

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 7, 2011 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Cook, Emery, Eskridge, Hornung, Schimek; 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**

HORNUNG Having been appointed to read the minutes of the City Council proceedings of October 31, 2011 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of October 2011 to Ellen Wright, Environmental Health Educator for the Watershed Management Division of the Public Works & Utilities Department in the categories of Customer Relations and Productivity.

Ben Higgins, Steve Masters and Miki Esposito of Public Works came forward to express appreciation for Ms. Wright's work in planning, organizing & executing the new "Crew at the Zoo" event in June at the Lincoln Children's Zoo. The free 5-day family event focused on a different aspect of the divisions of the Public Works & Utilities Department: Maintenance, StarTran, Water/Wastewater/Watershed, Traffic Engineering and Recycling. Division employees staffed booths each day and gave an estimated total of 5,000 children & adults an opportunity to see the equipment and people who keep the City running.

Ellen Wright came forward to graciously accept her award and share that many good people worked with her to achieve a successful program.

**PUBLIC HEARING**

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 200 FEET BY 60 FEET TO THE SOUTH AND 280 FEET BY 60 FEET TO THE NORTH OF THE LICENSED PREMISES AT 226 CENTENNIAL MALL SOUTH ON NOVEMBER 25, 2011 FROM 8:00 A.M. TO 11:00 A.M. - Tom Lorenz, General Manager of Pershing Center, came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE FOR A CLASS I LIQUOR LICENSE AT 4141 PIONEER WOODS DRIVE, SUITE F;  
MANAGER APPLICATION OF HYANG KIM FOR KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE AT 4141 PIONEER WOODS DRIVE, SUITE F - Christopher Heinrich, Harding & Shultz Law Firm, came forward as the attorney representing the applicant to take oath and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.62.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.62.230 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES;

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.65.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.65.220 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT

A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES;

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.66.095 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.66.200 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - Don Taute, City Law Department, came forward to answer questions. He said amendments keep the pension plans in compliance with IRS regulations.

Paul Lutomski, Personnel Department representative for the Police & Fire Pension, was on hand for questioning.

This matter was taken under advisement.

REPEALING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO SMALL FAMILY CHILD CARE HOME - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to explain budget decisions that led to the elimination of a Tier III program that operated under a cost of \$72,000 but only yielded \$3,700 in permit fees. Ms. Halstead said permits which have already been issued and due to expire January 31, 2012 will not be affected nor revoked by Council action. She clarified that a small family child care provider in Lincoln can now provide for three or fewer unrelated children without the requirement of a permit. In response to Council Member Schimek's health & safety concerns, Ms. Halstead explained a procedure to provide online criminal history checks or to examine the sex offender registry.

Joyce Jensen, Environmental Health Supervisor for the Health Department, came forward to answer questions and clarify differences in the fire code as it related to the care of infants.

Andrea Howell, 8120 E. Avon Lane, came forward as a home childcare provider who was satisfied with having a city license and remaining anonymous. She expressed concern about a letter that was sent to 40 providers with inaccurate information about the expiration date. Ms. Howell shared key factors with Council regarding state licensing requirements and the time necessary to achieve them.

Ms. Halstead came forward to assure Ms. Howell and others that a letter will be sent out by Friday to clarify the expiration date for small child care providers.

This matter was taken under advisement.

CHANGE OF ZONE 11035 - APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET;

SPECIAL PERMIT 11023 - APPEAL OF LONDON'S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN CONSISTING OF 96 DWELLING UNITS IN FOUR BUILDINGS AND A CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET;

CHANGE OF ZONE 3413 - APPLICATION OF LONDON'S NEIGHBORHOOD ASSOC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH AND SUPERIOR STREETS - Bob Stephens, Stephens & Smith Construction, came forward as developer who has represented a Lincoln-based, employee-owned company for 40 years. He explained his proposed building plan as being a market-rate, non-subsidized housing project consisting of 96, one-, two- and three-bedroom apartments, 24 garages and a clubhouse. Mr. Stephens said the project will provide jobs, generate sales tax revenue, pay impact fees & property taxes. In response to Council questions, Mr. Stephens said the east property drains to the east into an existing detention cell which will be enlarged.

Aaron Bright, Olsson Associates, came forward to answer questions.

Tom Huston, Cline Williams Law Firm, 233 S. 13<sup>th</sup>, Ste. 1900, came forward representing the applicant to answer questions. He said this development meets the principles involved in the 2040 Comprehensive Plan. Mr. Huston said the project takes full advantage of unused/underutilized infrastructure within the city to avoid compelling all development to go to the perimeter. He said this property has been vacant for eleven years and neighbors may object to in-fill development and any changes to the existing status quo. He stated prior uses approved in 2000 are not marketable today. Mr. Huston compared the traffic generation figures and said the proposed project would be a reduction in traffic trips.

