrick shall have no management or employment with the keno operation.

The City Clerk is directed to return an executed copy of this Resolution to the Nowhere Bar & Grill.

Introduced by Jon Camp

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

PROVIDING AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2010 - 2011 - CLERK read the following resolution, introduced by Jayne Snyder for Jon Camp who was absent, who moved its adoption:

A-86389 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the snow removal costs for snow and ice removal off sidewalks for the 2010-2011 winter season as listed below be and the same hereby are assessed against the property listed opposite the amount.

Location	Legal Description	Snow Removal Charges
7201 Whitewater Lane	Stone Bridge Creek 1 st Addition Block 2, Lot 1	\$199.50
7209 Whitewater Lane	Stone Bridge Creek 2 nd Addition Block 1, Lot 1	\$199.50
6955 S. 88 th Street	Vintage Heights 17 th Addition Block 1, Lot 4, Remaining Portion	\$209.50
6954 S. 88 th Street	Vintage Heights 17 th Addition Block 2, Lot 1, Remaining Portion	\$209.50

Introduced by Jon Camp

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

MISC. NO. 11003 - DECLARING THE YOLANDE AVENUE REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 96.6 ACRES GENERALLY BOUNDED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK, FROM APPROXIMATELY NORTH 14TH STREET AT THE WEST BOUNDARY TO APPROXIMATELY NORTH 24TH STREET AT THE EAST BOUNDARY - CLERK read the following resolution, introduced by Adam Hornung for Jon Camp who was absent, who moved its adoption:

A-86390 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Yolande Avenue Redevelopment Area, generally bounded by Cornhusker Highway and Salt Creek from approximately North 14th Street at the west boundary to approximately North 24th Street at the east boundary, as shown and described on Attachment "A" (entitled Yolande Avenue Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby

redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the Yolande Avenue Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on May 20, 2011, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on June 1, 2011, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Yolande Avenue Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on June 1, 2011 recommended that the Yolande Avenue Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Yolande Avenue Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on June 10, 2011 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on June 27, 2011 regarding the proposed determination that the Yolande Avenue Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on June 10, 2011 and June 17, 2011 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on June 27, 2011 regarding the proposed determination that the Yolande Avenue Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on June 27, 2011 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the Yolande Avenue Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Yolande Avenue Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the Yolande Avenue Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

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5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Yolande Avenue Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jon Camp

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

COMP. PLAN CONFORMANCE NO. 11005 - RESOLUTION OF INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS IN THE AREA OF HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY EAST TO 64TH STREET, TO BE KNOWN AS THE HAVELOCK BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by Doug Emery for Jon Camp who was absent, who moved its adoption:

A-86391 RESOLUTION of intention to establish a Business Improvement District for the provision of maintenance of certain public facilities and improvements in the area of Havelock Avenue from Cornhusker Highway east to 64th Street to be known as the Havelock Business Improvement District; and

WHEREAS, the City Council of the City of Lincoln created the Havelock Business Area Improvement Board by Resolution No. A-86301 on April 18, 2011; and

WHEREAS, the Havelock Business Area Improvement Board, on May 11, 2011, recommended that the City Council create a new business improvement district within the area of Havelock Avenue from Cornhusker Highway east to 64th Street to be funded by special assessments levied on a front foot basis and based on special benefits to the property within the district as the same may be fairly and equitably adjusted by the City Council of the City of Lincoln, Nebraska sitting as a board of equalization; and

WHEREAS, following the adoption of this resolution, the City Council of the City of Lincoln, Nebraska intends to consider at public hearing on July 18, 2011 an ordinance to create the recommended business improvement district along Havelock Avenue from Cornhusker Highway east to 64th Street, as more particularly described below.

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: Under the authority of the Business Improvement District Act, *Neb. Rev. Stat. § 19-4015 - 19-4038* (Reissue 2007) and based upon the recommendations received from the duly appointed Havelock Business Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby states its intention to create a Business Improvement District to be known as the Havelock Business Improvement District for the purpose of maintaining, repairing and reconstructing certain public facilities and improvements under the act for the betterment of the district and employing or contracting personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvement District Act as provided in the ordinance creating the district.

BE IT FURTHER RESOLVED that in accordance with the Business Improvement District Act, *Neb. Rev. Stat. § 19-4015 et seq.* (Reissue 2007) (the Act) the following information is provided regarding the creation of such business improvement district:

1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed Havelock Business Improvement District shall generally extend along Havelock Avenue from Cornhusker Highway east to 64th Street including those properties abutting Havelock Avenue, but excluding those properties on the south side of Havelock Boulevard from 58th Street east to 60th Street and on the north side of Havelock Avenue from Touzalin Avenue east to 60th Street, as more specifically shown on the map and list of properties which is attached hereto marked as Attachment "A" and made a part hereof by this reference. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a board of equalization.

2. TIME AND PLACE OF HEARING ON CREATION OF THE DISTRICT. The City Council of the City of Lincoln will hold a public hearing on an ordinance to create such business improvement district on July 18, 2011, at the hour of 3:00 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

3. MAINTENANCE WORK TO BE PERFORMED IN THE DISTRICT. The maintenance, repair or reconstruction of public improvements and facilities ("Maintenance Work") to be performed in the proposed business improvement district shall consist of:

- a. Replacement of all landscaping followed by care and maintenance of said landscaping to include watering, fertilizing, weeding, pruning, spraying, mulching, and removal of dead plants, shrubs, and trees as necessary.
- b. Installation and maintenance of irrigation system for landscaping including seasonal shut off in the fall and startup in the spring.
- c. Removal of trash from trash and cigarette receptacles.
- d. Removal of litter from sidewalks, planting beds, planting areas, and the Pedestrian Walk Way on the north side of Havelock Avenue between 62nd and 63rd Streets.
- e. Maintenance of street furniture, planters, ornamental lights and trash receptacles and cigarette receptacles.
- e. Snow removal.

4. ESTIMATED COSTS. The first year's estimated total annual costs and expenses for the Maintenance Work proposed to be performed within such district are \$11,720.00 and the maximum amount of the first year's annual assessment for the costs of the Maintenance Work shall not exceed \$11,720.00. In each succeeding year the City Council, after public hearing, shall approve an annual budget for the Maintenance Work consistent with the ordinance creating the district, provided that for each succeeding year the maximum amount of the total annual assessment for such Maintenance Work shall not exceed the prior year assessment amount by more than 5%.

5. METHOD OF RAISING REVENUE. The costs and expenses for the Maintenance Work proposed to be performed within such business improvement district will be raised through special assessments against real estate in the district authorized by Neb. Rev. Stat. §§ 19-4015 to 19-4038 based upon the special benefits to the property as fairly and equitably equalized by the City Council sitting as a board of equalization. The assessments will be levied annually on a front foot basis.

6. PROPERTY EXEMPT FROM AD VALOREM TAXES. Based on the recommendation of the Havelock Business Improvement Board, all owners of property exempt from ad valorem taxes within the district will be invited to contribute annually to the City of Lincoln to support B.I.D. maintenance activities. Any contributions shall be allocated to fairly and equitably reduce assessments against real estate in the district.

BE IT FURTHER RESOLVED that the City Clerk is directed to place an ordinance to create the Havelock Business Improvement District on the City Council formal agenda for introduction on July 11, 2011 with public hearing to be held on July 18, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention one time in a newspaper of general circulation in the City of Lincoln at least ten (10) days prior to the public hearing to be held on July 18, 2011.

BE IT FURTHER RESOLVED that the Director of Urban Development shall mail a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on July 18, 2011.

Introduced by Jon Camp

Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

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

CHANGE OF ZONE 11020 - AMENDING SECTION 27.31.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED CONDITIONAL USES IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO MODIFY CONDITIONAL USE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES BY DELETING REQUIRED YARDS AND PARKING PROHIBITIONS IN A REQUIRED YARD WHEN THE BUILDING CONTAINING THE LICENSED PREMISES ABUTS A RESIDENTIAL DISTRICT AND ADDING NEW LANGUAGE REQUIRING ALL EXTERIOR DOOR OPENINGS OF THE LICENSED PREMISES TO BE LOCATED MORE THAN 100 FEET AWAY FROM ANY PARKING SPACES LOCATED IN A SIDE OR REAR YARD ADJACENT TO A RESIDENTIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.31.040 of the Lincoln Municipal Code relating to permitted conditional uses in the B-2 Planned Neighborhood Business District to modify conditional use requirements for the sale of alcoholic beverages for consumption on and off the premises by deleting required yards and parking prohibitions in a required yard when the building containing the licensed premises abuts a residential district and adding new language requiring all exterior door

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openings of the licensed premises to be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district; and repealing Section 27.31.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE AND SCHEDULE OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO A PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF BUSINESS DEVELOPMENT SPECIALIST - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of "Business Development Specialist", the first time.