Carol Brown, 2201 Elba Circle, came forward stating she is a 25-year resident in the Landon's Neighborhood and her small neighborhood cannot support the grandiose plan. She shared concerns of traffic issues.

Mary Kulhanek, 2430 Dodge, came forward to share her concerns about traffic/pedestrian issues, water runoff and weed control.

Marvin Krout, Director of Planning, came forward to answer questions. He discussed development and traffic use. He stated that apartments are a typical moderate-density development between lower-density residential and higher-intensity commercial so it meets with the land-use principles that are in many City plans.

Miki Esposito, Interim Director of Public Works & Utilities, came forward to answer questions about traffic generation. She presented four traffic options for consideration: 1) install a traffic signal at 24<sup>th</sup> & Dodge; 2) identify a funding source for the cost of a traffic signal; 3) establish the fact that a traffic signal is unwarranted by state standards. She clarified that a roundabout is expensive and needs a lot of space.

Randy Hoskins, Asst. City Engineer, came forward to discuss traffic concepts on Superior Street. He clarified that the biggest challenge is that none of the streets on the south line up with the streets on the north and the primary problem is making a left turn. He described the Michigan U-turn concept providing a right-turn only and creating a U-turn location for a safe turn to go back. As it related to safety, Mr. Hoskins compared the downhill slope on Superior heading east to 24<sup>th</sup> Street with that on 84<sup>th</sup> Street to Leighton Avenue. Ms. Esposito reminded everyone that a traffic signal at 84<sup>th</sup> & Leighton did meet state warrants and investment was justified there.

Mr. Huston came forward in rebuttal. He said under the Community Unit Plan standards, it is required that each apartment project provide two parking stalls per one unit; therefore, the site plan will provide an extra 45 parking stalls so as not to contribute to any parking problems on 24<sup>th</sup> Street. He said drainage issues were addressed and plans were approved by Public Works. He said the landscape will be maintained on the north and there should be no maintenance problems for residents on the south side. Mr. Huston expressed appreciation to Public Works for working with the developer and stated they are in favor of any alternatives that will help minimize any adverse affect that this project may have on the neighborhood.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD ON MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86569

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

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of

public events is the sum of \$326,717.82; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

NOW, THEREFORE, BE IT RESOLVED that the City Council shall sit as Board of Equalization for the purpose of equalizing said assessments on the 14th day of November, 2011, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ p. m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Doug Emery

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD ON MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86570 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$219,980.00 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District; and,

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

NOW , THEREFORE, BE IT RESOLVED that the City Council shall sit as Board of Equalization for the purpose of equalizing said assessments on the 14th day of November, 2011, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Doug Emery

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

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION TO BE HELD ON MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86571 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or

other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$146,809.07; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay; and,

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council shall sit as Board of Equalization for the purpose of equalizing said assessments on the 14<sup>th</sup> day of November, 2011, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Doug Emery

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86572 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended September 30, 2011, \$260,689.89 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Doug Emery

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 24, 2011 - 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 SEPTEMBER 30, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY NOVEMBER 14, 2011 AT 3:00 P.M. FOR THE APPLICATION OF C & RV, LLC DBA MISTY'S FOR A CLASS C LIQUOR LICENSE LOCATED AT 3930 VILLAGE DRIVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86573 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE for the application of C & RV, LLC dba Misty's for a Class D liquor license located at 3930 Village Drive.

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

Introduced by Doug Emery

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

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11039 - Requested by Mark Hunzeker from O-3 Office Park District and R-3 Residential District to B-2 Planned Neighborhood Business District on property generally located at S. 70th Street and A Street.  
Special Permit No. 11028 - Requested by Daryl Baier for the expansion of a nonconforming use on property generally located at S. 4th Street and G Street (345 G Street).

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 200 FEET BY 60 FEET TO THE SOUTH AND 280 FEET BY 60 FEET TO THE NORTH OF THE LICENSED PREMISES AT 226 CENTENNIAL MALL SOUTH ON NOVEMBER 25, 2011 FROM 8:00 A.M. TO 11:00 A.M. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86574 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 Pershing Center for a Special Designated License to cover an area measuring 200 feet by 60 feet to the south and 280 feet by 60 feet to the north at 226 Centennial Mall South, Lincoln, Nebraska, on the 25th day of November, 2011 between the hours of 8:00 a.m. and 11:00 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 Adam Hornung

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

APPLICATION OF GRAYSON INC. DBA 501 WEST A BAR & GRILL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE AT 501 WEST A STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86575 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 ordinance, the City Council recommends that the application of Grayson Inc. dba 501 West A Bar & Grill for the issuance of a Catering Permit to the existing Class I liquor license, located at 501 West A Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Adam Hornung

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

APPLICATION OF KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE FOR A CLASS I LIQUOR LICENSE AT 4141 PIONEER WOODS DRIVE, SUITE F - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86576 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 Kinja Inc. dba Kinja Sushi & Japanese Cuisine for a Class "I" liquor license at 4141 Pioneer Woods Drive, Suite F, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. 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 Adam Hornung

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

MANAGER APPLICATION OF HYANG KIM FOR KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE AT 4141 PIONEER WOODS DRIVE, SUITE F - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86577 WHEREAS, Kinja Inc. dba Kinja Sushi & Japanese Cuisine located at 4141 Pioneer Wood Drive, Suite F, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Hyang Kim be named manager; WHEREAS, Hyang Kim 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 Hyang Kim 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 Adam Hornung

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

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

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.62.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.62.230 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.62.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.62.230, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member's military service be counted for vesting purposes; and repealing Sections 2.62.120 and 2.62.230 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.65.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.65.220 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.65.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.65.220, Qualified Retirement Plan, to provide that a member shall be 100%

vested upon attainment of requirements for an age and service retirement and to provide that a deceased member's military service be counted for vesting purposes; and repealing Sections 2.65.120 and 2.65.220 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.66.095 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.66.200 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.66.095, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.66.200, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member's military service be counted for vesting purposes; and repealing Sections 2.66.095 and 2.66.200 of the Lincoln Municipal Code as hitherto existing, the second time.

REPEALING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO SMALL FAMILY CHILD CARE HOME - CLERK read an ordinance, introduced by Jonathan Cook, repealing Chapter 8.12 of the Lincoln Municipal Code relating to Small Family Child Care Homes, the second time.

APPROVING A SUBLEASE AGREEMENT AMENDMENT #1 TO RENEW AN EXISTING SUBLEASE BETWEEN THE CITY ON BEHALF OF THE LINCOLN POLICE DEPARTMENT & THE STATE OF NEBRASKA ON BEHALF OF THE NEBRASKA STATE PATROL FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement Amendment #1 between the City of Lincoln d/b/a Lincoln Police Department and the State of Nebraska Department of Administrative Services on behalf of Nebraska State Patrol for the renewal of the sublease of space for a term of November 1, 2011 through October 31, 2016, for use by the Nebraska State Patrol, the second time.

CHANGE OF ZONE 11035 - APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 11023 - APPEAL OF LANDON'S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN CONSISTING OF 96 DWELLING UNITS IN FOUR BUILDINGS AND A CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11)

CHANGE OF ZONE 3413 - APPLICATION OF LANDON'S NEIGHBORHOOD ASSOC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH AND SUPERIOR STREETS. (12/19/05 - PLACED ON PENDING INDEFINITELY) (REQUEST TO REMOVE FROM PENDING TO HAVE P.H. ON 10/10/11 ALONG WITH BILL NOS. 11-157 & 11R-246) (10/3/11 - TO HAVE P.H. ON 10/10/11, W/ACTION ON 10/17/11) (RELATED ITEMS: 11-157, 11R-246, 05-188) (ACTION DATE: 10/17/11) - CLERK read an ordinance, originally introduced by Dan Marvin on December 19, 2005, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS - NONE

ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required) - NONE

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

APPROVING A SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA FOUNDATION, ON BEHALF OF EDUCARE LINCOLN, FOR THE SALE OF APPROXIMATELY 90,000 SQ. FT. OF SURPLUS CITY PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH 14TH STREET AND MANATT STREET - CLERK read an ordinance, originally introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and the University of Nebraska Foundation authorizing the sale of approximately 90,000 square feet of property generally located southwest of the intersection of North 14<sup>th</sup> Street and Manatt Street, 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, Schimek; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19641, is recorded in Ordinance Book #27, Page .

AMENDING ORDINANCE 19589 PASSED AUGUST 8, 2011 FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM 70TH STREET TO 82ND STREET TO ALLOW FOR THE DESIGN AND CONSTRUCTION OF RIGHT-TURN LANES AT THE INTERSECTION OF 70TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, originally introduced by Jon Camp, amending Ordinance 19589, which amended Ordinance 18214, which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South 88<sup>th</sup> Street to acquire necessary right-of-way and easements relating thereto; and to proceed with construction thereof, the third time.