AMENDING SECTION 2.76.135 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; MERIT PAY PLAN TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES, AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.135 of the Lincoln Municipal Code relating to Compensation Plan; Merit Pay Plan to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.135 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES AT THE MAXIMUM OF THEIR "N" OR "X" PAY RANGES RECEIVE A THREE AND ONE-HALF PERCENT INCREASE, AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.200 of the Lincoln Municipal Code relating to Compensation Plan; Temporary Assignment in a Higher Classification to provide that part-time and unrepresented employees at the maximum of their "N" or "X" pay ranges receive a three and one-half percent increase; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the first time.

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

MISCELLANEOUS 11002 - VACATING THE FINAL PLAT OF STONE BRIDGE CREEK VILLAS GENERALLY LOCATED AT REDSTONE ROAD AND HUMPHREY AVENUE AND RETAINING CERTAIN EASEMENTS THEREIN IN THE NAME OF THE CITY - CLERK read an ordinance, introduced by Adam Hornung, vacating the final plat of Stone Bridge Creek Villas and all right-of-way within and abutting said plat on property generally located at Redstone Road and Humphrey Avenue, and reserving easements therein in the City of Lincoln, Nebraska, the third time.

HORNUNG Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#19563**, is recorded in Ordinance Book #27, Page .

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$713,000.00 FOR THE CITY OF LINCOLN, 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN (RELATED ITEMS: 11-81, 11R-135, 11R-136) - PRIOR to reading:

HORNUNG Moved to amend Bill No. 11-81 motion to amend #1 accepting the attached Substitute Ordinance to replace the current Ordinance.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Adam Hornung, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$712,786 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's 17th & Q/Credit Union 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; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds as the same become due; limiting payment of the Bonds 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 not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

HORNUNG Moved to pass the ordinance as amended.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#19564**, is recorded in Ordinance Book #27, Page .

APPROVING THE 17TH AND Q/CREDIT UNION REDEVELOPMENT AGREEMENT BETWEEN THE UNIVERSITY OF NEBRASKA FEDERAL CREDIT UNION AND LITTLEMORE PROPERTIES CORPORATION AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-81, 11R-135, 11R-136) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86392 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for the 17th and Q/Credit Union Project between the City of Lincoln and the University of Nebraska Federal Credit Union and Littlemore Properties Corporation, relating to the relocation of the Credit Union and redevelopment of property generally located at 17th and Q Streets and 17th and P Streets and construction of a 60 bed residential facility, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$713,000.00 IN TIF FUNDS FOR THE 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-81, 11R-135, 11R-136) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86393 WHEREAS, Resolution No. A-85975, adopted by the City Council of Lincoln, Nebraska on August 23, 2010, adopted the fiscal year 2010-2011 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85975 as Schedule No. 5; and

WHEREAS, Resolution No. A-85975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-86302 and Resolution No. A-86303, adopted by the City Council for the City of Lincoln, approved the 17th and Q/Credit Union Redevelopment Project as an approved project within the Lincoln Center Redevelopment Plan and the Antelope Valley Redevelopment Plan; and

WHEREAS, a capital improvement project for the 17th and Q/Credit Union Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2010-2011; and

WHEREAS, the City desires to amend the first year (2010-2011) of the Fiscal Year 2010/2011 - 2015/2016 Six Year Capital Improvement Program (CIP) to establish a project for the 17th and Q/Credit Union Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the 17th and Q/Credit Union Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of the review of the Lincoln Center Redevelopment Plan and the Antelope Valley Redevelopment Plan Amendment approved by Resolution No. A-86302 and Resolution No. A-86303, respectively; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

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That the implementation of the 17th and Q/Credit Union Redevelopment Project to include the relocation of the Credit Union currently located on the northwest corner of 17th and Q Streets to the northeast corner of 17th and P Streets and construction of a 60 bed residential facility, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-85975 be amended by adding the 17th and Q/Credit Union Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$713,000.00 from Tax Increment Financing for this 17th and Q/Credit Union Redevelopment Project.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CHANGE OF ZONE 11015 - APPLICATION OF ALAN SCHMIDT FOR A CHANGE OF ZONE FROM R-~~21~~ RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND TIERRA DRIVE - CLERK read an ordinance, introduced by Adam Hornung, 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.