HORNUNG Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Eskridge, Hornung, Schimek; NAYS: Carroll; ABSENT: Camp.  
The ordinance, being numbered #19642, is recorded in Ordinance Book #27, Page .

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES LLC FOR A LEASE OF SPACE FOR A FIVE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, originally introduced by Jon Camp, accepting and approving a Lease Agreement between Silver Properties, L.L.C. and the City of Lincoln for a lease of space for a term of November 1, 2011 through October 31, 2016, for use by the Lincoln Police Department, 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, Schimek; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19643, is recorded in Ordinance Book #27, Page .

APPROVING A LEASE AND OPERATING AGREEMENT BETWEEN THE CITY AND THE BOARD OF REGENTS OF UNL FOR LEASE OF SPACE AT THE WEST HAYMARKET ARENA - CLERK read an ordinance, originally introduced by Jon Camp, accepting and approving a Lease and Operating Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska (Board of Regents) for the lease of basketball space and other defined leased improvements within the West Haymarket Arena by the Board of Regents for a term of 30 years commencing on September 1, 2013 or upon substantial completion of the Arena, whichever occurs first, the third time.

ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19644, is recorded in Ordinance Book #27, Page .

APPROVING THE I-80 WEST LINCOLN BUSINESS CENTER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND RINGNECK DEVELOPMENT LLC FOR ANNEXATION OF APPROXIMATELY 7.72 ACRES AND THE DEVELOPMENT OF 233 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND I-80 (RELATED ITEMS: 11R-235, 11-149, 11-150) (10/10/11 - ACTION DELAYED 4 WKS TO 11/7/11) - PRIOR to reading:

HORNUNG Moved MTA #2 to Bill No. 11R-235 by substituting the attached I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement ("Substitute Agreement") for the I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement attached as Attachment "A" to Bill No. 11R-235 ("Original Agreement"). The Substitute Agreement modifies the Original Agreement as follows:

1. On page 5, the second paragraph of Section 3.B. has been amended to read as follows:

On behalf of the City, the Developer will design, competitively bid, construct and fund West Holdrege Street through the City's Executive Order process in one or more phases as part of the final plat process. Developer acknowledges that any development of the Property that requires improvements to West Holdrege Street prior to the improvement of the intersection of West Holdrege Street and NW 48th Street as shown on Exhibit "F" may, at the City's sole discretion, also require improvements to the intersection of West Holdrege Street and NW 48th Street. The City will use its best efforts to include West Holdrege Street in a future City Six-Year Capital Improvement Program, and show the Arterial Street Impact Fee Facility Improvements to be funded by the City, at its expense, in said future Six-Year Capital Improvement Program. The City agrees to use its best efforts to reimburse the Developer for the Arterial Street Impact Fee Facility Improvements portion of West Holdrege Street, including the design, grading and construction of West Holdrege Street pursuant to Paragraph 7 below within eleven (11) years from the date said improvements are substantially constructed. Notwithstanding the foregoing, the City agrees that the cost of grading and constructing the eastbound-to-southbound right turn lanes at NW 52nd Street and NW 50th Street, and the westbound-to-northbound right turn lanes at NW 52nd Street and NW 56th Street shall be reimbursed to the Developer within thirty (30) days following completion of each said right turn lane. The City agrees that the reimbursement for said right turn lanes shall not be funded from impact fees collected from the development of the Annexed Property and Future Annexed Property.

2. On page 5, Section 3.C. has been amended to read as follows:

C. NW 56th Street. NW 56th Street from West Holdrege Street to "O" Street is shown in the Lincoln City - Lancaster County Comprehensive Plan as an arterial road improvement during the 25-year planning period to be constructed as two lanes plus center turn lanes. Presently, NW 56th Street from West Holdrege Street to "O" Street is constructed as two lane gravel roadway. In order to accommodate the traffic generated from the development of the Property, a grade study will be conducted for an ultimate four through lanes with turn lanes for that portion of NW 56th Street between West Partridge Lane and the north edge of the bridge over I-80 existing pavement located approximately 1,000 feet north of "O" Street, and it will initially be graded and paved as up to a 38 feet wide roadway in a location and width to be determined by the Director of Public Works & Utilities, with northbound to eastbound right turn lanes and any required traffic signals at West Vine Street and West Holdrege Street ("NW 56th Street"). NW 56th Street consists entirely of Arterial Street Impact Fee Facility Improvements. On behalf of the City, the Developer will design, competitively bid, grade, construct and fund NW 56th Street through the City's Executive Order process in one or more phases as part of the final plat process. The City will use its best efforts to include NW 56th Street in a future City Six-Year Capital Improvement Program, and show the Arterial Street Impact Fee Facility Improvements portion to be funded by the City, at its expense, in said future Six-Year Capital Improvement Program. The City agrees to use its best efforts to reimburse the Developer for the Arterial Street Impact Fee Facility Improvements cost of NW 56th Street, including the design, grading and construction pursuant to Paragraph 7 below within eleven (11) years from the date said improvements are substantially constructed.