HORNUNG Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#19565**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11018 - AMENDING CHAPTER 27.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE H-2 HIGHWAY BUSINESS DISTRICT BY AMENDING SECTION 27.41.020 TO DELETE THE SQUARE FOOTAGE RESTRICTION ON STORES OR SHOPS FOR THE SALE OF GOODS AT RETAIL NOT OTHERWISE PERMITTED IN THIS CHAPTER; AND AMENDING SECTION 27.41.030 TO ADD ASSEMBLY FACILITIES, INCLUDING BUT NOT LIMITED TO THE ASSEMBLY OF EQUIPMENT, INSTRUMENTS, AND APPLIANCES SUCH AS COMPUTERS AND MUSICAL INSTRUMENTS, AS A PERMITTED CONDITIONAL USE IN THE H-2 DISTRICT (RELATED ITEMS: 11-84, 11R-137, 11-85) - PRIOR to reading:

HORNUNG Moved to amend Bill No. 11-84 on page 7, line 22, between the words "be" and "screened" insert the word "completely."

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Adam Hornung, amending Chapter 27.41 of the Lincoln Municipal Code relating to the H-2 Highway Business District by amending Section 27.41.020 to delete the square footage restriction on stores or shops for the sale of goods at retail not otherwise permitted in this chapter; amending Section 27.41.030 to add assembly facilities, including but not limited to the assembly of equipment, instruments, and appliances such as computers and musical instruments, as a permitted conditional use in the H-2 District, and repealing Sections 27.41.020 and 27.41.030 of the Lincoln Municipal Code as hitherto existing, the third time.

HORNUNG Moved to pass the ordinance as amended.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#19566**, is recorded in Ordinance Book #27, Page .

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NORTH 45TH STREET AND VINE STREET BETWEEN AG REALTY LIMITED PARTNERSHIP AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO RESTRICT USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING USES AND DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND VINE STREET. (RELATED ITEMS: 11-84, 11R-137, 11-85) - PRIOR to reading:

HORNUNG Moved to amend Bill No. 11R-137 to accept the attached Substitute North 45th Street and Vine Street Development and Conditional Zoning Agreement to replace the current Development and Conditional Zoning Agreement.

Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CLERK Read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86394 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled North 45th Street and Vine Street Development and Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City and AG Realty Limited Partnership, Eugene F.J. Cotter and Thelma A. Cotter, joint tenants, and Eugene F.J. Cotter as

life estate holder, upon the terms and conditions contained in said Agreement restricting H-2 Highway Business District commercial and retail development and uses on property generally located at North 45th Street and Vine Street and legally described as that portion of Lot 1, Block 1, Cotters Replat, (formerly Lot 1, Block 15, Newman & Lots "A" and "C", Barnes Addition) located in the Northwest Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the North 45th Street and Vine Street Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CHANGE OF ZONE 11017 - APPLICATION OF AG REALTY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 25 45TH STREET AND VINE STREET (RELATED ITEMS: 11-84, 11R-137, 11-85) - CLERK read an ordinance, introduced by Adam Hornung, 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.

HORNUNG Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #19567, is recorded in Ordinance Book #27, Page .

STREET NAME CHANGE 11002 - RENAMING THE REMAINING PORTION OF PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND HIGHWAY 2 AS "EIGER DRIVE" - CLERK read an ordinance, introduced by Adam Hornung, changing the name of a portion of Pine Lake Road located between Westshore Drive and Highway 2, from Pine Lake Road to Eiger Drive as recommended by the Street Name Committee, the third time.

HORNUNG Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #19568, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 20.04 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS BUILDING CODE, BY AMENDING SECTION 20.04.010 TO ADD THE CHIEF FIRE INSPECTOR TO THE PHRASE TO BE SUBSTITUTED IN LIEU OF FIRE MARSHAL IN THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; AMENDING SECTION 20.04.020 TO PROVIDE THAT ENTRIES FOR INSPECTIONS SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LAWS; AMENDING SECTION 20.04.025 TO MAKE THE OWNER OF A DANGEROUS BUILDING RESPONSIBLE FOR REPAIRS, ABATEMENT OR DEMOLITION, REGARDLESS OF THE CAUSE OF THE DAMAGE; ADDING A NEW SECTION NUMBERED 20.04.040 TO AMEND SECTION 301 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE AMENDED DEFINITIONS; AMENDING SECTION 20.04.041 TO ADD PROVISIONS RELATING TO DANGEROUS BUILDINGS THAT INTERFERE WITH CITY OPERATIONS AND PROVISIONS RELATING TO THE DEMOLITION OF DANGEROUS BUILDINGS THAT STOP WITHOUT REASONABLE CAUSE; ADDING A NEW SECTION NUMBERED 20.04.045 TO AMEND SECTION 501 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS RELATING TO APPEALS; ADDING A NEW SECTION NUMBERED 20.04.052 TO ADD SECTION 701.4 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE FOR ACTION BY THE CITY IN THE EVENT THAT A DANGEROUS BUILDING INTERFERES WITH CITY INFRASTRUCTURE; ADDING A NEW SECTION NUMBERED 20.04.053 TO ADD SECTION 701.5 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO TAKE OVER REPAIRS OR DEMOLITION IN THE EVENT OF A STOPPAGE OF WORK; AND ADDING A NEW SECTION NUMBERED 20.04.054 TO ADD SECTION 701.6 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO REPAIR OR DEMOLISH A DANGEROUS BUILDING WITHOUT NOTICE TO AN OWNER IN AN EMERGENCY

HORNUNG Moved to amend Bill No. 11-87 in the following manner:

1. On page 6, line 14, after "Mayor" insert "and Chairman of the City Council".

2. On page 7, line 27, after sentence ending in "other infrastructure." add a new sentence: "No appeal period of less than seven days shall be permitted unless the Building Official consults with the City Attorney, or his or her designee, prior to determining the appeal period."

3. On page 7, line 27, after "Mayor" insert "and Chairman of the City Council" and change "declares" to "declare".

4. On Page 9, lines 18 and 19, strike sentence beginning with "The Mayor" and ending with "dangerous building." and add new sentence "Following consultation with the City Attorney or his or her designee, the Mayor and Chairman of the City Council

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may jointly declare an emergency concerning the status or conditions of a dangerous building."

Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

HORNUNG Moved to delay with action only on July 11, 2011.

Seconded by Eskridge & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Adam Hornung, amending Chapter 20.04 of the Lincoln Municipal Code, Dangerous Building Code, by amending Section 20.04.010 to add the Chief Fire Inspector to the phrase to be substituted in lieu of Fire Marshal in the Uniform Code for the Abatement of Dangerous Buildings; amending Section 20.04.020 to provide that entries for inspections shall be done in accordance with all applicable laws; amending Section 20.04.025 to make the owner of a dangerous building responsible for repairs, abatement or demolition, regardless of the cause of the damage; adding a new section numbered 20.04.040 to amend Section 301 of the Uniform Code for the Abatement of Dangerous Buildings to provide amended definitions; amending Section 20.04.041 to add provisions relating to dangerous buildings that interfere with City operations and provisions relating to the demolition of dangerous buildings that stop without reasonable cause; adding a new section numbered 20.04.045 to amend Section 501 of the Uniform Code for the Abatement of Dangerous Buildings relating to appeals; adding a new section numbered 20.04.052 to add Section 701.4 to the Uniform Code for the Abatement of Dangerous Buildings to provide for action by the City in the event that a dangerous building interferes with City infrastructure; adding a new section numbered 20.04.053 to add Section 701.5 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to take over repairs or demolition in the event of a stoppage of work; and adding a new section numbered 20.04.054 to add Section 701.6 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to repair or demolish a dangerous building without notice to an owner in an emergency, the third time.

AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY ADDING A NEW SECTION NUMBERED 2.02.065 ENTITLED "DIRECTOR OF PUBLIC SAFETY" - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization by adding a new section numbered 2.02.065 entitled "Director of Public Safety", the third time.

HORNUNG Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #19569, is recorded in Ordinance Book #27, Page .

RECONSIDERATION

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET:

COOK Moved to remove Item 27 from the agenda.

Seconded by Snyder & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Eskridge, Hornung; ABSENT: Camp.

OPEN MICROPHONE

Jane Svoboda, no address given, invited everyone to a paradise on earth. She noted that the United States Constitution from July 4, 1776 is not in our State Law libraries and law students do not have a copy in their textbooks. She suggested having fireworks on the 4th of July. Comments of Obama & family were expressed as well as health concerns of our food products. Her observations of our country's flood issues were also expressed.

This matter was taken under advisement.

Lee Towle, 4110 W. Huntington, addressed the issues of closing the pool, recreation center, library and removing the Fire Station in Air Park. He stated there are so many low income children that depend on the pool and recreation Center. It seems to him that Air Park is the first area targeted when there is a budget shortfall. NW 48th has had potholes for years yet the City approved the expansion of Old Cheney which is not that old. The bike trail from Air Park to Lincoln has been promised for years, but has yet to be built.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to July 11, 2011.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery,
Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on July 11,
2011.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery,
Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

ADJOURNMENT 5:26 P.M.

COOK Moved to adjourn the City Council meeting of July 11, 2011.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery,
Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING

June 27, 2011

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