3. On pages 2 and 3 of Exhibit G (NW 48th Street Agreement) Paragraph 2.A. has been amended to read as follows:

A. On-Site Improvements. Developer, at its cost and expense, shall be responsible for designing and constructing the West Vine Street and NW 50th Street Phase I On-Site Improvements identified on Exhibit "C" through the City's Executive Order process. The State agrees to grant to the City, at no cost to the City or Developer, a break in access control for the construction of the intersection of West Vine Street and NW 48th Street in accordance with the terms of this Agreement. Developer agrees to simultaneously release to the State by quitclaim deed or other appropriate instrument, any and all of its rights of access the State previously granted to NW 48th Street at the south end of the Property. Notwithstanding the foregoing, Developer and State acknowledge and agree that said release by the Developer shall not impact any of the existing legal rights

(including easement rights) of the Adjacent Property, defined below. Developer also agrees that it will not seek a permit or develop a drive, street or private roadway taking access to NW 48th Street in the south twenty (20) feet of the Property adjoining the Adjacent Property. In addition, Developer agrees to deed the State access control along West Vine Street for a distance of two hundred feet (200') measured west from the ultimate west curb line of NW 48th Street shown on Exhibit "B", and to deed to the City access control along the west side of NW 48th Street from West Vine Street to the north edge of the Property, except for the access points shown on Exhibit "A".

4. On page 3 of Exhibit G (NW 48th Street Agreement) Paragraph 2.C. has been added to read as follows:

C. Adjacent Property. In the event any portion of the Phase I On-Site Improvements or Phase I Off-Site Improvements identified on Exhibit "C" are needed to provide access to Lot 56 Irregular Tract located in the Southwest Quarter of Section 19, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska ("Adjacent Property"), prior to the time they are constructed by Developer under terms of this Agreement, Developer agrees to dedicate right-of-way for said portion of NW 48th Street, West Vine Street and NW 50th Street as required by the State and/or the City.

5. On page 5 of Exhibit G (NW 48th Street Agreement) Paragraph 4.A. has been amended to read as follows:

A. On-Site Improvements. Developer, at its cost and expense, shall be responsible for designing and constructing the West Vine Street Phase III On-Site Improvements identified on Exhibit "E". The construction of the eastbound to southbound right turn lane in West Vine Street and the extension of West Vine Street west of NW 50th Street shall be constructed through the City's Executive Order Process. In addition, Developer shall construct an additional access south of West Vine Street to the northern property line of the property to the south under separate ownership. The additional access connection shall be constructed as a public street, ~~private roadway or public access easement~~ and shall be centered on the joint property line with the property to the south.

6. On Exhibit C-2 of Exhibit G (NW 48th Street Agreement) the option to construct NW 50th Street south of West Vine Street as a private roadway or private drive with a public access easement has been deleted.

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

CLERK Read the following amended resolution, introduced by Jonathan Cook, who moved its adoption:

A-86578 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement titled I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Ringneck Development, LLC and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 7.72 acres of property generally located at N.W. 48th Street and I-80, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conditional Annexation and 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 Conditional Annexation and Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jonathan Cook

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

ANNEXATION NO. 07005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.72 ACRES GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET (RELATED ITEMS: 11R-235, 11-149, 11-150) (10/10/11 - ACTION DELAYED 4 WKS TO 11/7/11) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

**REGULAR MEETING**  
**November 7, 2011**  
**Page 584**

COOK Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19645, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 07063 - APPLICATION OF RINGNECK DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT DESIGNATION ON 7.72 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET WITH REQUESTED WAIVERS AND MODIFICATION TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 42,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA AND SIX DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA (RELATED ITEMS: 11R-235, 11-149, 11-150) (10/10/11 - ACTION DELAYED 4 WKS TO 11/7/11) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19646, is recorded in Ordinance Book #27, Page .

**OPEN MICROPHONE - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

COOK Moved to extend the Pending List to November 14, 2011.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS**

COOK Moved to approve the resolutions to have Public Hearing on November 14,  
2011.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 4:30 P.M.**

COOK Moved to adjourn the City Council meeting of November 7, 2011.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant